

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ROY S. HEMPHILL, OF MONTROSE, )  
COLORADO, FOR A PERMIT TO OPERATE ) APPLICATION NO. 4437-PP  
AS A CLASS B PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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Appearances: Roy S. Hemphill, Montrose, Colorado,  
pro se;  
Wayne Rees, Denver, Colorado,  
for The Colorado Trucking Association;  
William Ray, Nucla, Colorado,  
pro se;

S T A T E M E N T

By the Commission:

The instant application seeks authority to transport livestock for the Montrose Live Stock Commission Company's sales barns in Montrose and "vicinity". At the hearing, applicant testified that he desired to operate within a radius of 50 miles of Montrose. He also desired to transport farm machinery and used furniture, but as these items were not mentioned in his application, he was advised that same could not be considered at the instant hearing.

No one appeared in opposition to the granting of the authority sought, except that after the hearing was closed, William Ray of Nucla, Colorado, arrived and advised the Commission that he had been delayed en route to the hearing and that it was his purpose to protest providing the evidence disclosed that applicant intended to compete with him in the territory he is authorized to serve. The said Ray, who operates under a certificate of public convenience and necessity, is authorized to transport live stock "from, to and between points within a radius of 25 miles of Nucla, Colorado".

We feel that a 50-mile radius is hardly compatible with the term "Montrose and vicinity" and it is possible that the notices that went out in connection with said application would be misleading to other carriers. However, in view of the evident need of the services of applicant by the

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see 11431 missing

Montrose Livestock Commission Company, we have determined to grant the permit, eliminating, however, any competition with the operations of William Ray.

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

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

O R D E R

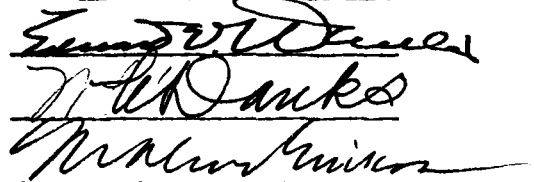
IT IS THEREFORE ORDERED, That Roy S. Hemphill, of Montrose, Colorado, should be, and he is hereby, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of livestock only for the Montrose Livestock Commission Company from point to point within a radius of fifty miles of Montrose, Colorado, save and except that applicant shall not render any service in competition with William Ray in his authorized territory contained within a radius of 25 miles of Nucla, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF C. W. ANDERSON TO TRANSFER	)	
P.U.C. NO. 485-I TO WILLIAM B. WEBB	)	<u>APPLICATION NO. 1844-I-B-A</u>
AND ALBERT H. HARPER.	)	

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-----  
February 23, 1938.  
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S T A T E M E N T

By the Commission:

C. W. Anderson herein seeks authority to transfer his Interstate Certificate No. 485-I to William B. Webb and Albert H. Harper.

The records of the Commission do not disclose any reason why the application should not be granted.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said C. W. Anderson should be authorized to transfer said Interstate Certificate No. 485-I to William B. Webb and Albert H. Harper, said Webb and Harper to assume and satisfy any unpaid ton-mile tax due the Commission on account of the operations of said Anderson under said certificate.

O R D E R

IT IS THEREFORE ORDERED, That C. W. Anderson should be, and he hereby is, authorized to transfer Interstate Certificate No. 485-I to William B. Webb and Albert H. Harper, said transferees to assume and satisfy any unpaid road tax due the Commission on account of the operations of said Anderson under said certificate, said certificate to bear the number "485-I".

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferees shall have the necessary insurance on file with the Commission, and said transferor and transferees, in writing, have advised the Commission 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 right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,  
this 23rd day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CECIL BRICKLEY, COLORADO SPRINGS, )  
COLORADO, TO OPERATE AS A CLASS "B" )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 4476-PP

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February 23, 1938.  
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S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from point to point in El Paso County.

Inasmuch as the Motor Truck Common Carriers's Association and The Colorado Trucking Association, for their respective members, heretofore have indicated that they have no objection to the issuance of permits without formal notice or hearing for the service herein sought to be rendered by applicant, the Commission has determined to hear said matter forthwith, without notice, upon the verified application of applicant.

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

O R D E R

IT IS THEREFORE ORDERED, That Cecil Brickley, Colorado Springs, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from point to point in El Paso County.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell

W. C. Danks

Walter S. Sisson  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MRS. J. C. BAHAM, OF 4729 BEACH ) PERMIT NO. A-1731  
COURT, DENVER, COLORADO. )  
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February 18, 1938  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. J. C. Bahem requesting that her Permit No. A-1731 be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That Mrs. J. C. Bahem should be, and hereby is, allowed to suspend her operations under Permit No. A-1731 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Mrs. J. C. Bahem shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Dwyer

W. B. Danks

Maureen Sullivan  
Commissioners

Dated at Denver, Colorado,  
this 18th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
C. E. AND C. C. LANDRETH.          )  
-----)

PERMIT NO. C- 7021

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Feb. 18, 1938  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. E. Landreth  
and C. C. Landreth of Rt 3, Box 17, Eaton, Colorado,  
requesting that his Permit No. C-7021 be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7021, heretofore issued  
to C. E. Landreth and C. C. Landreth, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Dwyer  
W. H. Danks  
Walter Emerson  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF )  
NICK COVILLO, OF 2450 W. 2nd, ) PERMIT NO. A-2008  
DENVER, COLORADO. )  
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February 18, 1938  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Nick Covillo of 2450 W. 2nd Ave., Denver, Colorado, requesting that his Permit No. A-2008 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-2008, heretofore issued to Nick Covillo, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Deneen*  
*W. L. Danks*  
*Maun E. Johnson*  
Commissioners

Dated at Denver, Colorado,  
this 18th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

S. D. VOGLER.

PERMIT NO. C- 5498

Feb. 18, 1938

S T A T E M E N T.

By the Commission:

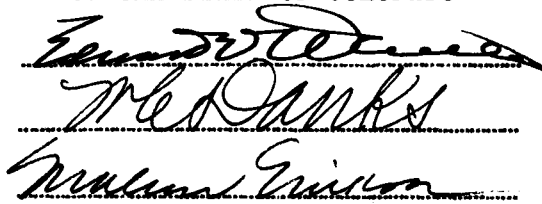
The Commission is in receipt of a communication from \_\_\_\_\_  
S. D. Vogler of Kimball Nebraska,  
requesting that his Permit No. C- 5498 be cancelled for the  
reason that he is no longer operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 5498, heretofore issued  
to S. D. Vogler, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of Feb., 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
FRANK S. HALL, JR.

PERMIT NO. C- 7174

February 18, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Frank S. Hall, Jr. \_\_\_\_\_ of Route 3 \_\_\_\_\_ Dalhart, Texas  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C-7174 \_\_\_\_\_ be cancelled.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-<sup>7174</sup>\_\_\_\_\_, heretofore issued to \_\_\_\_\_ Frank S. Hall, Jr., \_\_\_\_\_ be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Turner  
Wes Janks  
Walter Minor  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of Feb. 1938

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

C. S. TROTH.

PERMIT NO. C- 7388

February 18, 1938

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from .....

C. S. Troth

Route 2

Grand Junction, Colo.

of

requesting that his Permit No. C-7388..... be cancelled.

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

## O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7388, heretofore issued

to C. S. Troth, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Brien  
W. L. Danks  
William F. Davis  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
MERRITT L. SIMMONS.  
.....)

PERMIT NO. C- 7602

February 18, 1938

## S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Merritt L. Simmons \_\_\_\_\_ of \_\_\_\_\_ Walden \_\_\_\_\_, \_\_\_\_\_ Colorado \_\_\_\_\_,  
requesting that his Permit No. C-7602 \_\_\_\_\_ be cancelled.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-7602, heretofore issued to Merritt L. Simmons, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Jones  
Walter Banks  
Maurice E. Jones  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of February, 1938

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
G. H. AND IRENE PFLAEGING, LITTLETON, )  
COLORADO, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 4429-PP-A  
PERMIT NO. A-508 TO GAILAND MULLIS, )  
LITTLETON, COLORADO. )  
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February 18, 1938  
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Appearances: G. H. Pflaeging, Littleton, Colorado,  
for G. H. and Irene Pflaeging;  
Gailand Mullis, Littleton, Colorado,  
pro se;  
Paul A. Johnson, Esq., Denver, Colo-  
rado, for the Colorado Transfer and  
Warehousemen's Association;  
Richard E. Conour, Esq., Denver, Colorado,  
for Weicker Transfer and Storage Com-  
pany and Weicker Transportation Com-  
pany;  
Marion F. Jones, Esq., Denver, Colorado,  
for the Colorado Trucking Association;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for the Motor Truck Common Carriers'  
Association.

S T A T E M E N T

By the Commission:

On August 9, 1933, G. H. Pflaeging and Irene Pflaeging, co-  
partners, doing business as "G. H. Pflaeging Transfer", were authorized  
to operate as Class "A" private carriers by motor vehicle for hire for  
the transportation of freight between Littleton, Colorado, and points  
within a radius of twenty miles thereof.

They now seek authority to transfer said Permit No. A-508 to  
Gailand Mullis, Littleton, Colorado.

The evidence disclosed that there are no unpaid outstanding  
obligations incurred by transferors; that the consideration for said  
transfer is the sum of fifty dollars, transferee, in addition, purchasing  
certain equipment from transferors for the sum of three hundred and fifty  
dollars; that said amount of four hundred dollars will be paid in cash.

There was no objection to the transfer of said permit on the part of those appearing at the hearing.

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

O R D E R

IT IS THEREFORE ORDERED, That G. H. Pflaeging and Irene Pflaeging, Littleton, Colorado, should be, and they hereby are, authorized to transfer Permit No. A-508 to Gailand Mullis, Littleton, Colorado.

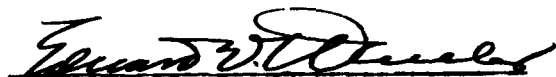
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and, in the future, will comply with the conditions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

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners

Dated at Denver, Colorado,  
this 18th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF)  
T. S. CARTER AND ELTON COOLEY, )  
DOING BUSINESS AS "INTERSTATE MOTOR )  
LINES", SALT LAKE CITY, UTAH, TO )  
TRANSFER PERMIT NO. 709-I TO INTER- )  
STATE MOTOR LINES, INC., SALT LAKE )  
CITY, UTAH. )  
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APPLICATION NO. 2163-I-A

S T A T E M E N T

By the Commission:

T. S. Carter and Elton Cooley, doing business as "Interstate Motor Lines", herein seek authority to transfer their interstate permit to operate as common carriers by motor vehicle in interstate commerce between Denver and the Colorado-Wyoming State Boundary Line, where U. S. Highways Nos. 85 and 285 cross the same, and between intermediate points and said line, granted in Application No. 2163-I, being Colorado P.U.C. No. 709-I, to Interstate Motor Lines, Inc., a corporation.

The records of the Commission fail to disclose any reason why the application should not be granted.

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

O R D E R

IT IS THEREFORE ORDERED, That T. S. Carter and Elton Cooley, doing business as "Interstate Motor Lines" should be, and they hereby are, authorized to transfer Interstate Permit No. 709-I to Interstate Motor Lines, Inc., a corporation.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferee shall have the necessary insurance on file with the Commission and said transferors and transferee in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will

comply with the conditions and requirements of this order to be by them,  
or either of them, kept and performed.

IT IS FURTHER ORDERED, That the right of transfer herein granted  
is subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That this order shall become effective  
twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Dineen  
W. C. Danks  
Walter E. Egan  
Commissioners

Dated at Denver, Colorado,  
this 18th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARTHUR PIPER, LARAMIE, WYOMING, TO )  
TRANSFER CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY NO. 869 TO )  
BEN L. WALKER, NEW RAYMER, COLORADO.)  
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APPLICATION NO. 2848-A

Appearances: Ben L. Walker, New Raymer, Colorado,  
for the Applicants;  
Zene D. Bohrer, Esq., Denver, Colo-  
rado, for The Motor Truck Common  
Carriers' Association, Interstate  
Motor Lines, Inc., Fort Collins-  
Denver-Laramie Truck Line;  
Marion F. Jones, Esq., Denver, Colo-  
rado, for The Colorado Trucking  
Association;  
Paul A. Johnson, Esq., Denver, Colo-  
rado, for The Colorado Transfer and  
Warehousemen's Association.

S T A T E M E N T

By the Commission:

Arthur Piper herein seeks authority to transfer his certificate of public convenience and necessity granted in Application No. 2848, Decision No. 7220, to Ben L. Walker.

The evidence disclosed that there are no outstanding unpaid obligations against said operation; that transferee, for a year or more, prior to the filing of said application for transfer, has been working for transferor and is familiar with and able to carry on said operation; that the consideration for the transfer of said certificate is three hundred dollars, transferee also buying equipment from transferor for the sum of four hundred dollars additional.

There was no objection to the granting of the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said transferor, Arthur Piper, should be authorized to transfer his certificate of public convenience and necessity to Ben L. Walker.

O R D E R

IT IS THEREFORE ORDERED, That Arthur Piper, Laramie, Wyoming, should be, and he hereby is, authorized to transfer certificate of public convenience and necessity No. 869, granted in Decision No. 7220, Application No. 2848, to Ben L. Walker, New Raymer, Colorado.

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

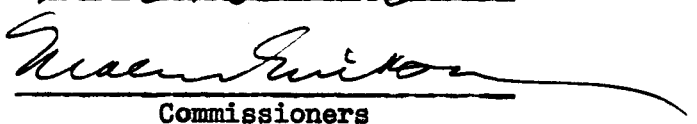
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee herein until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners

Dated at Denver, Colorado,  
this 18th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MANUEL ROMERO, DENVER, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
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APPLICATION NO. 4194-PP

Appearances: Manuel Romero, 835 Lipan Street,  
Denver, Colorado, pro se;  
Marion F. Jones, Esq., Denver, Colo-  
rado, for The Colorado Trucking  
Association;  
Zene D. Bohrer, Esq., Denver, Colo-  
rado, for The Motor Truck Common  
Carriers' Association;  
Paul A. Johnson, Esq., Denver, Colo-  
rado, for The Colorado Transfer and  
Warehousemen's Association;  
Richard E. Conour, Esq., Denver, Colo-  
rado, for Weicker Transfer and  
Storage Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:  
(a) coal from coal mines in the northern Colorado coal fields and the Jefferson Coal Mine located south of Littleton to Denver; (b) farm products from fields within five miles of Welby to Denver and to loading points in said area.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Manuel Romero, 835 Lipan Street, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transpor-

tation of: (a) coal from coal mines in the northern Colorado coal fields and the Jefferson Coal Mine located south of Littleton to Denver; (b) farm products from fields within five miles of Welby to Denver and to loading points in said area.

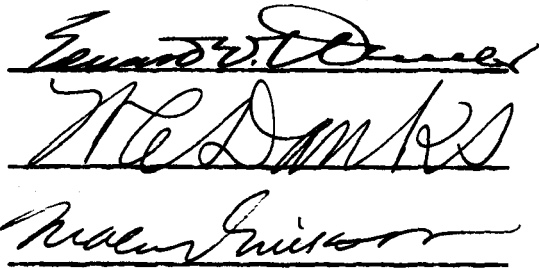
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 18th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
OSCAR W. ANDERSON, HUDSON, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 3144-PP-B

Appearances: Marion F. Jones, Esq., Denver, Colo-  
rado, for The Colorado Trucking  
Association;  
Zene D. Bohrer, Esq., Denver, Colo-  
rado, for The Motor Truck Common  
Carriers' Association and Estel  
H. Roe;  
Richard E. Conour, Esq., Denver, Colo-  
rado, for Weicker Transfer and  
Storage Company, Northeastern Motor  
Freight.

S T A T E M E N T

By the Commission:

Applicant herein seeks a private permit to operate as a private carrier by motor vehicle for hire.

The matter was regularly set for hearing in Denver, on February 2, 1938, at 10:00 o'clock A. M., due notice thereof being forwarded to applicant at his address of record.

Notwithstanding such setting and notice, he failed to appear when the matter was called for hearing.

However, protestants stipulated permit might issue upon his application and the record, limited to the transportation of sand and gravel from supply points within a radius of fifty miles of Hudson, Colorado, to road construction jobs, only, in said area, excluding, however, the transportation of said commodities from, to, or between points served by the Roe Truck Line, and the transportation of coal from mines in the northern Colorado coal fields to Hudson, Colorado, said permit to bear the number "B-1620", being number of former permit, now cancelled, of applicant.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit, limited to the authority hereinbefore mentioned, should be granted.

#### O R D E R

IT IS THEREFORE ORDERED, That Oscar W. Anderson, Hudson, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from supply points within a radius of fifty miles of Hudson, Colorado, to road construction jobs, only, in said area, excluding, however, the transportation of said commodities from, to, or between points served by the Roe Truck Line, and the transportation of coal from mines in the northern Colorado coal fields to Hudson, Colorado, said permit to bear the number "B-1620."

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Dineen

W. C. Danks

Malcolm Gieson

Commissioners

Dated at Denver, Colorado,  
this 18th day of February, 1938.

MM

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

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

APPLICATION NO. 4428-PP

Appearances: Zene D. Bohrer, Esq., Denver, Colo-  
rado, for D. E. Hall, Windecker  
Brothers, Harold Swena, Schmitt-  
Arvada Truck Line, The Motor Truck  
Common Carriers' Association;  
Paul A. Johnson, Esq., Denver, Colo-  
rado, for The Colorado Transfer and  
Warehousemen's Association;  
Richard E. Conour, Esq., Denver, Colo-  
rado, for Weicker Transfer and Stor-  
age Company and Colorado Rapid Transit;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal, sand, gravel and mine props.

The application was filed on January 20, 1938, and regularly set for hearing in Denver, on February 2, 1938, 10:00 o'clock A. M., due notice of the time and place of hearing being forwarded to applicant at his address of record.

Notwithstanding such notice, he failed to appear. However, protestants stipulated that permit might issue upon the application and record, authorizing the transportation of coal from mines in the northern Colorado coal fields to Denver, and sand, gravel and similiar road surfacing material from pits and supply points within a radius of fifty miles of Denver to road construction jobs, only, in said area.

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

O R D E R

IT IS THEREFORE ORDERED, That A. R. Atteberry, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Denver, and sand, gravel and similiar road surfacing material from pits and supply points within a radius of fifty miles of Denver to road construction jobs, only, in said area.

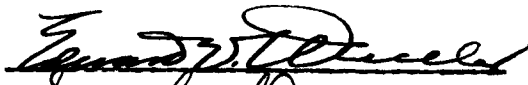
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO


  
Commissioners

Dated at Denver, Colorado,  
this 18th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DELTA COUNTY COOPERATIVE ASSOCIATION )  
FOR A PERMIT TO OPERATE AS A CLASS "B" )      APPLICATION NO. 4441-PP  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
-----

Appearances: J. Fred Freed, Delta, Colorado,  
for applicant;  
Wayne Rees, Denver, Colorado, for  
The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The Delta County Cooperative Association seeks a Class B permit authorizing the transportation of canned goods in cases for the Delta Canning Company, including the right to haul fruit from farms to said Delta Canning Company, all within a radius of 50 miles of Delta, Colorado, with the further right to make occasional trips with such canned goods in cases from Delta to Trinidad and Durango for said Delta Canning Company.

It appears from the evidence that applicant is an association, not incorporated, which has been formed under the Welfare Division of the Federal Government. As we understand the situation, trucks for the individual members of the association formerly were purchased by the Federal Government and are now being operated by said individual members under a certain lease, the license plates being taken out in the name of the individual. Under the present permit, if granted, it is proposed to operate one Chevrolet 1936 truck of 1½-ton capacity.

At the hearing, Mr. Freed, president of said association, testified that authority was also desired to haul salt and feed for John W. Mack to the stockmen in the vicinity of Somerset, Crested Butte and Nucla. However, as such authority was not mentioned in the application, he was advised that same could not be considered at the hearing, but that it would

be necessary to file a new application for an extension provided a permit was granted in the instant application.

No protests were interposed to the granting of the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the permit as limited by the terms of the application should be granted.

#### O R D E R

IT IS THEREFORE ORDERED, That the Delta County Cooperative Association, of Delta, Colorado, be, and it is hereby authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of canned goods in cases for the Delta Canning Company only, including the right to haul fruit to said Delta Canning Company's plant at Delta, Colorado, all said service to be performed within a radius of 50 miles of Delta and for said Delta Canning Company only, and with the further right to make occasional trips with said canned goods in cases to Trinidad and Durango, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Dineen  
McDanks  
William J. Quinn  
Commissioners

Dated at Denver, Colorado,  
this 18th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF JOE BOUCHARD OF WESTCLIFFE, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE TRUCK SERVICE IN THE )  
VICINITY OF WESTCLIFFE, COLORADO. )  
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APPLICATION NO. 4359

Appearances: Joe Bouchard, Westcliffe, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for the applicant;  
J. D. Blunt, Esq., Canon City, Colorado,  
for Keith Truck Line and John W.  
Loens;  
J. L. Peterson, Esq., Pueblo, Colorado,  
for W. L. Lancaster;  
Stanley Blunt, Esq., Canon City, Colorado,  
for Southwestern Transportation Com-  
pany;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity for authority to operate as a common carrier by motor vehicle, on call and demand, for the transportation of general commodities out of, into, and between points within the area extending from Westcliffe, north to the north Custer County Line, south twenty miles, east and west to the mountain ranges bounding said valley on the east and west, provided, however, that said operation essentially is to be a farm service (farm to farm, farm to town and town to farm), without authority to transport commodities (except livestock and bulk farm produce) between towns, in competition with scheduled motor vehicle common carrier truck lines, and the transportation of ore from mines in the Wet Mountain Valley to Texas Creek, only.

The application, in part, was opposed by John W. Loens, P.U.C. No. 791, who is authorized to transport freight:

"to and from Westcliffe, from and to Pueblo, via State Highway No. 96, including intermediate points, with the right to operate from Pueblo via U. S. Highway No. 50 to Florence and Canon City, returning to Florence; thence via State Highway No. 61 back to Wetmore, and via State Highway No. 96 to Silver Cliff and Westcliffe; provided operation from Pueblo to Florence and Canon City is limited to the right to transport freight to said points which originates in Westcliffe, Silver Cliff and Wetmore, only, and to transport freight which originates in Florence and Canon City back to Wetmore, Westcliffe and Silver Cliff, only,"

and by Southwestern Transportation Company, which is authorized to transport freight:

"between points within a radius of thirty-five miles of Canon City, and between points in said radius and other points in the State of Colorado, except the transportation of freight other than fruits and vegetables in less than carload lots (consigned to or destined from points on the Westcliffe Branch),"

and by Keith Truck Line, P.U.C. No. 218, who is authorized to transport freight on call and demand:

"from point to point in the territory within a radius of thirty-five miles of Canon City, Colorado, furniture between points in said radius and all points east of the rocky mountains, except Denver and Pueblo; and vegetables, fruit, household goods and farm machinery from point to point within said thirty-five mile radius (excluding the area within five miles of the City Limits of Colorado Springs and within five miles of the City Limits of Pueblo) and between points in said radius and points outside thereof, except Denver; and excluding town to town movements in competition with scheduled line haul motor vehicle common carriers."

The evidence disclosed that applicant has been a resident of Westcliffe for eighteen years, last past; that he operates a gasoline transportation service under an "A" permit issued by the Commission, he having special tank equipment therefor; that he has two one and one-half ton International trucks with value of approximately \$2,400.00, which he expects to use in the proposed operation, and other property, including a home and garage of the value of approximately \$4,000.00; that the Denver and Rio Grande Western Railroad Company, for many years, operated a branch railroad service between Westcliffe and Texas Creek; that said service, with the permission of the Interstate Commerce Commission, was

abandoned the fall of 1937; that Westcliffe is the County Seat of Custer County, and is located in the so-called "Wet Mountain Valley", a fertile and highly productive farm and livestock growing valley extending for a considerable distance north and south between the Wet Mountains and the Sangre de Cristo Range. The chief farm products produced are lettuce, peas, potatoes, hay and livestock, each of which was moved in quantity out of the valley in years gone by by rail; that the nearest rail head is Texas Creek, to which point most of the peas, lettuce, livestock and other farm produce will move from valley farms for shipment in carload lots; that cattle, frequently, in the fall of the year, have been moved in quantity, over a short period of time, the movement amounting to about one hundred and fifty cars yearly, the maximum daily movement being about thirty cars, the total average yearly movement of farm produce from Westcliffe for ten years past being about two hundred and fifty cars; that the principal commodities moved into the valley from outside points, other than merchandise to towns, have been registered bulls, oil cake, salt and such other commodities as are ordinarily used on ranches; that Westcliffe is distant, by road, from Texas Creek, about twenty-five miles, Florence, forty-five miles and Canon City, forty-five miles.

A number of witnesses testified in support of the application. They contended that the proposed service was essential; that, due to the abandonment of the railroad, it was necessary that a number of carriers be authorized to serve; that peak movement of produce and livestock occurred in the fall, most of the hauling being required between August 15 and September 15; that lettuce, peas, and cauliflower which were grown and handled during the summer months were highly perishable and required expedited service; that, in the future, said commodities would be trucked to Texas Creek or Florence for carload shipments, less than carload shipments being handled by truck to consumption points, such as Denver, Colorado Springs and Pueblo. They also thought they should have a local carrier, and should not be required to telephone to Florence or Canon City for a truck to perform their local service.

Applicant withdrew that part of his application which would authorize the transportation of machinery or other commodities, except livestock, from Denver to farms in the area.

For Southwestern Transportation Company and Keith Truck Line, Witness Stanley Blunt stated that said carriers had no objection to the granting of certificate for the transportation of commodities between Westcliffe and Texas Creek, or the transportation of livestock or the handling of perishables or other farm products from fields to sheds, their objection primarily being to the granting of authority to haul farm products from points or farms in the area to Colorado Springs, Florence, Denver or Canon City. Witness Blunt stated that the area his Company and Keith Truck Line are authorized to serve (point to point within a radius of thirty-five miles of Canon City), includes most of the Wet Mountain Valley area; that Southwestern Transportation Company has eight trucks, four of which are used in line haul service; that in the past, they had attempted to get the business now available, but had been unable to do so because residents of the valley wanted to patronize the railroad; that most vegetables and fruits move first to packing sheds at Westcliffe or Hillside, and then out in truck load lots; that said business is needed by Southwestern Transportation Company and Loens as back-haul for their line haul service; that for more than eighteen months, he had attempted to operate a line haul service via Canon City in conjunction with service of Loens and although not profitable, the operation has been kept alive; that Loens is not authorized to serve points except Silver Cliff and Westcliffe in valley; that the Southwestern Transportation Company, the Keith Truck Line and John W. Loens should be given an opportunity to enlarge their service and obtain the business formerly handled by rail before a new service was authorized.

It was not contended by witnesses, generally, that protestants were not in a position to furnish adequate service, if desired, except local hauling and farm service.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity require the proposed operation of applicant for the transportation of general

commodities between points within the area extending from Westcliffe, north to the north Custer County Line, south twenty miles, and east and west the width of the valley lying between the Wet Mountains on the east and the Sangre de Cristo Range on the West, and the transportation of: (a) farm products from farms in said area to points in the State of Colorado, except fruits and vegetables to Colorado Springs, Denver, Florence and Canon City; (b) livestock from and to points in said area, to and from points in the State of Colorado; (c) farm supplies, including used household goods and used furniture, supplies, farm machinery and equipment from and to farms in said area, to and from points in the State of Colorado, except Denver, Colorado Springs, Canon City and Florence, (d) ore from mines in said area to Texas Creek; and that a certificate of public convenience and necessity should issue therefor.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle common carrier service of applicant for the transportation, by motor vehicle, upon call and demand, of general commodities between points within the area extending from Westcliffe, north to the north Custer County Line, south twenty miles, and east and west the width of the valley lying between the Wet Mountains on the east and the Sangre de Cristo Range on the west, and the transportation of: (a) farm products from farms in said area to points in the State of Colorado except fruits and vegetables to Colorado Springs, Denver, Florence and Canon City; (b) livestock from and to points in said area, to and from points in the State of Colorado; (c) farm supplies, including used household goods and furniture, supplies, farm machinery and equipment from and to farms in said area, to and from points in the State of Colorado, except to and from Denver, Colorado Springs, Canon City and Florence, (d) ore from mines in said area to Texas Creek, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.



IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the

Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of February, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF D. T. DRAKE OF CRAWFORD, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )  
-----

APPLICATION NO. 1760  
SUPPLEMENTAL ORDER

S T A T E M E N T

By the Commission:

On July 15, 1931, in Decision No. 3536, D. T. Drake, of Crawford, Colorado, was granted a certificate of public convenience and necessity authorizing "the transportation of freight, express and passengers, between Hotchkiss, Colorado, and Maher, Colorado, and intermediate points."

The Commission is now in receipt of a letter from the said D. T. Drake, operating under P.U.C. No. 579, requesting that we cancel that portion of his certificate of public convenience and necessity authorizing the transportation of passengers. The reason given for said request is the fact that the additional premium for public liability and property damage insurance required of the said D. T. Drake to cover his passenger operations amounts to the sum of \$127.50 per car per year, while the revenue received by the said D. T. Drake from transporting passengers between said points has only amounted to an average of \$30.15 for the past six years.

In view of the evident financial hardship which the transportation of passengers is imposing upon the said D. T. Drake and of the very limited number of passengers which he is transporting, we feel that the request to cancel that portion of his authority, is just and reasonable, and no good purpose would be served by holding a hearing upon said request.

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

O R D E R

IT IS THEREFORE ORDERED, That our decision of July 15, 1931, No. 3536, be, and the same is hereby amended by eliminating therefrom the

right to transport passengers between Hotchkiss, Colorado, and Maher, Colorado, and intermediate points.

IT IS FURTHER ORDERED, That except as herein modified and amended, said original order shall remain in full force and effect.

IT IS FURTHER ORDERED, That this order shall become effective within ten days from the date of the receipt thereof by the said D. T. Drake.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Otwell

W. L. Danks

Walter E. Wilson  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of February, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN RE MOTOR VEHICLE OPERATIONS    )  
OF WALTER J. DAVIS, EATON, COLO.    )  
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APPLICATION NO. 2722-PP  
PERMIT B-1887

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication signed by Walter J. Davis, requesting that his Permit B-1887 be suspended for a period of one year from and after February 7, 1938.

After careful consideration of the file in connection with Permit B-1887, and the request of the holder thereof, the Commission is of the opinion and finds that the request should be granted, with the privilege of reinstatement by written request prior to February 7, 1939, and full compliance with all regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That Walter J. Davis be, and he hereby is, authorized to suspend operations under Permit B-1887 for a period of one year, commencing February 7, 1938, with the privilege of reinstatement.

IT IS FURTHER ORDERED, That should Walter J. Davis fail to request reinstatement of Permit B-1887, prior to February 7, 1939, file the required certificate of insurance covering operations under said permit, and otherwise comply with all rules and regulations of the Commission governing private permits, then and in the event of such failure Permit B-1887 shall stand revoked without further action of the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Dwyer

W. H. Danks

William Emerson

Commissioners

Dated at Denver, Colorado,  
this 18th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE TEN PER CENT INCREASE IN THE RATES	)	
ON THE LINE OF THE COLMAN FREIGHT	)	
SERVICE AND TO AND FROM MONTROSE,	)	<u>INVESTIGATION</u>
RIDGWAY, OURAY AND POINTS ON THE NORTH	)	
FORK BRANCH OF THE DENVER AND RIO GRANDE	)	<u>AND</u>
WESTERN RAILROAD COMPANY FROM AND TO	)	
DENVER, COLORADO SPRINGS, PUEBLO,	)	<u>SUSPENSION DOCKET NO. 224.</u>
WALSENBURG AND TRINIDAD, COLORADO.	)	

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S T A T E M E N T.  
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By the Commission:

On December 27, 1937, the Commission entered an order in Case 1585, which, in part, authorized an increase of ten per cent in the rates on the line of the Colman Freight Service for distances 100 miles and over, also Montrose, Ridgway, Ouray, and points on the North Fork Branch of The Denver and Rio Grande Western Railroad Company, from and to Denver, Colorado Springs, Pueblo, Walsenburg and Trinidad, Colorado, to be effective during the period January 5, 1938, to June 30, 1938, inclusive, with the understanding that if any reasonable protest was made by any of the interests in the Montrose district the increased rates would be suspended even though the said increased rates had become effective.

On January 26, 1938, the Commission, upon petition of the Montrose County Chamber of Commerce and some twenty-five individuals located at Montrose, Colorado, entered its order suspending the operation of the schedules contained in tariffs wherein the said increased rates had been published, and assigned the case for hearing on February 10, 1938, at 10:30 o'clock A.M. in the District Court Room, Montrose, Colorado.

On February 8, 1938, the Commission received a request from the Colman Freight Service asking that its petition for the ten per cent increase be withdrawn, thereby eliminating the cause of action in this proceeding.

O R D E R

IT IS THEREFORE ORDERED, That that portion of the order heretofore entered in Case No. 1585, Decision No. 11151, authorizing an increase of ten per cent in the rates on the line of the Colman Freight Service for distances 100 miles and over, also Montrose, Ridgway, Ouray, and points on the North Fork Branch of The Denver and Rio Grande Western Railroad Company, from and to Denver, Colorado Springs, Pueblo, Walsenburg and Trinidad, Colorado, be, and the same is hereby, withdrawn and held for naught.

IT IS FURTHER ORDERED, That all carriers and publishing agents concerned be, and they are hereby, notified and required to cancel all schedules contained in tariffs wherein the said increased rates have been published on March 1, 1938, upon notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913.

IT IS FURTHER ORDERED, That the order heretofore entered in this proceeding suspending the operation of the schedules containing the increased rates, be, and it is hereby, vacated and set aside as of March 1, 1938, and that this proceeding be discontinued.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of February, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN RE: THE MATTER OF A GENERAL INVESTI- )  
GATION OF THE FREIGHT RATES AND CLASSI- )  
FICATION OF FREIGHT, OF ALL COMMON AND ) CASE NO. 1585  
PRIVATE MOTOR VEHICLE CARRIERS. )  
-----

S U P P L E M E N T A L O R D E R

February 15, 1938

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a petition by the Southwestern Transportation Company, by J. Stanley Blunt, its General Manager, for permission to make allowances to shippers in lieu of pickup and delivery service by the petitioner. The conditions under which such allowances would be applicable are as follows, viz:

1. - When the consignor elects to make his own arrangements for the pickup service, an allowance of five cents per 100 pounds will be made to such consignor for such service subject to the conditions and exceptions in paragraphs (a), (b), (c), (d), and (e) below. Such allowance will be made only on shipments which are delivered and unloaded by the consignor at the carrier's freight depot, and receipted for by the carrier at the freight depot to which such shipment is delivered. When the consignee elects to make his own arrangements for the delivery service authorized herein, an allowance of five cents per 100 pounds will be made to the consignee for such service, subject to the conditions and exceptions in paragraphs (a), (b), (c), (d) and (e) below. Said allowance will be made only on shipments which are accepted by the consignee at the carrier's freight depot.

(a) Allowances will be computed on the basis of the weight on which the freight charges are assessed, except that a minimum allowance

of five cents will be made when the freight charges are based on less than 100 pounds or when the minimum charge is applied.

(b) Allowances due the consignor or consignee may be made upon statements prepared by the carrier, or upon claims filed by the consignor or consignee with carrier's agent at the point where the pickup or delivery service is authorized, such claims to be supported by statement of shipments involved. In no case will allowance be made to other than the consignor or consignee named on the bill of lading. All claims for allowances must be presented not later than 30 days after the month in which the shipment is made.

(c) No allowance will be made on a shipment which has been tendered for delivery and returned to carrier's depot account failure to accomplish delivery.

(d) In no case will allowances be granted to consignors or consignees when pickup or delivery service is accomplished by them in any manner other than highway vehicle.

(e) No allowance will be made for pickup and/or delivery service at the following stations:

Penrose, Portland, Wetmore, Coal Creek, Rockvale,  
Coaldale, Chandler, Royal Gorge, Parkdale, Texas  
Creek, Cotopaxi, or Howard, Colorado.

The petitioner bases its request on the fact that The Denver and Rio Grande Western Railroad Company makes the same allowances at all points on the petitioner's line, not herein excepted, and inasmuch as it is in direct competition with the railroad, it must of necessity publish the same rates, rules, and provisions as those of the railroad.

The Commission has held in previous orders that carriers serving the same territories under like circumstances and conditions should have the same rates.

After full consideration of the instant petition and the record as a whole, the Commission is of the opinion, and so finds, that an order should be entered authorizing the publication as requested.

