

(Decision No. 88045)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PAGOSA SPRINGS AVIATION, INC.,)
P. O. BOX 1048, PAGOSA SPRINGS,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
FIXED WING AIRCRAFT.)

APPLICATION NO. 28881-TA

ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
January 13, 1976
- - - - -

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

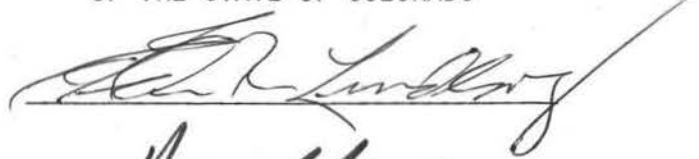
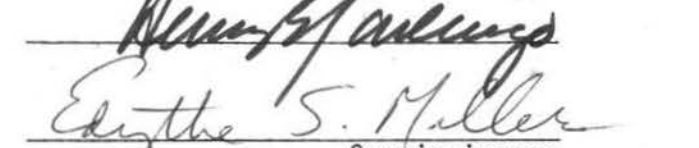
IT APPEARING, That there is an immediate and urgent need for the air carrier service described in the Appendix attached hereto, and that there is no air carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by fixed wing aircraft to the extent and in the manner set forth in the Appendix attached hereto.

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

DONE IN OPEN MEETING the 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners
md

Appendix
Decision No. 88045
January 13, 1976

Pagosa Springs Aviation, Inc.

Transportation -- by fixed wing aircraft -- on call and demand -- of
Passengers and property

Between all points located within the State of Colorado.

RESTRICTION: This temporary authority is restricted to a base of
operations at Stephens Field, Archuleta County, State of Colorado.

(Decision No. 88046)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROCKY MOUNTAIN HELICOPTERS, INC.,)
P. O. BOX 1337, PROVO, UTAH, FOR)
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. ACH-75.)

APPLICATION NO. 28884-Extension-TA
ORDER DENYING TEMPORARY AUTHORITY

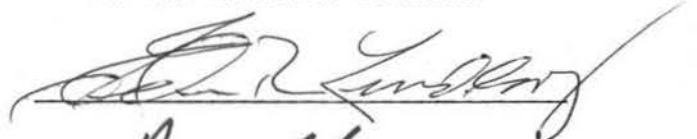


January 13, 1976

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

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

DONE IN OPEN MEETING the 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO MOVING AND STORAGE, INC.,)
4760 HOLLY STREET, DENVER, COLORADO,)
TO PURCHASE ALL OF THE ISSUED AND)
OUTSTANDING CAPITAL STOCK IN AND TO)
HOFFMAN TRANSFER COMPANY (CORP.),)
RECORD OWNER OF PUC NO. 453 AND PUC)
NO. 453-I.)

APPLICATION NO. 28378-
Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
COLORADO MOVING AND STORAGE, INC.,)
4760 HOLLY STREET, DENVER, COLORADO,)
TO PURCHASE ALL OF THE ISSUED AND)
OUTSTANDING CAPITAL STOCK IN AND TO)
HOFFMAN TRANSFER COMPANY, A COLORADO)
CORPORATION, RECORD OWNER OF PUC NO.)
2500 AND PUC NO. 2500-I, 4700 HOLLY)
STREET, DENVER, COLORADO, FROM)
EARL F. BUCKINGHAM, P. O. BOX 2064,)
RAPID CITY, SOUTH DAKOTA.)

APPLICATION NO. 28462-
Stock Transfer

RECOMMENDED DECISION OF
JAMES K. TARPEY, EXAMINER,
DENYING APPLICATION

January 9, 1976

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for Applicants
Colorado Moving and Storage, Inc.,
and Hoffman Transfer Company;
Jake R. Valdez, Esq.,
Denver, Colorado, for
Intervenor H. Lee Bryant;
Joseph F. Nigro, Esq.,
Denver, Colorado, for
Protestants Acme Delivery Service, Inc.;
Amick Transfer and Storage Co.;
Bekins Van and Storage Co.;
Johnson Storage and Moving Co.;
Murph's Express, Inc.; and
Weicker Transfer and Storage Co.

PROCEDURE AND RECORD

APPLICATION NO. 28378-Stock Transfer

On May 13, 1975, Colorado Moving and Storage, Inc. ("CM&S") and Hoffman Transfer Company ("Hoffman") filed an application with the Commission seeking an order authorizing CM&S to acquire the outstanding stock of Hoffman, record owner of Certificate of Public Convenience and Necessity PUC No. 453 and 453-I, and to assume operational control thereof.

The Commission assigned Docket No. 28378-Stock Transfer to the application and gave due notice in accordance with the provisions

of 40-6-108, CRS 1973. Protests were filed by H. Lee Bryant; Northwest Transport Service, Inc.; Acme Delivery Service, Inc.; Amick Transfer and Storage Co.; Bekins Van and Storage Co.; Johnson Storage and Moving Co.; Murph's Express, Inc.; and Weicker Transfer and Storage Co.

Mountain States Bank of Denver, Colorado, filed a Motion to Intervene, which motion was granted on June 24, 1975, in Commission Decision No. 87029. Subsequently, Mountain States Bank filed a motion to withdraw its intervention, and this motion was granted on July 22, 1975, in Commission Decision No. 87170.

On July 21, 1975, H. Lee Bryant filed a motion seeking leave to intervene, which motion was granted on July 29, 1975, in Commission Decision No. 87256.

APPLICATION NO. 28462-Stock Transfer

On June 25, 1975, CM&S and Hoffman filed a second application. The purpose of this application was to correct an oversight in the first application, inasmuch as the authority originally sought to be transferred should have included operational control of Certificate of Public Convenience and Necessity PUC No. 2500 and No. 2500-I as well as PUC No. 453 and No. 453-I.

The Commission assigned Docket No. 28462-Stock Transfer to the application filed June 25, 1975, and consolidated said application for hearing with the first application above.

APPLICATIONS NO. 28378-Stock Transfer
AND NO. 28462-Stock Transfer

The above matters were set for a hearing to be held on Monday, October 6, 1975, at 10 a.m. in the Commission's Hearing Room, Denver, Colorado. Due and proper notice of the hearing was given to all interested persons, firms, or corporations, and the hearing was held as scheduled.

Earl F. Buckingham and James A. Beckman testified at the hearing on October 6, 1975, and Exhibit Nos. 1 through 10 were offered and admitted into evidence. Official notice was taken of the Certificates of Public Convenience and Necessity issued to the Protestants represented by Joseph F. Nigro, Jr., Esq. Official notice was also taken of Commission Decisions No. 87408, No. 82598, and No. 77653, and the 1973 Annual Report of Hoffman.

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

Official notice is hereby taken of Commission Decisions No. 86493, No. 81991, and No. 80998.

Also, official notice is hereby taken of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle ("Commission's Rules"). The present Commission's Rules were adopted in Decision No. 85373, and the effective date was November 14, 1974. The Commission's Rules in effect prior to November 14, 1974, are set forth in Decision No. 54132, dated May 16, 1960. References hereinafter to the Commission's Rules will be those adopted in Decision No. 85373 and effective on November 14, 1974. Although some of the time periods relevant herein precede November 14, 1974, the particular provisions of the Commission's Rules pertinent hereto were not changed in substance, and reference to the prior rules is unnecessary.

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

FINDINGS OF FACT

INTRODUCTION

1. Hoffman is the record owner of Certificates of Public Convenience and Necessity PUC No. 453 and No. 453-I and PUC No. 2500 and No. 2500-I. Earl F. Buckingham ("Buckingham") is president of Hoffman.

2. Certificate of Public Convenience and Necessity PUC No. 453 and No. 453-I provides as follows:

"Transportation -- on call and demand -- of

(1) General commodities

In the following Counties of the State of Colorado: Denver, Adams, Arapahoe, and Jefferson, and for occasional service throughout the State of Colorado

RESTRICTION:

- (a) The holder or operator herein, when transporting commodities other than household goods between points served singly or in combination by scheduled carriers, shall charge and collect rates and charges which shall not be less than 20% greater than the rates charged by such scheduled carriers.
- (b) The holder or operator herein is prohibited without further order from this Commission from establishing an office in any other city or town than Denver, Colorado; and further is prohibited without further order from this Commission from having an agent employed in any other city or town than Denver, Colorado, for the purpose of developing or conducting business.

- (2) Authority to use equipment in the State of Colorado as a common interstate carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

3. Certificate of Public Convenience and Necessity PUC No. 2500 and No. 2500-I provides as follows:

"Transportation -- on schedule -- of

(1) Freight and express

Between points in the City and County of Denver, Colorado, on the one hand, and points within five (5) miles on either side of Colorado Highway No. 72 between Denver and Arvada, Colorado, and a five (5) mile radius of Arvada, on the other hand.

(2) Freight and express

Between points in Denver, Colorado, on the one hand, and the Rocky Flats Plant of the United States Atomic Energy Commission, on the other hand.

(3) Authority to use equipment in the State of Colorado as a common interstate carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

4. CM&S presently is the record owner of Certificates of Public Convenience and Necessity PUC No. 3382 and PUC No. 416 and No. 416-I. James Beckman ("Beckman") is president of CM&S.

5. Hoffman proposes to sell, and CM&S agrees to purchase, the outstanding capital stock of Hoffman, all of which is owned by Buckingham.

6. On June 17, 1975, CM&S was granted authority to conduct operations under Hoffman's Certificate on a temporary basis (Decision No. 86983). Prior to June 17, 1975, CM&S did not have Commission approval to conduct such operations.

PREVIOUS APPLICATION OF HOFFMAN AND CM&S

7. On November 14, 1972, Hoffman and CM&S requested Commission approval to transfer PUC No. 453 and No. 453-I from Hoffman to CM&S, which request was granted on March 15, 1973, in Commission Decision No. 82598. However, the Interstate Commerce Commission ("ICC") refused to approve the transfer and it was never consummated. The ICC's decision denying the transfer became final on or about April 24, 1975.

8. As a result of the ICC decision denying authority to transfer the certificate, Hoffman and CM&S have filed the instant application seeking authority to transfer the outstanding stock of Hoffman.

9. Hoffman has been experiencing financial difficulties, and CM&S believes a successful compromise will be reached with Hoffman's creditors if the transfer is approved. Hoffman is also experiencing financial difficulties with the Internal Revenue Service ("IRS"). The original delinquency was \$60,000 to \$70,000. In October 1972 the IRS seized certain equipment and assets of Hoffman, and the present amount of the delinquency is approximately \$20,000.

INTERESTS OF CREDITOR BRYANT

10. Buckingham, presently the owner of all the stock in Hoffman, acquired the stock from H. Lee Bryant ("Bryant"). In 1971, he and Bryant entered into a contract wherein Buckingham purchased the stock of Hoffman from Bryant. The transfer of stock from Bryant to Buckingham was approved by the Commission in 1972.

Bryant is contending that Buckingham has not fulfilled the terms of the 1971 contract, and there is a civil action lawsuit pending in the District Court In and For The City and County of Denver (Civil Action No. C-57248) wherein Bryant is seeking damages for the alleged breach of contract. Bryant has intervened in the instant proceeding to protect his interests and has requested that the transfer of stock from Buckingham to Beckman not be approved. This request is premised upon the belief that his possible avenues of redress will be seriously diminished if the transfer of stock is approved.

Although the order recommended hereinafter is consistent with the relief sought by Bryant in this proceeding, this decision does not determine the rights and duties of Bryant and Buckingham under the 1971 contract, and nothing in this decision is to be construed as a determination of said contract dispute.

FITNESS OF TRANSFEREE

11. From August 3, 1972, through March 25, 1975, CM&S was the record owner of Certificate of Public Convenience and Necessity PUC No. 3537 (see Commission Decisions No. 80998, dated August 3, 1972, and No. 86493, dated March 25, 1975), which certificate provides as follows:

Transportation -- on call and demand -- of

General commodities

Between all points within the city limits of
the City and County of Denver, Colorado.

12. The scope of PUC No. 453 and No. 453-I (see Finding of Fact No. 2 for a full description) was wider geographically than the scope of PUC No. 3537 (see Finding of Fact No. 11 for a full description).

13. In November 1972, when Hoffman and CM&S requested approval to transfer PUC No. 453 and No. 453-I to CM&S, a second application was filed seeking permission to transfer operational control of the certificate on a temporary basis. The temporary application was denied on December 18, 1972, in Commission Decision No. 81991.

Despite the denial of temporary authority, Buckingham signed blank emergency letters which he gave to Beckman so that operations under PUC No. 453 and No. 453-I could be continued by Beckman.

14. With the blank emergency letters at his disposal, and in light of the differences in the geographical scope of PUC No. 453 and No. 453-I, on the one hand, and PUC No. 3537, on the other hand, Beckman proceeded as follows.

If a request for service could be met pursuant to PUC No. 3537, Beckman would do so. If a request for service fell outside the scope of PUC No. 3537, but within the scope of PUC No. 453 and No. 453-I, Beckman would provide the service pursuant to the latter certificate and fill out one of the blank emergency letters previously signed and given to him by Buckingham.

When a request for service was met under PUC No. 453 and No. 453-I, Beckman credited Hoffman's account in the amount of \$10, \$15,

or \$25, the exact amount dependent upon the length of the trip. In Hoffman's 1974 Annual Report to the Commission, gross revenue in the amount of \$7,880 is set forth.

A review of the emergency letters made available at the hearing shows that shipments under PUC No. 453 and No. 453-I exceeded \$32,000 in revenue. The discrepancy in the amounts is a result of Beckman crediting Hoffman with \$10, \$15, or \$25 per trip and not with the full revenue received.

15. If the arrangement discussed in Finding of Fact No. 14 was a short-term approach utilizing emergency letters, the Commission's Rules have been violated.

Rule 10 of the Commission's Rules ("Rule 10") requires, inter alia, that emergency letters, at the time of issuance, specify the origin and destination of vehicle movement, and said letters are valid only for 10 days from date of issuance. Further, a copy of said letter shall be filed with the Commission within three days after the issuance thereof.

Hoffman has not complied with any of these requirements. Since the letters were signed when blank, the specificity required above was lacking. Also, the letters were used to fulfill requests for service beyond the maximum 10-day period. Further, a copy of each was not filed with the Commission within three days of issuance. (As to this latter point, the emergency letters were made available at the hearing, and counsel for Hoffman and CM&S stated they were on file with the Commission. However, the official files of the Commission reflect said letters were not filed in accordance with the three-day limitation.)

Considering the magnitude of emergency letters involved, Hoffman has violated Rule 10 on a consistent basis.

Although Hoffman is the carrier responsible for complying with Rule 10, Beckman's involvement reflects upon his fitness to be a transferee. As the record owner of certificates, Beckman should have known, or was reckless in his ignorance of the fact, that Rule 10 was being violated on a recurring basis by the signing of emergency letters in blank.

16. The arrangement discussed in Finding of Fact No. 14, if considered to be the leasing of equipment by Hoffman as opposed to the using of emergency letters, still would be a violation of the Commission's Rules.

The Commission had not approved such an arrangement. In fact, the parties requested authority to transfer operational control on a temporary basis and this was denied (Decision No. 81991, dated December 18, 1972).

17. Whether the arrangement discussed in Finding of Fact No. 14 is premised upon the use of emergency letters or upon the theory of equipment leasing, the Commission's Rules have been violated in another respect -- the revenues generated under PUC No. 453 and No. 453-I were grossly understated in Hoffman's 1974 Annual Report.

The proper accounting method would have been the following. Hoffman's 1974 Annual Report would reflect gross revenue in the amount of \$32,000 (the record in this proceeding indicates it was higher;

however, \$32,000 will be used for purposes of illustration). An expense for the lease of equipment (or use of equipment pursuant to emergency letters) would be shown in the amount of \$24,120, and the remaining \$7,880 would be shown as the income net of said expense.

Hoffman's 1974 Annual Report, which was not prepared according to the proper method discussed immediately above, flowed as a consequence from the allocation of revenue arrangement discussed in Finding of Fact No. 14.

Beckman's rationale for the allocation of revenue arrangement may be stated in general terms as follows: 1) Since he incurred the expenses involved, it would have been uneconomical to credit Hoffman's account with the full revenue; and 2) because of Hoffman's difficulties with its creditors and the Internal Revenue Service, crediting the full amount of revenue to Hoffman's account would have resulted in said amounts being seized to cover Hoffman's outstanding deficiencies.

Leaving aside Hoffman's culpability for incorrectly reporting his gross income in the 1974 Annual Report, Beckman cannot avoid his share of the responsibility for the allocation of revenue arrangement leading up to such misrepresentations. Beckman's attempt to defend said arrangement and said reporting practices indicates his disdain for complying with the Commission's Rules.

CONCLUSIONS ON FINDINGS OF FACT

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

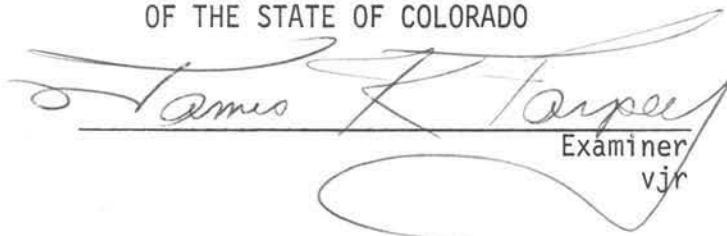
1. The Commission has jurisdiction over Hoffman, CM&S, and the subject matter of this proceeding.
2. Despite the Commission's denial of authorization to transfer operational control of PUC No. 453 and No. 453-I on a temporary basis (Decision No. 81991, dated December 18, 1972), and even though the transfer of said control on a permanent basis was not consummated, Hoffman and CM&S participated in an arrangement which effectively transferred control of PUC No. 453 and No. 453-I in violation of the Commission's Rules.
3. Additional numerous violations of the Commission's Rules occurred under said arrangement.
4. Although Hoffman is primarily responsible for these violations, Beckman's participation in this arrangement demonstrates his lack of fitness to be the transferee.
5. Beckman's knowledge and defense of violations of the Commission's Rules demonstrates his lack of fitness to be a transferee.
6. It is not, and would not be, in the public interest to approve the transfer of the stock of Hoffman to CM&S.
7. The application of Hoffman and CM&S should be denied.
8. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28378-Stock Transfer and Application No. 28462-Stock Transfer, being applications seeking authority to transfer the outstanding capital stock of Hoffman Transfer Company, record owner of Certificates of Public Convenience and Necessity PUC No. 453 and No. 453-I, and PUC No. 2500 and No. 2500-I, be, and hereby are, denied.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within 20 days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ROCKY MOUNTAIN INTENSIVE AIR CARE,)	
INC., 1136 ALPINE AVENUE, BOULDER,)	APPLICATION NO. 28360-AC
COLORADO, FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO OPERATE)	ORDER OF EXAMINER JAMES K. TARPEY
AS A COMMON CARRIER BY AIRCRAFT.)	

January 9, 1976

Appearances: Joseph F. Nigro, Esq., and
Leslie A. Gifford, Esq.,
Denver, Colorado, for
Applicant Rocky Mountain
Intensive Air Care, Inc.;
Robert S. Wham, Esq.,
Denver, Colorado, for Protestant
Rocky Mountain Airways, Inc.;
Don R. Evans, Esq., and
Donald Thorpe, Esq.,
Denver, Colorado, for
Rocky Mountain Helicopters, Inc.

PROCEDURE AND RECORD

BY THE EXAMINER:

On May 23, 1975, Rocky Mountain Intensive Air Care, Inc. ("RMIAC"), filed the above-entitled application with the Commission requesting the issuance of a certificate of public convenience and necessity to operate as a common carrier by aircraft for hire as more specifically set forth in said application.

The Commission assigned Docket No. 28360-AC to the application and gave due and proper notice in accordance with the provisions of 40-6-108, CRS 1973.

The following protests were subsequently filed: Monarch Aviation, Inc. (June 5, 1975); Royal American Flyers, Inc. (June 9, 1975); Executive Air Travel (June 10, 1975); Aero Rampart Corporation (June 20, 1975); Rocky Mountain Helicopters, Inc. (June 30, 1975); Rocky Mountain Airways, Inc. (July 1, 1975); and Star Aviation Corp. (July 1, 1975).

On September 10, 1975, RMIAC filed an amended application.

Upon due and proper notice to all interested persons, firms, or corporations, the matter was set for hearing to be held on Thursday, October 2, 1975, at 10 a.m. in the Commission's hearing room, Denver, Colorado. The hearing was held as scheduled by Examiner James K. Tarpey, to whom the matter had been duly assigned.

In addition to the parties listed above under "Appearances," Thomas Markel, President of Royal American Flyers, Inc., and Ron Conquest of Clinton Aviation, were present at the hearing.

Exhibit No. 1 was offered and admitted into evidence, and four letters in support of the application were placed in the official file during the hearing. As more fully described hereinafter, the hearing on October 2, 1975, was limited solely to the question of whether the Commission has jurisdiction of RMIAC.

During the hearing, briefs were requested of the parties concerning the jurisdictional questions, and the briefs have been duly filed. At the conclusion of the hearing, the subject matter was taken under advisement.

STATEMENT

I

At the commencement of the hearing on October 2, 1975, counsel for RMIAC requested that the Commission find that the service proposed by it does not constitute "common carrier" service and that RMIAC is not a "public utility" subject to the jurisdiction of the Commission.

With the consent of the parties, the remainder of the hearing on October 2, 1975, was limited to the presentation of testimony and evidence pertaining solely to this jurisdictional issue. Further, it was agreed that a hearing on the merits would be subsequently held only if the Commission found that it had jurisdiction over RMIAC and its operations.

II

RMIAC is a Colorado corporation with base operations at the Atlas Hangar, Stapleton International Airport, Denver, Colorado. Its president is Dr. Robert B. Caplan; its vice-president is Dr. Marilyn J. Gifford (Dr. Caplan's wife); and its secretary-treasurer and pilot is Mark N. Kastler.

RMIAC seeks authority to operate an air ambulance service for the transportation of stretcher-bound patients in need of medical supervision on call and demand between all points in the State of Colorado.

RMIAC does not propose to provide service to anyone requesting it. The service will be limited to those persons who are stretcher-bound patients in need of medical supervision. The service will not be provided in situations where the health of the prospective passenger does not require medical supervision, and the service will not be provided in emergency situations. Whether a prospective passenger is a stretcher-bound patient in need of medical supervision is a judgment which RMIAC reserves to Dr. Robert B. Caplan or Dr. Marilyn J. Gifford, and the judgment will be exercised upon consultation with the patient's attending physician.

If the prospective passenger is judged to be stretcher-bound and in need of medical supervision, the air service will be provided. The airplane utilized in providing the service will be specially equipped with certain medical equipment and a nurse or doctor will be present during the flight.

Although the proposed service is limited to those who are stretcher-bound and in need of medical supervision, it is RMIAC's intention to provide the service to all persons who, in the judgment of Drs. Caplan and Gifford, qualify under that definition. Further, RMIAC has advertized its service through various media, including the yellow pages of the Denver and The Greater Metro Area telephone book.

III

A common carrier, as defined in 40-1-102(3), CRS 1973, includes one who provides transportation by aircraft by indiscriminately accepting and carrying passengers for compensation.

The ultimate test in determining whether a particular type of service constitutes common carriage is whether or not there is a holding out to the public (McKay v. Public Utilities Commission, 104 Colo. 402, 415, 91 P.2d 965 (1939)). Although other factors or criteria are analyzed in determining the issue, they are analyzed only as they influence the ultimate test.

The fact that the service is not offered to all the public or the fact that special equipment is needed to provide the service are only factors to be considered (see Davis v. People, 79 Colo. 642, 644, 247 P. 801 (1926); cf. McKay, supra, at 416; see Commission Decision No. 87574 (10/7/75) for a more detailed discussion of what constitutes common carriage operations).

In determining whether a prospective passenger is stretcher-bound and in need of medical supervision, RMIAC's discretion in the exercise of judgment will be higher than in the usual circumstances. However, this is caused by the nature of the operations. Also, it is not unusual for a common carrier's operations to be limited to a particular class of customers.

Although RMIAC's equipment may be unusual or specialized, it is not atypical for a common carrier to have equipment specifically designed for the nature of his operations.

Further, as for those persons who are stretcher-bound and in need of medical supervision, RMIAC intends to provide service. Finally, RMIAC has advertised its service in various media, and the content and method of advertising is consistent with common carrier operations.

Considering all the evidence in this proceeding in light of the ultimate test of holding out to the public, it is the conclusion of the Examiner that the operations proposed by RMIAC constitute common carrier operations and are subject to the jurisdiction of this Commission.

IV

This decision is limited solely to the jurisdictional issue and is not dispositive of any other issues. A hearing on the merits of the instant application is scheduled as hereinafter ordered.

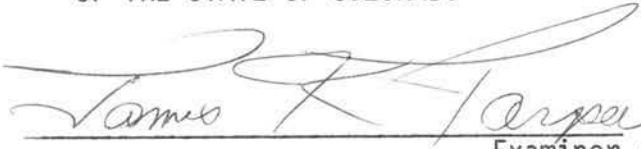
ORDER

THE EXAMINER ORDERS THAT:

1. The above-entitled application be, and hereby is, set for hearing on Thursday, March 25, 1976, at 10 a.m. in the Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.
2. RMIAC must appear at the hearing and present evidence in support of its application.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) BOULDER-YELLOW CAB, INC., 2680) ARAPAHOE STREET, BOULDER, COLORADO,) FOR AN ORDER OF THE COMMISSION) GRANTING A WAIVER OF THE MINIMUM) PUBLIC LIABILITY AND PROPERTY DAMAGE) LIABILITY INSURANCE LIMITS REQUIRED) BY RULE 11 OF THE RULES AND REGU-) LATIONS OF THE PUBLIC UTILITIES) COMMISSION GOVERNING COMMON CARRIERS) BY MOTOR VEHICLE FOR HIRE.)	APPLICATION NO. 28720-Rule Waiver
IN THE MATTER OF THE APPLICATION OF) AIRPORT LIMOUSINE SERVICE, INC.,) 3455 RINGSBY COURT, DENVER, COLO-) RADO, FOR AN ORDER OF THE COMMISSION) GRANTING A WAIVER OF THE MINIMUM) PUBLIC LIABILITY AND PROPERTY DAMAGE) LIABILITY INSURANCE LIMITS REQUIRED) BY RULE 11 OF THE RULES AND REGU-) LATIONS OF THE PUBLIC UTILITIES) COMMISSION GOVERNING COMMON CARRIERS) BY MOTOR VEHICLE FOR HIRE.)	APPLICATION NO. 28721-Rule Waiver
IN THE MATTER OF THE APPLICATION OF) YELLOW CAB, INC., 3455 RINGSBY COURT,) DENVER, COLORADO, FOR AN ORDER OF) THE COMMISSION GRANTING A WAIVER OF) THE MINIMUM PUBLIC LIABILITY AND) PROPERTY DAMAGE LIABILITY INSURANCE) LIMITS REQUIRED BY RULE 11 OF THE) RULES AND REGULATIONS OF THE PUBLIC) UTILITIES COMMISSION GOVERNING COMMON) CARRIERS BY MOTOR VEHICLE FOR HIRE.)	APPLICATION NO. 28722-Rule Waiver

ORDER OF THE COMMISSION
GRANTING APPLICATIONS

- - - - -
January 13, 1976
- - - - -

Appearances: Walter M. Simon, Esq., and
Harlan G. Balaban, Esq., Denver,
Colorado, for the Applicants,
Boulder-Yellow Cab, Inc.;
Airport Limousine Service, Inc.;
and Yellow Cab, Inc.

STATEMENT

BY THE COMMISSION:

On October 15, 1975, Boulder-Yellow Cab, Inc., hereinafter referred to as "Boulder," Airport Limousine Service, Inc., hereinafter referred to as "Airport," and Yellow Cab, Inc., hereinafter referred to

as "Yellow" each filed an application with this Commission requesting an order granting to each Applicant a waiver of the minimum public liability and property damage liability insurance limits specified in Rule 11 of the Rules and Regulations Governing Common Carriers by Motor Vehicle.

The application of Boulder was assigned Docket No. 28720-Rule Waiver, the application of Airport was assigned Docket No. 28721-Rule Waiver, and the application of Yellow was assigned Docket No. 28722-Rule Waiver. Due and proper notice of the applications was given.

The applications were each set for a hearing to be held on Friday, January 30, 1976. However, this date was vacated, and the applications were each reset for a hearing to be held on December 29, 1975, at 10 a.m. in a hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. Due and proper notice of these hearings was given to all interested persons, firms, and corporations, and the matters were heard at the said time and place by Examiner Robert E. Temmer, to whom the matters had been duly assigned.

No protests were filed with regard to the applications, and no one appeared at the hearing in opposition to the granting of the waivers sought in the applications. Dalton O. Ford of the Staff of this Commission appeared at the hearing for the purpose of asking questions in clarification.

Exhibits 1 through 3 were marked for identification and admitted into evidence in Application No. 28720. The Applicant was given permission to file as a late-filed exhibit a copy of its excess automobile liability insurance policy with Employers Reinsurance Corporation. A copy of the policy was filed, which has been designated as Exhibit No. 4 and admitted into evidence herein. Exhibits 1 through 3 were marked for identification in Application No. 28721, and all were admitted into evidence. Exhibits 1 through 7 were marked for identification in Application No. 28722, and all were admitted into evidence. Applicant in Application No. 28722 submitted a copy of an endorsement to Exhibit No. 6 after the close of the hearing, and said endorsement has been attached to Exhibit No. 6.

Official notice be, and hereby is, taken of Rule 11 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, as adopted by this Commission in Decision No. 85373, in all three applications. In Application No. 28720, official notice be, and hereby is, taken of Exhibit No. 6, which was admitted in evidence in Application No. 28722. In Application No. 28721, official notice be, and hereby is, taken of Exhibit Nos. 5 and 6, which were admitted in evidence in Application No. 28722. Official notice be, and hereby is, taken that Boulder is the owner and operator of Certificates of Public Convenience and Necessity PUC Nos. 150, 150-I, 174, 174-I, 177, 177-I, 180, 180-I, 1198 and 4302; that Airport is the owner and operator of Certificates of Public Convenience and Necessity PUC Nos. 82, 2778, 2778-I; and that Yellow is the owner and operator of Certificates of Public Convenience and Necessity PUC Nos. 2204, 2204-I, 2378 and 2378-I.

Testimony was received from witnesses presented by the Applicants; and, at the conclusion of the hearings, the three applications were taken under advisement.

FINDINGS OF FACT

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

1. Each of the Applicants is a common carrier holding authority from this Commission.

2. Rule 11 of the Rules and Regulations Governing Common Carriers by Motor Vehicle of this Commission requires each Applicant to obtain and keep in force certain public liability and property damage insurance and to keep effective certificates of insurance on file with this Commission.

3. Each Applicant in the past has maintained said insurance and certificates of insurance. The insurance carrier was Manufacturers and Wholesalers Indemnity Exchange. Manufacturers and Wholesalers Indemnity Exchange has gone into receivership and canceled the insurance for each Applicant as of December 15, 1975.

4. Extensive efforts were made on behalf of each Applicant to obtain substitute policies of insurance that would comply with the requirements of Rule 11 of the Rules and Regulations Governing Common Carriers by Motor Vehicle. These efforts proved to be fruitless, as only one company was found that would be willing to write any kind of insurance, and this would have been at an exorbitant premium with unacceptable terms.

5. In the past, the policy that each Applicant had with Manufacturers and Wholesalers Indemnity Exchange was, in fact, what is known as a "fronting policy." Each Applicant was required to enter into an indemnity agreement with Manufacturers and Wholesalers Indemnity Exchange to hold the insurance company harmless, and, in effect, the arrangement was like a surety bond where in actual fact each of the Applicants was really primarily liable, and the insurance company would only absorb losses if the Applicants were totally unable to satisfy claims against them. The Applicants have all satisfied claims against them without relying on Manufacturers and Wholesalers Indemnity Exchange for any contribution for a number of years.

6. All three Applicants have, in fact, been self-insurers for a portion of the risk exposure they face. Each of the Applicants do presently have two insurance policies. Each has an "excess automobile liability insurance policy" with Employers Reinsurance Corporation of Kansas City, Missouri, and an "umbrella policy" with the Holland-America Insurance Company of Kansas City, Missouri. The limits of liability in the excess automobile liability insurance policy are between \$50,000 and \$500,000 for Yellow and Airport and between \$10,000 and \$500,000 for Boulder. The umbrella policy has a limit of liability of \$2,500,000. Thus, Boulder has, in fact, been a self-insurer for the first \$10,000 of liability it would face, and Yellow and Airport have been self-insurers for the first \$50,000 of liability they would face. In addition, each has been a self-insurer for any amount of liability that would be above \$3,000,000.

7. Each of the Applicants keeps data concerning claims that have been paid in the last five years. All of the Applicants have a good record of satisfying the claims that have been made against them.

Each of the Applicants has a safety training program, and Yellow has a safety awards program. Yellow's safety award program has been a factor causing a reduction in the number of accidents that involve Yellow's equipment.

8. Each of the Applicants has adequate assets and financial ability to pay claims for amounts that are not covered by the insurance policies that each Applicant has in force.

9. The public will be adequately protected by the self-insurance arrangements that each of the Applicants has worked out.

10. Since the Applicants are in technical violation of the Rules and Regulations of this Commission by not having effective certificates of insurance on file with this Commission, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearings Examiner be omitted.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Commission has jurisdiction over the Applicants and over the subject matter of the applications.

2. Pursuant to Chapter 40-6-109(6), CRS 1973, this Decision should be the initial Decision of the Commission.

3. It would be in the public interest to grant each of the Applicants a waiver of the requirements of Rule 11 of the Rules and Regulations Governing Common Carriers by Motor Vehicle of this Commission as it relates to their operations under Certificates of Public Convenience and Necessity held by each of the Applicants.

4. Such waivers should be for a period of one year, subject to extension upon application by the Applicants at the end of one year, if such waiver would remain in the public interest.

5. The waivers should be conditioned on each of the Applicants filing quarterly reports with the Commission, which reports would include current financial statements for each Applicant and a list of self-insurance claims in the same form as Exhibit 2 in each of these proceedings. Said waivers should be further conditioned on each of the Applicants maintaining in full force and effect the two policies discussed in the findings of fact above and upon the further requirement that each of the insurance carriers for those policies file a certificate with this Commission stating that the insurance is in force and that it will not be canceled or changed except on thirty days' written notice to this Commission.

6. The granting of the waivers would not be inconsistent with the public interest, and the public safety would be adequately provided for.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Boulder-Yellow Cab, Inc., 2680 Arapahoe Street, Boulder, Colorado, be, and hereby is, granted an exemption from complying with the requirements of Rule 11 of the Rules and Regulations Governing Common Carriers by Motor Vehicle of this Commission, pursuant to its operations under Certificates of Public Convenience and Necessity PUC Nos. 150, 150-I, 174, 174-I, 177, 177-I, 180, 180-I, 1198, and 4302.

2. Airport Limousine Service, Inc., 3455 Ringsby Court, Denver, Colorado, be, and hereby is, granted an exemption from complying with the requirements of Rule 11 of the Rules and Regulations Governing Common Carriers by Motor Vehicle of this Commission, pursuant to its operations under Certificates of Public Convenience and Necessity PUC Nos. 82, 2778, and 2778-I.

3. Yellow Cab, Inc., 3455 Ringsby Court, Denver, Colorado, be, and hereby is, granted an exemption from complying with the requirements of Rule 11 of the Rules and Regulations Governing Common Carriers by Motor Vehicle of this Commission, pursuant to its operations under Certificates of Public Convenience and Necessity PUC Nos. 2204, 2204-I, 2378, and 2378-I.

4. Each of these exemptions shall be for a period terminating one year from the effective date of this Decision, and they may be renewed upon submission of a new application if such application is approved by the Commission. These exemptions may, however, be suspended at any time by the Commission and may be canceled by the Commission following a hearing.

5. Boulder-Yellow Cab, Inc., shall maintain in full force and effect those certain policies of insurance with the Employers Reinsurance Corporation and the Holland-America Insurance Company and shall cause said companies to file certificates with this Commission showing that said policies are in force and effect, that the limits of the Employers Reinsurance Corporation policy are between \$10,000 and \$500,000 and that the limits of the Holland-America Insurance Company policy are \$2,500,000, and, further, that said policies will not be canceled except upon thirty (30) days' written notice to this Commission and that no changes will be made in said policies except on thirty (30) days' written notice to this Commission.

6. Yellow Cab, Inc., and Airport Limousine Service, Inc., shall maintain in full force and effect those two certain policies of insurance with the Employers Reinsurance Corporation and the Holland-America Insurance Company and shall cause said companies to file certificates with this Commission showing that said policies are in full force and effect and that the limits of the Employers Reinsurance Corporation policy are between \$50,000 and \$500,000 and that the limits of the Holland-America Insurance Company policy are \$2,500,000 and shall further state in said certificates that said policies will not be canceled except on thirty (30) days' written notice of this Commission and that said policies will not be changed except on thirty (30) days' written notice to this Commission.

7. Boulder-Yellow Cab, Inc., Airport Limousine Service, Inc., and Yellow Cab, Inc., shall each submit quarterly reports to this Commission containing current information for that quarter in the form as set

forth on Exhibit No. 1 submitted in each application herein; and, further, such reports shall contain current information for that quarter in the form as set forth on Exhibit No. 2 in each of the applications herein concerning a summary of self-insured claims.

8. If said certificates of insurance are not filed with this Commission, or if quarterly reports are not filed with this Commission, the exemptions granted herein may be canceled.

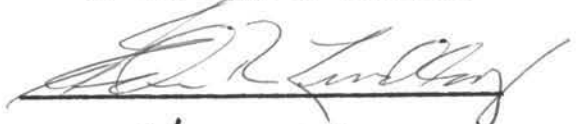


9. The Commission retains jurisdiction in these matters to make such further order or orders in the premises as to it may seem proper or desirable.

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

11. The within Decision and Order shall be the initial Decision and Order of the Commission as provided for in Chapter 40-1-109(6), CRS 1973.

DONE IN OPEN MEETING THIS 13th DAY OF JANUARY, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

jp/ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28334
RICHARD STANLEY STAFFORD AND FRANCIS)	
V. LEE DOING BUSINESS AS "NORTHERN	)	CLARIFICATION AND/OR REDESCRIPTION
TRASH DISPOSAL COMPANY," BOX 384,)	
LONGMONT, COLORADO, FOR CLARIFI-	)	ORDER GRANTING EXTENSION OF TIME
CATION AND/OR REDESCRIPTION OF)	
PUC NO. 6815.)	

- - - - -
January 13, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 19, 1975, Recommended Decision No. 87938 of Examiner Thomas H. McCaffrey was entered and served upon the parties.

On January 9, 1976, Richard Stanley Stafford and Francis V. Lee doing business as "Northern Trash Disposal Co.," by their attorney Neil E. Piller, filed with the Commission a Petition for Extension of Time in Which to File Exceptions in the above-captioned matter until twenty (20) days after the filing of the official transcript.

The Commission states and finds that said request for an extension of time is in the public interest and should be granted.

An appropriate order will be entered.

O R D E R


THE COMMISSION ORDERS THAT:

Richard Stanley Stafford and Francis V. Lee doing business as "Northern Trash Disposal Co." be, and hereby are, granted an extension of time in which to file exceptions to the recommended decision of the examiner until twenty (20) days after the filing of the official transcript.

This Order shall be effective forthwith.

DONE IN OPEN MEETING this 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF -	)	DOCKET NO. 995
COLORADO PUC NO. 1 - ELECTRIC-D,)	
AND COLORADO PUC NO. 1 - ELECTRIC-W,	)	ORDER GRANTING EXTENSION OF TIME
DELTA-MONTROSE RURAL POWER LINES)	
ASSN., DELTA, COLORADO.)	

- - - - -
January 13, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 2, 1976, Recommended Decision No. 88004 of Examiner Robert E. Temmer was entered and served upon the parties.

On January 9, 1976, Russell Stover Candies, Inc., by its attorney Jeffrey C. Pond, filed with the Commission a Petition for Extension of Time in Which to File Exceptions in the above-captioned matter until twenty (20) days after the filing of the official transcript.

The Commission states and finds that said request for an extension of time is in the public interest and should be granted.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Russell Stover Candies, Inc., be, and hereby is, granted an extension of time in which to file exceptions to the recommended decision of the examiner until twenty (20) days after the filing of the official transcript.

This Order shall be effective forthwith.

DONE IN OPEN MEETING this 13th day of January, 1976.

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)
W.M.W. CORPORATION, DOING BUSINESS)
AS "GLENWOOD TAXI," 317 6TH STREET,)
GLENWOOD SPRINGS, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO.)
9731.)

APPLICATION NO. 28702-Extension

ORDER OF THE COMMISSION

- - - - -
January 20, 1976
- - - - -

Appearances: John P. Thompson, Esq. and Raymond M. Kelley, Esq.
Denver, Colorado
Attorneys for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 9731 to include the following:

"Transportation -- in charter service -- of

Passengers, their baggage, raft trip equipment and supplies

- (a) Between points in Glenwood Springs, Colorado on the one hand and points in and within one (1) mile of Carbondale, Grizzly Creek, Newcastle, Radium, State Bridge, Bond and Dotsero, Colorado, on the other hand;

- (b) Between points in and within one (1) mile of Radium, Colorado, on the one hand and points in and within one (1) mile of State Bridge, Colorado and Bond, Colorado, on the other hand; and
- (c) Between points in and within one (1) mile of State Bridge, Colorado and Bond, Colorado, on the one hand and points in and within one (1) mile of Dotsero, Colorado, on the other hand.

RESTRICTION: This Certificate is restricted as follows:

- (a) To the use of vehicles having a capacity not to exceed twelve (12) passengers; and
- (b) Against offices for solicitation of business located at or within five (5) miles of Aspen, Colorado."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 9731 as extended, shall read and be as set forth in the Appendix attached hereto.

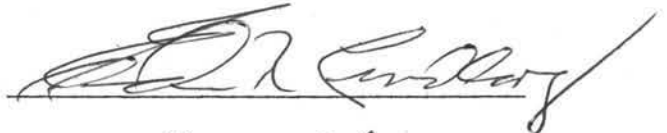

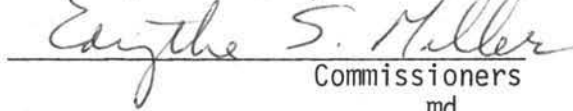
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88052
January 20, 1976

Glenwood Taxi

(1) Transportation -- in taxicab service -- of

Passengers and their baggage

Between points in a twelve (12) mile radius of Glenwood Springs, Colorado, and between said points on the one hand and all points in the State of Colorado on the other hand.

RESTRICTION: Item (1) of this Certificate is restricted as follows:

- (a) To the use of only vehicles having a capacity not to exceed seven (7) passengers.
- (b) Offices for solicitation of business shall be located only within a twelve (12) mile radius of Glenwood Springs, Colorado.

(2) Transportation -- in sightseeing service -- of

Passengers

Between points and places in the following Counties of the State of Colorado: Garfield, Rio Blanco, Eagle, Mesa, Delta, Gunnison, Pitkin and Lake.

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

- (a) To the use of only vehicles having a capacity not to exceed twelve (12) passengers including the driver.
- (b) All transportation performed under No. 2 shall originate and terminate within a twelve (12) mile radius of Glenwood Springs, Colorado.

(3) Transportation -- on schedule -- of

Passengers and their baggage

- (a) Between points in Glenwood Springs, Colorado, and the Sunlight Ski Area over Colorado Highway 82 and Sunlight Ski Area Road, serving no intermediate points; and
- (b) Between Glenwood Springs, Colorado, and the campus of Colorado Mountain College over Colorado Highway 82 and Garfield County 114, serving all intermediate points.

Glenwood Taxi

(Continued from Page 3)

(4) Transportation -- in charter service -- of

Passengers and their baggage

Between points within a twelve (12) mile radius of Glenwood Springs, Colorado and between said points on the one hand, and all points located within the State of Colorado, on the other hand.

RESTRICTION: Items No. (3) and (4) of this Certificate are restricted to the use of vehicles having a capacity not to exceed twelve (12) passengers.

(5) Transportation -- in charter service -- of

Passengers, their baggage, raft trip equipment and supplies

- (a) Between points in Glenwood Springs, Colorado on the one hand and points in and within one (1) mile of Carbondale, Grizzly Creek, Newcastle, Radium, State Bridge, Bond and Dotsero, Colorado, on the other hand;
- (b) Between points in and within one (1) mile of Radium, Colorado, on the one hand and points in and within one (1) mile of State Bridge, Colorado and Bond, Colorado, on the other hand; and
- (c) Between points in and within one (1) mile of State Bridge, Colorado and Bond, Colorado, on the one hand and points in and within one (1) mile of Dotsero, Colorado, on the other hand.

RESTRICTION: Item No. (5) of this Certificate is restricted as follows:

- (a) To the use of vehicles having a capacity not to exceed twelve (12) passengers; and
- (b) Against offices for solicitation of business located at or within five (5) miles of Aspen, Colorado.

(Decision No. 88053)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

LOU BLUESTEIN,)	
	)	CASE NO. 5619
Complainant,)	
	)	COMMISSION ORDER DENYING EXCEPTIONS
vs.	)	TO RECOMMENDED DECISION NO. 87914
)	
MOUNTAIN STATES TELEPHONE)	
AND TELEGRAPH COMPANY,)	
)	
Respondent.)	

January 13, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 18, 1975, Hearings Examiner James K. Tarpey, entered his Recommended Decision No. 87914 in the above-captioned matter.

On January 6, 1976, Complainant, Lou Bluestein, filed with the Commission Exceptions to Recommended Decision No. 87914. Such Exceptions attacked certain of the findings of fact made by the Hearings Examiner. Complainant did not file a transcript. Section 40-6-113(4) CRS 1973 reads as follows:

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

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

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Complainant, Lou Bluestein, should be overruled and denied; that the Examiner's findings of fact and conclusions in Recommended Decision No. 87914 should be adopted as its own, and concludes that the following Order should be entered.

O R D E R


THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Complainant be, and the same hereby are, overruled and denied.
2. The findings of fact and conclusions of Hearings Examiner James K. Tarpey in Recommended Decision No. 87914 be, and hereby are, adopted by the Commission.
3. The Examiner's Recommended Order in said Decision No. 87914 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PINE LAKE MOBILE HOME RESORT AND
CAMPGROUND, A COLORADO LAND TRUST
OF WELD COUNTY, COLORADO, AND H.
GORDON HOWARD, INDIVIDUALLY, AND
AS TRUSTEE FOR SAID TRUST,
Complainant, pro se,
vs.
THE PUBLIC SERVICE COMPANY OF
COLORADO,
Respondent.

CASE NO. 5590
ORDER DENYING EXCEPTIONS

January 13, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 13, 1975, Hearings Examiner Robert E. Temmer, filed with the Commission his Recommended Decision No. 87337 in the above-captioned matter. By Decision No. 87450, dated September 9, 1975, an extension of time was granted to Complainant to file exceptions until twenty (20) days after filing of the transcript by the official reporter, which was done on December 17, 1975.

On January 6, 1976, Complainant filed Exceptions to the said Recommended Decision No. 87337.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Complainant should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 87337 should be adopted as its own, and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Complainant be, and hereby are, overruled and denied.




2. The findings of fact and conclusions of Hearings Examiner Robert E. Temmer in Recommended Decision No. 87337 be, and hereby are, adopted by the Commission.

3. The Examiner's Recommended Order in said Decision No. 87337 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING THE 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
did

(Decision No. 88055)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PHONE SUBSCRIBERS OF ERIE, COLORADO,)
Ms. LAVONNE TYLEWSKI, Ms. CONNIE)
CANNADY, ET AL, AND PHONE SUBSCRIBERS)
OF LONGMONT, COLORADO, MR. HOWARD M.)
WATTS, JR., ET AL,)

Complainants,)

vs.)

MOUNTAIN BELL TELEPHONE AND TELEGRAPH)
COMPANY,)

Respondent.)

CASE NO. 5652

January 13, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The within complaint was filed on December 16, 1975. An Order to Satisfy or Answer was directed to Respondent Mountain Bell Telephone and Telegraph Company (hereinafter "Mountain Bell") on December 17, 1975.

On January 6, 1976, Mountain Bell filed a "Motion to Dismiss" alleging in said Motion that the Complainants had failed to comply with the provisions of CRS 40-6-8 and Rule 12 of the Rules of Practice and Procedure of this Commission and that the issues sought to be raised in the complaint have been decided and determined by the Commission.

Inasmuch as the gravamen of the complaint concerns the non-inclusion of the cities of Longmont, Erie and Lyons in "Metropak" and further alleges that refunds are due to residents of those cities for an amount to be determined as excessive for the service provided (which would necessarily involve a consideration of the present rates of Mountain Bell), Mountain Bell's Motion must be granted, because the

complaint was not signed by the Mayor or the President or the Chairman of the Board of Trustees, or a majority of the Council, or other legislative body of the County, City and County, or City, or Town, or not less than 25 customers or prospective customers of such public utility, in accordance with CRS 40-6-108(1)(b).

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The "Motion To Dismiss" filed by Mountain Bell Telephone and Telegraph Company on January 6, 1976, be, and hereby is, granted.

2. Case No. 5652 be, and hereby is, closed.

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

DONE IN OPEN MEETING the 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
did

(Decision No. 88056)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
SAN LUIS VALLEY RURAL ELECTRIC)	
COOPERATIVE, INC., FOR AN ORDER)	APPLICATION NO. 28877-Securities
AUTHORIZING IT TO EXECUTE MORTGAGE)	
NOTE IN FAVOR OF THE UNITED STATES)	ORDER OF THE COMMISSION
OF AMERICA, A SECURED PROMISSORY)	GRANTING APPLICATION
NOTE TO NATIONAL RURAL UTILITIES)	
COOPERATIVE FINANCE CORPORATION,)	
AN AMENDING LOAN CONTRACT WITH)	
UNITED STATES OF AMERICA AND LOAN)	
AGREEMENT WITH NATIONAL RURAL)	
UTILITIES COOPERATIVE FINANCE)	
CORPORATION)	

January 13, 1976

Appearances: Gordon H. Rowe, Jr., Esq.
Monte Vista, Colorado, for
Applicant San Luis Valley
Rural Electric Cooperative, Inc.

STATEMENT

On December 18, 1975, San Luis Valley Rural Electric Cooperative, Inc. ("San Luis" or "Applicant"), filed with the Commission the above-entitled application for authority: (1) To execute an amendment dated July 1, 1975, to the Amending Loan Contract, amending said Amending Loan Contract between San Luis and the United States of America, dated February 14, 1964; (2) to execute a Mortgage Note for \$672,000 to the United States of America bearing interest at the rate of five percent (5%) per annum and payable within thirty-five (35) years after the date thereof; (3) to execute a loan agreement between San Luis and the National Rural Utilities Cooperative Finance Corporation ("CFC"); and (4) to execute a Secured Promissory Note made by San Luis to CFC in the amount of \$288,000 bearing interest at an initial interest rate of nine and one-fourth percent (9¼%) per annum and payable within thirty-five (35) years after the date thereof.

After due and proper notice to all interested persons, firms, or corporations, the matter was set for hearing on January 8, 1976, at 10 a.m. in the Commission's Hearing Room, Denver, Colorado. Said hearing was held as scheduled by Examiner James K. Tarpey, to whom the matter was assigned pursuant to law.

No protests were filed with regard to the application, and no one appeared at the hearing in opposition to the granting of the authority sought therein. Richard P. Murphy, Manager of San Luis, testified in support of the application. James A. Richards of the Commission Staff participated for the purpose of clarifying certain matters.

Exhibits 1 through 3 were offered and admitted into evidence, and official notice was taken of Exhibits A through D, which were attached to the application filed December 18, 1975.

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

FINDINGS OF FACT

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

1. Applicant San Luis Valley Rural Electric Cooperative, Inc., is a public utility as defined in 40-1-103, CRS 1973. It is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing, and selling electricity to its consumers in the counties of Alamosa, Conejos, Costilla, Hinsdale, Mineral, Rio Grande, and Saguache, State of Colorado.

Applicant is a corporation organized under the laws of the State of Colorado and its articles of incorporation, and all amendments thereto, properly certified, are on file with this Commission.

2. Applicant needs the loan funds sought to be approved in this application for the improvement of its electrical system and for the construction, completion, extension, and improvement of its properties; for the improvement in maintenance of its service; for the discharge of lawful refunding of obligations of the Applicant; for the reimbursement of monies actually expended for some of said purposes from income of Applicant; and for other lawful purposes.

3. The Board of Directors of Applicant, the Rural Electrification Administration, and the CFC have approved the loan application subject to the approval of this Commission.

4. Although the authority to issue the securities involved herein was granted in Decision No. 85488, dated August 6, 1974, the hearing on the instant application was held to satisfy the requirements of CFC.

5. The financial position of Applicant and its ability to serve will not be impaired by this borrowing.

6. The Commission is fully advised in the premises.

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

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant San Luis Valley Rural Electric Cooperative, Inc., is a public utility as defined in 40-1-103, CRS 1973.

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

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

4. The approval sought herein is not inconsistent with the public interest, and the purpose or purposes thereof are permitted by, and are consistent with, the provisions of Title 40, CRS 1973, and the approval sought should be granted.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Each of the following be, and the same hereby is, authorized and approved: (a) The execution of the amendment dated July 1, 1975, to the Amending Loan Contract between San Luis Valley Rural Electric Cooperative, Inc., and the United States of America, dated February 14, 1964; (b) the execution of the Mortgage Note to the United States of America in the amount of \$672,000; (c) the execution of the loan agreement between San Luis Valley Rural Electric Cooperative, Inc., and the National Rural Utilities Cooperative Finance Corporation; and (d) the issuance of the Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$288,000.

2. Within one hundred twenty (120) days of the execution of the four (4) loan instruments authorized herein, San Luis Valley Rural Electric Cooperative, Inc., shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

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

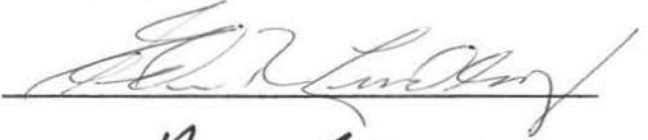
4. The Commission retains jurisdiction over this proceeding to the end that it may make such further order or orders as it may deem proper or desirable.

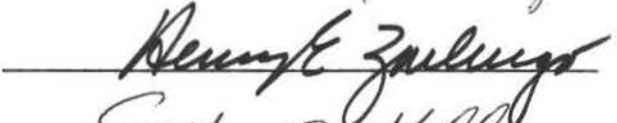
5. The authority granted herein shall be exercised from and after the date of this Order, and the Order herein contained shall be effective forthwith.

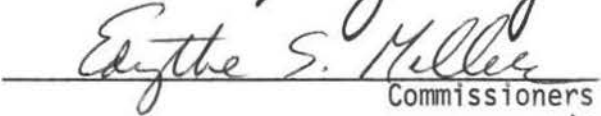
6. The within Decision and Order shall be the initial Decision and Order of the Commission as provided for in 40-6-109(6), CRS 1973.

DONE IN OPEN MEETING the 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INVESTIGATION)	
OF RAILROAD PASSENGER SERVICE)	
BETWEEN DENVER AND ROCKY, COLORADO,)	<u>CASE NO. 5655</u>
AND WINTER PARK, COLORADO, BY THE)	
DENVER AND RIO GRANDE WESTERN)	
RAILROAD COMPANY.)	

- - - - -
January 13, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 6, 1976, by Decision No. 88030, the Commission instituted the within investigation of railroad passenger service between Denver and Rocky, Colorado, and Winter Park, Colorado, by The Denver and Rio Grande Western Railroad Company (hereinafter "Rio Grande"). More particularly, the Commission instituted the within investigation in order to determine whether or not the Rio Grande should be required to operate a ski train on Sundays between Denver and Rocky and Winter Park. By Decision No. 88030, a hearing, with regard to the within matter, was set for January 29, 1976.

On January 12, 1976, the Rio Grande filed a Motion for an order dismissing the within proceeding and vacating the hearing therein set for January 29, 1976, on the ground that the Rio Grande decided to commence the operation of a Sunday ski train between Denver, Colorado, and Winter Park, Colorado, effective January 18, 1976.

In view of the above, it is not now necessary for the Commission to continue with the herein investigation of whether or not the Rio Grande should run a Sunday ski train inasmuch as it has voluntarily decided to do so. The Rio Grande has advised the Commission that it will commence operations of the Sunday ski train on January 18, 1976; and that the Sunday ski train will depart Denver Union Station at 7:35 a.m., make a passenger pickup at Rocky at 8:10 a.m., and arrive at Winter Park at 9:55 a.m., where all passengers will detrain. Boarding for the return trip from Winter Park to Denver will begin at 3:30 p.m., with departure from Winter Park scheduled at 4 p.m., and arrival at Rocky at 5:40 p.m. and at Denver at 6:15 p.m. The Rio Grande further advised the Commission that round trip tickets for the Sunday ski train would cost \$4.50 and would be available for sale at the Denver Union Station ticket office from 6:30 a.m. to 6 p.m. daily, and on the train at Rocky.

The Rio Grande has also advised the Commission that it has engaged the services of an advertising agency to disseminate information to the public concerning the availability of the Sunday ski train.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:


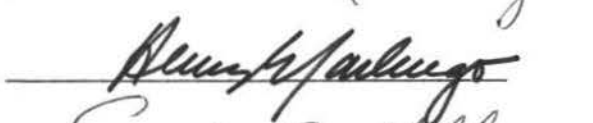

1. The hearing in the within matter presently set for January 29, 1976, be, and hereby is, vacated.

2. Case No. 5655 be, and hereby is, closed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

ma

(Decision No. 88058)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF --)
COLO. PUC NO. 5 -- TELEPHONE,)
MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY, UNDER ADVICE)
LETTER NO. 1010.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 881

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF --)
COLORADO PUC NO. 5 -- TELEPHONE,)
MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY, UNDER ADVICE)
LETTER NO. 1094.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 948

ORDER DENYING MOTION TO SET ASIDE AND VACATE
DECISION NO. 87334

January 13, 1976

S T A T E M E N T

BY THE COMMISSION:

On August 12, 1975, the Commission by Decision No. 87334 ordered Mountain States Telephone and Telegraph Company (hereinafter referred to as "Mountain Bell") to survey American Telephone and Telegraph Company, Bell Telephone Laboratories, Inc., Western Electric Company, and all other Bell Operating Subsidiaries to determine whether identical or substantially identical information (vis-a-vis matters which Mountain Bell has claimed privilege or confidentiality in its "Claim of Confidential, Proprietary and/or Trade Secret Matters," filed on April 14, 1975) has been placed of record in other administrative proceedings or court proceedings, and is not protected by a protective order, or otherwise have been made public. The Commission by Decision No. 87334 also ordered Mountain Bell to notify, on or before September 17, 1975, all parties to this proceeding and the Commission, in writing under oath, of the results

of the survey ordered in Ordering Paragraph No. 1 of Decision No. 87334, stating which matters being claimed as confidential, proprietary and/or trade secrets in Investigation and Suspension Docket No. 881 have been heretofore made public by placing them of record in other administrative or court proceedings, not under protective order, or otherwise made public, and which have not been made public.

On August 20, 1975, Mountain Bell filed a "Motion to Set Aside and Vacate Order" directed to Decision No. 87334.

On August 29, 1975, Mountain Bell filed a "Motion for Continuance" wherein it requested that the Commission enter its order granting a continuance from the September 15, 1975, date, by which to comply with the Order in Decision No. 87734 pending Commission action on the "Motion to Set Aside and Vacate Order."

On September 9, 1975, by Decision No. 87455, the Commission granted Mountain Bell's "Motion for Continuance." The Commission, however, ordered that except for relieving Mountain Bell from the September 15, 1975, reporting date, that Decision No. 87334 remain in full force and effect.

Mountain Bell has filed a document with the Commission entitled "Claim of Confidential, Proprietary and/or Trade Secret Matters," containing a list, 22 pages in length, of matters from the record in I&S Docket No. 881 which it is claiming confidential, proprietary and/or trade secret information on behalf of itself, AT&T, Western Electric Company or Bell Laboratories. Who is in a better position to survey whether the material claimed as confidential, proprietary and/or trade secret has been made public, than the companies whose material it is and who are claiming confidentiality, etc.? Certainly, not this Commission, Amicus Curiae Attorney General or Intervenor Sturgeon. Ten hearing days were originally reserved by Hearing Examiner Temmer to hear Mountain Bell's claims of confidentiality, etc. Resolution of this matter will necessitate the expenditure of a great amount of time and effort by Examiner

Temmer and this Commission, as well as the parties to these proceedings. It would be an abuse of the Administrative process to require the parties to these proceedings and the Commission to unnecessarily expend time and effort concerning claims of confidentiality, etc., of material that has already been made public.

The Commission has now considered Mountain Bell's "Motion to Set Aside and Vacate Order" filed on August 20, 1975, and has determined that said motion should be denied.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The "Motion to Set Aside and Vacate Order" filed by Mountain States Telephone and Telegraph Company on August 20, 1975, be, and hereby is, denied.

2. Mountain States Telephone and Telegraph Company shall notify on or before February 15, 1976, all parties to this proceeding and the Commission, in writing under oath, of the results of the survey ordered in Ordering Paragraph Ilo. 1 of Decision Ilo. 87334. Mountain States Telephone and Telegraph Company shall state which matters being claimed as confidential, proprietary and/or trade secrets in I&S Docket No. 881 (now consolidated with I&S Docket Ilo. 948) have been heretofore made public by placing them of record in other administrative or court proceedings, not under protective order, or otherwise made public, and which matters have not been made public.

3. In its written notification to the parties and to the Commission provided for in Paragraph Ilo. 2 of this Order, Mountain States Telephone and Telegraph Company shall state how many days it requests be reserved for hearing on its claims for confidential, proprietary and/or trade secret information.

This Order shall be effective forthwith.

DONE IN OPEN MEETING this 13th day of January 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
NOT PARTICIPATING

COMMISSIONER HENRY E. ZARLENGO NOT PARTICIPATING:

I do not participate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

jk/jp

(Decision No. 88059)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF)
COLO. PUC NO. 5 TELEPHONE,)
MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY, UNDER ADVICE)
LETTER NO. 1010.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 881

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF --)
COLORADO PUC NO. 5 -- TELEPHONE,)
MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY, UNDER ADVICE)
LETTER NO. 1094.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 948

ORDER OF THE COMMISSION

January 13, 1976

S T A T E M E N T

BY THE COMMISSION:

On November 26, 1975, the Commission entered Decision No. 87834 after consideration of the Application for Rehearing, Reargument or Reconsideration filed on May 27, 1975, by Mountain States Telephone and Telegraph Company (hereinafter referred to as "Respondent"). On December 16, 1975, Intervenor Sturgeon Electric Company (hereinafter referred to as "Sturgeon") filed a Petition for Reconsideration of Decision No. 87834, and on December 16, 1975, Respondent filed an Application for Rehearing, Reargument or Reconsideration of Decision No. 87834.

On December 23, 1975, by Decision No. 87960, the Commission consolidated Investigation and Suspension Docket No. 948 with Investigation and Suspension Docket No. 881.

The Commission has now reconsidered the matter and has determined that the Application for Rehearing, Reargument or Reconsideration of Decision No. 87834 filed by Respondent and the Petition for Reconsideration of Decision No. 87834 filed by Intervenor Sturgeon should be denied.

As stated above, I&S Docket No. 948 was consolidated with I&S Docket No. 881 on December 23, 1975. Inasmuch as today's decision by the Commission is the Commission's final decision on the merits of Advice Letter No. 1010, and attached tariffs, it is the judgment of the Commission that the issues in I&S Docket No. 948 have now become moot. Accordingly, the tariffs filed with Advice Letter No. 1094 will be rejected and I&S Docket No. 948 closed.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Application for Rehearing, Reargument or Reconsideration of Decision No. 87834 filed by Mountain States Telephone and Telegraph Company on December 16, 1975, and the Petition for Reconsideration of Decision No. 87834 filed by Intervenor Sturgeon Electric Company on December 16, 1975, be, and hereby are, denied.

2. The tariff sheets filed with Advice Letter No. 1094 be, and hereby are, rejected, and I&S Docket No. 948 closed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of January 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
COMMISSIONERS

COMMISSIONER HENRY E. ZARLENGO
DISSENTING.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I dissent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

jk/jp

(Decision No. 88060)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN GATHERING CHARGES	)	INVESTIGATION AND SUSPENSION
PUBLISHED BY CONTINENTAL PIPE LINE	)	DOCKET NO. 1000
COMPANY IN TARIFF NO. 18 TO BECOME)	
EFFECTIVE ON NOVEMBER 16, 1975.	)	ORDER OF COMMISSION VACATING
	)	HEARING, CLOSING I&S DOCKET,
	)	AND ALLOWING TARIFF TO BECOME
	)	EFFECTIVE

January 13, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

A letter of support from the primary shipper was received by the Commission and no protests were received; however, the supporting data submitted by Respondent was not considered adequate and the Commission by Decision No. 87752, dated November 12, 1975, set the tariff for hearing and suspended the effective date thereof.

Additional data has now been received from Respondent concerning its initial operation in 1973, the expansion of the gathering lines to the present; and the expansion proposed in the Fort Lupton Area. Also furnished was data concerning production figures for 1973 (the first year of operation), 1974 and the first ten months of 1975.

This additional data reveals that the original projection, upon which the original rate of 15¢ per barrel was based, was in error, that production has failed to reach the anticipated level, and that the proposed rates are necessary to enable Respondent to continue its operation and provide funds for required expansion.

The Commission states and finds that it will be in the public interest to vacate the hearing date of January 22, 1976, to close Investigation and Suspension Docket No. 1000 and to allow Respondent's Tariff No. 18 to become effective.

An appropriate Order shall be entered.

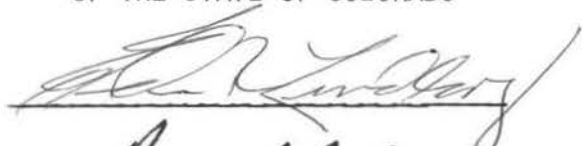


O R D E R

THE COMMISSION ORDERS:

1. That the hearing date of January 22, 1976 in Investigation and Suspension Docket No. 1000 be, and hereby is, vacated.
2. That Investigation and Suspension Docket No. 1000, be, and hereby is, closed.
3. That Respondent be, and hereby is, authorized to place its Tariff No. 18 into effect by publishing and filing the necessary supplement to Tariff No. 18.
4. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28463 -
GRAY MOVING & STORAGE, INC., P. O.)	Extension-Amended
BOX 10096, 1290 SOUTH PEARL STREET,)	
DENVER, COLORADO, FOR A CERTIFICATE)	ORDER GRANTING EXTENSION OF TIME
OF PUBLIC CONVENIENCE AND NECESSITY)	
AUTHORIZING EXTENSION OF OPERATIONS)	
UNDER PUC NO. 1990 AND PUC NO.)	
1990-I.)	

January 20, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 6, 1976, Recommended Decision No. 88026 of Examiner Thomas M. McCaffrey, was entered and served upon the parties.

On January 12, 1976, Gray Moving & Storage, Inc., by its attorney John H. Lewis, filed with the Commission a Petition for Extension of Time in Which to File Exceptions in the above-captioned matter until twenty (20) days after the filing of the official transcript.

The Commission states and finds that said request for an extension of time is in the public interest and should be granted.

An appropriate order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

Gray Moving & Storage, Inc., be, and hereby is, granted an extension of time within which to file exceptions to the recommended decision of the examiner until twenty (20) days after the filing of the official transcript.

This Order shall be effective forthwith.

DONE IN OPEN MEETING this 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 88062)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION TO PUBLISH TARIFF)
FOR SUNDAY SKI TRAIN TO WINTER PARK)
ON ONE DAY'S NOTICE BY THE DENVER)
AND RIO GRANDE WESTERN RAILROAD)
COMPANY.)

APPLICATION NO. 28902

ORDER AUTHORIZING PUBLICATION
ON ONE DAY'S NOTICE

January 13, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 12, 1976, The Denver and Rio Grande Western Railroad Company, Applicant herein, filed a petition seeking authorization to file a tariff on one day's notice, setting rates for the Winter Park Ski Train. The existing tariff provides rates for Saturday service only and as the Applicant intends to run the train on Sundays also, commencing January 18, 1976, it is necessary to reissue the tariff on less than statutory notice.

The Commission states and finds that it will be in the public interest to publish the new tariff on one day's notice to become effective on or before January 18, 1976.

An appropriate Order shall be entered.

O R D E R

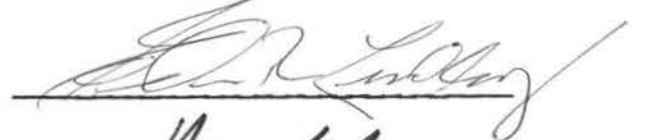


THE COMMISSION ORDERS:

1. That Applicant, The Denver and Rio Grande Western Railroad Company, be, and hereby is, authorized to publish a tariff for the Winter Park Ski Train, setting rates for the Sunday train at the same level as the existing rates for the Saturday train, on one day's notice.

2. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

(Decision No. 88063)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF DUFFY STORAGE)	
AND MOVING COMPANY, 389 SOUTH)	APPLICATION NO. 28903
LIPAN STREET, DENVER, COLORADO)	
80223, FOR AUTHORIZATION TO)	ORDER OF COMMISSION
PUBLISH REDUCED RATES ON)	AUTHORIZING PUBLICATION
PRESTRESSED BUILDING MATERIALS,)	ON LESS THAN STATUTORY
ON LESS THAN STATUTORY NOTICE.)	NOTICE

January 13, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 6, 1976, Duffy Storage and Moving Company, Applicant herein, petitioned the Public Utilities Commission that it be permitted to publish tariff provision as set forth in Exhibit "A", attached hereto, and by reference made a part hereof, to become effective on less than statutory notice.

Applicant seeks authority to publish on less than statutory notice for the reason that increased hourly rates for tractor and flat bed or stretch trailer and driver at \$24.00 per hour became effective on December 6, 1975. The shippers of the commodities shown in Exhibit "A" have advised the carrier that the rate will cause a large portion of this traffic to be diverted to private carriage.

Applicant further states that this traffic moves in considerable volume and the use of the reduced (\$24.00 to \$22.00) proposed rate will produce revenue sufficient to cover operating costs and return a fair profit.

The Commission states and finds that it will be in the public interest to allow Applicant to reduce the rates for the shippers of the commodities shown in Exhibit "A" on less than statutory notice.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS:


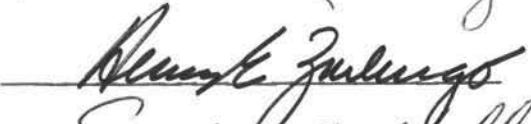

1. That Applicant be, and hereby is, authorized to publish the provision set forth in Appendix "A" herein, in a new item in its Motor Freight Tariff No. 3, Colorado PUC No. 4, on less than statutory notice.

2. That said publication shall include the notation
"Issued on Less Than Statutory Notice Per Authority of Commission
Decision No. 88063, dated January 13, 1976.".

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

EXHIBIT "A"

PRESTRESSED-PRECAST CONCRETE BUILDING MATERIALS, VIZ:

Beams, including twin or single "T" beams;
Channels;
Columns;
Girders;
Joists;
Piling, or
Manholes, septic tanks, and sewer pipe.

\$22.00 per hour, subject to a minimum of two hours.

Fractions of an hour will be charged for at the nearest one-half hour.

Time rates shall include driving time to and from the carrier's terminal.

Subject to loading by the consignor and to unloading by the consignee.

(Decision No. 88064)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: PETITION BY GRAND COUNTY LAND)	
FILL AND TRASH REMOVAL, INC., BOX)	APPLICATION NO. 28904
465, GRAND LAKE, COLORADO 80447,)	
FOR AUTHORIZATION TO PUBLISH A)	ORDER AUTHORIZING TARIFF
COMPACTED TRASH CONTAINER SERVICE)	CHANGE ON LESS THAN
RATE ON LESS THAN STATUTORY NOTICE.)	STATUTORY NOTICE

January 13, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 6, 1976, the Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Grand County Land Fill and Trash Removal, Inc., filed a petition seeking authorization to amend Item No. 800 of Colorado Motor Tariff Bureau Tariff No. 1 by adding a compacted trash container service at a rate of \$3.50 per cubic yard, on less than statutory notice.

In support of the petition, the following information has been submitted:

"The carrier has been negotiating with a customer to service a 4 cubic yard compacted trash container in the Mary Jane Ski Area near Winter Park. This is a newly developed ski area, having been opened during this winter. The compactor installation is to be completed by January 15, 1976.

The carrier is authorized to serve this area as record owner of Certificate of Public Convenience and Necessity PUC No. 7996. At the present time, rates for this type of service are not on file and carrier wishes to begin this service on January 15, 1976.

The proposed rate will produce revenue sufficient to cover operating costs and return a fair profit."

The Commission states and finds that the proposed filing involves initial rates for a new service which will begin on January 15, 1976 and that it will be in the public interest to authorize the publication on less than statutory notice.

An appropriate Order shall be entered.

ORDER

THE COMMISSION ORDERS:

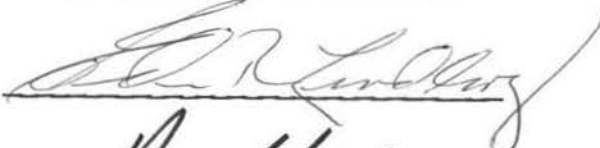
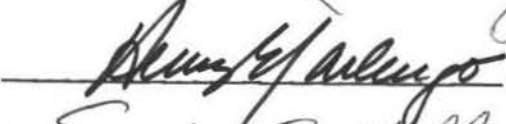

1. That the Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Grand County Land Fill and Trash Removal, Inc., be, and hereby is, authorized to amend Item No. 800 of Colorado Motor Tariff Bureau Tariff No. 1, on less than statutory notice, by adding a compacted trash container service at a rate of \$3.50 per cubic yard.

2. That said publication shall include the notation:
"Issued on Less Than Statutory Notice Per Authority of Commission Decision No. 88064, dated January 13, 1976."

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

(Decision No. 88065)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES FILED BY	)	INVESTIGATION AND SUSPENSION
AERO RAMPART CORPORATION IN ITS	)	DOCKET NO. 1012
PASSENGER AND PROPERTY TARIFF)	
NO. 1, EFFECTIVE JANUARY 15,	)	ORDER SETTING TARIFF FOR
1976.	)	HEARING AND SUSPENDING
	)	EFFECTIVE DATE THEREOF

January 13, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 9, 1975, Aero Rampart Corporation, Respondent herein, filed its Air Passenger and Property Tariff No. 1, scheduled to become effective on January 15, 1976. Said tariff, if allowed to become effective, would amend the prior tariff by adding new initial rates for three aircraft and increase the rates on the remaining aircraft from 8 to 16 percent. Prior rates for existing aircraft were published on a general description of the aircraft, such as, single engine, twin engine, turbo charged, pressurized, etc., whereas the proposed tariff names rates for each specific aircraft, such as, the Cessna 182, etc.

According to the data filed by Respondent, the Company has six departments which produce revenue, some of which appear to be quite profitable and some of which show substantial losses. The only one of these departments which is under the jurisdiction of the Public Utilities Commission is that entitled "charter sales". The financial data regarding charter sales indicates that this is one of the departments which shows a very good profit even though the Company has a loss on its total operation.

The Commission states and finds that it will be in the public interest to set the increased rates for hearing, to allow the initial rates for the new aircraft to become effective, and to suspend the effective date of the proposed increased rates and charges.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of the increased rates published in Respondent's Air Passenger and Property Tariff No. 1.

2. That this Investigation and Suspension Docket No. 1012, be, and the same is hereby, set for hearing before the Commission on:

Date: March 19, 1976

Time: 10:00 AM

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

3. That the effective date of the increased rates in Respondent's Tariff No. 1, be, and hereby is, suspended for a period of 210 days or until August 12, 1976, unless otherwise ordered by the Commission.

4. That Respondent shall issue a suspension supplement No. 1 to its Tariff No. 1 indicating that the increased rates on the Aerostar 601, Aero Commander 500, Cessna T210, Cessna 182, Cessna 177 and Cessna 172 are suspended and that the presently existing rates will remain in effect until further notice.

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

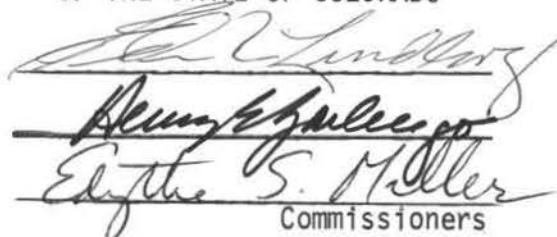
6. That a copy of this Order shall be filed with the tariff in the office of the Secretary and that a copy be served upon Russell L. Meek, President, Aero Rampart Corporation, 1245 Aviation Way, Peterson Field, Colorado Springs, Colorado 80916.

7. That at least 15 days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with three copies of any and all exhibits which it intends to introduce in evidence in support of its case.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

(Decision No. 88066)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE OF SEVEN PERCENT	)	INVESTIGATION AND SUSPENSION
PUBLISHED BY RUAN TRANSPORT	)	DOCKET NO. 1015
CORPORATION IN ITS FREIGHT)	
TARIFF PUC NO. 4 TO APPLY ON	)	ORDER SETTING TARIFF FOR
INDUSTRIAL MOLASSES.	)	HEARING AND SUSPENDING
	)	EFFECTIVE DATE

January 13, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 19, 1975, Ruan Transport Corporation, Respondent herein, filed its Freight Tariff Colorado PUC No. 4 increasing the rates on industrial molasses by seven (7) percent, to become effective on January 19, 1976.

Data filed in support thereof indicated that a seven (7) percent increase in rates on special commodities would result in \$16,381 additional revenue but that the projected increase on industrial molasses would amount to less than \$200 annually.

Cost data submitted included salaries and wages, payroll taxes, and health and welfare payments which have not yet occurred and which though covered by union contract are at this point in time, anticipatory.

The Commission states and finds that it will be in the public interest to set the involved tariff for hearing and to suspend the effective date thereof.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of Ruan Transport Corporation Freight Tariff Colorado PUC No. 4.

2. That this Investigation and Suspension Docket No. 1015, be, and the same is hereby, set for hearing before the Commission on:

Date: March 29, 1976
Time: 10:00 AM
Place: Hearing Room of the Commission
500 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

3. That Respondent's Tariff Colorado PUC No. 4, be, and hereby is, suspended for a period of 210 days or until August 16, 1976, unless otherwise ordered by the Commission.

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

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

6. That a copy of this Order shall be filed with the tariff in the office of the Commission and that a copy hereof be served upon Kenneth L. Kessler, General Traffic Manager, Ruan Transport Corporation, 666 Grand Avenue, Des Moines, Iowa 50309, and that the necessary suspension supplement be posted and filed to the tariff.

7. That at least fifteen (15) days prior to the hearing date herein, Respondent herein shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 13th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INVESTIGATION)	
OF THE DEPOSIT, REFUND, AND TERMI-	)	CASE NO. 5650
NATION POLICIES AND PRACTICES OF)	
PUBLIC SERVICE COMPANY WITH RE-	)	ORDER OF
SPECT TO NATURAL GAS SERVICE AND	)	JAMES K. TARPEY, EXAMINER
ELECTRIC SERVICE.)	

- - - - -
January 13, 1976
- - - - -

Appearances: Donald Cawelti, Esq., and
Bryant O'Donnell, Esq.,
Denver, Colorado, for
Respondent Public Service
Company;
John J. Conway, Esq.,
Denver, Colorado, for
Intervenor Colorado Rural
Electric Association;
Warren H. Price, Esq.,
Loveland, Colorado, for
Intervenor Poudre Valley
Rural Electric Association;
Ronna I. Wineberg, Esq.,
Denver, Colorado, for Inter-
venor Colorado Rural Legal
Services:
William E. Benjamin, Esq.,
Legal Aid Society, Denver,
Colorado, for Intervenor
R. O'Donnell, A. Williams,
C. Richie, and B. Sandoval;
Richard L. Banta, Jr., Esq.,
Englewood, Colorado, for
Intermountain Rural Electric
Association;
Walker Miller, Esq., Greeley,
Colorado, for Intervenor
Union Rural Electric
Association;
Gregory L. Johnson, Esq., and
Gordon D. Hinds, Esq.,
Colorado Springs, Colorado,
for Intervenor City of
Colorado Springs;
Larry Rodriguez, Esq., Colorado
Springs, Colorado, for Inter-
venor Pikes Peak Legal Services;
Tucker K. Trautman, Esq., Office
of the Attorney General, for
the Commission.

BY THE EXAMINER:

STATEMENT

I

PROCEDURE AND RECORD

Pursuant to notice, the above-entitled proceeding was called for hearing on Monday, January 5, 1976, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. The purpose of the hearing, as set forth in Commission Decision No. 87886 (dated December 9, 1975,) was to establish procedures to be used during the course of the proceedings investigating the practices of Public Service Company in implementing its tariffs with regard to deposits, refunds, and terminations.

Petitions to Intervene in this proceeding have been filed by the City of Colorado Springs, Colorado Rural Electric Association, Empire Electric Association, Poudre Valley Rural Electric Association, Colorado Rural Legal Services, Intermountain Rural Electric Association, Union Rural Electric Association, Pikes Peak Legal Services, and R. O'Donnell, A. Williams, C. Richie, and B. Sandoval. By Commission Decision No. 87992 (dated December 30, 1975) or by ruling of this Examiner at the commencement of the January 5, 1976, hearing, all of the above petitions were granted.

In addition to the persons listed under "Appearances," representatives of the Colorado Public Interest Research Group and the East Side Action Center were present at the hearing. Although not formally a party, the East Side Action Center will be included in the mailing list of the Commission decisions in this proceeding.

Based upon discussions by the parties and interested persons, the following procedural matters were decided. Note the changes in dates below in Paragraph No. 2, which changes are necessitated by unavoidable schedule conflicts.

II

PUBLIC SERVICE COMPANY

1. January 14, 1976 - Due date for filing and serving its prepared written testimony and exhibits.

Said testimony and exhibits shall set forth the specific practices followed by Public Service Company in implementing its policies with regard to deposits, refunds, and terminations, and the underlying rationale for said practices.

2. February 17, 1976 (10 a.m.) - Commencement of cross-examination of Public Service Company's witnesses with regard to the testimony and exhibits filed and served January 14, 1976. The additional dates of Thursday, February 19, 1976, and Friday, February 20, 1976, are reserved for hearing purposes in the event said dates are necessary. These hearings shall be held in the Commission's Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

III

INTERVENORS

Any deadlines set forth below are binding upon intervenors representing consumer groups. Because of the nature of the interests of intervenors representing utilities and utility associations, said deadlines are not applicable.

3. January 21, 1976 - Due date for filing and serving prepared written "Statements of Position."

Said Statements shall set forth the areas of concern said intervenor wishes to pursue in the proceeding, the number of witnesses it proposes to sponsor during the week of February 23, 1976, and the areas of concern in which each witness will testify.

As hereinafter discussed, intervenors may also sponsor witnesses during the hearings commencing March 15, 1976. Information regarding these witnesses and their testimony may be set forth in the January 21, 1976, filing or the March 1, 1976, filing.

4. February 23, 1976 (10 a.m.) - Commencement of presentation of testimony and exhibits of witnesses sponsored by intervenors. additional dates of Tuesday, February 24, 1976, and Wednesday, February 25, 1976, are reserved for hearing purposes in the event said dates are necessary. These hearings shall be held in the Commission's Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

5. March 1, 1976 - Due date for filing and serving prepared written testimony and exhibits setting forth proposed charges in Public Service Company's practices.

6. March 15, 1976 (10 a.m.) - Commencement of cross-examination of intervenors' witnesses with regard to the testimony and exhibits filed and served on March 1, 1976. The additional date of Tuesday, March 16, 1976, is reserved for hearing purposes in the event said date is necessary. These hearings shall be held in the Commission's Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

IV

COMMISSION STAFF

7. January 21, 1976 - Due date for filing and serving relevant statistical data concerning the complaints received by the Staff with respect to deposits, refunds, and terminations by Public Service Company.

8. The Staff may submit proposed changes in Public Service Company's practices. If it chooses to do so, it shall file and serve its prepared written testimony and exhibits by March 1, 1976, and it shall have its witnesses available for cross-examination at the hearings commencing March 15, 1976.

V

INTERROGATORIES

This section is applicable to written interrogatories directed to Public Service Company.

9. By January 21, 1976, any party may file with the Commission and serve upon Public Service Company written interrogatories.

10. Public Service Company shall either answer said interrogatories or shall file with the Commission by January 27, 1976, its objections thereto.

11. In the event Public Service Company files objections, the issue of whether said interrogatories should be answered shall be resolved by the Examiner by January 30, 1976.

VI

PUBLIC TESTIMONY

Because of the nature of the issues in this proceeding, hearings will be scheduled for the presentation of testimony by members of the general public. These hearings will be held during the week of March 1, 1976.

Any party desiring to do so may submit by January 21, 1976, its suggestions of times and places during the week of March 1, 1976, for the holding of such hearings. These suggestions shall be weighed with other factors, such as the availability of facilities during the week of March 1, 1976, in determining the dates, times, and locations of said public hearings, and a decision further discussing said public hearings shall be issued by January 23, 1976.

Although the hearings during the week of March 1, 1976, are intended for the presentation of testimony of witnesses not sponsored by any party, exceptions may be made for good cause if a request for an exception is filed by January 21, 1976, setting forth in detail the reasons for said request.

VII

OTHER RELEVANT INFORMATION

In the interest of not placing undue burdens upon the parties, it may be feasible to establish an "agenda" for the hearings commencing February 17, 1976. Under this approach, the issues would be categorized and testimony regarding a particular category would be reserved for a particular day. This approach would make it possible for parties to attend the hearings only on those days when the category to be covered is relevant to their interests. Whether this approach is feasible will depend, in large part, upon the material filed by January 21, 1976, and a decision further discussing said approach shall be issued by January 23, 1976.

O R D E R

THE EXAMINER ORDERS THAT:

1. The procedural matters set forth above in Parts II through VII are incorporated herein by reference.
2. Additional dates for hearing purposes, submission of briefs or for other purposes shall be established as necessary.
3. This Order shall become effective forth.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/jp

(Decision No. 88068)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
SAN ISABEL ELECTRIC ASSOCIATION,)	
INC., DBA SAN ISABEL ELECTRIC)	APPLICATION NO. 28579
SERVICES, INC., A COLORADO CORPORA-)	
TION, ENTERPRISE DRIVE AND AEROSPACE)	
DRIVE, PUEBLO WEST, COLORADO, FOR A)	RECOMMENDED DECISION OF
CERTIFICATE OF PUBLIC CONVENIENCE)	ROBERT L. PYLE, EXAMINER
AND NECESSITY TO FURNISH ELECTRIC)	
SERVICE FOR LIGHT, HEAT, POWER, AND)	
OTHER PURPOSES IN THE TERRITORY)	GRANTING APPLICATION
DESCRIBED IN THIS APPLICATION LO-)	
CATED IN COSTILLA COUNTY, STATE)	
OF COLORADO.)	

January 14, 1976

Appearances: Leo S. Altman, Esq., Pueblo,
Colorado, for San Isabel
Electric Association, Inc.,
doing business as "San Isabel
Electric Services, Inc.";
Tucker K. Trautman, Esq., Denver,
Colorado, for the Commission.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on August 15, 1975, to which the Commission assigned Docket No. 28579 and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

No protests were filed, and, after due and proper notice to all interested parties, the application was set for hearing on Wednesday, December 10, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Testimony was taken from Mr. Edward Gaither, President and General Manager of Applicant, and Exhibits 1, 2, and 3 were tendered and admitted into evidence. At the conclusion of the hearing, the subject matter was taken under advisement.

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

FINDINGS OF FACT

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

1. The Commission has jurisdiction over the Applicant and the subject matter of this application and is fully advised in the premises.

2. San Isabel Electric Association, Inc., doing business as "San Isabel Electric Services, Inc.," is a corporation organized and existing under and by virtue of the laws of the State of Colorado. Its principal place of business is Enterprise Drive and Aerospace Drive, Pueblo West, Colorado. The company is a public utility subject to the jurisdiction and regulation of this Commission and, in Colorado, is engaged in the business, among other things, of the transmission, distribution, and sale of electric energy in the counties of Pueblo, Huerfano, Las Animas, Fremont, Otero, and Custer, in the State of Colorado. Applicant's Certificate of Incorporation, together with all amendments thereto, has been heretofore filed with the Commission.

3. Applicant herein applies for an exclusive certificate of public convenience and necessity for that portion of Costilla County described in Exhibit 1 known as Forbes Park.

Forbes Park is adjacent to and contiguous to that area certificated to Applicant by Public Utilities Commission Decision No. 49302, dated January 13, 1958, in that the point of beginning of the description of Forbes Park is on the western boundary of the certificated area at the point where the southerly right-of-way line of the D.&R.G.W. Railroad Company crosses the Huerfano County-Costilla County line. The Huerfano County-Costilla County line is also the easterly boundary of the Sangre de Cristo Grant and Forbes Park. The intersection of the railroad right-of-way and the Huerfano County-Costilla County line is in Section 36, Township 29, South of Range 70, West of the 6th P.M.

4. Applicant's Exhibits 2 and 3 herein are maps showing how the area known as Forbes Park for which Applicant is seeking an exclusive certificate to serve adjoins Applicant's presently certificated area.

5. It is to Applicant's best interests and to the best interests of the public in general that the described territory be exclusively certificated to Applicant.

6. Applicant is the public utility whose facilities are closest to the area described in Paragraph 3 hereof, and it has adequate employees and personnel to perform the services proposed. Applicant is financially able to perform the service and conduct the operations at a profit, and Applicant is in compliance with the laws of the State of Colorado and this Commission's rules and regulations as well as the rules and regulations of other authority having jurisdiction over its operations.

7. No other electric public utility has lines and electric facilities within the area covered by the application, and the nearest other such utility is approximately 15 miles away. Further, no other utility is presently serving the area.

8. Forbes Park is a resort and vacation area and will have that type of construction as distinguished from permanent type residences and commercial establishments. Development of the area is presently in progress, and the developer will stand the capital construction costs of utility facilities in the area pursuant to Rule 31 of the Commission's rules.

9. The present and future public convenience and necessity require that Applicant be issued a certificate of public convenience and necessity authorizing it to operate as an electric utility distributing electric energy in the territory above described, and Applicant is fit, willing, and able financially and otherwise to perform the service proposed.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The granting of the application will be in the public interest, and it should be granted.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Applicant, San Isabel Electric Association, Inc., doing business as "San Isabel Electric Services, Inc.," be, and it is hereby, granted a certificate of public convenience and necessity to render electric service as a public utility in the area known as Forbes Park in Costilla County, Colorado, particularly described in Appendix "A" attached hereto, and this shall be deemed to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. All capital construction costs shall be born by the developer.

3. The total area certificated to Applicant pursuant to this Commission's Decision No. 49302, dated January 13, 1958; Decision No. 74182, dated January 15, 1970; Decision No. 76421, dated December 9, 1970; Decision No. 79878, dated March 30, 1972, and this decision is described by the perimeter description as set forth in Appendix "B" attached hereto.

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

5. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the

parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc
jp

Appendix A

FORBES PARK

A certain tract of land located in an unsurveyed portion of the Sangre de Cristo Grant, Costilla County, Colorado, being more particularly described as follows, to wit: Beginning at a point which is the intersection of the south right of way line of the Denver and Rio Grande Western Railroad and the eastern boundary of the Sangre de Cristo Grant, being the summit of the Sangre de Cristo Range of mountains and the divide between the waters that flow to the Arkansas River and the waters that flow to the Rio Grande; thence southerly along the eastern boundary of the Sangre de Cristo Grant, said boundary line being the summit of the Sangre de Cristo Range of mountains and the divide between the waters that flow to the Arkansas River and the waters that flow to the Rio Grande, to the summit of a peak southeasterly of Harrison Peak; thence N38°00'W 5600 feet to a point on the summit of Harrison Peak; thence generally following the top of a ridge in a northwesterly direction as follows: approximately N21°30'W a distance of 10,600 feet; thence approximately N25°30'W a distance of 12,100 feet; thence approximately N53°00'W a distance of 2,600 feet; thence approximately N11°00'W a distance of 3,800 feet; thence approximately N34°30'W a distance of 9,600 feet; leaving last said ridge line, approximately N59°15'32"W a distance of 12,248.666 feet; to a point, said point being the most northeasterly point of the Sangre de Cristo Ranches Boundary; thence N35°00'W a distance of 2,700 feet; thence S87°00'W to the point of intersection with the south right of way line of the Denver and Rio Grande Western Railroad; thence on and along said south right of way line approximately 44,000 feet to the point of beginning. The above tract of land containing approximately 13,900 acres.

Appendix B

Beginning at a point on the Pueblo County-Otero County Line, which point is the Southeast corner of Section 24, Township 23 South, Range 60 West; thence West along the South line of Sections 24, 23, 22, 21, 20, and 19, Township 23 South, Range 60 West; thence continuing West along the South line of Sections 24, 23, 22, 21, 20, and 19, Township 23 South, Range 61 West; thence continuing West along the South line of Sections 24, 23, 22, 21, 20, and 19, Township 23 South, Range 62 West; thence continuing West along the South line of Sections 24, 23, 22, 21, 20, and 19 to the Southwest corner of Section 19, Township 23 South, Range 63 West; thence North along the West line of Sections 19, 18, 7, and 6, Township 23 South, Range 63 West; thence continuing North along the West line of Sections 31, 30, 19, 18, and 7 to the Northwest corner of Section 7, Township 22 South, Range 63 West; thence West along the South line of Sections 1, 2, 3, and 4 to the Southwest corner of Section 4, Township 22 South, Range 64 West; thence North along the West line of Section 4 to the Northwest corner of Section 4, Township 22 South, Range 64 West; thence West along the South line of Sections 32 and 31, Township 21 South, Range 64 West; thence continuing West along the South line of Sections 36, 35, 34, 33, 32, and 31, Township 21 South, Range 65 West; thence continuing West along the South line of Sections 36, 35, 34, 33, and 32 to the Southwest corner of Section 32, Township 21 South, Range 66 West; thence North along the West line of Sections 32, 29, 20, 17, 8, and 5, Township 21 South, Range 66 West; thence continuing North along the West line of Sections 32, 29, and 20, Township 20 South, Range 66 West, to the North right-of-way line for the relocation of the Denver and Rio Grande Western Railroad; thence Easterly along the said North right-of-way line to the East line of Section 20, Township 20 South, Range 66 West; thence continuing Easterly along the said North right-of-way line to the West line of Section 22, Township 20 South, Range 66 West; thence North along the West line of Section 22 to the North line of the SW 1/4 of Section 22, Township 20 South, Range 66 West; thence East along the North line of the SW 1/4 of Section 22, to the East line of the SW 1/4 of Section 22 to the South line of Section 22, Township 20 South, Range 66 West; thence South along the East line of the SW 1/4 of Section 22 to the South line of Section 22, Township 20 South, Range 66 West, being a point in the Fryingpan-Arkansas take line; thence Easterly along said Fryingpan-Arkansas take line to the East line of the W 1/2 of Section 23, Township 20 South, Range 66 West; thence North along said East line of the W 1/2 of Section 23 to the North line of Section 23, Township 20 South, Range 66 West; thence East along the North line of the E 1/2 of Section 23, Township 20 South, Range 66 West; thence continuing East along the North line of Section 24 to the Northeast corner of Section 24, Township 20 South, Range 66 West; thence North 1588.66 feet along the East boundary of Tract 341 of Pueblo West Metropolitan District according to Recording No. 390171, dated April 20, 1970; thence Northwesterly 1077.89 feet along the North boundary of Tract 341 according to Recording No. 390171, dated April 20, 1970; thence Northwesterly 821.17 feet along the North boundary of Tract 336 according to Recording No. 389760, dated April 9, 1970; thence Northwesterly 4322.11 feet along the East boundary of Tract 335 according to Recording No. 383545, dated October 16, 1969; thence Northwesterly 5957.49 feet along the East boundary of Tract 331; thence Westerly 1025.08 feet along the North boundary of Tract 331; thence Southerly 125 feet along the West boundary of Tract 331 to the North right-of-way of Abarr Drive according to Recording No. 380801, dated August 7, 1969; thence Westerly 276.09 feet along the North

right-of-way of Abarr Drive to the Easterly right-of-way of McCulloch Boulevard; thence Northerly along the Easterly right-of-way of McCulloch Boulevard to the Northwest corner of future Tract 374 as shown in File No. 69 M.P.I. PC-P-10-157 date of revision September 9, 1970; thence Westerly along the Northerly boundary to the Northwest corner of future Tract 367 as shown in File No. 69 M.P.I. PC-P-10-157 date of revision September 9, 1970; thence Southerly 1516.41 feet along the East boundary of Tract 343 according to Recording No. 389373, dated March 30, 1970; thence Westerly 60 feet along the South boundary of Tract 343, which is the most Southeasterly corner of Lot 55, Block 2, as shown on recorded map No. 343, Reception No. 389373, records of said county; thence along the Southerly Boundary of recorded map No. 343, North 73°10'00" West, 670.01 feet; thence South 74°30'00" West, 719.01 feet; thence South 89°35'00" West, 374.22 feet; thence South 29°27'38" West, 257.51 feet; thence South 50°00'00" West, 577.09 feet; thence South 73°00'00" West, 947.13 feet; thence South 46°28'37" West, 289.56 feet; thence South 61°00'00" West, 1040.00 feet; thence North 89°06'03" West, 126.90 feet; thence South 5°50'00" West, 632.48 feet; thence Southwesterly 442.97 feet along the South boundary of Tract 343; thence Northerly 1517.33 feet along the West boundary of Tract 343 to the North right-of-way of Spaulding Avenue according to Recording No. 389373, dated March 30, 1970; thence Westerly 251.14 feet along the North right-of-way of Spaulding Avenue; thence Northerly 3073.17 feet along the East boundary to the Northeast corner of Tract 346; thence Westerly 2068.18 feet along the North boundary of Tract 346 to a point on the South right-of-way line of McCulloch Boulevard; thence continue Westerly 2767.97 feet along the South right-of-way boundary of McCulloch Boulevard to the West boundary of Tract 346 according to Recording No. 386612, dated January 16, 1970; thence Northerly 100 feet along the East boundary to the Northeast corner of Tract 307 according to Recording No. 393647, dated July 10, 1970; thence Westerly 2377.19 feet along the North right-of-way boundary of McCulloch Boulevard to the Northwest corner of Tract 307 according to Recording No. 393647, dated July 10, 1970; thence Northwesterly 2945.22 feet along the North right-of-way boundary of McCulloch Boulevard to the Northwest corner of Tract 309 according to Recording No. 393651, dated July 10, 1970; thence Northwesterly 831.88 feet along the North boundary of Tract 306 as shown in Recording No. 396770, dated September 17, 1970; thence Northwesterly 2430.23 feet along the Northerly boundary of Tract 300; thence Southwesterly 1011.02 feet along the Northerly boundary of Tract 300; thence Northwesterly 469.08 feet along the Northerly boundary of Tract 300 according to Recording No. 383035, dated October 2, 1969; thence North 265.91 feet along the East boundary of Tract 304; thence Westerly 5434.70 feet along the North boundary of Tract 304 to the Northwest corner of said Tract 304, according to Recording No. 389758, dated April 9, 1970; thence West 2659.60 feet along the North boundary of Tract 301 according to Recording No. 384476, dated November 13, 1969; thence South along the West line of the E 1/2 of Section 1, Township 20 South, Range 67 West, to the South line of Section 1, Township 20 South, Range 67 West; thence West along the South line of W 1/2 of Section 1; thence continuing along the South line of Sections 2 and 3, to the Southwest corner of Section 3, Township 20 South, Range 67 West; thence North along the West line of Section 3 to the Northwest corner of Section 3, Township 20 South, Range 67 West; thence West along the South line of Sections 33, 32, and 31 to the Southwest corner of Section 31, Township 19 South, Range 67 West, which is a point on the Pueblo County-Fremont County line; thence North to the Northwest corner of Section 31, Township 19 South, Range 67 West; thence Westerly on the section line eight miles to the Northwest corner of Section 35, T 19S, R69W; thence Southerly on the section line three miles to the Northwest corner of Section 14, T20S, R69W; thence Westerly on the section line two miles to the Northwest corner of Section 16, T20S, R69W; thence Southerly on the section line four miles to the Southeast corner of Section 32, T20S, R69W, which point is on the Fremont-Custer County line; thence Westerly on the Fremont-Custer County line two miles to the Southwest corner of Section 31, T20S, R69W; thence Southerly

on the Section line eight miles to the Southwest corner of Section 7, T22S, R69W; thence Westerly on the section line three miles to the Northwest corner of Section 15, T22S, R70W; thence Southerly on the section line four miles to the Southwest corner of Section 34, T22S, R70W; thence Westerly on the section line three miles to the Southwest corner of Section 31, T22S, R70W; thence Southerly on the section line twelve miles to the Southwest corner of Section 31, T24S, R70W, which point is on the Custer-Huerfano County line; thence Westerly along the Custer-Huerfano County line to a point common to Custer, Huerfano, and Saguache Counties; thence Southerly along the Huerfano-Saguache County line to a point common to Huerfano-Saguache, and Alamosa Counties; thence along the Huerfano-Alamosa County line to a point common to Huerfano, Alamosa, and Costilla Counties; thence along the Huerfano-Costilla County line to a point of intersection with the South right-of-way line of the Denver and Rio Grande Western Railroad, said point being in the NW 1/4, Section 36, Township 29 South, Range 70 West; thence Northwesterly on and along said South right-of-way approximately 44,000 feet; thence N87°00' E a distance approximately 2,342 feet; thence S35°00' E a distance approximately 2,700 feet to a point, said point being the most Northeasterly point of the Sangre de Cristo Ranches boundary; thence approximately S59°15'32" E a distance of 12,248.666 feet; thence generally following the top of a ridge in a Southeasterly direction as follows: approximately S34°30' E a distance of 9,600 feet; thence approximately S11° E a distance of 3,800 feet; thence approximately S53°00' E a distance of 2,600 feet; thence approximately S25°30' E a distance of 12,100 feet; thence approximately S21°30' E a distance of 10,600 feet to a point on the summit of Harrison Peak; thence S38°00' E a distance of 5,600 feet to the summit of a peak, said peak being on the Huerfano-Costilla County line; thence Southerly along the Huerfano-Costilla County line to a point common to Huerfano, Las Animas, and Costilla Counties; thence along the Las Animas-Costilla County line to a point where said County line intersects with the Colorado-New Mexico State Boundary; thence East along the Colorado-New Mexico Boundary to a point where the West line of Section 33, Township 34 South, Range 64 West, if extended, intersects with the Colorado-New Mexico Boundary; thence North along said section line, if extended, to the Northwest corner of said Section 33; thence East along the North lines of Sections 33 and 34 to a point in the Southwest corner of Section 26, Township 34 South, Range 64 West; thence North along the West lines of Sections 26, 23, 14, 11, and 2, Township 34 South, Range 64 West; thence continuing North along the section line to the Northwest corner of Section 35, Township 33 South, Range 64 West; thence East along the North line of said Section 35 a distance of 1,275.95 feet to a point; thence N 75°16' E a distance of 9,402.69 feet to a point on the East line of Section 25, Township 33 South, Range 64 West; thence South along the East lines of Sections 25 and 36, Township 33 South, Range 64 West; thence continuing South along the East boundary of Range 64 West approximately five miles to the Northeast corner of Section 36, Township 34 South, Range 64 West; thence East along the North lines of Sections 31 and 32 to the Northeast corner of Section 32, Township 34 South, Range 63 West; thence South along the East line of said Section 32, if extended, to a point of intersection on the Colorado-New Mexico border; thence East along the Colorado-New Mexico boundary to a point where the East line of Section 9, Township 35 South, Range 55 West, if extended, intersects with the Colorado-New Mexico boundary; thence North along the East lines of Sections 9 and 4, Township 35 South, Range 55 West; thence continuing North along the East lines of Sections 33, 28, 21, 16, 9, and 4, Township 34 South, Range 55 West; thence continuing North along the East lines of Sections 33, 28, 21, 16, 9, and 4, Township 33 South, Range 55 West; thence continuing North along the East lines of Sections 33, 28, and 21 to a point in the Northeast corner of Section 21, Township 32 South, Range 55 West; thence West along the North lines of Sections 21, 20, and 19, Township 32 South, Range 55 West; thence continuing West along the North lines of Sections 24 and 23 to a point in

the Northwest corner of Section 23, Township 32 South, Range 56 West; thence North along the East lines of Sections 15, 10, and 3, Township 32 South, Range 56 West; thence continuing North along the East lines of Sections 34, 27, 22, 15, 10, and 3, Township 31 South, Range 56 West; thence continuing North along the East lines of Sections 34, 27, 22, 15, 10, and 3, Township 30 South, Range 56 West; thence continuing North along the East lines of Sections 34, 27, 22, 15, 10, and 3, Township 29 South, Range 56 West; thence continuing North along the East lines of Sections 34, 27, 22, 15, 10, and 3, to a point on the Las Animas-Otero County line in the Northeast corner of Section 3, Township 28 South, Range 56 West; thence West along the Las Animas-Otero County line to a point in the Southeast corner of Section 33, Township 27 South, Range 57 West; thence diagonally in a Northwesterly direction across Sections 33, 29, 20, 19, and 18, Township 27 South, Range 57 West; thence continuing in a Northwesterly direction across Sections 12, 1, and 2, Township 27 South, Range 58 West; thence continuing in a Northwesterly direction across Sections 35, 34, 27, 21, 16, 17, 8, 7, and 6, Township 26 South, Range 58 West to a point in the Southeast corner of Section 36, Township 25 South, Range 59 West; thence North along the East boundary of Range 59 West to a point in the Southeast corner of Section 12, Township 24 South, Range 59 West; thence diagonally in a Northwesterly direction across Sections 12, 1, and 2, Township 24 South, Range 59 West; thence continuing in a Northwesterly direction across Sections 35, 34, and 27 to a point in the Northwest corner of Section 27, Township 23 South, Range 59 West; thence West along the North lines of Sections 28, 29, and 30, Township 23 South, Range 59 West, to a point in the Southeast corner of Section 24, Township 23 South, Range 60 West which is the point of beginning, on the Pueblo-Otero County line.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THOMAS W. RUBY, JR., AND MICHAEL E.)	APPLICATION NO. 28639
MILLER, DOING BUSINESS AS "RU-MIL)	
MOVING," 914 HOOKER STREET, DENVER,)	RECOMMENDED DECISION OF
COLORADO, FOR A CERTIFICATE OF)	ROBERT L. PYLE, EXAMINER
PUBLIC CONVENIENCE AND NECESSITY)	
TO OPERATE AS A COMMON CARRIER BY)	DENYING APPLICATION
MOTOR VEHICLE FOR HIRE.)	

January 14, 1976

Appearances: Thomas W. Ruby, Jr., doing
business as "Ru-Mil Moving,"
Denver, Colorado, pro se;
Bill Hubbard, Denver, Colorado,
pro se, for Speedy Messenger
Service;
James M. Lyons, Esq., Denver,
Colorado, for Wells Fargo
Armored Service Corporation,
Protestant;
Warren E. Hoemann, Esq., Denver,
Colorado, for Colorado Moving
and Storage, Inc., Protestant;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for Hoffman
Transfer Co., Protestant;
Kenneth R. Hoffman, Esq., Denver,
Colorado, for Bowers Transfer
& Storage Co., Protestant;
Joseph F. Nigro, Esq., Denver,
Colorado, for Acme Delivery
Service, Inc.; Amick Transfer
& Storage Co.; American Ware-
house Co., Inc.; Bekins Van
& Storage Co.; Berkeley Moving
& Storage Co.; Denver Moving &
Storage, Inc.; Johnson Storage
& Moving Co.; Larsen Transfer &
Storage Co.; United States
Transfer; Buehler Transfer Company;
G. I. Moving & Storage Co.; Kamp
Moving & Storage Co.; Service
Transfer & Storage Co.; Weicker
Transfer & Storage Co.; and Young
Brothers Storage & Transfer, Pro-
testants;
John H. Lewis, Esq., Denver, Colorado,
for Merritt Packing & Crating Service,
Inc.; Protestant;
Dalton O. Ford, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on September 5, 1975, wherein both permanent and temporary authorities were requested. By Commission Decision No. 87569, dated October 7, 1975, temporary authority was denied.

Docket No. 28639 was assigned to the application, and due notice was given in accordance with the provisions of 40-6-108, CRS 1973.

Protests were duly filed by the carriers listed in the Appearances, and, after due and proper notice to all interested parties, the application was set for hearing on Thursday, January 8, 1976, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Testimony was taken from the Applicant Mr. Thomas W. Ruby, Jr., and Exhibit Nos. 1 and 2 were offered into evidence. Exhibit No. 1, being the financial statement of Mr. Thomas W. Ruby, Jr., was admitted, and Exhibit No. 2 was rejected. At the conclusion of Applicant's case, protestants moved to dismiss the application on the grounds that Applicant failed to prove a prima facie case, which motion was granted.

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

FINDINGS OF FACT

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

1. This application was filed by Thomas W. Ruby, Jr., and Michael E. Miller, doing business as "Ru-Mil Moving." However, at the commencement of the hearing, Applicant moved to strike the name of Michael E. Miller, as well as the trade name, leaving the Applicant as Thomas W. Ruby, Jr., doing business as "AAA Moving." Applicant is therefore an individual who, by this application, seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of

Household goods

Between points in Denver, Adams, Arapahoe, and Jefferson Counties, State of Colorado.

The term "household goods" means,

- (1) PERSONAL EFFECTS AND PROPERTY USED OR TO BE USED IN A DWELLING when a part of the equipment or supply of such dwelling;

- (2) FURNITURE, FIXTURES, EQUIPMENT, AND THE PROPERTY OF STORES, OFFICES, MUSEUMS, INSTITUTIONS, HOSPITALS, OR OTHER ESTABLISHMENTS when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments;
- (3) ARTICLES INCLUDING OBJECTS OF ART, DISPLAYS, AND EXHIBITS which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods.

2. During the course of the hearing, Applicant requested and it was stricken from the application paragraph No. 3 involving and beginning with the phrase "Articles including objects of art, displays, and exhibits." This amendment was accepted by the Examiner, and Protestant Wells Fargo Armored Service Corporation withdrew its protest.

3. Applicant proposes to operate as equipment one 1969 3/4 Ton Ford Van and an eight foot by twenty-four foot home-made trailer. He would lease any other equipment if necessary and would at least commence operations using his home at 914 Hooker Street, Denver, Colorado, as an office. He proposes to employ persons as may be necessary and choose employees who are capable of handling household goods and would train them for his operation. His wife, or Applicant himself, would be available at all times to answer the phone and handle other office chores. Applicant proposes to make his livelihood from the operation of the certificate applied for and to operate seven days a week.

4. Applicant now works as a truck driver for WNX, Harp, and Ephraim Freightways and therefore has experience operating trucks and has also had experience in moving household goods.

5. Pursuant to Exhibit No. 1, Applicant shows a net worth of \$18,025, all of which are non-liquid assets. However, Applicant stated in his testimony that he has three or four hundred dollars in cash available.

6. Applicant stated that he is somewhat familiar with the rules and regulations of the Commission and that, if this application were granted, he would familiarize himself with the rules and regulations of the Commission and would abide by those rules and regulations.

7. It is found as a matter of fact that Applicant has sufficient equipment, net worth, and experience to operate the authority requested.

8. Applicant has, in the past, engaged himself in numerous occasions of unauthorized transportation by performing moves for hire without authority.

9. Applicant presented no evidence whatsoever from supporting witnesses, and Applicant therefore failed to establish by competent evidence that there was any present and special need for the service or that the present or future public convenience and necessity requires, or will require, such service. Applicant admitted that there was a great deal of household goods moving authority in existence, several of those authorities being represented by protestants.

10. As indicated in the Procedure and Record, at the conclusion of Applicant's case, the Motion to Dismiss was granted on the grounds that Applicant failed to establish a prima facie case.

CONCLUSIONS ON FINDINGS OF FACT

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

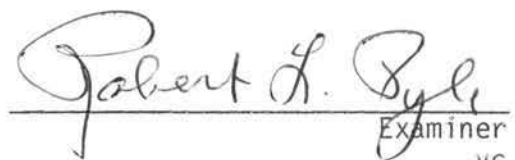
1. The application should be denied.
2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28639, being the application of Thomas W. Ruby, Jr., doing business as "AAA Moving," 914 Hooker Street, Denver, Colorado 80204 for a certificate of public convenience and necessity authorizing transportation of household goods, be, and hereby is, denied.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF -)	DOCKET NO. 997
COLORADO PUC NO. 2 - ELECTRIC,)	
SAN LUIS VALLEY RURAL ELECTRIC)	RECOMMENDED DECISION OF
COOPERATIVE, INC., MONTE VISTA,)	JAMES K. TARPEY, EXAMINER
COLORADO 81144.)	
	ESTABLISHING NEW RATES

- - - - -
January 14, 1976
- - - - -

Appearances: R. L. Bloss, Esq.,
Del Norte, Colorado, for
Respondent San Luis Valley
Rural Electric Cooperative, Inc.;
Eugene C. Cavaliere, Esq.,
Office of the Attorney General,
for the Commission.

PROCEDURE AND RECORD

On October 2, 1975, San Luis Valley Rural Electric Cooperative, Inc. ("San Luis"), filed with the Commission its Advice Letter No. 42, accompanied by certain tariff sheets as more fully described therein.

The stated purpose of the filing was to provide increased revenues of approximately \$363,415 to meet increased wholesale power costs and other operating costs and to improve the times interest earned ratio, the debt service coverage, and the rate of return. The proposed effective date for the filing was November 10, 1975.

San Luis gave due and proper notice to all its customers, and seven letters protesting the proposed increase were filed with the Commission. By Decision No. 87695 (dated October 28, 1975), the Commission set the above tariffs for hearing to be held on December 30, 1975, at 9 a.m. in the Jury Room of District Court, Alamosa County Courthouse, Alamosa, Colorado; ordered that the above tariffs be suspended until June 7, 1976, or until further order of the Commission; and further ordered that San Luis file its exhibits, a list of its witnesses, and a summary of the testimony of said witnesses at least 15 days prior to the scheduled hearing. San Luis has duly filed the requested material.

After due and proper notice to all interested persons, firms, or corporations, the hearing was held as scheduled by Examiner James K. Tarpey, to whom the matter had been duly assigned.

Robert H. Mace, General Manager for San Luis, and Richard P. Murphy, Office Manager for San Luis, testified on behalf of San Luis. No customers of San Luis appeared to testify. Gerald E. Hager of the Commission Staff also testified with regard to certain matters. Exhibits 1 through 15 were offered and admitted into evidence. San Luis made certain errors in calculations at the time of filing its Advice Letter No. 42, and the projected revenue increase was adjusted downward at the hearing. The revised revenue increase is \$343,336.

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

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

FINDINGS OF FACT

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

1. San Luis is a public utility, operating within the State of Colorado, engaged in the purchase, distribution, and sale of electric power and energy to consumers in its service area.

2. The proper test period for the determination of the reasonableness of San Luis' electric rates is the 12 months ended June 30, 1975, which is the latest period for which complete data was available at the time this proceeding was instituted.

3. San Luis' adjusted average rate base for the test year ended June 30, 1975, is \$6,311,647.

4. San Luis' net operating margin, as adjusted for expenses, for the test year is \$35,217, and its rate of return on average rate base for the test year is .6%.

5. At the hearing, San Luis reduced its proposed rate increase by \$20,000, and the revised increase is \$343,336. If San Luis is granted a rate increase of \$343,336, its net operating margin will be \$378,553, and its rate of return on average rate base for the test year will be 6%.

6. The principal purpose for the proposed increase of \$343,336 is to recover wholesale power costs passed on to San Luis by its supplier, Colorado-Ute Electric Association, Inc. In fact, the proposed increase of \$343,336 will only recover 94% of the increased power costs passed on to San Luis by Colorado-Ute Electric Association, Inc.

7. If a rate increase of \$343,336 is granted to San Luis, its rate of return on average rate base will be 6%, which rate of return is within the Commission's guidelines as set forth in Decision No. 78921 (dated October 28, 1971) and will enable San Luis to maintain the goals set forth in that decision as well as maintain its times interest earned ratio and its debt service coverage ratio at adequate levels.

8. San Luis' proposal for spreading any rate increase is based, primarily, upon a cost of service study prepared for it and submitted as one of its exhibits. Except for a few minor changes which the Commission Staff suggests that San Luis follow in the future, the Commission Staff was in agreement with San Luis' proposal for spreading any rate increase.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Commission has jurisdiction over San Luis and over the subject matter of this proceeding.

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

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

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

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

O R D E R

THE COMMISSION ORDERS THAT:

1. The tariff sheets filed by San Luis Valley Rural Electric Cooperative, Inc., under its Advice Letter No. 42 (dated September 25, 1975) be, and hereby are, permanently suspended.

2. Within thirty (30) days of the effective date of this Order, San Luis Valley Rural Electric Cooperative, Inc., shall prepare and file with this Commission new tariff sheets to reflect, based upon the test year, the gross revenue deficiency of \$343,336. Said filing shall be made on not less than one (1) day's notice and shall be accompanied by a new Advice Letter.

3. Investigation and Suspension Docket No. 997 be, and hereby is, closed.

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

5. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
vjr
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

	*	*	*
JOHNNANNE A. WINCHESTER, 1125 VINE STREET DENVER, COLORADO)		
	)		CASE NO. 5631
Complainant,)		
vs.	)		RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER
MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY 930 15TH STREET DENVER, COLORADO)		
	)		DISMISSING CASE
Respondent.)		

January 14, 1976

Appearances: Maurice Brog, Esq., Denver,
Colorado, for Johnanne A.
Winchester, Complainant;
Cotton Howell, Esq., Denver,
Colorado, for Mountain
States Telephone and Tele-
graph Company, Respondent.

PROCEDURE AND RECORD

The above-entitled complaint case was filed with the Commission on September 24, 1975. The Commission issued its ORDER TO SATISFY OR ANSWER on September 26, 1975, and an Answer was filed by Respondent Mountain States Telephone and Telegraph Company on October 16, 1975. The Commission assigned Docket No. 5631 to the case.

After due and proper notice to all interested parties, the case was set for hearing on Friday, January 9, 1976, at 10 a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the case was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

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

FINDINGS OF FACT

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

1. At the time the case was called for hearing, Complainant, through her attorney, moved to withdraw the complaint and dismiss the case without prejudice on the grounds that the matter complained of had been settled to Complainant's satisfaction.

2. Said Motion was granted.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The case should be dismissed.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. 5631, being the case of Johnanne A. Winchester (Complainant) against Mountain States Telephone and Telegraph Company (Respondent), be, and hereby is, dismissed without prejudice.

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

3. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SKI COUNTRY COACHES, INC., P. O.)
BOX 1266, 549 EAST CUCHARRAS, COLO-)
RADO SPRINGS, COLORADO, FOR AUTH-)
ORITY TO TRANSFER ALL RIGHT, TITLE)
AND INTEREST IN AND TO CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3033 TO ROBERT J. SHELLY)
AND DARRELL E. SWECKER, DOING)
BUSINESS AS "MOUNTAIN STAGE LINE,")
P. O. BOX 819, BUENA VISTA,)
COLORADO.)

APPLICATION NO. 28862-Transfer

IN THE MATTER OF THE APPLICATION OF)
SKI COUNTRY COACHES, INC., P. O.)
BOX 1266, 549 EAST CUCHARRAS, COLO-)
RADO SPRINGS, COLORADO, FOR AUTH-)
ORITY TO TRANSFER ALL RIGHT, TITLE)
AND INTEREST IN AND TO CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 5348 TO ROBERT J. SHELLY)
AND DARRELL E. SWECKER, DOING)
BUSINESS AS "MOUNTAIN STAGE LINE,")
P. O. BOX 819, BUENA VISTA,)
COLORADO.)

APPLICATION NO. 28863-Transfer

IN THE MATTER OF THE APPLICATION OF)
SKI COUNTRY COACHES, INC., P. O.)
BOX 1266, 549 EAST CUCHARRAS, COLO-)
RADO SPRINGS, COLORADO, FOR AUTH-)
ORITY TO TRANSFER ALL RIGHT, TITLE)
AND INTEREST IN AND TO CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 8298 TO ROBERT J. SHELLY)
AND DARRELL E. SWECKER, DOING)
BUSINESS AS "MOUNTAIN STAGE LINE,")
P. O. BOX 819, BUENA VISTA,)
COLORADO.)

APPLICATION NO. 28864-Transfer

IN THE MATTER OF THE APPLICATION OF)
SKI COUNTRY COACHES, INC., P. O.)
BOX 1266, 549 EAST CUCHARRAS, COLO-)
RADO SPRINGS, COLORADO, FOR AUTH-)
ORITY TO TRANSFER ALL RIGHT, TITLE)
AND INTEREST IN AND TO CONTRACT)
CARRIER PERMIT NO. B-3718 TO ROBERT)
J. SHELLY AND DARRELL E. SWECKER,)
DOING BUSINESS AS "MOUNTAIN STAGE)
LINE," P. O. BOX 819, BUENA)
VISTA, COLORADO.)

APPLICATION NO. 28865-PP-Transfer

IN THE MATTER OF THE APPLICATION OF)
SKI COUNTRY COACHES, INC., P. O.)
BOX 1266, 549 EAST CUCHARRAS, COLO-)
RADO SPRINGS, COLORADO, FOR AUTH-)
ORITY TO TRANSFER ALL RIGHT, TITLE)
AND INTEREST IN AND TO CONTRACT)
CARRIER PERMIT NO. B-5464 TO ROBERT)
J. SHELLY AND DARRELL E. SWECKER,)
DOING BUSINESS AS "MOUNTAIN STAGE)
LINE," P. O. BOX 819, BUENA)
VISTA, COLORADO.)

APPLICATION NO. 28866-PP-Transfer

ORDER OF THE COMMISSION

January 20, 1976

Appearances: John P. Thompson, Esq. and Raymond M. Kelley, Esq.
Denver, Colorado
Attorneys for Applicants

IT APPEARING, That proper notice of the filing of the above entitled applications has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in these proceedings has been filed by any person within the time prescribed and that the herein proceedings are therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matters are ones which may properly be determined without the necessity of a formal oral hearing;

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

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

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

An appropriate Order will be entered.

IT IS ORDERED, That Applicants named in the captions above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3033, as granted by Commission Decision No. 80144 dated April 28, 1972; Certificate of Public Convenience and Necessity PUC No. 5348, as granted by Commission Decision No. 80144 dated April 28, 1972; Certificate of Public Convenience and Necessity PUC No. 8298, as granted by Commission Decision No. 78393 dated August 11, 1971; Contract Carrier Permit No. B-3718, as granted by Commission Decision No. 80144 dated April 28, 1972; and Contract Carrier Permit No. B-5464, as granted by Commission Decision No. 80146 dated May 2, 1972; all subject to encumbrances, if any, against said authorities approved by this Commission.

IT IS FURTHER ORDERED, That said transfers shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said Certificates and Permits have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them or either of them, kept and performed.



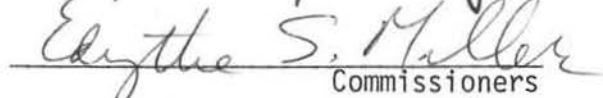
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VAN AND FRITZ WERNER, DOING BUSINESS)
AS "WERNER TRUCK LINE," ROUTE 2,)
BOX 156-H, BRIGHTON, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CON-)
TRACT CARRIER PERMIT NO. B-8447, TO)
DARRELL W. WHITE, DOING BUSINESS AS)
"WHITE PAPER TRANSFER," 3646 KLINE)
STREET, WHEATRIDGE, COLORADO.)

APPLICATION NO. 28824-PP-Transfer
ORDER OF THE COMMISSION

January 20, 1976

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

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

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

An appropriate Order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-8447, as granted by Commission Decision No. 85537 dated August 20, 1974 subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with the conditions and requirements of this Order, to be by them, or either of them, kept and performed.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

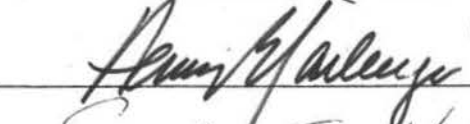
IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the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


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

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KEITH AND EULA ROSEBRAUGH, DOING)
BUSINESS AS "DURANGO JEEP TOURS,")
ROUTE 3, BOX 278, DURANGO, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 8441 TO DURANGO)
SCENIC JEEP TOURS, INC., SILVERTON)
STAR ROUTE, BOX 222, DURANGO,)
COLORADO.)

APPLICATION NO. 28636-Transfer

ORDER OF THE COMMISSION

- - - - -
January 20, 1976
- - - - -

Appearances: E. B. Hamilton, Jr., Esq., Durango, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

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

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

An appropriate Order will be entered;

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 8441, as granted by Commission Decision No. 80363 dated May 31, 1972, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed.

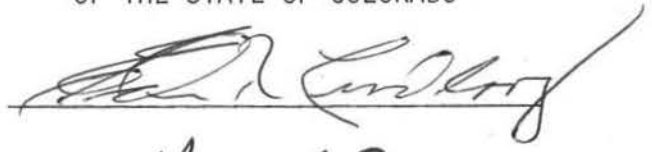
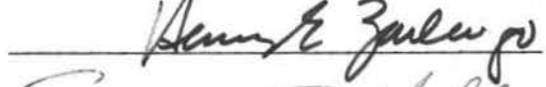
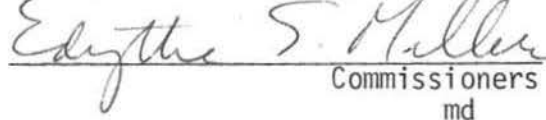
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE YOUNG LIFE CAMPAIGN, 720 WEST)
MONUMENT, COLORADO SPRINGS, COLO-)
RADO, OWNER OF ALL THE ISSUED AND)
OUTSTANDING CAPITAL STOCK IN AND)
TO SKI COUNTRY COACHES, INC., FOR)
AUTHORITY TO TRANSFER SAID CAPITAL)
STOCK IN AND TO SKI COUNTRY COACHES,)
INC., RECORD OWNER OF CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 631 AND 631-I TO GARY L.)
LEE, 549 EAST CUCHARRAS, COLORADO)
SPRINGS, COLORADO.)

APPLICATION NO. 28860-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
THE YOUNG LIFE CAMPAIGN, 720 WEST)
MONUMENT, COLORADO SPRINGS, COLO-)
RADO, OWNER OF ALL THE ISSUED AND)
OUTSTANDING CAPITAL STOCK IN AND)
TO SKI COUNTRY COACHES, INC., FOR)
AUTHORITY TO TRANSFER SAID CAPITAL)
STOCK IN AND TO SKI COUNTRY COACHES,)
INC., RECORD OWNER OF CONTRACT)
CARRIER PERMIT NO. B-7199 TO GARY)
L. LEE, 549 EAST CUCHARRAS, COLORADO)
SPRINGS, COLORADO.)

APPLICATION NO. 28861-PP-Stock Transfer

ORDER OF THE COMMISSION

January 20, 1976

Appearances: John P. Thompson, Esq. and Raymond M. Kelley, Esq.
Denver, Colorado
Attorneys for Applicants

IT APPEARING, That by Notice of the Commission dated December 15, 1975, notice of the filing of the above-entitled applications was given to all interested persons, firms and corporations pursuant to CRS 1973, 40-6-108 (2);

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

IT FURTHER APPEARING, That pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in these proceedings should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filings, and the files and records of the Commission;

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

Wherefore, and good cause appearing therefor:

WE FIND, That the Transferee is fit, willing and able to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 631 and 631-I and Contract Carrier Permit No. B-7199 and that the transaction is compatible with the public interest and that the following Order should be entered.

IT IS ORDERED, That The Young Life Campaign, 720 West Monument, Colorado Springs, Colorado, owner of all the issued and outstanding capital stock in and to Ski Country Coaches, Inc., be, and is hereby, authorized to transfer all the issued and outstanding capital stock in and to Ski Country Coaches, Inc., record owner of Certificate of Public Convenience and Necessity PUC No. 631 and 631-I and Contract Carrier Permit No. B-7199 to Gary L. Lee, 549 East Cucharas, Colorado Springs, Colorado.




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

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

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

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM J. KYBIC, DOING BUSINESS AS)	APPLICATION NO. 28854-PP
"BILL KYBIC TRUCKING," 957 WESTVIEW)	
DRIVE, BOULDER, COLORADO, FOR AUTH-)	ORDER OF THE COMMISSION
ORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	

January 20, 1976

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

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

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

An appropriate Order will be entered.

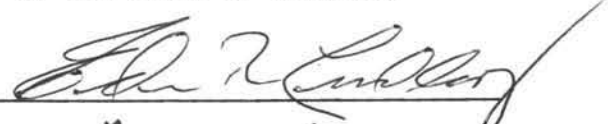

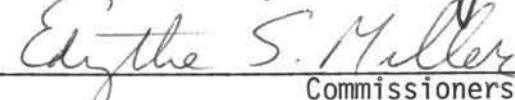
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88076
January 20, 1976

Bill Kybic Trucking

Transportation of

(1) Farm products

Between points located within the Counties of Larimer, Weld, Boulder, Adams and Jefferson, State of Colorado.

RESTRICTION: Item No. (1) of this Permit is restricted against the transportation of livestock, bulk milk and dairy products.

(2) Grass sod

Between all points located within the Counties of Larimer, Weld, Boulder, Adams and Jefferson, State of Colorado.

RESTRICTION: Item No. (2) of this Permit is restricted to rendering transportation service for the following named customers only:

- (a) Turf-Master Ltd., Fort Collins, Colorado;
- (b) Northern Colorado Sod, Berthoud, Colorado;
- (c) Strol Turf Farms, Loveland, Colorado;
- (d) Green Acres Sod, Longmont, Colorado;
- (e) Oakie-Dokie Sod, Mead, Colorado;
- (f) Loveland Turf Company, Loveland, Colorado; and
- (g) Green Hills Sod Company, Mead, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

BEKINS VAN & STORAGE COMPANY;
BONANZA MOVING & STORAGE CO.,
INC.; BOWERS TRANSFER &
STORAGE CO.; BUEHLER TRANSFER
CO.; CITY STORAGE & TRANSFER,
INC.; EDSON EXPRESS, INC.;
G. I. EXPRESS COMPANY, DOING
BUSINESS AS "G. I. MOVING &
STORAGE CO."; GOLDEN TRANSFER
CO.; JOHNSON STORAGE & MOVING
CO.; OVERLAND MOTOR EXPRESS,
INC., DOING BUSINESS AS "BOULDER-
DENVER TRUCK LINE"; AND WEICKER
TRANSFER & STORAGE CO.,

Complainants,

vs.

R & B MOVING & STORAGE CO.,
DOING BUSINESS AS "BROADWAY
MOVING & STORAGE CO.,"

Respondent.

CASE NO. 5632

RE: MOTOR VEHICLE OPERATIONS OF
RESPONDENT, R & B MOVING AND
STORAGE COMPANY, DOING BUSINESS
AS "BROADWAY MOVING AND STORAGE
COMPANY," DENVER, COLORADO, UNDER
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY PUC NO. 3584.

CASE NO. 5637

RECOMMENDED DECISION OF
JAMES K. TARPEY, EXAMINER

January 15, 1976

Appearances: David D. Mulligan, Esq.,
Denver, Colorado, for
Respondent R & B Moving
& Storage Co.
John P. Thompson, Esq.,
Denver, Colorado, for
Complainants Edson Express,
Inc.; Overland Motor Express,
Inc.; and Bowers Transfer
& Storage Co.
Joseph F. Nigro, Esq.,
Denver, Colorado, for
Complainants Bekins Van
& Storage Company; Bonanza
Moving & Storage Co., Inc.;
Buehler Transfer Co.; City
Storage & Transfer, Inc.;
G. I. Express Company;
Johnson Storage & Moving Co.;
and Weicker Transfer &
Storage Co.

Arthur R. Hauver, Esq.,
Denver, Colorado, for
Complainant Bowers Transfer
& Storage Co.

John E. Archibald, Esq.,
Denver, Colorado, Office
of the Attorney General,
for the Commission.

PROCEDURE AND RECORD

CASE NO. 5637

On October 14, 1975, the Commission issued Decision No. 87617, in which it stated that the Staff of the Public Utilities Commission conducted an investigation relating to the motor vehicle operations of R & B Moving & Storage Co., doing business as "Broadway Moving & Storage Co." ("Respondent") and that said investigation disclosed that Respondent had engaged in transportation practices that may be in violation of the Public Utility Law and the Rules and Regulations of the Commission. The alleged violations disclosed by the investigation of the Staff of the Commission are more fully set forth in said Decision No. 87617.

In Decision No. 87617, the Commission also ordered Respondent to appear before the Commission and show cause why the Commission should not take such action and enter such order or penalty as may be appropriate, including, but not limited to, a cease and desist order, or if warranted, an order canceling and revoking Certificate of Public Convenience and Necessity PUC No. 3584. Further, the Commission set the matter for hearing to be held at 10 a.m. on December 23, 1975, in the Commission's Hearing Room, Denver, Colorado.

CASE NO. 5632

On September 30, 1975, a complaint was filed against Respondent by the complainants listed in Case No. 5632, alleging violations under Respondent's Certificate as more fully set forth in said complaint. An Order to Satisfy or Answer was directed to Respondent, and a Motion to Dismiss said complaint was filed on October 28, 1975. Said Motion to Dismiss was denied in Commission Decision No. 87747, dated November 12, 1975.

On November 28, 1975, Respondent filed its Answer and a Motion for Consolidation. The Motion for Consolidation requested that the hearing in Case No. 5632 be consolidated with the hearing in Case No. 5637.

On December 2, 1975, in Decision No. 87852, the Commission granted the Motion for Consolidation and ordered that the hearing in Case No. 5632 be heard with Case No. 5637 on December 23, 1975.

CASE NO. 5637 AND CASE NO. 5632

The hearing on December 23, 1975, was held as scheduled by Examiner James K. Tarpey, to whom the matter had been duly assigned. At the hearing, a stipulation was placed in the record concerning the alleged violations committed by Respondent.

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

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

FINDINGS OF FACT

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

1. Respondent is owner and operator of Certificate of Public Convenience and Necessity PUC No. 3584, which provides as follows:

Transportation of

Crated and uncrated furniture and household appliances

From point to point within the corporate limits of the City and County of Denver, Colorado.

2. The allegations set forth in Case No. 5632 include, but are not limited to, the violations which are the subject of Case No. 5637.

3. Rule 3(a) of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle provides as follows:

Rule 3 - Extension of Certificate Prohibited.

(a) No common carrier shall extend, or in any manner enlarge, diminish, change, alter, or vary the route or routes, or the service authorized by its certificate, or serve any point or intermediate point or transport any commodity not included therein, unless and until such common carrier has made application to the Commission, and the Commission has authorized the same.

4. Respondent and the Staff of the Commission have entered into a stipulation wherein it states that Respondent has engaged in transportation practices in violation of the Public Utility Law and the Rules and Regulations of this Commission by transporting commodities and serving points not in the scope of authority granted in Certificate of Public Convenience and Necessity PUC No. 3584, and that said practices are contrary to Rule 3 of the Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire.

5. Upon acceptance of the stipulation by the Examiner, complainants in Case No. 5632 stated they would not pursue the other violations set forth in their complaint.

6. Respondent submitted that the violations set forth in the stipulation were mostly technical violations and were not made with the intent of deceiving the Commission or defrauding the public.

CONCLUSIONS ON FINDINGS OF FACT

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

1. During the period from January 8, 1975, through April 9, 1975, Respondent did engage in transportation practices in violation of the Public Utility Law and the Rules and Regulations of this Commission by serving customers at various locations and/or carrying commodities outside the scope and authority of its certificate, all in violation of Rule 3 of the Commission's Rules and Regulations Governing Common Carriers.

2. There is insufficient evidence to establish that Respondent knowingly and willingly violated the Public Utility Law and Rules and Regulations of this Commission or that Respondent's activities were done with the intent of deceiving the Commission or defrauding the public.

3. Inasmuch as Respondent has engaged in transportation practices in violation of the Public Utility Law and the Rules and Regulations of this Commission, Respondent's operating authority should be canceled and revoked. However, since the Respondent did not knowingly and willingly violate the Public Utility Law and Rules and Regulations of this Commission, and has now ceased such violations, Respondent should be given the opportunity to elect to pay, in lieu of said revocation and cancellation, a sum certain to the Treasurer of the State of Colorado, for the use and benefit of the Public Utilities Commission, under and pursuant to the provisions of the Public Utility Law.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent R & B Moving & Storage Co., doing business as "Broadway Moving & Storage Co.," having engaged in transportation practices in violation of the Public Utility Law and the Rules and Regulations of this Commission during the period from January 8, 1975, through April 9, 1975, by serving customers at various locations and/or carrying commodities outside the scope of its certificate, be, and hereby is, ordered to cease and desist from so doing.

2. Respondent's authority with this Commission, i.e., Certificate of Public Convenience and Necessity PUC No. 3584, be, and the same hereby is, revoked and canceled as of February 20, 1976; provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of two thousand dollars (\$2,000) to the Treasurer of the State of Colorado on or before February 20, 1976, for the use and benefit of the Public Utilities Commission, Cash Account No. 11456, in which event and upon the presentation of evidence of said payment to this Commission, that portion of this Order pertaining to the cancellation and revocation of the aforesaid certificate shall be null and void and of no effect, and said authority shall be fully operative.

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

4. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto;

but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF	)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN TARIFF - COLORADO	)	DOCKET NO. 993
PUC NO. 3 - ELECTRIC, Y-W ELECTRIC)	
ASSOCIATION, INC., AKRON, COLORADO	)	RECOMMENDED DECISION OF
80720.	)	ROBERT E. TEMMER,
	)	EXAMINER
)	
	)	ESTABLISHING NEW RATES

- - - - -
January 15, 1976
- - - - -

Appearances: Baxter W. Arnold, Esq.,
Sterling, Colorado,
for Respondent, Y-W
Electric Association,
Inc.

PROCEDURE AND RECORD

On October 1, 1975, Y-W Electric Association, Inc., hereinafter referred to as Respondent, filed its Advice Letter No. 9, together with certain proposed tariff sheets. The proposed effective date was November 1, 1975. The Commission, by Decision No. 87647, issued October 21, 1975, suspended the effective date of the tariff sheets until May 29, 1976, or until further order of the Commission, and set the matter for a hearing to be held on December 22, 1975, at 10 a.m. in a hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

Due and proper notice of the hearing was given to all interested persons, firms, or corporations. The hearing was held at the set time and place by Robert E. Temmer, Examiner, to whom the matter had been duly assigned. Exhibits 1 through 5 were offered and admitted into evidence, and official notice was taken of certain documents and records in the Commission's files, to-wit:

1. Certificate of Incorporation of Y-W Electric Association, Inc., showing Respondent is a Colorado corporation authorized to do business in the State of Colorado.
2. Decision No. 47069 of this Commission dated January 7, 1957, wherein this Commission found that Respondent was a public utility subject to the jurisdiction of the Commission and delineated its service area.
3. Advice Letter No. 9 from the Respondent to the Commission dated October 1, 1975, and containing the tariff sheets for the amended rates which are the subject of this proceeding.

4. Answers to Appendix "A" dated October 1, 1975, filed with the Commission by the Respondent.

Gerald E. Hager and W. Craig Merrell of the Staff of this Commission appeared at the hearing for the purpose of asking questions in clarification.

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

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

FINDINGS OF FACT

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

1. Respondent, Y-W Electric Association, Inc., is a public utility as defined in 40-1-103, CRS 1973, and is subject to the jurisdiction of this Commission.
2. Respondent is a corporation organized under the laws of the State of Colorado and is a cooperative electric association that supplies electric service to its members and consumers located in the counties of Yuma and Washington, and towns of Akron, Otis, and Eckley, all in the state of Colorado.
3. On October 1, 1975, Respondent filed its Advice Letter No. 9, together with proposed tariff sheets, and immediately thereafter gave due and proper notice of its subject tariff filing to all its members and consumers. No person or firm appeared at the hearing to protest the proposed tariff filing.
4. Respondent proposes as a test year the 12 months ending February 28, 1975. This was the period for which the latest completed data was available at the time Respondent had a cost-of-service study performed, and includes one full irrigation season. This is a proper test year for this proceeding.
5. Respondent's operating income for the test year, per books, was \$572,019. Respondent proposed adjustments to this figure to show the effect of an increase in Respondent's wholesale power costs, and of an increase in Respondent's retail rates. These adjustments are proper, and after making these adjustments, Respondent's operating income as adjusted for the test year was \$605,584. In arriving at this figure, Respondent has included as operating expenses certain advertising costs, membership dues, and contributions. Advertising expenses, membership dues, whether for industry organizations or social clubs, and contributions are only allowable expenses for rate-making purposes if a Respondent can demonstrate by competent evidence that these expenses are of benefit to the ratepayers. In the past this Commission has discussed these types of expenses and has allowed or disallowed certain classifications. The test has been, and still is, whether or not the expenses are of benefit to the ratepayers, and therefore, simply relying on classifications as a guide is not proper. The proper method to be followed is that if a Respondent desires to include any of these types of expenses for rate-making

purposes, competent evidence should be presented to show how and to what extent the expenses benefit the ratepayers so that a determination can be made as to whether or not the ratepayers do in fact benefit, and, therefore, whether or not the expenses will be allowed for rate-making purposes. If sufficient evidence is not presented, the expenses will be disallowed.

Applying this rule to this case, certain of the expense items that Respondent has included have to be disallowed. Respondent has included institutional or goodwill advertising, which it states is for the purpose of letting its members and consumers know what it is doing. While it may be true that a cooperative has a high duty to keep its members informed, sufficient information was not presented to show that this type of expense does in fact benefit the ratepayers, and therefore it must be disallowed. Respondent has also included certain expenses for promotional give-away items, and since these items were not of benefit to the entire body of ratepayers, these expenses must be also disallowed. Respondent's other advertising was for the purpose of giving customers information on safety, conservation of energy, and assistance with problems concerning the use of electricity. This advertising was of definite benefit to the ratepayers and the expenses for it will be allowed for rate-making purposes.

Respondent has also included dues or contributions to the Otis Lions Club, the Akron Chamber of Commerce, the Alpha Nu Sorority, 4-H livestock, FFA, FBLA, the Washington County Stockmen's Association, the NRECA Legislative Rally, and the CREA Coop Camp. Insufficient evidence of benefit to the ratepayers was presented concerning these matters, and therefore they all must be disallowed.

Respondent also included amounts for CREA dues, NRECA dues, Mountain States Employers' Council, and TNT. With the exception of TNT, these amounts are of benefit to the ratepayers because Respondent receives assistance in management techniques so it can more effectively operate the electric cooperative, and also receives assistance in the form of safety instruction and in being able to make purchases at lower costs because of joint buying through CREA. These expenses are of benefit to the ratepayers and will be allowed, with the exception of the expenses for TNT of which insufficient evidence of benefit to the ratepayers was presented, so the expenses for TNT will be disallowed.

The total of the disallowed expenses mentioned above amounts to \$5,693, and this has the affect of increasing utility operating income by that amount and decreasing Respondent's rate base by \$702. Therefore, Respondent's utility operating income after proper adjustments for the test year was \$611,277.

Respondent contends that its rate base after adjustments for the test year was \$13,659,495. Making the adjustment to this figure for the expenses disallowed results in Respondent having a rate base for the test year of \$13,694,793.

6. Respondent has experienced increases in its cost of operations in many areas in the past few years. A major factor has been the increase in costs of wholesale power that Respondent purchases. Effective December 24, 1975, Respondent's wholesale power supplier put into effect new rates, including a ratchet clause which will increase wholesale power costs approximately 23.3 percent. If Respondent is not granted a rate increase, this increase in wholesale power costs will cause Respondent's operating income to decrease to such an extent that Respondent will be in a loss position, and its operating income would be a negative \$167,438.

7. Respondent has proposed rate increases that Respondent contends will produce \$768,004 of utility operating income. Adjusting this figure to show the affect of disallowed expenses shows that if Respondent's proposed rate increase is allowed to go into effect, Respondent's utility operating income will be \$773,697. Respondent's rate base would be \$13,722,797, after making appropriate adjustments to working capital, and this would result in Respondent having an overall rate of return of 5.638 percent.

8. This Commission, in Decision No. 78921 established a range of reasonable rates of return for electric cooperatives. That range of reasonable rates of return was 3.4 percent to 5.6 percent, and it was based on the assumption that the embedded cost of debt for a rural electric cooperative was 2 percent. Respondent's embedded cost of debt is 2.08 percent and adjusting for this embedded cost of debt produces a range of reasonable rates of return of 3.46 percent to 5.64 percent. A rate of return of 5.638 percent is within the range of reasonable rates of return, and will be a fair and reasonable rate of return for Respondent.

9. Respondent has proposed to spread the increase in rates based on a cost-of-service study. A major factor considered in this cost-of-service study was the affect of the ratchet clause of Respondent's wholesale power supplier. The affect of the ratchet clause is that for off-peak months Respondent will have to pay a penalty based on the difference in demand between one-half the peak during the summer and the measured monthly demand times the charge per kw of demand. Thus, if the monthly demand during the non-irrigation months is less than one-half the maximum demand during the summer, the ratchet penalty will be applied; and the demand charge will be based upon one-half the peak which occurred during the preceding June, July, August, or September. Respondent's peak is during the summer and is caused by irrigation pumping. Respondent has therefore allocated the charges it will incur as a result of the ratchet clause to the irrigation customers, and they will experience the largest increases in rates. Y-W has also proposed to institute summer and winter rates for residential customers to help discourage adding to load during these summer peak months. The methods chosen by Respondent to spread the increase in rates and to allocate costs are just and reasonable and not unduly discriminatory.

10. Respondent is operating efficiently and has programs to keep costs at a minimum.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Respondent's existing rates do not, and will not, in the foreseeable future, produce a rate of return for Respondent which will be just and reasonable, and in the aggregate such rates are unjust and unreasonable.

2. The rates proposed by Respondent with its Advice Letter No. 9 are just, reasonable, and not unduly discriminatory, and the same should be established as the effective rates.

3. A rate of return of 5.638 percent for Respondent is just and reasonable and is required to maintain the financial integrity of

Respondent and to allow Respondent to continue to provide electrical service to its customers.

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

ORDER

THE COMMISSION ORDERS THAT:

1. The tariff sheets filed by Y-W Electric Association, Inc., on October 1, 1975, under its Advice Letter No. 9, be, and hereby are, established as the effective rates and charges as of the effective date of this Order.

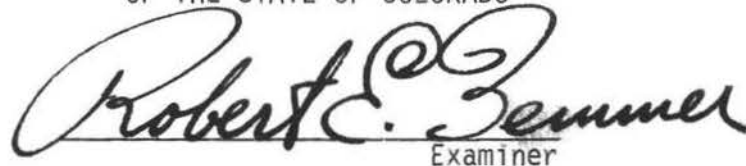
2. Y-W Electric Association, Inc., shall, within thirty (30) days of the effective date of this Order, file with the Commission substitute tariff sheets containing the rates, rules, and regulations, as proposed under Advice Letter No. 9, but indicating thereon the effective date and the authority of this Decision. Such filing shall be accompanied by a new Advice Letter, but is intended solely for record purposes and may be made without further notice, this Order being fully self-executing in all respects.

3. Investigation and Suspension Docket No. 993 be, and hereby is, closed.

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

5. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/jp

(Decision No. 88078-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF	)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN TARIFF - COLORADO	)	DOCKET NO. 993
PUC NO. 3 - ELECTRIC, Y-W ELECTRIC)	
ASSOCIATION, INC., AKRON, COLORADO)	
80720.	)	ERRATUM NOTICE

- - - - -
January 20, 1976
- - - - -

Decision No. 88078
(Issued January 15, 1976)

Page 3, Finding of Fact No. 5, last paragraph, last line, change
"\$13,694,793" to "\$13,658,793."

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HARRY A. GALLIGAN, JR., Secretary

Dated at Denver, Colorado, this
20th day of January, 1976.

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAVID J. MORGAN AND DAVID L.)
GRABHER, DOING BUSINESS AS "HILL-)
CREST EXCAVATING CO.," 116 SOUTH)
PARK AVENUE, MORRISON, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CON-)
TRACT CARRIER PERMIT NO. B-8556 TO)
HILLCREST EXCAVATING CO., INC.,)
116 SOUTH PARK AVENUE, MORRISON,)
COLORADO.)

APPLICATION NO. 28827-PP-Transfer
ORDER OF THE COMMISSION

- - - - -
January 20, 1976
- - - - -

Appearances: George Aucoin, Esq., Lakewood, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

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

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

An appropriate Order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-8556, as granted by Commission Decision No. 87371 dated August 26, 1975, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with the conditions and requirements of this Order, to be by them, or either of them, kept and performed.

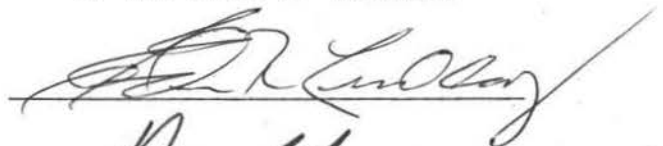
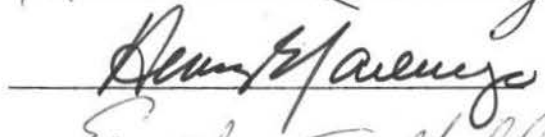
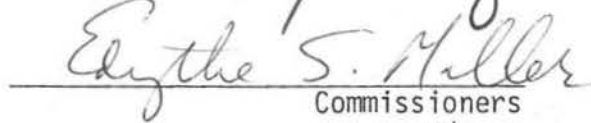
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MELLOW YELLOW TAXI CO., 500)
EAST COOPER STREET, ASPEN, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 1681.)

APPLICATION NO. 28829-Extension

ORDER OF THE COMMISSION

- - - - -
January 20, 1976
- - - - -

Appearances: John P. Thompson, Esq. and Raymond M. Kelley, Esq.
Attorneys for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, The Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 1681 to include the following:

"Transportation -- on call and demand -- of

Packages, parcels, baggage, messages, letters, papers
and documents

Between points within fifteen (15) miles of Aspen,
Colorado, including Aspen, Colorado.

RESTRICTION: This Certificate is restricted as follows:

- (a) No shipment shall exceed one hundred (100) pounds
in weight; and
- (b) To the use of taxicab equipment."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1681 as extended, shall read and be as set forth in the Appendix attached hereto.

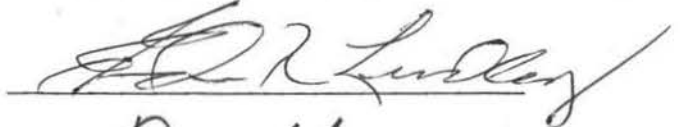
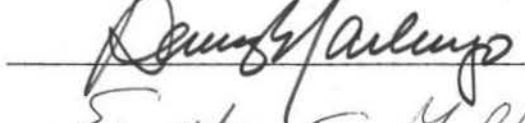
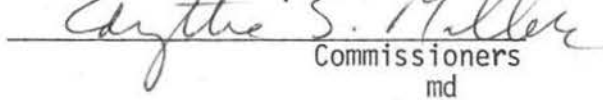
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88080
January 20, 1976

Mellow Yellow Taxi Company

(1) Transportation -- in taxicab service -- of

Passengers and their baggage

Between points in the County of Pitkin, State of Colorado, which are within a twelve (12) mile radius of Aspen, Colorado, and to and from said points from and to all points in the State of Colorado;

RESTRICTION: Item No. (1) of this Certificate is restricted as follows:

- (a) Restricted to the use of only vehicles having a capacity not to exceed seven (7) passengers;
- (b) Offices for the solicitation of business shall be located only within a twelve (12) mile radius of Aspen, Colorado.

(2) Transportation -- in sightseeing service -- of

Passengers

Between points and places in the following Counties of the State of Colorado: Garfield, Rio Blanco, Eagle, Mesa, Delta, Gunnison, Pitkin and Lake.

RESTRICTION: Item No. (2) of this Certificate is restricted as follows:

- (a) Restricted to the use of only vehicles having a capacity not to exceed twelve (12) passengers, including the driver;
- (b) Offices for the solicitation of business located only within a twelve (12) mile radius of Aspen, Colorado.
- (c) All transportation services rendered under Item (2) shall be restricted against trips which originate and terminate within a twelve (12) mile radius of Glenwood Springs, Colorado, and within a twelve (12) mile radius of Vail, Colorado.

(3) Transportation -- on schedule -- of

Passengers and their personal baggage

In limousines of a rated-seating capacity of not less than seven (7) nor more than twelve (12), including the driver, from and to Sardy Field (the Aspen Airport), to and from hotels and motels located in the Aspen and Snowmass area.

Mellow Yellow Taxi Company

(Continued from Page 3)

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

Packages, parcels, baggage, messages, letters, papers and documents

Between points within fifteen (15) miles of Aspen, Colorado, including Aspen, Colorado.

RESTRICTION: Item No. (4) of this Certificate is restricted as follows:

- (a) No shipment shall exceed one hundred (100) pounds in weight; and
- (b) To the use of taxicab equipment.

(Decision No. 88081)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARNOLD L. EMERY, DORIS J. EMERY,)
AND HENRY H. ROTENBURG, OWNERS OF)
ALL THE ISSUED AND OUTSTANDING)
CAPITAL STOCK IN AND TO CINEMA)
SERVICE, INC., FOR AUTHORITY TO)
TRANSFER SAID CAPITAL STOCK IN)
AND TO CINEMA SERVICE, INC., RECORD)
OWNER OF CONTRACT CARRIER PERMIT)
NO. A-5009 TO JACK E. L. RUSSELL)
AND ELSIE RUSSELL, PURCHASERS.)

APPLICATION NO. 28850-PP-Stock Transfer

ORDER OF THE COMMISSION

- - - - -
January 20, 1976
- - - - -

Appearances: Thomas J. Burke, Jr., Esq., Denver, Colorado
Attorney for Applicants

IT APPEARING, That by Notice of the Commission dated December 15, 1975, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1973, 40-6-108 (2);

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

IT FURTHER APPEARING, That pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

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

Wherefore, and good cause appearing therefor:

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

AND WE FURTHER FIND, That Transferee is fit, willing and able to control the operations authorized under Permit No. B-5009 and that the transaction is compatible with the public interest, and that an appropriate Order should be entered; and

IT IS ORDERED, That Arnold L. Emery, Doris J. Emery and Henry H. Rotenburg, owners of all the issued and outstanding capital stock in and to Cinema Service, Inc., be, and are hereby, authorized to transfer said capital stock in and to Cinema Service, Inc., record owner of Contract Carrier Permit No. B-5009 to Jack E. L. Russell and Elsie Russell, purchasers, subject to encumbrances, if any, against said authority approved by this Commission.