O R D E R

IT APPEARING, That on February 5, 1936, and various subsequent dates, the Commission made and filed in this proceeding statements of its findings of fact and conclusions thereon; that on said dates the Commission issued its orders to give effect to said conclusions:

IT FURTHER APPEARING, That after further consideration of all the facts, the Commission has on the date hereof made and filed a statement containing its further findings of fact and conclusions thereon, which said statement and the aforesaid statements of February 5, 1936, and various subsequent dates are hereby referred to and made parts hereof:

IT IS ORDERED, That the order heretofore entered in said proceedings in Case No. 1585 on February 5, 1936, as since amended, be, and it is hereby, further amended, supplemented or modified insofar as shall be necessary to give effect to the amended, supplemented or modified findings made in the aforesaid statement on further consideration herein, and that, except as herein amended, supplemented or modified the above stated order as amended shall continue in full force and effect.

IT IS FURTHER ORDERED, That this order shall become effective on February 28, 1938, and that the provisions as prescribed and approved in the aforesaid statement on further consideration shall be published by the Southwestern Transportation Company on notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913; and that on and after said date the Southwestern Transportation Company shall make no allowance which shall be greater or less than the allowance herein prescribed.

IT IS FURTHER ORDERED, That all private carriers by motor vehicle subject to this order, shall, on and after February 28, 1938, make no allowance in excess of the allowance prescribed and approved in the aforesaid statement.

IT IS FURTHER ORDERED, That this order shall continue in force

and effect until the further order of the Commission, and to that end jurisdiction is retained to make such further and additional orders as may be necessary and proper.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. L. Danks*  
*Frank S. Sullivan*  
Commissioners

Dated at Denver, Colorado,  
this 15th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE FREE TRANSPORTATION BY THE )  
DENVER AND SALT LAKE RAILWAY )  
COMPANY FROM OAK HILLS, COLORADO,) MISCELLANEOUS DOCKET NO. 94.  
ON ONE CARLOAD OF COAL, CON- )  
SIGNED TO THE DENVER COMMUNITY )  
CHEST. )  
-----

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its traffic manager, dated February 16, 1938, requesting authority to transport one carload of coal free of charge from Oak Hills, Colorado, on account of charity.

The shipment in question has been donated by one of the shippers on the line of The Denver and Salt Lake Railway Company to the Young Men's Christian Association, an agency of the Denver Community Chest, a charitable institution, and is to be used for charity.

Section 17, Paragraph (c) of the Public Utilities Act provides that the Commission may by rule or order authorize carriers to depart from their published rates.

After full consideration of the facts as set forth, the Commission finds that the request should be authorized.

An appropriate order will be entered.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Oak Hills, Colorado, to Denver, Colorado, consigned to the Denver Community Chest, in care of the William E. Russell Coal Company.

IT IS FURTHER ORDERED, That this order shall not be used as

a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Chairman Wheeler absent.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

W. L. Danks

Wm. H. Wilson

Commissioners.

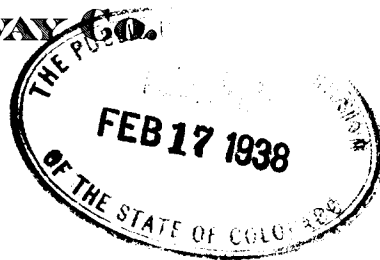
Dated at Denver, Colorado,  
this 18th day of February, 1938.

JH

**THE DENVER AND SALT LAKE RAILWAY CO.**

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER  
TRAFFIC MANAGER

February 16, 1938.

*Decision No. 11453.**Misc. Docket No. 94**Dated Feb. 18, 1938**Comm'r Wheeler Absent.*

Public Utilities Commission  
of the State of Colorado,  
State Office Building,  
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for use of the Young Men's Christian Association. This car will be consigned to the Denver Community Chest in care of the Wm. E. Russell Coal Company.

In view of the above, we shall be pleased to haul this car of coal free of charge from the mines at Oak Hills, Colorado to Denver and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

*F. J. Toner*  
Traffic Manager.

K

C

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK ZAVISLAN, PENROSE, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE ) APPLICATION NO. 4423-PP  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
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-----  
February 23, 1938.  
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Appearances: Frank Zavislan, Penrose, Colorado,  
pro se;  
Stanley Blunt, Esq., Canon City,  
Colorado, for Southwestern Transportation  
Company;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
Jim's Truck Line, Gottula Truck Line and  
Wes V. McKaughan;  
Francis M. Keith, Canon City, Colorado,  
for Keith Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) livestock from points within a radius of ten miles of Penrose to Pueblo, Canon City and Denver; (b) farm products other than livestock from farms in said area to Florence, Portland, Canon City and Pueblo; (c) coal from mines in the Florence-Canon City coal fields to Penrose and farms in aforesaid area; (d) used furniture and used household goods from farm to farm within said ten mile radius, only, without the authority to render a town to town service.

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

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

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

O R D E R

IT IS THEREFORE ORDERED, That Frank Zavislan, of Penrose, Colorado, should be, and he hereby is authorized to operate as a Class "B" private

carrier by motor vehicle for hire for the transportation of: (a) livestock from points within a radius of ten miles of Penrose to Pueblo, Canon City and Denver; (b) farm products other than livestock from farms in said area to Florence, Portland, Canon City and Pueblo; (c) coal from mines in the Florence-Canon City coal fields to Penrose and farms in aforesaid area; (d) used furniture and used household goods from farm to farm within said ten mile radius, only, without the authority to render a town to town service.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward W. Dancy*

*W. C. Danks*

*W. C. Danks*

Commissioners.

Dated at Denver, Colorado,  
this 23rd day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF HJALMER LARSEN FOR AN EXTENSION)  
OF HIS PRIVATE PERMIT NO. B-1625. )  
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APPLICATION NO. 3345-PP-B

Appearances: J. R. Arnold, Denver, Colorado,  
for the North Eastern Motor  
Freight;  
R. J. Robertson, Denver, Colorado,  
for Northeastern Freight Co.;  
Marion F. Jones, Esq., Denver, Colo-  
rado, for The Colorado Trucking  
Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks to extend the authority heretofore granted to him in Application No. 3345-PP, Permit No. B -1625.

The matter was regularly set for hearing in Sterling, on February 16, 1938, at 10:00 o'clock A. M., due notice thereof being forwarded to applicant at his address of record. Notwithstanding such notice of setting, applicant failed to appear.

However, at the hearing, protestants stipulated that permit might be extended to include the right to transport building material and coal for the Schillig-Scott Lumber Company, Platte Valley Lumber Company, and Sterling Lumber Company, from Sterling to points within a radius of twelve miles thereof, no authority, however, to be granted to transport such commodities between yards at Sterling, Fort Morgan, or other points, and points in said area, or points within a radius of fifty miles of Sterling, as requested in the application.

It appeared from the record that the granting of authority, other than conceded by protestants, would impair the efficiency of the operations of motor vehicle line haul common carriers, and call and demand carriers serving the towns where said lumber yards are located.

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

applicant authorized to extend his operations under Permit No. B-1625 to include the right to transport building material and coal for the Schillig-Scott Lumber Company, Platte Valley Lumber Company and Sterling Lumber Company, from Sterling to points within a radius of twelve miles thereof; no authority, however, granted to transport such commodities between yards at Sterling, Fort Morgan or other points, and points in said area, or points within a radius of fifty miles of Sterling.

O R D E R

IT IS THEREFORE ORDERED, That Hjalmer Larsen, Sterling, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. B-1625 to include the transportation of building material and coal for the Schillig-Scott Lumber Company, Platte Valley Lumber Company and Sterling Lumber Company, from Sterling to points within a radius of twelve miles thereof; no authority, however, being granted to transport such commodities between yards at Sterling, Fort Morgan or other points, and points in said area, or points within a radius of fifty miles of Sterling.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Wheeler

W. H. J. Jones

W. H. J. Jones  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF HERMAN VOLLMERT OF FORT MORGAN, )  
COLORADO, FOR A PERMIT TO OPERATE )  
AS A CLASS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 4298-PP

Appearances: J. R. Arnold, Denver, Colorado,  
for North Eastern Motor Freight, Inc.;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On November 16, 1937, Herman Vollmert filed his application for a Class A permit to operate as a private carrier by motor vehicle for hire. The matter was regularly set for hearing at Sterling on February 16, 1938, at ten o'clock A. M., due notice thereof being forwarded to applicant. He failed to appear. However, protestants stipulated that the application and files herein should be considered as offered in evidence in behalf of applicant and that permit might issue authorizing the service requested in said application.

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

O R D E R

IT IS THEREFORE ORDERED, That Herman Vollmert should be, and he hereby is authorized to operate as a Class A private carrier by motor vehicle for hire for the transportation of milk and dairy products to Fort Morgan from farms within the area described as -

"Beginning at Fort Morgan, thence north a distance of 5 miles, thence east 7 miles, thence south 8 miles, thence west 7 miles, thence north 3 miles to the place of beginning",

for the Northern Colorado Dairy Company; the transportation of sugar beets from farms within a radius of 6 miles of Fort Morgan to the factory therein, and the transportation of coal from the northern Colorado coal fields to customers residing within the said 6-mile area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Owens

W. L. Danks

Guerra Fierro

Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF A. H. TANNER, FORT MORGAN, )  
COLORADO, FOR A PERMIT TO OPERATE )  
AS A CLASS B PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 3925-PP

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
Atwood Brothers and Ralph Senseney.

S T A T E M E N T

By the Commission:

In Decision No. 10051, Application No. 3925-PP, A. H. Tanner was authorized to operate as a Class B private carrier by motor vehicle for hire. Subsequently, he asked that said decision be amended to include authority to haul hay from farms within a radius of 25 miles of Fort Morgan to Denver stock and feed yards. On September 27, 1937, Decision No. 10366, the matter was set for further hearing at Akron, Colorado, on October 8, 1937. Applicant failed to appear and the setting was vacated. The matter again was set for hearing at Sterling on February 16, 1938, at ten o'clock A. M., due notice thereof being forwarded to applicant. He did not appear, either in person or by representative.

Thereupon, protestants moved that said application be dismissed for lack of prosecution.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application of A. H. Tanner for additional authority, i.e., to haul hay from farms within a radius of 25 miles of Fort Morgan to the Denver feed and stock yards, should be dismissed, and that its decision of May 25, 1937, No. 10051 should remain in full force and effect.

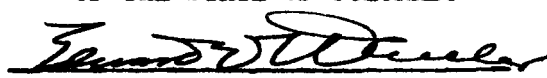


O R D E R

IT IS THEREFORE ORDERED, That the application of A. H. Tanner for further hearing herein should be, and the same hereby is dismissed.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

IT IS FURTHER ORDERED, That Decision No. 10051 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF GLENN FISCHER, OF LOUISVILLE, )  
COLORADO, FOR A PERMIT TO OPERATE )  
AS A CLASS "B" PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 4396-PP

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February 26, 1938.  
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Appearances: Glenn Fischer, Louisville, Colorado,  
pro se;  
R. E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company,  
Weicker Transfer & Storage Company and  
Colorado Rapid Transit;  
Marion F. Jones, Esq., Denver, Colorado,  
for Yockey Trucking Company, Norman  
Rhyno and The Colorado Trucking Ass'n;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for McKie Transfer Company, Harold Swena  
and Foster Truck Line.

S T A T E M E N T

By the Commission:

At the hearing, applicant testified that he desired to eliminate from his application any authority to transport livestock; that he was willing that his authority to transport sand and gravel should be limited to a radius of six miles of Louisville, the transportation of wheat within a radius of five miles of Louisville and from farms to Louisville only during the harvesting season. His furniture haul was also eliminated.

As so restricted by applicant's testimony, all objections to the granting of the authority sought were withdrawn, except that some protest was made against the granting applicant the right to transport rock from Marshall to the Baseline Lake. However, it was not disclosed that such authority would materially interfere with the operations of any common carrier, and some evidence was given to the effect that his services might be required in this movement.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Glenn Fischer, of Louisville, Colorado, should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of sand and gravel from point to point within a radius of six miles of Louisville; wheat from farms within a radius of five miles of Louisville to Louisville during the harvesting season only; coal from the northern Colorado coal fields to Louisville and Boulder; ice from Denver to Louisville, and rock from Marshall to the Baseline Lake.

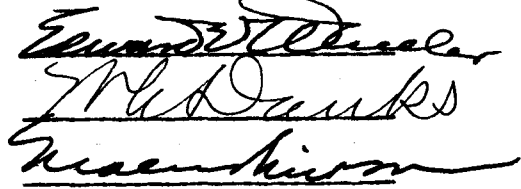
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EDDIE L. LARSEN, WAGES, COLORADO, FOR ) APPLICATION NO. 3921-PP-B  
AN EXTENSION OF HIS PRIVATE PERMIT TO )  
OPERATE AS A CARRIER FOR HIRE. )  
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February 26, 1938.  
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Appearances: Eddie L. Larsen, Wages, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
William Schiermeyer and Barth Truck Line.

S T A T E M E N T

By the Commission:

Heretofore, Eddie L. Larsen has been authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products, except livestock, from point to point within a radius of ten miles of Wages, Colorado, and from points in said area to markets at Holyoke, Eckley, Yuma and Sterling, and other points within a radius of not to exceed fifty miles of Wages, and the transportation of livestock from point to point within a radius of ten miles of Wages, only.

As limited by the testimony, it appears that he now seeks authority to extend said operation to include the right to transport livestock from and to points within the area extending 5 miles north, and ten miles east, west and south of Wages, to and from Holyoke, Yuma, Wray and Sterling, and the transportation of grain from points in said ten-mile radius to Holyoke, Eckley, Wray, Paoli, Yuma and Haxtun.

There was no objection to the issuance of the extension sought as limited by the testimony. However, it appears from the paragraph heretofore quoted from our order granting authority to applicant, that he now has authority to transport grain from points within a radius of 10 miles of Wages to markets within a radius of not to exceed 50 miles of Wages. Holyoke, Paoli, Yuma, Eckley, Wray and Haxtun are within said 50-mile radius, so applicant has the authority to transport grain which he seeks in his extension.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the extension sought by applicant to transport livestock from and to the area herein described should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Eddie L. Larsen, of Wages, Colorado, be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products, including livestock, from point to point within a radius of ten miles of Wages, Colorado, and the transportation of farm products, except livestock, from points in said area to points within a radius of not to exceed 50 miles of Wages, and the transportation of livestock from and to points within the area extending 5 miles north, 10 miles east, west and south of Wages, to and from Holyoke, Yuma, Wray and Sterling, said authority being in lieu of the authority granted in Decision No. 10330.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
D. C. HOPPER, OF FORT MORGAN, COLORADO, )  
FOR A PERMIT TO OPERATE AS A CLASS "B" ) APPLICATION NO. 4053-PP  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
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February 26, 1938.  
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Appearances: D. C. Hopper, Fort Morgan, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
Atwood Brothers and Ralph Senseney;  
J. R. Arnold, Denver, Colorado,  
for North Eastern Motor Freight, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class B private carrier by motor vehicle for hire for the transportation of (a) sand, gravel, dirt, rock and similar road material, from supply points within a radius of fifty miles of Fort Morgan to road construction jobs in said area and to building jobs generally in said area; (b) beets from farms within a radius of 6 miles of Fort Morgan to dumps in said area; (c) grain from the ranch of Joe Purley, situated about 28 miles southwest of Fort Morgan, to Fort Morgan or Wiggins.

The evidence disclosed that applicant has a dump truck and does not propose to purchase additional equipment, said truck being suitable for transporting the commodities listed; that his so-called local service for the transportation of sand, gravel, rock and dirt to building projects, has been confined to an area extending approximately 5 miles east, 15 miles west, 9 miles north and 25 miles south of Fort Morgan; that he has no customers outside of said area at present, although since he has insurance authorizing operations within fifty miles of Fort Morgan, he wants authority to operate

in said 50-mile area.

Protestants stated that they had no objections to the granting of a permit for the transportation of said commodities to road jobs within a radius of 50 miles of Fort Morgan, grain and beets within the areas indicated, and sand, gravel, dirt and rock to other construction jobs within the area where applicant's present customers reside.

After a careful consideration of the record, the Commission is of the opinion, and finds, that permit should issue for the service sought by applicant, except for the transportation of sand, gravel, dirt and rock to building projects other than road jobs, and as to such service, the territory should be limited to the area where permittee's present customers reside.

#### O R D E R

IT IS THEREFORE ORDERED, That D. C. Hopper, of Fort Morgan, Colorado, should be, and he hereby is, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of (a) sand, gravel, dirt, rock, and similar road materials, from supply points within a radius of 50 miles of Fort Morgan to road construction jobs in said area; (b) sand, gravel, dirt and rock from pits and supply points in said radius of 50 miles of Fort Morgan to customers residing within the area extending 5 miles east, 15 miles west, 9 miles north and 25 miles south of Fort Morgan, for use in building jobs generally; (c) grain from Joe Purley's ranch located about 28 miles southwest of Fort Morgan, to Wiggins and Fort Morgan; and (d) beets from farms within a radius of 6 miles of Fort Morgan to dumps in said area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

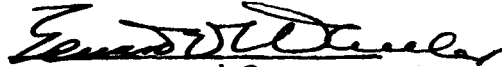
IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed

a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF JOHN H. HELLEBUSCH, FOR AN EX- )  
TENSION OF CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY NO. 818.)  
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APPLICATION NO. 2711-B

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicant;  
R. J. Robertson, Denver, Colorado, for  
the North Eastern Motor Freight.

S T A T E M E N T

By the Commission:

In Decision No. 7056, Application No. 2711, John H. Hellbusch was authorized to operate as a call and demand motor carrier by motor vehicle for the transportation, not on schedule of:

general freight, including livestock, from point to point within a radius of fifteen miles of Crook, Colorado; livestock from and to all points in said area, to and from points within the area bounded by the Colorado-Wyoming State Line on the north, U. S. Highway No. 36 on the south, the Colorado-Kansas State Line on the east, and U.S. Highway No. 285 on the west; farm products from farms in said fifteen mile radius of Crook to Sterling or Denver, with back-haul of livestock, coal and an occasional shipment of farm machinery only from Denver to points in said area, with the proviso that the transportation of freight, other than household goods, livestock and farm products from farm to market between points served by scheduled motor vehicle or railroad common carrier service, applicant shall charge rates which in all cases shall be at least twenty per cent in excess of those charged by said scheduled carriers, and his rates for the transportation of household goods shall not be less than those provided by tariff of the Colorado Transfer and Warehousemen's Association.

Applicant now seeks authority to extend said transportation service under said certificate to include the transportation of general commodities between points within said fifteen mile radius and from and to points in said area, to and from points in the State of Colorado, excepting the transportation of commodities (other than those authorized to be transported in said Decision No. 7056) between towns served by scheduled motor vehicle line haul carriers.

The evidence disclosed that applicant has been unable to furnish the complete farm service required by the residents of the Crook area, on account of the limitations in his certificate. Particularly, there has been a demand for the transportation of cement from Boettcher and plaster from Loveland to farms in said area and to Crook, and livestock and farm products from farms in said area to feed lots and mountain pastures at various points in the State, with back-haul of said livestock, and the movement of farmers' household goods, furniture and equipment from and to farms in said area, to and from points in the State.

The application, as limited, was not opposed by carriers appearing at the hearing.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity require the proposed operation, and that certificate of public convenience and necessity should issue therefor.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed extended operations of John H. Hellbusch, under his certificate of public convenience and necessity No. 818, heretofore granted in Decision No. 7056, for the transportation, on call and demand, as a motor vehicle common carrier, of commodities, generally, between points within a fifteen mile radius of Crook, Colorado, and from and to points in said area, to and from points in the State of Colorado, excepting the transportation of commodities (other than those authorized to be transported in Decision No. 7056) between towns served by scheduled motor vehicle line haul carriers, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Samuel W. Dwyer*

*W. H. Danks*

*Frederick E. Gibson*  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF DELBERT HAWKINS AND LEVI VAN )  
VALKENBURG TO TRANSFER CERTIFICATE)  
NO. 870 TO DELBERT HAWKINS. )  
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APPLICATION NO. 2693-B-A

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicants.

S T A T E M E N T

By the Commission:

Delbert Hawkins and Levi Van Valkenburg who, in Application No. 2693, Decision No. 7234, were granted a certificate of public convenience and necessity, which was extended in Application No. 2693-B, Decision No. 8454, herein seek authority to transfer said certificate, as extended, to Delbert Hawkins.

The evidence disclosed that transferee is one of the original grantees of said certificate; that, in effect, Levi Van Valkenburg is withdrawing from the partnership; that the consideration for such withdrawal is the sum of \$1,000.00 in cash; that there are no outstanding unpaid obligations against said operation, and that said Delbert Hawkins is well-qualified to carry on said operation.

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

O R D E R

IT IS THEREFORE ORDERED, That Delbert Hawkins and Levi Van Valkenburg, Peetz, Colorado, should be, and they hereby are, authorized to transfer P. U. C. No. 870, granted in Application No. 2693, Decision No. 7234, as extended in Application No. 2693-B, Decision No. 8454, to Delbert Hawkins, Peetz, Colorado.

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

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferors shall become and remain those of the transferee herein until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Connelley*

*W. L. Danks*

*Walter E. Simon*  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF MARION J. MARTIN, FOR AN EX- )  
TENSION OF CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY NO. )  
P.U.C. 765. )  
-----

APPLICATION NO. 2466-B

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicant;  
J. R. Arnold, Denver, Colorado, for the  
North Eastern Motor Freight.

S T A T E M E N T

By the Commission:

In Application No. 2466, Decision No. 6668, Marion J. Martin was granted a certificate of public convenience and necessity to operate a call and demand motor vehicle common carrier service for the transportation, not on schedule, of:

"Livestock and farm products from point to point in the area within a radius of twelve miles of Hillrose, and the transportation of farm products and livestock from and to points within said area, to and from points within the State of Colorado, including Denver, with back-haul of coal only."

He now seeks authority to extend said certificate to include the right to transport general commodities between points within said twelve mile radius of Hillrose, and from and to points in said area, to and from points in the State of Colorado, excepting the transportation between towns of any commodities (other than service now authorized) in competition with scheduled motor vehicle common carriers.

At the hearing, in order to meet the objections of Mr. Ackley, who operates in the Snyder area located about twelve miles west of Hillrose, applicant agreed that the area involved in the application for extension might be cut to six miles west of Hillrose, instead of twelve miles west of Hillrose; it further appearing that, in the future, Ackley

and Martin will treat a point six miles west of Hillrose as the dividing line between their respective operations.

It also appeared that the "from and to operations" of applicant chiefly will be confined to the transportation of cement from Boettcher and plaster from Loveland to points, including Hillrose, in said twelve mile area, and the transportation of bulk farm products, including livestock and used household goods, farm machinery and equipment, when moving farmers to and from farms in the area. He does not contemplate transporting commodities ordinarily handled by line haul motor vehicle common carriers between points served by such carriers.

It was stipulated by protestants that a number of witnesses were present who would testify that the public convenience and necessity require the proposed operation.

Applicant does not contemplate increasing his equipment in order to handle the extended operations.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity require the proposed extended operations of applicant, and that certificate of public convenience and necessity should issue therefor.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed extended operations of Marion F. Martin, under his certificate of public convenience and necessity No. 765, heretofore granted in Decision No. 6668, for the transportation, on call and demand, as a motor vehicle common carrier, of commodities, generally, from and to the points within a radius of twelve miles of Hillrose, to and from points in the State of Colorado, save and except the transportation

between towns served by scheduled line haul common carriers, of any commodities (other than those which can be transported between said towns under the authority heretofore granted) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward W. Danks*

*W. L. Danks*

*William F. Brown*  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF CLARENCE GOODMAN, WRAY, COLORADO, )  
FOR A CLASS B PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
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APPLICATION NO. 4446-PP

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February 26, 1938.  
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Appearances: Clarence Goodman, Wray, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of milk from farms in Yuma County to Wray, Colorado.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Clarence Goodman, Wray, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk from farms in Yuma County, to Wray, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Dancy

Wes Janks

Wm. Harrison

Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF HARRY MEKELBURG, YUMA, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )

APPLICATION NO. 4449-PP

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February 26, 1938.  
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Appearances: Harry Mekelburg, Yuma, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for Otto Speth, J. W. Kirwin, Ray  
Mercure and Barth Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of stock and grain from point to point within a radius of twenty-five miles of Yuma, and from and to points in said area, to and from sales barns and elevators within a radius of fifty miles of Yuma.

The evidence disclosed that Mr. Mekelburg is a farmer, and also operates a corn sheller in the area in question when corn is available for shelling purposes; that, so far as he knows, there is but little demand in his neighborhood for livestock hauling; that he knows many carriers are now operating in the area in question; that, so far as he is advised, the transportation requirements of farmers residing in the Yuma area are well taken care of.

It did appear that during the harvest season, there is some scarcity of trucks, and that probably a permit should be issued for service of that character.

Protestants indicated that they had no objection to the issuance of permit limited to service during harvest season.

It also occurs to the Commission that, as a matter of convenience for customers of applicant, he should be allowed to deliver corn from sheller operated by him to market, and that such service will not impair

the efficiency of existing common carrier service.

After a careful consideration of the record, the Commission is of the opinion, and finds, that applicant should be authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of grain from threshers, combines and shellers being operated on farms within a radius of twenty-five miles of Yuma during the harvest season, and from the sheller operated by applicant, at all seasons, to Yuma, Schramm, Hyde and Otis, and that the application, in all other respects, should be denied.

O R D E R

IT IS THEREFORE ORDERED, That Harry Mekelburg, Yuma, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of grain from threshers, combines and shellers being operated on farms within a radius of twenty-five miles of Yuma during the harvest season, and from the sheller operated by applicant at all seasons, to Yuma, Schramm, Hyde and Otis.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That said application, in all other respects,  
should be denied.

IT IS FURTHER ORDERED, That this order shall become effective  
twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Dancy

W. C. Danks

Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. C. ROBERTSON, CROOK, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE AS ) APPLICATION NO. 4445-PP  
A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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February 26, 1938.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above styled application was filed on February 4, 1938. The matter was regularly set for hearing at Sterling, on February 16, 1938. Applicant, who seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of beets from farms within a radius of twelve miles of Crook to beet dumps in said area, although duly notified of said hearing, failed to appear.

However, at the time and place set for hearing, protestants agreed that said matter should be heard upon written application of applicant, which was done, and that permit might issue for the authority sought.

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

O R D E R

IT IS THEREFORE ORDERED, That C. C. Robertson, Crook, Colorado, should be, and he hereby is, authorized to operate as a private carrier by motor vehicle for hire for the transportation of beets from farms within a radius of twelve miles of Crook, Colorado, to beet dumps in said area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward H. Cline

W. H. Smith

W. H. Emerson  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. H. WILKINSON, YUMA, COLORADO, )  
FOR A CLASS "A" PERMIT TO OPERATE ) APPLICATION NO. 4448-PP  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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February 26, 1938.  
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Appearances: J. H. Wilkinson, Yuma, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
William Schiermeyer, Barth Truck Line,  
J. W. Kirwin and Otto Speth.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a permit to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of grain from the area extending three miles east, four miles west, six miles north and five miles south of his home, which is located seven miles southwest of Wages, to elevators within a radius of fifty miles of his home.

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

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

O R D E R

IT IS THEREFORE ORDERED, That J. H. Wilkinson, Yuma, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of grain from the area extending three miles east, four miles west, six miles north and five miles south of his home, which is located seven miles southwest of Wages, Colorado, to elevators within a radius of fifty miles of his home.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the

premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Daniels*  
*W. L. Danks*

*Wm. L. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN DELOS BELL, STERLING, COLORADO; )  
FOR AUTHORITY TO TRANSFER HIS CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO H. L. NEWTON, STERLING, )  
COLORADO. )

APPLICATION NO. 3842-A

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February 28, 1938.  
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Appearances: Sauter and Sandhouse, Esqs., Sterling,  
Colorado, for applicants;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On April 21, 1937, in Application No. 3842, Decision No. 9845, the Commission granted a certificate of public convenience and necessity to John Delos Bell to operate a motor vehicle taxi service for the transportation of light parcels and passengers in the City of Sterling, and the transportation of passengers from and to Sterling to and from points within a radius of 50 miles thereof. He now seeks authority to transfer said certificate to H. L. Newton of Sterling, Colorado, said Newton heretofore having acquired the authority granted to L. L. Mehaffey in said Decision No. 9845, Application No. 3841, to operate a taxi service in Sterling.

The record disclosed that there are no unpaid outstanding claims against the operations of said Bell, except a small account due for newspaper advertising and the current telephone bill, transferee agreeing to assume and satisfy said accounts.

The consideration for transfer of said certificate is the sum of \$150.00.

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

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

O R D E R

IT IS THEREFORE ORDERED, That John Delos Bell be, and he is hereby, authorized to transfer to H. L. Newton all of his right, title and interest in and to certificate of public convenience and necessity heretofore issued to him in Application No. 3842, Decision No. 9845.

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

IT IS FURTHER ORDERED, That the tariff of rates, and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF MRS. RUBY OHLER BENNETT, OF )  
JEFFERSON, COLORADO, FOR A PERMIT )  
TO OPERATE AS A CLASS B PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
\* \* \* \* \*

APPLICATION NO. 4451-PP.

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February 26, 1938.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for Hitchcock Truck Line, M. A. Harsh,  
Gately Motor Company and Schaefer  
Truck Line;  
Z. D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and Windecker Brothers;  
Winston S. Howard, Esq., Denver, Colorado,  
for Chas. B. Blakley and The Live Stock  
Common Carriers Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire. The matter was set for hearing in Denver on February 17, 1938, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to applicant at her address of record. Notwithstanding such notice, she failed to appear.

Thereupon, at the time and place appointed for hearing, protestants moved that said application be dismissed for lack of prosecution.

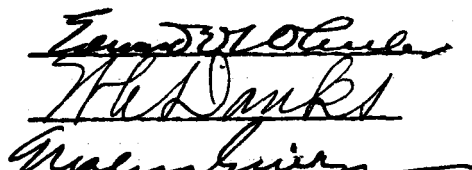
After a careful consideration of the record, the Commission is of the opinion, and finds, that said motion should be sustained.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and hereby is dismissed for lack of prosecution.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ANDERSON TRANSPORTATION COMPANY, )  
LOVELAND, COLORADO, Respondent. )  
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CASE 6672-Ins.  
CERTIFICATE 635.

S T A T E M E N T

By the Commission:

On December 27, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Certificate 635 on account of the respondent having failed to keep on file the required certificate of insurance covering cargo liability. The Commission is now in receipt of a communication signed by H. J. Helmkamp, State Agent for the American Eagle Fire Insurance Company of New York, wherein he states that this operation was covered by Policy 1M9079, commencing with the 7th day of December, 1937, and that through no fault of the Anderson Transportation Company, the proper certificate failed to reach the office of the Commission.

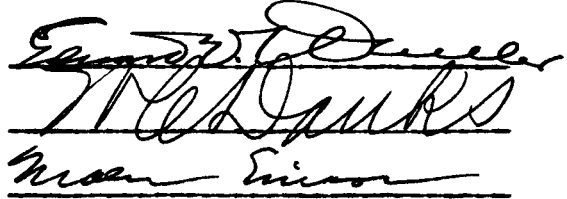
The record now shows that a certificate which includes the cargo insurance is on file with the Commission.

After careful consideration of the record the Commission is of the opinion and finds that the revocation order above referred to, should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order dated December 27, 1937, revoking Certificate 635 should be and the same hereby is set aside and held for naught and Certificate 635 be and the same is hereby restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BERT EAKS, 1740 SPRUCE STREET, )  
BOULDER, COLORADO, Respondent. )  
-----

CASE NO. 5831-R  
PERMIT C-4915

S T A T E M E N T

By the Commission:

On December 20, 1937, in the above numbered case the Commission issued an order revoking and cancelling Permit C-4915, on account of the respondent having failed to keep on file the required road reports and make the required deposit.

The Commission is now in receipt of a communication wherein it is shown that the report applicable to said permit was filed in connection with another permit and that the deposit was likewise placed to another permit, both of which items are being transferred to the credit of Permit C-4915, which makes this permit appear in good standing on the records of the Commission.

These entries should have been made before the revocation order was issued.

After a careful consideration of the record the Commission is of the opinion and finds that that portion of the revocation order referring to Permit C-4915 should be set aside and held for naught.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order dated December 20, 1937, insofar as the same revokes Permit C-4915 should be and the same hereby is set aside and held for naught and said Permit C-4915 be and the same is hereby restored to its original status.

IT IS FURTHER ORDERED, That the cash deposit now credited on

Permit B-1822 be transferred to C-4915.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Wheeler  
W. L. Danks

Wm. E. Simon  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

B

· BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HAMPTON-MYERS-COOK, Inc., WICHITA )  
KANSAS, Respondent. )  
-----

CASE NO. 5780-R  
PERMIT C-4665

S T A T E M E N T

By the Commission:

On December 20, 1937, in the above numbered case, the Commission issued an order revoking and cancelling C-4665 on account of the respondents having failed to make the required road reports.

The Commission is now in receipt of a communication signed by the respondents wherein it is revealed that the reports above referred to were made up in the Auditor's office of the Commission and were being handled at the time the revocation order was entered and that it was an error to revoke said permit.

After careful consideration of the record the Commission is of the opinion and finds that the revocation order should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order, dated December 20, 1937, entered in Case 5780-R, should be and the same hereby is set aside and held for naught and Permit C-4665 restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF )  
GEORGE C. BROWN, COALMONT, COLO- )  
RADO, Respondent. )  
-----

CASE NO. 4366-R  
CERTIFICATE 1098-I

S T A T E M E N T

By the Commission:

On October 25, 1937, by Decision No. 10792, the Commission issued an order, allowing George C. Brown to suspend operations under his Certificate No. 1098-I, for a period of six months from and after the 25th day of October, 1937, with the privilege of reinstatement.

The Commission is now in receipt of a verbal communication from Archie Maine of Walden, Colorado, who called at this office on February 15, 1938, requesting the reinstatement of said certificate.

The records of the Commission show that the required insurance has been filed and the holder of this certificate has complied with all rules and regulations of the Commission applicable to interstate carrier certificates.

After careful consideration of the record the Commission is of the opinion and finds that the request for reinstatement should be granted.

O R D E R


IT IS THEREFORE ORDERED, That Certificate No. 1098-I be and the same hereby is reinstated in accordance with the provisions of Decision No. 10792.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF RALPH HILL, LITTLETON, COLO- )  
RADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 4436-PP

Appearances: Ralph Hill, Littleton, Colorado,  
pro se;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers'  
Association and D. E. Hall;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association  
and Fred Funk;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

It appeared from the testimony given at the hearing that the applicant herein desired authority to transport coal from the Jefferson Mine, some seven miles west of Littleton to consumers within a radius of ten miles of Littleton, Colorado, and that in this transportation service he did not anticipate serving customers in Englewood, in competition with D. E. Hall, and so far as the greenhouse supplies were concerned, that might be eliminated as he could haul that under his C permit.

There was no objection to the granting of this authority as limited by the testimony.

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

O R D E R

IT IS THEREFORE ORDERED, That Ralph Hill of Littleton, Colorado, be and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of coal from the

Jefferson Coal Company mine, located some seven miles west of Littleton, Colorado, to users residing within a ten-mile radius of Littleton, Colorado, except Englewood.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Samuel D. Danks  
W. C. Danks

Walter S. Sisson  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF T. G. NIES, BROOMFIELD, COLO- )  
RADO FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 4432-PP

Appearances: T. G. Nies, Broomfield, Colorado,  
pro se;  
Richard E. Conour, Esq., Denver, Colo-  
rado, for Colorado Rapid Transit;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Associa-  
tion, Tiller Cash Coal and Feed  
Company and Schofield Brothers.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport farm products, feed and used machinery from the farms owned by Adolph F. Zang, the Adolph J. Zang Investment Company and the Elwood Land Investment Company, all situated within four miles of Broomfield, Colorado, and for the tenants residing on said farms.

It appeared that the applicant's principal business was that of farming, but that he possessed a 1937 Chevrolet truck and had more or less time to render a transportation service for his neighbors, principally those on the Zang holdings around Broomfield, and that the principal part of this business would be the movement of grain, from farm to farm and from farm to elevator, with some in and out service between farms within the four-mile radius around Broomfield and outside points for farmers only.

It was brought to the attention of the Commission that the Colorado Rapid Transit, holder of Certificate 36, took care of line transportation service through this area.

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

granted to the applicant, limited as indicated by the testimony.

O R D E R

IT IS THEREFORE ORDERED, That T. G. Nies, Broomfield, Colorado, be and hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of farm products, used farm machinery and feed from point to point within a radius of four miles of Broomfield, Colorado, and between farms in said area and points outside thereof within a radius of twenty-five miles of Broomfield, provided however that the applicant shall not engage in the transportation of freight between towns on the line of scheduled common carriers now serving this area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. O'Connell  
W. C. Danks  
Walter E. Simon  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF GEORGE AND ROY ANDREWS, CO- )  
PARTNERS DOING BUSINESS AS CEN- )  
TRAL SERVICE STATION, AND GEORGE )  
ANDREATTA, JR., INDIVIDUAL DOING )  
BUSINESS AS ALMONT TRUCK LINE, )  
FOR AUTHORITY TO TRANSFER TO )  
GEORGE ANDREATTA, JR., CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND )  
NECESSITY NO. 683. )

APPLICATION NO. 2091-A

RE MOTOR VEHICLE OPERATIONS OF )  
GEORGE ANDREATTA, JR., UNDER PER- )  
MIT B-1604. )

APPLICATION NO. 3311-PP  
(CANCELLATION)

Appearances: R. E. Conour, Esq., Denver, Colorado,  
for the applicants;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers'  
Association;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Upon request of attorney for the applicant. Decisions 5037,  
5084, 5116 and Application 2091 were made parts of the record.