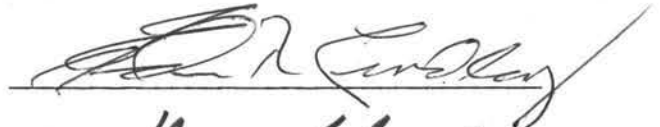
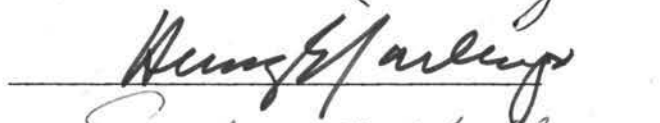

IT IS FURTHER ORDERED, That said transfer of stock shall become effective only if and when, but not before, said Transferors and Transferees in writing, have advised the Commission that said stock certificates have been formally assigned, and that said parties have accepted, and in the future will comply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

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

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

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88082)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
550 15TH STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY FOR THE CON-)
STRUCTION, OPERATION AND MAINTENANCE)
OF A STEAM ELECTRIC GENERATING PLANT)
TO BE KNOWN AS THE PAMNEE STEAM)
ELECTRIC GENERATING STATION, NEAR)
BRUSH, COLORADO.)

APPLICATION NO. 28815

ORDER GRANTING LEAVE TO INTERVENE

- - - - -
January 20, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1976, Morgan County Rural Electric Association, by its attorney David L. Roberts, filed with the Commission an Entry of Appearance in the above application.

The Commission states and finds that the above petition should be treated as a petition to intervene and that the petitioner, as so considered, is a person who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

An appropriate order will be entered.

O R D E R

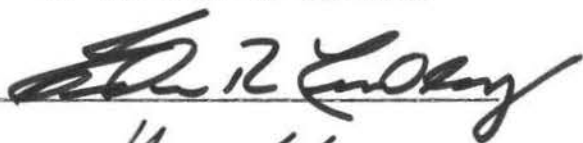

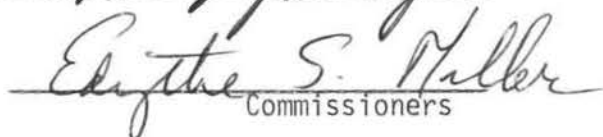
THE COMMISSION ORDERS THAT:

Morgan County Rural Electric Association be, and hereby is, granted leave to intervene in the above-entitled application.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of January, 1976.

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)	
RICHARD J. DRUML, DOING BUSINESS AS)	APPLICATION NO. 28543-PP
"FLORAL DELIVERY SERVICE," 1050)	
PENNSYLVANIA STREET, DENVER, COLORADO,)	RECOMMENDED DECISION OF
FOR A CLASS "B" PERMIT TO OPERATE AS)	ROBERT L. PYLE, EXAMINER
A CONTRACT CARRIER BY MOTOR VEHICLE)	
FOR HIRE,)	DISMISSING APPLICATION

January 15, 1976

Appearances: Wallis S. Stromberg, Esq.,
Denver, Colorado, for
Applicant Richard J. Druml,
doing business as "Floral
Delivery Service";
Arthur R. Hauver, Esq., Denver,
Colorado, for Protestant
Purolator Courier Corporation.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on July 29, 1975, and a request for emergency temporary authority and temporary authority was granted by Commission Decision No. 87274, dated August 5, 1975, and Commission Decision No. 87379, dated August 26, 1975, respectively.

The Commission assigned Docket No. 28543-PP to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

A protest was duly filed by Purolator Courier Corporation, and, after due and proper notice to all interested parties, the application was set for hearing on Wednesday, December 17, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Exhibit No. 1, which was an amended application, was tendered and admitted into evidence, whereupon Protestant withdrew. Testimony was taken from Applicant, and no other evidence was offered. At the conclusion of Applicant's case, Applicant was directed to file as late-filed exhibits an operating statement, balance sheet, interest payments, equipment list, and statements from supporting witnesses by January 5, 1976. The matter was then taken under advisement.

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

FINDINGS OF FACT

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

1. Applicant failed to file late-filed exhibits as indicated in the Procedure and Record, and apparently Applicant does not have the finances or other prerequisites to operate the authority if it were granted.
2. Under date of January 12, 1976, the Examiner received a letter from Applicant's attorney requesting that the application be dismissed.

CONCLUSIONS ON FINDINGS OF FACT

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


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

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28543-PP, being the application of Richard J. Druml, doing business as "Floral Delivery Service," be, and hereby is, dismissed.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc
jpb

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)
CARRIERS LISTED ON "APPENDIX A")
HERETO,)
Respondents.)

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

January 16, 1976

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

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on December 22, 1975. The matters were duly called for hearing pursuant to such notice on Monday, January 12, 1976, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, assigned by the Commission as Examiner in these proceedings pursuant to law.

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

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

FINDINGS OF FACT

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

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

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file

with the Commission, and failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.

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

O R D E R

THE COMMISSION ORDERS THAT:


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

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

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

4. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973:

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. 88084)

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Robert Weldon Knight & Johnny I. King, dba Knight & King Cattle Co. Trucking P. O. Box 310 Walsenburg, Co. 81089	351 & I	3536-Ins.
Frank A. Bensik 1801 Lakeview Ave. Pueblo, Co. 81001	3908	3538-Ins.
Jett Hardware Supply Co. P. O. Box 2365 Pueblo, Co. 81001	4251-I	3539-Ins.
Superior Foods, Inc. 9001 Chancellor Row Dallas, Texas 75247	5828-I	3540-Ins.
Chester Zemke, dba Zemke Trucking Route 1 Milledgeville, Ill. 61051	6604-I	3542-Ins.
Emmett Montgomery 1702 Bingham Stephenville, Texas 76401	6991-I	3544-Ins.
Larimer County House Moving, Inc. P. O. Box 182 Loveland, Co. 80537	7579	3545-Ins.
Charles E. Richardson 935 No. Sunflower Covina, Ca. 91722	8199-I	3547-Ins.
C. E. Cockream P. O. Box 94332 Oklahoma City, Oklahoma 73109	8413-I	3548-Ins.
K & K Transportation Corp. 4515 North 24th Street Omaha, Nebraska 68110	8691-I	3550-Ins.
Kenneth Stout Produce, Inc. 311 South Ellison Street Oklahoma City, Oklahoma 73108	9075-I	3551-Ins.

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

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Day Trucking Service, Inc. Route 2 Cleveland, Oklahoma 74020	9370-I	3552-Ins.
Laverne T. Owens 549 Riverside Rd. Billings, Montana 59101	9734-I	3554-Ins.
Mountain Flying Service, Inc. P. O. Box 246 Gypsum, Co. 81637	9745	3555-Ins.
Charles W. Conway, dba Academy Cab P. O. Box 202 Palmer Lake, Co. 80133	9904	3556-Ins.
Donald & Elaine Miller Draper, South Dakota 57531	9932-I	3558-Ins.
Virgil E. Harvey Box 348 Highmore, South Dakota 57345	10148-I	3560-Ins.
North East Express, Inc. P. O. Box 127 Mountaintop, Penn. 18707	10328-I	3561-Ins.
Lee Taylor, dba APX-Agricultural Produce Express 2724 First St. SW, Box 1133 Mason City, Iowa 50401	10352-I	3562-Ins.
Mack Prince Box 166 Cherokee, Oklahoma 73728	10437-I	3563-I
Charles R. Ghilino 416 Euclid St. Ft. Morgan, Co. 80701	B-6843	3565-Ins.
Stanley Green Walden, Co. 80480	B-8095	3569-Ins.
Lester W. Cox, Jr. Box 538 Craig, Co. 81625	B-8479	3570-Ins.
Raymond Pfaffenhauser, dba Pfaffenhauser Construction Box 18, Alamo Star Rt. Walsenburg, Co. 81089	B-8480	3571-Ins.

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

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Don K. Wernick 3604 West County Road Berthoud, Co. 80513	B-8506	3572-Ins.
Robert J. MacKenzie 205 Ammons Street Lakewood, Co. 80226	B-8560	3573-Ins.
Electron Corp. (The) 5101 So. Rio Grande Ave. Box 208 Littleton, Co. 80120	M-78	3574-Ins.
Oliver Loper, dba Oliver Loper Concrete Contractor 2860 Melvina Ave. Canon City, Co. 81212	M-249	3575-Ins.
Melvin B. Harms, dba Harm's Grain Co. Box 358 Cheyenne Wells, Co. 80810	M-680	3579-Ins.
Thompson Bros., Inc. P. O. Box 457 Toronto, So. Dakota 57268	M-1082	3581-Ins.
Gates Rubber Co. (The) 999 So. Broadway Denver, Co. 80217	M-1302	3582-Ins.
Freeman South 614 Lincoln La Junta, Co. 81050	M-1346	3583-Ins.
Tri K Trucking, Inc. East Highway 136 Oxford, Ne. 68967	M-1730	3584-Ins.
Rodger M. & Rose A. Fay, dba Brick Transports 209 Cunningham Drive Security, Co. 80911	M-2255	3585-Ins.
Fred Murphy, dba Murphy Construction 9189 Dudley Broomfield, Co. 80080	M-2287	3586-Ins.
James F. Sorensen, dba Wood Company Box 442 Basalt, Co. 81621	M-2447	3587-Ins.

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

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Brick, Inc. 4425 Race Street Denver, Co. 80216	M-2506	3588-Ins.
L. P. & N. B. & L. B. Creaghe, dba Creaghe Packing Co. 13th & Pearl Streets Lamar, Co. 81052	M-2713	3592-Ins.
Alfredo Morales 3211 10th St., Space 1 Greeley, Co. 80631	M-3061	3593-Ins.
Utenart Pippins 3026 Columbine Denver, Co. 80205	M-3581	3599-Ins.
Ditch Witch of Idaho, Inc. Route 2, Grandview Drive Twin Falls, Idaho 83301	M-3857	3600-Ins.
Theo Boulware, dba Boulware Mercantile Co. Sheridan Lake, Co. 81071	M-3928	3601-Ins.
Gates Rubber Co. 999 So. Broadway Denver, Co. 80209	M-4224	3604-Ins.
Raymond B. Ingle 417 1/2 No. Santa Fe Pueblo, Co. 81001	M-4447	3605-Ins.
ADSCO of Colorado, Inc. 531 East 99th Place Denver, Co. 80229	M-4541	3607-Ins.
Don & Marguerite Blouch, dba Riverside Garage Grand & Aspen Streets Hot Sulphur Springs, Co. 80451	M-4605	3608-Ins.
Herb Williams Lumber Co. 259 W. 9th St. Durango, Co. 81301	M-5161	3610-Ins.
Melvin Trailer Sales, Inc. Box 1182, 1415 N. 9th Salina, Kansas 67401	M-5283	3611-Ins.
Mary Ann Beaty, dba Wheatridge Catering 1140 El Paso Blvd. Denver, Co. 80221	M-5740	3612-Ins.

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

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
United Sheet Metal, Inc. Box 1284, Ft. Worth Highway Bowie, Tx 76230	M-5811	3613-Ins.
Jett Hardware Supply Co. 1103 S. Santa Fe, Box 2365 Pueblo, Co. 81004	M-6162	3615-Ins.
Twin City Fruit, Inc. 11 Sherman Street Deadwood, So. Dakota 57732	M-6184	3616-Ins.
American Clay Works & Supply Co. 857 Bryant St. Denver, Co. 80204	M-6397	3618-Ins.
Kerdy Wrecking Co., Inc. Rt. L, Box 165, 8311 Quebec St. Commerce City, Co. 80022	M-6533	3620-Ins.
John W. Cramer, dba Fort Collins Furniture 1760 La Porte Ave. Ft. Collins, Co. 80521	M-6600	3621-Ins.
Verne R. Bixler, dba Colorado Agri-Feed 4420 Motebello Drive #406 Colorado Springs, Co. 80918	M-6905	3622-Ins.
Taylor Fence Co., of Colo. Springs 1410 Dustry Colorado Springs, Co. 80906	M-7308	3624-Ins.
Superior Foods, Inc. 9001 Chancellor Row Dallas, Tx. 75247	M-7762	3625-Ins.
Frank A. Bensik 1801 Lakeview Ave. Pueblo, Co. 81001	M-8450	3629-Ins.
Cheyenne Farmers Elevator Co., Inc., (A Corp.) Box 35 Cheyenne Wells, Co. 80810	M-9083	3633-Ins.
Terrell Grain Co., Inc. Kit Carson, Co. 80825	M-9182	3634-Ins.
Faith Contracting Corporation 1245 Boston Ave. Longmont, Co. 80501	M-9308	3635-Ins.

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

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Gray & Martin O. Hibbard, dba Hibbard Feed & Supply Box 575 Craig, Co. 81625	M-9872	3637-Ins.
Cortez Milling Co., Inc. Box 1030 Cortez, Co. 81321	M-10220	3638-Ins.
Glen J. Yates, dba Yates Oilfield Equipment & Supply Box 931 Ft. Morgan, Co. 80701	M-7519	3640-Ins.
William S. Hoyt P. O. Box 259 Lyons, Co. 80540	M-10556	3641-Ins.
Aubrey Ray Lambert General Delivery Saguache, Co. 81149	M-10886	3642-Ins.
Daniel C. Lewis 5230 Kilmer St. Golden, Co. 80401	M-11657	3644-Ins.
G. W. Hubbard 841 No. Spruce Colorado Springs, Co. 80905	M-11986	3645-Ins.
Lloyds Furs, Inc. 1600 Broadway Denver, Co. 80202	M-12663	3648-Ins.
McClure and Sons P. O. Box 338 Ault, Co. 80610	M-13599	3651-Ins.
Rocky Mountain Rodeo Co., Inc. & Taylor Rodeo Company, Inc. Micanite Route Canon City, Co. 81212	M-13792	3654-Ins.
Milo Werner Box 287 Penrose, Co. 81240	M-14458	3657-Ins.
Richard Mitchell 1660 South Marion St. Denver, Co. 80210	M-15142	3659-Ins.
Fleming Chevrolet, Inc. Box 368, 301 Main St. Fowler, Co. 81039	M-15414	3660-Ins.

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

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Texico Conf. Corp. of S.D.A., dba Academy Industries Box 205 Corrales, New Mexico 87048	M-15807	3663-Ins.
Arizona Refining Company Box 1453 Phoenix, Arizona 85001	M-15950	3664-Ins.
Fleming Chevrolet, Inc. P. O. Box 368, 301 Main Fowler, Co. 81039	T-573	3668-Ins.
Vincent Randazzo, dba Arapahoe Texaco 9076 East Arapahoe Rd. Englewood, Co. 80110	T-882	3669-Ins.
Gary Seyfried, dba Gary's Towing Service 2005 West Dartmouth Englewood, Co. 80110	T-1049	3672-Ins.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DAN A. LOOS, DOING BUSINESS AS)
"EVERGREEN DISPOSAL," P. O. BOX)
2050, EVERGREEN, COLORADO.)

PUC NO. 2754
PUC NO. 3994

- - - - -
January 20, 1976
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from Dan A. Loos, owner and operator of Evergreen Disposal, P. O. Box 2050, Evergreen, Colorado, requesting the Commission's approval of an encumbrances of Certificates of Public Convenience and Necessity PUC No. 2754 and PUC No. 3994 to the First National Bank, P. O. Box 610, Evergreen, Colorado, to secure payment of indebtedness in the principal sum of One Hundred Thousand and Twenty-One Dollars (\$100,021.00) in accordance with the terms and conditions of the Security Agreement and Financing Statement dated December 24, 1975, as executed by and between said parties.

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

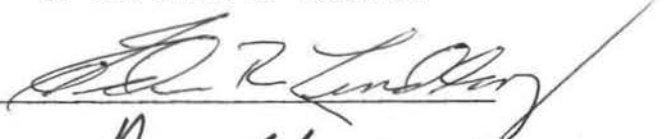
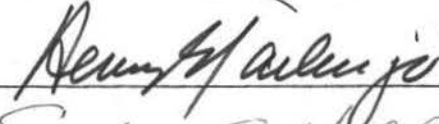

O R D E R

THE COMMISSION ORDERS:

That Dan A. Loos, doing business as Evergreen Disposal, P. O. Box 2050, Evergreen, Colorado, be and hereby is, authorized to encumber all right, title and interest in and to Certificates of Public Convenience and Necessity PUC No. 2754 and PUC No. 3994 to the First National Bank, P. O. Box 610, Evergreen, Colorado, to secure payment of the indebtedness in the amount of One Hundred Thousand and Twenty-One Dollars (\$100,021.00) in accordance with the terms and conditions set forth in the statement preceding.

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
KENNETH J. NAYLOR, LILLIAN O. NAYLOR,)	APPLICATION NO. 28505-Extension
DOING BUSINESS AS "NAYLOR SANITATION)	
SERVICE," 925 ORCHARD AVENUE, CANON)	RECOMMENDED DECISION OF
CITY, COLORADO, FOR A CERTIFICATE OF)	ROBERT L. PYLE, EXAMINER
PUBLIC CONVENIENCE AND NECESSITY)	
AUTHORIZING EXTENSION OF OPERATIONS)	DISMISSING APPLICATION
UNDER PUC NO. 7509.)	

January 16, 1976

Appearances: Bruce Johnson, Esq., Canon
City, Colorado, for Applicant
Kenneth J. Naylor and Lillian O.
Naylor, doing business as
"Naylor Sanitation Service."

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on March 13, 1975, to which the Commission assigned Docket No. 28505 and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

No protests were filed, and, after due and proper notice to all interested parties, the application was set for hearing on Wednesday, December 3, 1975, at 10 a.m. in the Municipal Courtroom, Canon City, Colorado, at which time and place the matter was called for hearing by Examiner Robert L. Pyle, to whom it was duly assigned.

The primary purpose of the hearing was to consider the overlap of authorities to this requested extension. At the time the matter was called for hearing, Applicant's attorney advised the Examiner that Applicant was called out of the state due to an emergency and would not be present for the hearing. Additional conversation with Applicant's attorney revealed that the matter could probably be determined by filing late-filed exhibits and therefore avoid an additional trip to Canon City for the hearing. Applicant's attorney agreed to file said late-filed exhibits and information. The matter was thereupon taken under advisement.

Pursuant to the provisions of 40-6-108, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, and a written recommended decision containing findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. No late-filed exhibits or statements were ever filed by Applicant and have not been filed as of this date.

2. In a telephone call with Applicant's attorney on or about December 11, 1975, said attorney indicated that he might possibly withdraw the application and refile it at a later date.

3. On or about January 8, 1976, Applicant's attorney advised that the application would, in fact, be withdrawn.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The application should be dismissed.

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

O R D E R

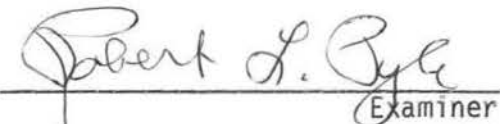
THE COMMISSION ORDERS THAT:

1. Application No. 28505-Extension, being the application of Kenneth J. Naylor and Lillian O. Naylor, doing business as "Naylor Sanitation Service," 925 Orchard Avenue, Canon City, Colorado, for a certificate of public convenience and necessity authorizing the extension of operations under PUC No. 7509, be, and hereby is, dismissed.

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

3. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28759-Suspension
COLORADO TRAIN LEASE, INC., DOING)	
BUSINESS AS "STEAMBOAT STAGE)	ORDER OF ROBERT L. PYLE,
COMPANY," P. O. BOX 59, STEAMBOAT)	EXAMINER
SPRINGS, COLORADO, FOR AUTHORITY)	
TO SUSPEND OPERATIONS UNDER PUC NO.)	CONTINUING HEARING
8539 FOR A PERIOD OF SIX (6) MONTHS.)	

January 16, 1976

Appearances: Thomas Kelley, Esq., Denver,
Colorado, for Applicant
Colorado Train Lease, Inc.,
doing business as "Steamboat
Stage Company";
J. B. Stone, Esq., Denver,
Colorado, for Protestant
Rocky Mountain Airways, Inc.

STATEMENT

BY THE EXAMINER:

This is an application by Colorado Train Lease, Inc., doing business as "Steamboat Stage Company," requesting authority to suspend operations under Certificate of Public Convenience and Necessity PUC No. 8539 for a period of six (6) months. Generally, pursuant to the letter of Authority, PUC No. 8539 authorizes transportation of passengers and their baggage, in schedule limousine or bus service, between the Steamboat Springs Airport and points located within the town of Steamboat Springs, Colorado, and the Mount Werner Ski Area, with the right to render service to and from the Yampa Valley Airport when necessary. There is also an equipment restriction contained in the Letter of Authority.

The application was filed with this Commission on November 5, 1975, together with certain financial data, and, under date of November 6, 1975, a letter was directed to Applicant, which, among other things, called attention to the fact that it was Applicant's responsibility "to give at least thirty (30) days' notice to the public by posting a notice in obvious places." This letter was intended to call attention to Applicant's compliance with Rule 19(g) of the Commission's Rules of Practice and Procedure for Common Carriers of Passengers and Package Express Transported by Passenger Vehicle. Specifically, Rule 19(g) in Paragraph 2 thereof provides as follows:

NOTICE TO PUBLIC

2. Common Carriers of Passengers and Package Express Transported By Passenger Vehicle

A passenger carrier shall post in a prominent place in each terminal facility of the carrier a printed notice of any proposed tariff revision or time schedule change. Such printed notice shall advise the public of the proposed changes; the proposed effective date thereof; that a written protest to the proposed changes may be filed with the Commission; the date for the filing of protests; and the address of the Commission where protests may be filed. Such printed notice shall also advise the public that the effective date of the proposed changes may be suspended by the Commission; that, if suspended, a hearing may be held thereon; and that any affected person may request from the Commission a notice of hearing. A passenger carrier must also conspicuously post a copy of the aforesaid printed notice in the passenger compartment of each vehicle used in the transportation of passengers affected by the proposed changes.

In the event a tariff revision results in an increase in rates or charges, a passenger carrier, or its authorized tariff publishing agent, in addition to the above and foregoing, shall also cause to be published in the Legal Notice section of a newspaper having general circulation in the State of Colorado a notice of such increase in rates or charges similar to that as set forth in part 1(a) of this Rule.

Each such carrier, or its authorized tariff publishing agent, shall file with the Commission an affidavit of such publication within ten days after the filing of the tariff.

Applicant admittedly did not so provide "notice to the public" in accordance with Rule 19(g), and hearing on this application scheduled for Wednesday, January 14, 1976, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, was therefore vacated, and the matter is reset for hearing as hereinafter provided.

In addition to resetting the application for hearing, the parties were directed to furnish the Examiner, prior to hearing, certain matters as hereinafter provided.

At the time this matter was originally called for hearing on Wednesday, January 14, 1976, Protestant filed a written MOTION TO SET FOR ADDITIONAL HEARINGS, the gist of which was a request for further hearing in Steamboat Springs, Colorado, to facilitate public witnesses who might be interested in this proceeding. Said MOTION was granted.

O R D E R

THE EXAMINER ORDERS THAT:

1. Applicant shall comply fully with Rule 19(g) of the Commission's Rules of Practice and Procedure.

2. Prior to the rescheduled hearing, Applicant shall furnish to the Examiner an affidavit of compliance with Rule 19(g) of the Rules of Practice and Procedure, copies of all tariffs and rates pertaining to the operation of Certificate of Public Convenience and Necessity PUC No. 8539, and information pertaining to any other authority from this Commission held either by Applicant or principals and/or associates of Applicant.

3. Protestant has already furnished to the Examiner copies of exhibits it intends to offer into evidence at the time of hearing. Protestant may, however, present additional exhibits and evidence at the time of hearing if it chooses to do so.

4. This application is reset for hearing before the Commission on:

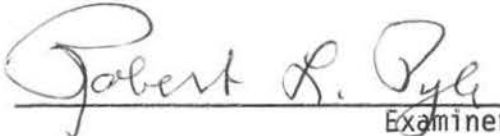
DATE: Tuesday, March 23, 1976

TIME: 9 a.m.

PLACE: District Courtroom
Routt County Courthouse
Steamboat Springs, Colorado.

5. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
VC
JP

(Decision No. 88088)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

STRAIT LUMBER CO.
11150 East Colfax Avenue
Aurora, Colorado 80010,

Complainant,

vs.

MOUNTAIN BELL
P. O. Box 960
Denver, Colorado 80201,

Respondent.

CASE NO. 5651

ORDER GRANTING
DISMISSAL OF CASE

January 20, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 12, 1976, Strait Lumber Co., Complainant and Mountain Bell, Respondent, filed with the Commission a Stipulation requesting that the Commission grant withdrawal of the above-captioned case.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

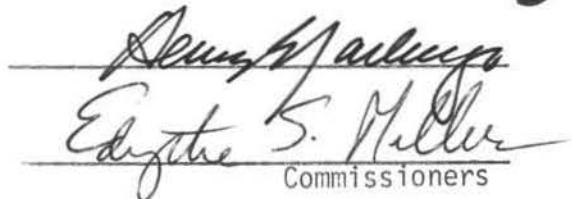
Case No. 5651 be, and hereby is, dismissed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of January, 1976.

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 MORGAN COUNTY RURAL ELECTRIC	)	APPLICATION NO. 28885-Securities
ASSOCIATION, FORT MORGAN, COLO-)	
RADO, FOR AN ORDER AUTHORIZING	)	ORDER OF THE COMMISSION
THE ISSUANCE OF SECURITIES AND	)	GRANTING APPLICATION
THE APPLICATION OF THE PROCEEDS)	
THEREFROM TO CERTAIN LAWFUL PUR-)	
POSES.)	

- - - - -
January 20, 1976
- - - - -

Appearances: David L. Roberts, Esq.,
Fort Morgan, Colorado,
for Applicant.

PROCEDURE AND RECORD

On December 22, 1975, Morgan County Rural Electric Association (hereinafter referred to as "Morgan County" or "Applicant") filed with the Commission the above-entitled application for authority (1) to execute an Amendment to the Amending Loan Contract, dated September 30, 1975, amending the Loan Contract between Morgan County and the United States of America, dated August 5, 1952, as amended; (2) to execute a Mortgage Note for \$916,000 to United States of America bearing interest at the rate of five percent (5%) per annum and payable within thirty-five (35) years after the date thereof; (3) to execute a Loan Agreement covering advances of \$229,000 dated September 30, 1975, between Morgan County Rural Electric Association and National Rural Utilities Cooperative Finance Corporation; and (4) to execute a Secured Promissory Note made by Morgan County Rural Electric Association to National Rural Utilities Cooperative Finance Corporation in the amount of \$229,000 bearing interest at the initial rate of 9¼% per annum with the interest rate to thereafter be subject to modification as set forth in said note; the note is payable within thirty-five (35) years after the date thereof.

The matter was set for hearing, after due and proper notice to all interested parties on January 16, 1976, at 9:00 A.M. in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and -- at such time and place -- was heard by Hearing Examiner, Thomas M. McCaffrey to whom the matter was assigned pursuant to law.

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

Applicant's General Manager, Engineering Consultant and Office Manager testified in support of the application.

Exhibits A, B, C, D, E, F(1), F(2), F(3), F(4), G, H, I, J, K, and L, inclusive, were admitted into evidence. Exhibit M, "Refund of Capital Credits", was filed as a late-filed exhibit.

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

FINDINGS OF FACT

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

1. Applicant, Morgan County Rural Electric Association, is a Cooperative Electric Association. It is engaged in the business of purchasing, acquiring, accumulating, transmitting, distributing, furnishing, and selling electricity to its members and non-member consumers on its lines located in the Counties of Adams, Logan, Morgan, Washington and Weld, all in the State of Colorado.
2. The Applicant herein is a corporation organized under the laws of the State of Colorado, and its Articles of Incorporation and all amendments thereto properly certified are on file with this Commission.
3. The Applicant needs the loan funds sought to be approved in this application for improvement of its electrical system; for construction, completion, extension and improvement of its properties; for improvement and maintenance of its service; and other lawful purposes.
4. The Board of Directors of Applicant, the Rural Electrification Administration, and the National Rural Utilities Cooperative Finance Corporation all have approved the herein two (2) loan applications totaling \$1,145,000 subject to approval by this Commission.
5. The financial position of Applicant and its ability to serve will not be impaired by this borrowing.
6. The Commission is fully advised in the premises.
7. Since section 40-1-104, CRS 1973, requires that securities applications be disposed of within thirty (30) days, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Examiner be omitted.

CONCLUSIONS ON FINDINGS OF FACT

Based upon the foregoing findings of fact it is the conclusion of the Commission that the authorization as sought in the instant application should be granted as hereinafter set forth.

1. Applicant, Morgan County Rural Electric Association, is a public utility as defined in section 40-1-103, CRS 1973.
2. The Commission has jurisdiction over the Applicant and the subject matter of this application.
3. Pursuant to section 40-6-109 (6), CRS 1973, this Decision should be the initial decision of the Commission.
4. Each of the following is not inconsistent with the public interest, and the purpose or purposes thereof are permitted by and are consistent with the provisions of Title 40, CRS 1973:
 - A. The Amendment, dated September 30, 1975, to the Amending Loan Contract between Morgan County Rural Electric Association and the United States of America, dated August 5, 1942, (Exhibit F(1);
 - B. The Mortgage Note payable to the United States of America in the amount of \$916,000 (Exhibit F(2);

C. The Loan Agreement, dated September 30, 1975, between Morgan County Rural Electric Association and the National Rural Utilities Cooperative Finance Corporation (Exhibit F(3);

D. The Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$229,000 (Exhibit F(4);

and each should be authorized and approved.

O R D E R

THE COMMISSION ORDERS THAT:

1. Each of the following be, and the same hereby is, authorized and approved:

A. The execution of the Amendment dated September 30, 1975, to the Amending Loan Contract between Morgan County Rural Electric Association and the United States of America, dated August 5, 1952, (Exhibit F(1);

B. The issuance of the Mortgage Note to the United States of America, in the amount of \$916,000 Exhibit F(2);

C. The execution of the Loan Agreement dated September 30, 1975, between Morgan County Rural Electric Association and the National Rural Utilities Cooperative Finance Corporation (Exhibit F(3);

D. The issuance of the Secured Promissory Note payable to National Rural Utilities Cooperative Finance Corporation in the amount of \$229,000 (Exhibit F(4).

2. Within one hundred twenty (120) days of the execution of the four (4) loan instruments authorized herein, Morgan County Rural Electric Association shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

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

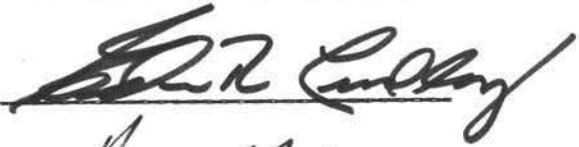
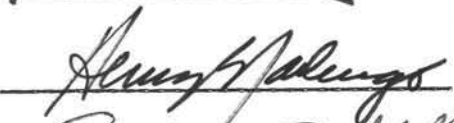

4. The Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders as to it may seem proper or desirable.

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

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

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

ds
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: GENERAL INVESTIGATION IN THE	)	CASE NO. 5062
MATTER OF THE OPERATIONS OF TAXI-)	
CABS, AND THE ADOPTION OF RULES	)	RECOMMENDED DECISION OF
AND REGULATIONS GOVERNING TAXI-	)	THOMAS M. McCAFFREY,
CABS.	)	EXAMINER
)	
	)	ADOPTING RULES AND REGULATIONS
	)	GOVERNING TAXICABS

January 19, 1976

Appearances: Harlan G. Balaban, Esq., and
Walter M. Simon, Esq.,
Denver, Colorado, for
Yellow Cab, Inc., Respondent;
Eric Paul, Esq., Denver,
Colorado, for Yellow Cab
Co. of Colorado Springs
and El Paso Cab Co., Respondents;
William J. Madden, Esq.,
Denver, Colorado, for
Andrew Lewis, doing business
as "Ritz Cab Co.," Respondent;
I. H. Kaiser, Esq., Denver,
Colorado, for Independent
Drivers Association of Denver,
Colorado, Intervenor;
George Sellens, Denver, Colorado,
pro se, of Cabs, Inc.;
John E. Archibold, Esq.,
Denver, Colorado, for the
Staff of the Commission.

PROCEDURE AND RECORD

On September 10, 1974, this Commission in Decision No. 85662 entered its "Order Reopening Case No. 5062." In entering this Order upon its own motion, the Commission stated that the Rules and Regulations Governing Operations of Taxicabs as contained in Decision No. 42213 issued March 11, 1954, in Case No. 5062 now may be outdated and no longer adequate in regulating present-day movement of passengers by taxicabs. The Commission further stated that the taxicab industry in Colorado has undergone considerable change, and that present methods of operation by taxicab companies holding Certificates of Public Convenience and Necessity from this Commission, may not be meeting adequately the transportation needs of the public, and it is therefore in the public interest to enter into a general investigation into the operations of taxicab companies operating in the state. In addition to the revision or replacement of the rules and regulations adopted by the aforesaid Decision No. 42213, the Commission ordered that the general investigation include, but not be limited to, consideration of the following: (1) present methods employed by

taxicab companies in compensating drivers; (2) the adequacy of service to the entire area authorized by individual Certificates of Public Convenience and Necessity, with special consideration given to the establishment of satellite stations; (3) the removal of restrictions in individual Certificates held by taxicab companies; (4) mandatory use of meters; and (5) service to Stapleton International Airport in Denver.

All common carriers holding Certificates of Public Convenience and Necessity authorizing the transportation of passengers by taxicab were made Respondents in the general investigation, and the Commission ordered that any of the Respondents, Intervenor, or any interested persons, firms, organizations, and corporations wishing to make written statements regarding the matters contained in the general investigation should do so by filing with the Secretary of the Commission copies of that statement on or before November 15, 1974. Each Respondent was also ordered to post a copy of the Order contained in Decision No. 85662 in a prominent place or places where it could be seen and read by all employees, and to advise the Commission by letter within ten days of the date of said Order that such posting had been accomplished. Various Respondents filed Notice of such posting, and the following filed written Statements of Position: Delta Taxi Service; Yellow Cab Company of Colorado Springs; El Paso Cab Co., Colorado Springs; City Cab Co., Pueblo, Colorado; Teamsters Local Union No. 435; Yellow Cab, Inc.; Andrew Lewis and Ida Lewis, doing business as "Ritz Cab Company"; Cabs, Inc., of Denver; Independent Drivers Association of Denver; and Alamosa Taxi Service.

With due and proper notice to all interested persons, firms, or corporations, the general investigation was originally set for hearing on Monday, March 10, 1975, which date was subsequently vacated and reset on Monday, March 17, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. Upon the written motion of Respondent Yellow Cab, Inc., a Pre-Hearing Conference was held on the scheduled hearing date by Examiner Thomas M. McCaffrey, to whom the matter had been duly assigned for hearing. Upon agreement of all parties present at the Pre-Hearing Conference, the Examiner in Decision No. 86534 issued March 24, 1975, set the matter for hearing commencing at 10 a.m. on Monday, May 19 through May 23, 1975, in the Hearing Room of the Commission in Denver. The hearing, in which the persons and firms listed under "Appearances" above participated, was held on the scheduled dates.

Prior to the hearing, Yellow Cab, Inc., took the oral deposition of Richard Gallagher, Executive Director of the International Taxicab Association. Present at the deposition were Harlan G. Balaban, Esq., and Walter M. Simon, Esq., representing Yellow Cab, Inc.; George Sellens and John Sellens, pro se, of Cabs, Inc. (Zone Cabs, Inc.); Lloyd Slave and William Barney, pro se, of Yellow Cab Company of Colorado Springs; and John E. Archibald, Assistant Solicitor General, for the Commission. As stipulated among the parties, Richard Gallagher's deposition was introduced into evidence in the hearing.

During the course of the hearing, Lloyd C. Espinosa, Vicki C. Benson, Ralph H. Knoll, David H. Cross, Oscar E. Franz, and Eugene K. Echardt, all of the Staff of the Commission, presented evidence. The following persons testified on behalf of the respective Respondents: Andrew Lewis of Ritz Cab Co.; George Pior, James J. Sadler, and Mr. Myrick Emrick of Yellow Cab, Inc.; David C. Pierce of Yellow Cab Company of Colorado Springs; Edward Dunn, John Sellens, and George Sellens of Cabs, Inc. (Zone Cab Co.); and Wally Baker of the Independent Drivers Association of Denver, Colorado.

Exhibits 1 through 18, inclusive, were offered and admitted into evidence. At the conclusion of the hearing, the Examiner took the matter under advisement.

Subsequent to the hearing, a document titled "Response of Cabs, Inc.," was filed with the Commission.

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

FINDINGS OF FACT

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

1. This Commission in Decision No. 42213 issued March 11, 1954, in Case No. 5062 adopted Rules and Regulations Governing Operations of Taxicabs. Pursuant to the authority granted in 40-2-108, CRS 1973, and Article 4 of Title 29, CRS 1973, the Commission in Decision No. 85662 issued September 10, 1974, entered its Order reopening Case No. 5062 and instituting a general investigation into the operations of taxicab companies operating in Colorado. The purpose of this investigation is to update the existing Rules and Regulations Governing Operations of Taxicabs so as to reflect changes in the taxicab industry, and to promulgate such new rules and/or modifications, amendments, additions, or deletions to the existing rules so as to ensure that taxicab companies holding authority from this Commission are adequately meeting the transportation needs of the public.

2. The Commission in the aforesaid Decision No. 85662 set forth four proposed rules to be considered for adoption, together with any suggestions, proposals, or additions thereto, filed by the Staff of the Commission, Respondents, Intervenor, and any interested persons, firms, organizations, or corporations. These proposed rules and regulations are as follows:

RULE 1

- (A) These rules apply to all common carriers by motor vehicle as defined in 40-10-101(4), CRS 1973 [formerly 115-9-1(4), CRS 1963, as amended], transporting persons in taxicab service, and all such carriers shall at all times comply with these rules, as well as the Rules Governing Common Carriers by Motor Vehicle, and all applicable statutes and laws of the State of Colorado.
- (B) In addition to these rules, common carriers of persons by taxicab should refer to and must abide by the Commission's Rules of Practice and Procedure with respect to rates, tariffs, filings, annual reports, procedure, and other matters pertaining to all carriers.

RULE 2

Multiple loading of passengers is prohibited except in cases where the first passenger engaging the taxicab approves of such multiple loading. Multiple loading shall not be allowed in any event where the carrier has not made provision in its tariff for reduced fares for those passengers riding under a multiple-loading arrangement. A copy of this rule shall be conspicuously posted in every taxicab.

RULE 3

A daily record shall be maintained detailing all pertinent information regarding each taxicab operated:

- (1) In an operation where cabs are directed by contact with office via radio or some other means, a master sheet will be kept of all cab movements.
- (2) In operations where cabs are operated at the prerogative of the driver, an individual record of the cab movements will be kept by the responsible driver.
- (3) Master sheets or individual records shall be correlated with meter totals. Meters will be maintained in all cabs and will print receipts to be given to all customers.

Contents of the daily record shall include, but not be limited to, the following:

- (1) Cab numbers, letters, or other identification.
- (2) Shift identification in-service number.
- (3) In-service and out-of-service time.
- (4) Shift statistics for each cab:
 - (a) Odometer reading at start, end, and computed total miles per shift.
 - (b) Taximeter readings at start, end, and computed total per shift of:
 - 1) Total miles
 - 2) Paid miles
 - 3) Trips (flag drops)
 - 4) Units (mileage increments)
 - 5) Extra passengers.

- (5) Trip statistics for each cab:
 - (a) Trip number
 - (b) Amount of fare
 - (c) Starting time of trip
 - (d) Pickup and delivery addresses.
- (6) A receipt form which can be attached to the master sheet or a printed receipt on the individual record whereby the driver attests and a representative of the certificate holder affirms that the gross revenue, as shown by taximeter and trip statistics has been turned over to and received by the certificate holder in settlement of each shift's business.

RULE 4

Passenger movement shall be by the shortest possible route, between the origin and destination, provided, however, that a passenger may designate the route he wishes to travel.

3. In addition to consideration of the four proposed rules set forth above, the Commission, in the aforesaid Decision No. 85662, ordered that this general investigation also include, but not be limited to, the following matters:

- (a) Methods presently used by taxicab companies in compensating drivers and the affect of such method on the rendering of service to the public, with specific consideration being given to the pay-off system wherein the cab driver pays the company for the use of the cab and then recovers this cost plus the driver's salary by transporting passengers under fares established by the company;
- (b) Adequacy of service within the entire service areas authorized by the respective Certificates, with special consideration to be given to establishment of satellite stations, and the stationing of equipment throughout the authorized area;
- (c) Removal of equipment restrictions in individual Certificates wherein the taxicab companies are limited in the number of taxicabs they may use in rendering service to the public;
- (d) Consideration of mandatory requirements for the use of meters; and
- (e) Service to Stapleton International Airport at Denver, Colorado.

4. The rules and regulations adopted and promulgated in this proceeding are to replace and supersede all rules and regulations promulgated, adopted, and approved, in Decision No. 42213, issued March 11, 1944, in Case No. 5062.

5. Proposed Rule 1(A) is standard language stating the applicability of the rules and regulations to common carriers by motor vehicle as defined in 40-10-101(4), CRS 1973 [formerly 115-9-1(4), CRS 1963, as amended], and this Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle, the provisions of which now overlap and duplicate many of the presently effective Rules and Regulations Governing Taxicabs.

Proposed Rule 1(B) is essentially a statement that all common carriers by taxicabs must also abide by this Commission's Rules of Practice and Procedure. There is no evidence of record to show why an enumeration of specific portions of these rules is appropriate or necessary. In the absence of such evidence, this enumeration should be deleted and the entire proposed Rule 1(B) incorporated into what is denominated proposed Rule 1(A) so that there will remain only one section to Rule 1 in lieu of two separate sections as proposed.

The terms and provisions of Rule 1 set forth in Appendix I attached hereto are necessary and proper and should be adopted as Rule 1 of this Commission's Rules and Regulations Governing Taxicabs.

6. The provisions of proposed Rule 2 are necessary and proper to meet the needs of members of the public utilizing taxicab services. There should, however, be added to this Rule a definition of "multiple loading." There should also be added to the proposed Rule 2 a provision that a schedule of the reduced fares to be charged multiple-load passengers shall be posted in every taxicab with a copy of Rule 2.

It is hereby found as fact that proposed Rule 2, as modified and amended by the additional provisions relating to a definition of "multiple loading," and a schedule of rates to be posted together with the complete Rule 2 in a conspicuous place in the taxicab, are reasonable, necessary, and proper to render reasonable, efficient, and prompt service to the public utilizing taxicabs.

7. The terms and provisions relating to reporting requirements contained in proposed Rule 3 constitute a definite improvement over presently required record-keeping methods and are clearly necessary to make available to the carrier, the driver, and this Commission meaningful information without which no accurate analysis of the carrier's operations can be made. It is, however, unreasonable to require receipt-printing meters in all cabs, and this proposed provision will thus be omitted from Rule 3 as adopted.

The terms and provisions of proposed Rule 3, excepting therefrom the mandatory requirement for the maintenance of meters, are reasonable, necessary, and proper and should be adopted.

8. Proposed Rule 4 is a rephrasing of existing Rule IX, with no substantive changes. The provisions of proposed Rule 4 are seemingly in conflict with Rule 2 as herein modified and adopted in that the route used in a multiple-loading situation may not be the shortest possible route, and said passenger, while necessarily agreeing to a given route under the provisions of Rule 2, does not necessarily "designate" the route to be taken. To eliminate this apparent conflict, proposed Rule 4 should be modified as follows:

Passenger movement shall be by the shortest possible route, between the origin and destination; provided,

however, that a passenger, having first been advised of the extent of deviation from the shortest possible route, may agree to an alternate route or designate the route he wishes to travel.

Proposed Rule 4, as above modified, is a necessary and proper inclusion of the rules and regulations to be adopted herein.

9. There is no evidence of record in this proceeding to show that the present methods employed by taxicab companies in compensating drivers is detrimental to rendering of service to the public. Methods of driver compensation, as agreed by the Staff of the Commission, should at this time be determined between the company and the drivers themselves, and until such time as the compensation methods are shown to be contrary to the public convenience and safety, this Commission should not promulgate rules and regulations directing such methods of compensation.

10. There is no substantial evidence of record to show that there is sufficient demand for taxicab service in the outlying areas of Respondents' respective certificated areas so as to make establishment of satellite stations in these areas either practical or economically feasible. Those Respondents authorized to serve the areas surrounding the larger cities in Colorado have not, however, encouraged use of cabs in those areas, so the actual need for such service in these areas is unknown.

This Commission should not at this time order any Respondent to establish satellite stations or place equipment throughout its certificated area. So that the public may be advised of the areas in which taxicab service is available, those Respondents authorized to serve within Denver, Boulder, Colorado Springs, Grand Junction, and Pueblo and radial areas of these cities will be ordered to notify the public through advertising. Such advertising will be accomplished by placing a block ad not less than two columns wide by five inches high in the yellow pages of the telephone directory, specifically stating therein the areas these carriers are authorized to serve.

11. There is no substantial evidence of record to show that removal of equipment restrictions would at this time improve the availability and quality of taxi service to the public, and there is thus insufficient evidence to show that the present or future public convenience and necessity requires, or will require, such restriction removal or that such action would be in the public interest. This Commission should therefore not in this proceeding remove the existing cab restrictions contained in any of the Respondents' Certificates.

12. It is hereby found as fact that the use of meters should not be made mandatory because of the vast differences in operations of taxicab companies within Colorado, and the fact that in some cities the use of zone rates has proven beneficial to the public and taxicab companies.

13. As recommended by the Staff of the Commission, and as shown by the evidence in this proceeding, no rule, regulation, or order should be issued in this proceeding concerning service to Stapleton International Airport in Denver. The Commission Staff is now and will continue to work with city officials and management of the concerned Respondent companies in an attempt to find and implement the best methods of providing adequate service to the public using Stapleton Field.

14. The rules and regulations as set forth in Appendix I attached hereto are necessary for this Commission's proper regulation of common carriers by taxicab, and said rules and regulations are in the public interest.

DISCUSSION AND BASES FOR FINDINGS OF FACT

In accordance with the stated purpose of this proceeding, the rules and regulations herein adopted update this Commission's Rules and Regulations Governing Taxicabs so as to reflect and adequately meet the transportation needs of the public. The rules and regulations promulgated herein replace 13 existing rules and regulations, many of which are now duplicated and superseded by the safety rules and regulations governing all common carriers. The rules as adopted, as well as the other subjects of investigation, are discussed hereinafter.

RULE 1.

This Rule defines, by statutory reference, the public utility to which these rules apply, i.e., common carriers by motor vehicle transporting persons in taxicab service. It further declares that such carriers shall at all times comply with this Commission's Rules Governing Common Carriers by Motor Vehicle, Rules of Practice and Procedure, and all applicable statutes and laws of the state of Colorado.

As proposed, this rule would separately state the applicability of the Commission's Rules of Practice and Procedure, referring specifically to certain portions of these rules. The Rules of Practice and Procedure govern all common carriers, and a separate statement containing an enumeration of applicable parts of these rules is not only unnecessary, but such enumeration tends, by exclusion, to cause confusion as to the applicability of all these rules.

RULE 2 - MULTIPLE LOADING.

That portion of the presently effective Rule VII which Rule 2 replaces states as follows:

"No operator or driver of any taxicab shall engage in the multiple loading of passengers, except at depots upon the arrival of trains, at bus stations upon arrival of buses, at airfields upon arrival of planes, and to and from sporting events, conventions, and other events where there is a mass assemblage of passengers seeking transportation, and during storms and in extreme emergencies and from specifically designated homestands; provided, however, that at these places the passengers (sic) or passengers, already in the taxicab offer no objection."

Although most of the Respondents herein have apparently filed tariff provisions in accordance with the above-quoted portion of existing Rule VII, the investigation conducted by the Staff of the Commission discloses that Respondents' drivers are not reporting any instances when multiple loading is conducted. Respondents do not deny, however, that multiple-loading operations are being conducted, and no reason was given for the drivers' failure to so report. Whatever the frequency of multiple loading, it is clear from the evidence in this proceeding that the existing multiple-loading rule, per se, provides no incentive for a passenger to enter into a multiple-fare arrangement, since under the present rule each party is obligated to pay the full fare to his or her destination regardless of whether riding alone or in a multiple load. A passenger at this time, other than

perhaps having the immediate availability of taxicab service, receives no benefit from a reduced rate for non-exclusive use of the cab, and, accordingly, has no incentive to agree to a stranger sharing the vehicle.

The multiple-loading rule adopted herein prohibits multiple loading in any instance where the carrier has not made provision in its tariff for reduced fares for those passengers riding under a multiple-loading arrangement. The reduced fare tariff provision anticipated by this rule would provide a rate schedule showing in one column the amount of fare that may be shown on the meter at the point of destination for each passenger, followed by separate columns showing the reduced fare for each passenger arriving at his or her destination. Such tariff should also contain a provision that when the registered meter charge is less than a certain minimum amount at the first destination point, that passenger pays the full meter fare, with additional passengers, however, paying the reduced charge as stated in the tariff when the meter at their respective destination points reads in excess of the stated minimum. It is not possible, nor is this the proper proceeding, for this Commission to attempt to establish reduced rates and charges for any Respondent herein, and any Respondent utilizing meters in its taxicabs and wishing to conduct multiple-loading services must file its individual tariff for reduced fares. All tariffs are, of course, subject to the approval of the Commission, and Staff members are available for guidance as to the suggested structure of reduced multiple-loading charges.

Rule 2 as originally proposed contained the provision that a copy of the Rule shall be conspicuously posted in every taxicab. This provision will hopefully ensure that the passengers engaged in multiple loading are advised that they are entitled to a reduced charge. This Rule as originally written, however, is deficient in two respects: (1) it assumes that all passengers will know the meaning of "multiple loading"; (2) it fails to provide that a copy of the tariff for reduced fares also be posted with the rule in every taxicab. The rule which is adopted herein, as contained in Appendix I attached hereto, corrects these two deficiencies.

Not only will Rule 2 as adopted benefit the public by a reduced charge for participating in multiple loading, but it will also result in the following additional benefits: (1) fewer cabs will be required to handle the same volume of people; (2) less air pollution; and (3) less traffic congestion. Benefits will also accrue to the carrier in that it will not have to operate as many cabs as would be necessary for single-passenger service, resulting in less capital outlay for equipment, as well as lower fuel and maintenance costs. Drivers will benefit in that they will receive more money for driving the same, or approximately the same, distances.

The definition of "multiple loading" as contained in Rule 2 as adopted leaves to the judgment of the driver or person responsible for arranging multiple loading the determination of what are "destinations in the same area." Rather than attempt to definitively restrict what is meant by "the same area," it is felt that some discretion must necessarily be exercised on a trip-by-trip basis. The carrier should exercise close supervision over its drivers to make certain that each driver does advise each prospective multiple-loading passenger of the approximate necessary deviation from the shortest route. Modifications made in Rule 4, as discussed below, will make such advisement mandatory.

RULE 3 - RECORD KEEPING.

This Rule was objected to by several of the Respondents on the basis that substantial additional reporting will entail additional administrative personnel to maintain, supervise, and forward such statistical information resulting from such record keeping. Substantial evidence in this proceeding shows, however, that it is absolutely essential that financial and statistical data be accumulated and kept by taxicab companies in such a manner that the Commission can measure the accumulated data to assist in determining proper rate structures. Revenue must be accounted for in its totality, regardless of the system of driver compensation used by any particular company. If the data as required by Rule 3 are not properly gathered and recorded, this Commission will be unable to determine Respondents' proper rate structure, and the public will in all probability be penalized by having to pay higher fares.

Suggested forms Respondents may use to obtain the data required by this rule were introduced as Exhibit 5 in this proceeding, and any reasonable facsimile of these forms suitable to the type of each Respondent's operation will suffice. Copies of suggested forms will be furnished by the Commission upon request.

Mandatory meter requirements have been removed from proposed Rule 3 for the reasons set forth in the Findings of Fact.

RULE 4.

This Rule as originally proposed would undoubtedly cause confusion for the Respondents, drivers, and the public in a multiple-loading arrangement. Rule 4 as modified and adopted will not only eliminate any possible confusion and/or conflict with the provisions of Rule 2 as adopted, but will also hopefully ensure that all passengers involved in a multiple-loading situation are advised of the approximate extent of deviation from the normal route that would be taken to any given destination.

DRIVER COMPENSATION.

The Commission Staff in evaluating methods of compensation other than the pay-off system, i.e., straight salary, commission, or combination of salary and commission, has concluded, as summarized in Exhibit 6, that "No immediate effect of the different methods of driver compensation is ascertainable, as this appears to be dictated by local economics rather than a service concept." The Staff concludes that the pay-off system in and of itself is not detrimental to the public interest, and in fact can work to the benefit of the public, depending on certain factors.

The pay-off system has an inherent weakness of allowing management to pass its public obligation to the individual driver. The Commission under the pay-off system, or any other system, has no direct control over the drivers of taxicab equipment, with the driver, to a large degree, bearing responsibility for rendering service to the public. The driver must be aware of and conscientiously fulfill this responsibility if the pay-off system is to work in the public interest. Under the pay-off system, companies, too, have a tendency to maximize shifts in order to maximize company profits, thereby overlooking public interest and driver welfare. It is thus also imperative that these companies vigilantly guard against such practices. Unless the pay-off system is abused to the point where it indeed does work against the public interest, the method of compensation for taxicab drivers is a managerial prerogative and should not be dictated by this Commission.

ADEQUACY OF SERVICE WITHIN
CERTIFICATED AREAS.

The Staff of the Commission has in this proceeding recommended and presented evidence in support of the proposition that each taxicab company authorized to operate in the areas of Denver, Boulder, Colorado Springs, Grand Junction, and Pueblo should within one year of the effective date of any order issued herein base equipment in outlying areas and report to the Commission in detail what it has done to provide service to the entire area authorized by each respective Certificate. The carriers presently authorized to render taxi service within the proposed satellite station areas are as follows:

DENVER

(1) Yellow Cab, Inc., authorized under PUC No. 2204 and PUC No. 2378 to provide taxicab service within a 20-mile radius of 16th and Champa Streets in Denver, restricted to 212 cabs;

(2) Cabs, Inc., doing business as "Dollar Cab Line operating as Zone Cabs," owner of PUC Nos. 234 and 1221, which between them authorize service between all points in Denver, and between said points on the one hand and points within an 85-mile radius of 16th and Champa Streets in Denver, restricted to 67 cabs;

(3) Ida Lewis, doing business as "Ritz Cab Company," operating under PUC No. 1481 authorizing taxicab services point to point within a 16-mile radius of 16th and Champa Streets, Denver, and from and to points in Denver to and from points within an 85-mile radius of Denver, restricted to 32 cabs.

COLORADO SPRINGS

Yellow Cab Co. of Colorado Springs, owner of PUC No. 109, is authorized to render service between points in Colorado Springs and a 25-mile radius thereof, and from points within this area to all points within Colorado;

(El Paso Cab Company is owner of PUC No. 9199 generally authorizing the operation of a taxicab service from points within a small southern section of Colorado Springs and an area south of Colorado Springs, necessarily including Fort Carson. This Respondent would not be affected by the satellite proposal, but the requirement of telephone directory advertising so ordered herein shall apply.)

BOULDER

Boulder Yellow Cab, Inc., which operates under two Certificates, PUC No. 177, authorizing taxicab service between points in a 9-mile radius of Boulder, and from Boulder to points in a 35-mile radius thereof; and PUC No. 150 authorizing taxi and sightseeing service in the Boulder area.

GRAND JUNCTION

Kenneth and Lewis Crosby, doing business as "Yellow Cab Company of Grand Junction," are owners of PUC No.

2102 providing for taxicab service between all points in a 50-mile radius of Grand Junction and from all points in a 15-mile radius to all points within a 100-mile radius of Grand Junction.

PUEBLO

(1) City Cab Company, which is authorized by PUC No. 2282 to provide taxi service between points within a 16-mile radius of Pueblo, and from Pueblo to points in Colorado, also providing for service between the cantonment area of Fort Carson Military Reservation on the one hand, and Red Diamond Ranch, on the other;

(2) Yellow Cab Co. of Pueblo, Inc., authorized under PUC No. 1007 to conduct taxi service between points basically within a 25-mile radius of Pueblo. Taxi service is also authorized between Pueblo and Beulah, Rye, Westcliffe, Wetmore, and San Isabel City. Passengers may also be transported from points within a 25-mile radius of Pueblo and from the San Isabel National Forest area to points in Colorado.

The Staff, using various four-day test periods, has conducted a study of the taxi service actually being rendered in the Denver, Boulder, Colorado Springs, Grand Junction, and Pueblo areas. This study disclosed a heavy concentration of service within the central portions of the respective cities themselves. In Denver, for example, 84.44 percent of trips made by Yellow Cab, Inc., 93.8 percent by Zone Cabs, and 95.64 percent of trips by Ritz Cab Company were within the Denver city limits.

Staff's proposal for establishment of satellite offices and equipment in the outlying areas is based in part on the premise that there is necessarily a correlation between projected population growth and a demand for cab services. Staff members also have proceeded on the theory that the presence and availability of cab service in outlying, more densely populated areas will increase the demand for taxicab service in these areas. There is insufficient evidence to show that either of these premises is entirely valid.

So far as the Denver area is concerned, projected population figures clearly show that the greatest population increase is expected to take place in areas surrounding, but not necessarily adjoining, the city of Denver. To project, however, that there will be a correspondingly greater increase in demand for taxicab services in these areas is not shown by the evidence, and is, in fact, actually refuted by the Staff's evidence pertaining to population growth in the city of Denver. The population for Denver in 1970 was 921,315, and the number of passengers transported by Yellow Cab, Inc., was 2,510,892; Denver's population in 1974 was 1,101,094, and Yellow Cab during this year transported 2,441,074 passengers, or 69,818 fewer than in 1970. While there admittedly may be various less obvious factors responsible for the decline in the number of riders during this four-year growth period in Denver, the fact that taxi rates have increased considerably during this time cannot be disregarded as a substantial factor. To project that demand for cab service will increase proportionately to population increases in the outlying areas is to assume that persons will locate in these areas with at least some reliance upon and in expectancy of available taxi service. There is no reason to believe that such will be the case, and if one is

to attempt to project taxi service demand in these areas, a reasonable assumption would be that a majority of the people now residing, and in the future who will reside, in these outlying areas have chosen or will choose to do so in reliance upon their own means of transportation or upon available bus service. The taxicab industry, as shown by the evidence in this proceeding, is a relatively static one, and there is no evidence to show that the existing situation will change in the near future.

Staff's theory that the availability of taxicab service in the outlying areas will increase the demand for such service is entirely conjecture and not substantiated by relatively recent attempts to prove this theory in the Denver metropolitan area and in other parts of the nation. Immediate availability of cab service in the more densely populated outlying areas may reasonably be expected to increase requests for cab service over a period of time, but there is no logical basis to project the rate of increased demand, whether over a one, five, or ten-year period. And the fact that various authorities that have now been consolidated with Yellow Cab, Inc.'s, Certificates PUC Nos. 2204 and 2378 were originally issued to serve Englewood, Littleton, Aurora, and Arvada has little or no relevancy or materiality to the issue of whether this Respondent and the other two cab companies serving in the Denver area should be required to establish satellite stations in these suburban areas. Factors such as the geographical extension of these cities within the last 20 years, substantial changes in the socio-economic status of residents now living in these suburban areas, and a general change in the habits of the taxi-riding public combine to make any comparison of public demand for taxi service 20 years ago and now very difficult if not impossible.

All common carriers holding authority from this Commission are legally obligated to render the most efficient service possible throughout their certificated areas. To decide that the present or future public convenience and necessity does not require the establishment of satellite stations within the areas proposed by the Staff in this proceeding is not to ignore the reality that a deficiency in service may exist in rendering taxicab service to these outlying areas within these respective Respondents' territorial authorities. Realistically, however, an attempt by this Commission to order the respective Respondents to establish equipment in the outlying areas is fraught with difficult problems, perhaps the most basic being the difficulty that would be encountered in keeping a cab or cabs within a given area at all times. Satellite stations would result in increased unrecovered costs to the respective Respondents for salaries and equipment -- costs which would necessarily be reflected in the Respondents' rates, resulting, in turn, in subsidization of the outlying area residents by the public residing in the higher demand areas. If rate relief were not immediately given, one or all of the subject Respondents could very possibly be seriously and permanently financially impaired.

Persons presently residing in the more remote areas of Respondents' certificated areas are not now totally without taxi service, and the record is devoid of any evidence to show that these Respondents have ever refused to render service, delayed though it may be. Substantial evidence does show that any person who wishes to place a time call for taxicab service in the suburban areas will have a cab promptly at the time and place designated. It is also significant that any person wishing to utilize Respondents' services in the outlying areas pays no deadhead charges and is charged only for mileage from the point of pick up to the requested destination.

It is not unreasonable to assume that, as Staff contends, known availability of service within outlying areas will to some extent increase the demand for taxicab service. It is also a logical assumption that outlying area residents without knowledge that cab service is available within

an area are unlikely to request such service. Those persons in outlying suburban areas desiring taxicab service will in most instances consult the telephone directory to determine the service available. These persons are rightly entitled, upon looking in the phone directory, to be immediately advised of the specific area a taxicab company will render service. By the Order issued herein the Commission is requiring that the carriers serving the larger cities and environs place a block ad of noticeable size in the yellow pages of the phone directory of each respective city. A block ad not less than two columns wide and five inches in length is deemed sufficient to attract the attention of persons using the yellow page directory. Any single-line listing in the phone directory's yellow pages will also refer to the block ad, e.g., "See Advertisement This Page." All such block ads shall state specifically the area the respective Respondent is authorized to serve, e.g., "serving all areas within a 20-mile radius of 16th and Champa Streets, Denver, Colorado." Statements such as "Serving Denver and Suburban Areas" will not suffice. This Order will apply to the Denver, Boulder, Colorado Springs, Grand Junction, and Pueblo taxicab carriers.

Telephone directory advertising as described above is admittedly not a panacea for any deficiency in service to outlying areas. This requirement will, however, assist this Commission in compiling data to determine the actual service demand in the subject areas. This order will result in benefit to the public only if the respective Respondents make a diligent effort to render prompt, efficient service in response to requests from these outlying areas, and this Commission will be vigilant to see that these carriers do make such effort.

Rule 5 as adopted herein is not intended to in any way discourage any of the Respondents herein from placing equipment in any area of their respective Certificates, and this Commission will, if necessary, demand that such satellite stations be established whenever it is shown that such action would be economically feasible and clearly in the public interest.

REMOVAL OF CAB RESTRICTIONS

Although six different Respondents in this proceeding hold Certificates restricting the number of cabs they may operate at any given time, the Commission Staff's proposal for removal of these cab restrictions is directed, as a practical matter, toward the Denver-based carriers, viz., Yellow Cab, Inc.; Ritz Cab Company; and Cabs, Inc., doing business as "Zone Cabs." The additional three Certificates containing cab restrictions are PUC No. 1524 presently owned by Skyline Taxi Service and which provides for authority to transport passengers between points within a 15-mile radius of Canon City, and between those points on the one hand, and points within a 50-mile radius, on the other hand; PUC No. 8126 issued to Ray's Cab authorizing taxicab service between points within a 2-mile radius of Brighton, and from those points to Commerce City; and PUC No. 1921 owned by Alamosa Taxi Service and authorizing service between points within a 50-mile radius of Alamosa, specifically excluding service to points west of a line drawn north and south through Del Norte.

The restrictions on the number of vehicles which the Denver-based carriers may operate at any one time apparently derive from cab restrictions placed on cab operations by the City and County of Denver Licensing Authority prior to this Commission's receiving jurisdiction over taxicab operations in Denver. The restrictions were placed in the Certificates issued by this Commission and subsequently consolidated with various authorities purchased by Yellow Cab, Inc., and Cabs, Inc., doing business as "Zone Cab Co." Yellow Cab, Inc., most recently increased its authorized number of cabs from

127 to 212 by Decision No. 74880 issued May 13, 1970; Zone Cab Co. last received authority to increase the number of cabs from 41 to 67 in Decision No. 74901, dated November 4, 1969; and Ritz Cab Co. was authorized to increase the limit of cabs from 19 to 32 in Decision No. 70530 issued December 12, 1967.

It is Staff's position that while the cab restrictions may have been meaningful in 1953 or 1954 when a more limited market existed in the Denver metropolitan area, such restrictions in today's expanded population and economy create competitive barriers, stifle initiative, and are contrary to the public interest in limiting the convenient availability of service. In support of this position, Staff relies essentially on the past and projected population growth of the cities in which these three cab companies are authorized to serve. As in the case of the proposed satellite stations, Staff attempts to correlate the projected growth of the various areas with a demand for taxicab service. If the equipment restrictions are removed from the respective Certificates, it is the Staff's position that the companies will be able to provide additional vehicles to meet increased demand as it occurs, and if, for some reason, present demand does not necessitate the immediate use of additional vehicles, these companies will have the benefit of flexibility to adjust to future conditions while not having to change their present position. Staff also contends that increased competition should stimulate technological and managerial innovations, resulting in better service to the public.

The legal validity of this Commission's attempt to remove the equipment restrictions presently contained in the three Denver-based carriers' certificates was not an issue in this proceeding. It must be acknowledged, however, that such action, which would place these three carriers at least theoretically on basically the same competitive level and thereby change the competitive structure within Denver, is legally questionable. That these carriers had notice that such action may be considered in this proceeding does not resolve the question of this Commission's jurisdiction to so act. It would appear that the proper way to proceed on a more secure legal basis would be for this Commission to initiate separate show cause actions against these respective carriers to provide the opportunity to present evidence as to why the equipment restriction should not be modified or removed.

Assuming, arguendo, that this Commission has the power in this proceeding to remove the cab restrictions in the Certificates of the three Denver-based carriers, there is no substantial evidence of record to show that the present or future public convenience and necessity requires or will require such removal or that such action would be in the public interest.

Increased competition will in most instances enure to the benefit of the public. Potential for increased competition is present, at least initially, in the removal of cab restrictions in the Denver carriers' certificates, but there is, however, equal potential for eventual elimination of competition of cab service in the Denver area. Without restrictions in these certificates there need not necessarily be an increased demand for cab service in order for either a present or future certificate holder with the necessary financial capability to rapidly expand its cab fleet to such an extent so as to take a large percentage of the smaller companies' taxi business. The smaller companies, unable to compete, would of necessity either curtail their operations by surrendering a portion of their authorities, or they would cease operations entirely. Whether the existence of monopolistic service would necessarily be detrimental to the public interest is questionable, since this Commission has the duty and power to see that all carriers render the most efficient and reliable service possible. Experience

has shown, however, that in at least one area of regulation, viz., rates and charges, the public interest is best promoted by the existence of competition.

That removal of equipment restrictions would eventually result in a monopolistic situation in the Denver area is admittedly conjecture. The likelihood that such a situation will evolve is, however, as great, or perhaps greater than, the probability of increased competition envisioned by the Staff.

A restriction on the number of cabs a carrier may have in service at one time is not per se inimical to the public interest; and there is insufficient evidence to show that removal of an equipment restriction in any certificate would result in improved service to the public. The evidence does in fact tend to show that any expansion to the existing Denver companies' cab fleets would increase driver employment problems, impair drivers' earnings, disrupt shift schedules, and make difficult the reliable forecasting of taxicab replacement units and the equipment required for the maintenance and use thereof.

Any deficiency in service that may now exist is not due to a shortage of cabs on the streets, and there was no showing that quantity is synonymous with quality of service. Staff's contention that the three Denver-based companies should exercise some managerial judgment in determining the number of cabs needed to adequately serve the public has merit. This, as a practical matter, the existing carriers are now doing within the equipment restrictions of their certificates. There was no showing that any carrier has requested and been refused authority from this Commission to increase the number of cabs authorized by its certificate. Lifting of these restrictions would not mean that all carriers would place additional taxis in service, but would, as stated above, provide the opportunity for one well-financed firm to add initially unnecessary cabs to "corner" the taxi business in Denver.

Refusal to remove restrictions in this proceeding is not to be interpreted as a finding that the existing cab limitations in the respective certificates are adequate to allow Respondents to render reliable, efficient service throughout their authorized areas. To the contrary, the number of cabs authorized in at least one certificate, viz., PUC No. 1481 held by Ritz Cab Co., appears obviously inadequate for service to all areas within a 16-mile radius of Denver. This Commission should initiate action against any Respondent to show cause why an existing restriction should not be changed or the certificate modified, amended, or revoked. The carrier can itself, of course, apply to this Commission to clearly show what cab restriction is reasonable and proper for service to the public.

MANDATORY METERS

The type of meters contemplated by the Commission in the decision initiating this investigation into the operations of taxicabs was meters with printed receipts, in order that control could be exercised by passengers. Since the consideration of multiple loading dictates that any meter would have to be a pre-programmed electronic meter, the Staff of the Commission decided not to pursue this proposal in this proceeding, and there is thus no evidence of record in support of this proposal.

SERVICE TO STAPLETON INTERNATIONAL AIRPORT

A study conducted by the Staff of taxicab service rendered to Stapleton International Airport prior to initiating an investigation into this aspect of taxicab operations disclosed numerous problems, with unauthorized multiple loading and refusal of service being two of the most apparent problems. The remaining problems of service at Stapleton Field relate to and stem from internal operations at the Field, i.e., operation and control of the taxicab loading chutes and the problem of a full-time starter. After discussing these problems with the City enforcement personnel at Stapleton Field, it was evident to the Staff that these problems were mainly airport operational problems that could not be alleviated by orders or rules promulgated by this Commission. There is apparently a need for greater cooperation between Stapleton Police and Commission enforcement personnel, which cooperation will hopefully resolve the existing problems.

SUMMARY

For the foregoing reasons, the Rules and Regulations Governing Taxicabs as adopted in Appendix I to this Recommended Decision are in the public interest and are reasonable and necessary for the effective administration of the provisions of Title 40, CRS 1973.

CONCLUSIONS ON FINDINGS OF FACT

Based on the foregoing findings of fact, together with the Discussion and stated bases for same, it is concluded that the Rules and Regulations Governing Taxicabs as hereinafter set forth in Appendix I attached to this Decision should be adopted.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Rules governing the operations of taxicabs as contained in Appendix I, attached hereto and by reference incorporated herein and made a part hereof, are adopted as the Rules and Regulations pertaining to said taxicab carriers under the jurisdiction of this Commission.

2. All previous "Rules and Regulations Governing the Operation of Taxicabs" promulgated, adopted, and approved in Decision No. 42213, issued March 11, 1954, in Case No. 5062 be, and hereby are, canceled, annulled, and revoked.

3. Every common carrier by motor vehicle as defined in 40-10-101(4), CRS 1973, transporting persons in taxicab service within the cities of Denver, Boulder, Colorado Springs, Grand Junction, and Pueblo, state of Colorado, be, and hereby is, ordered to do as follows:

Each carrier shall place in the yellow pages of every telephone directory published after the effective date of this Order for the city in which the carrier is authorized to render service a block ad not less than two columns wide by five inches high. Each carrier

shall state in such block ad the specific area(s) within the city and surrounding areas it is authorized by this Commission to render taxicab service.

4. An opinion of the Attorney General of the State of Colorado will be sought regarding the constitutionality and legality of the herein Rules and Regulations as set forth in Appendix I.

5. The Secretary of the Commission be, and hereby is, directed to file with the Office of the Secretary of State of the State of Colorado a copy of these Rules as set forth in Appendix I, and, when obtained, a copy of the opinion of the Attorney General of the State of Colorado regarding the constitutionality and legality of the same.

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

7. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/jp

RULES AND REGULATIONS GOVERNING THE OPERATION OF TAXICABS

RULE 1

These Rules apply to all common carriers by motor vehicle as defined in 40-10-101(4), CRS 1973, transporting persons in taxicab service, and all such carriers shall at all times comply with these Rules, as well as the Rules Governing Common Carriers by Motor Vehicle, the Rules of Practice and Procedure, and all applicable statutes and laws of the State of Colorado.

RULE 2

(A) Multiple loading of passengers is prohibited except in cases where the first passenger engaging the taxicab approves of such multiple loading. Multiple loading shall not be allowed in any event where the carrier has not made provision in its tariff for reduced fares for those passengers riding under a multiple-loading arrangement.

(B) "Multiple loading" as used herein will mean individuals or parties, not traveling together, who agree to share a cab to destinations in the same area or along the same route, from a common origin.

(C) A copy of this Rule, together with a copy of a rate schedule containing the reduced rates for multiple loading, shall be conspicuously posted in every taxicab.

RULE 3

(A) A daily record shall be maintained detailing all pertinent information regarding each taxicab operated:

- (1) In an operation where cabs are directed by contact with office via radio or some other means, a master sheet will be kept of all cab movements.
- (2) In operations where cabs are operated at the prerogative of the driver, an individual record of the cab movements will be kept by the responsible driver.

(B) Contents of the daily record shall include, but not be limited to, the following:

- (1) Cab numbers, letters, or other identification.
- (2) Shift identification in-service number.
- (3) In-service and out-of-service time.
- (4) Shift statistics for each cab:
 - (a) Odometer reading at start, end, and computed total miles per shift.

- (b) Taximeter readings (where applicable) at start, end, and computed total per shift of:
 - 1) Total miles
 - 2) Paid miles
 - 3) Trips (flag drops)
 - 4) Units (mileage increments)
 - 5) Extra passengers.
- (5) Trip statistics for each cab:
 - (a) Trip number
 - (b) Amount of fare
 - (c) Starting time of trip
 - (d) Pickup and delivery addresses.
- (6) A receipt form which can be attached to the master sheet or a printed receipt on the individual record whereby the driver attests and a representative of the certificate holder affirms that the gross revenue, as shown by taximeter and trip statistics has been turned over to and received by the certificate holder in settlement of each shift's business.

RULE 4

Passenger movement shall be by the shortest possible route, between the origin and destination; provided, however, that a passenger, having first been advised of the extent of deviation from the shortest possible route, may agree to an alternate route or designate the route he wishes to travel.

(Decision No. 88090-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: GENERAL INVESTIGATION IN THE)	
MATTER OF THE OPERATIONS OF TAXI-	)	CASE NO. 5062
CABS, AND THE ADOPTION OF RULES)	
AND REGULATIONS GOVERNING TAXI-	)	ERRATA NOTICE
CABS.)	

January 26, 1976

Decision No. 88090
(Issued January 19, 1976)

Page 11, fourth line of Paragraph (1) under DENVER, change
"212" to "323".

Page 14, first line of second complete paragraph, change
"Rule 5" to "This Order".

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HARRY A. GALLIGAN, JR., Secretary

Dated at Denver, Colorado, this
26th day of January, 1976.

jp

(Decision No. 88091)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) HOFFMAN TRANSFER COMPANY, A COLORADO) CORPORATION, 4700 HOLLY STREET,) DENVER, COLORADO, FOR A CERTIFICATE) OF PUBLIC CONVENIENCE AND NECESSITY) AUTHORIZING EXTENSION OF OPERATIONS) UNDER PUC NO. 453 AND PUC NO. 453-I.)	APPLICATION NO. 28496 - Extension-Amended ORDER GRANTING DISMISSAL OF APPLICATION
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January 20, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 19, 1976, Applicant Hoffman Transfer Company, by its attorney Truman A. Stockton, Jr., filed with the Commission a letter requesting that the Commission grant withdrawal of the above-captioned application.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

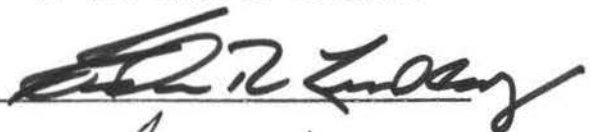
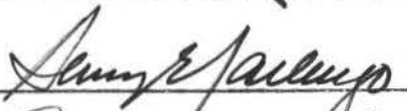

Hoffman Transfer Company is granted permission to withdraw the above-captioned application, and the application be, and hereby is, dismissed.

The hearing set for January 21, 1976, be, and hereby is, vacated.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

jp

(Decision No. 88092)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MR. JOSEPH Z. PETO, DOING BUSINESS)
AS "JOE'S DELIVERY SERVICE," 1)
NORTH ELY STREET, COLORADO SPRINGS,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 28891-PP-ETA

ORDER DENYING EMERGENCY TEMPORARY
AUTHORITY

January 27, 1976

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

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

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28896-PP
LUIS FARINELLA, 3727 PERRY, DENVER,)	
COLORADO, FOR AUTHORITY TO OPERATE	)	ORDER OF THE COMMISSION
AS A CLASS "B" CONTRACT CARRIER BY)	
MOTOR VEHICLE.)	

January 27, 1976

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

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

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

An appropriate Order will be entered.

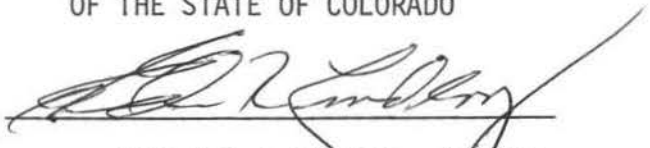
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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

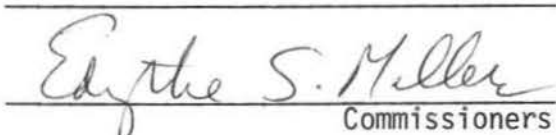
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88093
January 27, 1976

Luis Farinella

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within the designated radius as restricted below.

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

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

- (4) Insulrock

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

RESTRICTION: This Permit is restricted as follows:

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL KRAKEL AND JIM KRAKEL, DOING)
BUSINESS AS "CARL KRAKEL & SONS)
CONST. CO.," P. O. BOX 120, RED)
FEATHER LAKES, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 28899-PP

ORDER OF THE COMMISSION

January 27, 1976

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

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

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

An appropriate Order will be entered.