George Andreatta, Jr. of Almont, Colorado, testified that he  
had entered into an agreement to purchase the rights of George Andrews  
and Roy Andrews, Exhibit 1, being the sale and purchase agreement, the  
consideration to be paid for Certificate 683 is \$300.00. The only known  
outstanding obligation of the Central Service Station was road tax \$4.93  
which is covered by the deposit.

The transferee possesses a 1937 Diamond T truck and a 1932 Ford,  
his equipment being worth \$2500.00, and the same is all clear of encum-  
brance; cash in the bank \$350.00 and accounts receivable \$300.00. At the  
present time the transferee is operating under Permit B-1604 and stated  
that in the event he acquired Certificate 683, the permit might be cancelled.

It was agreed among other things, that the transferors would retain all right to the use of the name "Central Service Station" heretofore used by them and that the transferee would be obliged to use some other trade name in connection with the operations under Certificate 683, should the same be transferred.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that authority to make a transfer of said certificate should be granted and inasmuch as the transferor is now holder of the private permit the same should be cancelled.

#### O R D E R

IT IS THEREFORE ORDERED, That George Andrews and Roy Andrews be and they hereby are granted authority to transfer all of their right, title and interest in and to Certificate 683, with authority granted by the Commission's decisions Nos. 5037, 5084 and 5116, only, to George Andreatta, Jr., doing business as Almont Truck Line, Almont, Colorado.

IT IS FURTHER ORDERED, That Private Permit B-1604 be and the same hereby is revoked and cancelled.

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

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee herein until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That this order shall become effective  
twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Butler

W. C. Danks

Wm. S. Simon  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CORKISH-FLAKS CIGAR COMPANY, )  
INC., Respondent. )  
-----

CASE NO. 5223-R  
PERMIT C-1722

-----  
February 28, 1938.  
-----

S T A T E M E N T

By the Commission:

On December 20, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit C-1722 on account of respondent having failed to file certain road reports.

It has now been brought to the attention of the Commission that these reports were properly filed, but through error had been filed under Permit C-659 where the name Flaks, Inc. appeared, and by placing them to the credit of Permit C-1722, the same was in good standing on the date of the revocation order.

After careful consideration of the record, the Commission is of the opinion and finds that the revocation order should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued under date of December 20, 1937, in the above numbered case should be set aside and held for naught and Permit C-1722 restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO


  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MAMIE RUTH SEILING, ROSWELL, NEW )  
MEXICO, Respondent. )  
-----

CASE NO. 5689-R  
Permit No. C-4169

-----  
February 28, 1938.  
-----

S T A T E M E N T

By the Commission:

On December 20, 1937, the Commission issued an order in the above numbered case, revoking and cancelling Permit C-4169 on account of respondent having failed to make reports covering September, 1935, to December 1935, and March and August, 1937, and for her failure to make the required deposit.

The record now discloses that reports have been made and the deposit paid, and that the auditing department was in communication with the respondent, arranging for the reports and the deposit at the time the revocation order was entered, and that said revocation order should be set aside.

After careful consideration of the record, the Commission is of the opinion and finds that the revocation order above referred to should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order dated December 20, 1937, revoking Permit C-4169 should be and the same hereby is set aside and held for naught, and said Permit C-4169 restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward V. Dwyer*  
*W. H. Danks*  
*Malcolm S. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GAUCK TRUCK LINE, LAWRENCE, )  
KANSAS, Respondent. )  
-----

CASE NO. 6805-Ins.  
CERTIFICATE 1055-I

-----  
February 28, 1938.  
-----

S T A T E M E N T

By the Commission:



On January 10, 1938, in the above numbered case, the Commission issued an order revoking and cancelling Certificate 1055-I on account of the respondent having failed to make the necessary road reports for September, 1937. The records in the office of the Commission show that this report has been made.

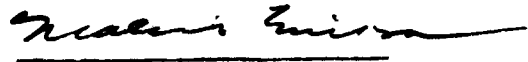
After careful consideration of the record, the Commission is of the opinion and finds that the revocation order should be set aside and the certificate reinstated.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued under date of January 10, 1938, in Case 6805-Ins. should be set aside and held for naught, and Certificate 1055-I restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
P. E. McCracken, EVERGREEN, )  
COLORADO, Respondent. )  
-----

CASE NO. 6785-Ins.  
PERMIT C-3922

-----  
February 28, 1938.  
-----

S T A T E M E N T

By the Commission:

On January 10, 1938, in the above numbered case, the Commission issued an order revoking and cancelling Permit C-3922 for the reason that respondent failed to file the proper certificate of insurance and make a cash deposit.

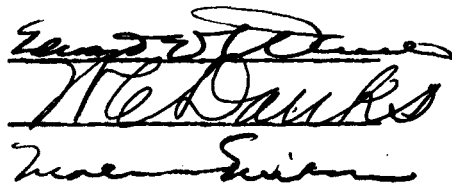
The Commission is now in receipt of a letter filed by P. E. McCracken, wherein he calls attention to the fact that he had notified the insurance company to transfer his insurance to new equipment and after this had left for California, returning on January 20 to find that his permit had been cancelled on January 10.

After careful consideration of the record, the Commission is of the opinion and finds that the revocation order dated January 10, 1938, revoking said permit should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order dated January 10, 1938, revoking Permit C-3922, should be and the same hereby is set aside and held for naught, and Permit C-3922 restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS )  
OF GEORGE C. BROWN, COALMONT, )  
COLORADO. )  
-----

PERMIT NO. A-1389-I

-----  
February 28, 1938.  
-----

S T A T E M E N T

By the Commission:

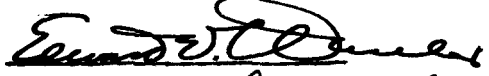

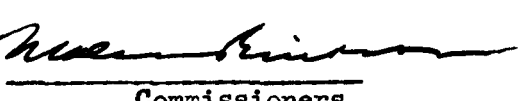
The Commission is in receipt of a verbal communication from Archie Maine of Walden, Colorado, advising that the above named holder of Permit A-1389-I has been granted a common carrier authority by the Interstate Commerce Commission and desires to have the above numbered permit cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. A-1389-I be, and the same hereby is revoked and cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WILLIAM RIPPY AND SON, NEW CASTLE, )  
COLORADO, Respondent. )  
-----

CASE NO. 5392-R  
PERMIT C-2834

-----  
February 28, 1938.  
-----

S T A T E M E N T

By the Commission:

On December 20, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit C-2834, on account of respondent's failure to make the required deposit.

It is now revealed that the Auditing Department was in communication with the respondent and had succeeded in getting his reports, which disclosed quite a tonnage having been hauled and, and the delay was caused primarily because the respondent was in Oklahoma and on returning did not have the necessary blanks on which to make the necessary reports.


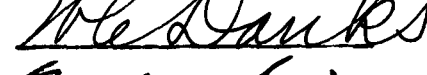

It also appears that at the present time, the required deposit has been made.

After careful consideration of the record, the Commission is of the opinion and finds that under the circumstances in this particular case, the revocation order should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order entered under date of December 20, 1937, in Case 5392-R be, and the same is hereby set aside and held for naught and Permit C-2834 restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF HAROLD COX OF BAILEY, COLORADO, )  
FOR A PERMIT TO OPERATE AS A CLASS )  
"B" PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 4452-PP

-----  
February 28, 1938.  
-----

Appearances: Z. D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, et al;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
Schaefer Truck Line and Gately Motor  
Company;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire. The matter was set for hearing in Denver on February 17, 1938, at ten o'clock A. M., due notice of the time and place of hearing being forwarded to applicant at his address of record. Notwithstanding such notice, he failed to appear.

Thereupon, at the time and place appointed for hearing, protestants moved that said application be dismissed for lack of prosecution.

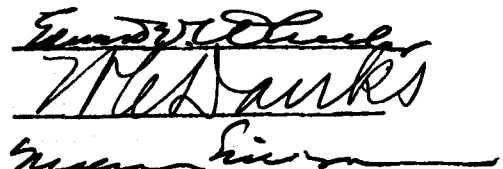
After a careful consideration of the record, the Commission is of the opinion and finds that said motion should be sustained.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and hereby is dismissed for lack of prosecution.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
L. R. GERARD, BERTHOUD, COLORADO, )  
Respondent. )  
-----

CASE NO. 6647-Ins.  
PERMIT NO. A-877

-----  
February 28, 1938.  
-----

S T A T E M E N T

By the Commission:

On December 27, 1937, in the above numbered case, the Commission issued an order revoking Permit A-877 on account of the respondent having failed to keep on file the required certificate of insurance and make road reports.

The Commission is now in receipt of a communication from John H. Abbott, Insurance Agent, Loveland, Colorado, wherein he states that Policy 884-A-1276, written by the General Insurance Company of America, was in full force and effect continuously since November 23, 1937.

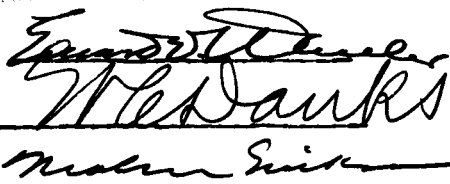
The respondent states that he made the arrangements with his company in the proper time, and through no fault of his, the revocation order was issued and requests that that portion of the order pertaining to the private permit be set aside.

After careful consideration of the record, the Commission is of the opinion and finds that part of said revocation order should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That all that part of revocation order entered in Case 6647-Ins., revoking private permit A-877 be, and the same hereby is set aside and held for naught and private permit A-877 restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of February, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF W. E. ANDERSON, doing business )  
as A & A TRUCK LINE, COLORADO )  
SPRINGS, COLORADO, TO TRANSFER )  
PRIVATE PERMIT NO. A-22 TO AL )  
ROGERS AND CHUCK MOREY, doing )  
business as A & A TRUCK LINE, )  
COLORADO SPRINGS, COLORADO. )  
-----

APPLICATION NO. 3785-PP-AA

IN THE MATTER OF THE APPLICATION )  
OF W. E. ANDERSON, doing business )  
as A & A TRUCK LINE, COLORADO )  
SPRINGS, COLORADO, TO TRANSFER )  
PRIVATE PERMIT NO. A-513 TO AL )  
ROGERS AND CHUCK MOREY, doing )  
business as A & A TRUCK LINE, )  
COLORADO SPRINGS, COLORADO. )  
-----

APPLICATION NO. 4454-PP-A

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicants;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers'  
Association;  
R. E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

W. E. Anderson of Colorado Springs testified that he was the owner of private permits A-22 and A-513 and had been doing business as the A & A Truck Line, and now desired authority to transfer both of said permits to Al Rogers and Chuck Morey, co-partners, doing business as the A & A Truck Line.

It appeared that the consideration to be paid was \$400.00 in cash, plus the assumption and payment of all of the outstanding obligations set forth on Exhibit A attached to and made a part of Exhibit No. 1, introduced in evidence, and that for this consideration had agreed to transfer to the transferees, not only the permits abovementioned, but all trucks, equipment, tools, machinery, parts and supplies used in connection with the A & A Truck Line operation which appear as Schedule B, made a part of Exhibit No. 1.

The financial standing of the transferees is disclosed by Exhibit 3, showing total assets of \$8,746.00 with very little encumbrance against the same. However, the outstanding obligations assumed in connection with the transferors operation amount to \$2,224.49, to which is added the transferees other personal obligations, making total liabilities \$3,351.49, leaving a net worth according to the statement, of \$5,394.51.

Exhibit No. 2 is a revised list of the outstanding indebtedness of Anderson, showing a reduction of some \$700.00, from that disclosed by Schedule A, made a part of Exhibit No. 1.

Transferee Rogers owns a residence property in Colorado Springs and transferee Morey owns two small residence properties in Colorado Springs and a garage and filling station at Ivywild. It is understood that the transfer of all these assets is to take place the day that the Commission grants authority to transfer the permits.

Transferees propose to conduct the same kind of operation as that heretofore conducted by the transferor.

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

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the authority sought should be granted upon the terms and conditions as set forth in the agreement of sale and purchase, being Exhibit No. 1, introduced at the hearing.

#### O R D E R

IT IS THEREFORE ORDERED, That W. E. Anderson, Colorado Springs, Colorado, be and he hereby is granted authority to transfer all right, title and interest in and to Permit A-22 and Permit A-513 to Al Rogers and Chuck Morey, co-partners, doing business as the A & A Truck Line, Colorado Springs, Colorado.


IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferees in writing have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in 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 right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Two handwritten signatures in cursive script, one above the other, both appearing to be in ink.A handwritten signature in cursive script, appearing to be in ink, positioned above the word "Commissioners".

Commissioners.

Dated at Denver, Colorado,  
this 2nd day of March, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF C. C. COX, DOING BUSINESS AS )  
JIM'S TRUCK LINE, AND DOLLIE R. )  
COX, FOR TRANSFER OF CERTIFICATE )  
OF CONVENIENCE AND NECESSITY )  
NO. 805. )  
-----

APPLICATION NO. 2202-A

IN THE MATTER OF THE APPLICATION )  
OF C. C. COX, COLORADO SPRINGS, )  
COLORADO, TO TRANSFER PRIVATE )  
PERMIT NO. A-12 TO DOLLIE R. COX )  
OF COLORADO SPRINGS, COLORADO. )  
-----

APPLICATION NO. 4453-PP-A

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicant;  
Richard E. Conour, Esq., and  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers'  
Association.

S T A T E M E N T

By the Commission:

The above numbered applications were consolidated for the purpose of the hearing.

C. C. Cox, doing business as Jim's Truck Line and conducting his operation under Certificate 805 and Permit A-12, seeks authority to transfer both the certificate and the permit to Dollie R. Cox, as the sole owner doing business as Jim's Truck Line, Colorado Springs, Colorado.

It appeared from the testimony given at the hearing that all of the equipment and operating rights now owned by Cox were to be transferred to Dollie R. Cox, and that the transferee will have the same financial status as that shown by statement on file by C. C. Cox. It also appeared that C. C. Cox would remain with the business as the active manager of the operation and that all outstanding obligations, if any there should be,

as a result of previous operations, were assumed by the transferee.

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

### O R D E R

IT IS THEREFORE ORDERED, That C. C. Cox be and he hereby is authorized to transfer all of his right, title and interest in and to certificate of public convenience No. 805, to Dollie R. Cox, doing business as Jim's Truck Line, with authority as granted in the Commission's Decision No. 6937, dated December 21, 1935, and Decision No. 7992, dated July 13, 1936, and subject to restrictions and conditions therein contained.

IT IS FURTHER ORDERED, That C. C. Cox be and he hereby is granted authority to transfer all right, title and interest in and to Permit A-12 to Dollie R. Cox, doing business as Jim's Truck Line, operations thereunder, however, not to be combined, directly or indirectly, with operations under said Certificate No. 805.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferee shall have the necessary insurance on file with the Commission, and said transferor and transferee, in writing have advised the Commission that said certificate and permit have been formally assigned and that said parties have accepted, and in 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 the transferor shall become and remain those of the transferee herein 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 her compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

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

IT IS FURTHER ORDERED, That this order shall become effective  
twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edmund V. O'Brien

W. D. Danks

Wm. E. Simon  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of March, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF MRS. ADA M. WEIAND, DENVER, )  
COLORADO, TO TRANSFER PRIVATE )  
PERMIT NO. B-2001 TO ALBERT )  
SABELL, DENVER, COLORADO. )  
-----

APPLICATION NO. 4237-PP-A

-----  
March 2, 1938.  
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Appearances: Albert Sabell, Denver, Colorado,  
for applicants;  
Richard E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company and  
Colorado Rapid Transit.

S T A T E M E N T

By the Commission:

On November 8, 1937, by Decision No. 10861, Permit B-2001 was issued to Ida M. Weiand of Denver, Colorado, with authority to transport coal from the northern Colorado coal fields to Denver, Colorado.

Authority is now sought to transfer said permit to Albert Sabell of Denver, Colorado. It appeared that the consideration was to be \$75.00 cash, and the transferee to assume and meet all payments on the 1936 Ford V-8 which had been the property of the transferor, eight payments of \$33.00 each remaining unpaid on this equipment.

It further appeared that heretofore the holder of this permit had been rendering a service between the northern Colorado coal fields and Denver, for the Consumers Fuel Company, and that the transferee had been accepted as a dependable party to continue the operation for the same customer, and that he would assume and take care of all obligations incurred in connection with the previous operation.

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

O R D E R

IT IS THEREFORE ORDERED, That Ada M. Weiand be, and she hereby

is granted authority to transfer all right, title and interest in and to Permit B-2001 to Albert Sabell of Denver, Colorado.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferee, in writing, have advised the Commission that said 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 right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which now or hereafter may be in effect.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,  
this 2nd day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )	
OF JOE HEPPBERGER, BLACKHAWK, )	<u>APPLICATION NO. 2507-PP-B</u>
COLORADO, FOR AN EXTENSION OF HIS )	<u>SUPPLEMENTAL ORDER</u>
PRIVATE PERMIT NO. A-1070. )	
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-----  
March 4, 1938.  
-----

Appearances: Joe Heppberger, Blackhawk, Colorado,  
                  pro se;  
                  Sidney S. Jacobs, Esq., 526 E & C Bldg., Denver,  
                  Colorado, for H. H. Drumright;  
                  A. E. Aldrich, Esq., Idaho Springs, Colorado,  
                  for Curnow Livery and Transfer Company;  
                  Marion F. Jones, Esq., Denver, Colorado,  
                  for The Colorado Trucking Association, et al;  
                  Richard E. Conour, Esq., Denver, Colorado,  
                  for Weicker Transfer & Storage Company, et al;  
                  Zene D. Bohrer, Esq., Denver, Colorado,  
                  for The Motor Truck Common Carriers Association  
                  and Curnow Livery and Transfer Company.

S T A T E M E N T

By the Commission:

On February 4, 1938, the Commission entered an order, Decision No. 11346, in the instant case, authorizing applicant to extend his operations under Permit No. A-1070 to include the right to transport ore from a radius of twenty miles of Blackhawk, Colorado, to Colorado City and Leadville.

Our attention has been called to the fact that at the hearing applicant agreed to eliminate the transportation of any commodities to Colorado City or Leadville from points north of Rollinsville, Colorado. We called attention to this stipulation of applicant in our findings, but neglected to include the same in our order.

After careful consideration of the record, the Commission is of the opinion, and so finds, that said Decision No. 11346 should be amended to conform to the facts.

O R D E R

IT IS THEREFORE ORDERED, That Paragraph 1 of the order of said Decision No. 11346 be, and the same is hereby, amended to read as follows:

IT IS THEREFORE ORDERED, That Joe Heppberger, of Blackhawk,

Colorado, operating under Permit No. A-1070, be, and he is hereby, authorized to extend his operations under said permit to include the right to transport ore from his radius of 20 miles of Blackhawk, Colorado, to Colorado City and Leadville, save and except that no ore shall be transported to said Colorado City and Leadville from points north of Rollinsville, Colorado.

IT IS FURTHER ORDERED, That except as herein corrected, said Decision No. 11346 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Turner

W. C. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )	
OF CHARLES PETERSON TO TRANSFER )	
CERTIFICATE NO. 506 TO MARTIN )	APPLICATIONS NOS. 922-AAA-AAA
MIKELSON AND CHARLES SHEAFFER, )	981-AAAA and 1412-AAAA
DOING BUSINESS AS LITTLETON )	(Amended Order)
TRUCK LINE. )	

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-----  
March 2, 1938.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for transferees;  
J. E. Fitzpatrick, Esq., Denver, Colorado,  
for Charles Peterson.

S T A T E M E N T

By the Commission:

On January 4, 1938, Decision No. 11180, the Commission granted the authority sought therein, but in describing area to be served, an error was made in describing the west line, particularly that part following the right of way of the South Park Narrow Gauge Railroad, which reads:

"Thence north and east along the right-of-way of said railroad to the north 1/4 corner of Sec. 32, T 4 S, R 68 W;"

when as a matter of fact, in order to describe correctly said western boundary line, it should read as follows:

Thence north and east along the right-of-way of said railroad to the northwest corner of the northeast 1/4 of Section 33, T 4 S, R 68 W.

After careful consideration of the record, the Commission is of the opinion and finds that this correction should be made as above indicated.

O R D E R

IT IS THEREFORE ORDERED, That that part of the order contained in Decision 11180 following the semi colon in the 8th line of the description which reads as follows:

"thence north and east along the right-of-way of said railroad to the north 1/4 corner of Sec. 32, T 4 S, R 68 W;"

should be, and the same hereby is amended to read as follows:

thence north and east along the right-of-way of said railroad to the northwest corner of the northeast 1/4 of Section 33, T 4 S, R 68 W.

IT IS FURTHER ORDERED, That this amended order be made a part of the order contained in Decision 11180, and that in all other respects, said order shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Anderson

W. C. Danks

Thomas S. Simon  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE FREE TRANSPORTATION BY THE )  
DENVER AND SALT LAKE RAILWAY )  
COMPANY FROM MT. HARRIS, COLO- ) MISCELLANEOUS DOCKET NO. 95.  
RADO, ON ONE CARLOAD OF COAL, )  
CONSIGNED TO THE TABERNACLE )  
CHURCH, DENVER, COLORADO. )  
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S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its traffic manager, dated February 26, 1938, requesting authority to transport one carload of coal free of charge from Mount Harris, Colorado, on account of charity.

The shipment in question has been donated by one of the shippers on the line of The Denver and Salt Lake Railway Company to the Tabernacle Community Church, a charitable institution, and is to be used for charity.

Section 17, Paragraph (c) of the Public Utilities Act provides that the Commission may be rule or order authorize carriers to depart from their published rates.

After full consideration of the facts as set forth, the Commission finds that the request should be authorized.

An appropriate order will be entered.

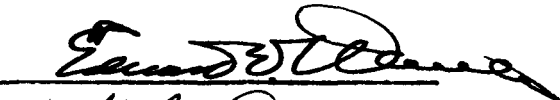

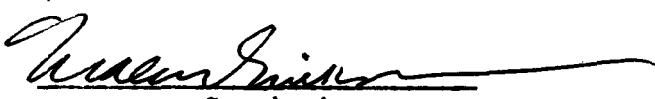
O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on one carload of coal from Mount Harris, Colorado, to Denver, Colorado, consigned to the Tabernacle Community Church, Denver.

IT IS FURTHER ORDERED, That this order shall not be used as

a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 28th day of February, 1938.

JH

Decision No. - 11490  
Misc. Docket No. 95

**THE DENVER AND SALT LAKE RAILWAY CO.**

OFFICE OF TRAFFIC MANAGER

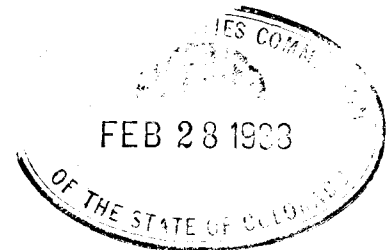
DENVER, COLORADO

Dated Feb. 28, 1938  
All Present.

F. J. TONER  
TRAFFIC MANAGER

February 26, 1938.

The Public Utilities Commission  
of the State of Colorado,  
State Office Building,  
Denver, Colorado.



Gentlemen:

One of the shippers on our line has donated one carload of coal to the Tabernacle Community Church, a charitable institution.

In view of this, we shall be pleased to haul this car of coal free of charge from Mount Harris, Colorado to Denver, Colorado and request your authority, in duplicate, in line with Section 17-C of the Public Utilities Act to grant free billing.

Yours truly,

*F. J. Toner*  
Traffic Manager.  
K

C

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )	
OF J. O. WELLS, OF EATON, COLORADO )	
FOR AN EXTENSION OF PERMIT NO. )	APPLICATION NO. 3016-PP-B
A-1363. )	

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-----  
February 5, 1938.  
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Appearances: J. O. Wells, Eaton, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Assn.;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The instant application seeks to extend the authority heretofore granted the applicant in Decision No. 7306 to include the right to transport building material within a 50-mile radius of Eaton, Colorado.

At the hearing, applicant testified that he would be willing to confine the authority sought in this application to the right to transport plaster from the plaster mill near Loveland, Colorado, and cement from the cement plant at Fort Collins, Colorado, to the Boise-Payette Lumber Company and the Gould Lumber Company at Eaton, Colorado. With this limitation, all objection to the granting of the authority sought was withdrawn.

The record indicates that applicant has the necessary equipment and ability to properly perform this additional service.

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

O R D E R

IT IS THEREFORE ORDERED, That J. O. Wells, of Eaton, Colorado, be, and he is hereby, authorized to extend his operations under the Class A permit heretofore issued to him to include the right to transport plaster from the plaster mill near Loveland, Colorado, and cement from the cement plant at Fort Collins to the Boise-Payette Lumber Company and Gould Lumber Company

at Eaton, Colorado.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Daniels

W. D. Danks

Wm. E. Epperson  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of February, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF KENNISH AND FIRESTACK, WIGGINS, )  
COLORADO, TO TRANSFER THEIR PERMIT )  
NO. B-1375 TO KENNISH AND ETCHISON, )  
OF WIGGINS, COLORADO. )

APPLICATION NO. 2850-PP-A

-----  
March 4, 1938.  
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Appearances: Eugene Kennish, Wiggins, Colorado,  
for applicants;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association;  
Richard E. Conour, Esq., Denver, Colorado,  
for North Eastern Motor Freight, Inc.;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Protestants object to the transfer sought in the instant application for the reason that the record disclosed that Permit B-1375 had been revoked by order of the Commission, and that there was nothing now to transfer.

Richard E. Conour stated that this being a farm service in a locality where there were no local operators other than the applicants, the transfer sought being merely the substitution of another partner for Firestack, should the Commission see fit to set aside the revocation order heretofore entered, there would be no objection to the granting of the transfer as herein sought. It appears that the Commission has entered an order setting aside the revocation order entered in Case No. 4854-Ins.

It further appeared that Firestack had left Wiggins for the present and was away attending school, and that Etchison, who was taking over Firestack's interest in the operation, had been assisting Eugene Kennish in the conduct of the transportation service under this permit in the past.

It further appeared that there were no outstanding obligations

as a result of the previous operations under this permit.

After careful consideration of the record, the Commission is of the opinion and finds that authority should be granted to make the transfer from Ernest Firestack to Vern Etchison.

O R D E R

IT IS THEREFORE ORDERED, That Eugene Kennish and Ernest Firestack, doing business as Kennish and Firestack, be, and they hereby are authorized to transfer all of their right, title and interest in and to Permit B-1375 to Eugene Kennish and Vern Etchison, co-partners doing business as Kennish and Etchison.

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

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dwyer*

*W. C. Danks*

*Wm. E. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
KENNISH AND FIRESTACK, WIGGINS, )  
COLORADO, Respondents. )  
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CASE NO. 4854-Ins.  
PERMIT NO. B-1375

-----  
March 4, 1938.  
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S T A T E M E N T

By the Commission:

On November 18, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit B-1375 on account of the respondent having failed to keep on file the required certificate of insurance. It now has been brought to the attention of the Commission that a policy of insurance was in effect at all times covering the operations under said private permit, but that through some oversight was carried in the name of Kennish and Etchison, when it should have been in the name of Kennish and Firestack, but that the holders of said permit were not aware of this irregularity until receiving the original revocation order a short time ago.

The respondents state that they did not receive the notice sent out under date of October 25, 1937, and were not aware of a hearing being set for November 9, 1937; consequently, did not appear until receiving the revocation order.

After careful consideration of the record, the Commission is of the opinion and finds, that due to the fact there was no service of order to show cause on respondents, the revocation order above referred to should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That that portion of revocation order dated November 18, 1937, insofar as it affects Private Permit B-1375,

be, and the same hereby is set aside and held for naught, and Permit  
No. B-1375 be, and the same is hereby restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Otter

W. Danks

Wesley E. ...

Commissioners.

Dated at Denver, Colorado,  
this 4th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF RALPH ZUSCHLAG, STEAMBOAT )  
SPRINGS, COLORADO, FOR A CLASS "A" ) APPLICATION NO. 4294-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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-----  
March 5, 1938.  
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Appearances: Ralph Zuschlag, Steamboat Springs, Colorado,  
pro se;  
Richard E. Conour, Esq., Denver, Colorado,  
for the Larson Transportation Company  
and Consolidated Motor Freight;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Ralph Zuschlag, the applicant herein, testified that he was the holder of Permit B-1951 and B-1951-I; that he possessed four International semi-trailer trucks and conducted an irregular service under said permits.

He now seeks a Class A permit with authority to transport cement, lime and plaster from Boettcher and the plant near Loveland to Steamboat Springs, Colorado, via U. S. Highway No 87 to Fort Collins; U. S. Highway No. 287 and State Highway No. 14, via Walden, to Muddy Pass; and U. S. Highway No. 40 to Steamboat Springs. Also the applicant stated that he desired authority to move these commodities over U. S. Highway No. 87 and U. S. Highway No. 40, via Denver to Steamboat Springs, and in addition desired authority to transport livestock between Steamboat Springs area and Denver.

After careful consideration of the application, it was found that the application and the notice did not include the transportation of cement, lime and plaster via Denver.

The applicant further testified that he desired to render this service of transporting cement, lime and plaster for the Steamboat Springs Lumber Company, with which concern he has a contract, the rate being 29<sup>1</sup>/<sub>2</sub>¢ or the same as the railroad rate; and that he wanted to pick up livestock

within an area extending north, east and south of Steamboat Springs a distance of thirty miles and west to the western boundary of Range 87, which would prevent any conflict with Leonard Gray's rights.

Stanley Larson, holder of Certificate No. 331, testified that he covered this same area sought to be served by the applicant, transporting freight and livestock between the Steamboat area and Denver, and that in connection with connecting carriers he was in a position to handle cement, lime and plaster, and therefore objected to authority being granted to the applicant to transport these commodities other than via Cameron Pass, where there was no scheduled common carrier; that he had one truck equipped to transport livestock, and transported eleven loads during the year 1937, most of which however was carried in his vans; that during 1937, his operation was conducted at a loss and that he felt he lost, not only livestock hauls, but also lime, cement and plaster on account of his rates being in accordance with prescribed rates of the Commission and somewhat higher than others had charged.

Exhibit 1 is a list of the motor equipment of the Larson Transportation Company used during 1937.

Exhibit 2 is a profit and loss statement of Larson Transportation Company for the year 1937.

Mr. Larson further testified that he needed all the tonnage he could get for the reason that his equipment was used to only 50% of its capacity, and that to grant the applicant authority as sought would tend to impair the efficient services that he is now rendering.

It further appeared that there was no common carrier service between Fort Collins and Steamboat Springs, via Cameron Pass.

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

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that there is adequate authorized service between Denver and the Steamboat Springs area, and that there is no authorized common carrier service between Fort Collins and Steamboat Springs via Cameron Pass and Walden; that to authorize

applicant to transport livestock between Denver and the Steamboat area, and lime, cement and plaster from the Fort Collins section, via Denver, would tend to impair the efficient services of common carriers already authorized; but that applicant should be granted authority to move these commodities between Fort Collins section and Steamboat Springs via Cameron Pass, as sought.

O R D E R

IT IS THEREFORE ORDERED, That Ralph Zuchlag of Steamboat Springs, Colorado, be, and he hereby is granted a Class "A" permit to operate as a private carrier by motor vehicle for hire, for the transportation of cement from the plant near Fort Collins, and plaster and lime from mill near Loveland to Steamboat Springs, Colorado, via U. S. Highway 87 to Fort Collins; U. S. Highways 287 and 14, Fort Collins (via Walden) to Muddy Pass; and U. S. Highway 40, Muddy Pass to Steamboat Springs; and that all other authority sought by the instant application be, and the same hereby is denied.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Wenger*  
*W. C. Danks*  
*James E. ...*  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION  
OF H. M. HITCHCOCK AND B. W.  
HITCHCOCK, DOING BUSINESS AS  
HITCHCOCK TRUCK LINE, FOR AUTHORITY  
TO TRANSFER CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY NO. 1026  
to JAMES A. SCHAEFFER.

2626-2  
APPLICATION NO. 3538-1

-----  
IN RE MOTOR VEHICLE OPERATIONS OF  
GATELY MOTOR COMPANY, ALMA,  
COLORADO.

PERMIT NO. A-394

-----  
March 1, 1938.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for applicants and Gately Motor Company;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, Foster Truck Line and  
Windecker Brothers;  
R. E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company;  
T. A. White, Esq., Denver, Colorado,  
for Colman Freight Service.

S T A T E M E N T

By the Commission:

In the instant application, H. M. Hitchcock and B. W. Hitchcock, co-partners, doing business as Hitchcock Truck Line, the record owners of Certificate No. 1026, seek authority to transfer all their right, title and interest in and to said certificate to James A. Schaeffer in accordance with the contract dated January 22, 1938, signed by Hitchcock Truck Line, by B. W. Hitchcock, and J. A. Schaeffer, which contract appears as a part of the record.

It appears from the testimony of James A. Schaeffer that after arranging for the purchase of this right, he entered into an agreement with the Gately Motor Company, a corporation, to sell a part of Certificate No. 1026 in accordance with that agreement dated February 7, 1938, signed by James A. Schaeffer and Gately Motor Company, a corporation, by G. W. Gately, and at the hearing requested that the Gately Motor Company, a corporation, of Alma, Colorado, be included as one of the transferees and that the Commission

authorize the transferors to transfer one portion of said certificate to James A. Schaeffer and the other portion to the Gately Motor Company, a corporation. The request to make this change in the transferees was granted.

It appears that the transferors are to receive the sum of \$5,000.00 for their three trucks and Certificate 1026, and that all obligations now outstanding as a result of the operations under said certificate are to be taken care of either by the transferors or the transferees, as per statements filed with the Commission, and the transferees have agreed that they will pay obligations up to the amount of \$5,000.00. It appears, however, that the aggregate of all obligations outstanding will not be more than half this amount.

It is agreed between all parties to this application that authority be granted to the transferors to transfer to Gately Motor Company, a corporation, that part of Certificate No. 1026 with authority to transport freight and express between Denver and Dillon and all intermediate points, including Bailey, Shaffer's Crossing, Grant, Jefferson, Kokomo, Fairplay, Alma and Breckenridge; and that the transferors be authorized to transfer to James A. Schaeffer all the remaining part of Certificate No. 1026 with authority to transport freight and express between Dillon and Kokomo, and all intermediate points on State Highway No. 91.

Exhibit No. 1 is a financial statement of the Gately Motor Company or rather balance sheet as of November 30, 1937, showing this company to be quite substantial.

The financial status of James A. Schaeffer is made much better on account of his substitution of Gately Motor Company as a transferee, which company will pay the major portion of the consideration involved.

It was also understood that in the event this transfer was authorized with the Gately Motor Company as one of the transferees, Permit No. A-394, now held by the Gately Motor Company, might be cancelled.

After careful consideration of the record and the testimony, as well as the contracts entered into between Hitchcock Brothers and James A. Schaeffer and the contract entered into between James A. Schaeffer and the

Gately Motor Company, the Commission is of the opinion and finds that the authority sought should be granted, including the substitution of the Gately Motor Company as one of the transferees, and that Permit A-394 should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That H. M. Hitchcock and B. W. Hitchcock, doing business as Hitchcock Truck Line, Breckenridge, Colorado, be, and they hereby are authorized to transfer all of their right, title and interest in and to Certificate No. 1026 as follows:

To the Gately Motor Company, a corporation, all of that part thereof from Denver to Dillon, with authority to transport freight and express between Denver and Dillon and all intermediate points, including Bailey, Shaffer's Crossing, Grant, Jefferson, Kokomo, Fairplay, Alma and Breckenridge; and to James A. Schaeffer all of that part of Certificate No. 1026, with authority to transport freight and express between all points on Colorado Highway No. 91 south of Dillon, to and including Kokomo; provided, however, that the parties hereto shall, before completing said transfers, pay all outstanding obligations against the operations under Certificate No. 1026 to the extent of the consideration herein, and file with the Commission documentary evidence showing the same to have been paid.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before transferees shall have the necessary insurance on file with the Commission, and said transferors and transferees, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or any of them, kept and performed.

IT IS FURTHER ORDERED, That the tariff of rates, and rules and regulations of the transferors herein shall become and remain those of the transferees herein until changed according to law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That Permit No. A-394 be, and the same hereby is revoked and cancelled.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Dineen

W. L. Danks

Wm. E. Simon  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of March, 1938.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

Third Revised General Order No. 46

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

On June 8, 1937, the Commission entered an order adopting certain rules and regulations governing commercial carriers by motor vehicle, which were promulgated, adopted, approved and designated as "Third Revised General Order No. 46."