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

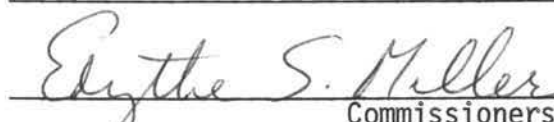
IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88094
January 27, 1976

Carl Krakel & Sons Const. Co.

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within the designated radius as restricted below.

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within the designated radius as restricted below.

- (3) Sand, gravel, dirt and stone

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

- (4) Insulrock

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

RESTRICTION: This Permit is restricted as follows:

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

(Decision No. 88095)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JACQUES P. deCHAMPAGNE, DOING)
BUSINESS AS "DENVER FLORAL DELIVERY,")
1055 LOGAN STREET, DENVER, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28901-PP-TA

ORDER GRANTING TEMPORARY AUTHORITY

January 27, 1976

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

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

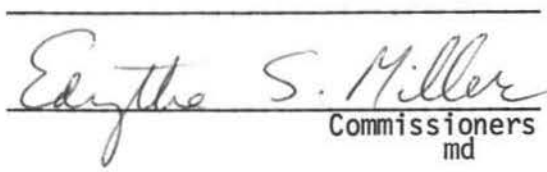
IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

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

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88095
January 21, 1976

Denver Floral Delivery

Transportation of

Cut flowers, floral displays, plants, fruit baskets and floral shop gifts

Between points located within an area comprised of the Counties of Arapahoe, Adams, Boulder, Denver, Douglas and Jefferson, State of Colorado.

RESTRICTION: This temporary authority is restricted to rendering transportation service of shipments originating at retail floral establishments.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL HIZEL & SONS, INC., 4635)
GRAPE STREET, DENVER, COLORADO, FOR)
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3193.)

APPLICATION NO. 28659-Extension-
TA-Amended

SUPPLEMENTAL ORDER GRANTING
TEMPORARY AUTHORITY

January 27, 1976

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

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

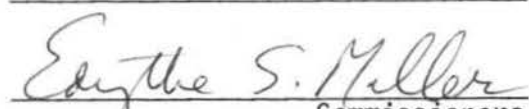
IT IS ORDERED, That Applicant named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

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

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88096
January 27, 1976

Carl Hize & Sons, Inc.

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado,
as the boundaries existed on September 22, 1975, to such locations where
the same may be lawfully delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MILE-HI EXPRESS, INC., 1335 40TH)
STREET, DENVER, COLORADO, FOR)
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 7955.)

APPLICATION NO. 28679-Extension-
TA-Amended

SUPPLEMENTAL ORDER GRANTING
TEMPORARY AUTHORITY

January 27, 1976

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

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

IT IS ORDERED, That Applicants named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

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

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88097
January 27, 1976

Mile-Hi Express, Inc.

Transportation -- on call and demand -- of

(1) Foodstuffs requiring refrigeration in transit

From all points within Denver, Colorado, and a five (5) mile radius thereof, to points in Colorado on and west of U. S. Highway No. 85, except Meeker, Rangely, Craig, Pueblo, Colorado Springs, Grand Junction, Leadville, Durango and Cortez, and points within Denver, Colorado, and points within a ten (10) mile radius thereof.

(2) Frozen poultry and frozen poultry products

From the plantsite and storage facilities utilized by Farmland Foods, Inc., at or near Cheraw, Colorado, to Denver, Colorado, and points within a five (5) mile radius of Denver, Colorado.

RESTRICTION: Item No. (1) of this temporary authority is restricted against the transportation of shipments which exceed 15,000 pounds in weight.

(Decision No. 88098)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MERLE S. HUMMER, 1742 1ST AVENUE,)
P. O. BOX 111, GREELEY, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28890-PP-TA

ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
January 27, 1976
- - - - -

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

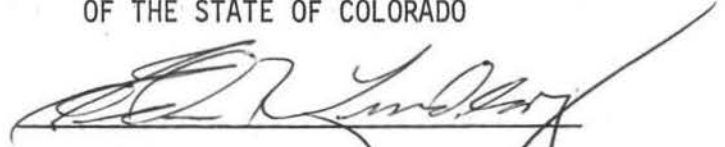
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

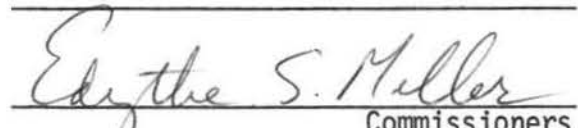
IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

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

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88098
January 27, 1976

Merle S. Hummer

Transportation of

Grain, feed and feed ingredients

Between the Northern Colorado Grain Company facilities located in Greeley, Colorado on the one hand, and all points located within a one hundred (100) mile radius of the intersection of U. S. Highway 85 by-pass and 18th Street, Greeley, Colorado, on the other hand.

RESTRICTION: This temporary authority is restricted as follows:

- (a) To rendering transportation service for only Northern Colorado Grain Company; and
- (b) Against the transportation of liquid feed in tank vehicles.

(Decision No. 88099)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAY HARVEY, DOING BUSINESS AS)
"CARRY ALL TRASH SERVICE," 1507)
EAST 17TH STREET, PUEBLO, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 28893-TA

ORDER GRANTING TEMPORARY AUTHORITY

January 27, 1976

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

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

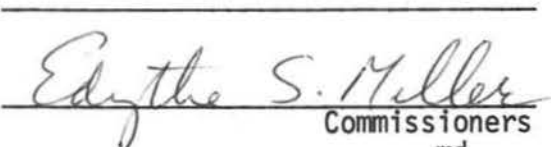
IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

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

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88099
January 27, 1976

Carry All Trash Service

Transportation of

Ashes, trash and other refuse

From all points located within the City of Pueblo, Colorado, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88100)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CRESTED BUTTE AIR SERVICE, INC.,)
P. O. BOX 294, 29 MAROON STREET,)
CRESTED BUTTE, COLORADO, FOR)
TEMPORARY AUTHORITY TO OPERATE AS)
A COMMON CARRIER BY FIXED WING)
AIRCRAFT.)

APPLICATION NO. 28897-TA

ORDER GRANTING TEMPORARY AUTHORITY

January 27, 1976

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

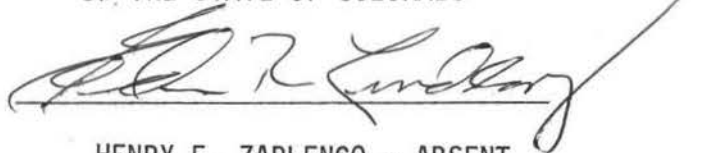
IT APPEARING, That there is an immediate and urgent need for the air carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by fixed wing aircraft to the extent and in the manner set forth in the Appendix attached hereto.

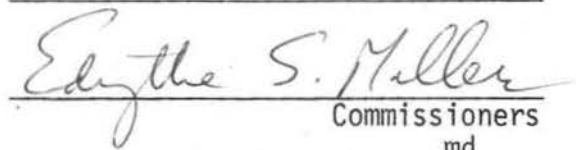
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88100
January 27, 1976

Crested Butte Air Service, Inc.

Transportation -- on call and demand -- by fixed wing aircraft -- of
Persons and property

Between all points within the State of Colorado.

RESTRICTION: This temporary authority is restricted to a base of
operations and an office for the solicitation of business at Crested
Butte, Colorado or a ten (10) mile radius thereof.

(Decision No. 88101)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CRESTED BUTTE AIR SERVICE, INC.,)
P. O. BOX 294, 29 MAROON STREET,)
CRESTED BUTTE, COLORADO, FOR)
TEMPORARY AUTHORITY TO OPERATE AS)
A COMMON CARRIER BY FIXED WING)
AIRCRAFT.)

APPLICATION NO. 28898-TA

ORDER DENYING TEMPORARY AUTHORITY

January 27, 1976

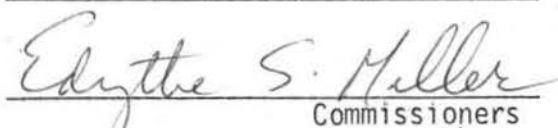
The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

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

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PASQUALE VARRA, DOING BUSINESS AS)
"VARRA ENTERPRISES," ROUTE 2, BOX)
640, BROOMFIELD, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CON-)
TRACT CARRIER PERMIT NO. B-7684 TO)
VARRA ENTERPRISES, INC., ROUTE 2,)
BOX 640, BROOMFIELD, COLORADO.)

APPLICATION NO. 28801-PP-Transfer
ORDER OF THE COMMISSION

- - - - -
January 27, 1976
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

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

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

An appropriate Order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-7684, as granted by Commission Decision No. 79258 dated December 16, 1971, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with the conditions and requirements of this Order, to be by them or either of them, kept and performed.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAM AND PAUL L. SCHLEGEL, DOING)
BUSINESS AS "SAM SCHLEGEL & SON,")
1281 UINTA, DENVER, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO)
CONTRACT CARRIER PERMIT NO. B-2650)
TO SAM SCHLEGEL AND JAMES F. WHITE,)
DOING BUSINESS AS "SCHLEGEL & SON)
TRUCKING," 7075 YORK STREET, DENVER,)
COLORADO.)

APPLICATION NO. 28834-PP-Transfer

ORDER OF THE COMMISSION

- - - - -
January 27, 1976
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

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

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

An appropriate Order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-2650, as granted by Commission Decision No. 67572 dated June 17, 1966, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with the conditions and requirements of this Order, to be by them, or either of them, kept and performed.

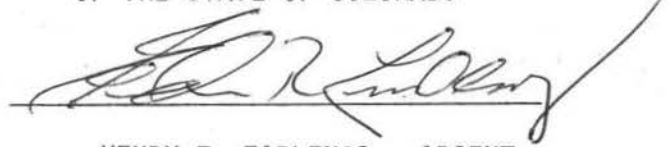
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING THE 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALTER D. TRUJILLO, 11950 WEST 52ND)
AVENUE, WHEATRIDGE, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CON-)
TRACT CARRIER PERMIT NO. B-7341)
TO WALT TRUJILLO TRUCKING, INC.,)
11950 WEST 52ND AVENUE, WHEATRIDGE,)
COLORADO.)

APPLICATION NO. 28792-PP-Transfer

ORDER OF THE COMMISSION

January 27, 1976

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

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

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

An appropriate Order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-7341, as granted by Commission Decision No. 73690 dated October 20, 1969, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with the conditions and requirements of this Order, to be by them, or either of them, kept and performed.

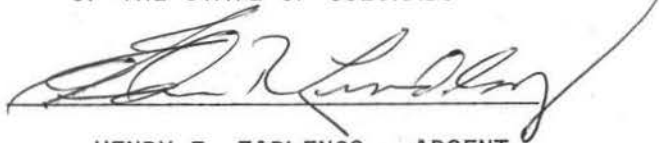
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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

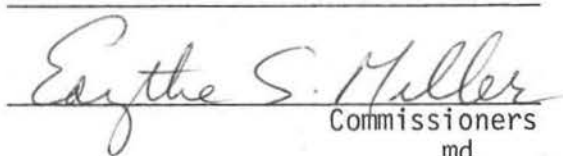
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners
md

(Decision No. 88105)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) NORTHWEST TRANSPORT SERVICE, INC.,) 5231 MOHROE STREET, DENVER, COLO-) RADO, FOR AN EXTENSION OF PUC) CERTIFICATE NO. 7728.)	APPLICATION NO. 27806-Extension ORDER GRANTING EXTENSION OF TIME IN WHICH TO FILE EXCEPTIONS
--	--

January 20, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 28, 1975, Recommended Decision No. 86916 of Examiner Robert L. Pyle was entered and served upon the parties.

On January 19, 1976, Protestant Rio Grande Motor Way, Inc., by its attorney Robert G. Shepherd, Jr., filed with the Commission a Petition for Extension of Time in Which to File Exceptions in the above-captioned matter until January 23, 1976.

The Commission states and finds that said request for an extension of time is in the public interest and should be granted.

An appropriate order will be entered.

O R D E R

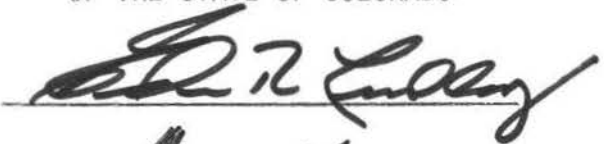


THE COMMISSION ORDERS THAT:

Protestant Rio Grande Motor Way, Inc., be, and hereby is, granted an extension of time within which to file exceptions to the Recommended Decision of the Examiner until January 23, 1976.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

jp

(Decision No. 88106)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF THE COUNTY OF ROUTT FOR)	
AUTHORITY TO CROSS THE CRAIG)	
BRANCH MAIN TRACK OF THE DENVER)	APPLICATION NO. 28089-Amended
AND RIO GRANDE RAILROAD AND)	
INSTALL SAFETY DEVICES AT)	
MILEPOST 188+3561 FEET NEAR)	
STEAMBOAT SPRINGS, COLORADO.)	

- - - - -
January 20, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The within application for authority to cross the Craig branch main track of the Denver and Rio Grande Western Railroad (hereinafter "Rio Grande") and install safety devices at milepost 188+3561 near Steamboat Springs, Colorado, was granted by Recommended Decision No. 87149, dated July 9, 1975.

By Decision No. 87268, dated August 5, 1975, the Commission granted the Rio Grande an extension of time within which to file exceptions until twenty (20) days after the filing of the official transcript. An additional extension of time was granted to the Rio Grande in which to file exceptions until December 3, 1975, by Commission Decision No. 87540, dated September 30, 1975.

By letter dated October 29, 1975, which was received by the Commission on October 30, 1975, the Rio Grande advised the Commission that it did not intend to file exceptions to the recommended decision of the examiner and was willing to have said Decision No. 87149 become the decision of the Commission.

On December 22, 1975, the Rio Grande filed a Motion to Vacate Decision No. 87149 insofar as it requires the Rio Grande to operate the safety devices ordered at the crossing authorized by Decision No. 87149, until such time as Yampa Valley Electric supplies electric power to the railroad facility and for reasonable time thereafter to permit the completion of the Rio Grande's portion of the work.

The Staff of the Commission is in receipt of a copy of a letter dated January 6, 1976, addressed to the Rio Grande's attorney by the County Attorney of Routt County, which indicates that Yampa Valley Electric Association will not be able to put in underground utilities until the spring of 1976, due to weather conditions and that underground utilities are required.

In view of the foregoing, the Commission finds that the Rio Grande is unable to complete the crossing until power is made available to it by Yampa Valley Electric. Although Decision No. 87149

does not specifically set forth a date by which the Rio Grande is to complete the railroad crossing and operate and maintain automatic railroad grade crossing devices thereat, a reasonable time in which to comply with the order contained in Recommended Decision No. 87149 -- in view of the above information -- would be June 1, 1976.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

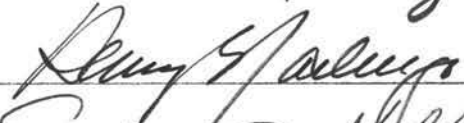
The Denver and Rio Grande Western Railroad be, and the same hereby is, granted an extension of time to and including June 1, 1976, to comply with paragraph 1 of the Order contained in Recommended Decision No. 87149, and shall notify the Commission in writing within ten (10) days after the crossing has been completed that the same has been accomplished.

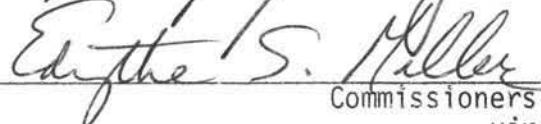
This Order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
vjr

(Decision No. 88107)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PUBLIC SERVICE COMPANY OF COLORADO)	APPLICATION NO. 28908
FOR AN ORDER AUTHORIZING IT TO EFFECT)	
CERTAIN DOWNWARD REVISIONS IN ELECTRIC)	ORDER OF THE COMMISSION
RATES UPON LESS THAN STATUTORY NOTICE.)	AUTHORIZING DOWNWARD RE-
)	VISION OF ELECTRIC RATES

- - - - -
January 20, 1976
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On January 15, 1976, Public Service Company of Colorado, Applicant herein, filed the within verified application. Said application seeks an order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on January 23, 1976, tariffs resulting in a decrease to its existing electric rates now on file with this Commission. Applicant states that its proposed decrease in electric rates is to reflect its decline in the cost of fossil fuel used in the generation of electricity and that it is unjust and unreasonable to bill consumers at the existing fuel cost adjustment rate which is based on the previous months higher average fuel costs.

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

FINDINGS OF FACT

1. Applicant generates and distributes electrical energy to residential, commercial, industrial and public consumers within its certificated service areas within the State of Colorado.
2. Applicant's average fuel cost during the month of December, 1975 was 64.9082¢ per million Btu and during said month 96.9453% of Applicant's electricity was generated by the consumption of said fossil fuel.
3. Applicant's present tariffs, excluding the fuel cost adjustment, are based on a fossil fuel cost of 57.00¢ per million Btu.
4. Applicant's proposed fuel cost adjustment is based on a fossil fuel cost of 64.9082¢ per million Btu, and, if made effective, will reduce annual revenues to Applicant below Applicant's current fuel cost adjustment by \$10,477,230.

5. Applicant's proposed fuel cost adjustment substantially reflects its decreased cost of fossil fuel obtained from Applicant's supplier for use in Applicant's generating stations.

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

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

CONCLUSIONS ON FINDINGS OF FACT

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

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

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

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

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

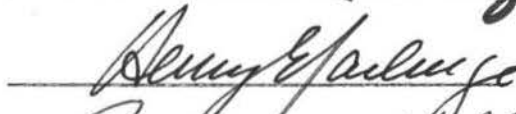
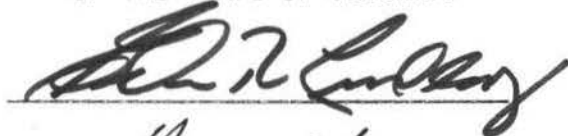
1. Public Service Company of Colorado, be, and hereby is, authorized to file on not less than one (1) day's notice, the tariffs attached hereto as Appendix "A" and made a part hereof.

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

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
blf

(Decision No. 88108)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES AND CHARGES	)	INVESTIGATION AND SUSPENSION
OF X-310-A, APPLICABLE ON SUGAR	)	DOCKET NO. 988
BEETS IN COLORADO, VIA THE CHICAGO,)	
ROCK ISLAND & PACIFIC RAILROAD.	)	ORDER VACATING HEARING,
	)	CLOSING I&S DOCKET AND
	)	ALLOWING TARIFF AMENDMENT

January 20, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 2, 1975, Decision No. 87421, the Commission ordered:

"That the Colorado-Utah-Wyoming Committee, Agent, for and on behalf of the railroads operating within the State of Colorado be, and hereby are, authorized to publish an exception to Tariff X-310-A in Item No. 1.07 of Supplement No. 14 to Colorado-Utah-Wyoming Tariff No. 12-D and also in Great Western Railway Company Tariff No. 66-K, on one day's notice to become effective on or after September 15, 1975.

That said exception shall provide that the X-310-A increases will not apply on Colorado intrastate shipments of sugar beets via routes comprised of one or more of the following carriers:

BN	-	Burlington Northern
CS	-	Colorado and Southern
GWR	-	Great Western Railway
UP	-	Union Pacific

That said exception shall expire March 31, 1976, unless sooner cancelled, changed or extended."

On September 2, 1975, The Great Western Sugar Company by Protest and Petition requested this Commission to suspend, for the account of the Chicago, Rock Island and Pacific Railroad, ("Rock Island"), Respondent herein, the application of the increases in rates and charges authorized by X-310-A.

By Decision No. 87462, dated September 9, 1975, the Commission set the matter for hearing on November 21, 1975 and suspended the increase on sugar beets for the account of the Rock Island.

By Decision No. 87727, dated November 12, 1975, the Commission vacated the hearing date of November 21, 1975 and reset the hearing for February 19, 1976.

On January 9, 1975, the Rock Island filed a petition requesting that the hearing date of February 19, 1976 be vacated, Investigation and Suspension Docket No. 988 be closed, and that the Rock Island be authorized to publish an exception to Tariff X-310-A exempting the increase on sugar beets similar to that exemption authorized for other railroads by the Commission in Decision No. 87421, dated September 2, 1975.

The Commission states and finds that it will be in the public interest to grant the Rock Island petition.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the hearing date of February 19, 1976 in this matter, be, and hereby is, vacated.

2. That Investigation and Suspension Docket No. 988 be, and hereby is, closed.

3. That Respondent, Chicago, Rock Island and Pacific Railroad, be, and it hereby is, authorized to publish its participation in Exception 2, Item No. 1.07-A, of Supplement No. 20, to C-U-W Tariff No. 12-D, to provide that the X-310-A increases on sugar beets moving intrastate in Colorado will not apply for it.

4. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

(Decision No. 88109)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION TO PUBLISH NEW)	
AND REDUCED CONTAINER RATES FOR	)	APPLICATION NO. 28923
THE TRANSPORTATION OF TRASH, ON)	
LESS THAN STATUTORY NOTICE, FILED	)	ORDER AUTHORIZING
BY DAVID O. NADLE, DBA "MANITOU	)	PUBLICATION ON LESS THAN
SANITATION," 1143 MANITOU AVENUE,	)	STATUTORY NOTICE
MANITOU SPRINGS, COLORADO 80829.)	

January 20, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 26, 1975, application was filed by David O. Nadle, d/b/a "Manitou Sanitation," Applicant herein, seeking permission to publish new and reduced rates on containers on less than statutory notice. The only container rates presently on file in Applicant's tariff are for 3/4 yard size containers. Applicant has purchased containers of various larger sizes and has been requested to begin providing this service by customers who want and need the service. In addition, Applicant feels that the existing rates on the 3/4 yard containers are too high and not in conformity with the rates it proposes to publish on 1, 1½, 2 and 3 cubic yard size containers, and it desires to reduce those rates.

Applicant also desires to add a new reduced scale of rates for customer-owned containers and new and reduced rates for residential services. Applicant proposes to establish said changes by filing 1st Revised Page No. 4, Original Page No. 4-A and 1st Revised Page No. 6 to its Tariff No. 2.

The Commission states and finds that it will be in the public interest to authorize the publication proposed herein on less than statutory notice.

An appropriate Order shall be entered.

ORDER

THE COMMISSION ORDERS:


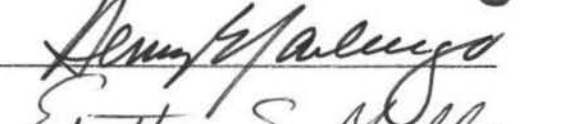
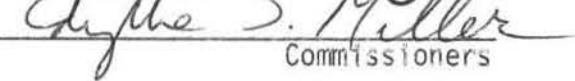
1. That David O. Nadle, d/b/a "Manitou Sanitation," be, and hereby is, authorized to publish revisions to its Tariff No. 2 on less than statutory notice, reducing the existing rates on 3/4 cubic yard size containers and establishing new rates on 1, 1½, 2 and 3 cubic yard size containers and on customer-owned containers, and new and reduced rates for residential service.

2. That said revisions shall be accomplished by publishing and filing 1st Revised Page No. 4, Original Page No. 4-A and 1st Revised Page No. 6 to Tariff No. 2.

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

(Decision No. 88110)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: RATES AND RULES FILED BY)	
PARTICIPATING CARRIERS IN)	CASE 1585
COLORADO MOTOR TARIFF BUREAU)	
TARIFF NO. 300 WITH AN)	ORDER PRESCRIBING
EFFECTIVE DATE OF FEBRUARY)	RATES AND CHARGES
2, 1976.)	

January 20, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 2, 1976, 1st Revised Page No. 65, 1st Revised Page No. 285 and 1st Revised Page No. 298 to Colorado Motor Tariff Bureau Tariff No. COB 300 were filed by J. R. Smith, Chief of Tariff Bureau, scheduled to become effective on February 2, 1976.

On Page No. 65, Item No. 525, is proposed to be amended to add the participation of Ephraim Freight Systems, Inc. and Harp Freight Systems Inc. in the Exclusive Use of Vehicle rule. In support of said change, the involved carriers state that this will enable them to provide a more complete service to the shipping public.

On Page No. 285, Item No. 3790, which provides a commodity rate on beverages from Denver to Durango, is being amended to reduce the rate from the existing level of 84¢ cwt. to 76¢ per cwt. In support of this reduction, the involved carrier states that this lower rate is designed to divert this traffic from the consignee's own truck to common carrier and that it will produce earnings of \$1.13 per mile.

On Page No. 298, Item No. 4140, is being amended by adding a new section providing rates of 55¢, minimum 30,000 pounds, and 50¢, minimum 40,000 pounds, on fresh or green cabbage or carrots from Blanca or Fort Garland to Denver. In support of this new item, the involved carrier states that approximately 36 truckloads per year are moving from these origins; that this is backhaul traffic needed by the carrier to avoid empty miles; and that the rates will produce earnings of 94¢ to 96¢ per mile.

The Commission states and finds that the involved rates and rules are just and reasonable and that an order should be entered prescribing said changes.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the rates, rules and regulations as identified herein as published on 1st Revised Page No. 65, 1st Revised Page No. 285, and 1st Revised Page No. 298 to Colorado Motor Tariff Bureau Tariff No. COB 300, shall be the prescribed rates, rules and regulations of the Commission.

2. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish, or cause to be published, tariffs reflecting the changes prescribed herein.

3. That all contract carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall publish or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

4. That on and after the effective date of this Order, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that all call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) percent.

5. That on and after the effective date of this Order, all contract carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this Order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" Contract Carriers shall be subject to the penalty rule of twenty (20) percent.

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

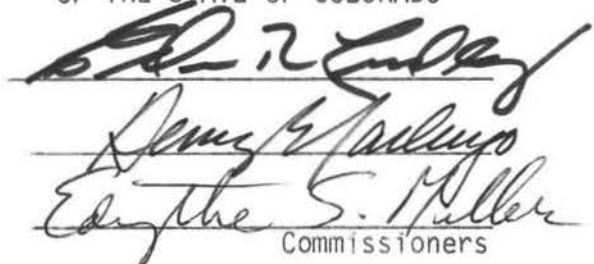
7. That the Order as entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

8. That this Order shall become effective forthwith.

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

DONE IN OPEN MEETING the 20th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

(Decision No. 88111)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF --)	
COLO. PUC NO. 5 -- TELEPHONE,)	INVESTIGATION AND SUSPENSION
MOUNTAIN STATES TELEPHONE AND)	DOCKET NO. 881
TELEGRAPH COMPANY, UNDER ADVICE)	
LETTER NO. 1010.)	

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF --)	
COLORADO PUC NO. 5 -- TELEPHONE,)	INVESTIGATION AND SUSPENSION
MOUNTAIN STATES TELEPHONE AND)	DOCKET NO. 948
TELEGRAPH COMPANY, UNDER ADVICE)	
LETTER NO. 1094.)	

DECISION AND ORDER FOR PARTIAL ALLOWANCE OF
ATTORNEY'S AND EXPERT WITNESS FEES AND COSTS

January 20, 1976

Appearances: Joseph C. O'Neil, Esq.,
Denver, Colorado, and
Alan C. DeMuth, Esq.,
Denver, Colorado, for
Respondent Mountain States
Telephone and Telegraph
Company;
James M. Lyons, Esq.,
Denver, Colorado, for
Intervenor Sturgeon
Electric Company;
Eugene C. Cavaliere, Esq.,
Denver, Colorado, for the
Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 23, 1975, Intervenor Sturgeon Electric Company (herein-
after referred to as "Sturgeon") filed a motion and supporting affidavit
in this proceeding for reimbursement of attorney's fees and costs in the

amount of \$35,000 and expert witness fees in the amount of \$5,000.

On June 2, 1975, Mountain States Telephone and Telegraph Company (hereinafter referred to as "Respondent") filed a motion to dismiss Sturgeon's motion for reimbursement of attorney's fees and expert witness fees or in the alternative to set the motion for hearing and argument.

On June 17, 1975, by Decision No. 87103 Sturgeon's motion for reimbursement of attorney's fees and expert witness fees was set for oral argument on July 2, 1975. Said date was vacated, and July 15, 1975, was set for oral argument, at which time the Commission heard oral argument of counsel for Sturgeon and counsel for Respondent.

On July 15, 1975, Sturgeon filed a Memorandum in Support of Motion for Reimbursement of Attorney's and Expert Witness Fees, and Respondent filed a Brief in Opposition to Motion for Attorney's Fees.

In its motion, Sturgeon catalogs its participation in this proceeding and the evidentiary fruits of its endeavors. It would unduly lengthen this decision to repeat the catalog. Suffice it to say that Sturgeon's vigorous participation resulted in the Commission having before it for consideration in reaching Decision Nos. 86791 and 87834 a very complex and voluminous record. It would not be an exaggeration to say that 90% to 95% of the evidence before the Commission in this proceeding was the result of Sturgeon's vigorous participation. Without this evidence, the Commission could not have rendered the decisions entered herein. The Commission is certainly aware that Sturgeon's endeavors in this proceeding were motivated primarily by business self-interest, and, as far as its interconnect business is concerned, by self-preservation. However, an important by-product of this self-interest, self-preservation participation has been the production of evidence that this Commission finds to have been greatly beneficial to the general consumer interest. We agree with Sturgeon's statement in paragraph 7 of its motion that:

The testimony, evidence, exhibits, briefs and exceptions presented in this proceeding by Sturgeon materially assisted the Commission in fulfilling its statutory duty, in that discovery and analysis conducted and presented by Sturgeon permitted a meaningful consideration of Advice Letter No. 1010

Both Sturgeon and Mountain Bell have filed briefs discussing legal theories under which the Commission could or could not allow attorney's fees and costs to Intervenor Sturgeon.

The Commission was advised by the Attorney General of the State of Colorado in Opinion No. 74-0035 on September 3, 1974, that the Commission has the authority to allow attorney's fees and cost and expert witness fees and cost to intervenors on the same basis that it allows such fees and costs to the utility - that is, as an operating expense of the utility. As a result of Opinion No. 74-0035, the Commission entered Decision No. 85817 on October 15, 1974. In Decision No. 85817, the Commission set out three criteria for reimbursement of fees and costs: (1) representation and expenses incurred must relate to general consumer interest, (2) evidence produced must materially assist the Commission in reaching its decision, and (3) fees and cost for which reimbursement is sought must be reasonable. In Decision No. 87701, entered on October 30, 1975, the Commission added the requirement that the services for which reimbursement is sought must be exceptional. There can be no dispute but that the evidence produced by Intervenor Sturgeon materially assisted the Commission in reaching Decision Nos. 86791 and 87834. A study of the voluminous evidence produced by Sturgeon's counsel can lead to only one conclusion: The services for which reimbursement is sought herein were exceptional. As stated above, the Commission is well aware that Sturgeon's participation in this proceeding was primarily motivated by self-interest, and, as far as its interconnect business is concerned, by self-preservation. However, as discussed above, a by-product of this participation has enured to the benefit of the general consumer interests of the ratepayers of

Mountain Bell. The proportion of benefit derived to Sturgeon Electric from its participation in this proceeding and the benefit derived to the general ratepayer interest cannot be mathematically delineated. The Commission, however, is of the opinion based upon its study of the record that Sturgeon should be reimbursed for part of its expenditures in I&S Docket No. 881. It is the Commission's judgment that Sturgeon should be reimbursed for 20% of the fees for which it filed. Finally, the fees and costs for which reimbursement is sought must be reasonable. Sturgeon Electric, in this proceeding, is asking the Commission for reimbursement in the amount of \$40,000. In its June 2, 1975, motion, Respondent prayed in the alternative that Sturgeon's motion for reimbursement be set for hearing and argument. The Commission heard oral argument on Sturgeon's motion, this being on July 15, 1975. Inasmuch as the Commission is allowing only 20% of the amount of fees filed for, we are of the opinion that a hearing on the reasonableness of the total amount requested by Sturgeon is unnecessary.

CONCLUSIONS ON FINDINGS OF FACT

Based upon the foregoing findings of fact, the Commission concludes that:

1. Sturgeon should be reimbursed for 20% of its expenditures incurred for attorney's fees and costs and expert witness fees and costs in I&S Docket No. 881.

2. Eight Thousand Dollars should be allowed Intervenor Sturgeon as partial reimbursement.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Mountain States Telephone and Telegraph Company shall pay

to Sturgeon the sum of \$8,000 as partial reimbursement for attorney's fees and costs and expert witness fees and costs in this proceeding within 60 days from the date of this decision, said amount being charged as an operating expense of Respondent.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 20th day of January 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

HENRY E. ZARLENGO DISSENTING

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent. Written dissent will follow.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
US

DISSENT TO: Decision No. 88111
Entered January 20, 1976

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF --)
COLO. PUC NO. 5 -- TELEPHONE,)
MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY, UNDER ADVICE)
LETTER NO. 1010.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 881

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF --)
COLORADO PUC NO. 5 -- TELEPHONE,)
MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY, UNDER ADVICE)
LETTER NO. 1094.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 948

DISSENT TO ORDER FOR ALLOWANCE
OF ATTORNEY'S AND EXPERT WITNESS
FEES AND COSTS

January 21, 1976

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent for the following reasons.

A.

BENEFIT TO THE GENERAL CUSTOMERS

Sturgeon is asking by Motion for reimbursement of \$35,000 for attorney fees and costs and \$5,000 for expert witness fees to be paid by Mountain Bell. It is obvious, should the Motion be granted, that it is the general customers of Mountain Bell who will be made to pay these fees and costs as part of their charges for telephone service.

Sturgeon intervened in this proceeding not as an advocate for, or to promote and protect the interests of, the general customers, nor, even, as a customer of Mountain Bell. Sturgeon appears in this proceeding wholly motivated by its business self interest and allegedly for its self preservation. Any efforts expended by it to promote, and benefit, its own private interests is as a competitor of Mountain Bell. Any efforts which might be considered of benefit to the general customers, and none is apparent, are purely coincidental, or, a "by-product".

(See Decision pages 2 and 3.)

Its counsel has appeared before the Commission, one with fishing pole in hand and the other carrying bait, on an extensive fishing expedition, hoping to obtain evidence to benefit its own private interests. The result has been that no evidence has been elicited and disclosed in the record which reasonably can be found to be of any benefit to the general customers of Mountain Bell. In fact, the consequence of its prolonged and extensive efforts to promote its own private interests, and to benefit itself, has resulted in a detriment, rather than benefit, to the general customers of Mountain Bell, as very substantial fees and expenses have been incurred on the part of the utility which ultimately must be paid by the general customers.

It is pointed out in the decision that the evidence in the record is very voluminous and exceptional, however, none is pointed to which is of benefit to the general customers who must pay the bill.

It is stated in the decision, to wit:

"... a by-product of this participation has enured to the benefit of the general consumer interests of the ratepayers of Mountain Bell. The proportion of benefit derived to Sturgeon Electric from its participation in this proceeding and the benefit derived to the general ratepayer interest cannot be mathematically delineated. The Commission, however, is of the opinion based upon its study of the record that Sturgeon should be reimbursed for part of its expenditures in I&S Docket No. 881. It is the Commission's judgment that Sturgeon should be reimbursed for 20% of the fees for which it filed. Finally, the fees and costs for which reimbursement is sought must be reasonable. Sturgeon Electric, in this proceeding, is asking the Commission for reimbursement in the amount of \$40,000."* (Emphasis supplied.)

An opinion is expressed but no finding of fact is made as to how this "by-product" enures to the benefit of the general customers who are charged therefor.

B.

REASONABLENESS OF THE FEES

Sturgeon Electric, a competitor of Mountain Bell, has as an intervenor filed a Motion for reimbursement of attorney fees, expert witness fees and costs to be paid by Mountain Bell as a result of its participation in this proceeding.

* Pages 3 and 4 of Decision herein.

Sturgeon prays in its Motion, to wit:

"WHEREFORE, Sturgeon prays this Commission enter its order granting this Motion and ordering Respondent to reimburse and pay to Sturgeon the attorney's fees and costs incurred in connection with this proceeding in the amount of \$35,000.00, and expert witness fees in the amount of \$5,000.00."*

Such fees and costs will be paid indirectly by all customers of Mountain Bell whose interests must be protected. The Motion is granted, although not in full, without a hearing and without competent evidentiary facts before the Commission necessary for making a finding as to the reasonableness of the amount of attorney's fees, costs and expert witness fees.

Sturgeon asks for reimbursement of \$35,000 for attorney's fees and costs and no breakdown of the amount of each is made, and no evidence thereof is submitted whereby the Commission can evaluate reasonableness of each.

No hearing has been held on the issue of reasonableness. No evidence, which should be readily available, has been presented to the Commission to indicate the number of hours spent by counsel, and by each of them; to indicate the length of experience of such counsel and their respective expertise in the matter; to indicate the rate at which the fees are being charged and comparison of such rate with rates charged by the profession for comparable services; etc.

An affidavit has been attached to the Motion in support thereof in lieu of a hearing and testimony subjected to questioning under proper standards for determination of reasonableness. In effect, the affidavit reveals general information and conclusions of the affiant based upon his inspection of the record and, moreover, excludes any opinion as to the reasonableness of the expert witness fees in the sum of \$5,000; "is directed only to the reasonableness of attorneys' fees in these proceedings." (Affidavit page 3.) The personal opinion of the affiant is relied upon by the Commission rather than pertinent evidence obtained by hearing.

* Page 6, Sturgeon's Motion filed with the Commission May 23, 1975.

It is stated in the decision (page 3), to wit:

"Finally, the fees and cost for which reimbursement is sought must be reasonable. Sturgeon Electric in this proceeding, is asking the Commission for reimbursement in the amount of \$40,000. . . . Inasmuch as the Commission is allowing only 20% of the amount of fees filed for, the Commission is of the opinion that a hearing on the reasonableness of the total amount requested by Sturgeon is unnecessary." (Emphasis supplied.)

The Majority itself, clearly holds that a hearing should be held on the reasonableness of the total amount requested if that amount were being granted, and then erroneously concludes that a hearing as to reasonableness is unnecessary as it is only allowing 20% of the total amount requested.

The fallacy of its conclusion is obvious. If it is necessary to hold a hearing as to the reasonableness of the total amount, to wit, \$40,000, it is likewise necessary to hold a hearing as to the reasonableness of 20% of the total amount, to wit, \$8,000.

It is illegal for the Commission in this proceeding to allow attorney fees in any amount on the basis that a very voluminous and exceptional record has been developed, which is concerned with only the private benefit and interests of Sturgeon and not with the benefit and interests of the general customers, or that it may have been of some benefit to the Commission in making its decision. The evidence regardless of its great volume, regardless of how exceptional in character it may be and regardless that it may be of some benefit to the Commission, unless it be pertinent to the interests and benefit of the general customers is irrelevant and immaterial.

It should be pointed out, that to undertake such a course in allowing attorney fees and costs will encourage self-seeking protestants, and objectors, to come before the Commission which will result in inevitable

expenditure of substantial time and expenses on the part of the Commission, the utilities, and the general customers to their great detriment.

The granting of the Motion is illegal.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner
hbp

(Decision No. 88112)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INVESTIGATION)	CASE NO. 5650
OF THE DEPOSIT, REFUND, AND TERMI-)	
NATION POLICIES AND PRACTICES OF)	ORDER OF JAMES K. TARPEY,
PUBLIC SERVICE COMPANY WITH RE-)	EXAMINER
SPECT TO NATURAL GAS SERVICE AND)	
ELECTRIC SERVICE.)	GRANTING LEAVE TO INTERVENE

January 22, 1976

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

On January 20, 1976, Adco Improvement Association, Inc., filed with the Commission a Petition for Leave to Intervene in the above proceeding.

Although the said petition is untimely filed, Adco Improvement Association, Inc., sets forth sufficient grounds which show it has a substantial personal interest in the subject matter of the proceeding and its intervention will not unduly broaden the issues.

In light of the issues involved, good cause exists for granting said petition. Inasmuch as said petition is late filed, Adco Improvement Association, Inc., will not be able to comply with all procedural dates as set forth in Decision No. 88067, and its participation is hereby limited to those dates and matters with which it can now comply.

O R D E R

THE EXAMINER ORDERS THAT:

1. Adco Improvement Association, Inc., be, and hereby is, granted leave to intervene in the above-entitled proceeding.

2. Adco Improvement Association, Inc., be, and hereby is, directed to comply with the procedural matters set forth in Decision No. 88067 as said procedural matters apply to intervenors representing consumer groups. Said intervention is limited to those dates and matters set forth in Decision No. 88067 with which it can comply.

3. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc
vjr

(Decision No. 88113)

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE ESTATE OF ED ENGELMAN, DECEASED,)	
4668 SHERMAN STREET, DENVER, COLORADO,)	APPLICATION NO. 28683-Transfer
BY AND THROUGH HIS WIFE AND SOLE)	
BENEFICIARY, WINONA D. ENGELMAN, TO)	ORDER OF THOMAS M. McCAFFREY,
TRANSFER PUC NO. 3604 TO ALEX GERLACH,)	EXAMINER, CONTINUING HEARING
DOING BUSINESS AS "ALEX GERLACH AND)	
SON," 4639 SAULSBURY, WHEATRIDGE,)	
COLORADO.)	

January 22, 1976

Appearances: John E. Popovich, Jr., Esq.,
Northglenn, Colorado,
for Transferor;
Raymond M. Kelley, Esq., and
John P. Thompson, Esq.,
Denver, Colorado, for
Transferee;
William Andrew Wilson, Esq.,
Denver, Colorado, for SCA
Services of Colorado, Inc.,
Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

Pursuant to notice, the above-titled application was called for hearing on Tuesday, December 30, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

Prior to the hearing, counsel for Protestant SCA Services of Colorado, Inc., filed a Petition to Vacate Hearing Date. This Motion was based upon the fact that counsel for Protestant had not received Notice of Hearing until December 22, 1975, and because of such late notice, Protestant was unable to make the necessary arrangements to have the Protestant's witnesses present at the hearing. As a preliminary matter in the hearing, the Examiner heard statements of all counsel present concerning the Petition to Vacate Hearing Date. For good cause shown, the Examiner granted the said Petition and continued the application for hearing on Wednesday, February 4, 1976, at 10 a.m. in the Hearing Room of the Commission.

Based on the above Statement and Findings of Fact, an appropriate Order will be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 28683-Transfer, being the application of the Estate of Ed Engelman, Deceased, by and through his wife and sole beneficiary, Winona D. Engelman, to transfer PUC No. 3604 to Alex Gerlach, doing business as "Alex Gerlach and Son," be, and hereby is, continued for further hearing to be held on Wednesday, February 4, 1976, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc
vjr

(Decision No. 88114)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ITALIAN COURIERS OF AMERICA, INC.,)
2149 SOUTH CLERMONT, DENVER, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 28390

ORDER OF JAMES K. TARPEY,
EXAMINER, CONTINUING HEARING

January 22, 1976

Appearances: Charles J. Kimball, Esq.,
Denver, Colorado, for
Applicant Italian Couriers
of America, Inc.;
Tennyson Grebenar, Esq.,
Denver, Colorado, for Pro-
testant Wells Fargo Armored
Service Corp.;
Arthur R. Hauver, Esq., Denver,
Colorado, for Protestants
Purolator Security, Inc.;
Purolator Courier Corp.;
and Colorado Armored Service Co.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

Pursuant to Decision No. 87721, the above-entitled application was called for hearing on Monday, January 19, 1976, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

During the hearing, it was agreed by the parties that the matter be continued until March 18 and 19, 1976. This agreement was premised upon time necessary for protestants to prepare adequately for cross-examination of certain witnesses appearing on behalf of Applicant, for protestants to prepare testimony and exhibits to be presented by their own witnesses, and to avoid certain scheduling conflicts on the Commission's calendar. At the close of the hearing on January 19, 1976, Applicant had not concluded the presentation of its direct case.

Good cause having been shown to justify continuing the hearing until March 18, 1976, the Examiner continued the hearing in this proceeding until March 18, 1976, and directed the parties to file exhibits and lists of witnesses as hereinafter ordered.

O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 28390 be, and hereby is, continued for hearing on Thursday, March 18, 1976, at 8:30 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.
2. The additional date of Friday, March 19, 1976, is reserved for hearing purposes in the event said date is necessary.
3. On or before February 20, 1976, Applicant shall serve and file the exhibits and a list of the witnesses (other than those identified by Applicant at the January 19, 1976, hearing) that it will sponsor during the hearings commencing March 18, 1976.
4. On or before March 5, 1976, each protestant shall serve and file the exhibits and a list of the witnesses that it will sponsor during the hearings commencing March 18, 1976.
5. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc
vjr

(Decision No. 88115)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN HOURLY CHARGES ON	)	INVESTIGATION AND SUSPENSION
HOUSEHOLD GOODS MOVEMENTS FILED BY	)	DOCKET NO. 1008
THOMAS & SON TRANSFER LINE, INC.,)	
TO BECOME EFFECTIVE DECEMBER 6, 1975.	)	ORDER OF ROBERT E. TEMMER,
	)	EXAMINER, CONTINUING HEARING

January 22, 1976

Appearances: Joseph F. Nigro, Esq., Denver,
Colorado, for Thomas & Son
Transfer Line, Inc., Respon-
dent;
Ralph H. Knull, Denver, Colorado,
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

The above-captioned matter was set for a hearing to be held on January 16, 1976, at 10 a.m. in a hearing room of the Commission, 1845 Sherman Street, 500 Columbine Building, Denver, Colorado 80203, by Decision No. 87831. Due and proper notice of this hearing was given to all interested persons, firms, or corporations.

The matter was called for hearing at the set time and place by Examiner Robert E. Temmer, to whom the matter had been duly assigned.

Ordering Paragraph No. 7 of Decision No. 87831 ordered the Respondent to file with the Secretary of the Commission copies of any and all exhibits it intended to introduce in evidence, together with a list of witnesses and a detailed summary of their direct testimony. The Respondent moved that the hearing date be vacated and reset at the earliest possible date, because Respondent had not complied with Ordering Paragraph No. 7 of said Decision. Proper grounds being shown therefor, the hearing date was vacated.

O R D E R

THE EXAMINER ORDERS THAT:

1. The hearing date of January 16, 1976, for Investigation and Suspension Docket No. 1008 be, and hereby is, vacated.

2. Investigation and Suspension Docket No. 1008 be, and hereby is, reset for a hearing to be held on Thursday, March 25, 1976, at 10 a.m. in a hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner

vc
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28558-PP
FRANK SHELTON, DOING BUSINESS AS)	
"STEWART AXLE & FRAME SERVICE, 3925)	ORDER DENYING EXCEPTIONS TO
NIAGARA STREET, DENVER, COLORADO,)	RECOMMENDED DECISION NO. 87962
FOR A CLASS "B" PERMIT TO OPERATE)	AND GRANTING MOTION TO STRIKE
AS A CONTRACT CARRIER BY MOTOR)	APPLICANT'S EXCEPTIONS AND/OR
VEHICLE FOR HIRE.)	APPLICATION FOR REHEARING

- - - - -
January 27, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 2, 1976, Hearings Examiner Robert L. Pyle, entered his Recommended Decision No. 87962 in the above-captioned matter.

On January 19, 1976, Applicant, Frank Shelton, doing business as "Stewart Axle & Frame Service" filed with the Commission a pleading entitled "Applicant's Exception to Recommended Decision of Robert L. Pyle, Examiner, dated January 2, 1976, in the Above-Captioned Matter and Application for Re-Hearing."

On January 23, 1976, Protestant, Chet's Tow Service, Inc., filed with the Commission a Motion to Strike Applicant's Exceptions and/or Application for Re-Hearing.

The Commission has elected to treat Applicant's pleading as Exceptions. Inasmuch as Applicant has not filed a transcript, the findings of fact of the examiner are conclusively presumed to be complete and accurate in accordance with CRS 40-6-113(4). The Commission has also reconsidered the matter and has determined that the Exception filed herein by Applicant, Frank Shelton, doing business as "Stewart Axle & Frame Service" should be overruled and denied; Protestant's Motion to Strike Applicant's Exception and/or Application for Rehearing should be granted; and that the Examiner's findings of fact and conclusions in Recommended Decision No. 87962 should be adopted as its own.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The pleading entitled "Applicant's Exceptions to Recommended Decision of Robert L. Pyle, Examiner, dated January 2, 1976, in the Above-Captioned Matter and Application for Re-Hearing" filed on January 19, 1976, by Applicant, Frank Shelton, doing business as "Stewart Axle & Frame Service" which pleading the Commission has elected to treat as Exceptions ~~be~~, and hereby are, overruled and denied.

2. The Motion to Strike Applicant's Exceptions and/or Application for Re-Hearing filed on January 23, 1976, by Protestant Chet's Tow Service, Inc., be, and hereby is, granted.

3. The findings of fact and conclusions of Hearings Examiner Robert L. Pyle in Recommended Decision No. 87962 be, and hereby are, adopted by the Commission.

4. The Examiner's Recommended Order in said Decision No. 87962 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY CER-
TIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY UNDER TITLE 40-10-104)
(2), CRS 1973, FOR THE TEMPORARY OR)
SEASONAL MOVEMENT OF SUGAR BEETS)
AND SUGAR BEET PULP.)

APPLICATION NO. 28930

EMERGENCY DISTRICT 1-76

- - - - -
January 27, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Chief of Transportation, Transportation Section of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of sugar beets and sugar beet pulp in the counties of Boulder, Logan, Morgan, Sedgwick and Weld, Colorado.

Request, pursuant to the above, has been made for an order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets and sugar beet pulp in the counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of sugar beets and sugar beet pulp in the counties of Boulder, Logan, Morgan, Sedgwick and Weld, Colorado, and that present or future public convenience and necessity requires the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided in Title 40, Article 10, Section 104 (2), CRS 1973, and as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates be, and hereby are, authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets and sugar beet pulp in the counties of Boulder, Logan, Morgan, Sedgwick and Weld, Colorado; provided, however, that said certificates shall be effective only for a period of THIRTY (30) DAYS commencing January 19, 1976.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
cp

COMMISSIONER HENRY E. ZARLENGO ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT J. FOURET, PAUL J. FOURET,)
JAMES H. FOURET, STEPHEN FOURET)
AND VIOLA M. WINTER, OWNERS OF ALL)
THE ISSUED AND OUTSTANDING CAPITAL)
STOCK IN AND TO FOURET BROS.)
GARAGE & TAXI SERVICE, INC., FOR)
AUTHORITY TO TRANSFER SAID CAPITAL)
STOCK IN AND TO FOURET BROS. GARAGE)
& TAXI SERVICE, INC., RECORD OWNER)
OF CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 29 TO ALFRED)
M. FREYTA AND HARLEY E. ZORENS,)
PURCHASERS.)

APPLICATION NO. 28749-Stock Transfer
ORDER OF THE COMMISSION

February 3, 1976

Appearances: Joseph F. Nigro, Esq., Denver, Colorado
Attorney for Applicants

IT APPEARING, That by Notice of the Commission dated November 17, 1975, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1973, 40-6-108 (2);

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

IT FURTHER APPEARING, That pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

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

Wherefore, and good cause appearing therefor:

WE FIND, That the Transferee is fit, willing and able to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 29, and that the transaction is compatible with the public interest and that the following Order should be entered. '

IT IS ORDERED, That Albert J. Fouret, Paul J. Fouret, James H. Fouret, Stephen Fouret and Viola M. Winter, owners of all the issued and outstanding capital stock in and to Fouret Bros. Garage & Taxi Service, Inc., be, and are hereby, authorized to transfer all the issued and outstanding capital stock in and to Fouret Bros. Garage & Taxi Service, Inc., record owner of Certificate of Public Convenience and Necessity PUC No. 29 to Alfred M. Freyta and Harley E. Zorens, purchasers.

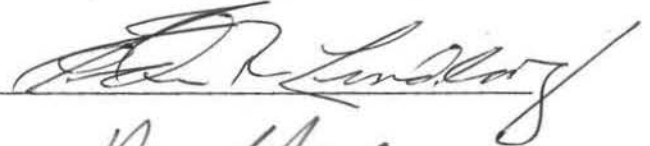
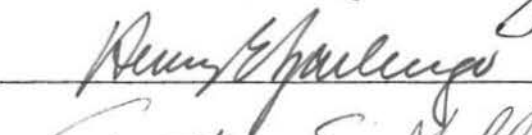

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferors and Transferees, in writing, have advised the Commission that said stock certificates have been formally assigned, and that said parties have accepted, and in the future will comply with,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

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

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

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88119)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FOURET BROS. GARAGE & TAXI SERVICE,)
INC., 137 WEST FIRST STREET, TRINI-)
DAD, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 29.)

APPLICATION NO. 28750-Extension
ORDER OF THE COMMISSION

- - - - -
February 3, 1976
- - - - -

Appearances: Joseph F. Nigro, Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 29 to include the following:

"Transportation -- on schedule -- of

Passengers and their baggage and express

Between Trinidad, Colorado and Monument Lake, Colorado over Colorado Highway 12, serving all intermediate points and all coal mines with access from said highway as off-route points."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 29 as extended, shall read and be as set forth in the Appendix attached hereto.

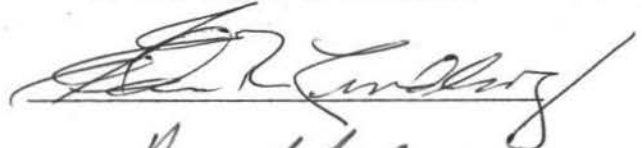
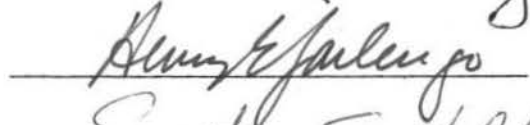
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
md

Appendix
Decision No. 88119
February 3, 1976

Fouret Bros. Garage & Taxi Service, Inc.

- (1) Taxicab service, both in the City of Trinidad, and from said city to points both in and out of the Counties of Huerfano and Las Animas, State of Colorado.
- (2) Transportation of
Passengers
Between Trinidad, and the aviation and circus grounds, located on East Main Street a short distance outside the City Limits of Trinidad, at such times as said grounds are being used for entertainment purposes requiring public transportation.
- (3) Transportation -- in pickup and delivery service -- of
Passengers, express and mail
Between the City of Trinidad, Colorado, and the Trinidad Airport, located approximately twelve miles north and east of said Trinidad, Colorado.
- (4) Transportation -- on schedule -- of
Passengers and their baggage and express
Between Trinidad, Colorado and Monument Lake, Colorado over Colorado Highway 12, serving all intermediate points and all coal mines with access from said highway as off-route points.

(Decision No. 88120)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INVESTIGATION)	CASE NO. 5650
OF THE DEPOSIT, REFUND, AND TERMI-)	
NATION POLICIES AND PRACTICES OF)	ORDER OF JAMES K. TARPEY,
PUBLIC SERVICE COMPANY WITH RE-)	EXAMINER
SPECT TO NATURAL GAS SERVICE AND)	
ELECTRIC SERVICE.)	

- - - - -
January 23, 1976
- - - - -

PROCEDURE AND RECORD

In response to Decision No. 88067, the following pleadings have been filed with the Commission:

<u>Party</u>	<u>Date</u>	<u>Pleading</u>
Rory O'Donnell, A. Williams, C. Richie, and B. Sandoval	1/21/76	Interrogatories and Statement of Position
Commission Staff	1/21/76	Interrogatories
Pikes Peak Legal Services	1/22/76 (late filed)	Statement of Position

STATEMENT

PUBLIC HEARINGS

In the above pleadings, several locations in the Denver area are suggested for the holding of public hearings during the week of March 1, 1976.

Inasmuch as the Office of the Commission is centrally located and is accessible by public and private transportation from various parts of the Denver area, it is reasonable to schedule the public hearings for the Hearing Room of the Commission. The exact dates and times scheduled for said hearings are as follows:

<u>Date</u>	<u>Time</u>
March 1	9 a.m.
March 2	7 p.m.
March 3	7 p.m.

AGENDA

During the hearing on January 5, 1976, the parties were advised that an agenda would be established for the hearings commencing February 17, 1976, if such an approach would be feasible.

In light of the interrelationship between Rules 11 and 13 and upon reviewing the Statements of Position, the establishment of an agenda would appear to be artificial, unrealistic and impractical. In light of the above, an agenda shall not be established for the hearings commencing February 17, 1976.

OTHER RELEVANT INFORMATION

In its Statement of Position, Pikes Peak Legal Services requested that the scope of the proceeding be expanded to include the reasonableness of the customer deposit and termination tariffs of the City of Colorado Springs.

In Decision No. 87886, the Commission delineated the scope of the instant proceeding as the reasonableness of Public Service's tariffs concerning deposits, refunds, and terminations. If the proceeding were now expanded to include analysis of another utility's tariffs, the resulting delays necessary to satisfy legal requirements would unduly prolong the instant proceeding.

Further, the City of Colorado Springs is a municipal utility not subject to this Commission's jurisdiction within its municipal boundaries. This restriction would limit considerably the effect of any decision concerning the reasonableness of said tariffs of the City of Colorado Springs.

In light of the above, the request of Pikes Peak Legal Services shall be denied.

O R D E R

THE EXAMINER ORDERS THAT:

1. Public hearings be, and hereby are, scheduled for the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, as follows:


<u>Date</u>	<u>Time</u>
March 1, 1976	9 a.m.
March 2, 1976	7 p.m.
March 3, 1976	7 a.m.

2. An agenda shall not be established for the hearings commencing February 17, 1976.

3. Pikes Peak Legal Services' request to include in this proceeding the reasonableness of the City of Colorado Springs' tariffs concerning deposits and terminations be, and hereby is, denied.

4. This Order shall become effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION OF	)	CASE NO. 5614
RICHARD T. FOGARTY, DOING BUSINESS)	
AS "CORTEZ TAXI AND TRANSFER,"	)	ORDER GRANTING EXTENSION OF TIME
PUC CERTIFICATE NO. 1689 FOR A)	
DECLARATORY RULING.)	

- - - - -
January 27, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 15, 1975, Recommended Decision No. 87333 of Examiner Thomas M. McCaffrey was entered and served upon the parties.

On January 22, 1976, Petitioner, Richard T. Fogarty doing business as "Cortez Taxi and Transfer," by his attorney, Stanley M. Morris, filed with the Commission a Petition for an Extension of Time in Which to File Exceptions to the Recommended Decision of the Examiner.

The Commission states and finds that said request for an extension of time is in the public interest and should be granted.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Petitioner, Richard T. Fogarty doing business as "Cortez Taxi and Transfer," be, and hereby is, granted an extension of time within which to file exceptions to the Recommended Decision of the Examiner until February 11, 1976.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PUBLIC SERVICE COMPANY OF COLORADO,)	
550 15TH STREET, DENVER, COLORADO,)	APPLICATION NO. 28815
FOR A CERTIFICATE OF PUBLIC CONVEN-)	
IENCE AND NECESSITY FOR THE CON-)	ORDER GRANTING LEAVE TO INTERVENE
STRUCTION, OPERATION AND MAINTENANCE)	
OF A STEAM ELECTRIC GENERATING PLANT)	
TO BE KNOWN AS THE PAWNEE STEAM)	
ELECTRIC GENERATING STATION, NEAR)	
BRUSH, COLORADO.)	

January 27, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 21, 1976, Information Please, Inc., by its attorney Robert G. Shepherd, Jr., filed with the Commission a Petition for Leave to Intervene in the above-captioned application.

On January 22, 1976, Platte River Power Authority, by its attorneys Raphael J. Moses and John Wittemyer, filed with the Commission a Petition for Leave to Intervene in the above-captioned application.

On January 22, 1976, Tri-State Generation and Transmission Association, Inc., by its attorney John J. Conway, filed with the Commission a Petition for Leave to Intervene in the above-captioned application.

On January 22, 1976, the City of Brush, by its attorney Kenneth C. Scull, filed with the Commission a Petition for Leave to Intervene in the above-captioned application.

The Commission states and finds that the above petitioners for intervention are persons who may or might be interested in or affected by any order which may be entered in this proceeding and that the interventions should be authorized.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Information Please, Inc., Platte River Power Authority, Tri-State Generation and Transmission Association, Inc. and the City of Brush, be, and

hereby are, granted leave to intervene in the above-entitled application.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE COLORADO & WYOMING RAILWAY)	APPLICATION NO. 25479
COMPANY, FOR AN ORDER BY THE)	
COMMISSION FOR THE CONSTRUCTION OF)	ORDER OF THE COMMISSION
A RAILWAY CROSSING OVER THE TRACKS)	DISMISSING APPLICATION
OF THE COLORADO AND SOUTHERN)	
RAILWAY COMPANY AND THE ATCHISON,)	
TOPEKA AND SANTA FE RAILWAY COMPANY)	
IN PUEBLO COUNTY, COLORADO.)	

- - - - -
January 27, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The records of the Commission disclose that the above-entitled application was filed with the Commission by The Colorado & Wyoming Railway Company on February 3, 1972.

The records of the Commission further disclose that the above-entitled application is still pending on the docket of the Commission and that no request for hearing has been received.

As the Commission is desirous of closing its docket on long-pending matters, the Commission states and finds that, unless a written request is made with the Secretary of the Commission to set the above-entitled application for hearing on or before February 20, 1976, the application will be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That Application No. 25479 be, and hereby is, dismissed, without prejudice, unless written request for hearing is made with the Secretary of the Commission on or before February 20, 1976.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision No. 88124)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
TO TRANSFER PUC NO. AC-4 FROM	)	APPLICATION NO.28738-A/C Transfer
CLINTON AVIATION COMPANY, ARAPAHOE)	
COUNTY AIRPORT, 7625 SOUTH PEORIA,)	
ENGLEWOOD, COLORADO, TO TRANS-	)	ORDER OF ROBERT L. PYLE, EXAMINER,
AMERICA AIRWAYS, INC., 7625 SOUTH	)	CONTINUING HEARING
PEORIA, ENGLEWOOD, COLORADO.)	

January 26, 1976

Appearances: Craig S. Barnes, Esq., Denver,
Colorado, for Transferor Clinton
Aviation Company, and Transferee
Trans-America Airways, Inc.;
John B. Stone, Esq., and Robert S.
Wham, Esq., Denver, Colorado, for
Protestant Rocky Mountain Airways,
Inc.;
Arthur R. Hauver, Esq., Denver,
Colorado, for Protestant Aspen
Airways, Inc.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

This is a joint application by Clinton Aviation Company (Transferor) and Trans-America Airways, Inc. (Transferee) filed with the Commission on October 24, 1975, requesting that Certificate of Public Convenience and Necessity PUC No. AC-4 be transferred from Clinton Aviation Company to Trans-America Airways, Inc.

The Commission assigned Docket No. 28738-A/C Transfer to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

Protests were duly filed by Protestants noted above in the Appearances, and, after due and proper notice to all interested parties, the application was set for hearing on Thursday, January 22, 1976, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was called for hearing by Examiner Robert L. Pyle, to whom it was duly assigned.

Under date of January 21, 1976, Protestant Rocky Mountain Airways, Inc., filed a MOTION TO CONTINUE, which Motion was heard by the Examiner prior to the commencement of the scheduled hearing. Generally, the basis for the Motion was the fact that Protestant Rocky Mountain Airways, Inc., had filed a complaint with the Commission against both Clinton Aviation Company and Trans-America Airways, Inc., the parties to this transfer proceeding. That complaint is a verified complaint to which the Commission

has assigned Docket No. 5662 and presumably in due course will be set for hearing. It was the contention of Rocky Mountain Airways, Inc., (a Protestant in this proceeding and the Complainant in the complaint case) that matters in the complaint case would go to the standing of Certificate of Public Convenience and Necessity PUC No. AC-4 and to the fitness of the Transferee to such a material extent that it could be possible that the Certificate would be canceled, or it could be found that Transferee was unfit to hold authority from this Commission.

Applicants objected to the Motion, but failed to show that they would be unduly prejudiced by the granting of the Motion, and, good cause having been shown, Protestant's MOTION FOR CONTINUANCE was granted. The matter is reset for hearing as hereinafter set forth.

O R D E R

THE EXAMINER ORDERS THAT:

1. The date of January 22, 1976, for hearing the above-entitled matter be, and hereby is, vacated, and Application No. 28738-A/C Transfer is set for hearing on:

DATE: Monday, March 29, 1976

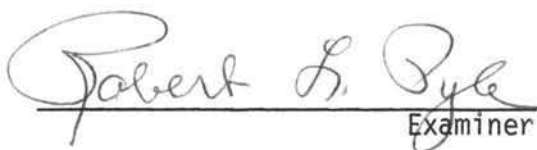
TIME: 10 a.m.

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

The date of Friday, April 2, 1976, is reserved in the event additional time is needed to conclude said hearing.

2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc/jp

(Decision No. 88125)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
VALLEY REFUSE REMOVAL, INC., 2724)	APPLICATION NO. 28548
HIGHWAY 50, GRAND JUNCTION, COLORADO,)	
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)	RECOMMENDED DECISION OF
AND NECESSITY TO OPERATE AS A COMMON)	JAMES K. TARPEY, EXAMINER
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

January 26, 1976

Appearances: Warren F. Reams, Esq.,
Grand Junction, Colorado,
for Applicant Valley
Refuse Removal, Inc.;
Stacy R. Carpenter, Esq.,
Grand Junction, Colorado,
for Protestant Lashbrook
Sanitation Service, Inc.

PROCEDURE AND RECORD

On May 30, 1975, Applicant Valley Refuse Removal, Inc. ("Valley Refuse") filed the above-entitled application with this Commission requesting the issuance of a Certificate of Public Convenience and Necessity to conduct operations as a common carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned Docket No. 28548 to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973. On September 5, 1975, Lashbrook Sanitation Service, Inc. ("Lashbrook"), filed its protest to the granting of said application.

Upon due and proper notice to all interested persons, firms, or corporations, the matter was set for hearing to be held in Court Chambers, Room 300-Courthouse, Sixth and Rood Avenue, Grand Junction, Colorado, at 9 a.m. on Tuesday, December 9, 1975. The hearing was held as scheduled by Examiner James K. Tarpey, to whom the matter had been duly assigned.

Exhibits 1 through 13 and 13A through 13R were offered and admitted into evidence, and official notice was taken of the attachments to Valley Refuse's application filed May 30, 1975. Official notice was also taken of Decision No. 82382, dated February 21, 1973.

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

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

FINDINGS OF FACT

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

1. Valley Refuse is a Colorado corporation duly organized and existing under the laws of the State of Colorado.

2. Valley Refuse presently holds authority from this Commission under Permit No. B-4773 as a Class "B" contract carrier. Said authority was granted by Decision No. 73907 (and subsequently amended by Decision No. 79404), and provides as follows:

Transportation of

(1) Ashes, trash and other refuse

From all points within Grand Junction, Colorado, and a ten (10) mile radius thereof to such locations where the same may be lawfully delivered or disposed of.

(2) Ashes, trash and other refuse

From all points within the town of Palisade, Colorado, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION:

Items numbered 1 and 2 are restricted against the rendering of any transportation service in the area outside the city limits of Grand Junction, Colorado, for the following designated firms:

1. United Fruit Growers Co-op.
2. Pacific Growers Co.
3. Colorado Flavo Canning Co.

(3) Ashes, trash and other refuse

From all points within Grand Junction, Colorado, and a twenty-five (25) mile radius thereof to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION:

Item numbered 3 is restricted to rendering service for one customer only, to-wit:

Mesa County Valley School District No. 51.

3. By this application, Valley Refuse seeks common carrier authority to transport ashes, trash, and other refuse from all points in Mesa County, State of Colorado, to such places where the same may be lawfully delivered or disposed of.

4. Lashbrook is a Colorado corporation duly organized and existing under the laws of the State of Colorado. Lashbrook holds authority from this Commission as a common carrier by motor vehicle for hire under Certificate of Public Convenience and Necessity PUC No. 7017, which provides as follows:

Transportation of

Ash, trash, and other refuse

From all points located within Mesa County, State of Colorado, to such locations where the same may be lawfully delivered or disposed of.

5. Valley Refuse owns sufficient equipment and has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.

6. The chief corporate officers of Valley Refuse are sufficiently familiar with the rules and regulations of the Public Utilities Commission, and, if this application is granted, have stated they will abide by said rules and regulations, including the insurance provisions and the safety requirements of the Commission.

7. The effect of granting this application would be twofold.

First, Valley Refuse would be authorized to serve all of Mesa County as a common carrier whereas its present authority is limited to serving all points within Grand Junction and a ten-mile radius thereof and all points within the town of Palisade.

Second, Valley Refuse would be authorized to serve its current service area as a common carrier whereas it is presently authorized to serve said service area as a contract carrier.

8. As for the additional area for which Valley Refuse seeks authority to serve, this area is sparsely populated and little, if any, need has been shown to justify adding an additional carrier to said area. Valley Refuse has failed to show there is any need over and above the service available by Protestant to serve these additional areas.

9. The granting of that aspect of the application which would allow Valley Refuse to serve its present service area as a common carrier in contrast to its current status as a contract carrier is supported by several factors.

Valley Refuse may not solicit business in the same manner that a common carrier may do so. Valley Refuse may not advertise its services; instead, it must rely primarily upon its customers telling others about its service. Also, it is not unusual for people to be confused by the fact that a carrier hauling ash and trash is not able to advertise in the yellow pages of the telephone book.

Confusion and resentment also arise in the minds of customers when a contract carrier of ash and trash increases his rates as the sole result of an increase in rates by a competitive common carrier.

Further, Valley Refuse presently has approximately 2,400 customers, and Lashbrook is presently serving approximately 3,000 customers. The majority of customers served by Valley Refuse and Lashbrook reside within Grand Junction and a ten-mile radius thereof. If Valley Refuse is authorized to serve its present service area as a common carrier, the adverse

economic effect on Lashbrook will probably be minimal and will certainly be less than ruinous. In fact, authorization to Valley Refuse to serve its present service area as a common carrier will enable Valley Refuse to become more competitive with Lashbrook and will help remove some of the misunderstanding in the minds of the public that now arises from the differences in the privileges of Lashbrook as a common carrier and the restrictions upon Valley Refuse as a contract carrier.

Finally, one other factor supports that aspect of the application which would allow Valley Refuse to serve its present service area as a common carrier. When two ash and trash carriers such as Valley Refuse and Lashbrook are competing in the same geographical area and are comparable in many respects (equipment, financial ability, number of customers, etc.), it is not in the public interest to regulate one of the carriers by a certain set of rules which subject him to restrictions not imposed upon the other.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Commission has jurisdiction of Valley Refuse, Lashbrook, and the subject matter of this proceeding.

2. As for that aspect of the application that would authorize Valley Refuse to serve all of Mesa County as a common carrier, Valley Refuse has failed to show that the public convenience and necessity requires, or will require, the granting of the application.

3. As for that aspect of the application that would authorize Valley Refuse to serve its present service area as a common carrier, Valley Refuse has established that the public convenience and necessity requires, and will require, the granting of said application, and the granting of same is, and will be, in the public interest.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. That portion of Application No. 28548 requesting authority to serve areas not presently served by Valley Refuse Removal, Inc., be, and hereby is, denied.

2. That portion of Application No. 28548 requesting authority to serve as a common carrier that area presently served as a contract carrier be, and hereby is, granted.

3. The grant of authority as set forth in Ordering Paragraph No. 2 shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, and shall read as follows:

Transportation of

(1) Ashes, trash and other refuse

From all points within Grand Junction, Colorado, and a ten (10) mile radius thereof to such locations where the same may be lawfully delivered or disposed of.

(2) Ashes, trash and other refuse

From all points within the town of Palisade, Colorado, to such locations where the same may be lawfully delivered or disposed of.

4. Valley Refuse Removal, Inc., shall file tariffs of rates, rules, regulations, and time schedules as required by the Commission's rules and regulations within twenty days from the date of this Order.

5. Valley Refuse Removal, Inc., shall operate its carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

6. This Order is subject to compliance by Valley Refuse Removal, Inc., with all present and future laws and rules and regulations of the Commission.

7. Permit No. B-4733 be, and hereby is, amended to read as follows:

Ashes, trash and other refuse

From all points within Grand Junction, Colorado, and a twenty-five (25) mile radius thereof to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION:

Item numbered 3 is restricted to rendering service for one customer only, to-wit:


Mesa County Valley School District No. 51.

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

9. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon

the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
yc
jp

(Decision No. 88125-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
VALLEY REFUSE REMOVAL, INC., 2724)	APPLICATION NO. 28548
HIGHWAY 50, GRAND JUNCTION, COLORADO,)	
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO OPERATE AS A COMMON)	ERRATA NOTICE
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

February 5, 1976

Decision No. 88125
(Issued January 26, 1976)

Ordering Paragraph No. 7 should read as follows:

7. Permit No. B-4773 be, and hereby is, amended to read as follows:

Ashes, trash and other refuse

From all points within Grand Junction, Colorado,
and a twenty-five (25) mile radius thereof to such
locations where the same may be lawfully delivered
or disposed of.

RESTRICTION:

This permit is restricted to rendering service
for one customer only, to-wit:

Mesa County Valley School District No. 51.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HARRY A. GALLIGAN, JR., Secretary

Dated at Denver, Colorado, this
5th day of February, 1976.

vc

jp

(Decision No. 88126)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28506-A/C
MOUNTAIN WEST AIRLINE COMPANY, BOX)	
126, ASPEN, COLORADO, FOR A CERTIFI-)	RECOMMENDED DECISION OF
CATE OF PUBLIC CONVENIENCE AND)	THOMAS M. McCaffrey,
NECESSITY TO OPERATE AS A COMMON)	EXAMINER
CARRIER BY FIXED WING AIRCRAFT.)	
	DISMISSING APPLICATION

- - - - -
January 26, 1976
- - - - -

Appearances: John P. Thompson, Esq.,
Denver, Colorado, for
Applicant.

PROCEDURE AND RECORD

On July 7, 1975, Applicant filed the above-titled application with this Commission for a certificate of public convenience and necessity for the transportation, on call and demand, by fixed wing aircraft, of passengers and property between all points within the state of Colorado with certain restrictions as set forth in said application.

The Commission assigned Docket No. 28506-A/C to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

Protests to the application were duly filed on behalf of Aspen Airways, Inc., and Rocky Mountain Airways, Inc.

After due and proper notice to all interested persons, firms, or corporations, the application was set for hearing on Tuesday, November 11, 1975, at 9 a.m. in the District Courtroom of Pitkin County Courthouse, 506 East Main Street, Aspen, Colorado, and on Thursday, November 13, 1975, at 9 a.m. in District I Courtroom, Mesa County Courthouse, Grand Junction, Colorado. The hearing dates were subsequently vacated and reset for hearing on January 5 and 6, 1976, in Aspen and January 6 and 7, 1976, in Grand Junction. The application was called for hearing at the scheduled time and place in Aspen, Colorado, by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned.

As a preliminary matter, counsel for Applicant moved to dismiss the application, which Motion the Examiner granted.

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

FINDINGS OF FACT AND CONCLUSIONS THEREON

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

1. The subject application has been withdrawn and should be dismissed at the request of the Applicant.
2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28506-A/C, being the application of Mountain West Airline Company, Box 126, Aspen, Colorado 81611, for a certificate of public convenience and necessity for the transportation -- on call and demand by fixed wing aircraft -- of passengers and property between all points within the state of Colorado, restricted to bases of operation at airports located within the counties of Mesa and Pitkin, state of Colorado, be, and hereby is, dismissed.

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

3. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

- - - - -
January 26, 1976
- - - - -

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

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on January 5, 1976. The matters were duly called for hearing pursuant to such notice on Monday, January 19, 1976, at 9 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Thomas M. McCaffrey, assigned by the Commission as Examiner in these proceedings pursuant to law.

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

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

FINDINGS OF FACT

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

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

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

CONCLUSIONS ON FINDINGS OF FACT

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

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

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

O R D E R

THE COMMISSION ORDERS THAT:

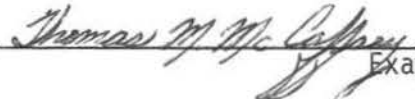
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

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

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

4. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. 88127)

APPENDIX A

<u>NAME AND ADDRESS</u>	<u>APPL. NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
William H. Graeff dba Graeff Resources P.O. Box 221 Elizabeth, CO 80107	28448-PP	PLPD Ins., Cargo Ins.	507-App.
Charles E. Milburn dba Gene Milburn P.O. Box 219 101 Deuel Street Fort Morgan, CO 80701	28435-PP	PLPD Ins., Cargo Ins., Issuance fee	508-App.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PHONE SUBSCRIBERS OF ERIE, COLORADO,)
MS. LAVONNE TYLEWSKI, MS. CONNIE)
CANNADY, ET AL, AND PHONE SUBSCRIBERS)
OF LONGMONT, COLORADO, MR. HOWARD M.)
WATTS, JR., ET AL,)

Complainants,)

vs.)

MOUNTAIN BELL TELEPHONE AND TELEGRAPH)
COMPANY,)

Respondent.)

CASE NO. 5652

January 27, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The within complaint was filed on December 16, 1975. An Order to Satisfy or Answer was directed to Respondent Mountain Bell Telephone and Telegraph Company (hereinafter "Mountain Bell") on December 17, 1975.

On January 6, 1976, Mountain Bell filed a "Motion to Dismiss" alleging in said Motion that the Complainants failed to comply with the provisions of CRS 40-6-8 and Rule 12 of the Rules of Practice and Procedure of this Commission and that the issues sought to be raised in the complaint have been decided and determined by the Commission.

By Decision NO. 88055, dated January 13, 1976, the Commission issued its Order granting Mountain Bell's Motion to Dismiss and closing the within docket.

On January 19, 1976, Howard M. Watts, Jr., one of the Complainants herein, filed a "Complaint and Protest to Decision."