Since the promulgation and adoption of said rules, it has been called to the attention of the Commission that in the public interest Rules Nos. 11 and 14 of said Third Revised General Order No. 46 should be amended and amplified in certain particulars.

After a careful consideration of the matter, the Commission is of the opinion, and so finds, that said Rule No. 11 should be amended to apply to all leased vehicles operated by any commercial carrier, and that Rule No. 14 should be amended to provide that any letter of authority issued thereunder should include a description of the nature of the emergency requiring use of such equipment and for what trip or trips such emergency equipment is needed, particularly describing the points of origin and destination of same.

O R D E R

IT IS THEREFORE ORDERED, That Rule No. 11 of said Third Revised General Order No. 46, dated June 8, 1937, effective June 15, 1937, be, and the same is hereby, amended as follows, to-wit:

AMENDED RULE 11 - MARKING OF VEHICLES

Within ten days after a permit has been issued to a commercial carrier, such permittee shall cause to be painted on each side, or on the front and rear, of each motor vehicle operated under such permit, including leased vehicles, in letters not less than  $2\frac{1}{2}$  inches in height and not less than  $\frac{3}{8}$  of an inch in width, the following:

"COLO. P. U. C. - C- .....

(Name of Permittee " .

Also the net or tare weight of each vehicle in letters and figures of a slightly smaller size.

Also such lettering shall be of such color as will sharply contrast with the background upon which it is painted, and shall be placed in such location as will be readily accessible and legible at all times.

All markings shall be completely removed from all vehicles when permanently withdrawn from service or when the permittee parts with the ownership or control thereof.

IT IS FURTHER ORDERED, That Rule No. 14 of said Third Revised General Order No. 46, dated June 8, 1937, effective June 15, 1937, be, and the same is hereby, amended as follows, to-wit:

AMENDED RULE 14 - EMERGENCY EQUIPMENT

Whenever any commercial carrier by motor vehicle, in cases of emergency or unusual demands for transportation, must use equipment not listed with the Commission, and for which identification cards have not been issued, the permit holder shall furnish the operator of each emergency vehicle with, and the operator of any such vehicle shall carry, a letter stating that the emergency vehicle described in such letter is being operated as such under the authority of the permit held by the commercial carrier using such emergency vehicle. Such letter of authority shall specify the number and class of the permit held by the writer thereof, the name and address of the owner of such emergency vehicle, license number, and a complete description thereof, the nature of the emergency requiring use of such equipment, for what trip or trips such emergency equipment is needed, particularly describing the points of origin and destination of same, and the period for which the emergency vehicle is to be operated as such.

A copy of such letter of authority shall be mailed to the Public

Utilities Commission, at Denver, Colorado, within 24 hours after delivery to the driver or operator of such emergency vehicle. All highway compensation taxes accruing from the use of the emergency vehicle shall be reported by the commercial carrier employing such equipment, and not by the operator of such vehicle.

Only commercial carriers having insurance on file covering all vehicles used or to be used, or including waiver of description of such vehicles, may avail themselves of this Rule.

This order shall become effective April 15, 1938.

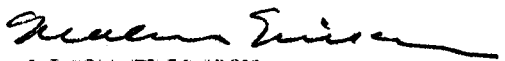
THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



EDWARD E. WHEELER



W. C. DANKS



MALCOM ERICKSON

Commissioners.

Dated at Denver, Colorado,  
this 3rd day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

Third Revised General Order No. 42.

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

On June 8, 1937, the Commission entered an order adopting certain rules and regulations governing private carriers by motor vehicle, which were promulgated, adopted, approved and designated as "Third Revised General Order No. 42."

Since the promulgation and adoption of said rules, it has come to the attention of the Commission that certain private carriers by motor vehicle for hire have leased and are leasing pieces of their equipment to persons, firms and corporations other than duly authorized carriers for hire. In the opinion of the Commission, this practice should not be allowed, as it has a tendency to develop and permit unlawful operations, break down rate regulations, and constitutes a discrimination in rates against a large portion of the shipping public and is generally misleading.

After a careful consideration of the matter, the Commission is of the opinion, and so finds, that a rule should be adopted prohibiting private carriers for hire by motor vehicle from leasing their equipment, or any part thereof, to any person, firm or corporation, except another authorized carrier for hire.

O R D E R

IT IS THEREFORE ORDERED, That, effective April 15, 1938, said Third Revised General Order No. 42, dated June 8, 1937, effective June 15, 1937, be, and the same is hereby, amended by the adoption of Supplemental Rule No. 30, as follows:

SUPPLEMENTAL RULE NO. 30

On and after April 15, 1938, the leasing of motor vehicle equipment owned or operated by any private carrier for hire by motor vehicle to any person, firm or corporation other than a duly authorized motor vehicle carrier for hire, either common or private, is prohibited, and the approval of the Commission, heretofore given relative to all leases covering such equipment

leased to persons who are not the owners of certificates of public convenience and necessity or private permits, should be, and the same is hereby, withdrawn, effective April 15, 1938.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
EDWARD E. WHEELER

  
W. C. LANKS

  
MALCOM ERICKSON  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of March, 1938.

(Decision No. 11498)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

Third Revised General Order No. 39

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

On June 8, 1937, the Commission entered an order adopting certain rules and regulations governing motor vehicle carriers, which were promulgated, adopted, approved, and designated as "Third Revised General Order No. 39". Thereafter, on August 18, 1937, said Third Revised General Order No. 39 was amended by the adoption of Supplemental Rule No. 46.

Since the promulgation and adoption of said rules, it has come to the attention of the Commission that certain motor vehicle carriers of freight for hire have leased and are leasing pieces of their equipment to persons, firms and corporations other than duly authorized carriers for hire. In the opinion of the Commission, this practice should not be allowed, as it has a tendency to develop and permit unlawful operations, break down rate regulations, and constitutes a discrimination in rates against a large portion of the shipping public and is generally misleading.

After a careful consideration of the matter, the Commission is of the opinion, and so finds, that a rule should be adopted prohibiting motor vehicle carriers for hire of freight from leasing their equipment, or any part thereof, to any person, firm or corporation, except another authorized carrier for hire.

O R D E R

IT IS THEREFORE ORDERED, That, effective April 15, 1938, said Third Revised General Order No. 39, dated June 8, 1937, effective June 15, 1937, be, and the same is hereby, amended by the adoption of Supplemental Rule No. 47, as follows:

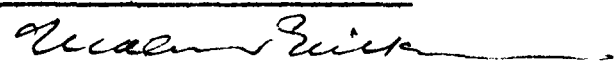
SUPPLEMENTAL RULE NO. 47.

On and after April 15, 1938, the leasing of motor vehicle equipment owned or operated by any motor vehicle carrier of freight to any person, firm or corporation other than a duly authorized motor vehicle carrier for hire, either common or private, is prohibited, and the approval of the Commission, heretofore given relative to all leases covering such equipment leased to persons who are not the owners of certificates of public convenience and necessity or private permits, should be, and the same is hereby withdrawn, effective April 15, 1938.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
EDWARD E. WHEELER

  
W. C. DANKS

  
MALCOM ERICKSON

Commissioners.

Dated at Denver, Colorado,  
this 3rd day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
G. E. COWAN, PRIVATE PERMIT NO. ) CASE NO. 4688  
A-659. )  
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-----  
March 7, 1938  
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S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued Permit No. A-659, under the provisions of Chapter 120, Session Laws of Colorado, 1931, as amended, authorizing him to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission, and its records disclose, that the above named permit holder has violated the terms and provisions of said permit, the rules and regulations of this Commission, and the provisions of said Chapter 120, Session Laws of Colorado, 1931, as amended, in the following particulars, to-wit:

1. That said respondent did, during the period from July to December 1937, both months inclusive, accept, transport and deliver numerous shipments of freight at and for rates and charges different from and lower than the rates and charges fixed and prescribed by this Commission for such transportation.
2. That said respondent, during the months aforesaid, did, without the authority of this Commission, and in violation of the terms of his said permit, and in violation of the terms of the provisions of Chapter 120, Session Laws of Colorado, 1931, as amended, and the rules and regulations of this Commission, extend his operations by engaging in the business of transporting freight for hire from and to various points not included within the authority granted said respondent in the aforesaid permit.

3. That said respondent did, during the aforesaid months, accept, transport, and deliver shipments of freight for numerous and different persons, firms and corporations, without first or at all having a statement on file with this Commission showing the names and addresses of such persons, firms and corporations, and without having any contract or memorandum of the terms thereof with such persons, firms and corporations, on file with this Commission.

4. That said respondent has failed, refused and neglected to file correct monthly reports of his operations for the period beginning November 1, 1935 and concluding December 31, 1937, and has failed, refused and neglected to remit to this Commission highway compensation taxes in the full and correct amounts due and owing, for the aforesaid period.




O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be entered into, to determine if the respondent herein has failed or refused to comply with any or all of the aforesaid statements and rules and regulations of this Commission, and, if so, whether his above described permit should therefore be suspended or revoked, or whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten (10) days from this date, why it should not enter an order suspending or revoking Permit No. A-659, heretofore issued to this respondent, because of the aforesaid violations of the law and of the rules and regulations of this Commission, and why it should not enter such other order or orders as may be just and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on the 18th day of March, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
7th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF BERT FOGG OF CEDAREDDGE, COLORADO, )  
FOR A PERMIT TO OPERATE AS A CLASS )  
"A" PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 4442-PP

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March 9, 1938.  
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Appearances: Bert Fogg, Cedaredge, Colorado,  
pro se;  
Wayne Rees, Denver, Colorado,  
for The Colorado Trucking  
Association.

S T A T E M E N T

By the Commission:

At the hearing, applicant testified that he desired to transport building material for the Cedaredge Lumber Company from Portland, Colorado, to Cedaredge; beer, bottles and gas tanks from Golden, Colorado, to the Delta Bottling Works at Delta; supplies in the nature of wrapping paper, box paper and boxes, from Denver to the Palmer and Joslin Fruit Company at Cedaredge, and oil in barrels and cans from Denver to Ralph Taylor, Agent, at Delta, Colorado.

He proposes to operate over Highway No. 65 between Cedaredge and Delta, Highway No. 50 Pueblo to Delta, Highway 85 from Denver to Pueblo, and Highway 58 from Golden to Denver. He does not propose to serve any points intermediate to those of the origin and destination of the above specified movements.

As limited by his testimony, no objections were interposed to the granting of the authority sought.

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

After a careful consideration of the record, the Commission is of the opinion, and so finds, that as limited by the testimony of applicant, the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Bert Fogg, of Cedaredge, Colorado, be, and he is hereby, authorized to operate as a Class A private carrier by motor vehicle for hire for the transportation of building material from Portland to Cedaredge, Colorado, for the Cedaredge Lumber Company; beer, bottles and gas tanks, from Golden to Delta for the Delta Bottling Works; wrapping paper, box paper and boxes from Denver to the Palmer and Joslin Fruit Company at Cedaredge; and oil in barrels and cans from Denver to Ralph Taylor, Agent, at Delta, over highways Nos. 58 from Golden to Denver, 85 from Denver to Pueblo, 50 from Pueblo to Delta and 65 from Delta to Cedaredge, without the right to serve any points intermediate between said points of origin and destination, and without the right to add to the customers above specified without an order of the Commission after due notice and hearing.

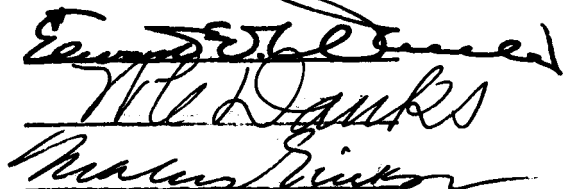
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THE CHAMPA 3 AUTO LIVERY COMPANY,) )  
P. U. C. NO. 76. )  
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CASE NO. 4687

-----  
March 7, 1938.  
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S T A T E M E N T

By the Commission:

The records of the Commission disclose that certificate of public convenience and necessity No. 76 was heretofore issued to The Champa 3 Auto Livery Company, a duly and regularly organized corporation, existing under and by virtue of the laws of the State of Colorado, which said certificate authorized the holder thereof to operate as a motor vehicle carrier under the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended.

Information has come to the Commission, and its records disclose, that said respondent has violated the terms and provisions of said Chapter 134, Session Laws of Colorado, 1927, as amended, the terms and provisions of said certificate, and the rules and regulations of this Commission, in the following particulars, to-wit:

1. That said respondent did abandon and discontinue operation under said certificate without first or at all securing authorization and approval from this Commission so to do, during the years 1931 to 1937, both inclusive.

2. That said respondent has failed, refused and neglected to file with this Commission, annual reports for the years, 1935, 1936 and 1937.

3. That said respondent has, during the years 1935, 1936 and 1937, failed, refused and neglected to have on file with this Commission a proper and adequate certificate or policy of insurance, as required by the rules and regulations above set forth.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion,  
that an investigation and hearing be entered into to determine if the above

named respondent has violated the terms and provisions of Chapter 134, Session Laws of 1927, as amended, the terms and provisions of its said certificate, and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That said respondent show cause, if any it have, by written statement filed with the Commission within ten days from this date, why it should not enter an order because of the aforementioned delinquencies, suspending or revoking the certificate heretofore issued to said respondent, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on the 28th day of March, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Dames

W. C. Danks

W. A. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF C. H. COLE, DURANGO, COLORADO, ) AMENDED APPLICATION NO. 4388  
FOR CERTIFICATE OF PUBLIC CONVEN- ) SUPPLEMENTAL ORDER  
IENCE AND NECESSITY. )  
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March 9, 1938.  
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Appearances: C. H. Cole, Durango, Colorado,  
pro se;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
Wayne D. Rees, Denver, Colorado,  
for The Colorado Trucking Association,  
Ignacio Transfer, Wood and Morgan, and  
La Plata Transfer Company;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

On February 14, 1938, Decision No. 11396, the Commission issued an order granting authority to the applicant and making a provision for the use of U. S. Highway 160 between Durango and Bayfield, only in case of county roads being impassable, the intention being to grant authority to use county roads when they were fit to travel, and in case of emergency only to use as a detour that portion of Highway No. 160 between Durango and Bayfield, not for the purpose of transporting passengers between those two points, but merely using Highway No. 160 as a means of rendering service between Durango and Vallecito Dam Site. The wording used to express this limitation is thought to be not clearly expressed.

After careful consideration of the record, the Commission is of the opinion and finds that that portion of the order included within the parentheses, lines 7 and 8, should include a further expression as to the use of Highway No. 160.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 11396 contained in lines 7 and 8 of the order, to-wit:

"(U. S. Highway No. 160 to be used only in case county roads are impassable)"

should be, and the same hereby is amended to read as follows:

(U. S. Highway No. 160 to be used only in case county roads are impassable, but no authority is granted to render service over this highway between Durango and Bayfield, and intermediate points.)

IT IS FURTHER ORDERED, That this supplemental order be made a part of Decision No. 11396, and that in all other respects the order therein contained shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. C. Danks

W. C. Danks  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
MATT LUKEZIC, FLORENCE, COLORADO, )  
RESPONDENT. )  
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CASE NO. 5876-R  
PERMIT C-5164

-----  
March 9, 1938.  
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S T A T E M E N T

By the Commission:

On December 20, 1937, the Commission issued an order in the above numbered case, revoking and cancelling Permit C-5164 on account of the failure of respondent to make the deposit as required by law.

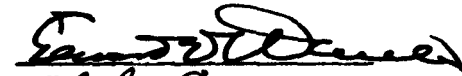
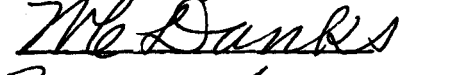

The records show that the cash deposit was made by the above named respondent on December 13, 1937, but was overlooked on account of delay in posting this credit to the account of respondent.

After careful consideration of the record, the Commission is of the opinion and finds that the revocation order above referred to should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the order dated December 20, 1937, entered in Case No. 5876-R, revoking said Permit C-5164, be, and the same hereby is set aside and held for naught, and Permit C-5164 restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF TOM MUIRHEAD, STEAMBOAT SPRINGS, )  
COLORADO, FOR A CLASS "B" PERMIT TO ) APPLICATION NO. 4434-PP  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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March 9, 1938.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicant;  
Richard E. Conour, Esq., Denver, Colorado,  
for Larson Transportation Company.

S T A T E M E N T

By the Commission:

The applicant herein seeks authority to transport farm products, farm supplies, livestock and coal between points within a twenty-mile radius of Steamboat Springs, Colorado.

It appeared from the testimony given at the hearing that the applicant had been a long time resident of Steamboat Springs, possesses a 1938 International truck and is financially able to conduct a farm service operation if given authority.

It also appeared that E. M. Harris of the Valley Transfer had no objection to applicant being given a right similar to that now held by him.

The applicant stated that he had some ten customers and wanted to be in a position to serve all who cared to contract with him. However, his list of customers attached to the application showed ten names and applicant indicated that it was his intention to serve only such customers as he might have listed.

A. A. Curtis, livestock raiser, and George Cook, rancher, both residing within the twenty-mile radius around Steamboat Springs, testified to the reliability of the applicant and to their desire to utilize his services should he be given authority.

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

Counsel, while not opposing the granting of permit limited to

authority here sought, called attention to the fact that Stanley Larson was the holder of Certificate 331, which granted him authority to render a similar service to that herein sought by the applicant, but from the record as a whole, it appears that no impairment of common carrier service would result from the granting of this permit.

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

#### O R D E R

IT IS THEREFORE ORDERED, That Tom Muirhead of Steamboat Springs, Colorado, be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products, farm supplies, livestock and coal from point to point within a radius of twenty miles of Steamboat Springs, Colorado; provided, however, that applicant will not engage in the transportation of freight generally between towns on the line of scheduled common carriers now serving this area.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective  
twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Samuel W. Dames

W. L. Danks

Wm. S. Sisk  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF LLOYD E. KRICKBAUM, FORT COL- )  
LINS, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 4413-PP  
SUPPLEMENTAL ORDER

-----  
March 9, 1938.  
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Appearances: Lloyd E. Krickbaum, Fort Collins, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association  
and Harry Mattison;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and Orville Hendricks;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

On February 11, 1938, Decision No. 11393, the Commission issued an order granting authority to the applicant, and in some manner when describing U. S. Highway No. 287 as being the western boundary of the area to be served, it was referred to as Highway No. 87, and in this particular instance there is a Highway 87 paralleling Highway No. 287, just a short distance east thereof. This error would prevent the applicant from using Highway No. 287.

After careful consideration of the record, the Commission is of the opinion and finds that this correction should be made, as the record clearly indicates that it was a mistake.

O R D E R

IT IS THEREFORE ORDERED, That that part of the order contained in Decision No. 11393, beginning with the second line of the description of the area, "on the west by U. S. Highway No. 87", be, and the same hereby is amended to read as follows:

on the west by U. S. Highway No. 287.

IT IS FURTHER ORDERED, That this supplemental order be made a

part of Decision No. 11393 and in all other respects the order contained in said Decision No. 11393 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Emmett D. Danks

McDanks

Commissioners.

Dated at Denver, Colorado,  
this 9th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

DR. ROBERT M. SHEA,  
1244 Grant St., Denver, Colorado, )  
Complainant, )  
vs. )  
TOWN (CITY) OF AURORA, COLORADO, )  
HON. W. J. PARRISH, MAYOR, )  
Respondent. )

CASE NO. 4672

-----  
March 11, 1938.  
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Appearances: Earle F. Wingren, Esq., Denver, Colorado,  
attorney for the complainant;  
R. B. Garrison, Esq., Aurora, Colorado,  
attorney for City of Aurora,  
defendant.

S T A T E M E N T

By the Commission:

Dr. Robert M. Shea, the complainant herein, is the owner of a forty-acre tract of land in Arapahoe County, said tract being outside the city limits of Aurora, the northwest corner thereof being also the intersection of East Sixth Avenue and Dayton Street in Aurora. On this tract, he has erected a seven-room brick residence, a garage and other improvements necessary for a suburban home. The complainant testified that he made application to the City of Aurora for permission to connect with the city's water system through a privately owned lateral, the tap from which would be at a point near East Sixth Avenue and Dayton Street, or within a very short distance of the complainant's property, he having made arrangements with the owner of this privately owned lateral to make the connection if and when the City gave him a tap; that in order to make this connection the complainant would be obliged to lay a pipe from the tap at East Sixth Avenue and Dayton Street to the site of his improvements, which would cost some \$2,000.00; that he had contacted the Denver Water Board and arranged for the supply of water on the condition that he first get a right from the

City of Aurora and that he was ready, willing and able to pay a reasonable charge for the tap and for the use of the City of Aurora's distributing system, or whatever charge might be prescribed for all users outside of the City of Aurora; that he sought this water supply for domestic use and some irrigation around his home, the farm land or acreage part of the forty-acre tract being irrigated from the High Line Canal; that the City of Aurora would not allow the proposed connection to its distributing system or furnish the water he wanted. Thereupon, he complained to this Commission, and we directed the City of Aurora to show cause why it should not be required to comply with Shea's request. The City answered, and the hearing heretofore referred to followed.

W. J. Parrish, Mayor of the City of Aurora, at the hearing, testified that during 1936 the water pressure throughout the distributing system of the City of Aurora was quite low, particularly in those sections of the city situated on high points and along the eastern section of the City of Aurora; that this shortage was so bad that at times during the sprinkling season many of the residents of Aurora were unable to get water for domestic use; that a number of places which he visited in the eastern part of Aurora were left without water several hours during the day and after sprinkling hours the pressure was very low; that in order to relieve this situation he had requested the City of Denver to invoke a rule that sprinkling be allowed on alternate days, as had been the practice other years when there was a shortage; that most of the water users in the City of Aurora complained about this shortage occurring between 4:00 and 8:00 P. M., when there was not enough water to flush toilets; that there had been times when the City of Denver was not in a position to supply a larger amount or a greater pressure at point of connection with City system but that this would no doubt be remedied when the City of Denver connected the City of Aurora with a larger main on East Colfax as was then contemplated.

Mayor Parrish stated that the City Council and he as Mayor had no objection to granting a water tap off of the City's distributing system,

provided the users of the City of Aurora were first supplied with a reasonable amount of water and a reasonable pressure; and that he would be pleased to see the connection made for Dr. Shea just as soon as he was certain the users in the City of Aurora were first taken care of.

The Mayor further testified that at the present time there was a bonded indebtedness of approximately \$173,450.00 which the City of Aurora incurred in connection with its Water Works System and was obliged to take care of, and that a 16 mill levy was made annually for the purpose of retiring this water debt; that all of the property within the city limits of the City of Aurora was now carrying this 16 mill levy, and in addition thereto, all of the property which had been segregated from the City since the debt was incurred, was carrying this 16 mill levy; and that no arrangements had been made as yet for charging users residing outside of the City of Aurora.

T. W. Inglehart and Walter Hedeon, councilmen, and J. E. Hiatt, 1439 Moline Street, George Norton, 11534 East Colfax, and C. H. Rankin, railway and hydraulic engineer for the Commission, each testified of their own knowledge as to the shortage of water, particularly in East Aurora, during the irrigating seasons of 1936 and 1937, and that the only reason for refusing Dr. Shea a tap when the matter was presented to the City Council was on account of this shortage of water for residents of the City of Aurora.

D. D. Gross, chief engineer for the Denver Board of Water Commissioners, testified that the City of Denver was placing a 30" water main from Capitol Hill to 10th and Monaco, and a 24" main to Aurora, which would connect with the Aurora system at Colfax and Yosemite, which connection, when made, would increase the pressure 20 pounds at the point of connection; that the present pressure in Aurora was approximately 39 pounds during most of the year and that this new connection would add at least 20 pounds to the pressure, making it then approximately 59 pounds; that there were at the present time 761 users in Aurora, most of whom hold 5/8-inch taps; that the principal distributing main of the Aurora system is 12" in diameter, this being one which connects with the Denver system near East Colfax and Yosemite, and this distributing main is not large enough to supply the 761 users with maximum demand which

is three gallons per service, per minute, particularly during the irrigating season of the year; that when the City of Denver connects its new 24" water main with the Aurora distributing system, there will be plenty of water at the point of connection to supply the needs of Aurora consumers at all times, and probably more, but the Aurora distributing system located beyond connecting point lacks capacity to carry or distribute the water now required by its 761 users throughout all seasons of the year.

There appears to be no objection to granting this connection to the complainant were it not for the low pressure during the irrigating season when so many complaints are being made by the residents of the City of Aurora. It was not shown that the anticipated added volume and pressure at point of connection of new City Main with distributing system of Aurora will overcome this low pressure during the irrigating season.

Pursuant to agreement at hearing, the City Attorney for the City of Aurora presented a statement, entitled "Additional Requested Information", as follows:

"Comes now the above entitled defendant, by its attorney, and respectfully submits the following names of parties receiving water supplied by the Water Board of the City and County of Denver, Colorado, through water mains belonging to the City of Aurora, Colorado, who reside outside of the corporate limits of the City of Aurora:

"1. Names of parties receiving water as aforesaid, who reside on property that was never within the corporate limits of the City of Aurora, and who were permitted the privilege years ago:

- "(a) A. J. Fitzpatrick, address Aurora, Colo., residing on south side of E 6th Ave., and Havana St., if said street ran beyond said 6th Ave.
- "(b) U. J. Bonard, address 10500 E. 6th Ave., Aurora, Colorado, and
- "(c) Cary R. Pollock residing at E. Colfax Ave., and Peoria St., Aurora, Colo., said property belonging to Estate of Marie L. Hershey, Deceased.

"2. Names of parties receiving water as aforesaid, who reside on property that was at one time within the corporate limits

of the City of Aurora, but has been and is now segregated from said city by Decree of Court, but who now pay the mill levy made for the bonded indebtedness of said water system:

"(a) E. O. Johnson, Aurora, Colorado, 1050 Havana St., this property is the same as formerly owned by Hedeon Dairy.

"(b) B. Yacovetta, 800 Dayton St., Aurora, Colorado.

"(c) Richard Champion, 700 Dayton St., Aurora, Colorado."

It further appears that the three customers first above named residing in territory which was never a part of the City of Aurora and having no connection with the 16 mill levy, pay their water bills direct to the Board of Water Commissioners of the City of Denver.

From the foregoing, it appears that the City of Aurora contends that it has made no profession to serve the public generally outside the city limits of Aurora and is not a public utility; that if the contrary were true, its first duty is to its citizens; that its present distributing system cannot carry enough water at this time to adequately care for the consumers within the city limits; and that, even though it were a public utility, still it cannot be required to add new consumers to its present insufficient distributing system.

We are of the opinion that the respondent showed that it cannot serve more customers than it now has without injury to its resident customers, and therefore does not now have any surplus water for sale. We believe that such finding is determinative of the instant matter, and therefore it is unnecessary to here determine whether the City of Aurora is or is not a public utility, and that question expressly is hereby reserved for future determination should occasion require.

In the case of Pikes Peak Power Company v. Colorado Springs, 44 C. C. A 333, 105 Fed. 1, the Court said:

"It is true as Counsel for the City asserted, that the water, the water system, and other public utilities of the municipality are held by it and by its officers, in trust for its citizens, and for the public; that neither

the city nor its officers can renounce this trust, disable themselves from performing their public duties, or so divert or impair these utilities that they are rendered inadequate to the complete performance of the trust under which they are held. But it is equally true that municipalities and their officers have the power, and it is their duty, to apply the surplus power and use of all public utilities under their control for the benefit of their cities and citizens; provided, always, that such application does not materially impair the usefulness of these facilities for the purpose for which they were privately created. \* \* \* The water system was constructed primarily to serve those who paid for it."

After a careful consideration of the record, the Commission is of the opinion and finds that complainant did not establish his right to the relief sought and that said case should be dismissed.

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Danks  
McDanks

Walter E. Eise  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
)  
)  
Robert Steele, Greeley, Colo. )  
-----

~~P.U.C. No.~~ Permit No. B-1326

-----  
March 12, 1938.  
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S T A T E M E N T

By the Commission:

On September 16, 193 7, by order of the Commission, Decision  
No. 10599, Robert Steele of  
Greeley, Colorado was given authority to suspend operations under  
~~PUC No. Permit No. B-1326~~ for a period of six months with the privilege  
of reinstatement.



The Commission is now in receipt of a communication from permittee  
requesting that said permit be restored to its active status.

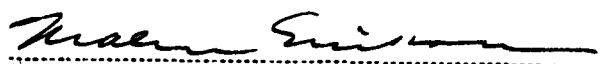
After careful consideration, permittee having on file the necessary  
certificate of insurance, cash deposit, and otherwise having complied with the  
rules and regulations of the Commission governing Private carriers,  
the Commission is of the opinion and finds that said order of suspension should  
be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and  
hereby is, set aside and that <sup>Permit</sup>~~PUC~~ No. B-1326 be, and the same hereby is,  
restored to its active status as of the date of this order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 12th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ROBERT COLMAN, DOING BUSINESS )  
AS COLMAN FREIGHT SERVICE, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE TRUCK ) APPLICATION NO. 3155-B  
SERVICE AS A MOTOR VEHICLE CARRIER )  
BETWEEN LEADVILLE, CLIMAX AND )  
KOKOMO, COLORADO. )  
-----

(RIO GRANDE MOTOR WAY, INC., SUB- )  
STITUTED AS APPLICANT, PER COM- ) APPLICATION NO. 3155-A-B  
MISSION'S ORDER OF MARCH 25, 1937, )  
DECISION NO. 9674) )  
-----

IN THE MATTER OF THE APPLICATION )  
OF JAMES A. SCHAEFFER, DOING BUSI- )  
NESS AS SCHAEFFER TRUCK LINE, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE ) APPLICATION NO. 4322  
AND NECESSITY TO OPERATE TRUCK SER- )  
VICE BETWEEN DENVER, CLIMAX AND )  
KOKOMO, COLORADO, IN IRREGULAR )  
SERVICE. )  
-----

RE MOTOR VEHICLE OPERATIONS OF )  
JAMES A. SCHAEFFER. ) PERMIT NO. A-1975  
-----

-----  
March 14, 1938.  
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Appearances: T. A. White, Esq., Denver, Colorado,  
for Colman Freight Service and  
Rio Grande Motor Way, Inc.;  
Marion F. Jones, Esq., Denver, Colorado,  
for James A. Schaeffer.

S T A T E M E N T

By the Commission:

The above numbered applications were consolidated for the purpose  
of the hearing.

A motion was made on behalf of Robert Colman to have his appli-  
cation amended to provide service to Kokomo also, which amendment was  
granted.

H. T. Hall, Kokomo, Colorado, operator of a hotel and pool hall  
testified that at the present time there was no service available at Kokomo,  
except a touring car which had been sent up about once every ten days

by the Hitchcock Truck Line, and that this service was not dependable and was found to be very unsatisfactory after some three months experience; that this kind of equipment was not adequate to transport the commodities, inasmuch as laundry was usually carried on the running board and his freight otherwise not transported in good shape; that the revenue of freight transported to Kokomo averaged about \$70.00 per month; that there were three stores in Kokomo and the population was about 50.

The witness further testified that they were badly in need of dependable service; that Schaeffer's service had been very good and the Colman service was all right.

A. J. Schaeffer, Denver, Colorado, holder of Permit A-1975, testified that he had eight years experience in the operation of trucks between Denver and points as far west as Grand Junction; that he was manager for the Shall Truck Line prior to undertaking to operate for himself; that he possessed two Chevrolet trucks and a 1936 International, on each of which there were back payments to be made; that he also owned a car, some cash and accounts receivable, with an aggregate net value above encumbrances of approximately \$2,200.00.

It further appeared that the tonnage moving between Denver and Climax was between forty-five and fifty thousand pounds per week, and that the tonnage to Kokomo would net between twenty-five and fifty dollars per week, being almost double during the summer months over what it was during the winter; that Hitchcock was not rendering much service, if any, to Kokomo; that the applicant found demands for the movement of freight from Leadville to Kokomo, much of which came from those who were not listed as his customers, and that he needed a certificate in order to properly serve Climax and Kokomo needs; that in order to properly take care of this demand, he wanted authority to transport general commodities between Denver, Colorado and Climax and Kokomo, Colorado, and between Leadville, Climax and Kokomo, Colorado, without service to any intermediate points, and in rendering this service desired to use any of the routes indicated on the map attached to his application, which would give him a chance to use

Loveland Pass when it was open and at other times utilizing Highway U. S. 285 and 24 via Buena Vista.

This applicant proposed to render a daily service, except Sunday, to Kokomo and Climax, and stated that he would so arrange his schedule as to take care of freight from Leadville to Climax, making a connection at Leadville to carry freight from the west, so there would be little delay; that at the time of filing this application, applicant was of the opinion that the Colman application for like authority was abandoned and that he knew nothing to the contrary until arriving at Leadville for this hearing.

Robert Colman, holder of Certificate No. 771 with a right to serve between Denver and Leadville (no intermediate points), testified that at the time he filed his application, the Colorado and Southern Railway Company was operating, and the Climax Molybdenum Company contended that they did not want truck service into Climax. He, therefore, was thinking of abandoning this extension. However, the railroad has now ceased operating, objections heretofore filed to his application by the Colorado and Southern railroad have been withdrawn, and in the interest of his service he desired to continue with this application for an extension; that he now rendered a daily service, except Sunday, between Denver and Grand Junction; that when Loveland pass is open, he would make direct deliveries at Climax and Kokomo from both Grand Junction and Denver, maintain a dock at Leadville, together with an office and pick-up service; that he is in receipt of numerous requests from shippers along his route to make deliveries at Kokomo, many of which come from Grand Junction; that if given this authority, he would run a turnaround truck to operate between Denver and Leadville, which operation would not be remunerative unless he had tonnage from Climax and Kokomo, and with this he believed it would be a paying proposition.

Applicant Colman testified that in the event the Interstate Commerce Commission authorizes the Rio Grande Motor Way to take over his line, as heretofore authorized by this Commission, he would expect any right granted to him under this application to be the property of Rio Grande Motor Way.

It further appeared that Loveland Pass is open approximately six months during the year, and that during the months when the pass is closed, Grand Junction freight moved by the Colman Truck Service, destined to Climax, remained on his dock at Leadville until the consignee came and picked it up.

There was testimony indicating that the Colman service had transported commodities between Denver and Climax without authority, to which charge Colman replied that a shipment of beer might have been moved in a case of an emergency, but that this service was rendered without charge. Furthermore, he stated that he was the owner of private permit No. A-390 which had never been cancelled, giving him the right to move freight between Leadville and Climax, and that the Fremont Trading Company was one of his listed customers, the consignee of this particular item.

H. B. Nicholas, hardware dealer at Leadville, testified that he had shipments for Climax and Kokomo and that the present service was not convenient nor dependable; that much of the time they were making an effort to deliver their own shipments, but would like to have the Colman service to these two points and that in his opinion the public needed a common carrier service between Leadville and Climax, and that either of these applicants were satisfactory so far as he knew.

H. W. Shiremier, agent for the Standard Oil Company and The Denver and Rio Grande Western Railroad Company, stated that he used the Colman service and that it was highly satisfactory; that Climax customers were obliged to come after a great deal of their freight for the reason that there was no service available, and that so far as he knew Schaeffer's service was all right.

At a continued hearing held January 24, 1938, at Denver, Colorado, James A. Schaeffer testified that he had arranged for the purchase of the rights now held by the Hitchcock Truck Line and had filed an application for authority to have the same transferred to himself, doing business as the Schaeffer Truck Line, in order to be in a position to render a more coordinated service to Dillon, Kokomo and Climax; that he was to pay

Hitchcock Brothers at the rate of \$250.00 a month after taking over the operation; that his financial standing had changed somewhat since the beginning of this hearing on December 9, particularly in that he had borrowed \$1900.00 from his uncle and was getting two road trucks and a pick-up.

It further appeared from the testimony of L. R. Obringer, Denver, President of the Midwest Plumbing and Heating Company, that the applicant had been rendering very satisfactory service for this firm during the construction work at Climax, and that they hoped to get additional work and need further transportation service to Climax.

E. E. Anderson, Traffic Manager for Montgomery Ward , Denver, testified that this firm had been using the Schaeffer service and found it to be very dependable and preferable to railroad service in that it saved time. This witness further stated that they had used the Colman service and had no complaint whatsoever except the slowness in taking care of C.O.D.'s, some of which were pending at the present time, and that Montgomery Ward needed a dependable truck service to both Climax and Kokomo.

It further appeared that there was some difference of opinion as to what rights Colman might have to make deliveries at Climax at the present time; that his trucks had been seen there on various occasions and that the driver of the Schaeffer truck had talked with the driver of the Colman truck, and that other operators had been seen in Climax who it was thought had no authority to serve this point; that some of the settlements on C. O. D. shipments and freight claims said to be held up for an unreasonable time by the Colman service, were delayed on account of the connection with the railroad which allows all such matters to take their usual course and could not be adjusted as promptly as many truck operators could handle such matters, it appearing that the truck operators many times paid small claims without much investigation, while the railroad always took time to ascertain the exact status before any payment was made.

The record made on these applications indicates that there is a demand for truck transportation service between Denver and Kokomo and Climax, as well as between Leadville and Kokomo and Climax. However, it

does not appear that the tonnage would justify the granting of authority to more than one operator. It is also apparent that applicant Schaeffer has been connected with such a service, first as an employe, later while trying to acquire the Shull rights, and now as an operator under his own permit. It is a fact that applicant Colman filed his application prior to the filing date of the Schaeffer application, but made no effort to pursue the same; in fact, at one time had hearing on same vacated and made no effort to push his application until after the filing of the Schaeffer application.

The record does not disclose that applicant Colman is in a position to render any better service than that now being provided by Schaeffer, and all things considered, we believe that applicant Schaeffer should be and is entitled to preference in this matter.

Counsel for Schaeffer stated that should a certificate be granted, Private Permit No. A-1975 might be cancelled.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that the public convenience and necessity require the proposed motor vehicle operations of James A. Schaeffer and that Application No. 3155-A-B should be denied.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle services of James A. Schaeffer for the transportation of general commodities, with authority to operate between Denver, and Climax and Kokomo, as follows:

Denver over U. S. Highways No. 285 and No. 24, and State Highway No. 91, via Buena Vista and Leadville; or over U. S. Highway No. 285 and State Highways No. 9 and No. 91, via Fairplay and Dillon; and from Denver over U. S. Highway No. 40 to Empire, Colorado, thence over State Highway No. 91 via Dillon to Climax and Kokomo; and between Leadville and Climax and Kokomo, over State Highway No. 91, without the right to serve intermediate points,

intending hereby to grant authority to use these highways between Denver and Climax and Kokomo in such manner as to render continuous service to these points, regardless of condition of passes, which may require different routing at certain seasons of the year, and this order shall be taken,

deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within twenty days from the date hereof.

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

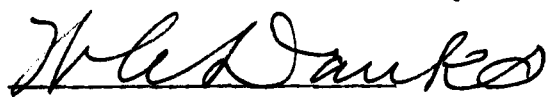
IT IS FURTHER ORDERED, That Private Permit No. A-1975 be, and the same hereby is revoked and cancelled.


IT IS FURTHER ORDERED, That Application No. 3155-A-B be, and the same hereby is denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE FREE TRANSPORTATION BY THE DENVER )  
AND SALT LAKE RAILWAY COMPANY FROM )  
OAK HILLS, COLORADO, AND MT. HARRIS, )  
COLORADO, ON THREE CARLOADS OF COAL, ) MISCELLANEOUS DOCKET NO. 96.  
CONSIGNED TO THE DENVER COMMUNITY )  
CHEST, DENVER, COLORADO. )  
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March 11, 1938.  
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S T A T E M E N T

By the Commission:

This matter is before the Commission upon letters from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated March 9, 1938, requesting authority to transport three carloads of coal free of charge from Oak Hills and Mt. Harris, Colorado, on account of charity.

These shipments in question have been donated by two of the shippers on the line of The Denver and Salt Lake Railway Company to the Community Chest Office Building and The Epworth Industries, and the Young Men's Christian Association, agencies of the Denver Community Chest, a charitable institution, and are to be used for charity.

Section 17, Paragraph (c) of The Public Utilities Act provides that the Commission may by rule or order authorize carriers to depart from their published tariff rates.

After full consideration of the facts, as set forth, the Commission finds that the request should be authorized.

An appropriate order will be entered.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on

two carloads of coal from Oak Hills, Colorado, to Denver, consigned to the Denver Community Chest in care of the Moffat Coal Company, and one carload of coal from Mt. Harris, Colorado, to Denver, consigned to the Denver Community Chest, in care of the Pikes Peak Fuel Company.

IT IS FURTHER ORDERED, That this order shall not be used as a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Samuel D. Dimes  
W. L. Danks  
Malcolm Finson  
Commissioners.

Dated at Denver, Colorado, this  
11th day of March, 1938.

JH

Decision No 11509

Misc. Docket No. 96

**THE DENVER AND SALT LAKE RAILWAY CO.**

DATE d. MARCH 11, 1938.

OFFICE OF TRAFFIC MANAGER

ALL PRESENT

DENVER, COLORADO

F. J. TONER  
TRAFFIC MANAGER

March 9, 1938.

Public Utilities Commission  
of the State of Colorado,  
State Office Building,  
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated two carloads of coal to the Denver Community Chest for use of the Community Chest Office Building and The Epworth Industries. These cars will be consigned to the Denver Community Chest in care of the Moffat Coal Company.

In view of the above, we shall be pleased to haul these cars of coal free of charge from the mines at Oak Hills, Colorado to Denver and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

*F. J. Toner*  
Traffic Manager.  
B

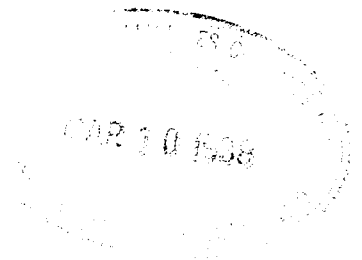
C

**THE DENVER AND SALT LAKE RAILWAY CO.**

OFFICE OF TRAFFIC MANAGER

**DENVER, COLORADO****F. J. TONER**  
TRAFFIC MANAGER

March 9, 1938.



Public Utilities Commission  
of the State of Colorado,  
State Office Building,  
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated one carload of coal to the Denver Community Chest for use of the Young Men's Christian Association. This car will be consigned to the Denver Community Chest in care of the Pikes Peak Fuel Company.

In view of the above, we shall be pleased to haul this car of coal free of charge from the mines at Mt. Harris, Colorado to Denver and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

*F. J. Toner*  
Traffic Manager.  
B

C

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF BASIN TRANSPORT, INC., A CORPOR- )  
ATION, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 2859-PP-AAA  
PRIVATE PERMIT A-1268 to ED HAINES, )  
TRINIDAD, COLORADO. )  
-----

-----  
March 14, 1938.  
-----

Appearances: Harold M. Webster, Esq., Denver, Colorado,  
Trustee in Bankruptcy of Basin Transport  
Company;  
Marion F. Jones, Esq., Denver, Colorado,  
for Ed Haines;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Z. D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association.

S T A T E M E N T

By the Commission:

Basin Transport, Inc., a corporation, is the owner of Permit  
No. A-1268, authorizing said company to operate as a private carrier by motor  
vehicle for hire. Said company recently was adjudicated a bankrupt, and one  
Harold M. Webster was appointed Trustee in Bankruptcy to administer the  
estate of said bankrupt. As said Trustee, he filed a petition herein for  
leave to sell and transfer said permit to Ed Haines for a consideration of  
\$1,000.00 in cash.

The matter was regularly set for hearing before the Commission  
on February 17, 1938, at ten o'clock A. M.

The operating experience and pecuniary responsibility of transferee  
were established to the satisfaction of the Commission. It further appeared  
that said trustee had received the sum of \$1,000.00, the purchase price of  
said permit, in the form of a cashier's check, said check to be cashed upon  
approval of the transfer by the Commission.

Inasmuch as the money so paid said Trustee will be disbursed by  
him to the creditors of Basin Transport, Inc., under the direction of the

Referee in Bankruptcy in the United States District Court, we believe that said transfer is for the best interests of all concerned.

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

O R D E R

IT IS THEREFORE ORDERED, That Harold M. Webster, as Trustee in Bankruptcy for Basin Transport, Inc., should be, and hereby is authorized to transfer Permit No. A-1268 to Ed Haines.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferee, in writing, has advised the Commission that said permit has been formally assigned and that he has accepted, and in the future will comply with the conditions and requirements of this order to be by him kept and performed.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Dineen

W. H. Danks

Walter E. Eason

Commissioners.

Dated at Denver, Colorado,  
this 14th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. G. TOWNS, GRAND JUNCTION, )  
COLORADO, RESPONDENT. )  
-----

PERMIT NO. C-1351  
CASE NO. 5175-R

-----  
March 14, 1938.  
-----

S T A T E M E N T

By the Commission:

On December 20, 1937, in the above numbered case, the Commission issued an order revoking Permit C-1351 on account of the respondent having failed to make the deposit required by law. This matter later was taken up with the Commission by Courtesy Patrolman James H. Cole, informing us of the fact that all requirements have now been met and the rules and regulations of the Commission complied with.

After careful consideration of the record, the Commission is of the opinion and finds that the revocation order dated December 20, 1937, should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order entered in Case No. 5175-R, cancelling and revoking Permit C-1351, should be and the same hereby is set aside and held for naught, and Permit C-1351 restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Dineen

W. C. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LOVING AND LOVING, OKLAHOMA CITY, )  
OKLAHOMA, RESPONDENTS. )  
-----

PERMIT NO. C-4701  
CASE NO. 5788-R

-----  
March 14, 1938.  
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S T A T E M E N T

By the Commission:

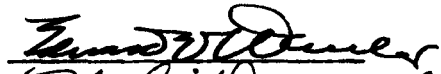

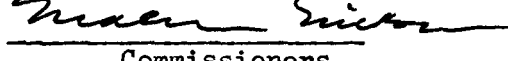
On December 20, 1937, in the above numbered case, the Commission issued an order cancelling and revoking Permit C-4701, on account of the respondent having failed to make the necessary road reports. It has now been brought to the attention of the Commission that when the inspector made out the statement on road tax, he inadvertently used the year 1935, when it should have been 1936. This one year discrepancy was the period for which revocation order was issued, when as a matter of fact, reports were already in for that year.

After careful consideration of the record, the Commission is of the opinion and finds that the revocation order should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued under Date of December 20, 1937, Case 5788-R should be set aside and held for naught, and Commercial Permit C-4701 be, and the same is hereby restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RAY E. COULTER, GLENWOOD SPRINGS, )  
COLORADO, RESPONDENT. )  
-----

PERMIT NO. C-7015  
CASE NO. 6457-R

-----  
March 14, 1938.  
-----

S T A T E M E N T

By the Commission:

On December 20, 1937, in the above numbered case, the Commission issued an order revoking Permit C-7015 on account of the respondent having failed to present road reports. The records of the Commission now disclose that on December 20, 1937, the date of this revocation order, road reports had been made out and presented, but had not been credited to this permit.

After a careful consideration of the record, the Commission is of the opinion and finds that the revocation order above referred to should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order, dated December 20, 1937, issued in Case No. 6457-R, should be and the same hereby is set aside and held for naught, and Commercial Permit C-7015 restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eugene V. Dancy*

*W. L. Danks*

*Malcolm E. Eason*  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RIO GRANDE MOTOR WAY, INC.,	)	
	)	
Complainant,	)	
	)	
vs.	)	
	)	<u>CASE NO. 1840</u>
S. N. DRUM, B. R. GERARD, FRANK	)	
BARKER AND ALFRED BAKER, INDI-	)	
VIDUALLY, AND THE BASIN TRANSPORT,	)	
A COPARTNERSHIP OR ASSOCIATION,	)	
COMPOSED OF SAID INDIVIDUALS,	)	
	)	
Respondents.	)	

-----

-----  
March 14, 1938.  
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Appearances: T. R. Woodrow, Esq., and T. A. White, Esq.,  
Equitable Building, Denver, Colorado,  
for Complainant;  
Marion F. Jones, Esq., Denver, Colorado,  
for Respondents.

S T A T E M E N T

By the Commission:

Heretofore, to-wit, on May 13, 1937, in the above entitled matter,  
the Commission entered its order and Decision No. 9983, dismissing the  
complaint of Rio Grande Motor Way, Inc.

Subsequently, and within the time provided by law for filing  
applications for rehearing, said complainant filed its application for  
rehearing.

On June 18, 1937, the Commission, by its order and decision  
No. 10218, granted said application for rehearing.

On February 25, 1938, said complainant, in writing, agreed that  
the above styled complaint could be dismissed.

After a careful consideration of the record, the Commission is  
of the opinion, and finds, that complaint in the above styled matter should  
be dismissed.

O R D E R

IT IS THEREFORE ORDERED, Complainant consenting thereto, that  
the above styled complaint should be, and the same hereby is dismissed.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
R. W. NELSON AND JOHN CAMPBELL, ) PERMIT NO. A-421  
DOING BUSINESS AS CRESTED BUTTE )  
HARDWARE AND AUTO SUPPLY COMPANY. )  
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-----  
March 14, 1938.  
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S T A T E M E N T

By the Commission:

On February 8, 1933, Permit A-421 was issued to R. W. Nelson and John Campbell. The Commission is now in receipt of authentic information, advising that Roger W. Nelson died, leaving as his sole and only heir, Helen Nelson, his wife, and that it is the desire of John Campbell, the remaining partner and part owner of Permit A-421, that the name of Helen Nelson be substituted on the records of the Commission in the place of her deceased husband, Roger W. Nelson.

It does not appear that Roger W. Nelson left an estate of sufficient amount to justify administration by the County Court.

In order to assist Mrs. Nelson and at the same time keep the records in the office of the Commission in regular order, the Commission is of the opinion and finds that the substitution of the name of Helen Nelson in place of Roger W. Nelson, deceased, should be authorized without the formality of a hearing.

O R D E R

IT IS THEREFORE ORDERED, That the name of Helen Nelson be substituted for the name of R. W. Nelson (her deceased husband) as a partner with John Campbell, and that John Campbell and Helen Nelson, doing business as Crested Butte Hardware and Supply Company, be shown as partners and the owners of Permit No. A-421.

IT IS FURTHER ORDERED, That this order shall become effective

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Senado D. D. D.

McDanks

W. A. D. D.

Commissioners.

Dated at Denver, Colorado,  
this 14th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF JOSEPH BURTON MONTGOMERY, DOING )  
BUSINESS AS MONTGOMERY TRANSFER, )  
DENVER, COLORADO, FOR AUTHORITY )  
TO TRANSFER HIS PRIVATE PERMIT )  
NO. A-138 TO J. B. MONTGOMERY, INC., )  
COZAD, NEBRASKA. )  
-----

APPLICATION NO. 4480-PP-A

-----  
March 16, 1938.  
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Appearances: Worth Allen, Esq., Denver, Colorado,  
for the Applicant;  
R. E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:




The above numbered application was called for hearing. Mr. Allen, representing the applicant, requested that the application be dismissed.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby dismissed upon request.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF D. K. DANNELS AND SON TO LEASE ) APPLICATION NO. 658-AA  
CERTIFICATE NO. 74. )  
-----

-----  
March 16, 1938.  
-----

S T A T E M E N T

By the Commission:

D. K. Dannels and Shelby M. Dannels, co-partners doing business as D. K. Dannels and Son, appear from the record to be the owners of Certificate No. 74.

On March 5, 1937, an application to lease said certificate to Carl Rohlf of Allenspark was filed with the Commission, but for some reason approval of the same has been overlooked. The owners of this certificate desire to have a record made authorizing the leasing of this right for the period March 1, 1937, to July 1, 1938.

The records show that Carl Rohlf at one time did have a lease which was approved by the Commission, and operated under this certificate. His reliability is known to the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That D. K. Dannels and Shelby M. Dannels, co-partners, doing business as D. K. Dannels and Son, should be, and they hereby are authorized to lease to Carl Rohlf of Allenspark, Colorado, for the term, and upon the conditions set forth in the application to lease filed with the Commission on March 5, 1937.

IT IS FURTHER ORDERED, That this order shall become effective

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edmund D. Dwyer

W. C. Danks

Walter H. Hiron

Commissioners.

Dated at Denver, Colorado,  
this 16th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. H. NOYES AND SON, ALLENSPARK, )  
COLORADO, RESPONDENT. )

CASE NO. 4148-R  
CERTIFICATE NO. 74

-----  
March 16, 1938.  
-----

S T A T E M E N T

By the Commission:

On November 10, 1937, in Case 4148-R, the Commission issued an order revoking and cancelling Certificate 74 on account of the respondent having failed to make the deposit as required by law.

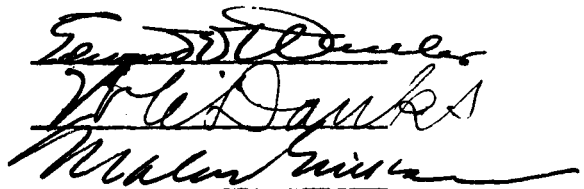
The Commission is now in receipt of the required deposit, paid December 28, 1937, together with information to the effect that this certificate being under lease, the notice of cancellation for some reason failed to reach the lessor. The Secretary of the Commission in his letter of December 2, 1937, assured the lessee that the Commission would issue an order reinstating said certificate upon receipt of the deposit.

After careful consideration of the record, the Commission is of the opinion and finds that the revocation order entered herein should be rescinded.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued in Case 4148-R, under date of November 10, 1937, be, and the same hereby is set aside and held for naught and Certificate No. 74 be, and the same is hereby restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF J. R. VARNELL, WALDEN, COLORADO, )  
FOR AUTHORITY TO TRANSFER HIS PRIVATE ) APPLICATION NO. 3580-PP-A  
PERMIT NO. B-1950 TO LYDA PENFOLD, )  
doing business as CAMERON TROUT LODGE, )  
GOULD, COLORADO. )  
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March 16, 1938.  
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Appearances: Leroy Penfold, Gould, Colorado, for  
the applicants;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
A. W. Lyon, E. N. Winscom and Hazel  
Greely;  
Richard E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

It appeared from the testimony given at the hearing that on November 16, 1936, the transferor was granted authority to transport lumber, telephone poles and ties from the third mill installed by the Michigan Timber Company (and from other mills of said timber company in the event the present authorized transportation operators fail or abandon their service) on the west side of Cameron Pass, to railroad loading point at Walden, Colorado, which authority is designated Permit No. B-1950. The holder of said permit now seeks authority to transfer all right in and to said permit to Lyda Penfold, doing business as Cameron Trout Lodge, Gould, Colorado; that no consideration was paid for this right other than the transferee relieving the transferor of any obligation he might have had and rendering the same service which the transferor has heretofore rendered; that the transferee is the owner of a 1936 V-8 Ford and an International; also has four trucks

leased and is in a position to undertake and conduct the operation as heretofore conducted by the transferor; that there are no outstanding obligations as a result of previous operations under this authority; and that the transferee proposes to haul nothing under this permit except timber as authorized by the original order.

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

O R D E R

IT IS THEREFORE ORDERED, That J. R. Varnell be, and he hereby is, granted authority to transfer all right, title and interest in and to Permit B-1950, to Lyda Penfold, doing business as Cameron Trout Lodge, Gould, Colorado.

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

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee herein until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward V. Dancy*  
*W. L. Danks*  
*W. L. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )	
OF ARTHUR D. POOR, BOULDER, COLO- )	
RADO, FOR AUTHORITY TO EXTEND )	
PERMIT NO. B-1323 TO INCLUDE THE )	<u>APPLICATION NO. 2917-PP-B</u>
TRANSPORTATION OF CRUDE OIL AND )	
FUEL OIL WITHIN TERRITORY NOW )	
SERVED. )	

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-----  
March 17, 1938.  
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Appearances: Arthur D. Poor, Boulder, Colorado,  
pro se;  
R. E. Conour, Esq., Denver, Colorado,  
for Colorado Rapid Transit;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, Over-Land Motor Express  
and J. D. McKenzie;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On February 26, 1936, by Decision No. 7279, authority was granted  
to A. D. Poor, Boulder, Colorado, to transport -

"farm products including livestock, oil well equipment  
and coal, from point to point within a radius of sixty  
miles of Boulder, Colorado, save and except that no  
authority is granted to transport any freight between  
Boulder and Denver or Denver and Boulder",

and Permit B-1323 was issued to the applicant.

By the instant application Arthur D. Poor seeks an extension to the  
above authority to include the transportation of crude oil or fuel oil to  
wells being drilled within the sixty-mile radius authorized by the original  
order. It appeared that this commodity is to be used for fuel in connection  
with drilling operations and is to be moved in tank trucks only.

There was no objection offered to the granting of this extension  
by those appearing at the hearing.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit B-1323, heretofore granted to applicant by order contained in Decision No. 7279, be, and the same hereby is extended to include the right to transport crude or fuel oil in bulk from points within the sixty-mile radius around Boulder, Colorado, to oil drilling operations within said area.

IT IS FURTHER ORDERED, That this order shall be made a part of Decision No. 7279 and that in all other respects the order contained in said Decision shall remain in full force and effect.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*

*W. C. Danks*

*Wm. J. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

GEORGE W. SISLER, RT. 3,  
GRAND JUNCTION, COLORADO.

PERMIT NO. C-6223

March 17, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George W. Sisler  
of Grand Junction, Colorado,  
requesting that his Permit No. C-6223 be cancelled, for  
the reason that he is no longer operating.

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

# ORDER

IT IS THEREFORE ORDERED, That Permit No. C-<sup>6223</sup>....., heretofore issued  
to.....George W. Sisler..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

James V. Turner  
W. D. Banks  
W. C. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
FINNEY BROS. FUEL COMPANY )  
 )  
 )  
..... )

PERMIT NO. C- 412

.....  
March 17, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Finney Bros. Fuel Company ..... of 11 W. Cucharas, Colo. Springs. Colo,  
requesting that his Permit No. C-.....412..... be cancelled  
for the reason that they have ceased operations under said permit.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-.....412....., heretofore issued  
to.....Finney Bros. Fuel Company..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dwyer*  
*W. B. Davis*  
*W. B. Davis*

Commissioners.

Dated at Denver, Colorado,  
this 17th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
ERNEST ROSS                              )  
.....)

PERMIT NO. C- 7645

.....  
March 17, 1938  
.....

S T A T E M E N T

By the Commission:

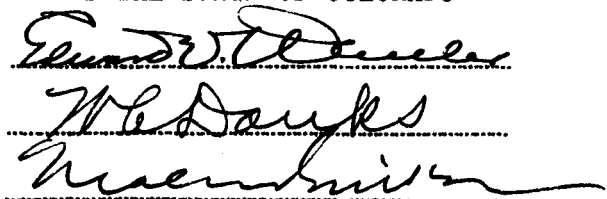
The Commission is in receipt of a communication from .....  
Ernest Ross ..... of Sugar Loaf ..... Colo.,  
..... requesting that his Permit No. C-7645 ..... be cancelled, for  
the reason that he is no longer operating.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7645, heretofore issued  
to Ernest Ross ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
THE EVERGREEN MEMORIAL COMPANY)

PERMIT NO. C- 4072

March 17, 1938

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from The Evergreen  
Memorial Company of 901 S.Hancock St., Colo.Springs, Colo,  
requesting that his Permit No. C-4072 be cancelled, for  
the reason that they have ceased operations under said permit.

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

## O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4072, heretofore issued to The Evergreen Memorial Company be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Samuel H. Tucker  
W. C. Danks  
Helen E. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Frank Bathrick

PERMIT NO. C-6231

March 17, 1938

## S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Frank Bathrick ..... of Littleton, Colo. .....  
 requesting that his Permit No. C-6231 ..... be cancelled, for  
 the reason that he has ceased commercial carrier operations.

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

# ORDER

IT IS THEREFORE ORDERED, That Permit No. C-6231, heretofore issued  
to Frank Bathrick be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ernest E. Turner  
W. B. Davis  
Helen Smith  
Commissioners.

Dated at Denver, Colorado, March 17th day of \_\_\_\_\_, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JOHN H. MICHELS

PERMIT NO. C- 5675

March 17, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
John H. Michels of 736 Kimbark St., Longmont, Colo.,  
 ..... requesting that his Permit No. C-5675 ..... be cancelled  
 for the reason that he has sold his equipment and is no longer operating  
 as a commercial carrier.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-5675, heretofore issued  
to John H. Michels be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. J. T. Green*  
276 Darks  
*Green*

Commissioners.

Dated at Denver, Colorado,  
this 17th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C-7066

H. Lanckriet

March 17, 1938.

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from .....  
H. Lanckriet ..... of Julesburg, Colo. ....  
requesting that his Permit No. C-7066 ..... be cancelled  
for the reason that he has sold his equipment and is no longer operating  
as a commercial carrier.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-7066, heretofore issued  
to H. Lanckriet ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

J. D. D. D. D.  
 W. D. D. D. D.  
 M. D. D. D. D.  
 Commissioners.

Dated at Denver, Colorado,  
this 17th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
J. T. TIPPIT                          )  
-----)

PERMIT NO. C- 3570

-----  
March 17, 1938  
-----

S T A T E M E N T

By the Commission:

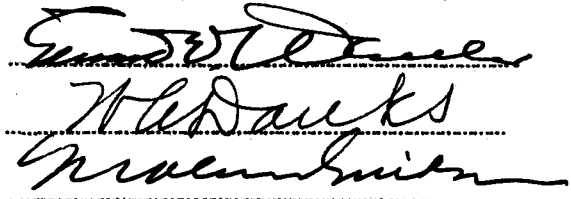
The Commission is in receipt of a communication from -----  
J. T. Tippit ----- of (General Delivery), Paragould, Ark.,  
requesting that his Permit No. C- 3570 ----- be cancelled  
for the reason that he has ceased commercial carrier operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 3570 -----, heretofore issued  
to J. T. Tippit ----- be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
-----  
-----  
-----

Commissioners.

Dated at Denver, Colorado,  
this 17th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
)  
NICHOLS TIMBER COMPANY)

PERMIT NO. C- 5910

March 18, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred A. Nichols of  
the Nichols Timber Company of Evergreen, Colo.,  
requesting that his Permit No. C-5910 be cancelled  
for the reason that he has ceased commercial carrier operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5910, heretofore issued  
to the Nichols Timber Company be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Emory D. Jones  
W. L. Danks  
W. A. E. E. E.  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

✻ ✻ ✻

RE MOTOR VEHICLE OPERATIONS OF)

MILES GILBERT

PERMIT NO. C- 6561

March 18, 1938

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from .....  
Miles Gilbert ..... of ..... Eckley ..... Colo.  
.....  
requesting that his Permit No. C-6361 ..... be cancelled  
for the reason that he has sold his equipment and is no longer operating  
as a commercial carrier.

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

# ORDER

IT IS THEREFORE ORDERED, That Permit No. C-6561, heretofore issued  
Miles Gilbert  
to..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
A. L. STEIN                              )  
-----)

PERMIT NO. C- 3928

-----  
March 18, 1938.  
-----

S T A T E M E N T

By the Commission:

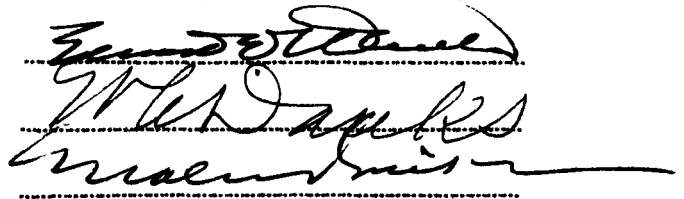
The Commission is in receipt of a communication from -----  
A. L. Stein ----- of 3416 Warren -----, Cheyenne, Wyo.,  
requesting that his Permit No. C- 3928 ----- be cancelled  
as he has ceased his commercial carrier operations in Colorado.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 3928 -----, heretofore issued  
to A. L. Stein ----- be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,  
this 18th day of March -----, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
A. O. FISHER

PERMIT NO. C- 7632

March 18, 1938

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
A. O. Fisher \_\_\_\_\_ of 2035 California St., Denver, Colo.,  
requesting that his Permit No. C-\_\_\_\_\_ 7632 \_\_\_\_\_ be cancelled.

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

## O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-<sup>7632</sup>....., heretofore issued  
to A. O. Fisher..... be,  
and the same is hereby, declared cancelled, as of March 1, 1938.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

James W. Danks  
Wm Danks  
Wm Danks

Dated at Denver, Colorado,  
this 18th day of March, 1938

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
E. F. KRAUSE                          )  
.....)

PERMIT NO. C- 7178

.....  
March 18, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
E. F. Krause  of     Mont Ida  Kansas  
..... of ....., .....,  
requesting that his Permit No. C-.....7178..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-.....7178....., heretofore issued  
to.....E. F. Krause..... be,  
and the same is hereby, declared cancelled.

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)

PERMIT NO. C- 7752

PAT GOSSETT

March 18, 1938

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from .....

Pat Gossett of Simla Colo.

requesting that his Permit No. C-7752 be cancelled for the reason that he will cease operations under said permit and in the future operate under Permit C-1032 of the Standard Oil Company.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-7752, heretofore issued

to Pat Gossett be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
W. R. CHAMBERS                          )  
-----)

PERMIT NO. C- 7321

-----  
March 18, 1938  
-----

S T A T E M E N T

By the Commission:

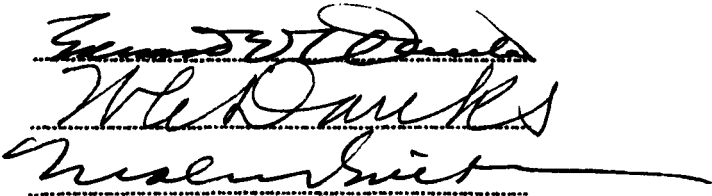
The Commission is in receipt of a communication from -----  
W. R. Chambers                          of Mt. Hope                          Kansas  
-----, requesting that his Permit No. C----- be cancelled  
for the reason that he will no longer operate as a commercial carrier in  
Colorado.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-----7321-----, heretofore issued  
to----- W. R. Chambers----- be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
-----  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 7430

C. C. SPANGLER

March 18, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
C. C. Spangler of Palisade, Colo.,  
requesting that his Permit No. C- 7430 be cancelled, for  
the reason that he is no longer operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 7430, heretofore issued  
to C. C. Spangler be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Handwritten signatures of three commissioners]*  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 5377

CLARENCE SOUTHARD

March 18, 1938

S T A T E M E N T

By the Commission:

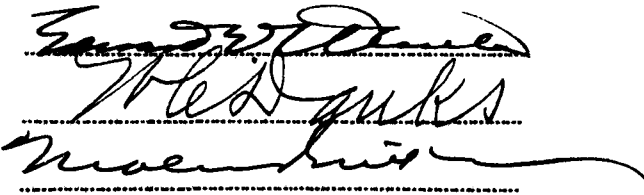
The Commission is in receipt of a communication from \_\_\_\_\_  
Clarence Southard \_\_\_\_\_ of \_\_\_\_\_ Elgin \_\_\_\_\_, \_\_\_\_\_ Oregon \_\_\_\_\_,  
requesting that his Permit No. C-\_\_\_\_\_ 5377 \_\_\_\_\_ be cancelled  
for the reason that he is not operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-\_\_\_\_\_ 5377 \_\_\_\_\_, heretofore issued  
to \_\_\_\_\_ Clarence Southard \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 6554

ALEX BUDERUS, JR.  
.....)

.....  
March 18, 1938  
.....

S T A T E M E N T

By the Commission:

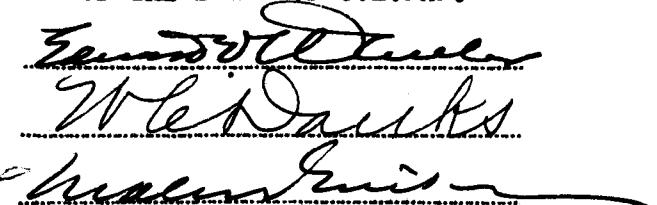
The Commission is in receipt of a communication from .....  
Alex Buderus, Jr. .... of RFD #2, Bx 101, Ft. Collins, Colo.  
requesting that his Permit No. C-..... 6554 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-..... 6554 ..... heretofore issued  
to..... Alex Buderus, Jr. .... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

)  
Northern Implement & Produce )  
Co. )  
.....)

PERMIT NO. C- 6761

.....  
March 18, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G.A.Barley of the  
Northern Implement & Produce Co. of Eaton Colo.,  
requesting that his Permit No. C- 6761 be cancelled  
for the reason that the Company has sold its business and is no longer  
operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 6761, heretofore issued  
to the Northern Implement & Produce Company be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eugene E. O'Connell*  
*W. C. Danks*  
*W. C. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

✿ ✿ ✿

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 7132

PRESTON HOTCHKISS

March 18, 1938

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
 \_\_\_\_\_ Preston Hotchkiss \_\_\_\_\_ of \_\_\_\_\_ Ridgway \_\_\_\_\_, \_\_\_\_\_ Colo. \_\_\_\_\_,  
 requesting that his Permit No. C-\_\_\_\_\_ 7132 \_\_\_\_\_ be cancelled  
 as he is no longer operating as a commercial carrier.

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

**O R D E R**

IT IS THEREFORE ORDERED, That Permit No. C-<sup>7132</sup>....., heretofore issued  
to..... Preston Hotchkiss..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward Daniel  
W. D. Danks  
Walter Davis  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
E. M. KAUTZ                              )  
-----)

PERMIT NO. C- 7607

-----  
March 18, 1938  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from -----  
E. M. Kautz                              of Iliff                              Colo.,  
-----  
requesting that his Permit No. C-7607 be cancelled  
as he has ceased operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7607, heretofore issued  
to E. M. Kautz of Iliff, Colo. be,  
-----  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*  
-----  
*W. H. Danks*  
-----  
*W. H. Danks*  
-----  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 4792

E. W. CRAWFORD.

March 18, 1938

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from .....  
E. W. Crawford of Montrose, Colo.,  
requesting that his Permit No. C-4792 be cancelled  
for the reason that he has ceased operating as a commercial carrier.

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

## O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4792, heretofore issued to E. W. Crawford be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. Owen  
W. L. Danks  
H. C. Lewis  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
ELMER J. VIDGER  
)  
.....)

PERMIT NO. C- 4225

.....  
March 18, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from ..... the Vidger  
Solvent & Naphtha Co. .... of 2701 Champa St. .... Denver, Colo.,  
requesting that ~~his~~ Permit No. C- 4225 of Elmer J. Vidger be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 4225, heretofore issued  
to ..... Elmer J. Vidger ..... be,  
and the same is hereby, declared cancelled, effective February 10, 1938.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Frank W. Danks*  
*W. D. Danks*  
*W. D. Danks*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
PRICE & YOUNG TIRE SERVICE )  
.....)

PERMIT NO. C- 5927

.....  
March 18, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from D. F. Price & R. W. Young, of the Price & Young Tire /Service of Pikes Peak & Weber Colo. Sprgs., Colo. requesting that his Permit No. C-5927 be cancelled for the reason that they have discontinued commercial carrier operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5927, heretofore issued to Price & Young Tire Service be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Danks  
W. E. Danks  
W. E. Danks  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

CLAUDE BOTTORFF

PERMIT NO. C- 5019

March 18, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Claude Bottorff ..... of ..... La Junta ..... Colo.,  
requesting that his Permit No. C- 5019 ..... be cancelled  
as he has ceased commercial carrier operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 5019 ..... heretofore issued  
to ..... Claude Bottorff ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. D. Danks*  
*W. E. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
AL BEACHLER                          )  
.....)

PERMIT NO. C- 7748

.....  
March 18, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Al Beachler ..... of 432 Douglas St., Sterling, Colo.  
requesting that his Permit No. C-.....7748 be cancelled  
as he is no longer operating as a commercial carrier.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-.....7748, heretofore issued  
to.....Al Beachler..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Frank D. Dwyer*  
.....  
*Wesley D. Dwyer*  
.....  
*Wesley D. Dwyer*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 7161

GEORGE E. LEE

March 18, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
George E. Lee ..... of Breen ..... Colo.,  
requesting that his Permit No. C-7161 ..... be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7161, heretofore issued  
to George E. Lee ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Frank J. Deane*  
*Wes Danks*  
*Walter Lewis*  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 7100

W. E. JOHNSON

March 18, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
W. E. Johnson ..... of 3325 O St. ...., Lincoln, Nebr.,  
requesting that his Permit No. C-.....7100 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-.....7100 ....., heretofore issued  
to..... W. E. Johnson ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dwyer*  
*Wes J. Danks*  
*Walter J. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 7634

MARCOS CASTILLO

March 18, 1938

## S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
 Marcos Castillo \_\_\_\_\_ of \_\_\_\_\_ 1906 W.Colfax Ave. \_\_\_\_\_ Denver, Colo  
 \_\_\_\_\_  
 requesting that his Permit No. C-\_\_\_\_\_ 7634 \_\_\_\_\_ be cancelled.

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

# ORDER

IT IS THEREFORE ORDERED, That Permit No. C-7634, heretofore issued  
to Marcos Castillo be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks  
W. D. Danks  
G. A. Danks  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
RICHARD HERMANSON                  )  
.....)

PERMIT NO. C- 7492

.....  
March 18, 1938

S T A T E M E N T

By the Commission:

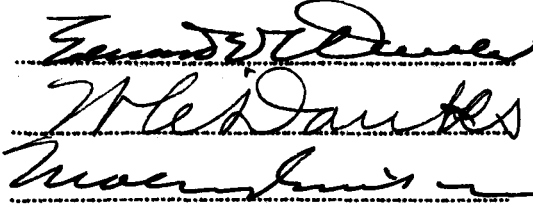
The Commission is in receipt of a communication from .....  
Richard Hermanson ..... of 401 10th Ave., Greeley, Colo.,  
requesting that his Permit No. C-..... 7492 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-..... 7492 ..... heretofore issued  
to..... Richard Hermanson ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

I. W. NORTHRUP

PERMIT NO. C- 4704

March 18, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
I. W. Northrup ..... of R #2, Bx 91, ..... Denver, Colo.,  
requesting that his Permit No. C-.....4704..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-.....4704....., heretofore issued  
to..... I. W. Northrup ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. J. Dene*  
*W. E. Danks*  
*W. E. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C-6434

J. C. OLSEN

March 18, 1938

S T A T E M E N T

By the Commission:




The Commission is in receipt of a communication from .....  
J. C. Olsen ..... of Elizabeth, Colo.,  
requesting that his Permit No. C-6434 ..... be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6434, heretofore issued  
to J. C. Olsen ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado, March  
this 18th day of ..... 1938

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
MARVIN HODSDEN                          )  
.....)