Attached to the aforesaid pleading were numerous petitions ostensibly filed by residents of Erie, Mead, Hygiene, Niwot, Lyons, and Longmont ("Longmont Metropolitan area") which requested that the Longmont Metropolitan area be included within the Denver-Boulder calling area.

From a technical standpoint, the Commission was correct in granting Mountain Bell's Motion to Dismiss inasmuch as the original complaint contained only the signatures of three persons. The numerous Petitions were not filed with the complaint, but were subsequently filed with the Complaint and Protest to Commission Decision No. 88055. Had these Petitions been filed with the original complaint, the Commission would not have granted Mountain Bell's Motion to Dismiss.

Technically, the Commission could adhere to its Decision No. 88055, dated January 13, 1976, which granted Mountain Bell's Motion to Dismiss. Dismissal, of course, would have to be predicated upon procedural grounds and not upon the merits. There is little doubt that the complaint would be filed again with the minimum number of required signatures, thereby overcoming the technical procedural difficulties in the instant case. However, as a practical matter, the expeditious resolution of the subject matter of the complaint would only be needlessly delayed by adhering to this course of action. Accordingly, we shall set aside our Decision No. 88055 and order Mountain Bell to answer the complaint herein.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Decision No. 88055, dated January 13, 1976, be, and hereby is, rescinded.
2. The Motion to Dismiss filed on January 6, 1976, by Mountain Bell Telephone and Telegraph Company be, and hereby is, denied.
3. Mountain Bell Telephone and Telegraph Company shall answer the complaint herein within ten (10) days of the effective date of this decision.

This Order shall be effective twenty-one (21) days from the day and date hereof.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

(Decision No. 88129)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
TRANS CENTRAL AIRLINES, INC., 1805)	
SOUTH BELLAIRE STREET, DENVER,)	
COLORADO, FOR AUTHORITY TO TRANSFER)	APPLICATION NO. 28825-ACS-Transfer
PUC NO. ACS-61 TO ROCKY MOUNTAIN)	
AIRWAYS, INC., HANGAR #6, STAPLETON)	
INTERNATIONAL AIRPORT, DENVER,)	
COLORADO.)	

IN THE MATTER OF THE APPLICATION OF)	
TRANS CENTRAL AIRLINES, INC., 1805)	
SOUTH BELLAIRE STREET, DENVER,)	
COLORADO, FOR AUTHORITY TO TRANSFER)	APPLICATION NO. 28826-ACS-Transfer
PUC NO. ACS-63 TO ROCKY MOUNTAIN)	
AIRWAYS, INC., HANGAR #6, STAPLETON)	
INTERNATIONAL AIRPORT, DENVER,)	
COLORADO)	

January 27, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 21, 1976, Frontier Airlines, Inc., filed with the Commission a Petition for Leave to Intervene in the above-captioned matters.

On January 22, 1976, Transferor, Trans Central Airlines, Inc., and Transferee, Rocky Mountain Airways, Inc., filed with the Commission a Motion to Strike Petition to Intervene of Frontier Airlines, Inc.

On January 19, 1976, Transferor, Trans Central Airlines, Inc., and Transferee, Rocky Mountain Airways, Inc., filed with the Commission a Motion to Strike Protest of Trans-America Airways, Inc., which Protest was filed with the Commission on January 14, 1976.

With respect to the Petition to Intervene filed by Frontier Airlines, the Commission states and finds that said Petition was not timely filed, inasmuch as the notice of the within applications was dated December 15, 1975, and provided that all protests, objections and petitions for leave to intervene must be filed within thirty (30) days, or January 14, 1976. Frontier in its Petition has made no statement indicating a substantial reason for the delay in making a timely filing. Accordingly, its Petition to Intervene should be denied and the Motion to Strike the Petition to Intervene granted.

With respect to the Protest of Trans-America Airways, Inc., the Commission states and finds that it has no standing to become a party and participate in these proceedings inasmuch as it holds no certificate of public convenience and necessity issued by this Commission by which it would have the right to participate herein. Having no such certificate, Trans-America Airways, Inc., therefore has no legally protected interest or right in the subject matters of these proceedings. Accordingly, its protest will be stricken.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. The Petition for Leave to Intervene filed on January 21, 1976, by Frontier Airlines, Inc., be, and hereby is, denied.

2. The Motion to Strike Protest of Trans-America Airways, Inc., filed on January 19, 1976, by Transferor, Trans Central Airlines, Inc., and Transferee, Rocky Mountain Airways, Inc., be, and hereby is, granted.

3. The Motion to Strike Petition to Intervene of Frontier Airlines, Inc., filed with the Commission on January 22, 1976, by Transferor, Trans Central Airlines, Inc., and Transferee, Rocky Mountain Airways, Inc., be, and hereby is, granted.

4. The Protest filed on January 14, 1976, by Trans-America Airways, Inc., be, and hereby is, stricken.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

(Decision No. 88130)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE SOUTHEAST COLORADO POWER)	
ASSOCIATION, A COLORADO CORPORATION,)	APPLICATION NO. 28814
FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	
SUPPLY ELECTRIC SERVICE TO CERTAIN)	
AREAS IN PROWERS COUNTY, COLORADO.)	

- - - - -
January 27, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 26, 1975, Southeast Colorado Power Association filed the within application for a certificate of public convenience and necessity to supply electric power and energy requirements to an area in Prowers County, Colorado, as more fully described therein.

On January 16, 1976, the City of Lamar ("Lamar") filed an "Answer" to the within application wherein it requested that its appearance be noted and that a meeting be set with the Commission Staff to determine whether any issues between the parties can be handled by agreement and stipulation and without the necessity of a hearing. The Commission's Rules of Practice and Procedure do not provide for the filing of an "Answer" to an application. Accordingly, the so-titled pleading of Lamar will be stricken as improvidently filed.

The Commission also notes that, even if the Answer filed by Lamar on January 16, 1976, were a proper pleading, it nevertheless was filed on January 16, 1976, which is beyond the thirty (30) day period, set forth in the Commission's notice dated December 2, 1975, during which interested persons were required to act with respect to the within Application, and therefore is untimely.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The pleading titled "Answer" filed by the City of Lamar on January 16, 1976, be, and hereby is, stricken.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PINE LAKE MOBILE HOME RESORT AND)	
CAMPGROUND, A COLORADO LAND TRUST)	
OF WELD COUNTY, COLORADO, AND)	
H. GORDON HOWARD, INDIVIDUALLY,)	
AND AS TRUSTEE FOR SAID TRUST,	)	CASE NO. 5590
)	
Complainant, <u>pro se</u>,	)	COMMISSION ORDER DENYING
	)	APPLICATION FOR REHEARING,
vs.	)	RECONSIDERATION OR REARGUMENT
)	
THE PUBLIC SERVICE COMPANY OF)	
COLORADO, a Colorado corporation,)	
)	
Respondent.)	

January 27, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 13, 1976, by Decision No. 88054, the Commission denied Exceptions to Recommended Decision No. 87337, dated August 13, 1975. Said Exceptions were filed on January 6, 1976, by Complainant, H. Gordon Howard, individually and as trustee for Pine Lake Mobile Home Resort and Campground.

On January 19, 1976, Complainant, H. Gordon Howard, filed with the Commission an Application for Rehearing, Reconsideration or Reargument of Decision No. 88054.

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

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Application for Rehearing, Reconsideration or Reargument filed on January 19, 1976, by Complainant, H. Gordon Howard, of Decision

No. 88054, dated January 13, 1976, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

- - - - -
January 27, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 31, 1975, Colorado Municipal League filed a "Motion for Designation of the Record" with respect to the within application. The Commission will strike said Motion for the following reasons:

1. Normally a motion for designation of a record in a particular matter is unnecessary inasmuch as a letter request to the Secretary of the Commission is sufficient for such purposes.
2. With respect to the within application, the Commission states and finds that the League is without standing to file pleadings therein inasmuch as it is not a party herein.
3. In any event, the Secretary of the Commission has been commanded by the Clerk of the Denver District Court to certify and deliver to the Denver District Court the complete record "of the proceedings in Investigation and Suspension Docket No. 930 and Application No. 28745, such record to include all pleadings, orders, rulings, decisions, documents, papers and exhibits filed, presented, offered, prepared or issued in said Docket, together with a complete transcript of the evidence presented in said Docket," which filing is to be made on or before January 27, 1976, thus making the League's Motion moot.

An appropriate order will be entered.

O R D E R

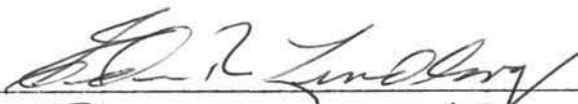
THE COMMISSION ORDERS THAT:

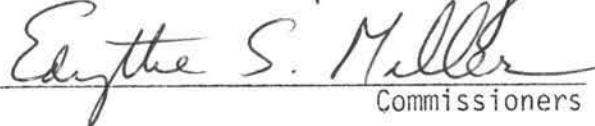
The Motion for Designation of the Record filed on December 31, 1975, by the Colorado Municipal League be, and the same hereby is, stricken.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 88133)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
J & B CONSTRUCTION CO., 3098	)	PERMIT NO. B-4390
SOUTH HOLLY PLACE, DENVER,)	
COLORADO.)	

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from J & B Construction Co., 3098 South Holly Place, Denver, Colorado 80222, requesting the Commission's approval of an encumbrance of Contract Carrier Permit No. B-4390 to Beatrice L. Dalton, 3098 South Holly Place, Denver, Colorado 80222 to secure payment of indebtedness in the principal sum of Fifty-Five Thousand Dollars (\$55,000) in accordance with the terms and conditions of the Security Agreement dated January 19, 1976, as executed by and between said parties.

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

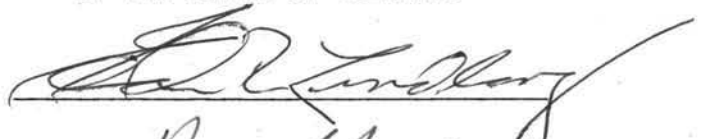
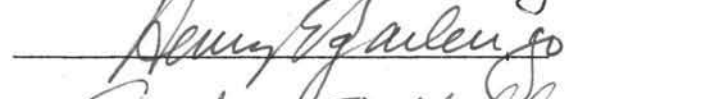
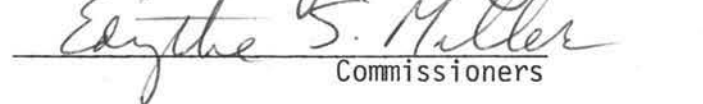
O R D E R

THE COMMISSION ORDERS:

That J & B Construction Co., 3098 South Holly Place, Denver, Colorado 80222, be and hereby is, authorized to encumber all right, title and interest in and to Contract Carrier Permit No. B-4390 to Beatrice L. Dalton, 3098 South Holly Place, Denver, Colorado 80222, to secure payment of the indebtedness in the amount of Fifty-Five Thousand Dollars (\$55,000) in accordance with the terms and conditions set forth in the statement preceding.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 88134)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PLATEAU VALLEY STAGE LINE, INC.,)
110 WEST HIGH, COLLBRAN, COLORADO.)

PUC NO. 212 AND 212-I

- - - - -
February 3, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from John P. Thompson, attorney for Robert D. Kornelson and Lisa A. Kornelson, owners of all the issued and outstanding capital stock in and to Plateau Valley Stage Line, 110 West Highway, Collbran, Colorado 81624, requesting the Commission's approval of an encumbrance of Certificate of Public Convenience and Necessity PUC No. 212 and 212-I to Donald G., Gloria Jean, Charles K. and Ada Fern Gapter, c/o Ivan P. Kladder, P. O. Box 338, Grand Junction, Colorado 81501, to secure payment of indebtedness in the principal sum of Seventy Thousand Dollars (\$70,000) in accordance with the terms and conditions of the Security Agreement and Financing Statement dated December 5, 1975 as executed by and between said parties.

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

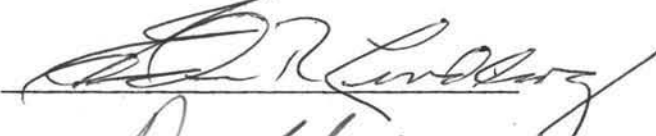
ORDER

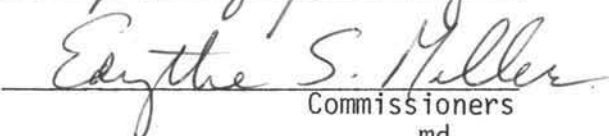
THE COMMISSION ORDERS:

That Robert D. Kornelson and Lisa A. Kornelson, owners of all the issued and outstanding capital stock in and to Plateau Valley Stage Line, Inc., 110 West High, Collbran, Colorado 81624, be, and hereby are, authorized to encumber all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 212 and 212-I to Donald G., Gloria Jean, Charles K. and Ada Fern Gapter, c/o Ivan P. Kladder, P.O. Box 338, Grand Junction, Colorado 81501, to secure payment of the sum of Seventy Thousand Dollars (\$70,000) in accordance with the terms and conditions as set forth in the statement preceding.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 23884 -
ROCKY MOUNTAIN HELICOPTERS, INC.,)	Extension-TA
8895 MONTVIEW BOULEVARD, DENVER,)	
COLORADO, FOR TEMPORARY AUTHORITY)	ORDER DENYING PETITION FOR
TO EXTEND OPERATIONS UNDER CERTI-)	RECONSIDERATION OF DECISION
FICATE OF PUBLIC CONVENIENCE AND)	NO. 88046
NECESSITY PUC NO. ACH-75.)	

- - - - -
January 27, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 13, 1976, the Commission entered its Decision No. 88046 in the above-captioned matter.

On January 23, 1976, Applicant, Rocky Mountain Helicopters, Inc., filed with the Commission a pleading entitled "Petition for Reconsideration of Order Denying Temporary Authority Entered January 13, 1976," said Order being Decision No. 88046.

The Commission states and finds that Applicant's Petition for Reconsideration does not set forth sufficient grounds for any change or modification and that said Petition should therefore be denied.

An appropriate Order will be entered.

O R D E R

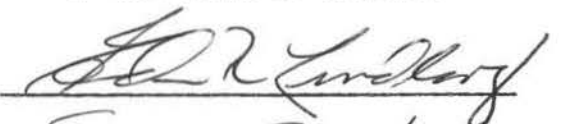

THE COMMISSION ORDERS THAT:

The "Petition for Reconsideration of Order Denying Temporary Authority Entered January 13, 1976," filed on January 23, 1976, by Applicant, Rocky Mountain Helicopters, Inc., be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision No. 88136)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAKE SCHLAGEL, JR., DOING BUSINESS)
AS "AURORA & EAST DENVER TRASH)
DISPOSAL," 447 OSWEGO STREET,)
AURORA, COLORADO, FOR TEMPORARY)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 1823.)

APPLICATION NO. 28774-Extension-TA
ORDER DENYING APPLICATION FOR
RECONSIDERATION OF DECISION NO. 87975

January 27, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 30, 1975, the Commission entered Decision No. 87975 in the above-captioned matter.

On January 16, 1976, Applicant, Jake Schlagel, Jr., doing business as "Aurora & East Denver Trash Disposal," filed with the Commission an Application for Reconsideration of Decision No. 87975.

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

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Application for Reconsideration filed on January 16, 1976, by Applicant, Jake Schlagel, Jr., doing business as "Aurora & East Denver Trash Disposal," of Decision No. 87975, dated December 30, 1975, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
K. C. ELECTRIC ASSOCIATION, A)	
COLORADO CORPORATION OF HUGO,)	APPLICATION NO. 28910
COLORADO, FOR AN ORDER AUTHORIZING)	
THE ISSUANCE OF SECURITIES (RURAL)	ORDER GRANTING
ELECTRIFICATION ADMINISTRATION)	MOTION FOR WAIVER OF TIME LIMIT
LOAN) AND THE APPLICATION OF THE)	AND
PROCEEDS THEREFROM. (1973 CRS,)	MOTION FOR EXTENSION OF TIME
TITLE 40, ARTICLE 1, SECTION 101).)	

- - - - -
January 27, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 16, 1976, the above-captioned application was filed with the Commission.

On January 22, 1976, Applicant, by his attorney Richard D. Thomas, filed a Motion for Waiver of Time Limit and Motion for Extension of Time with the Commission. This motion asks the Commission to waive the 30-day statutory time requirement on security applications in order that Applicant can meet his publication requirements on security applications.

The Commission states and finds that Applicant has set forth sufficient grounds for the Commission to grant the Motion for Waiver of Time Limit.

An appropriate order will be entered.

O R D E R

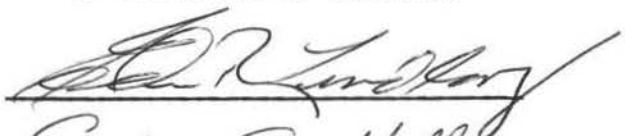

THE COMMISSION ORDERS THAT:

1. The 30-day time period set forth in 1973 CRS 40-1-104(5) be, and hereby is, extended for a period of 10 days.

2. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES	)	INVESTIGATION AND SUSPENSION
AS PUBLISHED BY ART WALKER, DBA	)	DOCKET NO. 1003
"COLORADO SPRINGS-LIMON TRANSPORTATION)	
COMPANY," RESPONDENT HEREIN, SCHEDULED	)	ORDER VACATING HEARING,
TO BECOME EFFECTIVE ON NOVEMBER 20,	)	CLOSING DOCKET AND ALLOWING
1975.	)	SUSPENDED TARIFF TO BE
	)	CANCELLED

January 27, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 15, 1975, Colorado Springs-Limon Transportation Company, Respondent herein, filed its Tariff No. 4, Colorado PUC No. 5, scheduled to become effective on November 20, 1975. Said tariff, if allowed to become effective, would have the effect of increasing all rates and charges in Tariff No. 4 by 6 percent.

Review of the data submitted by Respondent herein in support of said increase indicates that Respondent failed to notify the public by failing to publish said increases in the newspaper in violation of Rule 19 G of the Rules of Practice and Procedure of this Commission.

By Decision No. 87788, dated November 18, 1975, the Commission set the matter for hearing and suspended the effective date of the tariff.

By letter filed January 21, 1976, Respondent requests that the hearing date of January 30, 1976 now set in this matter be vacated; that Investigation and Suspension Docket No. 1003 be closed and that it be allowed to cancel the suspended rates and charges.

The Commission states and finds that it will be in the public interest to grant Respondent's request.

An appropriate Order will be entered.


O R D E R

THE COMMISSION ORDERS:

1. That the hearing date of January 30, 1976 now set in this matter be, and hereby is, vacated.
2. That Investigation and Suspension Docket No. 1003, be, and hereby is, closed.
3. That Respondent's Tariff No. 4, PUC No. 6, now under suspension shall be cancelled by the filing of the necessary cancellation supplement.
4. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ethythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOE N. CARTER, DOING BUSINESS AS)	
"J. N. C.," 4915 WORCHESTER STREET,)	APPLICATION NO. 28800
DENVER, COLORADO, FOR A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	ORDER GRANTING MOTION
TO OPERATE AS A COMMON CARRIER BY)	TO COMPEL ANSWERS.
MOTOR VEHICLE FOR HIRE.)	

- - - - -
January 27, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 20, 1976, Robert D. Hounshell, doing business as "Platte Valley Freightways," a Protestant in the above-captioned application, filed with the Commission a Motion to Compel Answers to interrogatories heretofore served upon Applicant, Joe N. Carter, doing business as "J. N. C." Answers were due on January 12, 1976. Protestant requests an order compelling Answers by no later than February 27, 1976.

The Commission states and finds that good grounds exist, and are expressed in Protestant's Motion, for compelling answers to the interrogatories.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Answers to Interrogatories heretofore served on December 10, 1975, by Protestant, Robert D. Hounshell, doing business as "Platte Valley Freightways," upon Applicant Joe N. Carter, doing business as "J. N. C.," shall be furnished to the Protestant on or before February 27, 1976.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROCKY MOUNTAIN AIRWAYS, INC.,
a California corporation,

Complainant,

vs.

CLINTON AVIATION COMPANY,
a Colorado corporation, and
TRANS-AMERICA AIRWAYS, INC.,
a Colorado corporation,

Respondents.

CASE NO. 5662

ORDER GRANTING LEAVE TO INTERVENE

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 22, 1976, Aspen Airways, Inc., by its attorney Arthur R. Hauver, filed with the Commission a Petition for Leave to Intervene in the above case.

The Commission states and finds that the above petitioner for intervention is a person who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

An appropriate order will be entered.

ORDER

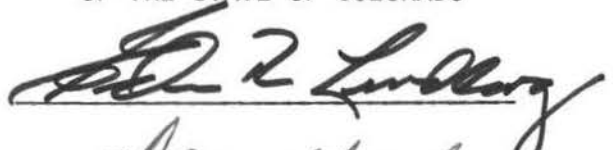
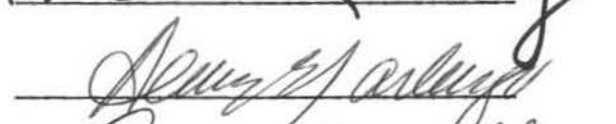
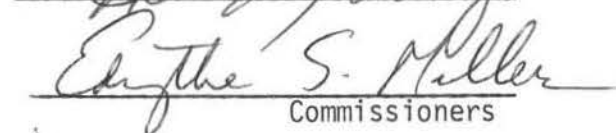
THE COMMISSION ORDERS THAT:

Aspen Airways, Inc., be, and hereby is, granted leave to intervene in the above-entitled case.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 88141)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES FILED BY RIO)
GRANDE MOTOR WAY, INC. AND WEICKER)
TRANSPORT CO. IN SUPPLEMENTS NO.)
12 AND NO. 13 TO COLORADO MOTOR)
TARIFF BUREAU TARIFF NO. 3, PUC NO.)
2, WITH A PROPOSED EFFECTIVE DATE)
OF FEBRUARY 9, 1976.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1016

ORDER SETTING HEARING AND
SUSPENDING EFFECTIVE DATE
OF TARIFF FILING

January 27, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1976, Supplements No. 12 and No. 13 to Colorado Motor Tariff Bureau Tariff No. 3, PUC No. 2, were filed by J. R. Smith, Chief of Tariff Bureau, for and on behalf of the participating carriers listed therein. The effect of said supplements, which are scheduled to become effective on February 9, 1976, would increase all rates and charges for the account of Rio Grande Motor Way, Inc. by four (4) percent in Supplement No. 12 and would increase the rates and charges for the account of the eleven (11) carriers listed in Supplement No. 13 by ten (10) percent. As Rio Grande Motor Way, Inc. is included as one of the carriers in Supplement No. 13, the amount of increase for that carrier would be fourteen (14) percent versus the ten (10) percent for the balance of the carriers.

A review of the supporting data filed by the eleven (11) carriers in support of the increases reveals that no data relating to local cartage was filed on behalf of Weicker Transport Co. and that the data filed by Rio Grande Motor Way, Inc. was limited to comparison of hourly wage rates with no information given concerning local cartage traffic actually handled or the revenues or expenses for such traffic.

The Commission states and finds that it will be in the public interest to set Supplement No. 12, and that portion of Supplement No. 13 to Colorado Motor Tariff Bureau Tariff No. 3 involving Rio Grande Motor Way, Inc. and Weicker Transport Co., for hearing and to suspend the effective date of Supplements No. 12 and No. 13 insofar as those two carriers are concerned.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of the increased rates published in Supplements No. 12 and No. 13 to Colorado Motor Tariff Bureau Tariff No. 3 applying for the account of Rio Grande Motor Way, Inc. and Weicker Transport Co.

2. That this Investigation and Suspension Docket No. 1016, be, and the same is hereby, set for hearing before the Commission on:

Date: March 31, 1976

Time: 10:00 AM

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

3. That Supplement No. 12 to Colorado Motor Tariff Bureau Tariff No. 3 and that portion of Supplement No. 13 to said tariff involving Rio Grande Motor Way, Inc. and Weicker Transport Co., be, and hereby are, suspended for a period of 210 days or until September 6, 1976, unless otherwise ordered by the Commission.

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

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


6. That a copy of this Order shall be filed with the tariff in the office of the Commission and that a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Tariff Bureau, Inc., 4060 Elati Street, Denver, Colorado 80216, and that the necessary suspension supplement be posted and filed to the tariff.

7. That at least fifteen (15) days prior to the hearing date herein, Respondent herein shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 27th day of January, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION	)	APPLICATION NO. 23805
OF THE CITY OF FOUNTAIN FOR AUTH-)	
ORITY TO INSTALL SAFETY DEVICE	)	ORDER GRANTING LEAVE TO INTERVENE
AT THE CROSSING SANTA FE RAILROAD)	
AND MISSOURI STREET.)	

- - - - -
February 3, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 22, 1976, The Atchison, Topeka and Santa Fe Railway Company, by its attorney Peter J. Crouse, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

An appropriate order will be entered.

O R D E R

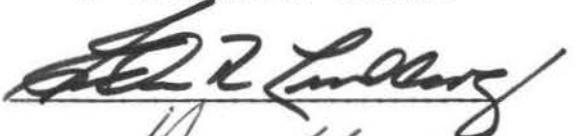
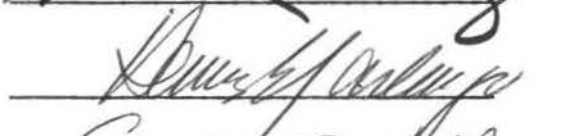

THE COMMISSION ORDERS THAT:

The Atchison, Topeka and Santa Fe Railway Company be, and hereby is, granted leave to intervene in the above-entitled application.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
RESPONDENT, NORTH PARK TRANS-)	CASE NO. 5634
PORTATION CO., A COLORADO COR-)	
PORATION, 5150 COLUMBINE STREET,)	RECOMMENDED DECISION OF
DENVER, COLORADO, UNDER CERTIFICATE)	ROBERT L. PYLE, EXAMINER
OF PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 1600, PUC NO. 1600-I, AND)	
PUC NO. 5888.)	

January 29, 1976

Appearances: Leslie R. Kehl, Esq.,
Denver, Colorado, for Respondent
North Park Transportation Co.;
John S. Walker, Esq.,
Denver, Colorado, for Intervenor
Rio Grande Motor Way, Inc.;
Oscar Goldberg, Esq.,
Denver, Colorado,
for the Commission.

PROCEDURE AND RECORD

This is a show cause proceeding arising out of Commission Decision No. 87614, dated October 14, 1975. After calling attention to an investigation by the Staff of the Commission relating to the motor vehicle operations of North Park Transportation Co. (Respondent), under its Certificates of Public Convenience and Necessity PUC No. 1600, PUC No. 1600-I, and PUC No. 5888, the Commission found that said investigation disclosed that Respondent may have engaged in transportation practices in violation of the Public Utilities Law and the rules and regulations of the Commission in the following respects, to-wit:

"By performing repeated instances of transportation in June, August, and October of 1973, as listed in Appendix 'A', which is appended hereto, which were beyond the scope of authority granted in Certificates of Public Convenience and Necessity PUC No. 1600, PUC No. 1600-I, and PUC No. 5888.

By charging rates other or different than those on file with the Commission for such service as shown on its bills of lading, which resulted in some cases in undercharges and in others, overcharges, which are in violation of the Statutes of this State and the Rules and Regulations of the Public Utilities Commission.

The freight bill numbers and dates of those shipments wherein there appears to be rate violations are shown in Appendix "B" of the order to show cause. Said Commission Decision also set the matter for

hearing before the Commission in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 a.m. on Friday, January 2, 1976, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

During the course of time before the case came to hearing, various pleadings were filed, a culmination of which resulted in Rio Grande Motor Way, Inc., being allowed to intervene and the case being heard as scheduled.

Some background and history concerning this complaint and show cause proceeding are necessary, because of the manner in which the evidence in this case was presented to the Examiner:

On July 23, 1974, the Commission entered its Decision No. 85431, which, after stating that the Staff of the Commission had conducted an investigation relating to the motor vehicle operations of Respondent North Park Transportation Co. under Certificates of Public Convenience and Necessity PUC No. 1600, No. 1600-I, and No. 5888, found that said investigation disclosed that Respondent may have engaged in transportation practices in violation of the Public Utilities Law and the rules and regulations of the Commission in the following respects:

"By performing repeated instances of transportation in June, August and October of 1973, as specifically enumerated, which were beyond the scope of authority granted in Respondent's Certificates; and

"By charging rates other or different than those on file with the Commission for such service as shown on its bills of lading, resulting in some case in undercharges and in overcharges in others."

Having assigned Docket No. 5565 to that case, the Commission in the aforesaid Decision ordered Respondent to appear before the Commission in the Commission Hearing Room at 10 a.m. on September 18, 1974, to show cause why the Commission should not take such action and enter such penalty as may be appropriate, including, but not limited to, a cease and desist order, or if warranted, an order canceling and revoking Certificates of Public Convenience and Necessity PUC No. 1600, PUC No. 1600-I, and PUC No. 5888 of the Respondent. The hearing date was subsequently vacated several times and finally reset for hearing on Monday, January 6, 1975, at 10 a.m. in the Hearing Room of the Commission in Denver. The hearing was held at the scheduled time and place by Examiner Thomas M. McCaffrey, to whom the matter had been duly assigned.

In the hearing, Respondent and the Commission Staff presented a joint petition requesting that the Commission make an initial determination concerning the territorial extent of that portion of PUC No. 1600, as set forth in Respondent's Letter of Authority, which reads, "from point to point within Jackson County, Colorado, and all other points and places in the State of Colorado." The following exhibits were offered and admitted into evidence:

- Exhibits 1-10 - Certificates encompassing history of North Park authorizations;
- Exhibits 11-14 - Copies of North Park delivery receipts;
- Exhibit 15 - Amendment to Appendix B of the show cause order issued by the Commission in this case;
- Exhibit 16 - Stipulation relative to admission of exhibits;
- Exhibits 17-19 - Statute and Commission rules;
- Exhibit 20 - Stipulation of testimony of James A. Perea, Secretary-Treasurer of Respondent company;
- Exhibit 21 - Copy of Letter of Authority issued by the Colorado Public Utilities Commission for Certificate No. 1600 and 1600-I.
- Exhibit 22 - Territorial analysis of shipments.

Additional testimony was presented by Lloyd C. Espinosa and Gene Eckhardt of the Staff of the Commission.

At the close of the hearing, upon Respondent's request, the Examiner directed that post-hearing briefs be filed simultaneously on or before February 3, 1975, which briefs were duly received. The subject matter was taken under advisement by the Examiner.

That particular case (No. 5565) culminated in Decision No. 86513, dated March 19, 1975, which was the Recommended Decision of Thomas M. McCaffrey, Examiner. Subsequently, and by Commission Decision No. 87423, dated September 2, 1975, Case No. 5565 was dismissed by the Commission and the case was closed. The dismissal of Case No. 5565 came about because of the failure of the Commission to give notice to the Respondent as set forth and required under the Administrative Procedure Act.

Thereafter, the same complaint or show cause proceeding was instituted by Commission Decision No. 87614, dated October 14, 1975, which instituted this proceeding, namely, Case No. 5634, which actually involves the same matters and the same issues as Case No. 5565 above referred to.

There being the same complaint and the same issues in this proceeding (Case No. 5634) as in the initial proceeding (Case No. 5565), the parties (Commission Staff, Respondent, and Intervenor) stipulated through the several documents that were filed that: (1) Rio Grande Motor Way, Inc. (Intervenor), at all times involved herein, possessed both the authority and the equipment to transport each and every shipment, which is the subject of this proceeding, pursuant to authority sheets and equipment list (Exhibit No. 1); that (2) the record of proceedings in Case No. 5565 initiated by the Public Utilities Commission by Decision No. 85431, dated July 23, 1974, should be submitted to and considered by the Hearings Examiner in the present proceedings as a basis for his decision herein; and that (3) said record of proceedings in Case No. 5565 shall include the transcript of the proceedings held therein, the testimony of all witnesses, exhibits offered and received in evidence, petitions, stipulations, motions and other pleadings, arguments, matters of official notice, and briefs of counsel, as attached thereto (Exhibit No. 2).

Attached to and made a part of Exhibit No. 2 are the following items:

A copy of the transcript of the testimony in Case No. 5565;

A petition filed jointly by the Staff of the Commission and the Respondent, the gist of which was that the Commission make initial determination concerning the territorial extent of PUC No. 1600;

Exhibits No. 1 through No. 10 in Case No. 5565, which were the certificates encompassing history of North Park Transportation Co. authorities;

Exhibits No. 11 through No. 14, which were copies of North Park Transportation Co. delivery receipts;

Exhibit No. 15, which is an amendment to Appendix "B" of the show cause order issued by the Commission;

Exhibit No. 16, which is a stipulation relative to admission of exhibits;

Exhibits No. 17 through No. 19, which are the Statutes and Commission's rules;

Exhibit No. 20, which is a stipulation of testimony of James A. Perea, Secretary-Treasurer of Respondent's company

Exhibit No. 21, which is a copy of the Letter of Authority issued by the Public Utilities Commission for Certificate No. 1600-I

Exhibit No. 22, which is the territorial analysis of shipments

The third stipulation was identified in this proceeding as Exhibit No. 3, which was a request for official notice and stipulation as follows:

"REQUEST FOR OFFICIAL NOTICE AND STIPULATION

Respondent North Park Transportation Co. requests official notice be taken of Commission Decision Nos.

85431 (July 23, 1974)
86513 (March 19, 1975)
87423 (September 2, 1975)
87519 (September 19, 1975), and
87679 (October 28, 1975)

Copies of these Decisions are attached to this request.

"Additionally, it is stipulated by the parties to the within proceeding that the Summons and Complaint in Rio Grande Motor Way, Inc. v. Public Utilities Commission of the State of Colorado, et al., in Civil Action No. C-60021 together with the Answer filed on behalf of North Park in the subject proceeding

may be received in evidence in the within matter and copies of said Summons, Complaint and Answer are attached hereto. It is further stipulated between the parties that at the time of dismissal of prior show cause Case No. 5565, the matter was pending before the Public Utilities Commission on timely filed exceptions of Respondent North Park Transportation Co. to the recommended Decision of Thomas M. McCaffrey in No. 86513 which Decision is one of those for which official notice is requested. It is further stipulated that the Civil Action No. C-60021 of Rio Grand Motor Way, Inc. v. Public Utilities Commission of the State of Colorado, et al., remains pending before the District Court of the City and County of Denver at the present date."

Exhibit No. 4, which is Appendix "B" to Decision No. 87614, gave rise to this particular proceeding.

Pursuant to the stipulations of the parties, the Examiner has now reviewed the entire record of proceedings in Case No. 5565, including the transcript of the proceedings, the testimony of all witnesses, exhibits received and offered into evidence, petitions, stipulations, motions and other pleadings, arguments, matters of official notice, and briefs of counsel as were attached to Exhibit No. 2.

The Examiner has taken official notice of matters requested, as noted in Exhibit No. 3, and is aware of the authority and the equipment of Intervenor Rio Grande Motor Way, Inc., pursuant to Exhibit No. 1.

In short, the testimony, evidence, and the entire record in Case No. 5565 is to constitute the record in this proceeding, and this case is to be determined on the basis of the record in the prior proceeding and the parties so stipulated.

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

FINDINGS OF FACT

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

1. Respondent North Park Transportation Co., 5150 Columbine Street, Denver, Colorado, is owner and operator of Certificates of Public Convenience and Necessity PUC No. 1600, PUC No. 1600-I, and PUC No. 5888. Pursuant to the joint petition of Staff and Respondent, the first issue to be determined in this proceeding is the territorial scope of the pertinent portion of PUC No. 1600 and PUC No. 1600-I. If it is determined that this Certificate does not authorize the transportation services enumerated in Appendix A of Decision No. 85431 issued in this proceeding, then a determination shall be made of whether such transportation is authorized under the remaining portions of Respondent's authorities.

2. Certificate of Public Convenience and Necessity PUC No. 1600 was originally granted by this Commission to one Earl M. Harris, doing business as "North Park Transportation Company," in Decision No. 22574,

issued August 5, 1944 (Exhibit 1). This decision was rendered on Application No. 6672, which is not of record in this proceeding and is apparently not available in the records of the Commission. Since the present issue is the intent and meaning of the Commission's grant of authority in Decision No. 22574, it is appropriate to comment from pertinent parts of the Commission's statement in said decision. On page 1 of the decision the Commission stated:

"Earl M. Harris, doing business as 'North Park Transportation Company,' Denver, Colorado, seeks authority to operate as a common carrier by motor vehicle, on call and demand, for the transportation of freight, excluding, however, household goods and heavy machinery requiring special equipment, but not excluding emigrant moveables, from point to point within Jackson County, Colorado, and between points in Jackson County and all other points and places in the State of Colorado.

"Applicant testified that he is president of Denver-Laramie-Walden Truck Line, Inc., which conducts a line-haul service between Denver and Walden, Colorado, via Laramie, Wyoming; that he desires to have certificate issued to him, personally, in order to keep the two operations separate; that he has had requests almost every day for movements requested, including local cartage in Jackson County; as well as service within Jackson County and to and from Jackson County and other points within the State; that these requests have included movements of livestock, lumber, coal, fresh fruits, and all other commodities; that there is no other authorized carrier in Jackson County which can give the desired service." (Emphasis supplied.)

In this decision granting the authority in question, the Commission ordered:

"IT IS ORDERED:

"That public convenience and necessity require the operation of applicant as a common carrier by motor vehicle for hire, on call and demand, for the transportation of freight, excluding, however, household goods and heavy machinery requiring special equipment, but not excluding emigrant moveables, from point to point within Jackson County, Colorado, and between points in Jackson County and all other points and places in the State of Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor."

3. The above-described authority granted to Earl M. Harris in Decision No. 22574 was transferred to Respondent North Park Transportation Company in Decision No. 22713, issued October 5, 1944 (Exhibit 2). Although the specific wording of the authority is not set out in the Order portion of this decision authorizing transfer to the Respondent, the authority sought to be transferred was set forth in the Statement portion of the decision as follows:

"By the Commission:

"On August 5, 1944, there was issued to Earl M. Harris, doing business as 'North Park Transportation Company', by virtue of Decision No. 22574 of this Commission, a certificate of public convenience and necessity authorizing the transportation, on call and demand,

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

In its Post-Hearing Brief filed in this proceeding, Respondent emphasizes that the initial grant of authority was not to the present carrier, i.e., North Park Transportation Co., the corporation, but was to Earl M. Harris as an individual. This point is obviously well taken, but if having any relevancy at all, is made completely irrelevant and immaterial by the Commission's Statement in Decision No. 22713 transferring the authority to Respondent wherein it is stated:

"At the hearing, which was held in Walden, Colorado, on September 21, 1944, the evidence disclosed that since the issuance of said Decision No. 22574 by the Commission, the said Earl M. Harris, together with Neal Winscom and Truman A. Stockton, Jr., has organized a corporation, the articles of which corporation were filed with the Secretary of State of the State of Colorado on August 14, 1944, and that the name of said corporation is North Park Transportation Company."

Thus, the subject authority, when transferred to the Respondent corporation, contained the exact wording and punctuation in the territorial description as was stated in the original grant of authority, i.e., " . . . from point to point within Jackson County, Colorado, and between points in Jackson County and all other points and places in the State of Colorado." PUC No. 1600 as originally granted by this Commission and as transferred to Respondent was one and the same.

4. Since Respondent's acquisition of PUC No. 1600, there have been various consolidations with and extensions of this authority, all of which are set forth in Exhibits 3 through 5, inclusive, and none of which are directly pertinent to the original grant of authority, since the provisions thereof are not cited in any of these Commission decisions. The next Commission decision setting forth the entire provisions of PUC No. 1600 and PUC No. 1600-I is Decision No. 57606, issued November 29, 1961 (Exhibit 6), which under Statement and Findings of Fact reads, in pertinent part, as follows:

"North Park Transportation Company, Denver, Colorado, is the owner and operator of PUC No. 1600 and PUC No. 1600-I, authorizing:

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

This exact wording, except for the omission of a comma after the word "equipment" is next set forth under the section titled "Examiner Findings of Fact" in Decision No. 72418, issued January 14, 1969 (Exhibit 7). This same wording, with the comma included after the word "equipment," is the same as that contained in Respondent's present Letter of Authority (Exhibit 21). There is no evidence, other than Decisions No. 57606 and No. 72418 (Exhibits 6 and 7, respectively) to show when or why any change in the wording of the original territorial grant of authority came about. Respondent contends, *inter alia*, that in any event the rewording of the authority by the Commission constitutes an interpretation of the original authorization to the specific effect that the language "was surplusage and unnecessary," and that under the holding of the Colorado Supreme Court in Buckingham v. PUC, 180 Colo. 267, 507 P.2d 677, decided December 26, 1972, the authority as stated in these two decisions and in Respondent's Letter of Authority is state-wide authority, not an "in and out" authority to and from Jackson County. This contention, as discussed *infra*, is untenable.

5. The record is devoid of any evidence whatsoever to indicate that this Commission, prior to this instant proceeding, desired or intended to interpret the territorial language as originally granted in Certificate PUC No. 1600 and PUC No. 1600-I. If the Commission did, as Respondent contends, omit the phraseology "and between points in Jackson County" from the authority as surplusage, it is unreasonable to assume that it did so with the intent of making the authority statewide. If such were the intent, obvious additional surplusage is the wording "from point to point within Jackson County, Colorado," since any mention of Jackson County is meaningless in a state-wide authority. If the change in wording in the authority did indeed result from an intentional, deliberate act, as opposed to an inadvertent clerical or administrative error, on the part of the Commission, the only reasonable assumption that can be made is that the Commission, at the time such change was made, felt that the reworded authority clearly defined an "in and out" or (radial) authority to and from Jackson County. This assumption is fortified by the Commission's position in the Buckingham v. PUC case, *supra*.

In the Buckingham case this Commission, in a transfer proceeding, attempted to interpret PUC No. 222, which territorially provided for authorization as follows:

"From and to Pueblo and to and from all other points in the State of Colorado."

Assuming, *arguendo*, that the above-stated description from PUC No. 222 is analogous to the reworded territorial authority in PUC No. 1600, as contended by Respondent, it must be remembered that it was the Commission's position that the cited provision was an "in and out" authority from and to Pueblo. It is thus unlikely that this Commission would in November of 1961 (the date of Decision No. 57606 wherein the first rewording of the authority appears) have interpreted the wording "from point to point within Jackson County, Colorado, and all other points and places in the State of Colorado," as contained in the two later decisions and Respondent's present Letter of Authority, to be a state-wide authority. This

Commission obviously, as in the case of PUC No. 222, interpreted the reworded portion of PUC No. 1600 to be an "in and out" authority, and the Commission could not conceivably foresee that the Colorado Court would, as in Buckingham, construe the authority to be otherwise.

It is parenthetically noted that neither Respondent nor this Commission, as shown in Exhibits 1 through 10 herein, did apparently consider PUC No. 1600 and PUC No. 1600-I to be a state-wide authority, and substantial evidence indicates that it was only after the pronouncement in Buckingham v. PUC, supra, that Respondent felt that this Certificate, as stated in its Letter of Authority, may authorize such expanded services. In view of the findings made hereinafter, it is unnecessary to determine whether the interpretation made in the Buckingham case is controlling in this instance. In this same conjunction, the Examiner takes notice of Commission Decision No. 79987, dated April 10, 1972, which came about following the filing of Application No. 25285-Extension by North Park Transportation Co., which application requested that Certificate of Public Convenience and Necessity PUC No. 1600 be extended so as to authorize the transportation of

"General Commodities

Between Kremmling, Colo., and a 5 mile radius thereof and Craig, Colo., and a 5 mile radius thereof

From Kremmling, Colo., westerly over U.S. Highway 40 to Craig, Colo., and return over the same route, serving all intermediate points, and serving off route points located within 5 miles of the designated highway, including the right to tack or join together at Kremmling, Colo., the herein specified authority with authority presently held by the carrier to serve Kremmling."

Generally, the application was a request to extend PUC No. 1600 so as to allow North Park Transportation Co. to serve between Denver on the one hand, and on the other, Steamboat Springs and Craig, including points between Kremmling, Steamboat Springs, and Craig. The Commission decision referred to denied this application. Surely, if applicant thought or assumed that PUC No. 1600 was a state-wide authority, no such extension would have been necessary in order to provide the service requested in the application referred to.

6. If the grant of authority as contained in the initial certificate is ambiguous, the law is clear that this Commission need not and cannot go beyond the Certificate itself in determining the extent of the grant of authority. This is a consistent rule of interpretation and may be found in numerous Federal cases. This rule is stated in Byers Transportation Co., Inc. v. United States, 310 F. Supp. 1120:

"The cardinal rule in interpreting motor carrier authorities is that the carrier certificate must speak for itself, and that consideration may ordinarily be given to the circumstances surrounding the grant of such authority only if the authority itself is patently indefinite or ambiguous. Absent these, and absent clerical error and other ministerial mistake, it is the established rule that operating rights ordinarily

must be construed according to their terms regardless of what may have been intended at the time of their issuance. This is so even though the effect is to confer more or less authority than intended originally. See American Trucking Assn's v. Frisco Co., 358 U.S. 133 (1958); T. I. McCormick Trucking Co., Inc. - Investigation, 110 M.C.C. 499 (1969); Great Northern v. Standard Transportation and Elmer's Exp., 110 M.C.C. 35 (1969)."

No rules of construction need be applied nor any attempt made to define words beyond their normal meaning in interpreting the original territorial grant of authority in PUC No. 1600. The description "from point to point within Jackson County, Colorado, and between points in Jackson County and all other points and places in the State of Colorado" is not ambiguous and clearly provides authority to conduct transportation services, as defined by the commodity description, between points located within Jackson County and between these points within said county and all other points and places in the State of Colorado. Respondent's contention that the Commission's failure to include the distinguishing words of "on the one hand" and "on the other," as used by the Interstate Commerce Commission and as is presently used by this Commission, necessitates an interpretation that the subject authority is a nonradial, or state-wide, authority is without merit. This Commission as the immediate authority issuing the subject Certificate is in the best position to know what rights were intended to be granted thereunder, McKenna v. Nigro, 150 Colo. 335, 372 P.2d 744 (1962). And as was also stated in that case, "Great weight must be given to the interpretation which the Commission gives its own language, and unless such interpretation is clearly erroneous, arbitrary or in excess of its jurisdiction, the Courts may not interfere." McKenna v. Nigro, *supra*. The language originally granting the authority contained in PUC No. 1600 is controlling, and neither the restated authority as contained in the Findings of Fact of subsequent decisions, unless specifically and intentionally changing, altering, or modifying the original authority, nor the Letter of Authority, need or can be considered in interpreting and determining the rights originally granted by this Commission.

7. It is hereby found as fact that Certificate of Public Convenience and Necessity PUC No. 1600 and PUC No. 1600-I as granted in Decision No. 22574, issued August 5, 1944, is an "in and out," radial authority providing for the transportation of freight, excluding household goods and heavy machinery requiring special equipment, but not excluding emigrant moveables, from point to point within Jackson County, Colorado, and between points in Jackson County, on the one hand, and all other points and places in the State of Colorado, on the other. The foregoing wording of the territorial authority is the phraseology this Commission would use were it granting the authority today, but the failure to use the words "on the one hand" and "on the other" when this authority was originally granted in 1944 does not in any way change the obvious intent of the Commission and unambiguous meaning of the authority originally granted.

In making the foregoing interpretation of PUC No. 1600, the Examiner does not ignore the fact, as pointed out in Respondent's brief, that this Commission did, in granting an authority which is now a part of PUC No. 1600, use what would appear to be more definitive, limiting language. The applicable portion of PUC No. 1600 was granted in Decision No. 7164, issued February 5, 1936, of which the Examiner on his own motion hereby takes official notice, and which provided:

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

Respondent contends that the language of this authority, issued more than eight years before that portion of the authority interpreted above, is indicative of the fact that the Commission was aware of a "refinement" in language at least eight years prior to issuing the allegedly ambiguous authority interpreted herein. While the language "to and from Grand County and outside points" contained in the 1936 decision may be similar to the wording of the subject portion of the authority contained in Decisions No. 57606 and No. 72418, supra, and the Respondent's present Letter of Authority, there is no similarity to this language and the language used in the original grant of PUC No. 1600, as well as the language used in Decision No. 22713 transferring the subject authority to Respondent. In view of the above finding that the language of the original certificate was not ambiguous, the intent or meaning of the authority granted in the 1936 decision is neither relevant nor material in this proceeding.

8. Because the pertinent portion of PUC No. 1600 and PUC No. 1600-I is an "in and out" authority to and from Jackson County, and not a state-wide authority, it is clear that the transportation services as enumerated in Appendix A of the show cause order issued in this proceeding and analyzed in Exhibit 22 were not authorized under this portion of PUC No. 1600 and PUC No. 1600-I. Nor were any of the enumerated transportation services authorized under any other portion of PUC No. 1600 and PUC No. 1600-I.

9. It must next be determined, then, whether any of these services were authorized under Respondent's other certificate, viz., PUC No. 5888, which was transferred to Respondent pursuant to Decision No. 62016 (Exhibit 10), providing as follows:

"Transfer, moving and general cartage business in the City and County of Denver and Counties of Adams, Arapahoe and Jefferson; also occasional service throughout the State of Colorado and in each of the counties thereof. . . ."

This authority is subject to certain restrictions not pertinent to this proceeding, and also provides for the "operation of a transfer, moving and general cartage business, from point to point within the City and County of Denver, State of Colorado."

10. All of the movements shown on Appendix A to the show cause order herein are movements between points, one of which is not within the base counties of Denver, Adams, Arapahoe, and Jefferson. The transportation services enumerated in Appendix A, if authorized under PUC No. 5888, must be classified as "occasional service." The question of the meaning of the word "occasional" was before the Colorado Supreme Court in PUC v. Watson, 138 Colo. 108, 330 P.2d 138, and in discussing this issue the Court said:

"There is nothing obscure or mysterious about the word 'occasional' as used in the certificate of authority issued in 1930 and under which Watson now claims the right to operate. Webster's Unabridged New International Dictionary defines 'occasional' as 'occurring at irregular intervals; infrequent.' Webster's Intercollegiate Dictionary defines the word as 'occurring now and then; incidental.' '* * * the term regular in its ordinary and popular meaning is the clear antonym of "casual" or "occasional" * * *.' Palle v. Industrial Commission, 79 Utah 47, 7 P.(2d) 284." (138 Colo. 108, 113-14)

This same definition was repeated in the later case of Englewood Transit Co. v. PUC, 167 Colo. 54, 445 P.2d 218. This Commission has also considered the history and meaning of the words "occasional service," but the issue presented in this case need only be considered in light of the binding pronouncements of the Colorado Court in the Watson and Englewood Transit Co. cases, supra.

11. To determine whether the shipping movements listed in Appendix A to the show cause order herein may be classified as occasional service, more factors than the number and dates of movements and the points of origin and destination must be considered. The shipper and commodity transported are also necessary considerations in making such determination. These two factors, i.e., the shipper and commodities, are not included in Appendix A of the show cause order, but are contained in Exhibits 11, 12 and 13 herein. A complete review of the freight bills contained in these exhibits shows that Applicant has made repeated trips to certain firms in the months of June, August, and October of 1973. These firms are: Colorado Fuel & Iron Corporation; Midwest Steel (apparently Midwest Steel & Iron Works Co.); Kaiser Aluminum; and, in October of 1973, University Park Lumber Company. A breakdown of these trips for these respective shipping firms is as follows:

(1) Colorado Fuel & Iron Corporation

- (a) June 1973 -- 20 movements, all from Pueblo and all for the transportation of steel products (commodity not listed on one freight bill). Denver was the destination in 10 of these trips, Boulder in seven trips, Northglenn in two, and Adams City in one;
- (b) August 1973 -- four trips, all from Pueblo transporting steel products, with two trips terminating in Boulder, one in Aurora, and one in Denver;
- (c) October 1973 -- nine trips, all originating in Pueblo and terminating in Boulder, transporting steel products.

(2) Midwest Steel

- (c) June 1973 -- 36 trips, all originating in Denver for the transportation of steel, with 25 of the trips terminating in Windsor, Colorado, eight in Fort Collins, one in Loveland, one in Portland, and one in Pueblo.

- (b) August 1973 -- 24 trips, all from Denver transporting steel, with 14 terminating in Windsor, six in Portland, three in Pueblo, and one in Colorado Springs;
- (c) October 1973 -- 17 trips from Denver transporting steel, with eight trips terminating in Portland, Colorado; three in Limon, three in Flagler, and three in Grand Junction.

(3) Kaiser Aluminum

- (a) June 1973 -- eight trips, one transporting aluminum shot; five transporting fire brick; and three trips transporting a combination of fire brick, furnace or kiln lining mortar and/or bonding mortar. All trips originated in Denver with two terminating in Minnequa, two in Uravan, two in Delta, and two in Ovid;
- (b) August 1973 -- 12 trips, with seven of these involving the transportation of fire brick, three trips for furnace or kiln lining mortar, one for aluminum, and one for ingots. All trips originated in Denver with five terminating in Pueblo, three in Minnequa, two in Longmont, and one each in Delta and Fort Morgan;
- (c) October 1973 -- eight trips, all from Denver, with four involving transportation of furnace and kiln lining mortar, three with fire brick, and one trip involving an unknown, illegible commodity. Seven of these movements terminated in Pueblo and one in Minnequa.

(4) University Park Lumber

- (a) October 1973 -- 12 trips, 11 originating in Littleton, one in Denver, and all terminated in Frisco, Colorado. All trips involved the transportation of lumber or lumber products. These movements were during the period from October 4 to October 25.

12. Except for the trips listed in the foregoing Finding of Fact, the remaining movements listed in Appendix A of the show cause order were, for the most part, rendered to various shippers and involved varied commodities, showing no regularity of pattern as to either time, customer, or commodities, and are thus hereby found as fact to be within the meaning of occasional service. It remains only to determine if the services rendered to Colorado Fuel & Iron Corporation, Midwest Steel, Kaiser Aluminum, and University Park Lumber Company were of such frequency in time, involved the same products, for the same shipper, and with common points of origin and destination so as to come within the meaning of occasional service as defined in PUC v. Watson, supra.

13. While not approaching the approximately 300 trips per month made by the carrier in the Watson case, the 20 trips, or an average of approximately five trips per week, all to the metropolitan Denver area from Pueblo, made by the Respondent for Colorado Fuel & Iron Corporation during June of 1973 cannot be said to have been "at irregular intervals" or "infrequent." Such, however, is not the case in the number of trips Respondent made for this firm in August and October of 1973, and the number of movements for this firm during these two months are clearly periodic, infrequent, and irregular and thus within the meaning of occasional service. On the other hand, it is hereby found as fact that Respondent's services rendered to Colorado Fuel & Iron Corporation in the month of June 1973 were not occasional service, were not authorized under PUC No. 5888, and were thus unauthorized transportation services.

14. The total of 77 trips Respondent made on behalf of Midwest Steel during these three months, with all movements originating in Denver, involving the same commodity, and the majority of trips terminating at a single location within a given month (e.g., 25 to Windsor in June), are clearly not within the meaning of occasional service. It is found as fact that all transportation services conducted on behalf of Midwest Steel in the months of June, August, and October of 1973 were beyond the scope of Respondent's authority and, therefore, in violation of the laws of the State of Colorado and the rules and regulations of this Commission.

15. The 28 movements on behalf of Kaiser Aluminum within the three-month period, with the maximum monthly total being 12 trips in August, involved various commodities transported to various locations. These shipments were irregular and not of such magnitude or frequency so as to hold that the services conducted on behalf of Kaiser Aluminum during the months of June, August, and October of 1973 are in violation of Respondent's occasional service authority.

16. Respondent's services rendered University Park Lumber Company in October of 1973, while not large in number, do show a regularity and frequency inconsistent with the definition of occasional service. Of the 12 movements on behalf of this firm, all but one, which shows Denver as the point of origin, were from Littleton to Frisco, Colorado, and all involve lumber and/or building materials. Respondent transported shipments for this customer on the 2nd, 4th, 8th, 11th, 12th, 16th, 17th, 18th, 22nd (2), 25th, and 26th of October, 1973. These shipments cannot be classified as infrequent or "occurring now and then." It is thus hereby found as fact that the transportation services Respondent rendered University Park Lumber Company in October of 1973 were not within the meaning of occasional service and were thus unauthorized operations.

17. As stated in the foregoing Finding of Fact, Respondent's services rendered to Colorado Fuel & Iron Corporation in June of 1973, services rendered to Midwest Steel in June, August, and October of 1973, and services rendered to University Park Lumber Company in October 1973 were not rendered under any authority contained in PUC No. 1600 and PUC No. 1600-I, nor were they within the "occasional service" portion or any other portion of PUC No. 5888. All such unauthorized movements of each respective customer are listed in Appendix I, attached hereto and by reference incorporated into this Recommended Decision.

18. As to Respondent's operations of its Certificates, there is no substantial evidence of record in this proceeding to show that Respondent's above-stated unauthorized operations were conducted with an intent to deceive the public or this Commission, or that Respondent in conducting such operations intended to violate, or had a reckless disregard for, the applicable state laws and this Commission's rules and regulations. Such violations are in fact mitigated to some extent by Respondent's apparent good-faith reliance upon the fact that the authority as stated in its Letter of Authority did, under the holding in Buckingham v. PUC, supra, provide nonradial, state-wide authority. It is also noted that while common sense should in most cases dictate what is and is not "occasional service," there are no clear, definitive guidelines to aid a carrier, nor does it seem probable that any one definition or formula can be established so as to be applicable in all cases.

Absence of intent or the fact that a carrier does not recklessly disregard the rules and regulations of this Commission and the laws of the State of Colorado does not excuse a Respondent's violations. Under the circumstances of this case, however, an appropriate and adequate penalty for Respondent's unauthorized operations is an order by the Commission for Respondent to cease and desist from all further unauthorized operations. Respondent, its officers and employees can, by applying the criteria stated above and by exercising due diligence and common sense, ascertain what is "occasional service." Should Respondent continue to conduct transportation services as found to be unauthorized herein, this Commission will initiate the proper action to see that future violations result in a severe penalty, including possible cancellation and revocation of Respondent's Certificates of Public Convenience and Necessity.

19. The final issue to be decided in this case is whether the rates and charges as set forth in Appendix B to the show cause order, which Appendix has been amended by Exhibit 15 herein, are in accordance with Respondent's applicable tariffs and, if not, the amount of under charge or overcharge involved in each billing. Respondent admits the correctness of said Appendix B, as amended by Exhibit 15 herein, except insofar as the following three specific items are concerned:

<u>Date</u>	<u>Bill No.</u>	<u>As Charged</u>	<u>Should Be</u>	<u>Undercharge</u>	<u>Overcharge</u>
June 4, 1973	DX-04468	\$194.50	\$385.59	\$171.41	
August 31, 1973	DX-05086	312.18	297.60		\$14.58
August 31, 1973	DX-05087	312.18	297.60		14.58

As shown through the unrefuted stipulated testimony of James A. Perea, Secretary-Treasurer of North Park Transportation Co. (Exhibit 20), the June 4, 1973, Freight Bill No. DX-04468 shows Brighton as the destination, whereas the actual destination was Denver, as shown in Exhibit 14, page 3, making the correct charge \$384.47 and resulting in an undercharge of \$189.97. Freight Bills No. DX-05086 and No. DX-05087, both dated August 31, 1973, involve the transportation of over-length materials 53 feet in length, thus justifying in each instance correct charges of \$310 and resulting in an actual overcharge in both cases of \$2.18.

20. It is hereby found as fact that Respondent did during a period from June 1, 1973, through October 9, 1973, render transportation services in intrastate commerce, for which said services Respondent did charge and receive payment therefor amounts not in accordance with Respondent's effective tariff on file with this Commission, all in violation of the laws of the State of Colorado and the rules and regulations of this Commission. These violations, showing the date, freight bill numbers, amounts charged, correct amounts under the tariff, and the respective undercharges and overcharges, are set forth in Appendix II, which Appendix is attached hereto and by reference incorporated into this Recommended Decision.

21. The record in this proceeding is devoid of any evidence to show that Respondent's rate violations as set forth in Appendix II attached hereto were committed intentionally or committed in reckless disregard of the state laws and the rules and regulations of this Commission. Substantial evidence indicates that the said violations were generally attributable to oversight, differing tariff interpretations, or mileage variances, and Respondent has initiated corrective instruction to its rating personnel to avoid future violations.

22. As in the case with Respondent's conduct of unauthorized operations, lack of intent or recklessness does not excuse Respondent's admitted rate violations. These violations, however, are not of such frequency and amounts as to justify any severe punitive action against Respondent at this time other than an order from this Commission directing Respondent to refund to the respective customers the specified overcharges; and, as a penalization, pay to the Treasurer of the State of Colorado, for the use and benefit of the Public Utilities Commission Cash Account No. 11456 an amount equal to the undercharges (\$1,144.33) in lieu of cancellation of the pertinent certificates. Such order will be just and reasonable under the facts of this case. Respondent should exercise great care, however, to see that all future charges are made in accordance with its tariff provisions, and any future rate violations, as in the case with unauthorized operations, will result in immediate and very possibly severe action by this Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Respondent, at various times during the months of June, August, and October of 1973 did engage in transportation practices in violation of the Public Utilities Law and the rules and regulations of this Commission by rendering services at various locations outside the territorial scope and authority of its Certificates, all in violation of Rule 6(a) of the Commission's Rules and Regulations Governing Common Carriers.

2. Respondent, at various times from June 1, 1973, through October 9, 1973, did violate Rule 31 of the Commission's Rules and Regulations Governing Common Carriers and the Public Utilities Law of the State of Colorado by failing to charge the proper rates in accordance with the terms and provisions of Respondent's tariffs on file with this Commission.

3. Respondent should be ordered to cease and desist from all unauthorized operations and should be ordered to refund the specified amounts of overcharges made in violation of its tariff terms and provisions.

4. Respondent should, as penalty, pay to the Treasurer of the State of Colorado, for the use and benefit of the Public Utilities Commission Cash Account No. 11456 an amount equal to the undercharges (\$1,144.33) in lieu of cancellation of the pertinent Certificates.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent North Park Transportation Co., 5150 Columbine Street, Denver, Colorado, having been found to be in violation of Rule 6(a) of the Colorado Public Utilities Commission's Rules and Regulations Governing Common Carriers and the Public Utilities Law of the State of Colorado by rendering services outside the territorial scope of its Certificates of Public Convenience and Necessity PUC No. 1600, PUC No. 1600-I, and PUC No. 5888 during the months of June, August, and October of 1973, all of which such unauthorized transportation services are set forth in Appendix I, attached hereto and by reference incorporated into this Order, be, and hereby is, ordered to cease and desist from rendering services outside the territorial scope of its authorities issued by this Commission.

2. Respondent North Park Transportation Co., 5150 Columbine Street, Denver, Colorado, having been found to be in violation of Rule 31 of the Colorado Public Utilities Commission's Rules and Regulations Governing Common Carriers and the Public Utilities Law of the State of Colorado by charging and collecting amounts not in accordance with the terms and provisions of its applicable tariffs on file with this Commission, all of which specific violations are set forth in Appendix II, attached hereto and by reference incorporated into this Order, be, and hereby is, ordered to refund within thirty (30) days from the effective date of this Order, all overcharges to the respective customers as set forth in Appendix II attached hereto. Respondent shall notify this Commission, by sworn affidavit, of the dates and amounts of monies so refunded to each respective shipper.


3. Respondent's authorities with this Commission, namely, Certificates of Public Convenience and Necessity PUC No. 1600, PUC No. 1600-I, and PUC No. 5888, be, and the same are hereby, revoked and canceled as of March 1, 1976; provided, however, that in lieu of said revocation and cancellation Respondent may pay the sum of \$1,144.33 to the Treasurer of the State of Colorado on or before March 1, 1976, for the use and benefit of the Public Utilities Commission Cash Account No. 11456, in which event, and, upon the presentation of evidence of said payment to this Commission, that portion of this Order pertaining to the cancellation and revocation of the aforesaid Certificates shall be null and void and of no effect, and said authorities shall be fully operative.

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

5. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions

thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr
jp

APPENDIX I

UNAUTHORIZED TRANSPORTATION SERVICES CONDUCTED BY RESPONDENT NORTH PARK
TRANSPORTATION CO.

JUNE 1973

SHIPPER: Colorado Fuel & Iron Corporation

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>COMMODITY</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
6/1/73	4446	Steel	Pueblo	Denver
6/7/73	4486	Steel beam bars	Pueblo	Adams City
6/8/73	4490	Steel	Pueblo	Northglenn
6/8/73	4491	Steel	Pueblo	Northglenn
6/11/73	4509	Steel	Pueblo	Denver
6/13/73	4528	Rebar	Pueblo	Denver
6/13/73	4530	Steel	Pueblo	Boulder
6/15/73	4551	Steel	Pueblo	Denver
6/18/73	4549	Steel	Pueblo	Denver
6/18/73	4557	Steel	Pueblo	Boulder
6/21/73	4580	Steel	Pueblo	Boulder
6/22/73	4579	Steel	Pueblo	Boulder
6/22/73	4593	Wire Mesh	Pueblo	Denver
6/22/73	4598	Steel	Pueblo	Denver
6/22/73	4599	Steel	Pueblo	Denver
6/25/73	4601	Steel	Pueblo	Denver
6/26/73	4604	Rebar	Pueblo	Boulder
6/27/73	4611	Unlisted	Pueblo	Boulder
6/28/73	4642	Steel	Pueblo	Denver
6/29/73	4658	Steel	Pueblo	Denver

SHIPPER: Midwest Steel

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>COMMODITY</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
6/1/73	4463	Steel	Denver	Windsor
6/4/73	4455	Steel	Denver	Windsor
6/6/73	4470	Steel	Denver	Windsor
6/6/73	4471	Steel	Denver	Windsor
6/7/73	4520	Steel	Denver	Loveland
6/8/73	4488	Steel	Denver	Windsor
6/8/73	4519	Steel	Denver	Windsor
6/13/73	4521	Steel	Denver	Windsor
6/13/73	4522	Steel	Denver	Windsor
6/13/73	4617	Steel	Denver	Windsor
6/14/73	4525	Steel	Denver	Windsor
6/14/73	4526	Steel	Denver	Portland
6/18/73	4544	Steel	Denver	Windsor
6/18/73	4545	Steel	Denver	Fort Collins
6/18/73	4554	Steel	Denver	Windsor
6/18/73	4561	Steel	Denver	Windsor
6/18/73	4618	Steel	Denver	Fort Collins

SHIPPER: Midwest Steel (Cont'd.)

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>COMMODITY</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
6/20/73	4571	Steel	Denver	Fort Collins
6/20/73	4573	Steel	Denver	Windsor
6/20/73	4619	Steel	Denver	Fort Collins
6/21/73	4572	Steel	Denver	Fort Collins
6/21/73	4585	Steel	Denver	Windsor
6/21/73	4620	Steel	Denver	Fort Collins
6/22/73	4584	Steel	Denver	Windsor
6/22/73	4621	Steel	Denver	Fort Collins
6/25/73	4623	Steel	Denver	Fort Collins
6/26/73	4603	Steel	Denver	Windsor
6/26/73	4605	Steel	Denver	Windsor
6/26/73	4606	Steel	Denver	Windsor
6/27/73	4612	Steel	Denver	Windsor
6/27/73	4613	Steel	Denver	Windsor
6/27/73	4614	Steel	Denver	Windsor
6/27/73	4626	Steel	Denver	Windsor
6/27/73	4635	Steel	Denver	Pueblo
6/28/73	4629	Steel	Denver	Windsor
6/29/73	4652	Steel	Denver	Windsor

AUGUST 1973

SHIPPER: Midwest Steel

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>COMMODITY</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
8/1/73	4880	Steel	Denver	Windsor
8/1/73	4884	Steel	Denver	Windsor
8/1/73	4885	Steel	Denver	Windsor
8/1/73	4919	Steel	Denver	Colo. Spgs.
8/2/73	4887	Steel	Denver	Windsor
8/2/73	4888	Steel	Denver	Windsor
8/2/73	4889	Steel	Denver	Windsor
8/2/73	4890	Steel	Denver	Windsor
8/2/73	4893	Steel	Denver	Windsor
8/2/73	4917	Steel	Denver	Windsor
8/3/73	4898	Steel	Denver	Windsor
8/3/73	4899	Steel	Denver	Windsor
8/3/73	4900	Steel	Denver	Windsor
8/3/73	4901	Steel	Denver	Windsor
8/3/73	4902	Steel	Denver	Windsor
8/6/73	4905	Steel	Denver	Portland
8/6/73	4914	Steel	Denver	Portland
8/14/73	4966	Steel	Denver	Portland
8/14/73	4971	Steel	Denver	Pueblo
8/17/73	4984	Steel	Denver	Pueblo
8/20/73	5008	Steel	Denver	Portland
8/22/73	5024	Steel	Denver	Portland
8/23/73	5034	Steel	Denver	Pueblo
8/31/73	5098	Steel	Denver	Portland

OCTOBER 1973

SHIPPER: Midwest Steel

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>COMMODITY</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
10/1/73	5304	Steel	Denver	Limon
10/1/73	5314	Steel	Denver	Limon
10/4/73	5315	Steel	Denver	Flagler- Siebert
10/9/73	5341	Steel	Denver	Portland
10/9/73	5343	Steel	Denver	Limon
10/10/73	5347	Steel	Denver	Portland
10/11/73	5358	Steel	Denver	Portland
10/11/73	5364	Steel	Denver	Portland
10/12/73	5362	Steel	Denver	Portland
10/12/73	5395	Steel	Denver	Portland
10/17/73	5397	Steel	Denver	Portland
10/23/73	5444	Steel	Denver	Portland
10/23/73	5471	Steel	Denver	Flagler
10/24/73	5445	Steel	Denver	Grand Junction
10/24/73	5446	Steel	Denver	Pueblo
10/25/73	5449	Steel	Denver	Grand Junction
10/25/73	5463	Steel	Denver	Grand Junction

SHIPPER: University Park Lumber Company

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>COMMODITY</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
10/2/73	5320	Lumber	Littleton	Frisco
10/4/73	5309	Bldg. Materials	Littleton	Frisco
10/8/73	5325	Lumber	Littleton	Frisco
10/11/73	5381	Bldg. Materials	Littleton	Frisco
10/12/73	5374	Bldg. Materials	Littleton	Frisco
10/16/73	5382	Bldg. Materials	Littleton	Frisco
10/17/73	5405	Bldg. Materials	Littleton	Frisco
10/18/73	5415	Lumber	Littleton	Frisco
10/22/73	5430	Bldg. Materials	Littleton	Frisco
10/22/73	5431	Bldg. Materials	Littleton	Frisco
10/25/73	5475	Bldg. Materials	Littleton	Frisco
10/26/73	5470	Bldg. Materials	Littleton	Frisco

APPENDIX II

THIS IS A LIST OF FREIGHT BILL NUMBERS AND DATES UNDER WHICH SHIPMENTS MOVED IN INTRASTATE COMMERCE, WHEREIN THERE APPEARS TO BE VIOLATIONS OF THE STATUTE OF THIS STATE AND THE RULES AND REGULATIONS OF THE PUBLIC UTILITIES COMMISSION:

Alleged Rate Violations

<u>Date</u>	<u>Bill No.</u>	<u>As Charged</u>	<u>Should Be</u>	<u>Undercharge</u>	<u>Overcharge</u>
June 1, 1973	DX-04446	\$100.40	\$148.00	\$ 47.60	\$
June 1, 1973	DX-04449	193.60	314.97	121.37	
June 2, 1973	DX-04453	363.28	408.69	45.41	
June 2, 1973	DX-04454	351.51	444.55	93.04	
*June 4, 1973	DX-04468	194.50	384.47	189.97	
June 6, 1973	DX-04480	75.27	87.41	12.14	
June 8, 1973	DX-04502	145.00	323.90	178.90	
June 19, 1973	DX-04567	332.07	379.50	47.43	
June 20, 1973	DX-04574	316.13	361.30	45.17	
June 25, 1973	DX-04607	206.40	238.99	32.59	
June 26, 1973	DX-04632	196.08	227.04	30.96	
Aug. 2, 1973	DX-04894	288.00	188.64		99.36
Aug. 2, 1973	DX-04897	193.60	313.13	119.53	
Aug. 14, 1973	DX-04971	218.70	150.70		68.00
Aug. 17, 1973	DX-04984	218.70	150.70		68.00
Aug. 24, 1973	DX-05041	49.50	20.00		29.50
Aug. 31, 1973	DX-05086	312.18	310.00		2.18
Aug. 31, 1973	DX-05087	312.18	310.00		2.18
Oct. 2, 1973	DX-05320	145.00	308.10	163.10	
Oct. 9, 1973	DX-05341	173.34	190.46	17.12	
20 Bills				\$1,144.33	\$269.22

*Although this figure does not appear in the testimony, it was later agreed upon by the Staff of the Commission and Mr. Peñea.

(Decision No. 88143-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
RESPONDENT, NORTH PARK TRANS-)	
PORTATION CO., A COLORADO COR-)	CASE NO. 5634
PORATION, 5150 COLUMBINE STREET,)	
DENVER, COLORADO, UNDER CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	ERRATA NOTICE
PUC NO. 1600, PUC NO. 1600-I, AND)	
PUC NO. 5888.)	

February 4, 1976

Decision No. 88143
(Issued January 29, 1976)

Page 9, Finding of Fact No. 6, line 2, change "is ambiguous"
to "is not ambiguous."

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HARRY A. GALLIGAN, JR.,
Secretary

Dated at Denver, Colorado this
4th day of February, 1976.

vc
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28808
RONALD W. BIRRELL, DOING BUSINESS AS)	
SKY HIGH JEEP TOURS AND BACK COUNTRY)	ORDER GRANTING DISMISSAL
JEEP TOURS, P. O. BOX 10475, ASPEN,)	OF APPLICATION
COLORADO, FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY AUTHORIZING)	
OPERATION AS A COMMON CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 28, 1976, Ronald W. Birrell, doing business as Sky High Jeep Tours and Back Country Jeep Tours, by his attorney Leonard M. Oates, filed with the Commission a Petition for Dismissal requesting that the above-captioned application be dismissed.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriater order will be entered.

O R D E R


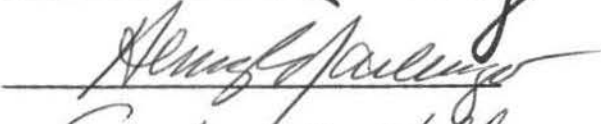

THE COMMISSION ORDERS THAT:

The application filed by Ronald W. Birrell, doing business as Sky High Jeep Tours and Back Country Jeep Tours, be, and hereby is, dismissed without prejudice.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
CARRIERS LISTED ON "APPENDIX A")	
HERETO,)	RECOMMENDED DECISION OF
	JAMES K. TARPEY, EXAMINER
Respondents.)	

January 30, 1976

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

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on January 12, 1976. The matters were duly called for hearing pursuant to such notice on Monday, January 26, 1976, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by James K. Tarpey, assigned by the Commission as Examiner in these proceedings pursuant to law.

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

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

FINDINGS OF FACT

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

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

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file

with the Commission, and failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.

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

O R D E R

THE COMMISSION ORDERS THAT:


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

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

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

4. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973;

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
John D. Baker, dba J & B Hauling Co. 2502 Sonoma Drive Colorado Springs, Co. 80910	2183	3674-Ins.
Sammy L. Adams Box 366 Folsom, New Mexico 88419	3003-I	3675-Ins.
D & H Trucking, Inc. P. O. Box 9158 Tulsa, Oklahoma 74107	4028-I	3678-Ins.
Cook Refrigerated Express, Inc. 2717 Altadena Road Birmingham, Alabama 35243	5575-I	3680-Ins.
Ynacio Alvarez, dba Tropical Fruit & Veg. 211 El Rancho Road Santa Fe, New Mexico 87501	6664-I	3682-Ins.
Thunderbird Motor Freight Lines, Inc. Highway 32 East Crawfordsville, Indiana 47933	6927-I	3683-Ins.
Stout Corp. 200 South 1200 W., Box 186 Provo, Utah 84601	7175-I	3684-Ins.
Bernie Lynn Snipes, dba Flying "S" Feed Express Route 4, Box 84 Clovis, N. M. 88101	7642-I	3686-Ins.
J. B. Armstead 3005 N. W. 28th St. Oklahoma City, Oklahoma 73107	7947-I	3687-Ins.
Louis Grover 1710 West Broadway Idaho Falls, Idaho 83401	8022-I	3688-Ins.
Cat-A-Log, Inc. Box 63 Cortez, Co. 81321	8109-I	3689-Ins.
Bruce McCarter 453 E. 4th Sheridan, Wyoming 82801	8316-I	3690-Ins.

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

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
R. E. Garrison Trucking, Inc. Box 186 Cullman, Alabama 35055	9474-I	3694-Ins.
Transtates, Inc. P. O. Box 2051 Costa Mesa, Ca. 92626	9705-I	3696-Ins.
Sullivan Lines, Inc. 250 Fulton Avenue Garden City Park, New York 11040	9814-I	3697-Ins.
William A. Hoyt Box 259 Lyons, Co. 80540	9933-I	3698-Ins.
Mike J. Olinger Hector, Minnesota 55342	9971-I	3699-Ins.
Yule Transport, Inc. P. O. Box 56 Medford, Minnesota 55049	10272-I	3702-Ins.
Charles E. Waid, Sr. and Junious A. Waid, dba W & W Excavators Box 871 New Castle, Co. 81647	B-7417	3706-Ins.
Alvin L. Farmer Box 182 Nucla, Co. 81424	B-7838	3707-Ins.
Bruce McCarter 453 E. 4th Sheridan, Wyoming 82801	B-7907	3708-Ins.
L. David Schreier, dba Schreier Delivery Service 2001 S. Sheridan Ave. Colo. Springs, Co. 80906	B-8081	3709-Ins.
Nathaniel Watson, dba Watson Trucking 3285 Locust Denver, Co. 80207	B-8517	3711-Ins.
Jack E. Paulson 618 Ranney Craig, Co. 81625	B-8530	3712-Ins.
Jeffrey R. Allen-Young 593 Jackson Denver, Co. 80206	B-8542	3713-Ins.