PERMIT NO. C- 6129

.....  
March 18, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Marvin Hodsden ..... of ..... Springfield ..... Colo.,  
.....  
requesting that his Permit No. C-..... 6129 ..... be cancelled  
for the reason that he has ceased commercial carrier operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-..... 6129 ..... heretofore issued  
to ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Brien*  
.....  
*W. L. Dwyer*  
.....  
*Robert E. Smith*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

)

)

FRED L. MILLER & SONS

)

PERMIT NO. C- & 7520

March 18, 1938

## S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_

Fred L. Miller & Sons                  of        Wamego                  Kansas

requesting that his Permit No. C-<sup>7520</sup>\_\_\_\_\_ be cancelled

for the reason that they are no longer operating as commercial carriers in Colorado.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-7520, heretofore issued

Fred L. Miller & Sons

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Oliver*

Therapsids

Kevin E. Miller

Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 5608

H. D. PIERRE

March 18, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
H. D. Pierre \_\_\_\_\_ of Edgewater \_\_\_\_\_ Colo. \_\_\_\_\_,  
requesting that his Permit No. C-5608 \_\_\_\_\_ be cancelled;

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

**O R D E R**

IT IS THEREFORE ORDERED, That Permit No. C-5608, heretofore issued  
to H. D. Pierre be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward Owen  
Wes Danks  
Wm. S. S. S.  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
H. W. HATCH, DENVER, COLORADO, )	<u>PERMIT NO. C-1141</u>
Respondent. )	<u>CASE NO. 5140-R</u>

-----  
March 18, 1938.  
-----

S T A T E M E N T

By the Commission:

On December 20, 1937, in the above numbered case, the Commission issued an order revoking and cancelling Permit C-1141 on account of the respondent having failed to make monthly tax reports.

It now appears that through some oversight the reports could not be located, but were in the office of the Commission when the revocation order was issued and that said order should be set aside.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the revocation order above-mentioned should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order issued in Case No. 5140-R, under date of December 20, 1937, should be and the same hereby is set aside and held for naught and Permit C-1141 restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF RICHARD D. BAILEY, ARVADA, )  
COLORADO, FOR A CLASS "B" PERMIT ) APPLICATION NO. 4469-PP  
TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
-----

-----  
March 18, 1938.  
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Appearances: Richard D. Bailey, Arvada, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
Tiller Cash Coal and Feed Company  
and Fred Funk;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, Over-Land Motor Express,  
Fuller Truck Line, Foster Truck Line;  
Harold Swena, Bear Creek Transfer and  
Curnow Livery and Transfer Company;  
R. E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The applicant herein seeks to serve the rural district around Arvada and within a twenty-five mile radius thereof, transporting farm products, coal, fertilizer, sand, gravel, mine props, wood and lumber. He testified that he had lived at Arvada but a short time, having previously resided at Wheatridge; that he had been doing a trucking business under his C permit but frankly admitted that the Tiller Cash Coal and Feed Company had authority to render practically all of the service which he had in contemplation and was well able to take care of that service; that he had never heard of any shortage along the transportation lines since living in Arvada; that he was in no better position to take care of this service than others who were already authorized, except that he might live a little nearer to some of the shippers than present authorized carriers; at least he did live two miles nearer than those residing in his immediate vicinity. He further stated that in all probability any service which he

might render would be taken away from other carriers; that he possessed a 1937 V-8 truck which was clear, and having found most every pursuit quite well taken care of, he thought there was as much chance in the trucking business as any other, but at the present time had no customers listed and did not know for whom he might be able to get a contract.

At the conclusion of this testimony, Mr. Bohrer, on behalf of those whom he represented, moved that the application be dismissed for the reason that the applicant's own testimony disclosed that there was adequate authorized service available, and that applicant had made no showing whatsoever that there would be no impairment of established common carrier service in the event authority was granted him.

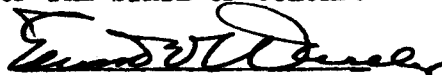
After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the motion to dismiss should be granted and the application denied on the grounds that the applicant's testimony failed to justify the granting of any authority as sought.

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same hereby is denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ARTHUR BARTMANN, FORT COLLINS, )  
COLORADO, FOR AUTHORITY TO TRANS- )  
FER HIS PRIVATE PERMIT NO. A-173 )  
TO GEORGE N. MILLER, FORT COLLINS, )  
COLORADO. )  
-----

APPLICATION NO. 3862-PP-AA

-----  
March 18, 1938.  
-----

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association;  
R. E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The applicants herein seek authority to transfer Permit A-173, which is a milk haul. When the same heretofore was transferred from J. M. McIntyre, the original owner, to Arthur Bartmann, the route or area to be served was specifically agreed upon and set forth in the Commission's Decision No. 11356, dated February 10, 1938.

It appeared that there were no outstanding obligations as a result of previous operations under this authority.

Marion Jones, appearing for The Colorado Trucking Association, waived any protest and consented that authority be granted to make the transfer.

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

O R D E R

IT IS THEREFORE ORDERED, That Arthur Bartmann, Fort Collins, Colorado, be and he hereby is authorized to transfer to George N. Miller, Fort Collins, Colorado, Private Permit No. A-173, with authority to transport milk over the route and in the area described as follows, to-wit:

Beginning at Fort Collins east on Colo. 14 to where it crosses center line of Sec. 8, R 68 W, T 7 N - north to north line of said Sec. 8, returning to Colo. 14 east to east section line Sec. 9 - R 68 W, T 7 N, north 2 miles, east 1 mile, south 1 mile, east 1 mile, north  $1\frac{1}{4}$  miles, south  $\frac{1}{4}$  mile, east 1 mile, south 1 mile, east 2 miles, south 1 mile to Colo. 14, east 1 mile, north 1 mile, east 2 miles,, south 2 miles, west 2 miles, south  $1\frac{1}{2}$  miles, north  $\frac{1}{2}$ ; west 3 miles, north 1 mile, west 3 miles, south  $\frac{1}{2}$  mile, north  $\frac{1}{2}$  mile, east 3 miles, south 4 miles, north 1 mile, west 2 miles, north 3 miles, south  $3\frac{1}{2}$  miles to Timnath, north  $\frac{1}{2}$  mile, west 1 mile, south 2 miles, west 1 mile, north 1 mile, west 1 mile to Harmony; west 2 miles, east 2 miles, north 2 miles, west 2 miles, east 1 mile, north  $1\frac{3}{4}$  miles to Riverside Road, thence to Fort Collins.

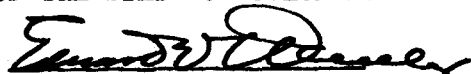
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with the conditions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

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


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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF C. A. JACKSON, DENVER, COLORADO, )  
TO TRANSFER HIS PRIVATE PERMIT ) APPLICATION NO. 4470-PP-A  
NO. A-855 TO C. A. JACKSON, INC., )  
COZAD, NEBRASKA. )  
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-----  
March 18, 1938.  
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Appearances: Worth Allen, Esq., Denver, Colorado,  
for the applicant;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association;  
Richard E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The record in this case discloses that C. A. Jackson is the record owner of Permit A-855, issued by the Commission October 11, 1934, with authority to conduct a transportation service -

"between Denver and Colorado-Nebraska state line and intermediate points, both intrastate and interstate, via U. S. 85, U. S. 6, U. S. 138, or via cutoff or Colo. 81; and between Brush, Colorado, and the Colorado-Kansas state line and intermediate points, both interstate and intrastate via Colo. 54",

and that C. A. Jackson and Eva R. Jackson have incorporated a company to be known as "C. A. Jackson, Inc.", with its principal object being the conduct of a trucking and transportation business; that the holder of this permit is now desirous of having the same transferred to the above named corporation; that the customers to be served are the same as those heretofore served by the transferor; that the equipment now owned by this company is the same as that heretofore owned by the transferor; that the assets of the company consist of the trucks, valued at \$9,000.00, cash in bank \$1,000.00, making total net assets of \$10,000.00, with no liabilities; and that the same kind of an operation is to be conducted by the corporation as has heretofore been conducted by the transferor, the transferor himself being president of the newly organized company.

There appear to be no outstanding unpaid obligations as a result of previous operations under this authority.

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

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

O R D E R

IT IS THEREFORE ORDERED, That C. A. Jackson be, and he hereby is granted authority to transfer all of his right, title and interest in and to Permit A-855, with authority as hereinabove set forth, to C. A. Jackson, Inc.

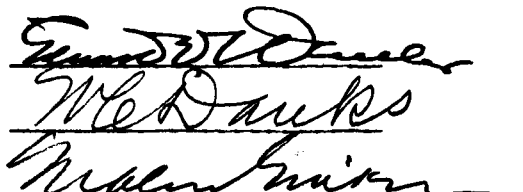
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with the conditions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

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ADAIR & SON, LARKSPUR, COLO- )  
RADO, TO TRANSFER PERMIT NO. A-1924 ) APPLICATION NO. 3909-PP-A  
TO C. M. CARTER, LARKSPUR, COLORADO. )  
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-----  
March 18, 1938.  
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Appearances: Harold Adair and C. M. Carter, Larkspur,  
Colorado, pro se;  
R. E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and G. O. Anderson.

S T A T E M E N T

By the Commission:

On June 23, 1937, Decision No. 10223, the Commission authorized  
F. Adair and Harold Adair, doing business as Adair and Son, to operate  
as a Class "A" private carrier, which authority was later numbered A-1924.

As limited by the testimony given at the instant hearing, the  
applicants now desire to transfer all of said right to C. M. Carter of  
Larkspur, Colorado.

It appeared that the consideration for this transfer is \$1500.00  
for the permit and one truck; that there were no outstanding obligations as  
a result of previous operations under this authority; that the transferee,  
a resident of Larkspur, Colorado, possesses a new 1938 Chevrolet truck  
which is clear; that he had taken over twenty-one customers heretofore served  
by the transferor, and that he intended to conduct a milk route similar to  
that heretofore conducted by the transferor.

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

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

O R D E R

IT IS THEREFORE ORDERED, That F. Adair and Harold Adair be, and they hereby are granted authority to transfer all right, title and interest in and to Permit A-1924 to C. M. Carter, of Larkspur, Colorado, with authority to transport milk and cream to Larkspur from farms in the area described as follows:

"from Larkspur east to a point about five miles north of Elbert, on Colorado State Highway 157; thence south along said highway to Elbert; thence in a southeasterly direction over country roads through Bijou Basin to Peyton; thence westerly along Colorado State Highway No. 50 to Monument; thence north along U. S. 85 from Monument, Colorado, to Larkspur."

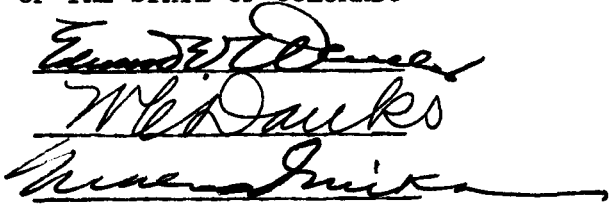
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with the conditions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

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CLARENCE SOUTHARD, ROUTE 2, BOX ) Permit No. B-2002  
195, GREELEY, COLORADO. )  
----- )

-----  
March 18, 1938.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from Clarence Southard dated February 26, 1938, requesting that his private permit B-2002 be suspended until June 1, 1938.



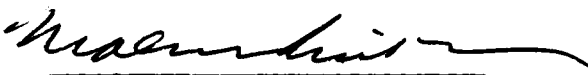
The Commission is of the opinion, and so finds, that said request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Clarence Southard should be, and hereby is, allowed to suspend his operations under Permit Bo. B-2002 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Clarence Southard shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission, shall stand revoked without right to reinstate.

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)

PERMIT NO. C- 1576

CLARK SHACKLETT

March 19, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Clark Shacklett ..... of 3916 Perry St., Denver, Colo.,  
requesting that his Permit No. C- 1576 ..... be cancelled  
for the reason that he has sold his equipment and has ceased commercial  
carrier operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 1576 ..... heretofore issued  
to Clark Shacklett ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Frank E. Dwyer*  
*W. E. Danks*  
*Wm. J. Smith*

Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
W. H. COX dba MACK MERC. CO. )  
----- )

PERMIT NO. C- 1723

March 19, 1938

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
 W. H. Cox \_\_\_\_\_ of Rt. 3 Grand Junction, Colo. \_\_\_\_\_,  
 requesting that his Permit No. C-1723 \_\_\_\_\_ be cancelled.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-1723, heretofore issued to W. H. Cox doing business as Mack Mercantile Company be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

George D. Jones  
 H. C. Jones  
 H. C. Jones  
 Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 6912

A. G. BAERT

March 19, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
A. G. Baert ..... of ..... 802 Forest St. Canon City, Colo.  
requesting that his Permit No. C-6912 ..... be cancelled  
for the reason that he has discontinued commercial carrier operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6912, heretofore issued  
to A. G. Baert ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
JAMES P. MUSSOLINI )  
..... )

PERMIT NO. C- 7685

.....  
March 19, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
James P. Mussolini ..... of 4237 Decatur ....., Denver, Colo.,  
requesting that his Permit No. C- 7685 ..... be cancelled  
for the reason he is discontinuing commercial carrier operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 7685 ....., heretofore issued  
to James P. Mussolini ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward W. Daniels*  
.....  
*W. E. Jacks*  
.....  
*W. A. Smith*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 5016

PAUL BITTER  
.....)

.....  
March 19, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Paul Bitter ..... of Hoisington, Ks. (West 5th St.),  
requesting that his Permit No. C-..... 5016 ..... be cancelled  
for the reason that he has discontinued trucking operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-..... 5016 ..... heretofore issued  
to..... Paul Bitter ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

.....  
.....  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C-6527

NEHI BOTTLING COMPANY

March 19, 1938

**S T A T E M E N T**

By the Commission:

The Commission is in receipt of a communication from .....  
Nehi Bottling Company of 653 Rood Ave., Grand Junction, Colo.  
 requesting that his Permit No. C-6527 be cancelled  
 for the reason that they have sold their business and are discontinuing  
 commercial carrier operations.

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

# ORDER

IT IS THEREFORE ORDERED, That Permit No. C-6527, heretofore issued to Nehi Bottling Company be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

James E. O'Brien  
W. C. Oakes  
H. C. Oakes  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 7130

FRANK EVERETT

March 19, 1938

S T A T E M E N T

By the Commission:




The Commission is in receipt of a communication from .....  
Frank Everett ..... of 208 Marble St. Florence, Colo.,  
requesting that his Permit No. C-7130 ..... be cancelled  
for the reason that he has discontinued commercial carrier operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7130, heretofore issued  
to Frank Everett ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
H. W. SCHIERMEYER                  )  
.....)

PERMIT NO. C- 1061

.....  
March 19, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
H. W. Schiermeyer                  of   Leadville          , Colo.,  
.....  
requesting that his Permit No. C-1061 be cancelled, for  
the reason that he has ceased operations under said permit and in the  
future will operate under Standard Oil Company Permit C-1032.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1061, heretofore issued  
H. W. Schiermeyer  
to..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*  
.....  
*W. D. Danks*  
.....  
*Walter E. Smith*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

EARL J. BELDING

PERMIT NO. C- 7489

March 19, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Earl J. Belding of Bx 192, Rtl, Arvada, Colo.,  
requesting that his Permit No. C-7489 be cancelled  
for the reason that he has ceased his commercial carrier operations.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7489, heretofore issued  
to Earl J. Belding be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dineen*  
*W. D. Dukes*  
*Robert J. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
ALBERT H. CLAUSEN AND HENRY)  
F. CLAUSEN)  
-----)

PERMIT NO. C- 6836

March 18, 1938

## S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
 Clausen and Clausen ..... of 453 W. 8th St. .... Loveland, Colo.,  
 their .....  
 requesting that ~~his~~ Permit No. C-6836 ..... be cancelled.

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

# ORDER

IT IS THEREFORE ORDERED, That Permit No. C-6836, heretofore issued  
to Albert H. Clausen and Henry F. Clausen be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

E. J. Dineen  
 J. C. Danks  
 Wm. Smith  
 Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

PERMIT NO. C- 5398

B. BARNES

March 19, 1938

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from .....  
B. Barnes ..... of 919 Clover Ave., ..., Canon City, Colo.,  
requesting that his Permit No. C-5398 ..... be cancelled .

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-<sup>5398</sup>....., heretofore issued  
to..... B. Barnes ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Green  
McDauks  
Green Smith  
Commissioners.

Dated at Denver, Colorado,  
this 18th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )	
OF DONALD J. McCLURE, EATON, COLO- )	
RADO, FOR A CLASS "B" PERMIT TO )	APPLICATION NO. 4417-PP
OPERATE AS A PRIVATE CARRIER BY )	<u>CORRECTION</u>
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
March 17, 1938.  
-----

Appearances: Donald J. McClure, Eaton, Colorado,  
                  pro se;  
                  Marion F. Jones, Esq., Denver, Colorado,  
                  for Ted Carpenter;  
                  Zene D. Bohrer, Esq., Denver, Colorado,  
                  for The Motor Truck Common Carriers  
                  Association and Inter-City Truck Line;  
                  A. J. Fregeau, Denver, Colorado,  
                  for Union Delivery Company and Weicker  
                  Transportation Company.

S T A T E M E N T

By the Commission:

On February 14, 1938, in the above numbered application, the  
commission issued an order in Decision No. 11407, and through misunder-  
standing did not include the transportation of building materials between  
the Gould Lumber Company yard at Fort Collins and the same company's yard at  
Eaton, said service being mentioned by the applicant at the hearing and  
not protested.

After careful consideration of this record and after conference  
with attorneys for the protestants appearing at the hearing, they con-  
senting thereto, the Commission is of the opinion and finds that this  
error should be corrected.

O R D E R

IT IS THEREFORE ORDERED, That the first paragraph in the order  
contained in Decision No. 11407 be, and the same hereby is amended to  
include the transportation of building materials between the Gould Lumber  
and Investment Company yard at Fort Collins and the Gould Lumber and  
Investment Company yard at Eaton.

IT IS FURTHER ORDERED, That in all other respects said order

contained in the above numbered decision shall remain in full force and effect and that this order be made a part of Decision No. 11407.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. O'Connell

W. C. Davis

Wm. E. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. J. MARLOW, OF CEDAREGE, COLORADO, ) APPLICATION NO. 4440  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY. )  
-----

-----  
March 19, 1938.  
-----

Appearances: J. Glenn Miller, Esq., Delta, Colorado,  
attorney for applicant;  
Fairlamb and Fairlamb, Esqs., Delta,  
Colorado, for N. H. McCormick and  
J. Andrew Eckert.

S T A T E M E N T

By the Commission:

The application filed herein seeks authority to operate as a common carrier by motor vehicle for the transportation of fruit, farm products, livestock, coal, furniture and building material, within a 50-mile radius of Cedaredge.

The evidence disclosed that Cedaredge is a thriving community of approximately 500 population located some 10 miles from the nearest railroad point and is entirely dependent upon trucks for its transportation service. It is now served by N. H. McCormick, who operates under a common carrier certificate in a line haul operation between Delta and Cedaredge and intermediate points. It is also served by J. Andrew Eckert, who has a line haul operation as a private carrier from Cedaredge to Grand Junction and occasional trips from Cedaredge to Delta.

The Mayor of Cedaredge was introduced as a witness on behalf of applicant and testified to the effect that he felt the public convenience and necessity of the community required the proposed operation of applicant, but only insofar as same would not interfere with the established line haul service of N. H. McCormick.

At this point in the hearing, the attorneys for applicant and

protestants stipulated that any authority granted applicant should provide that applicant should not be permitted to make pickups or deliveries of less than truckloads on the route of McCormick.

It was further stipulated that other witnesses were present who would testify substantially the same as the Mayor of Cedaredge relative to the public convenience and necessity for the operation of applicant.

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

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the present and future public convenience and necessity require the proposed operation of applicant as limited by the evidence and the stipulation of attorneys.

#### O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity require the proposed operation of applicant for the transportation of fruit, farm products, livestock, coal, household furniture and building materials from point to point within a radius of fifty miles of Cedaredge, Colorado; provided, however, that in the transportation of said commodities, applicant shall not be permitted to make pickups or deliveries of less than truckloads along the route now served by N. H. McCormick, operating under P.U.C. No. 260, and in competition with the said N. H. McCormick, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission, except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to

compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Dineen*

*W. C. Danks*

*W. C. Eason*  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
OSCAR HERBEL, OF BRIGHTON, ) PERMIT NO. A-737  
COLORADO. )  
-----

-----  
March 21, 1938.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Oscar Herbel,  
of Brighton, Colorado, which states:

"The operations under my Permit No. A-737 having been  
ceased and terminated, I would like to request that  
same be cancelled as of March 6th."

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-737, heretofore issued to  
Oscar Herbel, be, and the same is hereby, declared cancelled as of March 6,  
1938.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Danks  
W. C. Danks  
Walter E. Danks  
Commissioners

Dated at Denver, Colorado,  
this 21st day of March, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JIM SCOGGINS, OF DILLON, COLO- )  
RADO. )  
-----

PERMIT NO. B-1900

-----  
March 21, 1938.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jim Scoggins, of Dillon, Colorado, requesting that his Permit No. B-1900 be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That Jim Scoggins should be, and hereby is, allowed to suspend his operations under Permit No. B-1900 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Jim Scoggins shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Dancy*  
*W. C. Danks*  
*W. C. Danks*  
Commissioners

Dated at Denver, Colorado,  
this 21st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RALPH LANE, ATWOOD, COLORADO. ) PERMIT NO. B-1696  
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-----  
March 21, 1938.  
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S T A T E M E N T

By the Commission

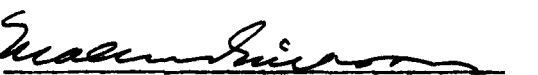
The Commission is in receipt of a communication from Ralph Lane requesting that his Permit No. B-1696 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1696, heretofore issued to Ralph Lane, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 21st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
BAGGS MOTOR COMPANY, OF BAGGS, )	PERMIT NO. A-1880
WYOMING. )	PERMIT NO. A-1880-I
-----	

-----  
March 21, 1938.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named company stating that it is no longer "doing any public hauling."

After careful consideration, the Commission is of the opinion, and so finds, that said company's Permits Nos. A-1880 and A-1880-I should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That Permits Nos. A-1880 and A-1880-I, heretofore issued to the Baggs Motor Company, of Baggs, Wyoming, be, and the same are hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Danks*

*W. C. Danks*

*Walter J. Danks*  
Commissioners

Dated at Denver, Colorado,  
this 21st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GUY E. SNYDER, OF 1933 W. ELK PL., ) PERMIT NO. B-1810  
DENVER, COLORADO. )  
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-----  
March 21, 1938.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Guy E. Snyder requesting that his Permit No. B-1810 be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That Guy E. Snyder should be, and hereby is, allowed to suspend his operations under Permit No. B-1810 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Guy E. Snyder shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners

Dated at Denver, Colorado,  
this 21st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BERTIE E. AND EARL M. CHANDLER, )  
619 LAFAYETTE ST., DENVER, COLO- ) PERMIT NO. B-1720  
RADO. )  
-----

-----  
March 21, 1938.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Earl M. Chandler, one of the holders of the above numbered permit, requesting that said permit be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That Bertie E. and Earl M. Chandler should be, and hereby are, allowed to suspend their operations under Permit No. B-1720 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Bertie E. and Earl M. Chandler shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. O'Connell  
W. S. Danks  
William H. Wilson

Commissioners

Dated at Denver, Colorado,  
this 21st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
PORTER E. WILLIAMS, OF 127 SO. )  
PENN., DENVER, COLORADO. )  
-----

PERMIT NO. 788-I

-----  
March 21, 1938.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Porter E. Williams requesting that his interstate permit No. 788-I be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That Porter E. Williams should be, and hereby is, allowed to suspend his operations under Permit 788-I for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Porter E. Williams shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to interstate carrier permits, said permit, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Dwyer  
W. B. Danks  
W. A. Emerson  
Commissioners

Dated at Denver, Colorado,  
this 21st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HARRY DAVIS, BURLINGTON, COLO- ) PERMIT NO. A-657  
RADO. )  
-----

-----  
March 21, 1938.  
-----

S T A T E M E N T

By the Commission:

On October 25, 1937, Decision No. 10799, the Commission granted the above named permittee authority to suspend operations under Permit No. A-657 for a period of six months with the privilege of reinstatement.

The Commission is now in receipt of a communication from said permittee requesting that his permit be suspended for an additional six months' period.

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

O R D E R

IT IS THEREFORE ORDERED, That Harry Davis should be, and hereby is, allowed to suspend his operations under Permit No. A-657 for an additional six months' period from April 25, 1938.

IT IS FURTHER ORDERED, That unless said Harry Davis shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward H. Taylor  
McK. Jank  
Walter J. Quinn  
Commissioners

Dated at Denver, Colorado,  
this 21st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
ACE OIL CO. )  
 )  
 )  
 )  
-----)

PERMIT NO. C- 4384

-----  
March 21, 1938  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the  
Ace Oil Company of Bridgeport, Nebraska,  
requesting that his Permit No. C-4384 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4384, heretofore issued  
to The Ace Oil Company, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward W. Dineen*  
*J. C. Dineen*  
*Walter H. Dineen*  
-----  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March, 1938.

Original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN RE THE MATTER OF A GENERAL )  
INVESTIGATION OF THE FREIGHT )  
RATES AND CLASSIFICATION OF )  
FREIGHT OF ALL COMMON AND PRI- )  
VATE MOTOR VEHICLE CARRIERS. )  
----- )  
CASE NO. 1585

SUPPLEMENTAL ORDER

-----  
March 17, 1938.  
-----

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a petition of The Motor Truck Common Carriers' Association, by J. R. Arnold, its agent, for and on behalf of Ralph T. Preston, doing business as the Springfield-Lamar Truck Line, for an order extending the expiration date from March 30, 1938 to September 30, 1938, of the rates and minimum charge as prescribed in Decisions Nos. 9737 and 10614 in this case.

A petition from Frank Barker, doing business as the Barker Truck Line, requesting an order prescribing the following Column 1 and 2 rates in cents per 100 pounds between Durango, Colorado, and Dolores, 40 and 30; Lewis, Yellow Jacket and Ackmen, 45 and 35; Cahone and Dove Creek, 50 and 40.

A petition from The Moore Truck Line, by Marion F. Jones, agent, requesting an order prescribing the following rates and rules, viz:

"1 - Rule 19-B modified so as to apply the rate prescribed on shipments of 5000 pounds and over to prepaid shipments picked up at one point from one consignor to various consignees, billed at the rate applying to the furthest point of delivery with a 25-cent minimum delivery charge to apply at all points on petitioner's line.

2 - On shipments of 5000 pounds or more, from one consignor to one consignee on one bill of lading in a single shipment, rates as follows:

Column 2. Between Denver and points on carrier's line Salida to Gunnison, 55 cents per 100 pounds. Between Pueblo and points on carrier's line Salida to Gunnison, 45 cents per 100 pounds.

Column 1. Between Denver and Colorado Springs and intermediate points on carrier's line between Salida and Sargents exclusive, 50 cents per 100 pounds.

3 - To provide for an allowance of five cents per 100 pounds on any shipment delivered to Petitioner's dock at Pueblo, Colorado Springs or Denver, by the shipper, claims for allowance to be presented to Petitioner each two weeks."

A petition from Frank W. Miller, doing business as the Denver-Limon-Burlington Transfer Company, requesting an order prescribing the following rates: "All groceries; packing house products except fresh meats; beverages in cases, kegs or barrels; fruits and vegetables, fresh or dried, packed or crated.

500 pounds to 999 pounds,	5 cents per cwt. less than tariff rates
1,000 " "4,999 " ,10 " " " " " " "	" " " " " " "
5,000 " "9,999 " ,15 " " " " " " "	" " " " " " "
10,000 " or over _____,20 " " " " " " "	" " " " " " "

Flour, sugar, mill feed, building material, coal, tractors and farm machinery knocked down, one-half of the fourth class rate, minimum weight 1,000 pounds."

The petition for account of the Springfield-Lamar Truck Line alleges that the same conditions now exist as were presented in the original petition and which are set forth in our decision No. 9737.

The petition of the Barker Truck Line alleges that The Rio Grande Southern Railroad Company has a rate of 25 cents per 100 pounds on all commodities between Durango, Colorado, and Dolores, Colorado; that the rate requested between said points is necessary in order to compete on equal terms with the rate published by said railroad; that the rates from and to the other points are comparative to the rate from and to Dolores, and that they are necessary in order to meet the competition of shipper-owned trucks.

The petition of The Moore Truck Line states that the rule and rates applied under paragraph 1. is for the purpose of meeting shipper-owned truck competition. By making pickup at one point, eliminating pickup costs, petitioner can transport freight under the rates applied for and secure more volume than on similar shipments of less than truckload freight. The rate applied for will enable petitioner to secure a large amount of freight now going to shipper-owned trucks. Under paragraph 2, to meet shipper-owned truck competition, rate applied for on 5,000-pound shipments will be as much per 100 pounds as on less than truckload shipments transported to Gunnison by petitioner for interlining with other carriers.

The rate applied for will enable petitioner to recapture a large amount of freight from shipper-owned trucks.

It does not appear advisable to take any action on these two proposals in any informal proceeding of this nature. If this carrier desires to proceed further with these matters, it should do so in a formal proceeding whereby all concerned would have an opportunity to be heard.

Under paragraph 3 of the petition, the proposal is to meet railroad competition. The railroads make an allowance to shippers of five cents per 100 pounds in lieu of pickup service. Petitioner desires to adopt the conditions set forth in Decision No. 11452, with the exception that no allowance shall be made to consignee in lieu of delivery service.

It appears that petitioner should be authorized to establish the provision set forth in the preceding paragraph.

The ~~petitioner~~ of the Denver-Limon-Burlington Transfer Company states that the economic conditions of the public located in the territory served by its line are in a very serious state due to the drouth conditions of the past year, and the resultant failure of crops, and that indications are that the public in this vicinity can expect no relief from the financial difficulties from which they are suffering; and that, due to this condition, it is impossible at the present time for the public in this vicinity to pay higher rates for the transportation of these commodities

than those set forth in the petition.

The matter covered by this petition was assigned for formal hearing on February 8, 1938, at which time the Woodward Truck Line objected to the proposal, primarily on account of the proposed rate on sugar. An agreement was reached whereby Miller withdrew his proposal inasmuch as it related to sugar and the Woodward Truck Line withdrew its objection, with the understanding that if the rates were granted to the petitioner, it would be permitted to publish the same basis of rates.

On February 14, 1938, the Commission received a letter from R. L. Ellis, Traffic Manager of The Pueblo Manufacturers and Distributors Association of the Pueblo Chamber of Commerce wherein it is stated that The Pueblo Flour Mills, located at Pueblo, ships feeds and flour from Pueblo to Limon, Hugo and a number of other points concerned here, and they wish their protest entered against the proposed decrease in rates for the reason that it will affect their business adversely.

The Commission is not convinced that the establishment of the proposed rates will result in any material harm to The Pueblo Flour Mills.

After full consideration of the matters presented in the instant petitions and the record as a whole, the Commission is of the opinion, and so finds, that an order should be entered authorizing the following publications, viz:

1 - The extension of the expiration date from March 30, 1938 to and including September 30, 1938, of the rates and minimum charge prescribed by us in Decision No. 9737, dated April 5, 1937.

2 - The following Column 1 and 2 rates in cents per 100 pounds between Durango, Colorado and Dolores, Colorado, 40 and 30; Lewis, Yellow Jacket and Ackmen, Colorado, 45 and 35; Cahone and Dove Creek, Colorado, 50 and 40, in connection with the Barker Truck Line.

3 - An allowance of five cents per 100 pounds in lieu of pickup service at Denver, Colorado Springs, and Pueblo, Colorado, when destined to points on the line of the Moore Truck Line under the following conditions, viz:

When the consignor elects to make his own arrangements for the pickup service, an allowance of five cents per 100 pounds will be made to such consignor for such service subject to the conditions and exceptions in paragraphs (A), (B), (C) and (D) below. Such allowance will be made only on shipments which are delivered and unloaded by the consignor at the carrier's freight depot, and receipted for by the carrier at the freight depot to which such shipment is delivered.

(A) Allowances will be computed on the basis of the weight on which the freight charges are assessed, except that a minimum allowance of five cents will be made when the freight charges are based on less than 100 pounds or when the minimum charge is applied.

(B) Allowances due the consignor will be made upon claims filed by the consignor with carrier's agent at the point where the pickup service is authorized, such claims to be supported by a statement of the shipments involved. In no case will allowance be made to other than the consignor named on the bill of lading. All claims for allowance must be presented to carrier each two weeks.

(C) In no case will allowances be granted to consignors when pickup service is accomplished by them in any manner other than highway vehicle.

(D) No allowance will be made for pickup service at stations other than Denver, Colorado Springs and Pueblo, Colorado.

4 - The following basis for rates in connection with the Denver-Limon-Burlington Transfer Company and the Woodward Truck Line.

Groceries, as defined in item No. 8, page 6 of the Commission's rate pamphlet dated May 28, 1937; packing house products as described in item No. 12-A of said pamphlet; beverages in cases, kegs or barrels, as described in Appendix N of said pamphlet; fruits and vegetables, fresh or dried, in sacks, boxes, barrels or crates, in straight or mixed shipments.

500 pounds to	999 pounds,	5 cents per cwt.	less than tariff rates
1,000 "	" 4,999 "	10 "	" " " " " "
5,000 "	" 9,999 "	15 "	" " " " " "
10,000 "	" or over _____	20 "	" " " " " "

Flour; mill feed; building material; coal; tractors and farm machinery, knocked down, in straight or mixed shipments minimum weight

1,000 pounds, one-half of the less than truckload fourth class rate. To expire with December 31, 1938.

### O R D E R

IT APPEARING, That on February 5, 1936, and various subsequent dates, the Commission made and filed in this proceeding statements of its findings of fact and conclusions thereon; that on said dates the Commission issued its orders to give effect to said conclusions.

IT FURTHER APPEARING, That after further consideration of all the facts, the Commission has on the date hereof made and filed a statement containing its further findings of fact and conclusions thereon, which said statement and the aforesaid statements of February 5, 1936, and various subsequent dates are hereby referred to and made parts hereof.

IT IS ORDERED, That the order heretofore entered in said proceeding in Case No. 1585 on February 5, 1936, as since amended, be, and it is hereby, further amended, supplemented or modified insofar as shall be necessary to give effect to the amended, supplemented or modified findings made in the aforesaid statement on further consideration herein, and that, except as herein amended, supplemented or modified, the above stated order as amended shall continue in full force and effect.

IT IS FURTHER ORDERED, That this order shall become effective on March 25, 1938, except that portion pertaining to the extension of the expiration date of the rates and minimum charge in connection with the Springfield-Lamar Truck Line, which shall become effective on March 30, 1938, and that the rates and rules prescribed and approved in the aforesaid statement on further consideration shall be published by all affected motor vehicle common carriers operating in intrastate commerce on notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913; and that on and after said dates all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the bases herein prescribed.

IT IS FURTHER ORDERED, That all private carriers by motor vehicle subject to this order shall on and after March 25, 1938 and March 30, 1938, cease and desist from demanding, charging or collecting rates

which shall be less than the bases prescribed and approved in the aforesaid statement.

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

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

( S E A L )

ATTEST: A true copy

E. E. POLLOCK  
Secretary

*E. E. Pollock*

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Wheeler*  
EDWARD E. WHEELER

*W. C. Danks*  
W. C. DANKS

*Malcom Erickson*  
MALCOM ERICKSON  
Commissioners

Dated at Denver, Colorado,  
this 17th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF HARRY E. MEININGER, CRAIG, )  
COLORADO, FOR AN EXTENSION OF HIS )  
PERMIT NO. B-1128. )

APPLICATION NO. 2669-PP-B

-----  
March 19, 1938.  
-----

Appearances: Harry E. Meininger, Craig, Colorado,  
pro se;  
Richard E. Conour, Esq., Denver, Colorado,  
for Larson Transportation Company;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
Leonard Gray, E. M. Harris, Hayden  
Transfer, Harp Brothers and Frank B. Leslie.

S T A T E M E N T

By the Commission:

On December 6, 1935, in Application No. 2669, the above named applicant was granted authority numbered B-1128, with authority to transport sand and gravel from Denver to points within a seventy-five mile radius thereof.

By the instant application, the applicant seeks authority to transport coal, sand, gravel, dirt, rock, cement, steel and wheat, within a fifty-mile radius of Craig, Colorado, and the elimination of his Denver area entirely.

Applicant testified that he desired authority to serve that part of Moffat County within a fifty-mile radius of Craig, transporting sand, gravel, rock and like road construction materials (steel being eliminated), and that this service would be a transportation service for contractors having under construction road projects; also the transportation of coal within the area and wheat from threshing machine to elevator and loading points.

The applicant stated that he had three 1937 dump trucks with hydraulic hoist, and desired no authority where such equipment would not be suitable.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the extension sought should be granted, limited, however, as indicated by the testimony, and the elimination of the Denver area.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1128 be, and the same is hereby extended to include the transportation of sand, gravel, rock, cement and like road surfacing materials, from railhead to road construction jobs within that part of Moffat County which is within a radius of fifty miles of Craig, Colorado; coal from point to point within the above described Craig area; and bulk grain from the threshing machines to storage and railroad loading points in said area.

IT IS FURTHER ORDERED, That all that part of Permit No. B-1128 which applies to service within a 50-mile radius of Denver be, and the same hereby is revoked.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Tucker

W. A. Danks

Susan E. Spier  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ROBERT STEELE, GREELEY, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER )  
HIS PRIVATE PERMIT NO. B-1326 )  
TO J. M. CAMERON COAL COMPANY, )  
GREELEY, COLORADO. )  
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APPLICATION NO. 2574-PP-A

-----  
March 19, 1938.  
-----

Appearances: J. M. Cameron, Greeley, Colorado,  
for transferee;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association;  
R. E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

It appeared from the testimony given at the hearing that Robert Steele, the owner of Permit B-1326, had sold his right in the permit to J. M. Cameron, doing business as the J. M. Cameron Coal Company, for the sum of \$50.00; that there were no outstanding obligations as a result of previous operations under this authority; that Steele had evidently left the country after making the deal, and the transferee made a careful investigation himself as to the status of the permit. The transferee is the owner of six trucks and is well able to continue the operation under this permit if given authority; and it is his intention to utilize the permit for the various uses as set forth in the Commission's decision dated December 6, 1935, being No. 6910.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Robert Steele be, and he hereby

is granted authority to transfer to J. M. Cameron, doing business as J. M. Cameron Coal Company, all right, title and interest in and to Permit B-1326, with authority as follows:

"The transportation of coal from mines in the northern Colorado coal fields, brick from Denver and Longmont, Colorado, fresh fruit from Western Slope points, and wool and pipe from Colorado-Wyoming state line to Greeley, Colorado; wool from ranches in Weld and Morgan Counties to Greeley and Denver; corn from farms in Phillips County to feeding points in Weld County; hides, seed, grain, hay, feed, and irrigation and reservoir supplies from point to point in Weld County and from Weld County points to Colorado-Wyoming state line; irrigation and reservoir supplies to irrigation ditches and reservoirs in Morgan County, junk and hides from Greeley to Denver, Colorado.

"Applicant shall not engage in the transportation of merchandise in competition with common carriers operating on schedule, and in all cases of transportation of other freight in competition with scheduled carriers, shall charge a rate twenty per cent in excess of that of said common carriers."

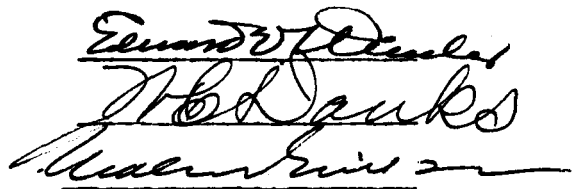
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with the conditions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

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JAY HAMMOND, OF 120 N. CORNA, ) APPLICATION NO. 2319-PP-A  
COLORADO SPRINGS, COLORADO. )  
-----

-----  
March 21, 1938.  
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S T A T E M E N T

By the Commission:

On September 9, 1937, Decision No. 10581, Jay Hammond was granted authority to operate as a Class A private carrier by motor vehicle for hire. However, he was not issued a permit number as the application was not completed.

Now the Commission is in receipt of a communication from permittee requesting that his authority be cancelled.

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

ORDER

IT IS THEREFORE ORDERED, That Class "A" permit, heretofore issued to Jay Hammond in Application No. 2319-PP-A (Decision No. 10581), be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Decker

W. C. Danks

William E. Johnson  
Commissioners

Dated at Denver, Colorado,  
this 21st day of March, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
DICK HOLMES. )  
..... )

PERMIT NO. C- 1635

.....  
March 21, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Dick Holmes ..... of 248 W. Irvington St., Denver, Colo.,  
requesting that his Permit No. C-1635 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1635 ..... heretofore issued  
to Dick Holmes, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Frank M. Danner*  
*W. H. Danks*  
*Walter Harrison*  
Commissioners.

Dated at Denver, Colorado,  
this 21st day of March ..... 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF	)	
GERALD M. GISI AND HAROLD F. KERST,	)	
DOING BUSINESS AS K & G TRUCK LINE,	)	<u>CASE NO. 4689</u>
PERMIT NO. A-837.	)	
-----	)	

-----  
March 23, 1938.  
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S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondents heretofore became the holders of Permit No. A-837, under the provisions of Chapter 120, Session Laws of Colorado, 1931, as amended, authorizing them to engage in the business of a private carrier by motor vehicle.

Information has come to the Commission, and its records disclose, that the above named respondents have violated the terms and provisions of said permit, the rules and regulations of this Commission, and the provisions of said Chapter 120, Session Laws of Colorado, 1931, as amended, in the following particulars, to-wit:

1. That said respondents did, during the months of January, February and March, 1938, accept, transport and deliver numerous shipments of freight at and for rates and charges different from and lower than the rates and charges fixed and prescribed by this Commission for such transportation.
2. That said respondents did, during the aforesaid months, accept, transport, and deliver shipments of freight for numerous and different persons, firms, and corporations, without first or at all having a statement on file with this Commission showing the names and addresses of such persons, firms and corporations, and without first or at all having any contract, or a memorandum of the terms of any contract, with such persons, firms and corporations, on file with this Commission.
3. That said respondents did, during the months aforesaid, accept numerous shipments of freight without first or at all issuing bills of

loading covering such shipments at the time of their acceptance.

O R D E R

IT IS THEREFORE ORDERED, By the Commission on its own motion, that an investigation and hearing be entered into, to determine if the respondents herein have failed or refused to comply with any or all of the provisions of the aforesaid statutes, said permit, or the rules and regulations of this Commission, and, if so, whether the aforesaid permit should therefore be suspended or revoked, or whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order suspending or revoking Permit No. A-837, heretofore issued to these respondents, because of the aforesaid violations of the law, the rules and regulations of this Commission, and why it should not enter such other order or orders as may be just and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on the 5th day of April, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Danks

W. A. Danks

William E. Wilson  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JACOB JORDAN, FORT COLLINS, ) CASE NO. 4690  
COLORADO, P. U. C. NO. 928. )  
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-----  
March 23, 1938.  
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S T A T E M E N T

By the Commission:

The records of the Commission disclose that Jacob Jordan, the above-named respondent, was heretofore issued certificate of public convenience and necessity No. 928, under the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended, authorizing him to engage in the business of a motor vehicle common carrier, and since the issuance of said certificate said respondent has exercised, and is now exercising, the rights and privileges conferred thereby.

The records of the Commission further disclose that the aforesaid respondent has violated the terms and provisions of said Chapter 134, Session Laws of 1927, as amended, the terms and conditions of his said certificate, and the rules and regulations of this Commission, in the following particulars, to-wit:

1. That said respondent does not now have, and has not had for a long period of time, a tariff on file with this Commission showing the schedule of rates and charges to be assessed and collected for freight transported by him.

2. That said respondent did, on numerous and different occasions, accept, transport, and deliver shipments of freight at and for rates and charges different from the rates and charges fixed and prescribed by this Commission for such transportation.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion,

that an investigation and hearing be entered into, to determine if the said respondent has failed or refused to comply with any or all of the above rules and regulations of the Commission, and, if so, whether his certificate should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order, because of the aforesaid delinquency, suspending or revoking the certificate heretofore issued to said respondent.

IT IS FURTHER ORDERED, That said matter be, and it is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on the 5th day of April, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Danks*

*W. C. Danks*

*W. C. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROY BARNER, 2036 MARKET STREET, )  
DENVER, COLORADO, CERTIFICATE OF ) CASE NO. 4691  
PUBLIC CONVENIENCE AND NECESSITY )  
NO. 1102 AND PRIVATE PERMIT NO. A-711. )  
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March 23, 1938.  
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S T A T E M E N T

By the Commission:

The records of the Commission disclose that Roy Barner, the above named respondent, was heretofore issued Certificate of Public Convenience and Necessity No. 1102 and Private Permit No. A-711, under the provisions of Chapter 134, Session Laws of Colorado for the year 1927, as amended, and Chapter 120, Session Laws of Colorado for the year 1931, as amended, respectively, authorizing him to engage in the business of a common carrier and a private carrier by motor vehicle, and that since the issuance of said certificate and private permit the said respondent has exercised and is now exercising the rights and privileges conferred thereby.

The records of the Commission further disclose that the aforesaid respondent has violated the terms and provisions of Chapter 134, Session Laws of 1927, as amended, the terms and conditions of said certificate of public convenience and necessity, and the rules and regulations of this Commission in the following particulars, to-wit:

1. That said respondent does not now have, and has not had for a long period of time, a correct tariff on file with this Commission showing the schedule of rates and charges to be assessed and collected for freight transported by him as a common carrier.

The records of the Commission further disclose that said respondent has violated the terms and provisions of Chapter 120, Session Laws of 1931, as amended, the terms and conditions of his said private permit, and the

rules and regulations of this Commission, in the following particulars, to-wit:

1. That said respondent has failed and neglected to operate within a part of the area or portion of the route over which he is authorized to operate, for a period of more than six months, without first or at all securing from this Commission authority to discontinue and abandon operations over said area.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be entered into to determine if the said respondent has failed or refused to comply with any or all of the above rules and regulations of this Commission, or the terms and provisions of the statutes covering his said operations, and, if so, whether his said certificate and said permit should therefore be suspended or revoked, and whether any other order or orders should be entered by the Commission in the premises.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order, because of the aforesaid delinquencies, suspending or revoking the certificate and permit heretofore issued to said respondent.

IT IS FURTHER ORDERED, That the said matter be, and it is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on the 5th day of April, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Dineen

W. L. Danks

W. L. Danks

Commissioners.

Dated at Denver, Colorado,  
this 23rd day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEO D. McREA AND EDWARD L. McREA, )  
DOING BUSINESS AS McREA BROTHERS, )  
COLORADO SPRINGS, COLORADO, FOR A ) APPLICATION NO. 4459-PP  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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March 23, 1938.  
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Appearances: O. E. Collins, Esq., Colorado Springs,  
Colorado, for applicants;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
J. R. Marks, Jim's Truck Line, Forest  
Woodard, Mikelson Brothers, Denver-Hilltop  
Truck Line, Jess F. Sellers, Homer Jessup,  
William J. Goodenberger, F. R. Baldwin,  
G. Barnhill, W. G. Cressey, Ernest J. Gottula,  
Clarence R. Bender and Kenneth Gahagen;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers Association,  
C. N. Lavelett and Oren A. Hartsel;  
Stanley Blunt, Esq., Canon City, Colorado,  
for Southwestern Transportation Company;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Merrill Shoup, Esq., Colorado Springs, Colorado,  
for Cripple Creek-Victor-Colorado Springs  
Stage Line and Midland Terminal Railway Company.

S T A T E M E N T

By the Commission:

The above styled matter was set for hearing at Colorado Springs,  
on March 1, 1938, at 10:00 o'clock A. M., and continued at the request of  
applicants for taking of further testimony, the time and place of continued  
hearing to be fixed subsequently by the Commission.

After a careful consideration of the record, the Commission is  
of the opinion, and finds, that said matter should be set for further  
hearing at Colorado Springs on Friday, the 8th day of April, 1938, at ten  
o'clock A. M.

O R D E R

IT IS THEREFORE ORDERED, That the above styled matter should be,  
and hereby is, set for further hearing before the Commission on Friday, the

8th day of April, 1938, at 10:00 o'clock A. M., at the City Hall in  
Colorado Springs, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Samuel H. Decker

Wes Danks

Allen Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 23rd day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ALBERT A. SPERRY, DILLON, )  
COLORADO, FOR A PERMIT TO OPERATE ) APPLICATION NO. 4473-PP  
AS A CLASS "B" PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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-----  
March 25, 1938  
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Appearances: Albert A. Sperry, Dillon, Colorado,  
pro se;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for Hitchcock Truck Line, Southwestern  
Transportation Company, Colman Freight  
Service and Albert Schaeffer.

S T A T E M E N T

By the Commission:

The application filed herein seeks authority to transport ore, coal, gas and oil, mining machinery, hay, timber, grain, livestock and scrap iron.

Applicant testified that his pick-up area would be Summit County, and he desired to operate between said county and Leadville, Kremmling, Oak Creek, Denver and the Fairplay-Alma mining district.

It was stipulated that any permit granted to applicant should be limited to provide that no service would be rendered by applicant in competition with line haul carriers now authorized to serve the points involved.

In view of this stipulation, all objections to the granting of the authority sought were withdrawn.

Applicant requested that the request for authority to operate between Dillon and Salida, which appears in his application, be withdrawn. His financial standing and operating reliability were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that, as limited by the testimony and the stipulation made at the hearing, the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Albert A. Sperry, of Dillon, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ore, coal, gas, oil, mining machinery, hay, livestock, timber, grain and scrap iron, from point to point within Summit County and from said Summit County to Leadville, Kremmling, Oak Creek, Denver and the mining areas of Fairplay and Alma; provided, however, that no transportation service shall be rendered by applicant in competition with established line haul carriers now operating between any of the points involved.

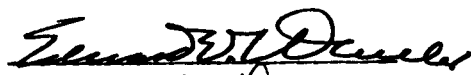


IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF H. W. KING, EDWARDS, COLORADO, )  
FOR A PERMIT TO OPERATE AS A ) APPLICATION NO. 4471-PP  
CLASS "B" PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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-----  
March 25, 1938  
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Appearances: H. W. King, Edwards, Colorado,  
pro se;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for Grand County Transfer Company  
and Colman Freight Service.

S T A T E M E N T

By the Commission:

At the hearing, applicant restricted the service which he desired to render to the transportation of farm products (exclusive of livestock) from point to point within a radius of 15 miles of Edwards, Colorado, and from points in said area to railroad loading points between and including Red Cliff and Eagle, Colorado; lumber from the Hirz-Erickson sawmill near Edwards to Red Cliff and Eagle; farm machinery from point to point within said 15-mile radius of Edwards; provided, however, that said movement would be only from farm to farm, Edwards to a farm or from a farm to Edwards.

As so limited, all objections to the granting of the authority sought were withdrawn.

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

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

O R D E R

IT IS THEREFORE ORDERED, That H. W. King, of Edwards, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products (exclusive

of livestock) from point to point within a radius of <sup>15 miles of</sup> Edwards, Colorado, and from points within said radius to railroad loading points between and including Red Cliff and Eagle, Colorado; lumber from the Hirz-Erickson sawmill near Edwards to Red Cliff and Eagle; and farm machinery from point to point within said 15-mile radius of Edwards; provided, however, that said movement would be only from farm to farm, Edwards to a farm or from a farm to Edwards.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Decker

W. C. Danks

Sharon E. Quinn

Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF JOHN VALAER, DILLON, COLORADO, )  
FOR A PERMIT TO OPERATE AS A )  
CLASS "B" PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 4481-PP

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March 25, 1938.  
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Appearances: John Valaer, Dillon, Colorado,  
pro se;

S T A T E M E N T

By the Commission:

Applicant seeks a Class "B" permit authorizing the transportation of ore from points within a radius of two miles of Montezuma, Colorado, to Leadville, and from Green Mountain to Leadville.

The evidence disclosed that Green Mountain is approximately 70 miles and Montezuma 50 miles from Leadville, and that proposed service is an "A" operation.

Applicant owns a 1937 Chevrolet dump truck, and his financial standing and operating reliability were established to the satisfaction of the Commission.

No protests were interposed to the granting of the authority sought.

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

O R D E R

IT IS THEREFORE ORDERED, That John Valaer, of Dillon, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ore from points within a radius of two miles of the mining camp of Montezuma to Leadville, and from the mining camp of Green Mountain to Leadville.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing

jurisdiction in this matter to make such further restrictions, reservations limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Decker

McDanks

Walter E. Quinn

Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF DEAN HUNTINGTON, OF BRECKENRIDGE, )  
COLORADO, FOR A PERMIT TO OPERATE )  
AS A CLASS "B" PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 4324-PP

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March 25, 1938.  
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Appearances: Dean Huntington, Breckenridge, Colorado,  
pro se;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for Hitchcock Truck Line, The Motor  
Truck Common Carriers Association,  
Curnow Livery and Transfer Company  
and Colman Freight Service.

S T A T E M E N T

By the Commission:

The application as filed sought authority to operate as a Class "B" private carrier for the transportation of lumber, logs, ore and hay within a 100-mile radius of the town of Breckenridge, Colorado. However, at the hearing, applicant stated that he desired to withdraw his request to transport logs, lumber and hay, and asked authority to amend his application to include the transportation of ore from the area contained within a 15-mile radius of Breckenridge to Leadville and to Kremmling, which is a Class "A" permit operation.

In view of the restriction placed upon his operation by applicant, all objections to the granting of the authority sought were withdrawn, and it was stipulated that his application should be amended in conformity with his request.

The evidence disclosed that applicant owns a 1937 Chevrolet truck, and his financial standing and operating reliability were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That Dean Huntington, of Breckenridge, Colorado, be, and he is hereby, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ore from a pickup area included within a 15-mile radius of Breckenridge, to Leadville and Kremmling, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Dinkley

W. C. Danks

Wm. E. Eason  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

MAURICE B. MOORE,	)	
	)	
Complainant,	)	
	)	
vs.	)	CASE NO. 4685
	)	
EARL C. HASTINGS,	)	
	)	
Defendant.	)	
	)	

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March 25, 1938.  
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Appearances: E. L. Shaner, Esq., Flat Iron Bldg., Denver,  
Colorado, attorney for complainant;  
Lowell White, Esq., Equitable Bldg., Denver,  
Colorado, attorney for defendant.

S T A T E M E N T \_

By the Commission:

In the instant matter, a complaint was filed with the Commission, wherein Maurice B. Moore alleges that Earl G. Hastings, who is the owner of Commercial Permit No. C-2923, was guilty of negligence in the operation of his truck in the vicinity of Fort Morgan, Colorado, on the evening of November 21, 1937, and that due to said negligent operation of said truck by the said Earl G. Hastings, complainant suffered certain damages to his automobile, and personal injuries were suffered by one of the passengers riding with complainant at the time of the accident. It is further alleged that defendant was operating said truck in violation of law and the statutes of the State of Colorado.

To this complaint, a motion to dismiss has been filed by the attorney for defendant on the grounds that we are without jurisdiction of the cause of action alleged in the complaint. The prayer of the complaint prays for judgment against the defendant, "that his permit and license may be immediately revoked by this Honorable Commission, and for such other and further relief in the premises as may be just and proper."

It is alleged in the motion to dismiss that complainant seeks a money judgment against the defendant. We believe this allegation to be in

error. However, we believe that the motion is well taken and that complaint must be dismissed. Certainly, the question of whether or not the defendant Hastings was guilty of a negligent operation of his truck would require the exercise of a judicial power which rests in courts and not in this Commission.

It is true that we have jurisdiction and could determine the question of whether defendant was operating under his permit in violation of the Commercial Carrier Act or of our Rules and Regulations promulgated thereunder. Section 16 of Chapter 167, Session Laws of 1935, as amended, being known as the Commercial Carrier Act, provides as follows:

"The Commission may at any time, upon complaint by any interested party or upon its own motion, by order duly entered, after hearing had upon notice to the holder of any permit hereunder, and when it shall have been established to the satisfaction of the Commission that such holder has violated any of the provisions of this Act, or any of the terms and conditions of his or its permit, or has exceeded the authority granted by such permit, or has violated or refused to observe any of the proper orders, rules or regulations of the Commission, revoke, suspend, alter or amend any such permit issued hereunder; provided, that the holder of such permit shall have all the rights of hearing, review and appeal as to such order or ruling of the Commission as are now provided by the Public Utilities Act of this State; and provided further that no appeal from or review of any order or ruling of the Commission shall be construed so as to supersede or suspend such order or ruling, except upon order of a proper court obtained for such purpose."

It will be noted that this section covers the authority of the Commission to revoke commercial permits. Such revocation must be for the violation of some provision of the Commercial Carrier Act or of the terms and conditions of the permit, or the violation of some rule or regulation of the Commission promulgated under said Act.

Third Revised General Order No. 46, promulgated in connection with commercial carrier operations, sets forth the grounds upon which commercial permits may be suspended or revoked. These grounds are as follows:

- "(a) Operating as a 'motor vehicle carrier' for hire as defined in Section 1 (d) of Chapter 134, Session Laws of 1927, as amended.
- "(b) Operating as a 'private carrier by motor vehicle' for hire as defined in Section 1 of Chapter 120, Session Laws of 1931, as amended.

- "(c) Failure to make reports, or the making and filing of any false report.
- "(d) Non-payment of taxes.
- "(e) Failure to file public liability and property damage insurance policy or indemnity bond.
- "(f) For violation of any provision of Senate Bill No. 296, Session Laws of 1935, as amended.
- "(g) For violation of any order, rule or regulation of the Commission promulgated, adopted and approved under and by virtue of said Senate Bill No. 296, whether herein contained or hereafter made effective."

Neither in the Commercial Carrier Act, nor in our Rules and Regulations promulgated thereunder, do we find any authority to revoke a commercial permit because of negligent operation by the holder of such permit. We believe that it plainly appears from the complaint and the motion to dismiss that the Commission is without jurisdiction of the cause of action alleged in the complaint, and that said motion to dismiss should be sustained.

After a careful consideration of the pleadings, the Commission is of the opinion, and so finds, that said motion to dismiss should be sustained.

O R D E R

IT IS THEREFORE ORDERED, That the motion to dismiss the complaint filed herein should be sustained, and said complaint should be, and the same hereby is dismissed.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Samuel D. Edwards*

*W. C. Danks*

*Walter E. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. E. DODD OIL COMPANY, FORT MORGAN, )  
COLORADO, FOR A CLASS "B" PERMIT TO ) APPLICATION NO. 4450-PP  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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March 25, 1938.  
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Appearances: W. E. Dodd, Fort Morgan, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association;  
J. R. Arnold, Denver, Colorado,  
for North Eastern Motor Freight.

S T A T E M E N T

By the Commission:

W. E. Dodd, doing business as W. E. Dodd Oil Company, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of bulk petroleum products (no packages) from oil refineries located in Denver and Adams County to Estes Park and to all points in Colorado north of U. S. Highway No. 36 and east of the Rocky Mountains.

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

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

O R D E R

IT IS THEREFORE ORDERED, That W. E. Dodd, doing business as W. E. Dodd Oil Company, Fort Morgan, Colorado, should be, and hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of bulk petroleum products (no packages) from oil refineries located in Denver and Adams County to Estes Park and to all points in Colorado situated in area north of U. S. Highway No. 36 and east of the Rocky Mountains.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing

jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Decker

W. C. Fawkes

Wm. E. Evers

Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF THEODORE COET, LOUISVILLE, )  
COLORADO, FOR A CLASS "B" PERMIT ) APPLICATION NO. 4397-PP  
TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE )  
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March 25, 1938.  
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Appearances: Theodore Coet, Louisville, Colorado,  
pro se;  
R. E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company,  
Colorado Rapid Transit Company,  
North Eastern Motor Freight, Inc.,  
and Consolidated Motor Freight.  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, Over-Land Motor Express,  
McKie Transfer Company and Foster  
Truck Line;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
Norman Rhyno and Yockey Trucking Company.

S T A T E M E N T

By the Commission:

In the above styled matter, on February 10, 1938, Decision No. 11385, applicant was authorized to operate as a Class "B" private carrier by motor vehicle for hire.

Prior to the effective date of said order, applicant filed his request for rehearing, asking that the authority granted be amended to include the right to haul grain from threshers and combines operating on farms within a radius of five miles of Louisville to Lafayette, Broomfield and Louisville, said authority being included in applicant's original request for authority herein.

Counsel appearing at the hearing, upon being contacted by the Commission, informed the Commission that they have no objection to the amendment of said Decision No. 11385 to include the service sought to be performed by applicant.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said Decision No. 11385 should be amended to

to include the additional authority requested by applicant.

O R D E R

IT IS THEREFORE ORDERED, That Decision No. 11385, entered in the above styled matter on February 10, 1938, should be, and hereby is, amended by changing the period following the word "Nederland" in the first paragraph of said order to a comma, and adding:

"And the right to transport grain from threshers and combines operating on farms within a radius of five miles of Louisville to Lafayette, Broomfield and Louisville."

IT IS FURTHER ORDERED, That in all other respects said original Decision No. 11385 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Decker

W. L. Danks

W. A. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ORVILLE TOWNSEND, 1283 WEST VIRGINIA, )  
DENVER, COLORADO, FOR A CLASS "A" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 4492-PP

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March 25, 1938.  
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S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Valmont plant of the Public Service Company and to Denver.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore have indicated that they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, without formal hearing, the Commission determined to and has heard said matter upon the application and files herein, without formal setting, notice or hearing.

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

O R D E R

IT IS THEREFORE ORDERED, That Orville Townsend, 1283 West Virginia Street, Denver, Colorado, should be, and hereby is authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Valmont Plant of the Public Service Company, and to Denver, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations,

limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward V. Danks*

*W. C. Danks*

*W. C. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
NOBLE MC KENNEY, FAIRPLAY, COLORADO,) )  
FOR A CLASS "A" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
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APPLICATION NO. 4491-PP

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March 26, 1938  
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S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ore from mines at Montezuma, Colorado, to Leadville, Colorado.

Inasmuch as there is no authorized motor vehicle common carrier ore service between the points sought to be served by applicant, the Commission determined to and has heard said matter without formal setting, notice or hearing upon the application and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That Noble McKenney, Fairplay, Colorado, should be, and hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ore from mines at Montezuma, Colorado to Leadville, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edmund D. Dineen

W. L. Danks

William E. Eason  
Commissioners

Dated at Denver, Colorado,  
this 26th day of March, 1938.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
MANUEL JIMINEZ, 1310 East Route )	
Avenue, Pueblo, Colorado, FOR A )	<u>APPLICATION NO. 4493-PP</u>
CLASS "A" PERMIT TO OPERATE AS A )	
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
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March 25, 1938.  
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S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from coal mines in the Canon City-Florence coal fields to Canon City and Pueblo over U. S. Highway No. 50, and coal from mines in the Walsenburg coal fields to Pueblo over U. S. Highway No. 85.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association, heretofore, have indicated that they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant without formal hearing, the Commission determined to, and has heard said matter upon the application and files herein, without formal setting, notice or hearing.

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

O R D E R

IT IS THEREFORE ORDERED, That Manuel Jiminez, Pueblo, Colorado, should be, and hereby is, granted a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from coal mines in the Canon City-Florence coal fields to Canon City and Pueblo over U. S. Highway No. 50, and coal from mines in the Walsenburg coal fields to Pueblo over U. S. Highway No. 85.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitation and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Decker

W. L. Danks

Susan E. Evers  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF)  
FRANK GERWECK, CHEYENNE WELLS, )  
COLORADO, FOR A CLASS "B" PERMIT )  
TO OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 4193-PP

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March 26, 1938  
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Appearances: Frank Gerweck, Cheyenne Wells,  
Colorado, pro se;  
Marion F. Jones, Esq., Denver,  
Colorado, for The Colorado  
Trucking Association,  
Clarence Denison, George W.  
Switzer, Wimp and Covey;  
Richard E. Conour, Esq., Denver,  
Colorado, for Weicker Transfer  
and Storage Company (Special  
Appearance).

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products, livestock, household goods, farm machinery and coal between points within a radius of twenty-five miles of Cheyenne Wells, and from and to points in said area, to and from points in the State of Colorado.

The records of the Commission show that Clarence Denison of Cheyenne Wells, Colorado, is authorized to operate as a motor vehicle carrier for hire, PUC No. 767, and George W. Switzer, Cheyenne Wells, Colorado, under Certificate No. 710:

"From point to point in that part of Cheyenne County which lies east of a line drawn north and south immediately west of First View and between points in said portion of Cheyenne County and points in that part of Cheyenne County lying west of said line."

Wimp and Covey, under Certificate No. 890, are authorized to transport freight on call and demand:

"From point to point within Kiowa County, and from ranches in Kiowa County to points outside thereof."

At the hearing, applicant agreed that the pick-up area for farm products, except livestock, might be reduced to the area extending north to the Cheyenne-Kit Carson County Line, south to the Cheyenne-Kiowa County Line, east to the Kansas-Colorado State Line, and west to State Highway No. 59; that in and out service for the transportation of livestock should be limited from and to points in the twenty-five mile area around Cheyenne Wells, to and from Denver, Burlington and Lamar; that the transportation of household goods and farm machinery under said permit should be limited to the moving of farmers between points in the area sought to be served, and from and to farms in said area, to and from points in the State of Colorado. He also asked for authority to move coal from Denver or mines in the northern Colorado coal fields or mines in the Florence-Canon City coal district to points in said twenty-five mile radius.

Written protest was filed by Clarence Denison, who alleged:

"Under present conditions, I have been able to take care of all the hauling in this locality without keeping my truck busy. Many farmers are leaving here which will also cut down on trucking. I do not think it necessary for the P.U.C. to issue another permit in this locality at this time."

The matter was heard on October 18, 1937. The evidence did not disclose that the existing service was inadequate, or that the efficiency of common carriers serving all or portions of the territory sought to be served by applicant would not be impaired by his proposed operation. So far as we are advised, economic conditions in the area have not changed.

When the application was filed on September 21, 1937, Inspector Reid authorized Mr. Gerweck to operate temporarily:

"For the movement of livestock and farm produce in a radius of twenty-five miles of Cheyenne Wells, Colorado, until such time as it is possible to have a hearing on application."

Notwithstanding temporary authority was granted only until time of hearing on October 18, 1937, a number of complaints have been received by the Commission that applicant has hauled for hire since said hearing. On one occasion, he was apprehended by the Courtesy Patrol near Pueblo with a load of furniture which he purported to transport under a Class "C" permit, having an alleged bill of sale therefor. On inquiry by Patrolman, he admitted he was hauling for hire, but claimed the right to so serve for hire, under the authority from the Commission which had been misplaced or worn out through long usage. Mr. Reid's letter did not authorize such service. The Commission has held that authority should not be granted to one who habitually has violated the law by hauling for hire without authority.

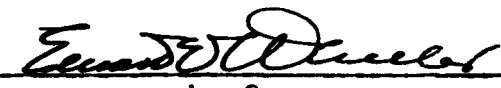


Weicker Transfer and Storage Company, by its counsel, appeared and objected to the hearing upon said application and issuance of permit on the ground that it was entitled to and had not been notified of the pendency of said application.

Since the Commission is of the opinion, and finds, after careful consideration, that said application should be denied, because it did not appear that the proposed service will not impair the efficiency of motor vehicle common carriers adequately serving said territory and on account of continuous illegal hauling for hire by applicant, it is not necessary to pass upon the contention of Weicker Transfer and Storage Company herein.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 26th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF AGATHA CLARK, DOING BUSINESS AS	)	
CLARK LUMBER AND SUPPLY COMPANY,	)	
2732 WEST COLORADO, COLORADO SPRINGS,	)	<u>APPLICATION NO. 4489-PP</u>
COLORADO, FOR A CLASS "A" PERMIT TO	)	
OPERATE AS A PRIVATE CARRIER BY	)	
MOTOR VEHICLE FOR HIRE.	)	

-----  
March 25, 1938.  
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S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from mines in the Florence-Canon City coal fields to Pueblo.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association, heretofore, have indicated that they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, without formal hearing, the Commission determined to and has heard said matter upon the application and files herein, without formal setting, notice or hearing.

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

O R D E R

IT IS THEREFORE ORDERED, That Agatha Clark, doing business as Clark Lumber and Supply Company, 2732 West Colorado, Colorado Springs, Colorado, should be, and she hereby is, granted a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from mines in the Florence-Canon City coal fields to Pueblo.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the

premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Danks

W. C. Danks

Walter E. Eason  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TONY BRAVO, 1412 EAST EVANS, PUEBLO, )  
COLORADO, FOR A CLASS "A" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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APPLICATION NO. 4488-PP

-----  
March 26, 1938.  
-----

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal and slack from coal mines in the Canon City-Florence coal fields and coal mines in the Walsenburg and Trinidad districts, to Pueblo and Canon City.

Inasmuch as the Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore have indicated that they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, without formal hearing, the Commission determined to and has heard said matter upon the application and files herein, without formal setting, notice or hearing.

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

O R D E R

IT IS THEREFORE ORDERED, That Tony Bravo, Pueblo, Colorado, should be, and he hereby is authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal and slack from coal mines in the Canon City-Florence coal fields and coal mines in the Walsenburg and Trinidad districts, to Pueblo and Canon City.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations,

limitations and amendments to this permit as to it may seem advisable in the premises.

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


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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF CHESTER MARTIN, 1439 INGALLS, )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 4495-PP

-----  
March 26, 1938.  
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S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Denver, and sand and gravel from the J. W. Brannan Sand and Gravel Pits near Denver to construction jobs within a radius of fifty miles of Denver.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore have indicated that they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, without formal hearing, the Commission determined to and has heard said matter upon the application and files herein, without formal setting, notice or hearing.

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

O R D E R

IT IS THEREFORE ORDERED, That Chester Martin, Denver, Colorado, should be, and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Denver, and sand and gravel from the J. W. Brannan sand and gravel pits near Denver to construction jobs within a radius of fifty miles of Denver.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing

jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*

*W. C. Danks*

*James J. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TONY SABELL, 3456 QUIVAS STREET, ) APPLICATION NO. 2913-PP-B  
DENVER, COLORADO, FOR AN EXTENSION )  
OF PERMIT NO. A-1311. )  
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March 26, 1938.  
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Appearances: Tony Sabell, Denver, Colorado,  
pro se;  
Richard E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for Denver-Fort Collins-Laramie Truck  
Line and The Motor Truck Common  
Carriers Association;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant, who, by Decision No. 7183, was authorized to operate as  
a Class "A" private carrier by motor vehicle for hire for the transportation  
of:

"Coal from mines in the northern Colorado coal fields  
to Denver",

seeks to extend the authority granted to include the right to haul mine props  
and mine timbers from Denver for Western Timber Company, to Peerless, Centennial,  
Bond, Sterling, Boulder Valley and Imperial mines in said coal fields.

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

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

O R D E R

IT IS THEREFORE ORDERED, That the authority heretofore granted to  
Tony Sabell to operate as a Class "A" private carrier by motor vehicle for  
hire should be, and hereby is, extended to include the right to transport  
mine props and mine timbers from Denver for the Western Timber Company to  
Peerless, Centennial, Bond, Sterling, Boulder Valley and Imperial coal

mines in the northern Colorado coal fields.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Dwyer

W. L. Danks

W. A. Harrison

Commissioners.

Dated at Denver, Colorado,  
this 26th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
G. R. PRATT TO SELL, ASSIGN AND )  
TRANSFER TO TED GIBBENS, CERTIFICATE ) APPLICATION NO. 1713-A  
OF PUBLIC CONVENIENCE AND NECESSITY )  
NO. 370. )  
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March 26, 1938.  
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Appearances: Ted Gibbens, 619 E. 4th St., Pueblo,  
Colorado, for applicants;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Stanley Blunt, Esq., Canon City, Colorado,  
for Southwestern Transportation Company;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association, Keith Truck Line and  
John Hanssen;  
Merrill Shoup, Esq., Colorado Springs,  
Colorado, for Midland Terminal Railway.

S T A T E M E N T

By the Commission:

On January 30, 1931, Decision No. 3205, G. R. Pratt was authorized  
to operate as a motor vehicle common carriers for the transportation of:

"Farm products from farms in Pueblo County to markets  
in the City of Pueblo and other points in said Pueblo  
County, farm supplies from various points in said county  
to said farms, without the right to engage in the trans-  
portation of freight between points on or near the Santa Fe  
Trail and other points in said county served by scheduled  
carriers, and the conduct of a general transportation and  
cartage business in Vineland, in the County of Pueblo, and  
between points in said county and other points in the State,  
subject to the following conditions:

- "(a) for the transportation of commodities other than  
household goods between points served singly or in com-  
bination by scheduled carriers, the applicant shall charge  
rates which in all cases shall be at least twenty per cent  
in excess of those charged by the scheduled carriers.
- "(b) The applicant shall not operate on schedule between  
any points.
- "(c) The applicant shall not transport coal from the mine  
to any territory involved herein.