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

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Sammy L. Adams P. O. Box 7 Clayton, New Mexico 88415	M-35	3714-Ins.
Automobile Dispos-All, Inc. 3195 Kipling St. Denver, Co. 80215	M-1692	3715-Ins.
Chas. P. Wilson 623 10th Alamosa, Co. 81101	M-1695	3716-Ins.
Aulton Briggs, dba Western Tire 710 Denargo Market Denver, Co. 80216	M-2976	3718-Ins.
Morris P. Kirk & Son, Inc., dba Smelter Supply Co. 1201 Pecos St. Denver, Co. 80204	M-3690	3719-Ins.
John R. Tufly and Les Law, dba Valley Construction Co. P. O. Box 674 Durango, Co. 81301	M-5678	3721-Ins.
Robert F. Walker, dba Walker Sawmill Box 64 Conifer, Co. 80443	M-6181	3722-Ins.
Agra Steel Corp. 312 North Baltimore Kansas City, Mo. 64116	M-6980	3725-Ins.
Brown Chemical Co., Inc. Box 427 Imperial, Ne. 69033	M-7059	3726-Ins.
Robert L. Dade, dba Dade Contracting 505 29 Road Grand Junction, Co. 81501	M-7146	3727-Ins.
The C. P. Hall Company 2500 Channel Ave. Memphis, Tn. 38113	M-7229	3728-Ins.
Featherock, Inc. TBS Inc. Box 957 Whittier, Ca. 90608	M-7465	3730-Ins.

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

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Radium Petroleum Co., Inc. P. O. Box 6206 Kansas City, Mo. 64126	M-7638	3731-Ins.
Edgar A. Armentrout Green Mountain Falls, Co. 80819	M-7660	3732-Ins.
Wilford D. Bicknell, dba Taylor Rental Center 3613 W. Bowles Ave. Littleton, Co. 80123	M-7678	3733-Ins.
Branson Construction, Inc. Box 31264 Aurora, Co. 80011	M-7768	3735-Ins.
James W. Buffham, dba Buffham Construction Maybell, Co. 81640	M-8535	3737-Ins.
Albuquerque Door Co. 3600 Pan American Rd. N.E. Albuquerque, New Mexico 87110	M-8636	3738-Ins.
Oberlin Trailers, Inc. P. O. Box 101 Oberlin, Kansas 67749	M-9246	3742-Ins.
Robert Duden, dba Duden Distributing 4762 Everett Ct. Wheatridge, Co. 80033	M-9316	3743-Ins.
Triple K Customer Service, Inc. 18535 County Rd. Q5 Fort Morgan, Co. 80701	M-9588	3745-Ins.
Walter Brown, dba Mt. Sopris Gas and Oil Route 1 Carbondale, Co. 81623	M-9893	3746-Ins.
Amos-Thompson Corp. A Subsidiary of Nat'l Lead Co. 600 So. Kyle Edinburg, In. 46124	M-10395	3747-Ins.
Farm Fresh Catfish Co., Inc. P. O. Box 188 Greenboro, Al. 36744	M-10771	3748-Ins.

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

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Thomas Fritz, dba Thomas Fritz Trucking Route 2, Box 112 Olathe, Co. 81425	M-10777	3749-Ins.
Glasstite, Inc., dba Innovar Industries, Div. of Glasstite Highway 4, North Dunnell, Mn. 56127	M-12163	3750-Ins.
Vantage Heating and Air Conditioning, Inc. 5611 Kendall Court Arvada, Co. 80002	M-13675	3752-Ins.
Dean B. Casselman Box 297 Haxtun, Co. 80731	M-15766	3754-Ins.
Earl Bailey, dba Roadrunner Towing 1824 S. Nevada Ave. Colo. Springs, Co. 80906	T-137	3757-Ins.
Darrell G. Keck, dba Williams Village Standard 2990 Baseline Rd. Boulder, Co. 80302	T-743	3758-Ins.
Joe Bitner Stone City Route, Box 68 Pueblo, Co. 81007	T-1099	3760-Ins.
Richard D. Urbom, dba Urbom Oil Co. 1304 North College Ft. Collins, Co. 80521	M-4907	3720-Ins.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TONY PALIZZI, JR. AND CARL A.)
PALIZZI, DOING BUSINESS AS "T & C)
PALIZZI," ROUTE 1, BOX 302,)
BRIGHTON, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28883-PP

ORDER OF THE COMMISSION

February 3, 1976

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

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

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

An appropriate Order will be entered.

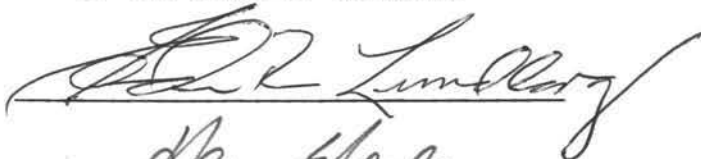

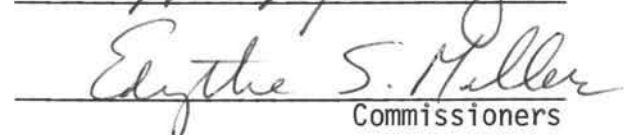
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88146
February 3, 1976

T & C Palizzi

Transportation of

Finished lumber

From the Union Pacific Railroad Depot, Brighton, Colorado and a location addressed as Route 1, Box 302, Brighton, Colorado, to the Skyline Corporation, Brighton, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROCKY MOUNTAIN TOURS, INC., 1111)
7TH STREET, LOVELAND, COLORADO, FOR)
AUTHORITY TO TEMPORARILY SUSPEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 526 FOR A PERIOD OF SIX)
MONTHS.)

APPLICATION NO. 28833-Suspension
ORDER OF THE COMMISSION

February 3, 1976

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the suspension of Certificate of Public Convenience and Necessity PUC No. 526 as hereinafter ordered.

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

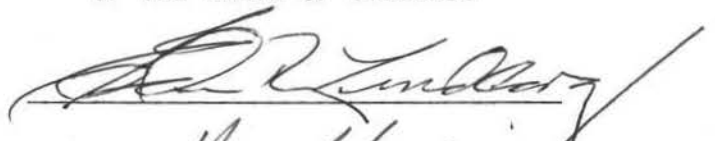
An appropriate Order will be entered.

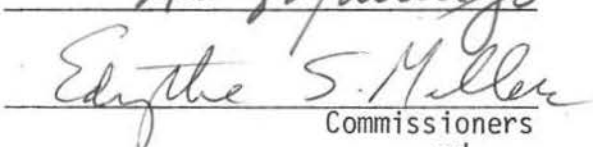
IT IS ORDERED, That suspension of the motor vehicle operations under the above-entitled authority, be, and the same hereby is, authorized by the Commission from February 3, 1976 to and including August 3, 1976.

IT IS FURTHER ORDERED, That unless prior to expiration of said suspension period, a request in writing for reinstatement thereof, be made with the Commission, insurance filed and compliance with all rules and regulations of the Commission applicable thereto, be made, said Certificate of Public Convenience and Necessity PUC No. 526, without further action by the Commission, shall be revoked without the right to reinstatement.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Henry G. Paulino


Edythe S. Miller
Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INVESTIGATION)	
OF THE DEPOSIT, REFUND, AND TERMI-)	CASE NO. 5650
NATION POLICIES AND PRACTICES OF)	
PUBLIC SERVICE COMPANY WITH RE-)	ORDER OF JAMES K. TARPEY,
SPECT TO NATURAL GAS SERVICE AND)	EXAMINER
ELECTRIC SERVICE.)	

January 30, 1976

BY THE EXAMINER:

PROCEDURE AND RECORD

In Decision No. 88120 (dated January 23, 1976), a list of parties filing Statements of Position and/or Interrogatories is set forth, and said list is incomplete. Colorado Rural Legal Services, having filed its Interrogatories and Statement of Position on January 21, 1976, should be added thereto.

On January 27, 1976, Public Service Company filed a pleading entitled "Motion for Extension of Time and Limitations on Responses to Interrogatories."

PUBLIC HEARINGS

Public hearings during the week of March 1, 1976, are presently scheduled for Denver as follows: March 1, 1976 (9 a.m.); March 2, 1976 (7 p.m.); and March 3, 1976 (7 p.m.*).

In addition to the above hearings, Colorado Rural Legal Services requests that public hearings be scheduled for Greeley, Pueblo, and Grand Junction and that said hearings be held during the day and evening.

As for the suggestion that public hearings be held in the Greeley area, Public Service Company provides neither gas nor electric service in said area. Although individuals from the Greeley area may wish to testify concerning the deposit, refund, and termination policies of the utilities providing service in said area, such testimony would raise serious questions concerning sufficiency of notice to the utilities involved and regarding whether said testimony is outside the scope of this proceeding as delineated in Decision No. 87886. In view of the above, the request for holding public hearings in the Greeley area is hereby denied.

* Ordering Paragraph No. 1 of Decision No. 88120 incorrectly sets forth the time for the March 3, 1976, hearing as 7 a.m.

Public Service Company provides gas service in the Pueblo area and gas and electric service in the Grand Junction area. A review of Public Service Company's 1974 Annual Report to the Commission reveals that the number of gas customers in the Pueblo area is significantly greater than the number of customers receiving gas and electric service in the Grand Junction area.

In light of the above and keeping in mind the time limitations in this proceeding, the request for a public hearing in the Pueblo area is hereby granted and the request for a public hearing in the Grand Junction area is hereby denied.

INTERROGATORIES

Public Service Company's pleading entitled "Motion for Extension of Time and Limitations on Responses to Interrogatories" is directed to the Interrogatories filed January 21, 1976, on behalf of R. O'Donnell, A. Williams, C. Richie, and B. Sandoval ("R. O'Donnell, et al").

Public Service Company requests an extension of time to and including February 2, 1976, within which to answer said Interrogatories, and this request is hereby granted.

Public Service Company also requests certain limitations be placed on Interrogatories 2, 3, 4, 9(a), 9(c), 9(f), 9(g), 9(h), 9(i), 9(l), and 16. The basis for this request, generally, is that the information sought is not stored in Public Service Company's computer or is only stored for a two-year period. Counsel for R. O'Donnell, et al, has no objection to the limitations sought, and Public Service Company's request for said limitations is hereby granted.

There appears to be some uncertainty with regard to the information sought in Interrogatory 9(j) and the requested limitation. In responding to Interrogatory 9(j), Public Service Company shall provide the monthly consumption of natural gas and electricity for a twelve-month period for 20 customers chosen at random from the 820 accounts shut off during the period from November 17, 1975 through November 25, 1975.

In the event that R. O'Donnell, et al, desires this information for a larger sample or for all 820 accounts and Public Service Company is unwilling or unable to provide same, a motion to that effect shall be filed with the Commission and served upon Public Service Company no later than February 9, 1976.

O R D E R

THE EXAMINER ORDERS THAT:

1. Public hearings during the week of March 1, 1976, be, and hereby are, scheduled as follows:

<u>DATE</u>	<u>TIME</u>	<u>PLACE</u>
March 1, 1976	9 a.m.	Hearing Room Office of the Commission 500 Columbine Building 1845 Sherman Street Denver, Colorado
March 2, 1976	7 p.m.	Hearing Room Office of the Commission 500 Columbine Building 1845 Sherman Street Denver, Colorado

<u>DATE</u>	<u>TIME</u>	<u>PLACE</u>
March 3, 1976	7 p.m.	Hearing Room Office of the Commission 500 Columbine Building 1845 Sherman Street Denver, Colorado
March 4, 1976	2 p.m. & 6:30 p.m.	Courtroom Post Office Fifth and Main Pueblo, Colorado

2. Colorado Rural Legal Service's additional request for public hearings in Greeley and Grand Junction be, and hereby is, denied.

3. Public Service Company be, and hereby is, granted an extension of time to and including February 2, 1976, within which to answer the Interrogatories of R. O'Donnell, et al.

4. Public Service Company be, and hereby is, authorized to limit its responses to said Interrogatories as follows:

- (a) Its responses to Interrogatories 2, 3, 4, 9(g), 9(h), 9(i), and 16 shall be limited to the calendar years 1974 and 1975;
- (b) its responses to Interrogatory 9(f) shall set forth the customer's place of employment rather than the customer's occupation;
- (c) its response to Interrogatory 9(i) shall set forth whether the customer is owner or renter rather than owner or apartment dweller;
- (d) Interrogatories 9(a) and 9(c) need not be answered;
- (e) in response to Interrogatory 9(j), Public Service Company shall provide the monthly consumption of natural gas and electricity for a twelve-month period for 20 customers chosen at random from the 820 accounts shut off during the period from November 17, 1975 through November 25, 1975.

5. With regard to Interrogatory 9(j), in the event R. O'Donnell, et al., desires the information for a larger sample or for all 820 accounts and Public Service Company is unwilling or unable to provide same, R. O'Donnell, et al., shall file a motion setting forth the information desired and the reasons therefor. Said motion shall be filed with the Commission and served upon Public Service Company no later than February 9, 1976.

6. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
VC
in

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

HANG IT UP)	
231 Milwaukee Street	)	CASE NO. 5654
Denver, Colorado,)	
	)	ORDER GRANTING DISMISSAL
Complainant,	)	OF COMPLAINT
)	

vs.

MOUNTAIN BELL TELEPHONE COMPANY
931 - 14th Street
Denver, Colorado,

Respondent.

- - - - -
February 3, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 5, 1975, Complainant herein filed a Complaint against Mountain Bell Telephone Company.

On December 26, 1975, an Order to Satisfy or Answer was directed to Mountain Bell Telephone Company.

On January 29, 1976, Complainant and Respondent filed a Stipulation requesting dismissal of the above-captioned Complaint.

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

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. 5654 be, and hereby is, dismissed.
 2. This Order shall become effective forthwith.
- DONE IN OPEN MEETING this 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF	)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN TARIFF -- COLORADO	)	DOCKET NO. 996
PUC NO. 1 - ELECTRIC, HIGHLINE ELEC-)	
TRIC ASSOCIATION, HOLYOKE, COLORADO	)	RECOMMENDED DECISION OF
80734.	)	ROBERT E. TEMMER,
	)	EXAMINER
	)	ESTABLISHING NEW RATES

- - - - -
February 2, 1976
- - - - -

Appearances: Baxter W. Arnold, Esq.,
Sterling, Colorado,
for Respondent.

PROCEDURE AND RECORD

On October 7, 1975, Highline Electric Association, hereinafter referred to as Respondent, filed its Advice Letter No. 45, dated October 6, 1975, together with certain proposed tariff sheets. The proposed effective date was November 6, 1975. On October 13, 1975, Respondent filed a supplement to its Advice Letter No. 45 to correct a typographical error in one of the tariffs. On October 24, 1975, Respondent filed another supplement to its Advice Letter No. 45 which did not change any of the proposed tariffs but changed some of the figures contained in its Advice Letter No. 45 regarding the projected revenues to be realized from the tariff revisions. The Commission by Decision No. 87694, issued October 28, 1975, suspended the effective date of the tariff sheets until June 3, 1976, or until further order of the Commission, and set the matter for a hearing to be held on January 13, 1976, at 10:30 a.m. in the District Courtroom, Phillips County Courthouse, Holyoke, Colorado. Said Decision ordered the Respondent to file with the Secretary of the Commission six copies of any and all exhibits which it intended to introduce in its direct case, together with a list of witnesses it intended to call and a summary of their direct testimony, at least 15 days before the hearing. Respondent complied with this requirement.

Due and proper notice of the hearing was given to all interested persons, firms, or corporations, and the hearing was held at said time and place by Robert E. Temmer, Examiner, to whom the matter had been duly assigned. Exhibits 1 through 5, inclusive, were offered and admitted into evidence and official notice was taken of certain documents and records in the Commission's files, to-wit:

1. Certificate of Incorporation of Highline Electric Association, showing Respondent is a Colorado corporation authorized to do business in the State of Colorado.
2. Decision No. 59014 of this Commission dated July 30, 1962, wherein the Commission found that Respondent was a public utility subject to the jurisdiction of the Commission and delineating its service area.

3. Answers to "Appendix A" filed by the Respondent on October 28, 1975.

Gerald E. Hager and W. Craig Merrell of the Staff of this Commission appeared at the hearing for the purpose of asking questions in clarification.

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

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

FINDINGS OF FACT

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

1. Respondent, Highline Electric Association, is a public utility as defined in 40-1-103, CRS 1973, and as such is subject to the jurisdiction of this Commission.

2. Respondent is a corporation organized under the laws of the State of Colorado, and is a cooperative electric association that supplies electric service to its members and consumers located in the counties of Logan, Phillips, Sedgwick, Washington, Yuma, Weld, and Morgan, all in the state of Colorado, and the counties of Deuel, Chase, and Dundy in the state of Nebraska.

3. On October 7, 1975, Respondent filed its Advice Letter No. 45, dated October 6, 1975, together with proposed tariff sheets, and immediately thereafter gave due and proper notice of this subject tariff filing to all its members and consumers. No person or firm appeared at the hearing to protest the proposed tariff filing.

4. Respondent proposed as the test year for this proceeding the 12-month period ending March 31, 1975. This was the period for which the latest complete financial data was available at the time Respondent had a cost-of-service study performed, and includes one full continuous irrigation season. This is a proper test year for this proceeding.

5. Respondent's operating income for the test year, per books, was \$498,468. Respondent proposed in-period and out-of-period adjustments to this figure to show the affect of increases in Respondent's wholesale power costs and of an increase in Respondent's retail rates. These adjustments are proper and after making these adjustments, including adjustments reflecting the ratchet wholesale power rate which went into effect on December 24, 1975, Respondent's utility operating income for the test year would have been a loss of \$112,835, if all these various rates had been in effect for the entire test year.

In arriving at the utility operating income figures, Respondent has included as operating expenses certain advertising costs, membership dues, and contributions. Advertising expenses, membership dues, whether for industry organizations or social clubs, and contributions are only allowable expenses for rate-making purposes if a Respondent can demonstrate by competent evidence that these expenses are of benefit to the ratepayers. In the past this Commission has discussed these types of

expenses and has allowed or disallowed certain classifications. The test has been, and still is, whether or not the expenses are of benefit to the ratepayers, and therefore, simply relying on classifications as a guide is not proper. The proper method to be followed is that if a Respondent desires to include any of these types of expenses for rate-making purposes, competent evidence should be presented to show how and to what extent the expenses benefit the ratepayers so that a determination can be made as to whether or not the ratepayers do in fact benefit, and therefore, whether or not the expenses will be allowed for rate-making purposes. If sufficient evidence is not presented, the expenses will be disallowed. Applying this rule to this case, certain of the expense items the Respondent has included have to be disallowed. The amounts Respondent has included for TNT, American Institute of Cooperatives, Holyoke Lions Club, Holyoke Chamber of Commerce, Logan County Building Association, Youth Camp and Washington trip, Colorado Cooperative Council, Imperial Fire Department, High Plains Rehabilitation Center, 4-H Clubs, Farm Electric Council, and Holyoke Fire Department all have to be disallowed since insufficient evidence of benefit to the ratepayers was presented. The rest of the advertising expenses and membership dues included by Respondent in its operating expenses can be found to be of benefit to the consumers from the evidence in this record, and they will therefore be allowed for rate-making purposes. The total of the disallowed expenses is small, and adjustments will not be made to Respondent's figures to reflect these amounts because they do not make any significant difference in the calculated rates of return.

6. Respondent's test-year utility operating income, after making appropriate in-period and out-of-period adjustments for wholesale and retail rate increases was a negative \$112,835. Respondent's rate base for the test year after making appropriate adjustments based on in-period and out-of-period adjustments for wholesale and retail rate increases was \$11,384,508, and Respondent would have a negative .99 percent rate of return if a rate increase is not granted.

7. Respondent has experienced increases in its cost of operations in many areas in the past few years. The major factor has been the increase in cost of wholesale power that Respondent purchases. Effective December 24, 1975, Respondent's wholesale power supplier put into effect new rates, including a ratchet clause which will have a major affect on Respondent's costs of operation. If Respondent is not granted a rate increase, this increase in wholesale power costs will cause Respondent's operating income to decrease to such an extent that Respondent will be in a loss position.

8. Respondent has proposed rate increases that Respondent contends will produce \$677,221 of additional revenue in Colorado so that Respondent's operating income will be \$564,386. This would result in Respondent earning a rate of return from its Colorado operations of approximately 4.96 percent.

9. This Commission, in Decision No. 78921 established a range of reasonable rates of return for electric cooperatives. That range of reasonable rates of return was 3.4 percent to 5.6 percent and it was based on the assumption that the embedded cost of debt for rural electric cooperatives was 2 percent. Respondent's embedded cost of debt is 2.09 percent and adjusting for this embedded cost of debt produces a range of reasonable rates of return of 3.46 percent to 5.65 percent. A rate of return of 4.96 percent is within the range of reasonable rates of return, and will be a fair and reasonable rate of return for Respondent for its Colorado operations.

10. Respondent has proposed to spread the increase in rates based on a cost-of-service study. A major factor considered in this cost-of-service study was the affect of the ratchet clause of Respondent's wholesale

power supplier. The affect of the ratchet clause is that for off-peak months Respondent will have to pay a penalty based on the difference in demand between one-half the peak during the summer and the measured monthly demand times the charge per kilowatt of demand. Thus, if the monthly demand during the non-irrigation months is less than one-half of the maximum demand during the summer, the ratchet penalty will be applied; and the demand charge will be based upon one-half the peak which occurred during the preceding June, July, August, or September. Respondent's system peak kw demands are substantially larger during the summer months than during other months of the year, and this is primarily due to the seasonal operation of irrigation pumping loads. Respondent has therefore allocated almost all of the charges it will incur as a result of the ratchet clause to the irrigation customers, and they will experience the largest increase in rates. Respondent has also proposed to institute summer and winter rates for residential customers to help discourage adding to loads during these summer peak months. The methods chosen by Respondent to spread the increase in rates and to allocate costs are just and reasonable and not unduly discriminatory. Respondent did not give much consideration to allocation of plant and costs between the two states it serves, and, for this reason, there may be some distortion in the figures. In the future Respondent should be careful to make proper allocations between that portion of its services located in the state of Colorado and that portion of its services outside of the state of Colorado.

11. In certain of Respondent's rate schedules Respondent has included a power factor clause. Respondent does not intend to enforce this clause in the commercial and small power rate and the irrigation pumping rate and so this clause should be removed from those tariff sheets.

12. Respondent is operating efficiently and has programs to keep costs at a minimum.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Respondent's existing rates do not, and will not, in the foreseeable future, produce a rate of return for Respondent which will be just and reasonable, and in the aggregate such rates are unjust and unreasonable.

2. The rates proposed by Respondent with its Advice Letter No. 45 are just, reasonable, and not unduly discriminatory, and the same should be established as the effective rates.

3. A rate of return of 4.96 percent for Respondent is just and reasonable and is required to maintain the financial integrity of Respondent to allow Respondent to continue to provide electric service to its customers.

4. The power factor clause in the irrigation pumping rate and the commercial and small power rate should be eliminated.

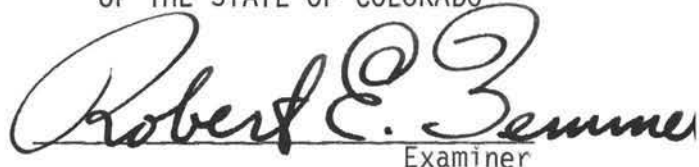
5. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The tariff sheets filed by Highline Electric Association on October 7, 1975, under its Advice Letter No. 45, be, and hereby are, established as the effective rates and charges as of the effective date of this Order, with the exception that the power factor adjustment clause under the commercial and small power rate and the irrigation pumping rate be, and hereby is, canceled.
2. Highline Electric Association shall, within thirty (30) days from the effective date of this Order, file with the Commission substitute tariff sheets containing the rates, rules, and regulations, as proposed under Advice Letter No. 45, but indicating thereon the effective date and the authority of this Decision, and deleting from the commercial and small power rate and the irrigation pumping rate the power factor adjustment clause. Such filing shall be accompanied by a new Advice Letter but is intended solely for record purposes and may be made without further notice, this Order being fully self-executing in all respects.
3. Investigation and Suspension Docket No. 996 be, and hereby is, closed.
4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
5. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
COLORADO-UTE ELECTRIC ASSOCIATION,)	
INC., AND THE DENVER AND RIO GRANDE)	
WESTERN RAILROAD COMPANY FOR)	
AUTHORITY TO ESTABLISH TWO PUBLIC)	APPLICATION NO. 28661
ROAD CROSSINGS ON AN INDUSTRIAL)	
RAILROAD SPUR TRACK FROM THE RAIL-)	
ROAD COMPANY'S CRAIG BRANCH LINE)	
TO THE ASSOCIATION'S CRAIG GENER-)	
ATING STATION, THE FIRST CROSSING)	RECOMMENDED DECISION OF
TO BE AT GRADE OVER STATE HIGHWAY)	ROBERT E. TEMMER,
394 IN THE NW 1/4 SE 1/4 OF SECTION)	EXAMINER
1, T6N, R91W, 6TH P.M. MOFFAT COUNTY,)	
COLORADO, AND THE SECOND CROSSING TO)	
BE ABOVE GRADE OVER COUNTY HIGHWAY)	
107 IN THE NW 1/4 SW 1/4 OF SECTION)	
14, T6N, R91W, MOFFAT COUNTY,)	GRANTING APPLICATION
COLORADO, AND ALSO AUTHORITY TO IN-)	
STALL AUTOMATIC SIGNAL PROTECTION)	
DEVICES AT THE STATE HIGHWAY 394)	
CROSSING, NEAR CRAIG, COLORADO.)	

February 2, 1976

Appearances: John J. Conway, Esq.,
Denver, Colorado, and
Howard S. Bjelland, Esq.,
Montrose, Colorado,
for Colorado-Ute Electric
Association, Inc.;

John S. Walker, Esq.,
Denver, Colorado, for
Denver and Rio Grande
Western Railroad
Company;

William A. McLain, Esq.,
Denver, Colorado, for
Utah International Inc.,

Oscar Goldberg, Esq.,
Denver, Colorado, for
the Commission.

PROCEDURE AND RECORD

On September 30, 1975, Colorado-Ute Electric Association, Inc., and the Denver and Rio Grande Western Railroad Company filed the above-entitled application for authority to establish two public road crossings and install automatic signal protection devices at one of the crossings, all as specifically set forth in said application. Colorado-Ute Electric Association, Inc., will hereinafter be referred to as Colorado-Ute, and

the Denver and Rio Grande Western Railroad Company will hereinafter be referred to as the Rio Grande. These companies will be collectively referred to as Applicants.

The Commission assigned Docket No. 28661 to the application and gave due notice thereof. On November 21, 1975, the Commission received a Protest and Request for Hearing from Utah International Inc. On November 26, 1975, the Commission received a Motion to Strike the Protest and Request for Hearing from the Applicants. On December 2, 1975, the Commission issued its Decision No. 87856 which denied the Motion filed by the Applicants, and set the matter for a hearing to be held on January 7, 1976, at 10 a.m. at 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. The Commission also ordered that any person, firm, or corporation desiring to intervene as a party should file an appropriate pleading with the Commission on or before December 26, 1975. Due and proper notice of the hearing date was given to all interested persons, firms, or corporations. Decision No. 87856 also required the Applicants to file with the Secretary of the Commission copies of any and all exhibits they intended to introduce in their direct case, together with a list of witnesses and a meaningful and complete summary of their direct testimony, at least fifteen (15) days prior to the hearing. Applicants complied with this provision.

On December 5, 1975, Colorado-Ute filed a Motion with the Commission to require Utah International Inc., hereinafter referred to as Utah, to file copies of any and all exhibits it intended to introduce in support of its case with the Secretary of the Commission, along with a list of witnesses and a meaningful and complete summary of their direct testimony and to furnish same to Colorado-Ute. On December 9, 1975, the Commission issued its Decision No. 87873 denying the Motion of Colorado-Ute on the basis that no one had formally intervened.

On December 24, 1975, Utah filed a Petition to Intervene, and on December 29, 1975, Colorado-Ute filed a Motion to Strike the Petition to Intervene. On December 30, 1975, the Commission issued its Decision No. 87997 granting the Petition to Intervene and denying the Motion of Colorado-Ute.

The matter was heard at the set time and place by Examiner Robert E. Temmer, to whom it had been duly assigned.

Exhibits 1 through 22 were marked for identification. Exhibits 1 through 11, 13 through 15, 17 through 19, and 21 and 22 were admitted into evidence. Exhibit 12 was rejected. Exhibit 16 was withdrawn. Official notice was taken of the matters set forth in Exhibit 20. Testimony was received from witnesses on behalf of the Applicants and from witnesses on behalf of Intervenor Utah. The hearing was not completed on January 7, 1976, and it was recessed and continued on January 8, 1976, when it was concluded.

At the conclusion of the presentation of evidence on January 8, 1976, the attorney for Intervenor Utah asked for permission to file a Brief. The Examiner ordered that Briefs could be filed on or before January 14, 1976. Briefs were filed by the Applicants and by Intervenor Utah on January 14, 1976.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits

of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Colorado-Ute is a public utility as defined in Title 40, CRS 1973, and is engaged in the generation and transmission of electrical energy. It is a Colorado corporation and copies of its Articles of Incorporation are on file with this Commission.
2. Rio Grande is a public utility as defined by Title 40, CRS 1973, and is in the business of providing rail transportation services.
3. Colorado-Ute is the project manager for the "Yampa Project," which is a joint effort between Colorado-Ute and three other electric utilities. The Yampa Project consists of an electric generating station with related facilities. Initially the generating station will be a coal-fired two-unit station with each unit having a net capacity of approximately 380 megawatts.
4. By Decision No. 85132 issued June 5, 1974, this Commission granted a certificate of public convenience and necessity for the Yampa Project, as specifically set forth in said Decision. Construction is now under way on the generating station, which is known as the Craig Station.
5. Applicants propose to construct a spur track from Rio Grande's Craig branch line at Craig, Colorado, to the site of the Craig Station, and said spur track will involve the construction of approximately 6.78 miles of track and would include the two proposed crossings which are the subject matter of this application.
6. Eleven alignments were considered for the proposed spur track and the final alignment is as shown in Exhibit 8. This alignment was approved by the concerned local government entities in the area and requires a crossing of State Highway No. 394 and County Highway No. 107. Applicants have obtained the consent of the Department of Highways to cross State Highway No. 394 and the consent of the Moffat County Commissioners to cross County Highway No. 107.
7. No one appeared to protest the crossing of State Highway No. 394. The terrain in the area of the proposed crossing at State Highway No. 394 is generally level. There is some light industrial use of the property near this crossing and some residential construction, however, the visibility for this crossing is not restricted and is good. State Highway No. 394 at the proposed point of crossing is a two-lane asphalt roadway. In 1974 the average per-day traffic volume on State Highway No. 394 was 1,500 cars per day. This has increased since that time. Applicants propose to protect this crossing by means of flashing light signal devices with bell, and Colorado-Ute will pay the cost thereof both for the signal lights and the construction of the crossing. Signal devices would be installed under the specifications of this Commission and of the American Association of Railroads. These protective devices would be adequate to protect the public using this crossing. The proposed point of crossing is shown on Exhibit 3 admitted in evidence.

8. The proposed crossing of County Highway No. 107 was protested by Intervenor Utah. It was contended that the design of the grade separation structure was unsafe considering the circumstances that mining might cause surface subsidence. Utah's predecessor acquired a lease of the coal deposits in certain surrounding areas of the proposed point of crossing and under the proposed point of crossing in 1954. It is known that there are four seams of coal located under the proposed point of crossing of County Highway No. 107, and three of these seams of coal may be minable by deep mining methods. Applicants propose that the crossing over County Highway No. 107 would be accomplished by means of a grade separation. A concrete reinforced, steel culvert-type underpass would be used to route County Highway No. 107 under the tracks. The design of this underpass is shown in Drawing No. L-22512, Sheet No. Y6-12 of Exhibit 8 admitted in evidence herein. The clearance specifications of the proposed underpass structure exceed the clearance requirements of this Commission. Applicants in designing this underpass did not consider the possibility of surface subsidence caused by underground mining at the location of the proposed crossing and did not take this into account in the design of this structure. It is undisputed that judged by standard design criteria the proposed underpass structure would be adequate for the purposes for which it was intended, as long as no surface subsidence in excess of two feet occurs. Utah contends that steps should be taken to anticipate the possibility of subsidence. Utah has engaged a consultant to evaluate the coal reserves in the vicinity of the proposed crossing of County Highway No. 107 as a preliminary step for determining whether or not the coal underlying that area will be mined. Utah's lease dates from 1954 and was a 25-year lease. To date 21 years have passed and no mining activity has occurred. Evaluation of the coal reserves in the area is not complete and at this time it is not known whether it would be economically feasible to mine the coal underlying this area. The management of Utah has not made a decision on whether or not to mine the coal underlying this area, and at this time mining is a mere possibility, and not even a probability. If mining does in fact occur and the three seams of minable coal are removed from under the overpass, more than two feet of surface subsidence is likely to occur and the culvert structure for the overpass will probably fail. Even if underground mining does occur, there is no way to predict when and if the coal under the proposed point of crossing County Highway No. 107 would be removed and no way to know when the surface subsidence would exceed two feet, if in fact it ever would.

An alternative way to establish the crossing of County Highway No. 107 would be to raise the grade of the highway and have an at-grade crossing and signal protection. This would involve more danger to the public using the crossing. A grade separation is the safest way to establish a crossing because this eliminates the possibility of car-train collisions. If the road is raised so there is an at-grade crossing, this would present the possibility of accidents occurring between cars and trains and would make the crossing more dangerous. Another alternative would be to have a different design for the underpass, but this would not prevent subsidence damage from occurring.

9. No mining permit has been acquired by Utah to mine this coal, and in view of the fact that the mining would cause subsidence under a public roadway which has existed much longer than Utah's mining permit, it is likely that a mining permit would not be issued unless safeguards were taken because of the public road.

The proposed grade separation at the point of crossing will adequately protect the public in view of the facts and circumstances as they now exist. If sometime in the future it is determined that mining will in fact occur, Applicants at that time can take appropriate steps to make sure the public is not endangered while using the underpass.

10. There is a need to establish these crossings because Colorado-Ute needs the railroad spur for the delivery of construction equipment and materials to the Craig Station during construction and will continue to need the spur track after construction is completed for the delivery of operating materials and supplies. In addition it may be necessary to have coal transported to the station via rail and this spur. It is anticipated that there will be two trains a day during construction and possibly four to six trains a day later on.

11. Colorado-Ute will pay all costs associated with establishing the grade separation at the crossing of County Highway No. 107.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Allowing this proposed spur track to cross State Highway No. 394 and County Highway No. 107 at the points specified in Exhibits 3 and 4 herein would not unduly endanger the public safety and would be consistent with the public interest.

2. The proposed protective devices at the crossing of State Highway No. 394 would be sufficient to adequately protect the public using this crossing and the proposed grade separation at the proposed crossing of County Highway No. 107 would be sufficient to adequately protect the public using this crossing.

3. The Order sought in the instant application should be granted and Colorado-Ute will pay all costs associated with establishing both crossings.

4. The signal devices and installation at the crossing of State Highway No. 394 should be in conformance with the Current Bulletin of the Association of American Railroads' Joint Committee on Railroad Crossing Protection and in accordance with the plans and specifications heretofore submitted to the Commission in this proceeding, such devices consisting of automatic flashing light crossing protective devices with bell. The grade separation shall conform to the rules and regulations of this Commission and shall be constructed in accordance with the plans and specifications submitted in this proceeding.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Colorado-Ute Electric Association, Inc., and the Denver and Rio Grande Western Railroad Company be, and hereby are, authorized to construct a crossing of a spur track over State Highway No. 394 in the NW 1/4 SE 1/4 of Section 1, T6N, R91W, of the 6th P.M., Moffat County, Colorado, and over County Highway No. 107 in the NW 1/4 SW 1/4 of Section 14, T6N, R91W, of the 6th P.M., Moffat County, Colorado, south of Craig, Colorado, at the locations shown on Exhibits 3 and 4, which were admitted into evidence herein and the Denver and Rio Grande Western Railroad Company be, and hereby is, authorized and directed to install, operate, and maintain automatic railroad grade crossing protection devices at the crossing of State Highway No. 394 consisting of automatic flashing light units with a warning bell, such crossings to be established by July 6, 1976.

2. Colorado-Ute shall pay all costs associated with establishing said crossings.

3. The signal devices and installation shall be in conformance with the Current Bulletin of the Association of American Railroads' Joint Committee on Railroad Crossing Protection.

4. The grade separation shall be in conformance with the rules and regulations of this Commission governing clearances on railroads with reference to side and overhead structures, parallel tracks crossing public roads, highways, and streets, and shall conform to the plans and specifications submitted herein.

5. Applicants shall notify this Commission if in the future mining will occur under the crossing of County Highway No. 107 and shall file an application with this Commission for approval of a plan to protect the public from dangers from subsidence.

6. The Commission hereby retains jurisdiction to make such further order or orders as may be required so as to give this Decision full force and effect.

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

8. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO-UTE ELECTRIC ASSOCIATION,)
INC., AND THE DENVER AND RIO GRANDE)
WESTERN RAILROAD COMPANY FOR)
AUTHORITY TO ESTABLISH TWO PUBLIC)
ROAD CROSSINGS ON AN INDUSTRIAL)
RAILROAD SPUR TRACK FROM THE RAIL-)
ROAD COMPANY'S CRAIG BRANCH LINE)
TO THE ASSOCIATION'S CRAIG GENER-)
ATING STATION, THE FIRST CROSSING)
TO BE AT GRADE OVER STATE HIGHWAY)
394 IN THE NW 1/4 SE 1/4 OF SECTION)
1, T6N, R91W, 6TH P.M. MOFFAT COUNTY,)
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COLORADO, AND ALSO AUTHORITY TO IN-)
STALL AUTOMATIC SIGNAL PROTECTION)
DEVICES AT THE STATE HIGHWAY 394)
CROSSING, NEAR CRAIG, COLORADO.)

APPLICATION NO. 28661

ERRATUM NOTICE

February 6, 1976

Decision No. 88151
(Issued February 2, 1976)

Page 4, Finding 9, Line 3, change "Utah's mining permit" to
"Utah's lease".

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HARRY A. GALLIGAN, JR., Secretary

Dated at Denver, Colorado, this
6th day of February, 1976.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28601
NORTHWEST COLORADO RADIOPHONE, INC.,)	
FOR AUTHORIZATION TO OPERATE A	)	RECOMMENDED DECISION OF
RADIO COMMON CARRIER.	)	ROBERT E. TEMMER, EXAMINER
)	
	)	GRANTING APPLICATION

February 4, 1976

Appearances: Keith Tempel, Esq.,
Meeker, Colorado, for
Northwest Colorado Radio-
phone, Inc., Applicant;
William A. McGrath, Esq.,
Breckenridge, Colorado,
for Milton W. Crawford,
doing business as "Westcol
Radio Dispatch," Protestant;
Monte Pascoe, Esq., Denver,
Colorado, for Eagle Valley
Telephone Company, Protestant;
John J. Conway, Esq., Denver,
Colorado, and
Vincent A. Vehar, Esq.,
Evanston, Wyoming, for Union
Telephone Company, Protestant;
Denis G. Stack, Esq., and
Theodore E. Woods, Esq.,
Denver, Colorado, for
Mountain States Telephone
and Telegraph Company,
Intervenor;
Oscar Goldberg, Esq., Denver,
Colorado, for the Commission.

PROCEDURE AND RECORD

On August 25, 1975, Northwest Colorado Radiophone, Inc., hereinafter referred to as Applicant, filed the above-entitled application with this Commission for a certificate of public convenience and necessity to operate as a radio common carrier as specifically set forth in said application. The Commission assigned Docket No. 28601 to the application and gave due notice in accordance with the provisions of Title 40, CRS 1973.

Protests were received from the parties identified as Protestants under "Appearances," supra, and from Colorado West Mobile Phone, Inc. Colorado West Mobile Phone, Inc., did not appear at the hearing. In addition to the protests, a Petition to Intervene was received from Mountain States Telephone and Telegraph Company. On October 14, 1975, the Commission issued its Decision No. 87591 granting Mountain States Telephone and Telegraph Company leave to intervene.

The matter was set for a hearing to be held on Tuesday, November 25, 1975, at 10 a.m. in a hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. Due and proper notice of this hearing was given to all interested persons, firms, or corporations, and the matter was heard at the said time and place by Robert E. Temmer, Examiner, to whom the matter had been duly assigned.

During the course of the hearing, the Protestants and the Intervenor entered into agreements with the Applicant, and the Applicant restrictively amended its application. The Examiner hereby accepts all of the stipulations and agreements entered into between the Applicant, the Protestants, and the Intervenor. All of the Protestants and Intervenor withdrew their protests.

Exhibits B, C, D, E, F, G, H, I, J, K, L, M, N, and O were marked for identification and all were admitted into evidence. Applicant was given 30 days within which to file a new DBU Contour Map and written stipulations and agreements between the parties. This limit was extended to January 10, 1976, by the Examiner. All required documents were duly filed.

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

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

FINDINGS OF FACT

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

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado. Applicant's Articles of Incorporation are on file with the Commission. William L. Robinson is the President of Applicant. The stockholders are William L. Robinson, James J. Ingram, and Joseph E. Waterman.
2. Applicant in this matter proposes to operate a public utility, as defined in Title 40, CRS 1973, since Applicant intends to interconnect its facilities with the landline telephone system in Colorado.
3. Applicant presently holds no authority from this Commission.
4. Applicant seeks authority to provide interconnected mobile radiotelephone common carrier service to the public in an area approximately defined by a DBU contour that is in and around Meeker, Colorado. Applicant has also asked for authority to operate an interconnected radio paging service to the public in an area approximately defined by a DBU contour that is in and around Meeker, Colorado.
5. This Commission has jurisdiction over the types of service sought to be offered when there is an interconnection of the facilities of the radio common carrier with the landline telephone system. This Commission has jurisdiction over the subject matter of this application.

6. Applicant has not received any channel assignment from the FCC, but is in the process of acquiring the necessary authorization from the FCC.

7. Applicant proposes to establish a base facility at or near Meeker, Colorado, and proposes to have an antenna on Magnetic Mountain 11 miles north of Meeker. Applicant also proposes to use certain FX lines. Exhibit C contains a list of the type of equipment Applicant intends to use. However, pursuant to the cooperative agreement entered into between Applicant and Protestant, Milton W. Crawford, doing business as "Westcol Radio Dispatch," Applicant will use a directional antenna Model Phelps Dodge No. 522-509 rather than the antenna listed in Exhibit C. Applicant will use the financing provisions provided by the equipment manufacturers in acquiring equipment. The proposed equipment will be ample and suitable for the operation of the authority herein requested.

8. The chief corporate officers of Applicant are all experienced in the operation of radio facilities. The experience of the officers of Applicant is ample and suitable for the operation of the authority applied for herein.

9. Applicant has conducted no active operations up to the present, as Applicant is not presently licensed to offer any services. The net worth of Applicant is presently \$19,800. The stockholders of Applicant will invest additional capital if the need arises. Further, Applicant has investigated the possibility of obtaining a loan from a bank in Meeker, and will be able to borrow funds from this source. The net worth of Applicant is sufficient for the operation of the authority herein requested, and Applicant has adequate sources of capital and financing to finance the proposed operation.

10. The chief corporate officers, as well as the employees of Applicant, will be familiar with the rules and regulations of this Commission and will abide by them if the authority herein requested is granted.

11. Applicant will proceed to obtain authorization from the FCC to operate as a radio common carrier and will enter into certain agreements with Mountain States Telephone and Telegraph Company concerning interconnection of its equipment and obtaining FX lines.

12. There is a present need for the services as proposed by Applicant in the areas proposed to be served. Businessmen will use the services to keep in touch with their offices and to receive calls when they are away from their offices. Many types of businesses in and around Meeker and the surrounding area would gain substantial benefit from having the two-way mobile radiotelephone service and the paging service available. Many people have indicated an interest in the services, and they should be economically feasible as proposed by Applicant.

13. Applicant proposed that it would install FX lines so that it could serve Rangely, Colorado, and Craig, Colorado. This Commission has considered the use of FX lines, and has determined that the use of such lines by a radio common carrier requires the approval of this Commission in certain instances. See Decision No. 86693 issued April 23, 1975, and Decision No. 86876 issued May 20, 1975. Craig is in the vicinity of Applicant's reliable service area, and there is evidence in this record that establishes that there is a need for service in this area. Rangely cannot be considered to be in the vicinity of Applicant's reliable service area as shown by the 43 DBU contour map contained in Exhibit B and the 39 DBU contour map filed along with the agreement between Applicant and Westcol Radio Dispatch. Insufficient evidence was shown of a need in Rangely, Colorado.

14. If Applicant serves Craig, Colorado, it may find that additional equipment will be required. If the additional equipment would extend Applicant's reliable service area, Applicant should file an appropriate application with this Commission.

15. Applicant has agreed that it will not serve customers located: south of approximately the 40° Parallel in an area south and west of Meeker, Colorado; in the certificated service area of the Eagle Valley Telephone Company; and in the certificated service area of Union Telephone Company, Inc. The service area in the vicinity of the 39 DBU contour filed along with the agreement between Applicant and Milton W. Crawford, doing business as "Westcol Radio Dispatch," dated December 19, 1975, complies with said agreements.

16. The present and future public convenience and necessity requires the granting of the application, and the granting of the application will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The authority sought by the Applicant should be granted as hereinafter set forth.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Applicant Northwest Colorado Radiophone, Inc., 265 6th Street, Meeker, Colorado, be, and hereby is, granted a certificate of public convenience and necessity to furnish interconnected two-way mobile radiotelephone service and interconnected one-way paging service in the city of Meeker, Colorado, and vicinity, in the vicinity of the area of reliability of its base station, at or near Meeker, Colorado, pursuant to applicable standards of service defined by the Federal Communications Commission with a landline point of interconnection at Meeker, Colorado, and authorization to use FX lines between Meeker, Colorado, and Craig, Colorado, and this shall be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from the effective date of this Decision.

3. Applicant shall file as a part of its tariffs a reliability contour for each type of service herein authorized, as computed by a properly qualified engineer in accordance with applicable Federal Communications Commission's rules, so that this Commission and interested members of the public may know the said firm's reliable service area.

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

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

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

7. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28469-Extension-
MERRITT PACKING & CRATING SERVICE,	)	Amended
INC., 4700 IVY STREET, DENVER,)	
COLORADO, FOR A CERTIFICATE OF PUBLIC	)	RECOMMENDED DECISION OF
CONVENIENCE AND NECESSITY AUTHORIZING	)	THOMAS M. McCAFFREY,
EXTENSION OF OPERATIONS UNDER PUC NO.	)	EXAMINER
440 AND PUC NO. 440-I.)	
	)	DENYING APPLICATION

- - - - -
February 2, 1976
- - - - -

Appearances: John H. Lewis, Esq.,
Denver, Colorado,
for Applicant;
Kenneth R. Hoffman, Esq.,
Denver, Colorado, for
Westway Motor Freight, Inc.;
North Eastern Motor Freight,
Inc.; Whitt Transfer & Storage
Co.; Rio Grande Motor Way, Inc.;
Boulder-Denver Truck Line;
North Park Transportation Co.;
Northwest Transport Service,
Inc.; Bethke Truck Lines; Colorado
Cartage Co., Inc.; Trans-Western
Express, Ltd.; Edson Express, Inc.,
Protestants;
James M. Lyons, Esq.,
Denver, Colorado, for
Wells Fargo Armored Service
Corporation, Protestant.

PROCEDURE AND RECORD

On June 24, 1975, Applicant filed the above-titled application with this Commission requesting extension of authority to Certificate of Public Convenience and Necessity PUC No. 440, as specifically set forth in said application.

The Commission assigned Docket No. 28469-Extension to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

Protests from the following firms were duly filed: Platte Valley Freightways; Red Ball Motor Freight; Westway Motor Freight, Inc.; North Eastern Motor Freight, Inc.; Whitt Transfer & Storage Co.; Rio Grande Motor Way, Inc.; Boulder-Denver Truck Line; North Park Transportation Co.; Northwest Transport Service, Inc.; Bethke Truck Lines; Colorado Cartage Co., Inc.; Trans-Western Express, Ltd.; Edson Express, Inc.; and Wells Fargo Armored Service Corporation.

After due and proper notice to all interested persons, firms, or corporations, the application was set for hearing on Monday, September 8, 1975, in the Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. The application, together with various other applications which had also been set for hearing at the same time and place, was called for hearing as scheduled by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned for hearing. In Decision No. 87466 issued September 10, 1975, the application was continued for further hearing on Tuesday, October 21, 1975, at 10 a.m. in the Hearing Room of the Commission, which hearing was held as scheduled. Upon motion duly made, the instant application was severed from the various other aforesaid applications and set for hearing separately on Wednesday, December 3, 1975, at 10 a.m. in the Hearing Room of the Commission, Fifth Floor, Columbine Building, 1845 Sherman Street, Denver, Colorado. The hearing was held as scheduled.

No person appeared in the hearing on behalf of Platte Valley Freightways or Red Ball Motor Freight, Protestants.

As a preliminary matter, the protests of all firms represented by Mr. Kenneth R. Hoffman were withdrawn. Also as a preliminary matter, Applicant moved to amend the application so as to modify the requested definition of "household goods" and to restrict against the transportation of certain commodities. That portion of the proposed amendment relating to the commodity restriction was rejected by the Examiner, whereupon counsel for Applicant stated that Protestant Wells Fargo Armored Service Corporation, because the proposed commodity restriction was rejected, wished to remain a Protestant of record but would not participate actively in the hearing. That portion of the proposed amendment relating to the definition of "household goods" was accepted.

Exhibits 1 through 5 were offered and admitted into evidence, and at the conclusion of the hearing, the subject matter was taken under advisement.

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

FINDINGS OF FACT

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

1. Applicant Merritt Packing & Crating Service, Inc., (hereinafter referred to as Applicant) is a Colorado corporation with its principal place of business located at 4700 Ivy Street, Denver, Colorado. Applicant is owner and operator of Certificate of Public Convenience and Necessity PUC No. 440 and PUC No. 440-I, to which authority extension is herein sought and which provides as follows:

"The conduct of a transfer, moving and general cartage business in the City and County of Denver, and in the Counties of Adams, Arapahoe and Jefferson, in the State of Colorado, and for occasional service throughout the State of Colorado, and in each of the Counties thereof, subject to the following terms and conditions:

For the transportation of

commodities other than household goods

between points served singly or in combination by scheduled carriers, applicant shall charge rates which shall be as much as 20% higher in all cases than those charged by scheduled carriers. Applicant shall not operate on schedule between any points, nor be permitted without further authority from the Commission to establish a branch office or to have an agent employed in any other town or city than Denver for the purpose of developing business. Entitled as a matter of law, to operate a call and demand motor vehicle common carrier service, for the conduct of a transfer, moving and general cartage business in the City and County of Denver, State of Colorado.

Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

2. Protestant Wells Fargo Armored Service Corporation is holder of Certificate of Public Convenience and Necessity PUC No. 8084, which authorizes the transportation of money, coins, currency, gold, silver, bullion, jewelry, checks, bank drafts, negotiable instruments, business papers, securities, valuables, mail and interoffice correspondence and other valuable papers between all points and places within the state of Colorado.

3. By this application, as amended, Applicant seeks authority to extend operations under PUC No. 440 and PUC No. 440-I so that the entire authority would read as follows:

Transportation -- on call and demand -- of

- (1) General commodities (except household goods), in the City and County of Denver and the Counties of Adams, Arapahoe and Jefferson and for occasional service throughout the State of Colorado and in each of the counties thereof.
- (2) Household goods between points in Colorado. Household goods as used in this paragraph means personal effects and property used or to be used in a dwelling when part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments; and articles, including objects of art, displays and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods.

Restrictions:

- a) This entire certificate is subject to the restriction that the operator of this certificate shall not be permitted without further authority from the Commission to establish a branch office or employ an agent in any other city or town except Denver for the purpose of developing business.
- b) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, applicant shall charge rates which shall be as much as 20 percent higher in all cases than those charged by scheduled carriers.

4. As a comparison of the existing authority in PUC No. 440 and the requested authority will indicate, Applicant requests that it be authorized to regularly transport household goods, which is included within the commodity description of its existing authority, throughout the state of Colorado. Applicant has not requested that any change be made in the "occasional service" language of its present authority, nor is any substantive change in the office restriction or in the so-called "20 percent penalty provision."

5. Applicant is engaged primarily in the transportation of household goods. Applicant also transports other commodities periodically, but Applicant has in the past, and intends in the future, to specialize in the transportation of household goods.

6. During the year 1975 to the date of hearing Applicant had conducted 19 intrastate operations under the "occasional service" portion of PUC No. 440. Except in two instances, these operations either originated or terminated in the Applicant's present base counties of Denver, Adams, Arapahoe, or Jefferson. One additional shipment, which originated in Broomfield and terminated in Longmont, Colorado, may or may not have been commenced within Applicant's four-county area, since Broomfield lies within the counties of Boulder, Jefferson, and Adams. The two shipments which clearly did not originate within these four counties both originated in Greeley, with one shipment terminating in Pueblo and the other in Fort Collins, Colorado. All 19 shipments were conducted under the "occasional" portion of Applicant's existing authority, and these shipments apparently involve the transportation of household goods only, although this is not clear from the record.

7. As shown by the evidence in this proceeding, the possibility exists that Applicant's requests for transportation of household goods to various points in Colorado, especially the Western Slope, may increase in the future. The record is devoid, however, of evidence to show that any of these increased shipments will originate at any point other than within the counties of Denver, Adams, Arapahoe, and Jefferson.

Applicant desires to eliminate any question as to whether transportation services rendered for a given shipper are within the meaning of "occasional service," since there are presently no definitive standards or guidelines to determine what may be "occasional service" in any given circumstance. The only substantial evidence of record, however, shows that only one customer, viz., Chevron Oil Company, would have a sufficient volume of business within any given period of time so as to possibly give rise to a legitimate concern as to whether shipments are within the meaning of "occasional service." If indeed Applicant is concerned with future transportation services possibly not being within the meaning of "occasional," a

more reasonable request for extended authority would have been for "in and out" general commodities authority from and to its present four-county base area rather than state-wide household goods authority, which request is not substantiated by the evidence in this proceeding. Applicant under the existing provisions of its Certificate does have the authority for occasional service throughout the state, and if indeed Applicant has in the past had requests for services giving rise to concern whether these requests and services rendered are within their existing authority, there is no substantial evidence of record to show the basis for such concern.

8. Although, as stated above, Applicant is engaged primarily in the transportation of household goods, and at this time expects most future transportation requests to be for household goods, Applicant does transport other commodities periodically. There is the possibility that either the Applicant or a future owner of PUC No. 440 will either intentionally or out of necessity increase the number of shipments of general commodities other than household goods. The authority as requested in this application for the transportation of general commodities other than household goods would retain the wording of "occasional service," and the uncertainty of the meaning of this phrase would remain, causing the Applicant and this Commission continuing problems in defining the word "occasional." If the primary purpose in filing this application is to eliminate the confusion arising out of the terminology "occasional service," such purpose will not be served by a granting of the authority as requested in this application. Applicant has placed the Commission in the position of either granting the requested state-wide household goods authority or denying the application in its entirety. Applicant has failed to show that the present or future public convenience and necessity requires, or will require, the granting of that application requesting authority for the transportation of household goods between points in Colorado, and the granting of this portion of the application will not be in the public interest. This application must therefore be denied in its entirety.

9. If this application were granted, Applicant has sufficient net worth, equipment, and experience for the operation of the requested authority.

CONCLUSIONS ON FINDINGS OF FACT

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

1. This Commission has jurisdiction over the Applicant, Protes-tant, and subject matter of this proceeding.
2. This application should be denied.
3. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28469-Extension, being the application of Merritt Packing & Crating Service, Inc., 4700 Ivy Street, Denver, Colorado, for a certificate of public convenience and necessity authorizing extension of operations under PUC No. 440 and PUC No. 440-I, be, and hereby is, denied.

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

3. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28706-A/C
STERLING AIR SERVICE, INC., 16616)	
HIGHWAY 14, STERLING, COLORADO, FOR)	RECOMMENDED DECISION OF
A CERTIFICATE OF PUBLIC CONVENIENCE)	ROBERT L. PYLE, EXAMINER
AND NECESSITY TO OPERATE AS A COMMON)	
CARRIER BY AIRPLANE FOR HIRE ON)	GRANTING APPLICATION
SCHEDULE.)	

- - - - -
February 4, 1976
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Appearances: James R. Leh, Esq.,
Sterling, Colorado, for Applicant
Sterling Air Service, Inc.;
Dalton O. Ford,
Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

The above-entitled application was filed with this Commission on October 14, 1975. No temporary authority was requested or granted. The Commission assigned Docket No. 28706-A/C to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973. No protests were filed, and no one appeared at the hearing in opposition to the application.

After due and proper notice to all interested parties, the application was set for hearing on Friday, January 23, 1976, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

The following exhibits were tendered and admitted into evidence:

- Exhibit No. 1 - Articles of Incorporation of the Applicant.
- Exhibit No. 2 - Summary of financial and development information in Sterling and Logan County.
- Exhibit No. 3 - Colorado Airport System Plan, including information on the Sterling Airport.
- Exhibit No. 4 - Financial data of Applicant.

Testimony was taken from the following witnesses:

Wayne F. Rose, Airport Manager of Crosson Field at Sterling, Colorado, and President of Applicant corporation.

John F. Taylor, Chief Pilot for Applicant corporation.

Jesse Duncan, Jr., Electrical Contractor and Councilman for the City of Sterling.

Ralph Edwin Moyer, Rural Development Facilitator for the Governor's Office.

Richard L. McMahon, Consumer Services Representative for the Public Service Company of Colorado in Sterling.

James R. Corbett, General Manager of the Logan County Chamber of Commerce.

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

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

FINDINGS OF FACT

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

1. Applicant is a Colorado corporation duly authorized to do business in the State of Colorado, its stated purpose being generally to engage in the business of aircraft and other flying services. Its organization, structure, and personnel are such as to be ideal for the operation of the authority applied for. Its president is Mr. Wayne E. Rose, who is also the airport manager of Crosson Field in Sterling, and its personnel is made up of persons well qualified and experienced in executive matters, as well as flying and mechanics. Pursuant to its financial statement (Exhibit No. 4), it shows a net worth of \$100,210, approximately 75 percent of which is reinvested earnings in the corporation. It showed a net profit of \$16,543 for a three-month period ending August 31, 1975. Besides the aircraft hereinafter described that will be used on this scheduled service (a new Cessna Turbo 206), Applicant owns another Cessna 210, six-passenger, and two four-passenger airplanes, which will be available in an emergency.

2. Applicant is presently the owner and operator of Certificate of Public Convenience and Necessity PUC No. AC-11, which it has operated since 1968 out of Crosson Field in Sterling. This is a call and demand by airplane authority with authority to transport persons and property between all points in the State of Colorado, with a base of operations and offices at Sterling, Colorado. In the operation of this charter authority, Applicant averages about five trips per week between Denver and Sterling transporting from one to four passengers each trip. This authority is in good standing with the Commission, and Applicant has no accident record since it began operations under that authority. Applicant is duly certificated by the FAA.

3. By this application, Applicant seeks a certificate of public convenience and necessity to transport persons and property on schedule by airplane between Crosson Field, Sterling, Colorado, and Stapleton International Airport, Denver, Colorado.

4. In the operation of this proposed scheduled service, Applicant has ordered, and will obtain in March of 1976, one 1976 Model Cessna Turbo 206. This is a five-passenger, plus pilot, single-engine aircraft with 285 horsepower. It has a maximum altitude of 30,000 feet, a range of five hours, and a cruising speed of 165 miles per hour. Its useful load capacity is about 1,900 pounds. Its load takeoff ability is approximately 1,000 feet. It is equipped for instrument flying and is capable of using instrument facilities at Stapleton International Airport.

5. The facilities at Crosson Field, Sterling, Colorado, are as follows: There is one 4,300-foot runway (15-33 direction) with a new concrete surfacing. Its altitude is 4,040 feet. There are maintenance facilities, a hangar, airport shop, facilities for ticket handling, and a small waiting room area. This is a gate for loading-adequate parking facilities, taxicab service to and from Sterling, but no restaurant facilities. There is a municipal airport owned and operated by the City of Sterling and the County of Logan. There are runway lights, a beacon, but no instrument facilities or towers, and operation is by VFR only. The airport has its own snow removal and other maintenance facilities, and its present use involves 40 to 50 takeoffs and landings per day. The surrounding terrain is flat and unobstructed, and there are alternate or emergency facilities approximately 35 miles distance at Akron, Colorado, and Sidney, Nebraska. Both facilities at Akron and Sidney have VOR approach and are ideal and adequate for alternate and emergency landings. Crosson Field is located three miles west of Sterling on State Highway No. 14.

6. Applicant proposes to operate two round trips daily between Sterling and Denver charging therefor the sum of \$38 as a round-trip fare and \$20 for a one-way fare. Presumably, there would be an early morning trip and a late afternoon trip.

7. Applicant's chief pilot, Mr. John F. Taylor, holds ratings as an airlines transport pilot, single and multi-engine, and commercial pilot. He is also rated for helicopter and seaplane. He has total flight time of 4,905.8 hours, 4,760.4 of which are command pilot, 152 hours of instrument, and 1,296.8 hours of cross country. Another pilot, Mr. Kenneth W. Messick, is rated commercial pilot in single and multi-engine with instrument rating. He has a total of 2,569.6 hours. Mr. Wayne E. Rose, the president of Applicant corporation, is rated as both a maintenance chief and pilot. He holds a commercial pilot license, a single and multi-engine with instrument rating, airframe and powerplant mechanic, and aircraft inspector. His total flying time is 3,300 hours. Mr. Steve Walling is also an employee of Applicant holding ratings as a commercial pilot in single and multi-engine, with total flying time of 480 hours. Another mechanic is Mr. Brian L. Welton, rated as a private pilot, single engine. He also has airframe and powerplant qualifications.

8. Applicant's president and principal officers are acquainted with the rules and regulations of the Commission, and, if this authority is granted, will abide by said rules and regulations and the laws pertaining to public utilities.

9. Applicant has sufficient equipment, net worth, and experience to operate the authority, has and will maintain insurance, and will abide by the rules and regulations of this Commission in the operation of the authority.

10. The City of Sterling presently has no certificated scheduled air service. The nearest scheduled air service is out of Sidney, Nebraska, a distance of approximately 35 miles. There are no passenger trains serving the city, and bus service is twice daily from Sterling to Denver. Driving time between Sterling and Denver is approximately three hours. Roads are often hazardous in the winter-time, and the expense of driving an automobile from Sterling to Denver would exceed the proposed air fares. Sterling is the county seat of Logan County and the trading center for northeastern Colorado. The greater Sterling area has a present population of 15,232 persons with a trading population for the area of approximately 40,000 persons. Sterling has six financial institutions, with three major banks having gross assets in excess of 74 million dollars. Sales relating to agriculture for Logan County in 1974 were 158 million dollars. Retail sales in 1974 were approximately 75 million dollars. Surveys reveal in 1974 that there were 2,854 trips made to Denver per year. Persons traveling to Sterling from Denver totaled 2,827. The survey further reveals that usage of commuter air service showed a total of 1,104 trips to and from Denver per year, as well as 622 return flights originating in Denver for a total of 1,726 flights. As proposed by Applicant, this would indicate from five to six passengers per flight. The survey further revealed that there was an additional interest for freight service. From the testimony of supporting witnesses, it is found that the business community in Sterling has a genuine desire for the scheduled service as proposed. Northeastern Junior College is located in Sterling, and, although there is a hospital, several doctors and medical facilities in Sterling, many persons come to Denver regularly for medical treatment and to use medical facilities in Denver.

11. It was amply shown that there is a present and special need for the service and that the present and future public convenience and necessity requires or will require the service applied for. There is presently no such service available, and the granting of the application will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Sterling Air Service, Inc., 16616 Highway 14, Sterling, Colorado 80751, be, and hereby is, granted a certificate of public convenience and necessity authorizing operation as a scheduled common carrier by airplane for the transportation of persons and property on schedule from, to, and between Crosson Field, Sterling, Colorado, and Stapleton International Airport, Denver, Colorado, and this shall be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. The full and complete authority granted hereby shall be, and read, as follows:

Transportation--on schedule--by airplane--of

Persons and property

Between Crosson Field, Sterling, Colorado, and
Stapleton International Airport, Denver, Colorado.

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

4. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF	)	CASE NO. 5644
BLUE BARREL DISPOSAL, INC., UNDER)	
CERTIFICATES OF PUBLIC CONVENIENCE	)	RECOMMENDED DECISION OF
AND NECESSITY PUC NO. 2032 AND PUC	)	ROBERT E. TEMMER,
NO. 4446.	)	EXAMINER
)	
)	

- - - - -
February 4, 1976
- - - - -

Appearances: David Bath, Esq., Denver,
Colorado, for Respondent
Blue Barrel Disposal, Inc.;
Eugene C. Cavaliere, Esq.,
Denver, Colorado, for the
Commission.

STATEMENT AND FINDINGS OF FACT

The above-captioned matter was called for hearing on January 23, 1976, at 10 a.m. in a hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, by Robert E. Temmer, Examiner, to whom the matter had been duly assigned. As a preliminary matter to the hearing, counsel for the Commission moved that the Show Cause proceeding be dismissed without prejudice because of certain errors in Appendix A.

The attorney for the Respondent had no objection to this Motion, and proper grounds being shown therefor, the Examiner granted the Motion to Dismiss without prejudice.

CONCLUSIONS

Based on the above Statement and Findings of Fact, it is concluded that:

1. Case No. 5644 should be dismissed without prejudice.
2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. 5644 entitled Re: Motor Vehicle Operations of Blue Barrel Disposal, Inc., under Certificates of Public Convenience and Necessity PUC No. 2032 and PUC No. 4446 be, and hereby is, dismissed without prejudice.

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

3. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion; such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
QUINBY BROS. HOUSE MOVERS, INC.,)
ROUTE 1, BOX 51, COMMERCE CITY,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 28795
ORDER OF THE COMMISSION

- - - - -
February 10, 1976
- - - - -

Appearances: Anthony V. Zarlengo, Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That by Notice of the Commission dated December 1, 1975, notice of the filing of the above-entitled application was given to all interested person, firms and corporations pursuant to CRS 1973, 40-6-108 (2);

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

IT FURTHER APPEARING, That pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

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

Wherefore, and good cause appearing therefor:

WE FIND, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

WE FURTHER FIND, That the grant of authority as hereinafter ordered should be identified and be known as "Certificate of Public Convenience and Necessity PUC No. 552," being the number of a certificate formerly held by Applicant.

AND WE FURTHER FIND, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate Order should be entered; and

IT IS ORDERED, That Quinby Bros. House Movers, Inc., Route 1, Box 51, Commerce City, Colorado, be, and is hereby, authorized to operate as a common carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto; that the common carrier motor vehicle operations shall be designated and assigned the number "552," and this Order shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

IT IS FURTHER ORDERED, That this Order is the Certificate herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

IT IS FURTHER ORDERED, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

AND IT IS FURTHER ORDERED, That this Order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88156
February 10, 1976

Quinby Bros. House Movers, Inc.

Transportation -- on call and demand -- of

Houses, buildings and other structures

Between all points located within a thirty-five (35) mile radius of the City and County of Denver, State of Colorado.

RESTRICTION: This Certificate is restricted against the transportation of new modular homes from points of manufacture, and house trailers and mobile homes mounted on wheeled undercarriages designed to be towed by passenger automobiles.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN CORPORATIONS,)
PARTNERSHIPS, AND/OR PERSONS TO COMPLETE)
ACTIONS INSTITUTED BEFORE THE COMMISSION)
FOR AUTHORITY TO OPERATE AS COMMERCIAL)
CARRIERS BY MOTOR VEHICLE (NOT FOR HIRE))
OVER THE PUBLIC HIGHWAYS OF THE STATE OF)
COLORADO.)

RE: THE FAILURE OF CERTAIN CORPORATIONS,)
PARTNERSHIPS, AND/OR PERSONS TO COMPLETE)
ACTIONS INSTITUTED BEFORE THE COMMISSION)
FOR AUTHORITY TO OPERATE AS TOWING CAR-)
RIERS BY MOTOR VEHICLE OVER THE PUBLIC)
HIGHWAYS OF THE STATE OF COLORADO.)

- - - - -
February 10, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the corporations, partnerships, and/or persons as specifically set forth in the Appendix attached hereto have paid to the Commission the required filing fee for authority to operate as commercial carriers or towing carriers by motor vehicle over the public highways of the State of Colorado, but have either (1) failed to file an application; (2) have failed, after filing an application for such authority, to file either the required certificate of insurance; (3) designation of agent for service of notices, orders or process; (4) articles of incorporation; (5) list of equipment; or (6) description of storage area -- all of which are required by law and the Commission's Rules and Regulations Governing Commercial Carriers or Towing Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the above -- further disclose that all of said corporations, partnerships, and/or persons have previously been duly notified by the Commission of their failure to comply with one or more of the above specifically stated items.

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons as set forth in the Appendix attached hereto should be dismissed.

O R D E R

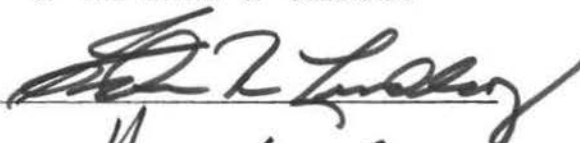
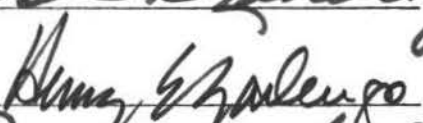

THE COMMISSION ORDERS:

That all actions heretofore instituted before this Commission by the corporations, partnerships, and/or persons as set forth in the Appendix attached hereto, to obtain authority to operate as towing carriers or commercial carriers by motor vehicle over the public highways of the State of Colorado, be, and the same hereby are, dismissed.

This Order shall become effective thirty (30) days from the day and date hereof.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88157
February 10, 1976

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
LeRoy Verne Ackerman 5239 Trinchera Drive Colorado City, Colorado 81019	Public Liability and Property Damage Insurance
Stanhope Adams and W. Edward Horton R. R. 2, Redlands Mesa Hotchkiss, Colorado 81419	Public Liability and Property Damage Insurance
Valley Packaging, Inc., dba Albuquerque Produce Co. Box 30148, 4525 Los Angeles N.E. Albuquerque, New Mexico 87110	Designation of Agent
Alliance Tractor & Implement Box 657, 10th and Flack Avenue Alliance, Nebraska 69301	Designation of Agent
Gerard A. and Dawn E. Francois dba Allied Auto Salvage 8250 South Old Highway 85-87 Fountain, Colorado 80817	Public Liability and Property Damage Insurance
American Minerals, Inc. 3666 Doniphan Drive El Paso, Texas 79922	Public Liability and Property Damage Insurance
Arbany & Son, Inc. Road 117, 8611 Glenwood Springs, Colorado 81601	Public Liability and Property Damage Insurance
Wayne B. Bonger dba Associated Metal Fabrication 6030 West 55th Place Arvada, Colorado 80002	Public Liability and Property Damage Insurance
Atwood Cheese 509 North 5th Atwood, Kansas 67730	Public Liability and Property Damage Insurance, Designation of Agent
B & B Chemical Company, Inc. 875 West 20th Street Hialeah, Florida 33024	Public Liability and Property Damage Insurance, Designation of Agent
Jack Baker 1310 Pershing Moses Lake, Washington 98873	Designation of Agent
Roy Wayne Baker Box 174 Boise City, Oklahoma 73933	Public Liability and Property Damage Insurance
Larry L. Barnes Route 3, Box 257H Durango, Colorado 81301	Public Liability and Property Damage Insurance
Curtis Norman Beauchamp 308 East 6th Street Weatherford, Texas 76086	Public Liability and Property Damage Insurance, Designation of Agent

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Darrell and Helen Bedore Poudre Route Bellvue, Colorado 80512	Public Liability and Property Damage Insurance
Larry L. Carlson dba Bo Jingles Ice Cream 1307 23rd S. W. Loveland, Colorado 80537	Public Liability and Property Damage Insurance
John Boos and Co., Inc. 315 South First Street Effingham, Illinois 62401	Public Liability and Property Damage Insurance, Designation of Agent
Bronco Foods, Inc. dba Bronco Foods Service 2085 West Amherst Englewood, Colorado 80110	Public Liability and Property Damage Insurance
Brown's Shoe Fit Co. 373 Main Street Longmont, Colorado 80501	Public Liability and Property Damage Insurance
Jack Bryan dba Bryan Const. Route 1, Box 14 Bayfield, Colorado 81122	Public Liability and Property Damage Insurance
Harry A. Poschnan dba Budda Log and Lumber Co. Box 2046 Aspen, Colorado 81611	Public Liability and Property Damage Insurance
Charles W. Turner dba C & M Enterprises 652 East 1500 North Vernal, Utah 84078	Designation of Agent
James W. Colner dba C.N.S. 1011 Asherton Covina, California 91724	Public Liability and Property Damage Insurance
Colorado Earth Moving, Inc. Route 2, Box C1 Brighton, Colorado 80601	Public Liability and Property Damage Insurance
Compteck Company 301 East Lincoln Avenue Fort Collins, Colorado 80521	Public Liability and Property Damage Insurance
Wilford Durrant & Nolan Curtis dba Curtis & Durrant Box 546 Green River, Utah 84525	Public Liability and Property Damage Insurance, Designation of Agent
D & D Floral Distributors, Inc. Route 7, Box 121 Edmond, Oklahoma 73034	Public Liability and Property Damage Insurance, Designation of Agent

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Donald L. and Ronald A. Montrenec dba D & R Drywall Box 1081 Meeker, Colorado 81641	Public Liability and Property Damage Insurance
Denver Drilling and Equipment Co. P. O. Box 285 Fort Morgan, Colorado 80701	Public Liability and Property Damage Insurance
Dick's Mobile Homes, Inc. 1739 Highway 10 E Billings, Montana 59101	Public Liability and Property Damage Insurance, Designation of Agent
Drilling Mud, Inc. Box 2229 Rock Springs, Wyoming 82901	Public Liability and Property Damage Insurance, Designation of Agent
Eidson Metal Products, Inc. 8301 Broadway S. E. Albuquerque, New Mexico 87105	Public Liability and Property Damage Insurance
F A T Equipment Rental, Inc. 5625 East Imperial Highway South Gate, California 90280	Public Liability and Property Damage Insurance
John M. Dempsey and Pete Serchay dba Firewood Factory Route 1, Box 564 Pine, Colorado 80470	Public Liability and Property Damage Insurance
Otis Owen Fox and W. I. Payne 2215 Avalon Las Cruces, New Mexico 88001	Public Liability and Property Damage Insurance, Designation of Agent
Bruce W. Broadhead dba Frames Ltd. 1442 South Colorado Boulevard Denver, Colorado 80222	Public Liability and Property Damage Insurance
Mike Franta 540 Blake Street Wray, Colorado 80758	Public Liability and Property Damage Insurance
A. E. and Amadito Garcia 116 Sproull Avenue Walsenburg, Colorado 81089	Public Liability and Property Damage Insurance
Sofia Adelaida Gonzales 1011 Hermosa Street Del Norte, Colorado 81132	Public Liability and Property Damage Insurance
Rodney Weston Griffith 3801 North Sinton Road Colorado Springs, Colorado 80907	Public Liability and Property Damage Insurance
Hadley-Fix, Inc. P. O. Box 432 Wray, Colorado 80758	Public Liability and Property Damage Insurance

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Dene A. Hangs R. R. 1 Silt, Colorado 81652	Public Liability and Property Damage Insurance
Ruth E. Hansen Route 2, Box 1221 Cheyenne, Wyoming 82001	Public Liability and Property Damage Insurance
Harley Corporation P. O. Box 5497 Spartanburg, South Carolina 29304	Public Liability and Property Damage Insurance
Jack W. Hawkins 1605 South Fowler Enid, Oklahoma 73701	Designation of Agent
Dunley Cronklite dba Hereford Grain Co. P. O. Box 2 Hereford, Colorado 80732	Public Liability and Property Damage Insurance
Earl K. Herrick Route 1 Paonia, Colorado 81428	Public Liability and Property Damage Insurance
House Boating Corp. of America 365 Maple Gallatin, Tennessee 37065	Public Liability and Property Damage Insurance, Designation of Agent
Mike Houtchens 8401 South West Frontage Road Fort Collins, Colorado 80521	Public Liability and Property Damage Insurance
Homer Isham Box F Paonia, Colorado 81428	Public Liability and Property Damage Insurance
Jered Products, Inc. Box 365 Troy, Michigan 48084	Public Liability and Property Damage Insurance
Justin Enterprises, Inc. 15030 Golden West Circle Westminster, California 92683	Public Liability and Property Damage Insurance
Kinton Agri-Service, Inc. Route 3 Sterling, Colorado 80751	Public Liability and Property Damage Insurance
Monnico Lehnert 1844 13th Avenue Greeley, Colorado 80631	Public Liability and Property Damage Insurance
Light Cattle Co., Inc. P. O. Box 696 Lytle, Texas 78052	Public Liability and Property Damage Insurance, Designation of Agent

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
R. S. Ligon 4737 North 17th Avenue Phoenix, Arizona 85015	Public Liability and Property Damage Insurance
Little Rocky Const. Co. P. O. Box 908 Rangely, Colorado 81648	Public Liability and Property Damage Insurance
Jon R. Mallette dba Jon R. Mallette-Standard Products Distr. Box 934 Leadville, Colorado 80461	Public Liability and Property Damage Insurance
Fred D. Marick 15260 County Road S (R.R. 2) Fort Morgan, Colorado 80701	Public Liability and Property Damage Insurance
Danny Martinez dba Martinez Trucking 1181 9th Avenue Scottsbluff, Nebraska 69361	Public Liability and Property Damage Insurance, Designation of Agent
Masson Cheese Corp. 6218 Maywood Avenue Bell, California 90201	Public Liability and Property Damage Insurance, Designation of Agent
Neil Matney 2525 East Mulberry Street Fort Collins, Colorado 80521	Public Liability and Property Damage Insurance
David McKnight dba McKnight Equipment Co. P. O. Box 1096 Mills, Wyoming 82644	Public Liability and Property Damage Insurance, Designation of Agent
J. F. Messenger, Inc. 16150 Road 19 Fort Morgan, Colorado 80701	Public Liability and Property Damage Insurance
Midwest Breeders Cooperative Cody, Nebraska 69211	Public Liability and Property Damage Insurance, Designation of Agent
Gene A. and Terry K. Smith dba Mr. Home Grown 6227 N. W. Boulevard Davenport, Iowa 52801	Public Liability and Property Damage Insurance
Michael L. Saetta and Richard Craig dba Mountain Firewood P. O. Box 2704 Estes Park, Colorado 80517	Public Liability and Property Damage Insurance
Richard J. Brough dba N. J. Trucking Box 525 Duchesne, Utah 85021	Designation of Agent

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Nielsons Incorporated & Petry Const. dba N. P. S. Construction Co. Box 983 Craig, Colorado 81625	Public Liability and Property Damage Insurance
National Church Furnishings, Inc. Centralia Industrial Park Centralia, Washington 98531	Public Liability and Property Damage Insurance, Designation of Agent
Nationwide Mobile Homes Box 902 Hays, Kansas 67601	Public Liability and Property Damage Insurance, Designation of Agent
Northwest Supply Co. 2401 East Aztec Avenue Gallup, New Mexico 87301	Public Liability and Property Damage Insurance, Designation of Agent
Ollie T. Knutson dba O. K. Trucking P. O. Box 759 Moab, Utah 84532	Public Liability and Property Damage Insurance
Oatey Co. 4700 West 160th Street Cleveland, Ohio 44135	Public Liability and Property Damage Insurance
Randall E. Ogier Wallace, Nebraska 69169	Designation of Agent
Gale Oliver dba Gale Oliver Construction P. O. Box 221 Norwood, Colorado 81423	Public Liability and Property Damage Insurance
Olivers, Inc. General Delivery Ojo Caliente, New Mexico 87549	Public Liability and Property Damage Insurance, Designation of Agent
Pacific Fur Foods, Inc. 11630 S. E. 272nd Boring, Oregon 97009	Public Liability and Property Damage Insurance
Panhandle Sales-Div. of Patrick Well Service Inc. Box 1273 Liberal, Kansas 67901	Public Liability and Property Damage Insurance, Designation of Agent
Kenneth Wayne Payne 1964 Mulberry Las Cruces, New Mexico 88001	Public Liability and Property Damage Insurance, Designation of Agent
James L. Pool dba Poma Enterprises P. O. Box 1755 Montrose, Colorado 81401	Public Liability and Property Damage Insurance

NAME

REASON - FAILURE TO FILE

Gene Powell dba
Gene Powell's Garage
Route 1, Box 51
Trinidad, Colorado 81082

Public Liability and Property Damage
Insurance

Ruben Foos dba
R. A. Steel Co.
P. O. Box 213
Alamosa, Colorado 81101

Public Liability and Property Damage
Insurance

R A M Industries, Inc.
Highway 169 North
Humboldt, Iowa 50548

Public Liability and Property Damage
Insurance

R & H Implement Co., Inc.
West Highway 50
Syracuse, Kansas 67877

Public Liability and Property Damage
Insurance

Gilberto J. Ramirez dba
Ramirez Bros.
4400 Federal
Denver, Colorado 80211

Public Liability and Property Damage
Insurance

Reinke Mfg. Co., Inc.
Box 566
Deshler, Nebraska 68340

Public Liability and Property Damage
Insurance, Designation of Agent

Rio Corporation
212 West Buchanan Street
Colorado Springs, Colorado 80907

Public Liability and Property Damage
Insurance

Rio Grande Building Products, Inc.
540 West 2nd South
Salt Lake City, Utah 84101

Public Liability and Property Damage
Insurance, Designation of Agent

Richard B. Robinson
Route 2, Box 217
Torrington, Wyoming 82240

Public Liability and Property Damage
Insurance

Larry Rushworth and John Alfter dba
Larry Rushworth & Son
P. O. Box 22
Rush, Colorado 80833

Public Liability and Property Damage
Insurance

Sells-Floto, Inc.
P. O. Box 1528
Venice, Florida 33595

Public Liability and Property Damage
Insurance

Richard Shearon dba
Richard Shearon Trucking
205 East Market
Dodge City, Kansas 67801

Public Liability and Property Damage
Insurance

Continental Sales Co. dba
Silvertip Studs
P. O. Box 25606
Albuquerque, New Mexico 87125

Public Liability and Property Damage
Insurance

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Howard D. Smith 120 Hayes Drive Security, Colorado 80911	Public Liability and Property Damage Insurance
Kenneth Smith dba Smith's Produce 715 Bridge S. W. Albuquerque, New Mexico 87125	Public Liability and Property Damage Insurance, Designation of Agent
South Fork Lumber, Inc. Box 10 South Fork, Colorado 81154	Public Liability and Property Damage Insurance
O. B. Saunders, Clifton Grodon and Dale Chapman dba Southwest Metal & Trade Co. P. O. Drawer V Altus, Oklahoma 73521	Public Liability and Property Damage Insurance, Designation of Agent
Billy J. Shutt dba Special Services 1006 South Bross Longmont, Colorado 80501	Public Liability and Property Damage Insurance
Steel Fixture Manufacturing Co. Box 917 Topeka, Kansas 66601	Public Liability and Property Damage Insurance
Stephenson Electric Co., Inc. dba Stephenson Electric Co. 2105 30th Street Boulder, Colorado 80301	Public Liability and Property Damage Insurance
Rainbow Mercantile, Inc. dba Strachman Brothers 52 4th Avenue Granby, Colorado 80446	Public Liability and Property Damage Insurance
Albert F. Stongle dba Superior Meat Co. 4289 Sherman Street Denver, Colorado 80216	Public Liability and Property Damage Insurance
Jerry P. Wolf dba Taco Truck 2918 Dakota Drive Colorado Springs, Colorado 80910	Public Liability and Property Damage Insurance
Tanglen Bros., Inc. Box 18 Crane, Montana 59217	Designation of Agent
Charles Taylor Trucking Route 1 Maryville, Missouri 64468	Public Liability and Property Damage Insurance, Designation of Agent
Jere Todd Box 225 Hotchkiss, Colorado 81419	Public Liability and Property Damage Insurance

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Reuben and James W. Troudt dba Troudt Trucking 917 3rd Avenue Greeley, Colorado 80631	Public Liability and Property Damage Insurance
Warren H. Vandergrift 7904 East 5th Avenue Mesa, Arizona 85208	Public Liability and Property Damage Insurance, Designation of Agent
White & Sweazy, Inc. 4900 South Shorline Road Fort Collins, Colorado 80521	Public Liability and Property Damage Insurance
E. W. Whitley 619 South Adams Carthage, Texas 75633	Public Liability and Property Damage Insurance, Designation of Agent
Winchell's Donut House Div. of Denny's, Inc. P. O. Box 951 La Mirada, California 90637	Public Liability and Property Damage Insurance
Winters Brothers Box 142 Canon City, Colorado 81212	Public Liability and Property Damage Insurance
John Wolfe 274 Mindella Way Layton, Utah 84041	Public Liability and Property Damage Insurance, Designation of Agent
Richard L. Yack dba Honey Yak Box 8, River Route Greybull, Wyoming 82426	Public Liability and Property Damage Insurance, Designation of Agent
Zale Corporation Box 2219 Dallas, Texas 75221	Public Liability and Property Damage Insurance
Eldon E. Zornes Route 1, Box 200-G Brighton, Colorado	Public Liability and Property Damage Insurance
Pearson's Inc. 90 Court Street Thedford, Nebraska 69166	Designation of Agent
Chuck Phillips dba Aurora Auto Wrecking 18350 East 14th Avenue Aurora, Colorado 80011	Public Liability and Property Damage Insurance, Cargo Insurance
Richard D. Doubet dba Fillmore Husky 201 West Fillmore Colorado Springs, Colorado 80901	Public Liability and Property Damage Insurance

NAME

REASON - FAILURE TO FILE

Darrell Saffell dba
Pump House Self Service & Car Wash
2504 North Poplar
Leadville, Colorado 80461

Public Liability and Property Damage
Insurance, Cargo Insurance

Russell Gottlieb Kemmit dba
R & M Conoco
Box 326
Frisco, Colorado 80443

Cargo Insurance

T n' T Garage, Inc.
P. O. Box 148
Fraser, Colorado 80442

Public Liability and Property Damage
Insurance

U. S. A. Auto Service & Towing, Inc.
1040 Denver Club Bldg.
Denver, Colorado 80202

Public Liability and Property Damage
Insurance, Cargo Insurance

Eugene Weber dba
Weber Foreign Cars Service
3940 - 3990 West Colfax
Denver, Colorado 80204

Public Liability and Property Damage
Insurance, Cargo Insurance

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28562
MILO J. WERNER, DOING BUSINESS AS)	
"MILO WERNER COMPANY," 1216 SOUTH)	
9TH STREET, CANON CITY, COLORADO,	)	RECOMMENDED DECISION OF
FOR A CERTIFICATE OF PUBLIC CONVEN-	)	THOMAS M. McCAFFREY,
IENCE AND NECESSITY TO OPERATE AS A	)	EXAMINER
COMMON CARRIER BY MOTOR VEHICLE FOR)	
HIRE.	)	GRANTING APPLICATION

- - - - -
February 2, 1976
- - - - -

Appearances: W. C. Kettlekamp, Jr., Esq.,
Pueblo, Colorado, for
Applicant;
Jean Paul Jones, Esq.,
Alamosa, Colorado, for
Gibson Truck Lines,
Protestant;
Harold D. Torgan, Esq.,
Denver, Colorado, for
Transit Homes, Inc.,
Protestant.

PROCEDURE AND RECORD

On August 6, 1975, Applicant filed the above-titled application with this Commission requesting a certificate of public convenience and necessity for the transportation of buildings, whole and dismantled, including boxcars and trolley cars, from all points within an area as specifically described in said application.

The Commission assigned Docket No. 28562 to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

The protests of Gibson Truck Lines and Transit Homes, Inc., were duly filed.

After due and proper notice to all interested persons, firms, or corporations, the application was set for hearing on Wednesday, December 17, 1975, at 10 a.m. in the Hearing Room of the Commission, 1845 Sherman Street, Denver, Colorado, which hearing was subsequently vacated and the application reset for hearing on Wednesday, December 17, 1975, at 10 a.m. in 410-A Federal Building, Fifth and Main, Pueblo, Colorado. The hearing was held as scheduled by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned.

As a preliminary matter, Applicant moved to amend the application so as to exclude trailers, mobile homes, double wides and modular units, except modular units and double wides which are moved in an undivided condition. The proposed amendment, being clearly restrictive in nature, was

accepted by the Examiner, whereupon Transit Homes, Inc., withdrew its protest to the application. Exhibits 1 through 5, inclusive, were offered and admitted into evidence, and official notice was taken of Applicant's financial statement and equipment list filed with the application.

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

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

FINDINGS OF FACT

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

1. Applicant Milo J. Werner is an individual doing business as "Milo Werner Co.," with offices located at 106 Broadway, Penrose, Colorado, and 1216 South 9th Street, Canon City, Colorado.

2. Applicant holds an "M" Permit from this Commission, but holds no other authority from the Commission.

3. This application, as amended, was protested by Gibson Truck Lines, a sole proprietorship owned by Mr. Fred Gibson. This Protestant is owner and operator of Certificates of Public Convenience and Necessity PUC No. 1520, PUC No. 1520-I, PUC No. 1646, and PUC No. 2064. The pertinent portions of these authorities which conflict with the instant application are as follows:

PUC NO. 1520 AND PUC NO. 1520-I:

"Transportation of freight and express, consisting of general commodities, on schedule and on call and demand, over a regular route, to-wit: Between Antonito, Colorado and the 'Counselor Dam and Reservoir' site and intermediate points, via State Highway No. 17 and unnumbered county roads."

PUC NO. 1646:

"Transportation of general commodities between points in Costilla County, and from and to points in Costilla County, to and from points in the State of Colorado, provided there shall be no town-to-town service in competition with common carrier line-haul operators under said extended authority; transportation of general commodities between points in the area bounded by a line drawn east and west through Alamosa, Colorado, on the north; by the Rio Grande River on the east; by the Colorado-New Mexico State Line on the south, and by a line drawn north and south through a point fifteen miles west of La Jara on the west, on the one hand, and on the other, points in the State of Colorado, without the right to haul cattle, sheep, or hogs, from points in said area to Pueblo, or to perform town-to-town service in competition with common carrier line-haul motor carrier services. . . ."

4. By this application, as amended, Applicant seeks authority as follows:

Transportation of

Buildings, whole and dismantled, including boxcars and trolley cars,

Between points within the area bounded on the east by the Kansas-Colorado state line; on the south by the New Mexico-Colorado state line; on the west by the Continental Divide; and on the north by a projected line extending east and west through Castle Rock, Colorado.

RESTRICTION:

This Certificate is restricted against the transportation of trailers, mobile homes, double wides and modular units, except double wides and modular units which are moved in an undivided condition.

5. Applicant has been engaged in the demolition business for approximately ten years and is presently engaged in purchasing and selling structures, which he transports under his "M" Permit. Substantial evidence in this proceeding shows that there is a paucity of carriers authorized to perform the services Applicant seeks to perform within the requested area. Although there are apparently several carriers authorized to move houses, only two firms, so far as the record in this proceeding is concerned, are actively engaged in rendering such transportation services. These firms are Professional Building Movers located in Colorado Springs and Ernie Ryberg Housemovers with offices located in Brighton, Colorado. Professional Building Movers was not a party to this proceeding, and the owner and operator of Ernie Ryberg Housemovers testified in support of this application. The Ernie Ryberg firm is authorized to render housemoving service within all points lying east of the Continental Divide in Colorado. During the last approximately one and one-half years the Ryberg firm has had calls from Colorado Springs, Pueblo, Trinidad, Leadville, La Junta, and locations in the San Luis Valley which, because of lack of time and trained help, Ryberg was unable to handle. Most of these calls the Ryberg firm attempted to refer to Professional Building Movers in Colorado Springs, but he does not know what carrier, if any, handled these service requests.

6. There are two major housemoving projects planned in the Colorado Springs and Twin Lakes areas, and it is unlikely that the presently authorized carriers will be able to meet the housemoving needs for these projects. These houses must be moved within a limited period of time to various points within the state.

7. Carriers authorized by this Commission to transport mobile homes do not have sufficient equipment to transport double-wide mobile homes and undivided modular structures, and these firms are thus not interested in this type of business. Mobile home sales firms, some of which normally transport the single mobile home units sold, have experienced considerable difficulty in obtaining a carrier capable of and willing to transport the double-wide units. In the absence of an available carrier to transport double wides and undivided modular units, it is necessary to separate the units for transportation separately, which separation in most instances causes considerable additional expense and unnecessary damage.

8. Substantial evidence in this proceeding shows that a need does exist for the transportation services Applicant proposes to render within the requested area, and it is significant that a potential competitor, viz., Ernie Ryberg Housemovers, has seen fit to verify the need for an additional carrier. The number of carriers holding authority from this Commission to conduct the same or similar transportation services requested in this application is unknown, but substantial evidence shows that whatever the number, these carriers are apparently not actively soliciting and rendering the type of service Applicant proposes in this application. Protestant Gibson Truck Lines is primarily engaged in the transportation of livestock and farm products and equipment, but when requested to do so does engage in housemoving operations within its territorial authority, having had approximately four requests for this service within the last year. This Protestant also on occasion engages in the movement of boxcars. There is no evidence of record, however, to show that Gibson Truck Lines would sustain any loss of business or be in any way financially impaired if the authority requested in this application is granted.

9. The public convenience and necessity requires the additional competition that will result in the granting of this application, and service to the public upon which it can rely should improve by virtue of the existence of Applicant's services. The granting of this application will not create ruinous competition or substantially adversely affect the economic position of existing certified common carriers, and such granting will be in the public interest.

10. As stated above, Applicant under his "M" Permit is presently engaged in the movement of houses and other structures which he purchases and sells. He has vehicles, trailers, and accessory equipment particularly suitable for the movement of houses, boxcars, double-wide mobile homes and undivided modular units. This equipment, as well as Applicant's experience, are ample and suitable for operation of the authority requested herein.

11. Applicant as of November 30, 1975, had assets of \$62,294.04, liabilities of \$24,285.07, for a net worth of \$38,008.97. Applicant's net worth has not changed substantially since April 30, 1975, and it is hereby found as fact that Applicant's net worth is ample and sufficient for operation of the proposed transportation services.

12. Applicant is sufficiently familiar with the rules and regulations of this Commission, and if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission. Applicant will also make adequate provision for insurance.

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

CONCLUSIONS ON FINDINGS OF FACT

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

1. This Commission has jurisdiction over the Applicant, Protestant, and subject matter of this application.

2. The authority sought by Applicant in Application No. 28562 should be granted as hereinafter set forth.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Milo J. Werner, doing business as "Milo Werner Co.," 1216 South 9th Street, Canon City, Colorado 81212, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

Transportation of

Buildings, boxcars, trolley cars, and double-wide mobile homes and modular units which are moved in an undivided condition

Between points within an area bounded on the east by the Kansas-Colorado state line; on the west by the Continental Divide; on the north by a projected line running east and west through Castle Rock, Colorado, more or less parallel to the southern boundary of the state of Colorado; and on the south by the New Mexico-Colorado state line.

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

2. Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

3. Applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

4. This Order is subject to compliance by Applicant with all present and future laws and rules and regulations of the Commission.

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

6. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LEROY K. WHITT DOING BUSINESS AS,)	
"WHITT TRANSFER AND STORAGE COMPANY,"	)	APPLICATION NO. 28537-Extension
314 LAMKIN STREET, PUEBLO, COLORADO,)	
FOR A CERTIFICATE OF PUBLIC CONVEN-	)	ORDER GRANTING
IENCE AND NECESSITY AUTHORIZING THE	)	DISMISSAL OF APPLICATION
EXTENSION OF OPERATIONS UNDER PUC)	
NO. 2288.)	

- - - - -
February 3, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 2, 1976, Leroy K. Whitt, doing business as "Whitt Transfer and Storage Company," by his attorney Kenneth R. Hoffman, filed with the Commission a letter requesting that the Commission grant withdrawal of the above-captioned application.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

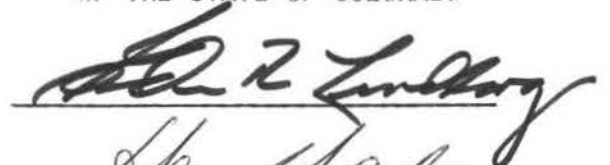
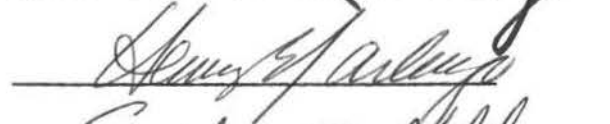
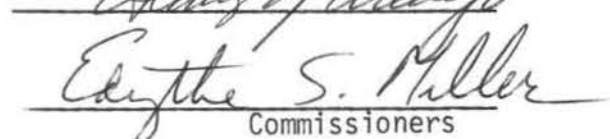
The application filed by Leroy K. Whitt, doing business as "Whitt Transfer and Storage Company," be, and hereby is, dismissed.

The hearing set for February 4, 1976, be, and hereby is, vacated.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

MRS. JAN STONE, VICE PRESIDENT
STONE SILVER CORP.,
P. O. BOX 447
SILVERTON, COLORADO 81433,

Complainant,

vs.

MR. EUGENE McLEOD
SAN MIGUEL POWER ASSOCIATION, INC.,
NUCLA, COLORADO,

Respondent.

CASE NO. 5657

ORDER DENYING
MOTION TO DISMISS COMPLAINT

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 28, 1976, San Miguel Power Association, Inc., (hereinafter referred to as "San Miguel") filed with the Commission a "Motion to Dismiss Complaint" in the above-captioned matter.

The Commission states and finds that, although the Complaint filed herein is not a model of clarity and has not been filed in strict conformance with our Rules of Practice and Procedure, in the interest of a just and speedy disposition of the disputes which actually or potentially exist between the Complainant and the Respondent, it will be in the public interest to set the matter for hearing, once the matter is at issue, for a disposition thereof.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

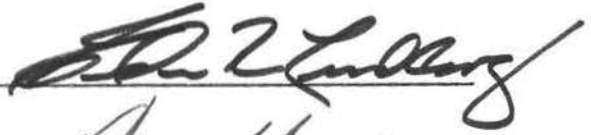
1. The "Motion to Dismiss Complaint" filed by San Miguel Power Association, Inc., on January 28, 1976, be, and hereby is, denied.


2. San Miguel Power Association, Inc., shall answer or satisfy the complaint filed herein within ten (10) days of the effective date of this Order.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

jp

(Decision No. 38161)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF --)	
COLO. PUC NO. 5 - TELEPHONE,)	INVESTIGATION AND SUSPENSION
MOUNTAIN STATES TELEPHONE AND)	DOCKET NO. 381
TELEGRAPH COMPANY, UNDER ADVICE)	
LETTER NO. 1010.)	

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF --)	
COLO. PUC NO. 5 - TELEPHONE,)	INVESTIGATION AND SUSPENSION
MOUNTAIN STATES TELEPHONE AND)	DOCKET NO. 943
TELEGRAPH COMPANY, UNDER ADVICE)	
LETTER NO. 1094.)	

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 21, 1976, Mountain States Telephone and Telegraph Company (hereinafter referred to as "Respondent" or "Mountain Bell") filed a "Motion to Quash Subpoena and Subpoena Duces Tecum." This Motion is directed to a subpoena and notice for taking deposition directed to Mr. Lloyd L. Leger, and a subpoena duces tecum and notice for taking deposition and production of documents directed to Mr. Donald G. Antonio. Said subpoenas were originally returnable on January 22, 1976, but by agreement of the parties the date was postponed until February 4, 1976.

In order that the Commission may give full consideration to Mountain Bell's Motion, we shall hereinafter order that operation of the subpoenas issued by the Secretary of the Commission on January 6, 1976, to Mr. Leger and Mr. Antonio, respectively, be stayed, pending further order of the Commission.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

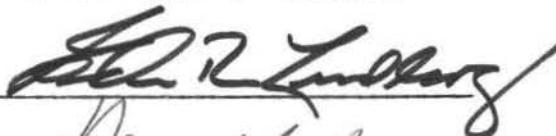
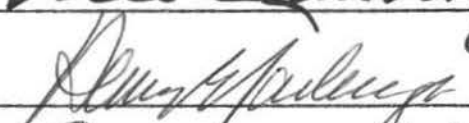
1. Operation of the subpoena duces tecum issued to Donald G. Antonio, Colorado Competition and Interconnect Coordinator, Mountain States Telephone and Telegraph Company, 930 - 15th Street, Denver, Colorado, by the Secretary of the Commission on January 6, 1976, pertaining to the within matters, be, and hereby is, stayed pending further Order of the Commission.

2. Operation of the subpoena to testify issued to Lloyd L. Leger, Colorado General Manager, Mountain States Telephone and Telegraph Company, 930 - 15th Street, Denver, Colorado, by the Secretary of the Commission on January 6, 1976, pertaining to the within matters, be, and hereby is, stayed pending further Order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

jp

(Decision No. 88162)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF COLO-) APPLICATION NO. 28909
RADO, 550 15TH STREET, DENVER,)
COLORADO, FOR AN ORDER AUTHORIZING)
IT TO PUT INTO EFFECT AMENDED GAS)
ATTACHMENT SCHEDULING REGULATIONS.)

- - - - -
February 3, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 15, 1976, Public Service Company of Colorado (hereinafter referred to as "Public Service" or "Applicant"), Applicant herein, filed the within application for an order authorizing it to put into effect amended gas attachment scheduling regulations. Public Service states that the proposed new emergency allocation rule, which is set forth as Exhibit A to its application, is "intended to provide relief to those persons who would suffer grave hardship should they be required to wait for a commitment for natural gas service while their applications are pending on Public Service's waiting list." Public Service further states that "individuals building homes on lots individually owned by them, and small custom house builders will be benefited by the implementation of the new proposed emergency allocation rule." The proposed tariffs also provide for a full refund of any validation charges paid where an applicant for gas service withdraws his application between the effective date of the tariff and February 20, 1976.

The Commission states and finds that the gas attachment scheduling program tariffs which Public Service proposes to put into effect should be set for hearing, and that Public Service should give notice thereof to each of the persons who are presently on its waiting list for natural gas, said notice to be given by first-class mail.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

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

DATE: March 12, 1976

TIME: 10:00 A.M.

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

2. Public Service Company of Colorado shall give notice by first-class mail of the within application to each person presently on its gas attachment waiting list, which notice shall (a) set forth the nature of the application; (b) set forth the above hearing dates therefor; (c) indicate that any interested person may examine the application at the office of the Commission or at each major business office of Public Service Company of Colorado during normal business hours, and (d) indicate that any protest with respect to the proposed tariffs may be filed with the Secretary of the Commission, 1845 Sherman Street, Denver, Colorado, on or before March 1, 1976.

3. Public Service Company of Colorado shall file an affidavit with the Secretary of the Commission indicating that notice as herein ordered in paragraph 2. above has been given.

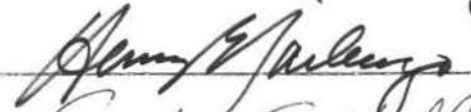

4. Any interested person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before March 1, 1976.

5. Any interested person, firm, or corporation may submit a statement of its views with respect to the proposed gas attachment tariffs filed with Application No. 28909 to the Commission on or before March 10, 1976.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

jp

(Decision No. 88163)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PEBBLE HAULERS, INC., 4465 NORTHPARK)
DRIVE, COLORADO SPRINGS, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 28521

ORDER GRANTING DISMISSAL OF
APPLICATION

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 3, 1976, Pebble Haulers, Inc., by its attorney Robert G. Shepherd, Jr., filed with the Commission a letter requesting that the Commission grant withdrawal of the above-captioned application.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:


The application filed by Pebble Haulers, Inc., be, and hereby is, dismissed.

The hearing set for February 5, 1976, be, and hereby is, vacated.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
TRANS CENTRAL AIRLINES, INC., 1805)	
SOUTH BELLAIRE STREET, DENVER,)	
COLORADO, FOR AUTHORITY TO TRANSFER)	APPLICATION NO. 28825-ACS-Transfer
PUC NO. ACS-61 TO ROCKY MOUNTAIN)	
AIRWAYS, INC., HANGAR #6, STAPLETON)	
INTERNATIONAL AIRPORT, DENVER,)	
COLORADO.)	

IN THE MATTER OF THE APPLICATION OF)	
TRANS CENTRAL AIRLINES, INC., 1805)	
SOUTH BELLAIRE STREET, DENVER)	
COLORADO, FOR AUTHORITY TO TRANSFER)	APPLICATION NO. 28826-ACS-Transfer
PUC NO ACS-63 TO ROCKY MOUNTAIN)	
AIRWAYS, INC., HANGAR #6, STAPLETON)	
INTERNATIONAL AIRPORT, DENVER,)	
COLORADO.)	

- - - - -
February 3, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 29, 1976, Frontier Airlines, Inc. ("Frontier"), filed an "Application and Petition of Frontier Airlines, Inc., for Reconsideration of Decision 88129."

Attached to Frontier's pleading was a copy of a letter addressed to the Secretary of the Commission which states that to the best of Frontier's knowledge the particular notice of transfer applications with respect to the within matters was not received by Frontier and that it was unaware of the existence of the within applications until late in the afternoon of January 15, 1976. Frontier further states that it has a major interest and stake in the Denver-Colorado Springs-Pueblo and Colorado Springs-Pueblo markets which are included in the transfer applications.

Although a certificate of mailing of the Commission indicates that notice of the within applications was mailed to Frontier, we will grant Frontier's Petition for Leave to Intervene on the strength of its statement that to the best of its knowledge it did not, in fact, receive notice of the within applications. Accordingly, the Commission, in the order hereinafter to follow, will grant Frontier's Application and Petition which it filed on January 29, 1976, and rescind so much of the Commission's Decision No. 88129, dated January 27, 1976, which denied Frontier's Petition for Leave to Intervene and granted the Motion to Strike Petition to Intervene of Frontier which was filed on January 22, 1976, by the Transferor, Trans Central Airlines, Inc., and the Transferee, Rocky Mountain Airways, Inc.

An appropriate order will be entered.

O R D E R

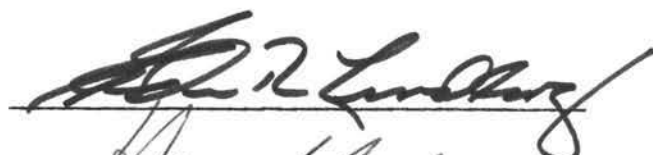
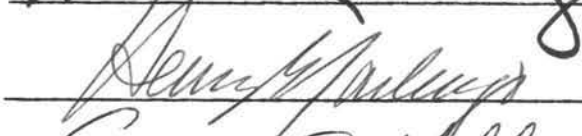
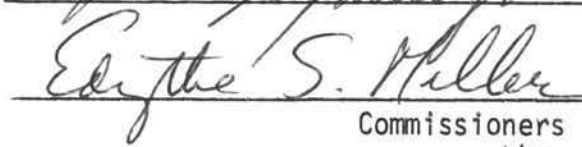
THE COMMISSION ORDERS THAT:

1. The "Application and Petition of Frontier Airlines, Inc., for Reconsideration of Decision 88129" filed by Frontier Airlines, Inc., on January 29, 1976, be, and hereby is, granted.
2. Frontier Airlines, Inc., be, and hereby is, granted leave to intervene in the within proceedings.
3. Paragraphs 1 and 3 of the Order contained in Commission Decision No. 88129, dated January 27, 1976, be, and thereby are, rescinded.
4. Except as herein modified, Decision No. 88129, dated January 27, 1976, shall remain in full force and effect.

This Order shall become effective forthwith.

DONE IN OPEN MEETING this 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
hbp

(Decision No. 88165)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFFS -)
COLORADO PUC NO. 4 - GAS, FILED)
BY PUBLIC SERVICE COMPANY OF)
COLORADO UNDER ADVICE LETTER)
NO. 216-GAS.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1010

ORDER OF THE COMMISSION
ESTABLISHING NEW TARIFFS FOR
GAS LIGHTS

February 3, 1976

S T A T E M E N T

BY THE COMMISSION:

By Decision No. 87640, dated October 21, 1975, in Investigation and Suspension Docket No. 935, this Commission ordered Public Service Company of Colorado (hereinafter referred to as "Public Service" or "Respondent") to file gas tariffs within thirty (30) days of the effective date of that decision implementing paragraph 6 of the Order therein, which generally provided that consumption of natural gas for use in gas-fuel luminaries (hereinafter referred to as "gas lights") and advertising-flares-to-atmosphere shall not be continued beyond sixty (60) days of the effective date of Decision No. 87640.

With the purpose of complying with Decision No. 87640, Public Service filed with the Commission on December 11, 1975, Advice Letter No. 216-Gas, dated December 11, 1975. Due to a substantial amount of public apprehension concerning the scope of the Commission's Decision No. 87640, with respect to discontinuance of so-called "gas lights," which became apparent following the entry of that decision and its potential impact on the public, the Commission, on its own motion, by Decision No. 87966, dated December 23, 1975, set the proposed gas tariff revisions filed by Public Service for hearing on January 9, 1976, at 10 a.m., 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. The Commission, by the same decision, set January 7, 1976, as the deadline for interested persons, firms or corporations to file petitions to intervene in the within Investigation and Suspension Docket No. 1010 proceeding.

On January 6, 1976, Larry M. Brown filed a Motion to Intervene in the within proceeding. No other motions or petitions to intervene were filed. Although no written order of the Commission was issued formally granting Mr. Brown's Motion to Intervene, his intervention has been allowed. Mr. Brown, through his counsel Hans W. Johnson, informed the Commission that he would be unable to appear at the hearing on January 9, 1976, and that he would waive his right to present testimony if the hearing was concluded on that date. By letter dated January 14, 1976, which was received by the Commission on January 15, 1976, Hans W. Johnson filed, on Mr. Brown's behalf, a Statement of Position.

The hearing in this matter was held and concluded on January 9, 1976. J. H. Ranniger testified on behalf of Public Service and Exhibit No. 1, which he sponsored, was admitted into evidence. Kent A. Teall and Gerald E. Hager, of the Staff of the Commission, also testified. Mr. Teall sponsored Exhibits No. 2, 3, and 4, which were admitted into evidence.

FINDINGS OF FACT

Based upon all the evidence of record in the within proceeding, the Commission finds as follows:

1. The energy consumed by an average gas light with two mantles is almost twenty-three times as much as is consumed by an electric light to produce an equivalent amount of light. An average advertising-flare-to-atmosphere uses ten times as much energy as a gas light and produces little, if any, useful lighting.

2. An average gas light with two mantles costs approximately \$23.44 per year to operate while an average 60-watt incandescent electric light costs approximately \$7.50 per year to operate -- for a cost saving of about \$16.00 per year.

3. Public Service presently has over 600 gas light customers in Colorado who are billed on a flat rate. There are, however, approximately 7,400 additional gas lights operated by Public Service customers in Colorado as part of their regular metered gas service.

4. Natural gas consumed by the aforesaid 8,000 gas lights would provide enough energy to heat approximately 300 homes.

5. The present critical short supply of natural gas has forced Public Service to cease accepting new customers until it obtains new gas supplies. This factor of short gas supply has seriously dampened the State's construction industry, and has required Public Service to increase its curtailment of service to its interruptible customers during winter peak periods. Curtailment of service creates economic dislocations for interruptible customers and for their employees who are subject to forced layoffs.

6. Many owners of gas lights have made an investment in gas lights in the past in reliance upon the continued availability of natural gas and are using gas lights for yard and street lighting for added security to their homes. There would be an obvious economic hardship to these customers if they had to discontinue the use of gas lights. The cost to convert from gas lights to electric lights ranges from \$95 to \$150, which costs, over a period of time, could effectively be offset by total lower energy costs. (See above Finding No. 2).

7. For the amount of light produced by advertising-flares-to-atmosphere and gas lights, respectively, advertising-flares-to-atmosphere consume a disproportionate amount of natural gas. This consumption is extremely wasteful. In view of the critical short supply of natural gas, it is not now in the public interest for Public Service to furnish natural gas service for advertising-flares-to-atmosphere.

8. Discontinuance of the use of gas lights of the mantle variety and gas street lights would result in hardship to the many persons or communities owning or operating such lights. It is not possible to determine accurately in every instance which gas lights are used for ornamental purposes as distinguished from illuminating purposes. Discontinuance by Public Service of natural gas service for existing mantle gas or street gas lights operated by its customers would not be in the public interest. However, because of the inefficiency of such lights and the acute shortage of natural gas, it is just and reasonable and in the public interest for Public Service to discontinue natural gas service for mantle gas lights which may be installed on or after April 1, 1976, irrespective of the particular purpose for which such gas lights may be used.

DISCUSSION

In Decision No. 87640, dated October 21, 1975, the Commission set forth its views with respect to its responsibility to see that the waste of a precious natural resource, namely, natural gas, is minimized -- if not eliminated. In that decision, the Commission determined that consumption of natural gas for use in gas-fuel illuminaries, or gas lights, and advertising-flares-to-atmosphere was not in the public interest and ordered that such use not be continued beyond sixty (60) days of the effective date of that decision. In our decision today we still adhere to Decision No. 87640. However, we exempt a customer who has existing gas lights, i.e., gas lights which are in place and operational on or before March 31, 1976; that customer will continue to receive gas service for such lights if he so desires.

Natural gas service will not be provided for gas lights which are not installed and placed in service before April 1, 1976. Our position with regard to advertising-flares-to-atmosphere has not changed and the use of natural gas for such purposes will cease at all such using points on April 1, 1976. Failure to comply with the cessation of natural gas for advertising-flares-to-atmosphere will result in the implementation of those sanctions which are set forth in Rule 13 of this Commission's Rules Regulating the Service of Gas Utilities.

The Commission strongly urges Public Service to commence an advertising-informational program which will advise the public of (a) the Commission's decision which we enter today (b) the relative inefficiencies in energy consumption and cost of gas lights vis-a-vis electric lights, and (c) the methods and costs of conversion of gas lights to electric lights for the purpose of encouraging present customers who use natural gas for illumination voluntarily to discontinue that use and to convert to electricity. Public Service should be able to fund such an advertising-informational program with the additional \$17,000 in annual revenue that will now be available to it, which amount was not contemplated as revenue by the Commission in its Decision No. 87640.* We would also urge Public Service to examine the advisability of implementing a conversion program in a manner similar to its recent insulation program whereby the customer contracts with Public Service who in turn subcontracts with a third party to do the actual work of conversion on a deferred time-payment basis.

* Commission Decision No. 87640, dated October 21, 1975, provided approximately \$17,000 in additional residential revenues to compensate for the proposed loss of revenues by the termination of gas light service.

Public Service should identify its existing gas light customers to the extent possible and advise this Commission of any violation of the tariffs which will be filed pursuant to the Order which will hereinafter follow. In the event a tariff violation continues, Public Service should utilize the termination procedures of Rule 13 of this Commission's Rules Regulating the Service of Gas Utilities.

The Commission is of the opinion that the Decision and Order we enter today in this matter is responsive to both the legitimate interests of Public Service's present gas light customers and to the Commission's stated policy of natural gas conservation. We believe that the tariffs which we will order to be filed in accordance with the policy enunciated above are just and reasonable and in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the foregoing findings of fact it is concluded:

1. That this Commission has jurisdiction over Public Service and the subject matter of this proceeding.
2. That the tariffs filed by Public Service pursuant to its Advice Letter No. 216-Gas, dated December 11, 1975, are not just and reasonable and that said tariffs should be permanently suspended.
3. That Public Service be required to file new tariffs incorporating the regulatory policy as set forth in the Decision and Order herein, which tariffs are just and reasonable and in the public interest.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the gas tariff revisions accompanying Advice Letter No. 216-Gas, filed by Public Service Company of Colorado, be, and hereby are, permanently suspended.
2. That Public Service Company of Colorado shall file tariffs on or before March 15, 1976, to be effective April 1, 1976, which shall provide that service pursuant to its CGL (commercial) and RGL (residential) schedules shall not be commenced for any new customers on or after April 1, 1976.
3. That Public Service Company of Colorado shall file tariffs implementing the Decision and Order herein of the Commission causing cessation of natural gas service to advertising-flares-to-atmosphere and implementing the provision that natural gas service not be rendered to any gas lights not installed and placed in service before April 1, 1976.
4. That Public Service Company of Colorado shall notify all of its gas customers, by bill insert, of the Commission's Decision and Order herein, which notice shall advise such gas service customers of

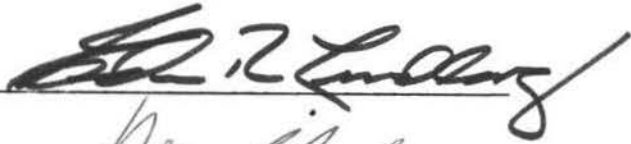
the sanctions which may be invoked for violation of Public Service's tariff.

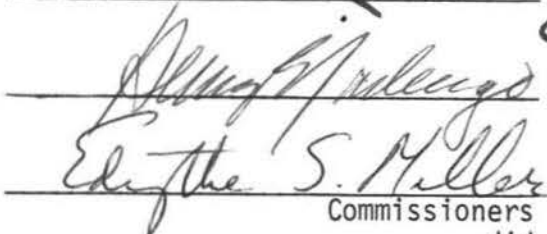
5. That Public Service Company of Colorado shall advise the Commission of each violation of the tariffs filed in implementation of the Order herein.

This Order shall be effective twenty-one (21) days from the day and date hereof.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Edythe S. Miller
Commissioners
did

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CRESTED BUTTE AIR SERVICE, INC., A)
COLORADO CORPORATION, P. O. BOX 294,)
29 MAROON STREET, CRESTED BUTTE,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
AS A COMMON CARRIER BY AIRPLANE FOR THE)
TRANSPORTATION OF PERSONS AND PROPERTY)
ON SCHEDULE BETWEEN CRESTED BUTTE,)
COLORADO, AND ASPEN, COLORADO, WITH A)
BASE OF OPERATIONS AT CRESTED BUTTE,)
COLORADO, AND AIRPORTS WITHIN A TEN-MILE)
RADIUS THEREOF AND OFFICES FOR THE)
SOLICITATION OF BUSINESS AT OR WITHIN)
A TEN-MILE RADIUS OF CRESTED BUTTE,)
COLORADO.)

APPLICATION NO. 28898

ORDER DENYING MOTION TO
QUASH

- - - - -
February 3, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 26, 1976, Crested Butte Air Service, Inc., (hereinafter referred to as "Crested Butte"), Applicant herein, filed a "Motion to Quash" directed to the protest filed by Western State Aviation, Inc.

The Commission states and finds that insufficient grounds have been alleged in said Motion which would justify the granting thereof and that the same should be denied. However, the Commission will order that Western Aviation, Inc., send a copy of its Protest to Crested Butte.

An appropriate Order will be entered.

O R D E R

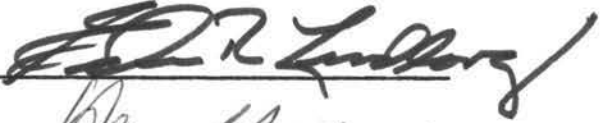
THE COMMISSION ORDERS THAT:

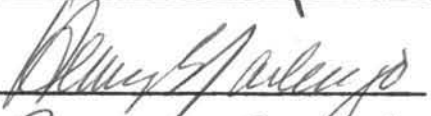
1. The Motion to Quash filed by Crested Butte Air Service, Inc., on January 26, 1976, be, and hereby is, denied.
2. Western State Aviation, Inc., shall furnish Crested Butte Air Service, Inc., with a copy of its Protest in the within matter within seven (7) days from the effective date of this Order.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INCREASE)
IN THE RATES OF DELTA-MONTROSE)
RURAL POWER LINES ASSOCIATION,)
a/k/a DELTA-MONTROSE ELECTRIC)
ASSOCIATION OF DELTA, MONTROSE)
AND GUNNISON COUNTIES, P. O.)
BOX 59, DELTA, COLORADO,)
PURSUANT TO NOTICE DATED)
AUGUST 22, 1975, ADVICE LETTER)
NO. 29.)

CASE NO. 5640

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 23, 1976, Russell Stover Candies, Inc., (hereinafter "Russell Stover") filed a "Motion to Amend Complaint" and an "Amended Complaint" attached thereto. Russell Stover requests that the proposed amended complaint be deemed filed as of the date the Commission grants its Motion to Amend Complaint. The Commission states and finds that counsel for Respondent, Delta-Montrose Rural Power Lines Association, has been notified of the within Motion and that he has no objection to the proposed amendment.

An appropriate Order will be entered.

O R D E R


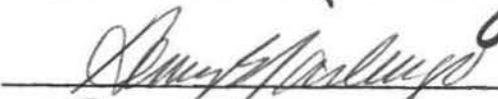
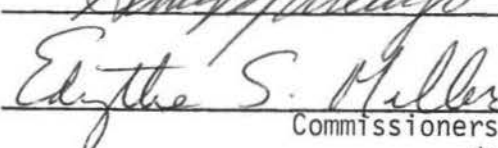
THE COMMISSION ORDERS THAT:

1. The "Motion to Amend Complaint" filed on January 23, 1976, by Russell Stover Candies, Inc., be, and hereby is, granted.
2. The "Amended Complaint" of Russell Stover Candies, Inc., in the within matter, shall be deemed filed as of the effective date of this Order.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
ds

(Decision No. 88168)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF AMERICAN LIMOUSINE SERVICE, INC.,)
DOING BUSINESS AS "AA TOURS" FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING EXTENSION)
OF PUC NO. 193 BY DELETION OF THE)
SPECIFIED CHARGES AND SPECIFIED)
MINIMUM NUMBERS OF PASSENGERS SET)
FORTH IN THE AUTHORITY.)

APPLICATION NO. 28645-Extension

- - - - -
February 3, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 4, 1975, Applicant served Interrogatories upon Intervenor, Checker Cab Company, Denver-Colorado Springs-Pueblo Motorway, Inc., and Continental Bus System (Rocky Mountain Line Division). Answers to said Interrogatories were due on or before December 8, 1975, (allowing an automatic three-day extension of time following service by mail).

On January 28, 1976, Applicant, American Limousine Service, Inc., doing business as "AA Tours" filed with the Commission a Motion to Compel Answers to Interrogatories, inasmuch as Applicant has not received Intervenor's Answers.

The Commission finds and states and good grounds exist for compelling the Answers to Interrogatories.

An appropriate Order will be entered.

O R D E R

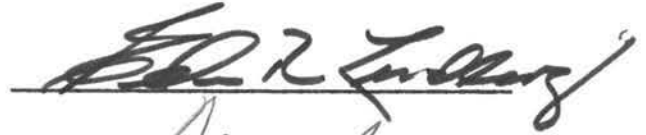
THE COMMISSION ORDERS THAT:

Answers to Interrogatories heretofore served by the Applicant upon Intervenor, Checker Cab Company, Denver-Colorado Springs-Pueblo Motorway, Inc., and Continental Bus System (Rocky Mountain Line Division), in this proceeding, shall be furnished to Applicant on or before February 18, 1976.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Edythe S. Miller
Commissioners
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN HOURLY CHARGES	)	INVESTIGATION AND SUSPENSION
ON HOUSEHOLD GOODS MOVEMENTS	)	DOCKET NO. 1008
FILED BY THOMAS & SON TRANSFER)	
LINE, INC., TO BECOME EFFECTIVE	)	ORDER VACATING HEARING DATE,
DECEMBER 6, 1975.	)	CLOSING I&S DOCKET AND ALLOWING
	)	SUSPENDED ITEM TO BECOME
	)	EFFECTIVE

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 6, 1975, Thomas & Son Transfer Line, Inc., Respondent herein, filed Item No. 450 in Colorado Motor Tariff Bureau Tariff No. 1, to increase the hourly charge on rates for household goods for distance of 30 miles or less but beyond the Denver Metro Area to the level of rates now being charged within the Denver Metro Area.

The supporting data was not considered sufficient by the Commission, the matter was set for hearing and the effective date suspended by Decision No. 87831, dated November 25, 1975.

Through the submission of additional data by Respondent, the Commission now finds that Respondent is not now engaged in the transportation of household goods; that it has a potential market in that area; that its existing rate for a truck and two men beyond the metro area is \$14.00 per hour; that any transportation conducted at that rate would result in a loss; that Respondent has in effect a rate of \$25.80 per hour for a truck and two men applicable within the metro area; that cost justification was filed in support of said rate and that additional costs have been experienced by Respondent subsequent to that date; that the same men, trucks and facilities will be utilized by Respondent outside the metro area as are presently being utilized within the metro area; and that Respondent therefore will experience the same costs and requires the same rate level to enable it to participate in this traffic.

The Commission states and finds that it will be in the public interest to vacate the hearing date of March 25, 1976 now set in this matter, to close Investigation and Suspension Docket No. 1008, and to allow Item No. 450 of Colorado Motor Tariff Bureau Tariff No. 1 to become effective.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the hearing date of March 25, 1976 now set in this matter, be, and hereby is, vacated.

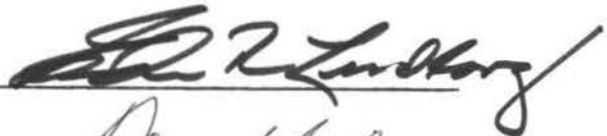
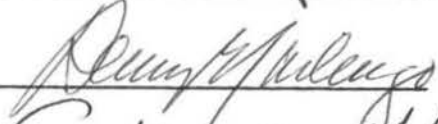

2. That Investigation and Suspension Docket No. 1008, be, and hereby is, closed.

3. That Item No. 450 of Colorado Motor Tariff Bureau Tariff No. 1, now under suspension in this matter, may become effective upon the filing of the necessary supplement to Tariff No. 1.

4. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

(Decision No. 88170)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BRIAN J. BLANCHARD AND DAVID W.)
HUGHES, DOING BUSINESS AS "PITKIN)
PORTAGE CO.," P. O. BOX 9380,)
ASPEN, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 28925-TA

ORDER DENYING TEMPORARY AUTHORITY

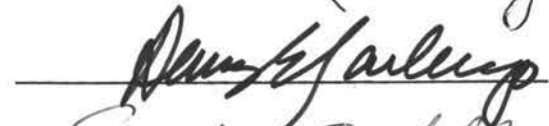
February 10, 1976

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

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

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners
md

(Decision No. 88171)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
MOBILE PRE MIX TRANSIT, INC., 1500)
WEST 12TH AVENUE, DENVER, COLORADO,)
FOR TEMPORARY APPROVAL TO OBTAIN)
OPERATIONAL CONTROL OF NORTH DENVER)
STORAGE CO., DOING BUSINESS AS)
"WEICKER TRANSPORT CO.," RECORD)
OWNER OF CONTRACT CARRIER PERMIT)
NO. B-802, PENDING DETERMINATION OF)
THE APPLICATION TO ACQUIRE ALL THE)
ISSUED AND OUTSTANDING CAPITAL STOCK)
OF SAID CARRIER.)

APPLICATION NO. 28894-PP-Stock Trans-
TA
ORDER DENYING TEMPORARY APPROVAL

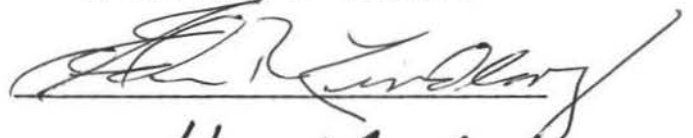
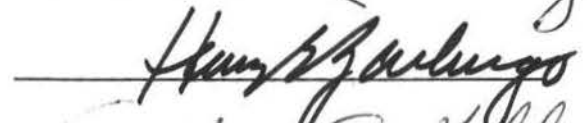

February 10, 1976

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

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

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88172)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JIM CHELF, INC., 5226 BRIGHTON)
BOULEVARD, DENVER, COLORADO, FOR)
TEMPORARY APPROVAL TO CONDUCT)
OPERATIONS UNDER CONTRACT CARRIER)
PERMIT NO. B-860 AND B-860-I,)
PENDING DETERMINATION OF THE APPLI-)
CATION TO ACQUIRE SAID PERMIT.)

APPLICATION NO. 28936-PP-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

- - - - -
February 10, 1976
- - - - -

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

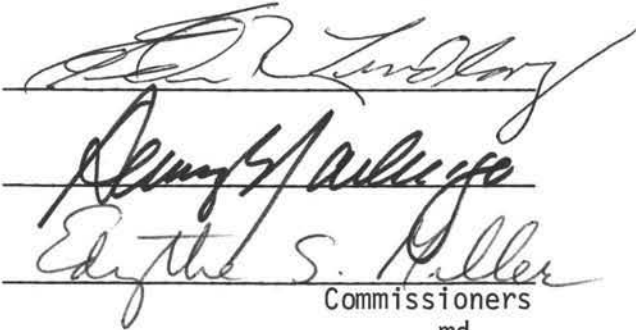
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

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

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

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
md

(Decision No. 88173)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES L. AND MARY M. DONNEL, DOING)
BUSINESS AS "DONNEL TRASH SERVICE,")
1040 NORTH TAFT HILL ROAD, FORT)
COLLINS, COLORADO, FOR TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO.)
3721, PENDING DETERMINATION OF THE)
APPLICATION TO ACQUIRE SAID)
CERTIFICATE.)

APPLICATION NO. 28934-Transfer-TA

ORDER DENYING TEMPORARY APPROVAL


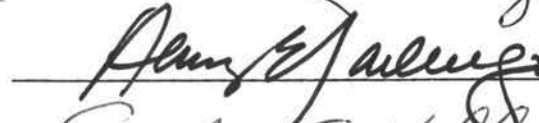
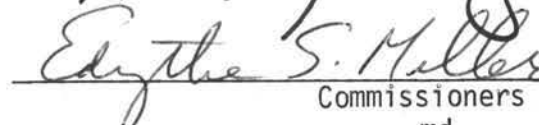
February 10, 1976

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

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

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88174)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RALPH D. BOWMAN, DOING BUSINESS AS)
"HAUL-AWAY DISPOSAL," 2209 WEST)
22ND STREET, PUEBLO, COLORADO, FOR)
TEMPORARY APPROVAL TO CONDUCT)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3743, PENDING DETERMINATION)
OF THE APPLICATION TO ACQUIRE SAID)
CERTIFICATE.)

APPLICATION NO. 28932-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

- - - - -
February 10, 1976
- - - - -

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



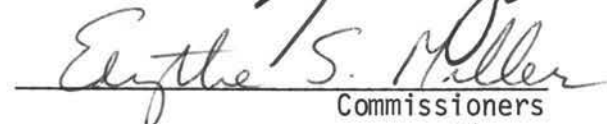
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

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

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

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88175)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MILE-HI DISPOSAL, INC., 4001 FOX)
STREET, DENVER, COLORADO, FOR)
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3384.)

APPLICATION NO. 28929-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

February 10, 1976

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

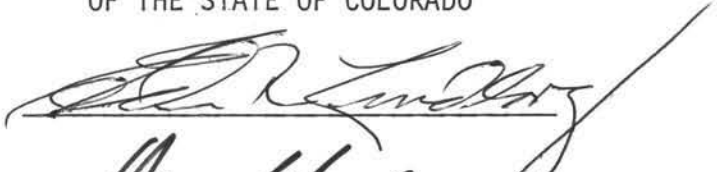
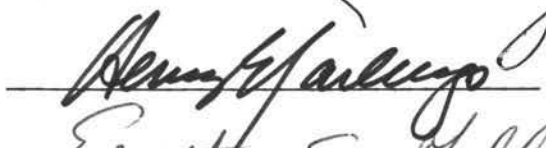

IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

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

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88175
February 10, 1976

Mile-Hi Disposal, Inc.

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado, as the city boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88176)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TRANS WESTERN TANKERS, INC., P. O.)
BOX 903, DUCHESNE, UTAH, FOR TEMPO-)
RARY APPROVAL TO CONDUCT OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 3336)
AND 3336-I, PENDING DETERMINATION)
OF THE APPLICATION TO ACQUIRE SAID)
CERTIFICATE.)

APPLICATION NO. 28927-Transfer-TA

ORDER GRANTING TEMPORARY APPROVAL

February 10, 1976

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


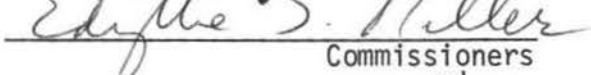
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

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

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

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88177)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F & W TRUCKING CO., INC., 313 BRAY)
STREET, WIGGINS, COLORADO, FOR)
TEMPORARY APPROVAL TO CONDUCT)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 1181, PENDING DETERMINATION)
OF THE APPLICATION TO ACQUIRE SAID)
CERTIFICATE.)

APPLICATION NO. 28917-Transfer-TA

ORDER DENYING TEMPORARY APPROVAL

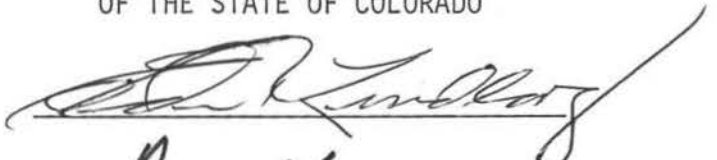
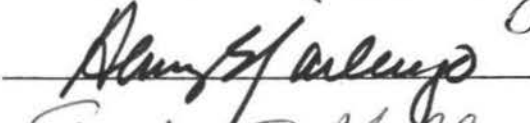

February 10, 1976

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

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

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88178)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F & W TRUCKING CO., INC., 313 BRAY)
STREET, WIGGINS, COLORADO, FOR)
TEMPORARY APPROVAL TO CONDUCT)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 1847 AND 1847-I, PENDING)
DETERMINATION OF THE APPLICATION)
TO ACQUIRE SAID CERTIFICATE.)

APPLICATION NO. 28918-Transfer-TA

ORDER DENYING TEMPORARY APPROVAL

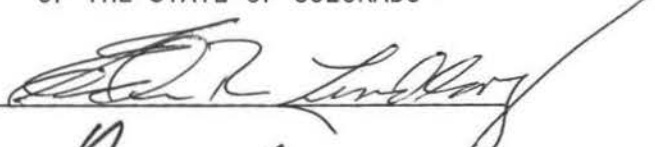
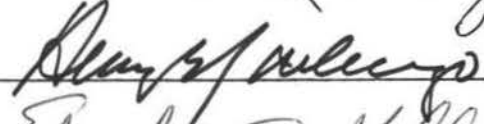
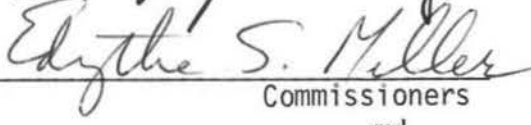
February 10, 1976

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

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

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88179)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE MURPHY, BOX 86, WIGGINS,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO EXTEND OPERATIONS UNDER CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 1181.)

APPLICATION NO. 28916-Extension-TA
ORDER DENYING TEMPORARY AUTHORITY

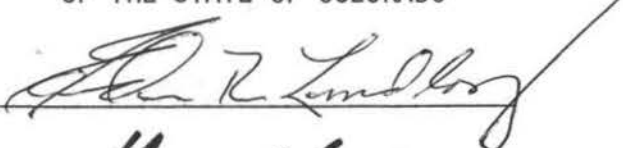
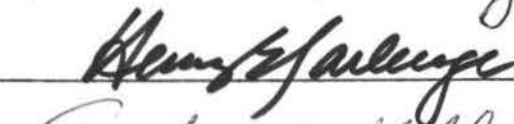
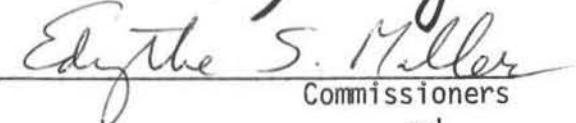
- - - - -
February 10, 1976
- - - - -

The above-entitled application being under consideration, and
IT APPEARING, That there is no public support to this application
upon which the Commission may conclude that an emergency exists; therefore,
it is found that there is no immediate or urgent need for the relief herein
sought.

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

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DELBERT R. SHERRILL AND THOMAS H.)
BRADBURY, SELLERS OF ALL THE ISSUED)
AND OUTSTANDING CAPITAL STOCK IN AND)
TO E-Z REFUSE SERVICE, INC., FOR)
AUTHORITY TO TRANSFER SAID CAPITAL)
STOCK IN AND TO E-Z REFUSE SERVICE,)
INC., RECORD OWNER OF CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 8622 TO GERARD C. BERTSCH,)
PURCHASER.)

APPLICATION NO. 28806-Stock Transfer
ORDER OF THE COMMISSION

February 24, 1976

Appearances: Dwane L. Starlin, Esq., Byers, Colorado
Attorney for Applicants

IT APPEARING, That by Notice of the Commission dated December 1, 1975, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1973, 40-6-108 (2);

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

IT FURTHER APPEARING, That pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

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

Wherefore, and good cause appearing therefor:

WE FIND, That the Transferee is fit, willing and able to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 8622, and that the transaction is compatible with the public interest and that the following Order should be entered.

IT IS ORDERED, That Delbert R. Sherrill and Thomas H. Bradbury, sellers of all the issued and outstanding capital stock in and to E-Z Refuse Service, Inc., be, and are hereby, authorized to transfer all the issued and outstanding capital stock in and to E-Z Refuse Service, Inc., record owner of Certificate of Public Convenience and Necessity PUC No. 8622 to Gerard C. Bertsch, purchaser.

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


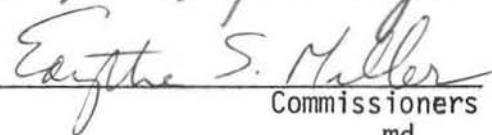
IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificate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

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

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT



Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ITEM NO. 3675 AND ITEM NO.)	
4735 PUBLISHED TO BE EFFECTIVE)	
FEBRUARY 9, 1976, TARIFF NO.)	
COB 300, COLORADO PUC NO. 300,	)	CASE NO. 1585
COLORADO MOTOR TARIFF BUREAU,)	
INC., AGENT.)	

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1976, the Colorado Motor Tariff Bureau, Inc., filed revised pages as indicated in Appendix "A" attached hereto and made a part hereof.

On January 9, 1976, Lloyd R. Wolfe, General Traffic Manager, filed a letter of justification stating therein the round trip revenue for Item No. 3675 would be \$1.16 and Item No. 4735 would be \$1.23, assuming no backhaul was available, based on 516 miles. It is stated the fully allocated line haul expense through August 1975 was approximately 90¢ per mile. It is also stated the rates are currently effective from Denver, Colorado to Salt Lake City, Utah, and if these rates are permitted to become effective, it will allow this carrier to stop-in-transit to partially unload at Grand Junction.

Items No. 3675 and No. 4735 are initial commodity items and indicate a reduction from the class rates provided in the motor freight classification.

The Commission states and finds that the involved rates and rules are just and reasonable and that an order should be entered prescribing said changes.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the rates appearing in Appendix "A" attached hereto shall be the prescribed rates, rules and regulations of the Commission.

2. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish, or cause to be published, tariffs reflecting the changes prescribed herein.

3. That all contract carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall publish or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

4. That on and after the effective date of this Order, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that all call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) percent.

5. That on and after the effective date of this Order, all contract carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this Order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" Contract Carriers shall be subject to the penalty rule of twenty (20) percent.

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

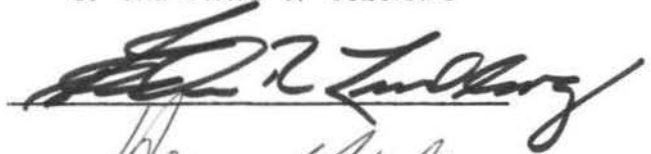
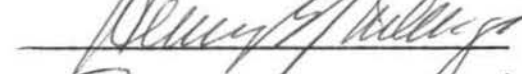

7. That the Order as entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

8. That this Order shall become effective forthwith.

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

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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APPENDIX "A"

Rates effective February 9, 1976

COLO. PUC COB 300		TARIFF COB 300		1ST REVISED PAGE 283	
COLORADO MOTOR TARIFF BUREAU, INC., AGENT					
SECTION 3					
COMMODITY RATES IN CENTS PER 100 POUNDS (EXCEPT AS NOTED)					
COMMODITY	FROM	TO	RATE	ITEM	
DAIRY PRODUCTS GROUP:	DENVER	GRAND JUNCTION	171	3675	
BUTTER, NO1, MINIMUM WEIGHT 35,000 POUNDS.					
1ST REVISED PAGE 316					
MEATS OR SHORTENING GROUP:	DENVER	GRAND JUNCTION	168	4735	
POULTRY, DRESSED OR Eviscerated, or Poultry Parts, other than cooked, frozen or other than frozen.					
MINIMUM WEIGHT 38,000 POUNDS.					

/ DENOTES ADDITION
& DENOTES REDUCTION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES)	INVESTIGATION AND SUSPENSION
AS PUBLISHED BY CITY STORAGE AND)	DOCKET NO. 1017
TRANSFER, INC., 3625 WALNUT STREET,)	
BOULDER, COLORADO 80301, RESPONDENT)	ORDER SETTING HEARING AND
HEREIN, SCHEDULED TO BECOME)	SUSPENDING INCREASED RATES
EFFECTIVE FEBRUARY 9, 1976.)	AND CHARGES

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1976, 11th Revised Page No. 16-A and 48th Revised Page No. 21 to Colorado Motor Tariff Bureau Tariff No. 2, Colorado PUC No. 17, were filed by J. R. Smith, Chief of Tariff Bureau, for and on behalf of the participating carriers listed therein. The effect of this filing, which is scheduled to become effective on February 9, 1976, would increase all rates and charges for the account of City Storage and Transfer, Inc. by as much as fourteen (14) percent.

A review of the supporting data filed by Respondent herein appears to be insufficient to support the increase.

The Commission, on its own motion, states and finds that the above mentioned revised pages should be set for hearing and suspended for the account of City Storage and Transfer, Inc., only.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff filing by City Storage and Transfer, Inc. on 11th Revised Page No. 16-A and 48th Revised Page No. 21 to Colorado Motor Tariff Bureau Tariff No. 2.

2. That this Investigation and Suspension Docket No. 1017, be, and the same is hereby, set for hearing before the Commission on:

Date: March 31, 1976
Time: 10:00 AM
Place: Hearing Room
1845 Sherman Street
500 Columbine Building
Denver, Colorado 80203

3. That increases filed by City Storage and Transfer, Inc. in Colorado Motor Tariff Bureau Tariff No. 2, Colorado PUC No. 17, be, and it hereby is, suspended for a period of 210 days or until September 6, 1976, unless otherwise ordered by the Commission.

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

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

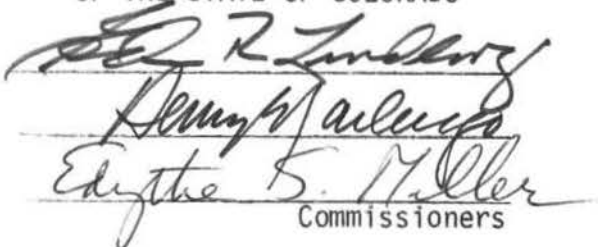
6. That a copy of this Order shall be filed with the tariff in the office of the Commission and that a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Tariff Bureau, Inc., 4060 Elati Street, Denver, Colorado 80216, and that the necessary suspension supplement be posted and filed to the tariff.

7. That at least fifteen (15) days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case together with a list of its witnesses and a detailed summary of their direct testimony.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES	)	INVESTIGATION AND SUSPENSION
AS PUBLISHED BY COLORADO MILK	)	DOCKET NO. 1018
TRANSPORT, INC., P. O. BOX 141,)	
BROOMFIELD, COLORADO 80020,	)	ORDER SETTING HEARING AND
RESPONDENT HEREIN, SCHEDULED TO	)	SUSPENDING INCREASED RATES
BECOME EFFECTIVE ON FEBRUARY 8,	)	AND CHARGES
1976.)	

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 8, 1976, Colorado Milk Transport, Inc., Respondent herein, filed to its Tariff No. 19, Colorado PUC No. 19, Revised Pages No. 11, No. 16, No. 16-A, No. 17, No. 18, No. 19, No. 19-A, No. 22, No. 23, No. 24 and No. 25, scheduled to become effective on February 8, 1976. Said tariff, if allowed to become effective, would have the effect of increasing rates and charges in Tariff No. 19 by 15 percent.

Review of the data submitted by Respondent herein in support of said increase indicates that Respondent has not furnished to the Commission sufficient data to justify the increase, and that said increases may be in violation of law.

The Commission, on its own motion, states and finds that the within tariff should be set for hearing and suspended.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff revisions filed by Colorado Milk Transport, Inc.

2. That this Investigation and Suspension Docket No. 1018, be, and the same is hereby, set for hearing before the Commission on:

Date:	March 25, 1976
Time:	10:00 AM
Place:	Hearing Room 1845 Sherman Street 500 Columbine Building Denver, Colorado 80203

3. That Colorado Milk Transport, Inc., Revised Pages No. 11, No. 16, No. 16-A, No. 17, No. 18, No. 19, No. 19-A, No. 22, No. 23, No. 24 and No. 25, to its Tariff No. 19, Colorado PUC No. 19, be, and hereby are, suspended for a period of 210 days or until September 5, 1976, unless otherwise ordered by the Commission.

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

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


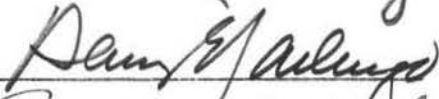
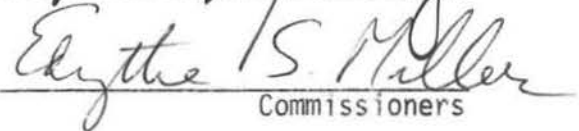
6. That a copy of this Order shall be filed with the said tariff in the office of the Commission and that a copy hereof be served upon Edward Martin, President, Colorado Milk Transport, Inc., P. O. Box 141, Broomfield, Colorado 80020, and that the necessary suspension supplement be posted and filed to the tariff.

7. That at least fifteen (15) days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case together with a list of its witnesses and a detailed summary of their direct testimony.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES)	
AS PUBLISHED BY THE WEICKER TRANSFER)	INVESTIGATION AND SUSPENSION
& STORAGE COMPANY, 2900 BRIGHTON)	DOCKET NO. 1019
BOULEVARD, DENVER, COLORADO 80216,)	
RESPONDENT HEREIN, SCHEDULED TO)	ORDER SETTING HEARING AND
BECOME EFFECTIVE ON FEBRUARY 9,)	SUSPENDING INCREASED RATES
1976.)	AND CHARGES

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1976, The Weicker Transfer & Storage Company, Respondent herein, filed in Colorado Motor Tariff Bureau Tariff No. 1, Colorado PUC No. 9, increases scheduled to become effective on February 9, 1976. Said tariff, if allowed to become effective, would have the effect of increasing rates and charges in Tariff No. 1 by 21 percent, for the Respondent herein.

Review of the data submitted by Respondent herein in support of said increase indicates that Respondent has not furnished to the Commission sufficient data to justify the increase sought, and that said increase may be in violation of law.

The Commission, on its own motion, states and finds that the within tariff should be set for hearing and suspended.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff filing by The Weicker Transfer & Storage Company, Respondent herein.

2. That this Investigation and Suspension Docket No. 1019, be, and the same is hereby, set for hearing before the Commission on:

Date: April 15, 1976
Time: 10:00 AM
Place: Hearing Room
1845 Sherman Street
500 Columbine Building
Denver, Colorado 80203

3. That rates and charges for the account of The Weicker Transfer & Storage Company in Colorado Motor Tariff Bureau Tariff No. 1, Colorado PUC No. 9, be, and it hereby is, suspended for a period of 210 days or until September 6, 1976, unless otherwise ordered by the Commission.

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

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

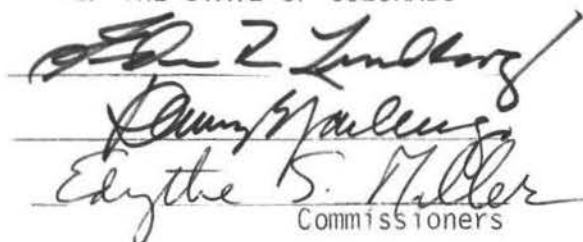
6. That a copy of this Order shall be filed with the tariff in the office of the Commission and that a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Tariff Bureau, Inc., 4060 Elati Street, Denver, Colorado 80216, and that the necessary suspension supplement be posted and filed to the tariff.

7. That at least fifteen (15) days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case together with a list of its witnesses and a detailed summary of their direct testimony.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF U. S. CARGO CORPORATION, 550 WEST 62ND AVENUE, DENVER, COLORADO 80216, FOR AUTHORIZATION TO PUBLISH NEW RATES AND CHARGES IN ITEM NO. 1475, COLORADO MOTOR TARIFF BUREAU TARIFF NO. 1, ON LESS THAN STATUTORY NOTICE.	)	APPLICATION NO. 28953
	)	ORDER OF THE COMMISSION
	)	ALLOWING PUBLICATION ON
	)	LESS THAN STATUTORY NOTICE
)	

February 3, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 28, 1976, U. S. Cargo Corporation, Applicant herein, filed a petition requesting authority to publish new rates and charges on 4 cubic yard containers, on less than statutory notice, to become effective on one day's notice.

In support of this application, petitioner states that they have been negotiating with a customer to provide 4 cubic yard container service. At the present time, rates for this type of service are not on file with the Commission.

The carrier wishes to begin this service as early as possible in February, 1976.

Petitioner further states that proposed publication will be made in Colorado Motor Tariff Bureau Tariff No. 1, Colorado PUC No. 1.

The Commission states and finds that it will be in the public interest to allow the Applicant to publish the new rates and charges on 4 cubic yard container service on less than statutory notice.

An appropriate Order will be entered.

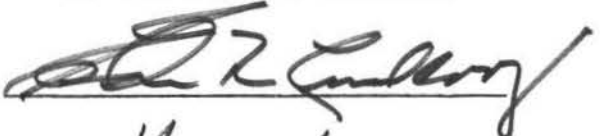

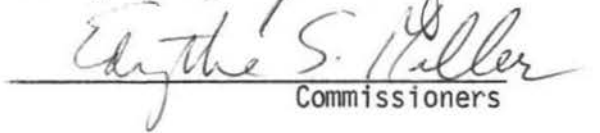
O R D E R

THE COMMISSION ORDERS:

1. That U. S. Cargo Corporation, be, and hereby is, authorized to publish its rates and charges for 4 cubic yard container service.
2. That said publication may be made on less than statutory notice to become effective on one day's notice.
3. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
REGIONAL TRANSPORTATION DISTRICT, 1325)	APPLICATION NO. 28578
SOUTH COLORADO BOULEVARD, DENVER,)	
COLORADO, FOR A CERTIFICATE OF PUBLIC)	RECOMMENDED DECISION OF
CONVENIENCE AND NECESSITY TO OPERATE)	ROBERT L. PYLE, EXAMINER
AS A COMMON CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	GRANTING APPLICATION

February 4, 1976

Appearances: William H. McEwan, Esq., Denver,
Colorado, for Applicant Regional
Transportation District;
Eugene C. Cavaliere, Esq., Denver,
Colorado, for the Commission.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on August 15, 1975, to which the Commission assigned Docket No. 28578 and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

Subsequently and more particularly, on November 14, 1975, Applicant filed an amendment to the application, which amendment does not broaden the scope of the original application or change the substance thereof in any way.

No protests were filed, and no one appeared at the hearing in protest of the application.

After due and proper notice to all interested parties, the application was set for hearing on Wednesday, January 28, 1976, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

The following exhibits were tendered and admitted into evidence:

- Exhibit No. 1 - A map of the Regional Transportation District.
- Exhibit No. 2 - The charter bus policy as adopted by the Regional Transportation District on June 27, 1974.
- Exhibit No. 3 - Equipment list of the Regional Transportation District.
- Exhibit No. 4 - Available equipment of the Regional Transportation District showing a breakdown of equipment suitable for charter work, unsuitable for charter work, and suitable for mountain charter.

Exhibit No. 5 - Charter bus availability out of the Denver-Boulder Division.

Exhibit No. 6 - Charter bus availability out of the Metropolitan Denver Division.

At the request of Applicant, notice was taken of the following items:

Certificate of Public Convenience and Necessity PUC No. 50 of the Regional Transportation District.

Certificate of Public Convenience and Necessity PUC No. 7099 of the Regional Transportation District.

Certificate of Public Convenience and Necessity PUC No. 10103 of the Regional Transportation District.

Certificate of Public Convenience and Necessity PUC No. 10194 of the Regional Transportation District.

Commission Decision No. 86920, dated May 29, 1975, granting transfer of certain authority to the Regional Transportation District.

Statutes of the State of Colorado, particularly Article 9, Title 32, creating the Regional Transportation District.

Letter dated January 11, 1974, to the Regional Transportation District under the signature of Edwin R. Lundborg, Chairman of the Colorado Public Utilities Commission, regarding jurisdiction.

Commission Decision No. 86029, dated December 2, 1974, authorizing the surrender and transfer of certain authority to the Regional Transportation District.

Commission Decision No. 87905, dated December 17, 1975, granting transfer and cancellation of certain authority to the Regional Transportation District.

Commission Decision No. 87913, dated December 17, 1975, granting transfer and cancellation of certain authority to the Regional Transportation District.

Testimony was taken from James E. Reading, Assistant Executive Director of Operations for the Regional Transportation District.

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

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

FINDINGS OF FACT

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

1. This is an application by the Regional Transportation District (RTD) to consolidate and clarify certain certificates of public convenience and necessity now owned and operated by RTD, namely, Certificates of Public Convenience and Necessity PUC No. 50, PUC No. 7099, PUC No. 10103, and PUC No. 10194.

2. By action of the General Assembly at its first regular session in 1973, the Regional Transportation District was created, authorized, empowered, and directed to establish, operate, and maintain a mass transportation system for the benefit of the inhabitants of the district, which contains all of Boulder and Jefferson counties, the city and county of Denver, and portions of Adams, Arapahoe, and Douglas counties as more particularly set forth in Exhibit No. 1, which is a map of said district.

3. Pursuant to the Statute (Title 32, Article 9), RTD has acquired the operating assets and operating rights (certificates of public convenience and necessity) of certain previously existing transportation systems for the purpose of continuing the development and operation of an integrated mass transit system and to serve the public within the district. Specifically, the transportation systems so acquired were those of Denver-Boulder Bus Company, Denver Metropolitan Transit, Englewood-Littleton-Fort Logan Bus Line, and Northglenn Suburban Company.

4. In acquiring these systems and the authorities owned and operated by the entities above referred to, and, in accordance with the statutory authority, particularly by virtue of 32-9-103(7)(b), CRS 1973, RTD has been granted authority by the General Assembly to operate a charter bus service both within or without the territorial boundaries of the district as is more specifically set forth in 32-9-106, CRS 1973.

5. The authorities now owned and operated by RTD to conduct charter bus operations do, in certain instances, represent duplication. By this application, RTD seeks to consolidate the existing certificates, thus eliminating any duplication or overlap of said authorities. This would increase administrative efficiency in the form of filing tariffs, certificates of insurance, and other required filings with the Commission.

6. This Commission has previously determined that its jurisdictional authority over the transportation services handled by the RTD extends only to those services which are rendered outside the territorial boundaries of the district. This determination by the Commission is contained in an opinion letter signed by Edwin R. Lundborg, Chairman of the Commission, dated January 11, 1974, and in Commission Decision No. 86029, dated December 2, 1974. Notice has been taken of said items.

7. Pursuant to the application and as requested therein, it is the desire of RTD that upon consolidation of the certificates of public convenience and necessity involved herein that a new certificate be issued and that the new certificate be clarified to reflect only those operations which are subject to the jurisdiction of the Commission, i.e., those charter operations which extend beyond the territorial boundaries of the district.

8. Clarification of the existing certificates as hereinafter ordered will not result in any extension of the charter bus authorities presently held by the RTD, but will serve only to consolidate, clarify, reflect the jurisdictional aspect of the authority, eliminate duplication, and increase the administrative efficiency of the RTD in the operation of the new certificate as hereinafter granted.

9. The chief operating officers and directors of the RTD are familiar with the rules and regulations of this Commission insofar as the requirements apply to charter bus service, and they will abide by said rules and regulations in the event this application is granted.

10. As set forth in Exhibit No. 4, RTD owns and operates a fleet of 517 buses. Some of these pieces of equipment are unsuitable for charters in that they are set up to transport the elderly and the handicapped or are too small to operate charters. In fact, out of the 517 pieces of equipment, 55 are unsuitable for charters, and 462 would be suitable as available for charter work. Of these 462, it is determined that 68 are suitable for mountain charters. As set forth in Exhibit Nos. 5 and 6, several of the buses that will be used in charters are being used regularly to transport persons within the districts on regularly scheduled runs. However pursuant to said exhibits, there are available sufficient pieces of equipment to adequately meet charter demands coming to the RTD.

11. Testimony during the course of the hearing reveal that in all likelihood RTD's buses to be used in charter service had not been inspected by the Staff of the Commission for safety purposes. Arrangements should therefore be made immediately for such an inspection.

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

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant is familiar with the rules and regulations of the Commission, has, and will maintain, adequate insurance and has sufficient experience, capital, and equipment to operate the authorities involved herein.

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

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

O R D E R

THE COMMISSION ORDERS THAT:

1. Certificates of Public Convenience and Necessity PUC No. 50, PUC No. 7099, PUC No. 10103, and PUC No. 10194 be, and hereby are, consolidated and clarified, and a new certificate should be issued as follows:

Transportation of -- passengers and their baggage --

In special charter bus service

Between points within the geographic boundaries of the Regional Transportation District as set forth in 32-9-106, CRS 1973, as amended, or to be amended from time to time on the one hand and all points within the State of Colorado on the other hand;

and this shall be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. Certificates of Public Convenience and Necessity PUC No. 50, PUC No. 7099, PUC No. 10103, and PUC No. 10194 be, and hereby are, canceled and held as naught.

3. Applicant shall make immediate arrangements to have its vehicles to be used in charter services inspected by the Staff of the Commission.

4. Applicant shall file tariffs of rates, rules, and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

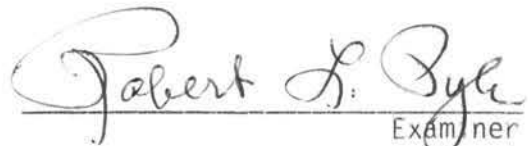
5. Applicant shall operate its charter carrier system in accordance with the Order of this Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

6. This Order is subject to compliance by Applicant with all present and future laws and rules and regulations of the Commission.

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

8. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc

jp

(Decision No. 88187)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)
COMMON AND CONTRACT CARRIERS)
LISTED ON "APPENDIX A" HERETO,)
Respondents.)

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

February 4, 1976

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

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on January 19, 1976. The matters were duly called for hearing pursuant to such notice on Monday, February 2, 1976, at 9 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, assigned by the Commission as Examiner in these proceedings pursuant to law.

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

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

FINDINGS OF FACT

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

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

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

CONCLUSIONS ON FINDINGS OF FACT

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

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

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

O R D E R

THE COMMISSION ORDERS THAT:

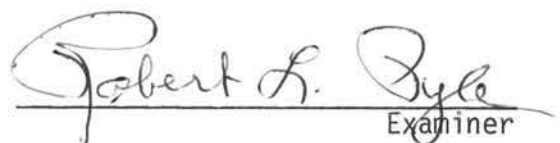
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

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

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

4. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>APPLICATION NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
Gifford H. Allen Hotchkiss, Colorado 81419	28689-PP-Ext.	Cargo Ins.	509-App.
Tanks, Inc., dba Tanks, Inc., of New Mexico P. O. Box 657 Brighton, Colorado 80601	28587-Lease Portion	Cargo Ins.	520-App.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN BICE McKELVEY, DOING BUSINESS)
AS "CENTENNIAL TRANSPORTATION CO.,")
1925 SOUTHDOWN COURT, FORT COLLINS,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 28608

ORDER OF THE COMMISSION

- - - - -
February 24, 1976
- - - - -

Appearances: John E. Kochenburger, Esq., Fort Collins, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require the transportation service as hereinafter ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the service as hereinafter granted, and

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

IT IS FURTHER ORDERED, That this Order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.

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

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT

Blair Fairbank

Edythe S. Miller
Commissioners
md

Appendix
Decision No. 88188
February 24, 1976

Centennial Transportation Co.

Transportation -- on schedule -- in bus service -- of
Passengers and their baggage

- (1) Between Fort Collins, Colorado and the Eastman Kodak Plant located near Windsor, Colorado over the following described route: U.S. Highway 287 to Colorado Highway 68; Colorado Highway 68 to Interstate Highway 25; Interstate Highway 25 to Colorado Highway 392; Colorado Highway 392 to Colorado Highway 257; Colorado Highway 257 to Weld County No. 66; Weld County No. 66 to the Eastman Kodak plant site.
- (2) Between Loveland, Colorado and the Eastman Kodak Plant located near Windsor, Colorado over the following described route: U.S. Highway 34 to Colorado Highway 257; Colorado Highway 257 to Weld County No. 66; Weld County No. 66 to the Eastman Kodak plant site.
- (3) With the right to use the following route between Fort Collins, Colorado and the Eastman Kodak plant site for operating convenience: Colorado Highway 14 to Colorado Highway 257; Colorado Highway 257 through Windsor, Colorado to Weld County No. 66; Weld County No. 66 to the Eastman Kodak plant site.

RESTRICTION: This Certificate is restricted to rendering transportation service to only persons employed at the Eastman Kodak Company.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ASPEN AIRPORT TRANSIT COMPANY, INC.,)	
DOING BUSINESS AS "QUICKSILVER)	APPLICATION NO. 28859-Extension
LIMOUSINE SERVICE," P. O. BOX)	
11210, ASPEN, COLORADO, FOR AUTHORITY)	ORDER OF THE COMMISSION
TO EXTEND OPERATIONS UNDER CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 10345.)	

- - - - -
February 17, 1976
- - - - -

Appearances: Arthur R. Hauver, Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted;

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 10345 to include the following:

"Transportation -- on call and demand -- of

General commodities

Between points lying within a seventeen (17) mile radius of the intersection of Colorado Highway No. 82 and Castle Creek Road.

RESTRICTION: This Certificate is restricted as follows:

- (a) Against the transportation of commodities, in bulk; and
- (b) Against the transportation of shipments that exceed seventy-five (75) pounds in weight."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 10345 as extended, shall read and be as set forth in the Appendix attached hereto.

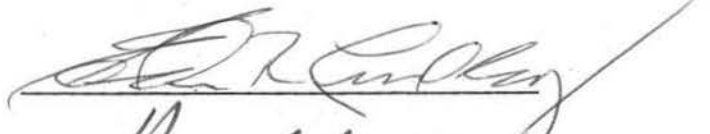
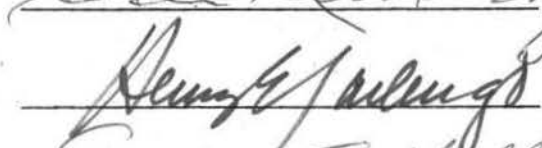
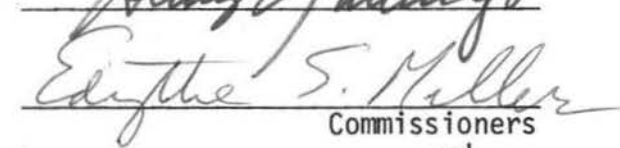
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88189
February 17, 1976

Quicksilver Limousine Service

Transportation -- on call and demand -- of

(1) Passengers and their baggage

Between points lying within a seventeen (17) mile radius of the intersection of Colorado Highway 82 and Castle Creek Road.

RESTRICTION: Item No. (1) of this Certificate is restricted as follows:

- (a) To the use of passenger equipment not to exceed eleven (11) passengers per vehicle, excluding the driver; and
- (b) Against rendering transportation service between Sardy Field, on the one hand, and the following points: Aspen, Aspen Highlands, West Village of Snowmass-at-Aspen, and points intermediate between Sardy Field and said named points, on the other hand; and
- (c) Against rendering charter and/or sightseeing service in four-wheel drive vehicles.

(2) General commodities

Between points lying within a seventeen (17) mile radius of the intersection of Colorado Highway No. 82 and Castle Creek Road.

RESTRICTION: Item No. (2) of this Certificate is restricted as follows:

- (a) Against the transportation of commodities, in bulk; and
- (b) Against the transportation of shipments that exceed seventy-five (75) pounds in weight.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARY ALAN SISK, DOING BUSINESS AS)
"MOUNTAIN TAXI SERVICE," 104 SOUTH)
TOLEDO, LEADVILLE, COLORADO, FOR)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28631

ORDER OF THE COMMISSION

February 10, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 22, 1975, the Commission gave notice to interested persons, firms, or corporations of the above-referenced application pursuant to 40-6-108 (2), CRS 1973, as amended, and the Commission not having received an objection or petition to intervene or participate in the proceeding determined that the matter would be disposed of under the modified procedure providing the Applicant file verified statements containing sufficient facts and information upon which the Commission could act.

To date, Applicant herein has failed to request a hearing or file verified statements upon which the Commission could act.

The Commission states and finds that the Application should be dismissed as provided in the following Order.

O R D E R

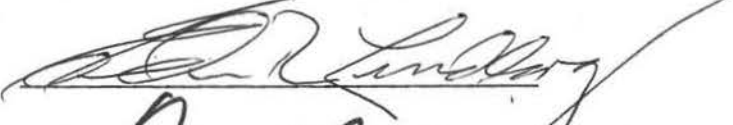
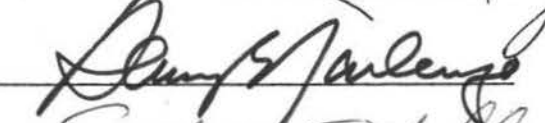
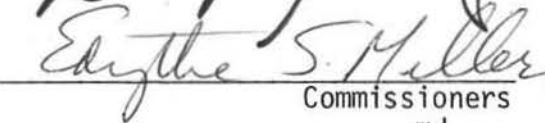
THE COMMISSION ORDERS:

That the Application of Gary Alan Sisk, doing business as "Mountain Taxi Service," for authority to operate as a common carrier by motor vehicle, be, and hereby is, dismissed without prejudice for lack of prosecution unless request for hearing or verified statements are received prior to the effective date of this Order.

This Order shall become effective ten (10) days from the day and date hereof.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CHARLES V. OWENS, DOING BUSINESS AS)	APPLICATION NO. 28325-Extension
"YVEX," 650 RUSSELL, CRAIG, COLORADO,)	
FOR AUTHORITY TO EXTEND OPERATIONS)	ORDER OF THE COMMISSION
UNDER CERTIFICATE OF PUBLIC CONVEN-)	
IENCE AND NECESSITY PUC NO. 9326.)	

February 10, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 5, 1975, the Commission gave notice to interested persons, firms, or corporations, of the above referenced application pursuant to 40-6-108 (2), CRS 1973, as amended, and the Commission not having received an objection or petition to intervene or participate in the proceeding determined that the matter would be disposed of under the modified procedure providing the Applicant file verified statements containing sufficient facts and information upon which the Commission could act.

To date, Applicant herein has failed to request a hearing or file verified statements upon which the Commission could act.

The Commission states and finds that the Application should be dismissed as provided in the following Order.

O R D E R

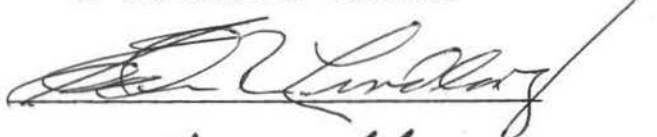

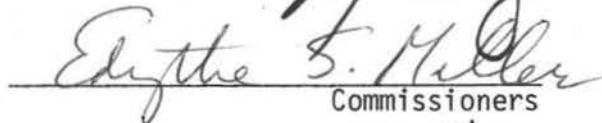
THE COMMISSION ORDERS:

That the Application of Charles V. Owens, doing business as "YVEX," 650 Russell, Craig, Colorado, for authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 9326, be, and hereby is, dismissed without prejudice for lack of prosecution unless request for hearing or verified statements are received prior to the effective date of this Order.

This Order shall become effective ten (10) days from the day and date hereof.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAVID GRASSMICK AND WILLIAM E.)
DUTCHER, DOING BUSINESS AS "FORAGE)
UNLIMITED," ROUTE 1, BOX 5, ORDWAY,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 28535

ORDER OF THE COMMISSION

February 10, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 28, 1975, the Commission gave notice to interested persons, firms, or corporations of the above-referenced application pursuant to 40-6-108 (2), CRS 1973, as amended, and the Commission not having received an objection or petition to intervene or participate in the proceeding determined that the matter would be disposed of under the modified procedure providing the Applicant file verified statements containing sufficient facts and information upon which the Commission could act.

To date, Applicant herein has failed to request a hearing or file verified statements upon which the Commission could act.

The Commission states and finds that the Application should be dismissed as provided in the following Order.

O R D E R

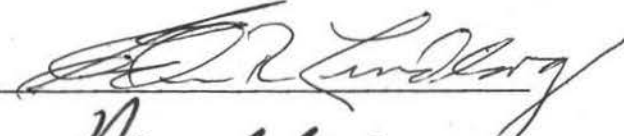
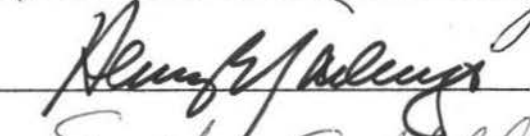
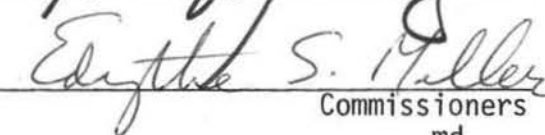
THE COMMISSION ORDERS:

That the Application of David Grassmick and William E. Dutcher, doing business as "Forage Unlimited," Route 1, Box 5, Ordway, Colorado, for authority to operate as a common carrier by motor vehicle, be, and hereby is, dismissed without prejudice for lack of prosecution unless request for hearing or verified statements are received prior to the effective date of this Order.

This Order shall become effective ten (10) days from the day and date hereof.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE CITY OF PUEBLO, A MUNICIPAL)	APPLICATION NO. 28775
CORPORATION, FOR AUTHORITY TO ALTER)	
AND IMPROVE THE EXISTING GRADE CROSS-)	RECOMMENDED DECISION OF
ING OF THE ATCHISON, TOPEKA & SANTA)	ROBERT L. PYLE, EXAMINER
FE RAILWAY COMPANY AT 29TH STREET)	
IN THE CITY AND COUNTY OF PUEBLO,)	GRANTING APPLICATION
COLORADO.)	

February 5, 1976

Appearances: Thomas E. Jagger, City Attorney,
for the City of Pueblo, by
Stephen Pfefer, Esq., Pueblo,
Colorado;
Peter J. Crouse, Esq., Denver,
Colorado, for Intervenor
Atchison, Topeka & Santa Fe
Railway Company;
John H. Baier, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on November 14, 1975, to which the Commission assigned Docket No. 28775 and gave due notice in accordance with the provisions of 40-6-108, CRS 1973. By Commission Decision No. 87907, dated December 16, 1975, the Atchison, Topeka & Santa Fe Railway Company was granted leave to intervene in the matter and participated in the proceeding as its interests might appear.

No protests were received, and no one appeared at the hearing in opposition to the application.

After due and proper notice to all interested parties, the application was set for hearing on Friday, January 16, 1976, at 10 a.m. in Room 410-A, Federal Building, Fifth and Main, Pueblo, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

The following exhibits were tendered and admitted into evidence:

- Exhibit No. 1 - A plan and profile map of the existing crossing.
- Exhibits No. 2 through 7 - Photographs of the crossing as it exists today.
- Exhibit No. 8 - A plan and profile map of the proposed crossing.
- Exhibit No. 9 - Resolutation of the Board of County Commissioners of Pueblo County setting forth the Board's approval of the matter and participation therein.

Exhibit No. 10 - The proposed agreement between the Applicant and the Atchison, Topeka & Santa Fe Railway Company.

Exhibit No. 11 - A sketch of the existing and proposed signalization of the crossing.

Exhibit No. 12 - Estimated costs of signal work.

Testimony was taken from the following persons: Sam L. Cochara, Director of Transportation for the city of Pueblo; and Paul L. Barnes, Signal Supervisor for the Atchison, Topeka & Santa Fe Railway Company.

Permission was granted to the parties to file, as a late-filed exhibit, a copy of the executed agreement between the city of Pueblo and the Atchison, Topeka & Santa Fe Railway Company. At the conclusion of the hearing, the subject matter was taken under advisement.

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

FINDINGS OF FACT

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

1. The City of Pueblo, as well as the County of Pueblo, is a political entity within the State of Colorado.

2. By this application, the city of Pueblo, hereinafter referred to as "City" or "Pueblo", seeks an order of the Commission authorizing the signalization of the crossing of the Atchison, Topeka & Santa Fe Railway Company, hereinafter referred to by name or as "ATSF", at 29th Street in the city of Pueblo, which signalization will be done in conjunction with the widening and upgrading of said crossing.

3. The application is filed under the Federal Highway Act of 1973, Title II of Public Law 93-87, Section 230, Federal-Aid Safer Roads Demonstration Program, which provides for 90 percent funding of the costs to be paid from Federal funds and 10 percent to be paid by the political entity involved. There will therefore be no determination in this proceeding for the allocation of costs of the project.

4. At this particular juncture with the ATSF, 29th Street is the boundary line of the City of Pueblo as distinguished from the county of Pueblo. However, annexation of the area by the City into the area now owned by the county is presently contemplated in the very near future. As set forth in Exhibit No. 9, the Board of County Commissioners has agreed to work with the City in upgrading the crossing.

5. At this juncture, 29th Street is a two-lane street with a lane of travel going in each direction, which lanes narrow considerably as they cross the railroad tracks. As depicted in the photographs (Exhibits No. 2 through 7), planking has deteriorated, the street needs upgrading, and existing devices are the regular flashers about eight feet above the ground, crossbuck, signs, and bell. These existing signals are set in close to the existing roadway and at a point that will be within the roadway after the widening and improvement of the crossing. The existing signalization has been located at this crossing for a considerable number of years and has served a useful life. According to the testimony, it would have no salvage value.

6. Approximately 3,700 vehicles pass over this crossing each day, and 29th Street is also a school bus route. In fact, ten school buses pass this crossing each day. There are ten train movements. According to letter from the State Department of Highways, this project has a number four priority listing of safety improvements under the Safer Roads Demonstration Program (Section 230 - Funds), and the project has been programmed and was approved by the Federal Highway Administration on January 12, 1976.

7. The estimated cost for the entire project is \$92,000 of which 90 percent is to be paid from Federal funds and the remaining 10 percent to be shared by the county of Pueblo and the city of Pueblo. The State Department of Highways has advised that the agreement between the Division of Highways, Pueblo County, and the city of Pueblo will be executed relative to the project. Of the total cost of the project, up-grading, etc. (\$92,000), the approximate cost of signalization will be \$43,400.

8. The city of Pueblo will do the widening, improve, renew, and maintain the existing 29th Street across and over the right of way of the railroad tracks, and the ATSF will install cantilever flashing light signals and gates at the crossing. As described and shown on Exhibit No. 11, the ATSF will be responsible for and pay the cost of maintaining said protection devices and that portion of the crossing between the ends of ties.

9. The proposed signal installation will be paid in accordance with the provisions of the Federal Highway Act of 1973, Section 230, Federal-Aid Safer Roads Demonstration Program, and an agreement between the City and the Colorado Division of Highways pertaining to funding has been or will be entered into and, when consummated, will be filed with the Commission. This agreement provides that the Federal Government shall pay 90 percent of the cost of said signal installation and the city of Pueblo, together with the county of Pueblo, will pay the remaining 10 percent of said costs. The Federal Highway Act referred to provides that the railroad shall not be required to participate in the cost of the signal installation.

10. The proposed signalization provides for cantilever type flashing light signals, which are overhead lights and which are visible to all drivers in a dual-lane driving situation. The signal installation will include short-arm gates and a warning bell. A warning time of 25 seconds will be provided and sufficient delay after the warning lights go on to allow traffic to clear before the gates close down.

11. Because of having to order equipment and, of course, install it after delivery, it is estimated that signalization can be completed within one year from the date of this Order.

12. There is an urgent need for the upgraded signalization of this crossing for the protection, health, and safety of the public, and the installation thereof should be completed as soon as feasible.

13. The granting of the application will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The application should be granted as hereinafter set forth in the order provision of this decision.

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

O R D E R

THE COMMISSION ORDERS THAT:

1. The city of Pueblo be, and hereby is, authorized and directed to widen and improve the crossing of 29th Street over and across the right of way and tracks of the Atchison, Topeka & Santa Fe Railway Company in accordance with the plans, specifications, exhibits, and agreements, all as filed herein.

2. The Atchison, Topeka & Santa Fe Railway Company be, and hereby is, authorized and directed to install, operate, and maintain standard automatic cantilever flashing light signals with short-arm gates and a warning bell at the crossing of 29th Street across its tracks at railroad milepost 622.3, Denver District, Colorado Division in Pueblo, Colorado.

3. The total actual cost of labor and material required for the widening of said crossing and for the installation of the crossing warning devices at the above-described crossing shall be in accordance with the agreement by and between the State Department of Highways, Division of Highways, State of Colorado, and the city of Pueblo, Colorado.

4. All signaling devices and installation thereof shall be in accordance with the Current Bulletin of the Association of American Railroads' Joint Committee on Railroad-Highway Grade Crossing Warning Systems.

5. The Atchison, Topeka & Santa Fe Railway Company shall maintain said signaling and protective devices at its own expense for the life of the crossing so protected.

6. The material for the installation of signal devices shall be ordered upon the effective date of this Order and said installation shall be completed within one (1) year from the effective date of this Order.

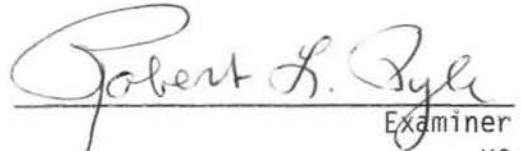
7. The Commission hereby retains jurisdiction to make such further order or orders as may be required so as to give this decision full force and effect.

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

9. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the

parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CRAIG BUNKE, DOING BUSINESS AS)	APPLICATION NO. 28623
"EVERGREEN TAXI," P. O. BOX 791,)	
EVERGREEN, COLORADO, FOR A CERTIFICATE)	ORDER OF JAMES K. TARPEY,
OF PUBLIC CONVENIENCE AND NECESSITY)	EXAMINER
TO OPERATE AS A COMMON CARRIER BY)	CONTINUING HEARING
MOTOR VEHICLE FOR HIRE.)	

February 5, 1976

Appearances: Kenneth R. Hoffman, Esq., Denver,
Colorado, for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

Pursuant to notice, the above-entitled application was called for hearing on Wednesday, December 10, 1975, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

As a preliminary matter, counsel for Applicant moved for a continuance of the hearing on the basis that Applicant was injured ten days previously and was not available to appear. No objection was made to the granting of the motion. For good cause shown, the Examiner continued the hearing on said application.

O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 28623 be, and hereby is, continued for hearing as follows:


DATE: April 8, 1976

TIME: 10 a.m.

PLACE: Gymnasium of old Evergreen School Building
adjacent to new library
Highway 73 at junction of Buffalo Park Road
Evergreen, Colorado

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RUEBEN TROUDT, 917 3RD AVENUE,)	
GREELEY, COLORADO, FOR AUTHORITY TO)	APPLICATION NO. 28791-PP-Transfer
TRANSFER ALL RIGHT, TITLE AND)	
INTEREST IN AND TO CONTRACT CARRIER)	ORDER OF THE COMMISSION
PERMIT NO. B-7144 TO RUEBEN AND)	
JAMES W. TROUDT, DOING BUSINESS AS)	
"TROUDT TRUCKING," 917 3RD AVENUE,)	
GREELEY, COLORADO.)	

February 17, 1976

Appearances: Melvin Dinner, Esq., Greeley, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

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

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

An appropriate Order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-7144, as granted by Commission Decision No. 70510 dated December 28, 1967, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with the conditions and requirements of this Order, to be by them, or either of them, kept and performed.

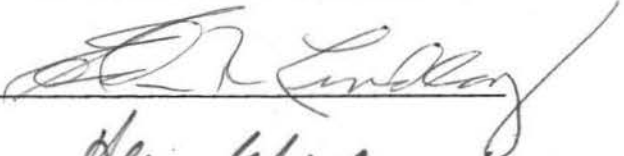
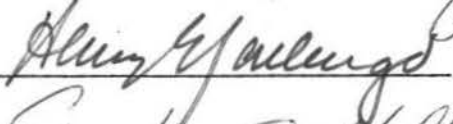

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE SOUTHEAST COLORADO POWER ASSO-)
CIATION, A COLORADO CORPORATION,)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO SUPPLY)
TO CERTAIN AREAS IN PROWERS COUNTY,)
COLORADO.)

APPLICATION NO. 28814

ORDER GRANTING LEAVE TO INTERVENE

February 10, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 6, 1976, The City of Lamar, by its attorney Leonard H. Campbell, filed with the Commission a Motion to Intervene in the above-captioned application.

The Commission states and finds that, although the aforesaid Petition to Intervene was late filed with the Commission, petitioner has shown good cause therefor and is a person who may be affected by this application. Accordingly, the Petition to Intervene should be granted.

An appropriate order will be entered.

ORDER

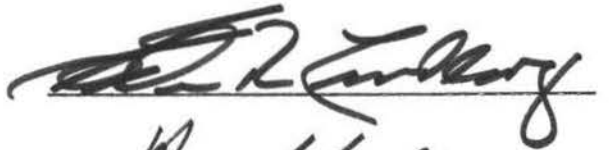
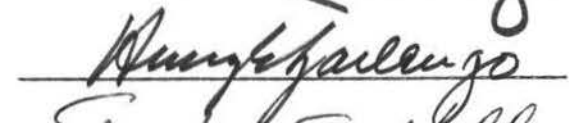

THE COMMISSION ORDERS THAT:

The City of Lamar, be, and hereby is, granted leave to intervene in the above-captioned application.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF	)	CASE NO. 5633
RESPONDENT, ENGLEWOOD TRANSIT)	
COMPANY, A COLORADO CORPORATION,)	
UNDER CERTIFICATE OF PUBLIC	)	ORDER OF ROBERT E. TEMMER,
CONVENIENCE AND NECESSITY PUC	)	EXAMINER, CONTINUING
NO. 222 AND PUC NO. 222-I.	)	HEARING

- - - - -
February 9, 1976
- - - - -

Appearances: Roger Sollenbarger, Esq.,
Lakewood, Colorado, for
Respondent Englewood
Transit Company;
Bruce C. Bernstein, Esq.,
Denver, Colorado, for
the Commission.

STATEMENT AND FINDINGS OF FACT

The above-entitled matter was called for hearing on Friday, January 30, 1976, at 10 a.m. in a Hearing Room of the Commission by Robert E. Temmer, Examiner, to whom the matter had been duly assigned.

A Motion for a Continuance was made on the grounds that some of the witnesses were not available to testify. There was no objection to this Motion, and proper grounds being shown therefor, the Motion was granted.

Respondent has filed a Motion to Dismiss Show Cause Order. The participants in this proceeding should be afforded the opportunity to submit Briefs containing their views concerning this Motion to Dismiss.

An appropriate Order will be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. Case No. 5633, entitled "Re: Motor Vehicle Operations of Respondent, Englewood Transit Company, a Colorado corporation, under Certificates of Public Convenience and Necessity PUC No. 222 and PUC No. 222-I," be, and hereby is, set for further hearing in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Wednesday, March 24, 1976, commencing at 10 a.m.

2. On or before March 12, 1976, Briefs concerning the Motion to Dismiss Show Cause Order filed by Respondent on January 28, 1976, shall be filed with the Secretary of the Commission by the participants in this proceeding.

3. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/jp

(Decision No. 88198)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28583
THE UNION PACIFIC RAILROAD COMPANY)	
TO DISCONTINUE AND ABANDON THE)	RECOMMENDED DECISION OF
STATION AGENCY AT OVID IN SEDGWICK)	ROBERT E. TEMMER, EXAMINER
COUNTY, COLORADO.)	
	GRANTING APPLICATION

February 9, 1976

Appearances: John J. Mullins, Jr., Esq.,
Denver, Colorado, for
Union Pacific Railroad
Company.
Don G. Rundall, Ovid,
Colorado, pro se;
Oscar Goldberg, Esq.,
Denver, Colorado, for
the Commission.

PROCEDURE AND RECORD

On August 18, 1975, the Union Pacific Railroad Company, herein-
after referred to as Union Pacific or UP, filed an application requesting
authority to discontinue the station agency now maintained by the UP at
Ovid in Sedgwick County, Colorado.

The Commission assigned Docket No. 28583 to the application and
gave due and proper notice thereof. The Union Pacific also posted a
notice of the Application in the Union Pacific depot in Ovid, Colorado.

Letters of protest to the application were received from the
Town Council of the Town of Ovid, from the Farmers Elevator Company of
Ovid, and from the Ovid Lions Club. The matter was set for a hearing to
be held on Wednesday, January 14, 1976, at 10:30 a.m. in the District
Courtroom, Sedgwick County Courthouse in Julesburg, Colorado. Due and
proper notice of the hearing was given to all interested persons, firms,
or corporations. The hearing was held at the set time and place by
Examiner Robert E. Temmer, to whom the matter had been duly assigned.

Exhibits 1 through 14 were marked for identification and all
were admitted into evidence. Testimony was taken from several witnesses
on behalf of the Union Pacific and from Don G. Rundall, who is the mayor
of the town of Ovid, and the President of the Farmers Elevator Company
of Ovid.

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

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

FINDINGS OF FACT

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

1. The Union Pacific is a corporation providing rail transportation services in the state of Colorado and is a public utility as defined in Title 40, CRS 1973, and is subject to the jurisdiction of this Commission.
2. The Union Pacific currently maintains a station agency in the town of Ovid which is located in Sedgwick County, Colorado. The UP only maintains one employee at this station agency. Ovid is seven miles from Julesburg, Colorado, on U.S. Highway No. 138, which is a paved highway with a speed limit of 55 m.p.h. The tracks of the UP divide at Julesburg, with one set of tracks going to Cheyenne and the other set of tracks going through Ovid and on into Denver.
3. UP proposes to close the station agency at Ovid and make it a blind siding of the station agency at Julesburg. The station agent at Julesburg would then be responsible for everything he has been doing at Julesburg, and, in addition, he would be responsible for all of the functions connected with the Ovid agency. Exhibit 14 admitted in evidence herein is a time study concerning the various functions that have to be performed at each of these agencies, and this study shows that one agent will be able to adequately perform all of the duties for both station agencies.
4. The Union Pacific is not losing money at the Ovid agency and is in fact gaining substantial revenues and net income from business originating at this agency.
5. If the UP is allowed to close the station agency at Ovid, there will be no diminution in service as a result of the closing of this agency. The same type of service will be provided through the Julesburg agency. The people of Ovid will not incur long-distance charges for calling Julesburg, as the UP will accept collect calls, and the UP is currently setting up an enterprise telephone system so that people desiring to use the services of the UP in the Ovid area will be able to call Julesburg, and there will not be any toll charges involved.
6. Allowing the UP to close the Ovid agency will allow the UP to operate its rail system more efficiently. The UP will be better able to utilize the services of its agent at Julesburg so that his time is more fully utilized and so the UP will not be incurring unnecessary expense.
7. Allowing the UP to close the station agency at Ovid will not cause any diminution in service to the people who are now being served through the Ovid station agency and the public would not be inconvenienced by allowing the UP to close this agency.

CONCLUSIONS ON FINDINGS OF FACT

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

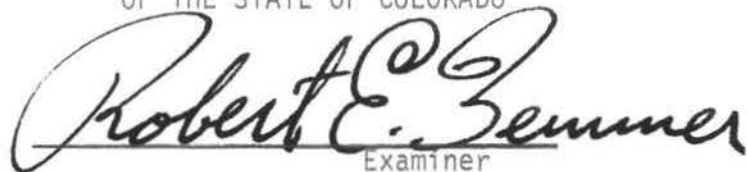
1. The authority sought in the application should be granted.
2. Allowing the Union Pacific to discontinue and abandon the station agency at Ovid would not be inconsistent with the public interest.
3. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Union Pacific Railroad Company be, and hereby is, authorized to close, discontinue, and abandon the station agency at Ovid in Sedgwick County, Colorado.
2. All services and functions presently performed by the agent at Ovid, Colorado, shall in the future be performed, at no additional cost to the public, by the Union Pacific Railroad Company's Julesburg station agency. The Union Pacific Railroad Company shall provide all necessary personnel and equipment to ensure that the public is adequately served according to their needs.
3. The Union Pacific Railroad Company shall file the necessary tariff schedules to show the closing of the station agency at Ovid in Sedgwick County, Colorado, and shall make reference to this Decision as authority for such action.
4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
5. As provided by 40-6-109, CRS 1973, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

jp

(Decision No. 88199)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO ADVENTURES, INC., P. O.)
BOX 851, STEAMBOAT SPRINGS, COLO-)
RADO, FOR AUTHORITY TO OPERATE AS)
A COMMON CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28274
ORDER OF THE COMMISSION

- - - - -
February 17, 1976
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require the transportation service as hereinafter ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the service as hereinafter granted, and

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

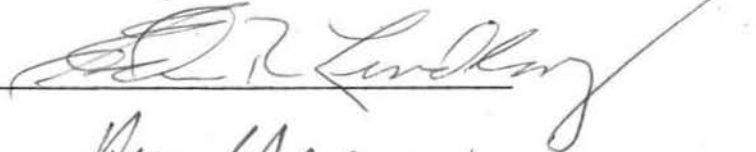
IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

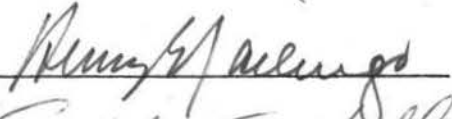
IT IS FURTHER ORDERED, That this Order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.


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

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
md

Appendix
Decision No. 88199
February 17, 1976

Colorado Adventures, Inc.

(1) Transportation -- on call and demand -- in bus service -- of
Passengers

- (a) Between Steamboat Springs, Colorado and a point located on the Colorado River three (3) miles northwest of Bond, Colorado;
- (b) Between Vail, Colorado and a point located on the Colorado River three (3) miles northwest of Bond, Colorado.

RESTRICTION: Item No. (1) of this Certificate is restricted to the use of equipment not to exceed a rated seating capacity of 32 passengers.

(2) Transportation -- on call and demand -- in sightseeing service -- of
Passengers

Within an area comprised of the Counties of Routt and Jackson, State of Colorado.

RESTRICTION: Item No. (2) of this Certificate is restricted as follows:

- (a) To the use of four-wheel drive vehicles with a rated seating capacity not to exceed 12 passengers; and
- (b) All transportation service rendered shall originate and terminate in Steamboat Springs, Colorado.

(Decision No. 88200)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES FILED BY RIO	)	INVESTIGATION AND SUSPENSION
GRANDE MOTOR WAY, INC. AND WEICKER	)	DOCKET NO. 1016
TRANSPORT CO. IN SUPPLEMENTS NO.)	
12 AND NO. 13 TO COLORADO MOTOR	)	ORDER ELIMINATING WEICKER
TARIFF BUREAU TARIFF NO. 3, PUC NO.	)	TRANSPORT CO. AS RESPONDENT,
2, WITH A PROPOSED EFFECTIVE DATE	)	VACATING HEARING DATE,
OF FEBRUARY 9, 1976.	)	CLOSING DOCKET AND CANCELLING
	)	INCREASE FOR RIO GRANDE MOTOR
	)	WAY, INC.

February 10, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1976, Supplements No. 12 and No. 13 to Colorado Motor Tariff Bureau Tariff No. 3, PUC No. 2, were filed by J. R. Smith, Chief of Tariff Bureau, for and on behalf of the participating carriers listed therein. The effect of said supplements, which were scheduled to become effective on February 9, 1976, would increase all rates and charges for the account of Rio Grande Motor Way, Inc. by four (4) percent in Supplement No. 12 and would increase the rates and charges for the account of the eleven (11) carriers listed in Supplement No. 13 by ten (10) percent. As Rio Grande Motor Way, Inc. is included as one of the carriers in Supplement No. 13, the amount of increase for that carrier would be fourteen (14) percent versus the ten (10) percent for the balance of the carriers.

As the supporting data furnished by Rio Grande Motor Way, Inc. was not considered adequate and no data was furnished on behalf of Weicker Transport Co., the Commission by Decision No. 88141, dated January 27, 1976, set the matter for hearing and suspended the effective date insofar as those two carriers were concerned.

Review of this matter reveals that Weicker Transport Co. is a Contract Carrier operating under authority of Permit No. B-802. The Commission finds that the rates of Contract Carriers are the result of negotiations between the carrier and its customer and are subject to the statutory provision that said rates shall not be less than the rates on file for competing Common Carriers, and that the rules of the Commission do not require the filing of justification for rate changes by Contract Carriers.

Petition has also been filed by J. R. Smith, Chief of Tariff Bureau, for and on behalf of Rio Grande Motor Way, Inc., asking that the hearing date be vacated, the docket closed and that the proposed increase be cancelled for its account.

The Commission finds that it will be in the public interest to eliminate Weicker Transport Co. as a Respondent in this matter and to grant the petition of Rio Grande Motor Way, Inc. vacating the hearing date, closing the docket and cancelling the increased rates for its account.

An appropriate Order shall be entered.

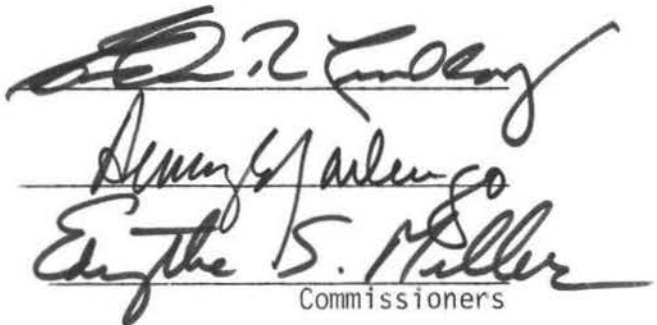
ORDER

THE COMMISSION ORDERS:

1. That Weicker Transport Co. be, and hereby is, eliminated as a Respondent in Investigation and Suspension Docket No. 1016.
2. That the hearing date of March 31, 1976 be, and hereby is, vacated.
3. That Investigation and Suspension Docket No. 1016 be, and hereby is, closed.
4. That Respondent, Rio Grande Motor Way, Inc., be, and hereby is, directed to cancel for its account the increased rates now under suspension in Supplements No. 12 and No. 13 to Colorado Motor Tariff Bureau Tariff No. 3 on or before March 1, 1976.
5. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 10th day of February, 1976

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

dh

(Decision No. 88201)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
TRANS CENTRAL AIRLINES, INC., 1805)	
SOUTH BELLAIRE STREET, DENVER,)	APPLICATION NO. 28825-ACS-Transfer
COLORADO, FOR AUTHORITY TO TRANSFER)	
PUC NO. ACS-61 TO ROCKY MOUNTAIN)	
AIRWAYS, INC., HANGAR #6, STAPLETON)	
INTERNATIONAL AIRPORT, DENVER,)	
COLORADO.)	

IN THE MATTER OF THE APPLICATION OF)	
TRANS CENTRAL AIRLINES, INC., 1805)	
SOUTH BELLAIRE STREET, DENVER,)	APPLICATION NO. 28826-ACS-Transfer
COLORADO, FOR AUTHORITY TO TRANSFER)	
PUC NO. ACS-63 TO ROCKY MOUNTAIN)	
AIRWAYS, INC., HANGAR #6, STAPLETON)	
INTERNATIONAL AIRPORT, DENVER,)	
COLORADO.)	

February 10, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 3, 1976, the Commission entered Decision No. 88164 which, inter alia, granted Frontier Airlines, Inc., leave to intervene in the above-captioned proceedings.

On February 5, 1976, Applicants, by and through its attorneys, filed with the Commission Applications for Rehearing and Reconsideration of Decision No. 88164.

The Commission states and finds that the Applications for Rehearing and Reconsideration of Decision No. 88164 do not set forth sufficient grounds for any change or modification and that said Applications should be denied as set forth in the Order following.

O R D E R

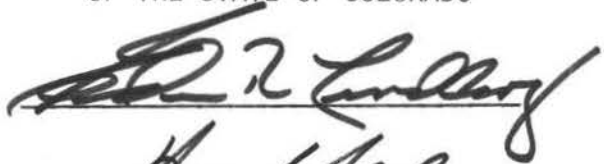
THE COMMISSION ORDERS THAT:

1. The Applications for Rehearing and Reconsideration of Decision No. 88164, filed by Applicants, on February 5, 1976, be, and hereby are, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RUAN TRANSPORT CORPORATION, 3200)	APPLICATION NO. 28781
RUAN CENTER, 666 GRAND AVENUE,)	
DES MOINES, IOWA, FOR AUTHORITY TO)	ORDER OF THE COMMISSION
OPERATE AS A COMMON CARRIER BY)	
MOTOR VEHICLE.)	

- - - - -
February 17, 1976
- - - - -

Appearances: Robert G. Shepherd, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require the transportation service as hereinafter ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the service as hereinafter granted, and

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and this Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

IT IS FURTHER ORDERED, That this Order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.

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

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ed R. Lindberg
Henry G. Young
Edythe S. Miller
Commissioners
md

Appendix
Decision No. 88202
February 17, 1976

Ruan Transport Corporation

Transportation -- on call and demand -- of
Chemicals, in bulk, in tank vehicles

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

(Decision No. 88203)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM ALLSPACH, JR., 1668 SOUTH)
KENTON STREET, AURORA, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO.)
3534.)

APPLICATION NO. 28840-Extension
ORDER OF THE COMMISSION

February 17, 1976

Appearances: John J. Conway, Esq., Denver, Colorado
Attorney for Applicant.
Robert G. Shepherd, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3534 to include the following:

"Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3534 as extended, shall read and be as set forth in the Appendix attached hereto.

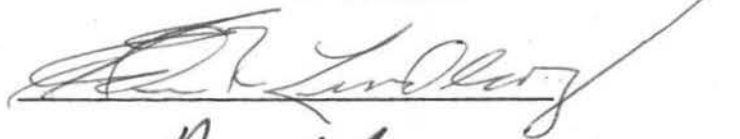
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

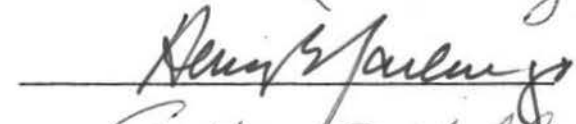
IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

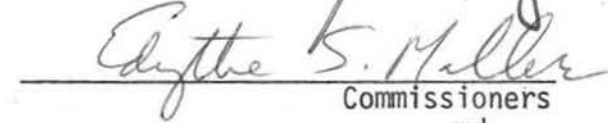
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
md

Appendix
Decision No. 88203
February 17, 1976

William Allspach, Jr.

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado,
as the boundaries existed on September 22, 1975, to such locations
where the same may be lawfully delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PETER KNOLL, DOING BUSINESS AS)
"ALL-CITY RUBBISH REMOVAL," 2230)
WEST 47TH AVENUE, DENVER, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO.)
3676.)

APPLICATION NO. 28841-Extension
ORDER OF THE COMMISSION

February 17, 1976

Appearances: John J. Conway, Esq., Denver, Colorado
Attorney for Applicant:
Robert G. Shepherd, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3676 to include the following:

"Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3676 as extended, shall read and be as set forth in the Appendix attached hereto.

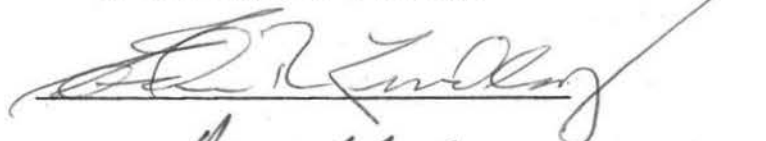
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

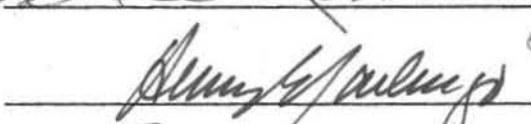
IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

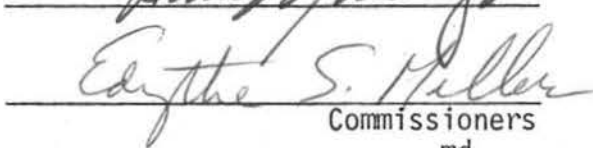
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Edythe S. Miller
Commissioners
md

Appendix
Decision No. 88204
February 17, 1976

All-City Rubbish Removal

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado, as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM J. AND EUGENE F. McMAHON,)
DOING BUSINESS AS "BILL & GENE'S)
HAULING SERVICE," P. O. BOX 10475,)
DENVER, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3713.)

APPLICATION NO. 28842-Extension
ORDER OF THE COMMISSION

February 17, 1976

Appearances: John J. Conway, Esq., Denver, Colorado
Attorney for Applicant
Robert G. Shepherd, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3713 to include the following:

"Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3713 as extended, shall read and be as set forth in the Appendix attached hereto.

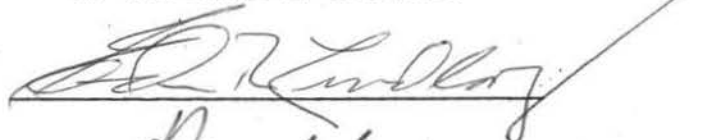
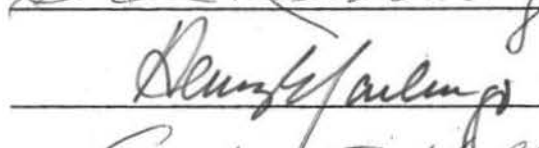
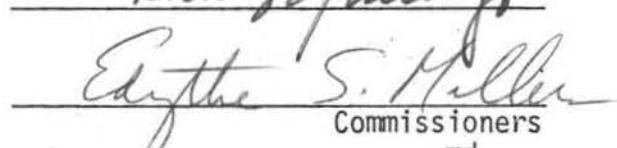
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88205
February 17, 1976

Bill & Gene's Hauling Service

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado,
as the boundaries existed on September 22, 1975, to such locations
where the same may be lawfully delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CAPITOL CITY DISPOSAL, INC., 2300)
JOLIET, AURORA, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 3317.)

APPLICATION NO. 28843-Extension
ORDER OF THE COMMISSION

- - - - -
February 17, 1976
- - - - -

Appearances: John J. Conway, Esq., Denver, Colorado
Attorney for Applicant
Robert G. Shepherd, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3317 to include the following:

"Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3317 as extended, shall read and be as set forth in the Appendix attached hereto.

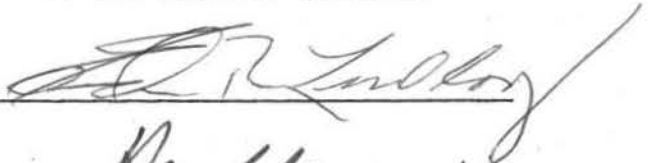
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

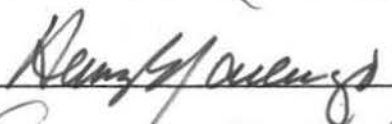
IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.


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

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
md

Appendix
Decision No. 88206
February 17, 1976

Capitol City Disposal, Inc.

(1) Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado, as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of.

(2) Transportation of

Ash, trash and other refuse

From points located within the following described area:
Commencing at the point of intersection of Quebec Street and East 56th Avenue; thence south on Quebec Street to its intersection with Smith Road; thence east on Smith Road to its intersection with Peoria Street; thence north on Peoria Street to its intersection with East 56th Avenue; thence west on East 56th Avenue to the point of beginning; to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88207)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED GERLACH, 4127 TEJON STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3469.)

APPLICATION NO. 28844-Extension

ORDER OF THE COMMISSION

February 17, 1976

Appearances: John J. Conway, Esq., Denver, Colorado
Attorney for Applicant.
Robert G. Shepherd, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3469 to include the following:

"Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3469 as extended, shall read and be as set forth in the Appendix attached hereto.

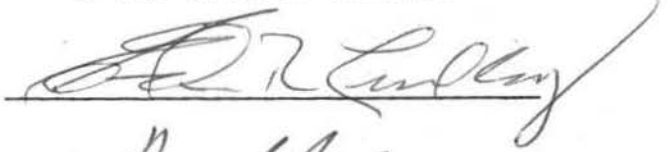
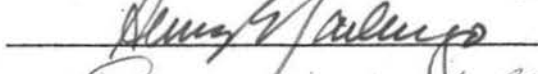
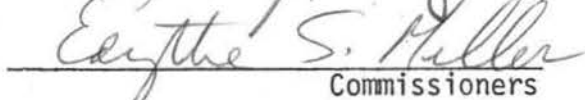
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
.md

Appendix
Decision No. 88207
February 17, 1976

Fred Gerlach

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado,
as the boundaries existed on September 22, 1975, to such locations
where the same may be lawfully delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH GONZALES, 3622 FEDERAL)
BOULEVARD, DENVER, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO.)
3347.)

APPLICATION NO. 28845-Extension
ORDER OF THE COMMISSION

February 17, 1976

Appearances: John J. Conway, Esq., Denver, Colorado
Attorney for Applicant
Robert G. Shepherd, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3347 to include the following:

"Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3347 as extended, shall read and be as set forth in the Appendix attached hereto.

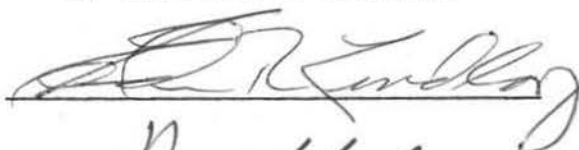
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

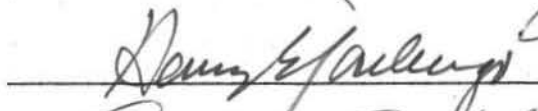
IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

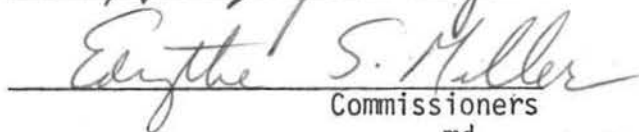
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners
md

Appendix
Decision No. 88208
February 17, 1976

Joseph Gonzales

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado,
as the boundaries existed on September 22, 1975, to such locations
where the same may be lawfully delivered or disposed of.

(Decision No. 88209)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELVIN HIZEL, 6749 DEPEW STREET,)
ARVADA, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3876:)

APPLICATION NO. 28846-Extension
ORDER OF THE COMMISSION.

- - - - -
February 17, 1976
- - - - -

Appearances: John J. Conway, Esq., Denver, Colorado
Attorney for Applicant
Robert G. Shepherd, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3876 to include the following:

"Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3876 as extended, shall read and be as set forth in the Appendix attached hereto.

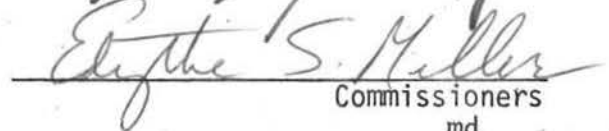
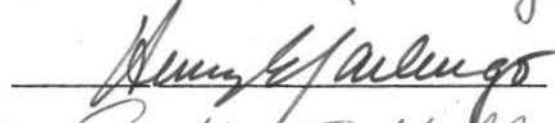
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
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Appendix
Decision No. 88209
February 17, 1976

Elvin Hize1

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado,
as the boundaries existed on September 22, 1975, to such locations
where the same may be lawfully delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT A. LEECH, DOING BUSINESS AS)
"K RUBBISH REMOVAL," 210 IRVING)
STREET, DENVER, COLORADO, FOR AUTH-)
ORITY TO EXTEND OPERATIONS UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 3388.)

APPLICATION NO. 28847-Extension

ORDER OF THE COMMISSION:

February 17, 1976

Appearances: John J. Conway, Esq., Denver, Colorado
Attorney for Applicant
Robert G. Shepherd, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3388 to include the following:

"Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3388 as extended, shall read and be as set forth in the Appendix attached hereto.

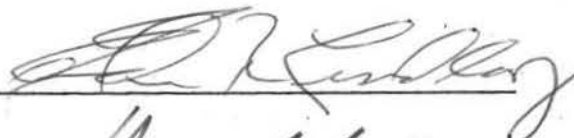
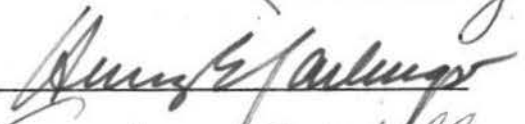
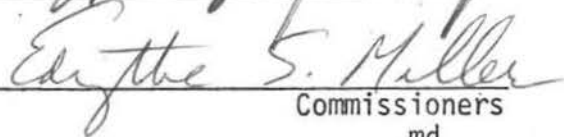
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
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Appendix
Decision No. 88120
February 17, 1976

K Rubbish Removal

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado,
as the boundaries existed on September 22, 1975, to such locations
where the same may be lawfully delivered or disposed of.

(Decision No. 88211)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY MOORE AND DANIEL LOOSE, DOING)
BUSINESS AS "STAR DISPOSAL SERVICE,")
140 SOUTH BENTON STREET, DENVER,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3236.)

APPLICATION NO. 28848-Extension

ORDER OF THE COMMISSION

February 17, 1976

Appearances: John J. Conway, Esq., Denver, Colorado
Attorney for Applicant
Robert G. Shepherd, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3236 to include the following:

"Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3236 as extended, shall read and be as set forth in the Appendix attached hereto.

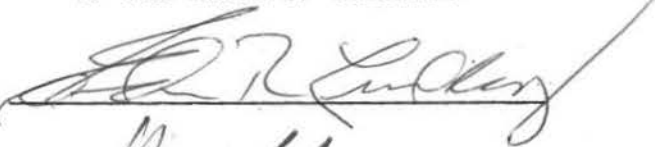

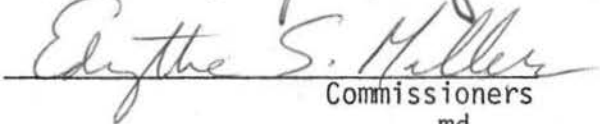
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
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Appendix
Decision No. 88211
February 17, 1976

Star Disposal Service

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado,
as the boundaries existed on September 22, 1975, to such locations
where the same may be lawfully delivered or disposed of.

(Decision No. 88212)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. E. STRASSHEIM, 1070 HANOVER)
STREET, DENVER, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 3215.)

APPLICATION NO. 28849-Extension

ORDER OF THE COMMISSION

February 17, 1976

Appearances: John J. Conway, Esq., Denver, Colorado
Attorney for Applicant
Robert G. Shepherd, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3215 to include the following:

"Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3215 as extended, shall read and be as set forth in the Appendix attached hereto.

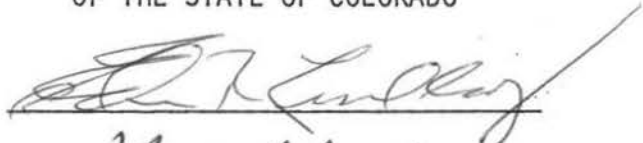
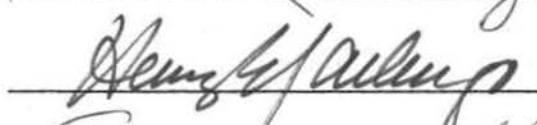

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
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Appendix
Decision No. 88212
February 17, 1976

C. E. Strassheim

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado,
as the boundaries existed on September 22, 1975, to such locations
where the same may be lawfully delivered or disposed of.

(Decision No. 88213)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE R. SANDOVAL, SR. AND JOE R.)
SANDOVAL, JR., DOING BUSINESS AS)
"JOE R. SANDOVAL & CO. & ABLE)
RUBBISH REMOVAL," 3280 SOUTH CLAY)
STREET, ENGLEWOOD, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO.)
3211.)

APPLICATION NO. 28867-Extension
ORDER OF THE COMMISSION

February 17, 1976

Appearances: John J. Conway, Esq., Denver, Colorado
Attorney for Applicant
Robert G. Shepherd, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

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

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3211 to include the following:

"Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3211 as extended, shall read and be as set forth in the Appendix attached hereto.

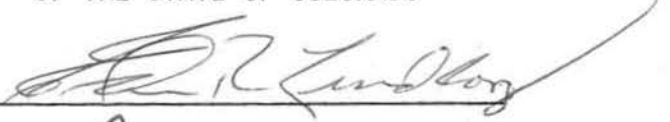
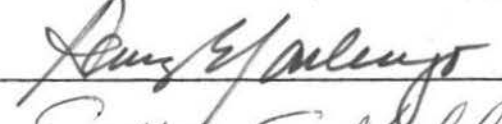

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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

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

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88213
February 17, 1976

Joe R. Sandoval & Co. & Able Rubbish Removal

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado, as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES	)	INVESTIGATION AND SUSPENSION
AS PUBLISHED IN TARIFF NO. 8-A BY	)	DOCKET NO. 1023
GREYHOUND LINES, INC., RESPONDENT)	
HEREIN, SCHEDULED TO BECOME	)	ORDER SETTING HEARING AND
EFFECTIVE ON FEBRUARY 16, 1976.	)	SUSPENDING INCREASED RATES
	)	AND CHARGES

February 10, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1976, Greyhound Lines, Inc., Respondent herein, filed its Tariff No. 8-A, Colorado PUC No. 6, scheduled to become effective on February 16, 1976. Said tariff, if allowed to become effective, would have the effect of doubling rates and charges for package express shipments, in next bus out service.

Review of the data submitted by Respondent herein in support of said increase indicates that Respondent has not furnished to the Commission sufficient data to justify the rates to be charged, and that said increases may be in violation of law.

The Commission, on its own motion, states and finds that the within tariff should be set for hearing and suspended.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff filing by Greyhound Lines, Inc.
2. That this Investigation and Suspension Docket No. 1023, be, and the same is hereby, set for hearing before the Commission on:

Date: April 8, 1976
Time: 10:00 AM
Place: Hearing Room
1845 Sherman Street
500 Columbine Building
Denver, Colorado 80203

3. That Greyhound Lines, Inc., Tariff No. 8-A, Colorado PUC No. 6, next bus out service, be, and it hereby is, suspended for a period of 210 days or until September 13, 1976, unless otherwise ordered by the Commission.

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

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

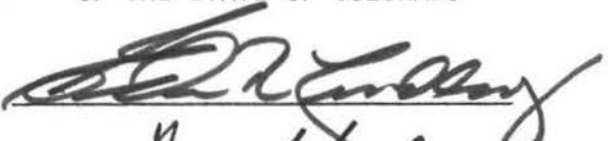


6. That a copy of this Order shall be filed with the tariff in the office of the Commission and that a copy hereof be served upon W. M. Beeler, Vice President - Traffic, Greyhound Lines, Inc., Greyhound Tower, Phoenix, Arizona 85077, and that the necessary suspension supplement be posted and filed to the tariff.

7. That at least fifteen (15) days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case together with a list of its witnesses and a detailed summary of their direct testimony.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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(Decision No. 88215)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ROBERT REED REICHERT, DOING BUSINESS)	
AS "YELLOW BARREL DISPOSAL," BOX 476,)	APPLICATION NO. 27836-Transfer
LOVELAND, COLORADO, FOR AUTHORITY TO)	
TRANSFER PUC NO. 3740 TO POUFRE)	ORDER DENYING EXCEPTIONS
REFUSE SERVICE, INC., DOING BUSINESS)	TO RECOMMENDED DECISION NO. 87034
AS "POUDRE REFUSE," 990 SAVINGS)	
BUILDING, FORT COLLINS, COLORADO.)	

- - - - -
February 10, 1976
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 20, 1975, Examiner Robert E. Temmer entered his Recommended Decision No. 87034 in the above-captioned matter.

On July 15, 1975, by Decision No. 87155, and on December 30, 1975, by Decision No. 87993, Transferee, Poudre Refuse Service, Inc., doing business as "Poudre Refuse," was granted extensions of time within which to file exceptions to said recommended decision.

On January 30, 1976, Transferee filed with the Commission Exceptions to Recommended Decision No. 87034.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Transferee should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 87034 should be adopted as its own; and concludes that an appropriate Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

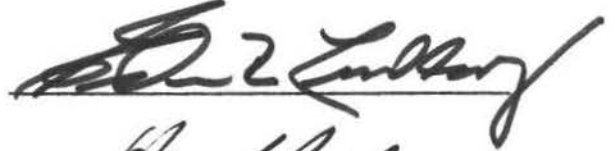
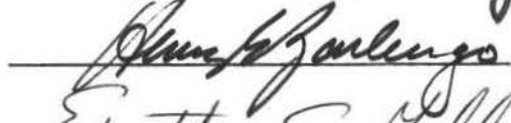

1. The Exceptions filed herein by Transferee, Poudre Refuse Service, Inc., doing business as "Poudre Refuse," be, and hereby are, overruled and denied.
2. The findings of fact and conclusions of Examiner Robert E. Temmer in Recommended Decision No. 87034 be, and hereby are, adopted by the Commission.

3. The Examiner's Recommended Order in said Decision No. 87034 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
ds

(Decision No. 88216)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
RESPONDENT, ENGLEWOOD TRANSIT)	
COMPANY, A COLORADO CORPORATION,	)	CASE NO. 5633
UNDER CERTIFICATES OF PUBLIC)	
CONVENIENCE AND NECESSITY PUC NO.)	
222 AND PUC NO. 222-I.)	

- - - - -
February 10, 1976
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 30, 1976, the Staff of the Public Utilities Commission, by and through its attorney, filed a "Motion to Amend." Said Motion moves that Decision No. 87613 be amended to delete therefrom paragraph No. 1 on page 2 in the Statement and Findings of Fact and insert in lieu thereof the following:

1. By establishing a branch office and/or having an agent employed in a town or city other than Pueblo for the purpose of developing business, to wit: at 5280 Newport Street, Commerce City, Colorado, in violation of the terms of Respondent's Certificates of Public Convenience and Necessity PUC No. 222 and PUC No. 222-I.

The Commission states and finds that said amendment is unnecessary in that if it is found that Respondent has established an office and employed agents in a town or city other than Pueblo, Colorado, for the purpose of developing business, that the establishment of said office and having an agent so employed would be a violation of Rule 3 (a) of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for hire. Accordingly, the Commission states and finds that the Staff's "Motion to Amend" will serve no useful purpose and should be denied.

An appropriate Order will be entered.

O R D E R

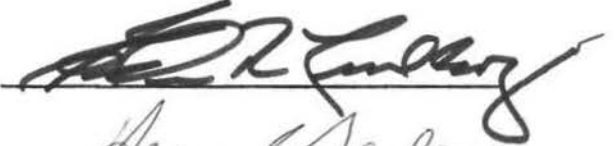
THE COMMISSION ORDERS:

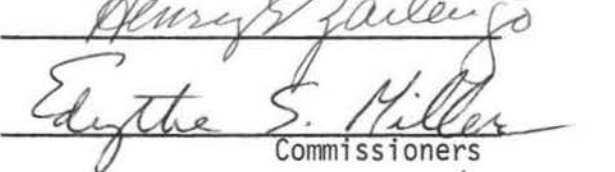
That the Motion to Amend filed by the Staff of the Commission on January 30, 1976, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Henry B. Fairley


Edythe S. Miller
Commissioners
ds

(Decision No. 88217)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF --	)	DOCKET NO. 1021
COLORADO PUC NO. 3 - GAS, ROCKY)	
MOUNTAIN NATURAL GAS COMPANY, INC.,	)	ORDER SUSPENDING EFFECTIVE DATE
DENVER, COLORADO.	)	OF TARIFFS AND NOTICE OF HEARING

February 10, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 15, 1976, Rocky Mountain Natural Gas Company, Inc., (hereinafter "Rocky Mountain") filed with this Commission its Advice Letter No. 53, dated January 15, 1976, accompanied by the following tariff sheets:

Colo. PUC No. 3 - GAS

<u>Colo. PUC Sheet No.</u>	<u>Title of Sheet</u>	<u>Cancels Colo. PUC Sheet No.</u>
Eleventh Revised 5	Natural Gas Rates Residential and Commercial Service	Tenth Revised 5
Sixth Revised 5.6	Natural Gas Rates Temporary Rider	Substitute Fifth Revised 5.6

The stated purposes of this filing are to eliminate the 5% late payment penalty, provide for franchise tax to be surcharged and to increase the rates to all customers in the Company's North Central Rate Area (Towns of Wellington, Frederick, Firestone, Dacono and environs).

On January 21, 1976, Rocky Mountain filed Advice Letter No. 53-Supplement advising the Commission that Advice Letter No. 53 "inadvertently included Sixth Revised Sheet No. 5.6 which should be withdrawn. Sixth Revised Sheet No. 5.6 is filed under Advice No. 54 Supplement pursuant to Commission Decision No. 87961." The Commission will therefore withdraw Sixth Revised Sheet No. 5.6 in the Order section of this Decision.

Rocky Mountain Natural Gas Company, Inc., requests that this filing become effective on thirty days' notice.

Pursuant to the provisions of Section 40-6-111(1), CRS 1973, the Commission may -- in its discretion -- set the said tariffs for hearing, which has the effect of suspending the effective date of the tariffs for a period of one hundred twenty (120) days. The same statute also provides that the Commission may, in its discretion, suspend the effective date of the tariffs for an additional ninety (90) days. Thus, the power and authority of the Commission to suspend the effective date of the filed tariffs extends for a maximum period of two hundred ten (210) days, or, in this docket until September 12, 1976. If no new rates are established by the Commission by the aforesaid date in this docket, the tariffs filed by Respondent will become effective by operation of law.

Because of the important impact of the public using the gas service of Respondent, the Commission, on its own motion, states and finds that it should set the herein proposed tariff revisions for hearing and suspend the effective date thereof.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The within matter with respect to Eleventh Revised Sheet No. 5, titled "Natural Gas Rates Residential and Commercial Service" filed on January 15, 1976, by Rocky Mountain Natural Gas Company, Inc., cancelling Tenth Revised Sheet No. 5, be, and the same hereby is, set for hearing as follows:

DATE: April 26, 1976

TIME: 10:00 A.M.

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

The following day, April 29, 1976, is reserved on the Commission calendar for continued hearing in this matter, if necessary.

2. Sixth Revised Sheet No. 5.6 titled "Natural Gas Rates Temporary Rider" filed on January 15, 1976, under Advice Letter No. 53, dated January 15, 1976, by Rocky Mountain Natural Gas Company, Inc., be, and the same hereby is, withdrawn from Advice Letter No. 53.

3. Any person, firm, or corporation desiring to intervene as a party in the within proceeding set for hearing in paragraph 1, shall file an appropriate pleading therefor with the Commission on or before April 9, 1976.

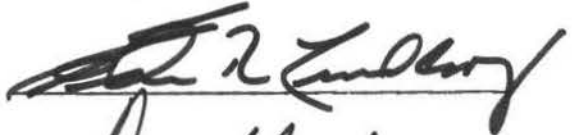
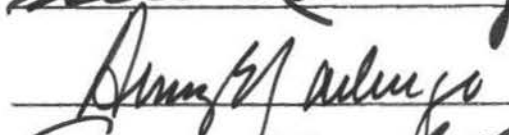

4. The effective date of the tariff sheet filed by Rocky Mountain Natural Gas Company, Inc., Respondent herein, on January 15, 1976, under Advice Letter No. 53, dated January 15, 1976, be, and hereby is, suspended until September 12, 1976, or until further order of the Commission.

5. At least 15 days prior to the hearing date herein, Respondent shall file with the Secretary of the Commission six (6) copies of any and all exhibits which it intends to introduce in its direct case in support of its filing, together with a list of witnesses it intends to call, and a meaningful and complete summary of their direct testimony, and shall also furnish the same to any intervenor of record. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimony will be permitted to be offered by Respondent in support of Respondent's direct case.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF --)	INVESTIGATION AND SUSPENSION
COLORADO PUC NO. 4 - GAS, ...)	DOCKET NO. 1020
KANSAS-NEBRASKA NATURAL GAS)	
COMPANY, INC., HASTINGS, NEBRASKA)	ORDER SUSPENDING EFFECTIVE DATE
68901.)	OF TARIFFS AND NOTICE OF HEARING

February 10, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 12, 1976, Kansas-Nebraska Natural Gas Company, Inc., (hereinafter "Kansas-Nebraska") filed with this Commission its Advice Letter No. 38, dated January 8, 1976, accompanied by the following tariff sheet:

Colo. PUC No. 4 - Gas

<u>Colo. PUC</u> <u>Sheet No.</u>	<u>Title of Sheet</u>	<u>Cancels Colo.</u> <u>PUC Sheet No.</u>
Original Sheet No. 22.7	Rules and Regulations of Extension Policy	New

This filing is made for the purpose of permitting Kansas-Nebraska to surcharge all franchise, occupation, business, sales, license, excise, privilege or similar tax to customers receiving gas service from the company within the boundaries of any city or taxing subdivision which levies such a tax. The surcharge would be charged to each affected customer on a pro rata basis and identified separately on the customer's bill.

Kansas-Nebraska requests that the filing become effective on thirty-days' notice.

Pursuant to the provisions of Section 40-6-111(1), CRS 1973, the Commission may -- in its discretion -- set the said tariffs for hearing, which has the effect of suspending the effective date of the tariffs for a period of one hundred twenty (120) days. The same statute also provides that the Commission may, in its discretion, suspend the effective date of the tariffs for an additional ninety (90) days. Thus, the power and authority of the Commission to suspend the effective date of the filed tariffs extends for a maximum period of two hundred ten (210) days, or, in this docket until September 9, 1976. If no new rates are established by the Commission by the aforesaid date in this docket, the tariffs filed by Respondent will become effective by operation of law.

Because of the important impact on the public using the gas service of the Respondent, the Commission, on its own motion, states and finds that it should set the herein proposed tariff revision for hearing and suspend the effective date thereof.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The herein matter with respect to the tariffs filed by Kansas-Nebraska Natural Gas Company, Inc., on January 12, 1976, pursuant to its Advice Letter No. 38, dated January 8, 1976, be, and the same hereby is, set for hearing as follows:

DATE: Wednesday, April 14, 1976

TIME: 10:00 a.m.

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

The following day, Thursday, April 15, 1976, is reserved on the Commission calendar for continued hearing in this matter, if necessary.

2. Any person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before April 7, 1976.

3. The effective date of the tariff sheet filed by Kansas-Nebraska Natural Gas Company, Inc., Respondent herein, on January 12, 1976, under Advice Letter No. 38, dated January 8, 1976, be, and hereby is, suspended until September 9, 1976, or until further order of the Commission.

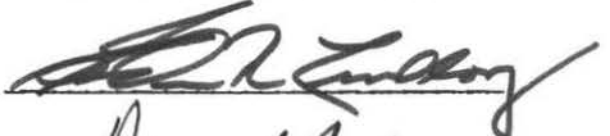

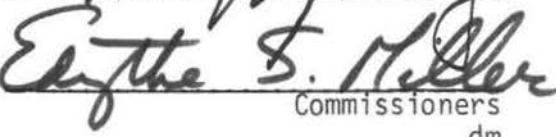
4. At least 15 days prior to the hearing date herein, Respondent shall file with the Secretary of the Commission six (6) copies of any and all exhibits which it intends to introduce in its direct case in support of its filing, together with a list of witnesses it intends to call, and a meaningful and complete summary of their direct testimony, and shall also furnish the same to any intervenor of record. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimony will be permitted to be offered by Respondent in support of Respondent's direct case.

5. At least 15 days prior to the hearing date herein, Respondent shall provide in writing, with any exhibits it deems necessary, six (6) copies of answers to the inquiries set forth in Appendix "A". As to inquiries that are not applicable, Respondent shall so state and explain why they are inapplicable.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)	
PROPOSED CHANGES IN TARIFF -- COLORADO)	INVESTIGATION AND SUSPENSION
PUC NO. 1 - GAS, PEOPLES NATURAL GAS)	DOCKET NO. 1022
DIVISION OF NORTHERN NATURAL GAS)	
COMPANY, COLORADO SPRINGS, COLORADO)	ORDER SUSPENDING EFFECTIVE DATE
80901.)	OF TARIFFS AND NOTICE OF HEARING

February 10, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Peoples Natural Gas Division of Northern Natural Gas Company (hereinafter referred to as "Peoples"), on January 13, 1976, filed with the Commission its Advice Letter No. 135, dated January 12, 1976, accompanied by the following tariff sheets:

Colorado PUC No. 1 - Gas

Colorado PUC Sheet Number	Title	Cancels Colorado PUC Sheet Number
First Revised No. 39a	Contract Rate	Original No. 39a
First Revised No. 39b	Contract Rate	Original No. 39b
First Revised No. 39c	Contract Rate	Original No. 39c
First Revised No. 39d	Contract Rate	Original No. 39d
First Revised No. 39e	Contract Rate	Original No. 39e
First Revised No. 39f	Contract Rate	Original No. 39f
First Revised No. 39g	Contract Rate	Original No. 39g
First Revised No. 39h	Contract Rate	Original No. 39h

The stated purpose of this filing is to reflect certain changes occurring in the cost of gas purchased from Peoples' wholesale gas suppliers for refund to certain of its contract customers.

Peoples requests that the filing become effective on thirty (30) days' notice.

Pursuant to the provisions of Section 40-6-111(1), CRS 1973, the Commission may -- in its discretion -- set the said tariffs for hearing, which has the effect of suspending the effective date of the tariffs for a period of one hundred twenty (120) days. The same statute also provides that the Commission may, in its discretion, suspend the effective date of the tariffs for an additional ninety (90) days. Thus, the power and authority of the Commission to suspend the effective date of the filed tariffs extends for a maximum period of two hundred ten (210) days, or, in this docket until September 10, 1976. If no new rates are established by the Commission by the aforesaid date in this docket, the tariffs filed by Respondent will become effective by operation of law.

Because of the important impact on the contract customers of Respondent using Peoples' gas service, the Commission, on its own motion, states and finds that it should set the herein proposed tariff revisions for hearing and suspend the effective date thereof.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The herein matter with respect to the tariffs filed by Peoples Natural Gas Division of Northern Natural Gas Company on January 13, 1976, pursuant to its Advice Letter No. 135, dated January 12, 1976, be, and the same hereby is, set for hearing as follows:

DATE: May 5, 1976
TIME: 10 a.m.
PLACE: 500 Columbine Building
1845 Sherman Street
Denver, Colorado

The following day, May 6, 1976, is reserved on the Commission calendar for continued hearing in this matter, if necessary.

2. Any person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before April 21, 1976.

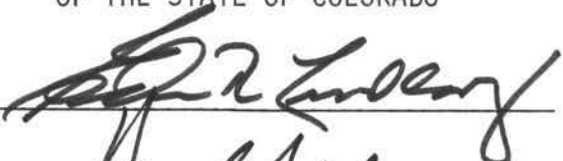

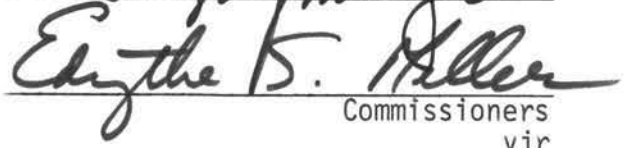
3. The effective date of the tariff sheets filed by Peoples Natural Gas Division of Northern Natural Gas Company on January 13, 1976, pursuant to its Advice Letter No. 135, dated January 12, 1976, be, and hereby is, suspended until September 10, 1976, or until further order of the Commission.

4. At least fifteen (15) days prior to the hearing date herein, Respondent shall file with the Secretary of the Commission six (6) copies of any and all exhibits which it intends to introduce in its direct case in support of its filing, together with a list of witnesses it intends to call, and a meaningful and complete summary of their direct testimony, and shall also furnish the same to any intervenor of record. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimony will be permitted to be offered by Respondent in support of Respondent's direct case.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
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