"(d) The applicant shall not be permitted, without further authority from this Commission, to establish a branch office or to have an agent employed in any other town or city than Vineland for the purpose of developing business."

Applicant now seeks authority to transfer said certificate to Ted Gibbens.

The evidence disclosed that transferee proposes to pay One Thousand Dollars for the transfer of said certificate, and the sum of Eight Hundred Dollars for a truck owned by transferor; that, insofar as transferee is advised, there are no outstanding unpaid claims against said operation.

The evidence further disclosed that transferee heretofore was authorized to operate as a Class "B" private carrier by motor vehicle for hire, said permit being issued to Gibbens (his father) and Son. He proposes, should the authority herein sought be granted and transfer consummated, to transfer his interest in said Permit No. B-1101 to his father.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said authority should be granted, subject to the conditions hereinafter expressed.

O R D E R

IT IS THEREFORE ORDERED, That G. R. Pratt, doing business as Vineland Truck Line, should be, and hereby is, authorized to transfer the certificate of public convenience and necessity granted in Decision No. 3205, Application No. 1713, on January 30, 1931, to Ted Gibbens, subject to the conditions contained in said order.

IT IS FURTHER ORDERED, That said transfer shall not become effective until the transfer by said transferee of his right, title and interest in Permit No. B-1101 to his father, E. F. Gibbens.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before transferee shall have the necessary insurance on file with the Commission, and said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of

them, kept and performed.

IT IS FURTHER ORDERED, That the tariff of rates and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Dineen

W. C. Danks

Wm. J. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE MOTOR VEHICLE OPERATIONS OF	)	
O. G. LAWLESS AND JAMES M. NANCE	)	
doing business as AAAAAA BUS LINE,	)	<u>APPLICATION NO. 3736</u>
CERTIFICATE NO. 1133.	)	
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-----  
March 25, 1938.  
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S T A T E M E N T

By the Commission:

On September 16, 1937, Decision No. 10615, the Commission granted authority to the applicants to suspend operations for a period of six months on account of reasons set forth in the application for suspension.

The Commission is now in receipt of a communication requesting another suspension based upon the same reasons set forth in the previous application and for the further reason that "no demand has been made by the patrons of the district served by the AAAAAA Bus Line for the resumption of service."

After careful consideration of the record and the request the Commission is of the opinion and finds that authority should be granted to continue this suspension for another six months. However, the new reason assigned as abovementioned, that there is no demand, would indicate that it might have been an error to grant authority in the first instance and that some activity should be shown before the expiration of this additional six months period.

O R D E R

IT IS THEREFORE ORDERED, That O. G. Lawless and James M. Nance, doing business as AAAAAA Bus Line be and they hereby are authorized to suspend operations under their Certificate No. 1133 for a period not

exceeding six months from and after the 16th day of March, 1938, provided however that this order is subject to modification by the Commission if justifiable objections thereto be made by interested parties.

IT IS FURTHER ORDERED, That should the applicant fail to resume operations under said certificate before the expiration of the above six months period, provide the necessary insurance and otherwise comply with all rules and regulations governing common carriers by motor vehicle, then and in that event Certificate No. 1133 shall stand revoked without further action by the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Dineen

W. C. Danks

Walter E. Eason  
Commissioners.

Dated at Denver, Colorado,  
this 25th day of March, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF)  
HUERFANO FREIGHT LINE, LEE SHARP, )  
OWNER, FOR CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO EX- )  
TEND OPERATIONS UNDER PERMIT NO. )  
391. )  
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APPLICATION NO. 1372-A-B

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March 29, 1938  
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Appearances: Romilly Foote, Esq., Walsenburg,  
Colorado, for Huerfano Freight  
Line;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Com-  
pany;  
Marion F. Jones, Esq., Denver, Colo-  
rado, for The Colorado Trucking  
Association, Wes V. McKaughan,  
Levy Transfer and Storage, and  
D. B. Roesner.

S T A T E M E N T

By the Commission:

Lee Sharp, who, under certificate of public convenience and necessity No. 391, granted in Applications Nos. 1372 and 1372-A, for the transportation of freight by motor vehicle between Red Wing and Walsenburg and intermediate points, excluding points between Tioga and Walsenburg, herein seeks an extension of said certificate to include the right (as limited by the testimony offered at the hearing) to transport:

"farm products, including livestock, farm machinery, including farm equipment, used furniture and household goods (in household lots), timber and saw mill products, between points within the area (except as hereafter restricted) extending north to the Huerfano-Custer County Line, east to U. S. Highway No. 85, south to U. S. Highway No. 160, and west to the crest of the mountains, which is substantially the western boundary of Huerfano County, and from and to points in said area, to and from points in the State of Colorado,"

with the provisos: That south boundary of pick-up area for commodities other than livestock immediately north of La Veta should be a line drawn

east and west two miles north of Highway No. 160, which would be approximately the township line between Townships 28-South and 29-South; that in the event there is authorized common carrier service available for transportation of livestock from La Veta area to Denver, the south line of pick-up territory for pick up of loads of livestock moving to Denver should be a line drawn east and west through a point five miles north of La Veta; that transportation of household goods and farm machinery between Denver and Gardner should be eliminated.

The application was opposed by Wes V. McKaughan, PUC No. 589, who is authorized to transport:

- (a) "Freight and express between Rye and the vicinity thereof and points within a radius of thirty-five miles of Rye" (the call and demand service authorized being the transportation of freight and express to and from Rye, from and to points within a radius of thirty-five miles thereof.  
(Decision No. 3609)
- (b) Farm products, including livestock, from the rural districts within said thirty-five mile radius of Rye and from towns in said area not served by scheduled common carriers to Denver, with a back-haul from Denver to the rural districts in said area, and the towns not served by scheduled common carriers, of farm supplies, including furniture and farm equipment, excluding the right, however, to conduct a town to town service between towns in the area served by scheduled common carriers and service of points intermediate, Denver to Rye, along U. S. Highway No. 85 or No. 50, served by common carriers.  
(Decision No. 7347)
- (c) Farm products, including livestock, farm supplies, including used household goods, furniture, farm equipment and machinery from and to points within a radius of thirty-five miles of Rye, Colorado, to and from points in the State of Colorado, without the right to transport household goods and furniture from and to points served by Mulkey Transfer and Storage Company under its certificate granted in Application No. 1482, PUC No. 445, or commodities ordinarily handled by line haul motor vehicle services between points served by scheduled motor vehicle common carriers.  
(Decision No. 8414)

Levy Transfer and Storage Company was authorized (Decision No. 3466) to transport:

"Freight and household goods between Walsenburg and points in Colorado as an irregular carrier, without authority to conduct scheduled operations or to maintain branch offices or agents at any point other than Walsenburg."

D. B. Roesner is authorized, under Private Permit No. B-1891,  
to transport:

- "(a) coal from coal mines in Huerfano County to Pueblo, San Luis Valley points and points within the area bounded by U. S. Highway No. 85 on the east, Huerfano-Las Animas County Lines extended on the south, a line drawn north and south through Fort Garland on the west, and the Huerfano River on the north;
- "(b) Machinery and mining equipment from mine to mine in said area, with no hauls in competition with scheduled line haul carriers;
- "(c) Mine timbers from mountain lumber camps in said area to coal mines in said area;
- "(d) Farm products, including livestock and farm supplies, (excluding used household goods and farm machinery), from point to point within a radius of fifteen miles of La Veta;
- "(e) Flour from San Luis Valley points to Ojo, with a proviso that no freight shall be hauled by applicant from or to La Veta or Walsenburg, to or from points served by scheduled line haul common carriers;
- "(f) Livestock from points within said fifteen-mile radius to Pueblo and Denver."

Apparently, Wes V. McKaughan's authority to transport livestock from the area around La Veta seems to be limited to movements of livestock from and to points in that section (as a part of the thirty-five mile rural area around Rye), to and from Rye and points in the State of Colorado outside said thirty-five mile area; he has no point to point authority other than from and to Rye and the vicinity thereof.

Levy's authority to handle commodities is limited to the transportation of freight originating at or destined to Walsenburg.

Roesner, a private carrier, has only limited authority, and is not in a position to serve individuals not listed as his customers, although he is authorized to move livestock, farm products and farm supplies (excluding used household goods and farm machinery) from point to point within a radius of fifteen miles of La Veta, and livestock from points within said fifteen mile radius to Pueblo and Denver.

Other carriers who did not appear at the hearing in person or by counsel at the hearing have authority to serve portions of said area.

The evidence disclosed that the area sought to be served by applicant has extensive farming and livestock interests and that the public convenience and necessity requires the proposed operation. This, except as indicated by the proposed exception of livestock hauling from points south of a point five miles north of La Veta was not disputed by protestants.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity requires the proposed operation of applicant for the transportation of farm products, including livestock, farm machinery, including farm equipment, used furniture and household goods (in household lots), timber and saw mill products, between points within the area (except as hereafter restricted), extending north to the Huerfano-Custer County Line, east to U. S. Highway No. 85, south to U. S. Highway No. 160, and west to the crest of the mountains, which is substantially the western boundary of Huerfano County, and from and to points in said area, to and from points in the State of Colorado, provided that the south boundary of pick-up area for commodities other than livestock shall be the township line between Townships 28-South and 29-South, and south boundary of pick-up area for livestock shall be a line drawn east and west through a point five miles north of La Veta, and applicant shall not transport household goods or farm machinery between Denver and Gardner, Colorado.

#### O R D E R

IT IS THEREFORE ORDERED, That public convenience and necessity requires the operation of applicant, Lee Sharp, doing business as "Huerfano Freight Line", for the transportation of farm products, including livestock, farm machinery, including farm equipment, used furniture and household goods (in household lots), timber and saw mill products, between points within the area (except as herein restricted), extending north to the

Huerfano-Custer County Line, east to U. S. Highway No. 85, south to U. S. Highway No. 160, and west to the crest of the mountains, which is substantially the western boundary of Huerfano County, and from and to points in said area, to and from points in the State of Colorado, provided that the south boundary of pick-up area for commodities other than livestock shall be the township line between Townships 28-South and 29-South, and south boundary of pick-up area for livestock shall be a line drawn east and west through a point five miles north of La Veta, and applicant shall not transport household goods or farm machinery between Denver and Gardner, Colorado.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard E. Wheeler  
W. C. Danks

William E. Johnson  
Commissioners

Dated at Denver, Colorado,  
this 29th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF THE MOTOR OIL AND GAS COMPANY, )  
TENTH AND SANTA FE, PUEBLO, )  
COLORADO, FOR A CLASS "B" PERMIT )  
TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 4422-PP

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March 26, 1938  
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Appearances: F. D. Buser, c/o Motor Oil and  
Gas Company, Pueblo, Colorado,  
for the applicant;  
T. A. White, Esq., Denver, Colo-  
rado, for the Rio Grande Motor  
Way, Inc.;  
J. D. Blunt, Esq., Canon City,  
Colorado, for the Southwestern  
Transportation Company;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Stor-  
age Company;  
Marion F. Jones, Esq., Denver, Colo-  
rado, for The Colorado Trucking  
Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, it appears that The Motor Oil and Gas Company, a corporation, organized under the laws of the State of Colorado, asks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of bulk liquid motor fuel and petroleum products (no greases) in intrastate commerce, from the Bay Refinery near Denver to all points in the State of Colorado, and the transportation of bulk liquid motor fuels and petroleum products, batteries and tires from points in Kansas to all points in the State of Colorado in interstate commerce.

The evidence did not disclose that the proposed operation will impair the efficiency of any adequate motor vehicle common carrier service.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application should be granted, said interstate authority, however, to be subject to the provisions of the Federal Motor Carrier Act.

#### ORDER

IT IS THEREFORE ORDERED, That The Motor Oil and Gas Company, a Colorado corporation, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation, in intrastate commerce, of bulk liquid motor fuel and petroleum products, only, (no greases), from Bay Refinery near Denver to all points in the State of Colorado, and the transportation, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, of bulk liquid motor fuels and petroleum products, tires and batteries, from the Colorado-Kansas State Line to all points in the State of Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That the interstate permit herein granted shall bear the same number as said intrastate permit, followed by the letter "I".

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Danks

W. C. Danks

W. C. Eason  
Commissioners

Dated at Denver, Colorado,  
this 26th day of March, 1938.

MM

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF JAY H. HUFFMAN, COLORADO SPRINGS, )  
COLORADO, FOR A CLASS "B" PERMIT )  
TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 4490-PP

-----  
March 26, 1938.  
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S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from Florence-Canon City coal fields and El Paso County coal fields to Colorado Springs and points within a radius of twelve miles thereof, and to Fairplay.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore have indicated that they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, without formal hearing, the Commission determined to and has heard said matter upon the application and files herein, without formal setting, notice or hearing.

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

O R D E R

IT IS THEREFORE ORDERED, That Jay H. Huffman, Colorado Springs, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from Florence-Canon City coal fields and El Paso County coal fields to Colorado Springs and points within a radius of twelve miles thereof, and to Fairplay.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing

jurisdiction in this matter to make such further restrictions, reservations, limitation and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eunice D. Jones

W. C. Danks

W. C. Danks  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE C. WEBSTER, OF FLORENCE, )  
COLORADO, FOR A CLASS "B" PERMIT TO ) APPLICATION NO. 4336-PP  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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March 26, 1938.  
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Appearances: A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company,  
Jackson Transfer and Allumbaugh and Williams;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
Ernest J. Gottula, Jim's Truck Line,  
Wes V. McLaughan, B. B. Andis, Curtis  
Truck Service, W. G. Cressey, Fowler  
Truck Line, Ben Tillotson, Joseph H. Lee,  
Wimp and Covey and Clarence L. Middleton;  
J. D. Blunt, Esq., Canon City, Colorado,  
for Southwestern Transportation Company;  
Francis M. Keith, Canon City, Colorado,  
for Keith Truck Line.

S T A T E M E N T

By the Commission:

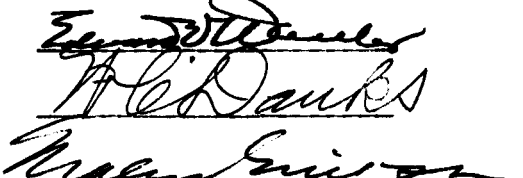
The above styled matter was set for hearing at Pueblo on  
December 13, 1937, at 1:30 o'clock P.M., due notice of said setting being  
forwarded to applicant. Notwithstanding such notice, applicant failed to  
appear at the time and place appointed for said hearing. Thereupon,  
protestants moved that said application be dismissed.

After a careful consideration of the record, the Commission  
is of the opinion, and finds, that said application should be dismissed for  
lack of prosecution.

O R D E R

IT IS THEREFORE ORDERED, That the above styled matter should  
be, and hereby is, dismissed for lack of prosecution.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
W. A. LANCASTER, WESTCLIFFE, COLO- )	
RADO, FOR AN EXTENSION OF PERMIT )	<u>APPLICATION NO. 2938-PP-BB</u>
NO. A-1335. )	

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March 26, 1938.  
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Appearances: W. A. Lancaster, Westcliffe, Colorado,  
pro se;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Ass'n,  
B. B. Andis, Curtis Truck Service,  
Wes V. McKaughan, John Stickler,  
Richard Postel, U. S. Read Truck Line,  
Mulkey Transfer and Storage Company,  
Levy Transfer and Storage;  
Stanley Blunt, Esq., Canon City, Colorado,  
for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

On February 24, 1936, by Decision No. 7245, W. A. Lancaster was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

farm products, including livestock, and ore from point to point within a radius of fifteen miles of Westcliffe, Colorado; and from said area via Highway No. 96 to Pueblo and Highway No. 85 from Pueblo to Denver, provided, however, that no farm products which originate within the corporate limits of Westcliffe itself shall be transported by applicant, and no points intermediate between Pueblo and Westcliffe shall be served by applicant, and provided further that applicant shall not engage in the transportation of freight as a back-haul from Denver, Colorado Springs, Pueblo, or any other intermediate points, into Westcliffe.

On January 14, 1938, Decision No. 11249, his authority under said permit was extended to include the right to transport:

"ore from mines within a radius of fifteen miles of Westcliffe, to Texas Creek; farm products, including livestock, from farms within a radius of fifteen miles of Westcliffe to Westcliffe, Texas Creek and Salida; livestock from and to Saguache, Center, Monte Vista and Alamosa, to and from farms within said fifteen-mile radius; and livestock from Denver to farms in said radius."

He now seeks to have said permit further extended to include the right to transport lettuce, peas and cauliflower from the San Luis Valley to Texas Creek or Westcliffe; registered bulls from points within a radius of fifteen miles of Westcliffe to Gunnison; ore from mines within a radius of fifteen miles of Westcliffe to Canon City and Florence; farm products, including livestock, from and to farms within a radius of fifteen miles of Westcliffe, to and from Walsenburg, Florence and Cotopaxi; and oil cake from Florence and Canon City to the Westcliffe area.

It appeared at the hearing, and the records and files of the Commission disclose, that a number of "motor vehicle carriers" have been authorized to serve from and to the points sought to be served by applicant. Southwestern Transportation Company and Keith Trucking Company are authorized to serve Canon City, Florence, and a considerable portion of the Wet Mountain Valley. Wes V. McKaughan is authorized to serve a part of the Wet Mountain Valley; Joe Bouchard recently was granted a certificate to operate a farm service in, from and to farms in said Wet Mountain Valley, and John W. Loens and Rio Grande Motor Way, Inc., have been authorized to operate line haul services by motor vehicle from and to towns in said area. At least eight motor vehicle operators have been authorized to serve as call and demand common carriers in the San Luis Valley. Oscar E. Diehl and L. E. Runkle serve Florence; Jellison, Mulkey and Levy operate call and demand services in and out of Walsenburg, and many other carriers are authorized to furnish some sort of service from and to said territory.

Apparently, the only service that may be required is the transportation of ore from mines within a radius of fifteen miles of Westcliffe to Canon City and Florence.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit should be granted for transportation of ore, only, from mines within a radius of fifteen miles of Westcliffe to Florence and Canon City, and that the granting of the other additional extended service sought by applicant would impair the efficiency of adequate

motor vehicle common carrier service now being furnished by authorized motor vehicle carriers under certificates of public convenience and necessity issued by this Commission, and, therefore, should be denied.

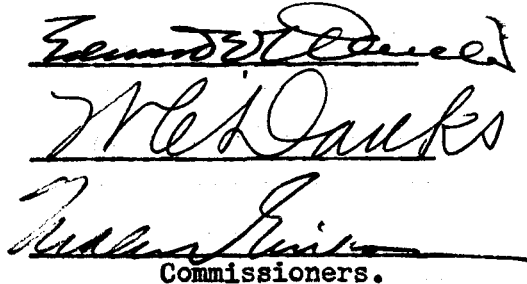
O R D E R

IT IS THEREFORE ORDERED, That W. A. Lancaster should be, and hereby is, authorized to extend his transportation service as a Class "A" private carrier by motor vehicle for hire to include the right to transport ore from mines within a radius of fifteen miles of Westcliffe to Florence and Canon City, and that his application for extension filed on January 13, 1938, in all other respects should be, and hereby is denied.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
J. B. AND ALBERT MOSER, DOING )	
BUSINESS AS MOSER BROTHERS, COLORADO )	<u>APPLICATION NO. 4456-PP</u>
SPRINGS, COLORADO, FOR A CLASS "B" )	
PERMIT TO OPERATE AS A PRIVATE CAR- )	
RIER BY MOTOR VEHICLE FOR HIRE. )	

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March 28, 1938.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association;  
Stanley Blunt, Esq., Canon City, Colorado,  
for Southwestern Transportation Company;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
Merrill Shoup, Esq., Colorado Springs,  
for The Midland Terminal Railway Co.

S T A T E M E N T

By the Commission:

The above styled application was filed on November 16, 1937, and set for hearing at Colorado Springs on March 1, 1938, at 10:00 o'clock A. M.

Applicant, although duly notified of the time and place of hearing, failed to appear. Thereupon, protestants consenting thereto, said matter was heard upon the application and files herein and the statements of counsel for protestants.

Protestants agreed that permit, limited to the transportation of coal from coal mines within a radius of ten miles of Colorado Springs and mines in the Florence-Canon City coal district, to Colorado Springs and Pueblo, and sand and gravel to Colorado Springs, except from pits and supply points west of Colorado Springs along U. S. Highway No. 24, and non-processed wood from forest reserves west of Colorado Springs to Colorado Springs, might issue, it being contended that additional service sought under his application would impair the efficiency of authorized common carrier motor vehicle service.

There being no evidence to the contrary, the Commission is of the opinion, and finds, that permit, limited to the service agreed to by protestants, should issue.

O R D E R

IT IS THEREFORE ORDERED, That J. B. and Albert Moser, doing business as Moser Brothers, Colorado Springs, Colorado, should be, and hereby are, granted a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from coal mines within a radius of ten miles of Colorado Springs and mines in the Florence-Canon City coal district to Colorado Springs and Pueblo; sand and gravel to Colorado Springs from pits and supply points within a radius of twenty-five miles of Colorado Springs, except from pits and supply points west of Colorado Springs along U. S. Highway No. 24; and non-processed wood from forest reserves west of Colorado Springs to Colorado Springs.




IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF BERT TOMPKINS, DOING BUSINESS	)	
AS TOMPKINS AND SON, 1407 BROADWAY,	)	
SCOTTSBLUFF, NEBRASKA, TO TRANSFER	)	<u>INTERSTATE PERMIT NO. 849-I</u>
PERMIT NO. 849-I TO JIM BRAMWELL,	)	
DOING BUSINESS AS BRAMWELL TRANSFER,	)	
SCOTTSBLUFF, NEBRASKA.	)	

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March 28, 1938.  
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S T A T E M E N T

By the Commission:

On April 11, 1936, Permit No. 849-I issued to Bert L. Tompkins to operate as a common carrier by motor vehicle, in interstate commerce only, subject to the provisions of the Federal Motor Carrier Act of 1935, for the transportation of freight between all points in Colorado and the Colorado-Nebraska and Colorado-Wyoming boundary lines, where U. S. Highways Nos. 85, 6 and 138 cross the same.

He now seeks authority to transfer said interstate permit to Jim Bramwell, doing business as Bramwell Transfer.

Inasmuch as the records and files of the Commission fail to disclose any reason why said request should be denied, the Commission is of the opinion, and finds, that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Bert L. Tompkins, doing business as Tompkins and Son, Scottsbluff, Nebraska, should be, and he hereby is, authorized to transfer Interstate Permit No. 849-I to Jim Bramwell, doing business as Bramwell Transfer, subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferee shall have the necessary insurance on file with the Commission, and said transferor and transferee, in writing, have advised the Commission 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 this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Danks

W. C. Danks

Wm. E. Emerson  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
OTTO ZURCHER, BOX 3, AURORA, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT NO. ) INTERSTATE PRIVATE PERMIT NO. A-590-I  
A-590-I TO ZURCHER TRUCK LINE, INC., )  
A CORPORATION, COZAD, NEBRASKA. )  
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-----  
March 28, 1938.  
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S T A T E M E N T

By the Commission:

On January 5, 1935, Otto Zurcher was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of freight in interstate commerce only -

"between Denver and the Colorado-Nebraska state line, via U. S. Highways Nos. 85, 138 and 38, and all intermediate points."

On July 25, 1936, said permit was extended, subject to the provisions of the Federal Motor Carrier Act of 1935, to include the right to transport:

"freight in interstate commerce only from and to the Colorado State Line, to and from all points in the State of Colorado",

said permit being known as "Interstate Private Permit No. A-590-I".

Said Otto Zurcher now seeks authority to transfer said interstate permit to Zurcher Truck Line, Inc.

The files and records of the Commission fail to disclose any reason why said application should not be granted.

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

O R D E R

IT IS THEREFORE ORDERED, That Otto Zurcher should be, and he hereby is authorized to transfer interstate permit No. A-590-I to Zurcher Truck Line, Inc., a corporation.

IT IS FURTHER ORDERED, That said transfer shall become effective

only if and when, but not before, said transferee shall have the necessary insurance and list of customers on file with the Commission, and said transferee and transferor, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Oliver

W. C. Danks

Walter Emerson  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GEORGE E. JANES AND THOMAS JANES, )  
MEEKER, COLORADO. )  
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APPLICATION NO. 2365-PP  
PERMIT NO. B-1022

-----  
March 28, 1938.  
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S T A T E M E N T

By the Commission:

On February 15, 1938, the Commission received a communication signed by George E. Janes, wherein he calls attention to the fact that Janes Brothers want to cease operations for at least three months, and requests that Permit B-1022 be suspended with the privilege of reinstatement when the business of their customers is such that services will be needed.

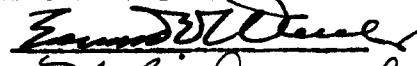
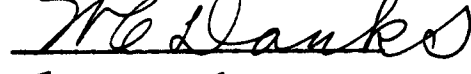

After careful consideration of the record and the request, the Commission is of the opinion, and finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That George E. Janes and Thomas Janes, holders of Permit B-1022, be, and they hereby are, authorized to suspend operations under said permit for a period of six months from and after February 15, 1938, with the privilege of reinstatement at any time before the expiration of the six months suspension period.

IT IS FURTHER ORDERED, That should the holders of said permit fail to request a reinstatement before the expiration of the six months suspension period above fixed, and fail to file the required certificate of insurance and otherwise comply with the rules and regulations of this Commission, then and in that event Permit B-1022 shall stand revoked without further action of the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE MOTOR VEHICLE OPERATIONS OF )  
G. A. SHERMAN AND E. W. O'NEILL, )  
DOING BUSINESS AS BOULDER TRANSFER )  
COMPANY. )  
-----

APPLICATION NO. 2674-PP  
PERMIT NO. B-1114

-----  
March 29, 1938.  
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Appearances: Marion F. Jones, Esq., Longmont, Colorado,  
for applicants.  
A. J. Fregeau, Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
V. G. Garnett, Denver, Colorado,  
for The Colorado Rapid Transit Company.

S T A T E M E N T

By the Commission:

On November 26, 1935, Decision No. 6859, the Commission issued an order granting authority to transport light freight and baggage within a radius of five miles around Boulder, Colorado, and to points in the State of Colorado.

The Commission is now in receipt of a communication, requesting that instead of the authority "to points in Colorado", this be limited to "points within a fifty-mile radius of Boulder".

After a careful consideration of the record and the request, which cuts down the area originally granted to all points in the State to "points within a fifty-mile radius of Boulder", the Commission is of the opinion and finds that the same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the area described in the order contained in Decision No. 6859 be, and the same hereby is limited to "points within a radius of fifty miles of Boulder, Colorado," instead of "to various points in Colorado."

IT IS FURTHER ORDERED, That in all other respects the original

order shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Thomas

W. C. Jinks

Walter Epstein

Commissioners.

Dated at Denver, Colorado,  
this 29th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF FRANK J. DAVES, LITTLETON, )  
COLORADO, FOR A CLASS "B" PERMIT )  
TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 4190-PP

-----  
March 29, 1938.  
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Appearances: Frank J. Daves, Littleton, Colorado,  
pro se;  
Richard E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company,  
Weicker Transfer and Storage Company,  
Colorado Rapid Transit Company, North  
Eastern Motor Freight, Inc., Dorsey E.  
Hall, doing business as D. E. Hall  
Truck Line;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
Denver-Hilltop Truck Line, Mikkelsen Bros.,  
Elbert Transfer, Forest Woodard, William  
Goodenberger, Homer Jessup, et al.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit which, as limited by the testimony offered at the hearing, would authorize him to operate as a private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields for the Park Floral Company to its plant, located on Hampton Avenue near Santa Fe Drive, and to road construction jobs within a radius of fifty miles of Denver.

The application was opposed by a number of carriers, Dorsey E. Hall testifying that his company operated under certificate of public convenience and necessity No. 337, and was authorized to serve the Park Floral Company; that said coal had been furnished by one George Halerclaw for a number of years; that said Halerclaw recently abandoned his for-hire operations. Thereupon, he, Hall, solicited the business, but had been unable to obtain it, applicant herein having, through some arrangement with Halerclaw, commenced to furnish said coal under a Commercial Permit. Applicant, who hasn't any customers except Park Floral Company, testified that in his opinion the Hall

operation would not be affected adversely by granting permit. Mr. Hall conceded that neither he nor his predecessor had enjoyed the business of the Park Floral Company; that he had no assurance that he would get the business if the application were denied, but the granting of said application "possibly may affect our business".

After a careful consideration of the record, the Commission is of the opinion, and finds, that applicant should be granted a Class "A", instead of a Class "B", permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields for Park Floral Company to its plant, located on Hampton Avenue near Santa Fe Drive, and that said application in all other respects should be denied.

#### O R D E R

IT IS THEREFORE ORDERED, That Frank J. Daves, Littleton, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields for Park Floral Company to its plant, located on Hampton Avenue, near Santa Fe Drive.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with

all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That Application No. 4190-PP, in all other respects, should be, and the same hereby is denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. O'Brien

W. L. Danks

William E. Quinn

Commissioners.

Dated at Denver, Colorado,  
this 29th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF L. J. WHITNEY, CASCADE, COLORADO, )  
FOR A CLASS "A" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 4458-PP

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March 29, 1938.  
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Appearances: L. J. Whitney, Cascade, Colorado,  
pro se;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage Co.;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and Windecker Brothers;  
Merrill Shoup, Esq., Colorado Springs,  
for The Midland Terminal Railway Company,  
and Cripple Creek-Victor-Colorado Springs  
Stage Line;  
Stanley Blunt, Esq., Canon City, Colorado,  
for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from the Florence-Canon City coal fields and El Paso County coal fields to Colorado Springs, and wood from forest reserves west of Colorado Springs to Cascade.

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

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

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

O R D E R

IT IS THEREFORE ORDERED, That L. J. Whitney, Cascade, Colorado, should be, and hereby is, granted a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from the Florence-Canon City coal fields and El Paso County coal fields to Colorado Springs, and wood from forest reserves west of Colorado Springs to Cascade.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Dwyer

W. C. Danks

Walter E. Egan

Commissioners.

Dated at Denver, Colorado,  
this 29th day of March, 1938.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF CORA E. JAMES, DOING BUSINESS )  
AS JAMES TRANSPORTATION COMPANY, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 4455-PP

-----  
March 30, 1938.  
-----

Appearances: M. W. James, Colorado Springs, Colorado,  
for the applicant;  
Merrill Shoup, Esq., Colorado Springs,  
Colorado, for Cripple-Creek-Victor-  
Colorado Springs Stage Line and Midland  
Terminal Railway;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and Windecker Brothers.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit which, as limited by the testimony offered at the hearing, would authorize him to operate as a private carrier by motor vehicle for hire for the transportation of sand and gravel from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles thereof, and the transportation of coal from Florence-Canon City coal fields to Cripple Creek, Victor and Colorado Springs, and from El Paso County coal fields to Victor or Cripple Creek.

The evidence did not disclose that the proposed operation will compete with the operation of any motor vehicle carrier.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said proposed operation will not impair the efficiency of any motor vehicle common carrier service, and should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Cora E. James, doing business as James Transportation Company, Colorado Springs, Colorado, should be, and

hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of sand and gravel from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles thereof, except to points in area served by Windecker Brothers, P. U. C. No. 996, and the transportation of coal from Florence-Canon City coal fields to Cripple Creek, Victor and Colorado Springs, and coal from El Paso County coal fields to Victor or Cripple Creek.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitation and amendments to this permit as to it may seem advisable in the premises.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RIO GRANDE MOTOR WAY, INC.,	)	
	)	
Complainant,	)	
	)	
vs.	)	<u>CASE NO. 1996</u>
	)	
HALEY TRONE,	)	
	)	
Defendant.	)	

-----

IN THE MATTER OF THE APPLICATION	)	
OF HALEY TRONE FOR REINSTATEMENT	)	
OF PRIVATE PERMIT NO. A-518.	)	<u>CASE NO. 1996</u>

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-----  
March 30, 1938.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado  
for Haley Trone;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
Conour and Conour, Denver, Colorado,  
appearing specially for Weicker  
Transportation Company, a corporation,  
and Pueblo-San Luis Valley Transportation  
Company, interveners.

S T A T E M E N T

By the Commission:

The instant case is a result of an application filed september 9, 1937, by Haley Trone, wherein he asks that permit A-518 be reinstated. The facts as disclosed by the record are as follows:

On August 29, 1933, the said Haley Trone was issued Permit No. A-518. Thereafter, on November 19, 1936, Rio Grande Motor Way, Inc., filed a complaint against the operations of the said Haley Trone under Permit A-518, which said complaint was made into formal case No. 1996. On April 29, 1937, Decision No. 9932, the Commission entered an order in said Case 1996 revoking said Permit A-518 for various violations of law and our rules and regulations, more particularly described in said order. No further action was taken in connection with said Case No. 1996 until September 9, 1937, when the said Haley Trone filed the petition hereinbefore referred to. Said petition was entitled "In the Matter of the Application of

Haley Trone for Reinstatement of Private Permit No. 518". However, it was given the same case number, viz., 1996, as was heretofore given the complaint filed by Rio Grande Motor Way, Inc.

The Weicker Transportation Company and Pueblo-San Luis Valley Transportation Company, who entered special appearance, filed a motion to strike the so-called "Application for Reinstatement" upon the grounds that the Commission was without jurisdiction to reinstate said permit and that the application for reinstatement was, in effect, an application for rehearing and was not filed in apt time.

Rio Grande Motor Way filed an answer to said application of Haley Trone, wherein it is alleged that our Decision No. 9932 became final and effective on or about May 20, 1937, and that no allegations are contained in said petition which would authorize or justify the Commission in rescinding or amending said order. Motion was made by the attorney for Haley Trone to strike from the record the special appearance, the motion to strike filed by interveners, as well as the answer of Rio Grande Motor Way, upon the ground that same were not filed in apt time to give respondent an opportunity to investigate their contents. Both said motion to strike and answer were filed at the time the case was called for hearing. Ruling was reserved upon all the various motions referred to and evidence was taken in said case.

Applicant's testimony in his own behalf was to the effect that customers he had formerly been serving under said Permit A-518 all desire him to transport their freight for them; that in January, 1937, he had made a contract with one Drum to purchase said Permit A-518, but that Drum broke the contract in February and failed to complete the deal; that about September 1, 1937, he decided he would like to have his permit reinstated, and to that end employed Mr. Jones, who filed the petition hereinbefore referred to.

Four merchants of Durango testified in effect that they had formerly used the services of Mr. Trone and found them very satisfactory; that

they would again use his service if he were authorized to operate. Some of said merchants are now using the Rio Grande Motor Way service, others that of Basin Transport, and some are shipping by rail. One of said witnesses did not like the Motor Way service, and it was disclosed that he had had some controversy with them over the payment of a certain account.

At the close of the testimony, a motion was made by T. A. White, representing Rio Grande Motor Way, that the application be dismissed on the further ground that the evidence failed to disclose that there had been any change in conditions since our previous order revoking said permit.

In considering the legal questions raised by the various motions filed herein, we find that Section 23 of Chapter 120, Session Laws of Colorado, 1931, as amended, provides as follows:

"The provisions of the Public Utilities Act of the State of Colorado, Chapter 127, Laws of 1913, and all Acts amendatory thereof or supplemental thereto shall apply insofar as applicable to all private carriers by motor vehicle subject to the provisions of this Act."

Section 3 of said Chapter 120 provides, inter alia, as follows:

"It is hereby declared that the business of private carriers by motor vehicle as defined in this Act, is affected with a public interest."

No direct provision is found in said 1931 Act, as amended, concerning the power of the Commission to change, alter or amend any of its orders. However, Section 3 of the Public Utilities Act, Chapter 127, Laws of 1913, provides, inter alia, that

"every corporation, or person now or hereafter declared to be affected with a public interest, and each thereof, is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the Commission and to the provisions of this Act".

Section 49 of the Same Act provides:

"The commission may at any time upon notice to the public utility affected, and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any orders or decisions made by it.

Any order rescinding, altering or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as is herein provided for original orders and decisions."

In view of the above provisions of law, it seems clear to the Commission that we do have the power to rescind, alter or amend any of our orders and decisions made in connection with private permits.

In some instances where petitions similar to the instant one have been filed, the Commission has treated the same as an original application for a permit. See Application No. 2847-PP-A, Decision No. 8199.

We cannot accept the present petition as in effect a motion for a rehearing in the case in which the permit was revoked. If it is treated as a motion for rehearing, it would have to be denied as not filed in apt time under the provisions of Section 51 of the Public Utilities Act. Considering the petition in the light of an original application, we find that it contains no allegations of changed conditions since the entry of our order cancelling the original permit, nor would the evidence introduced on behalf of petitioner justify the granting of another permit. If we consider the petition in the light of a request to alter, amend or change our previous order, which we have held we have the authority to do, we still are unable from the record to determine that any change should be made in said original order.

The fact that Mr. Trone waited a period of approximately four months before deciding that he wanted to again enter the transportation business, is evidence of the fact that he was not greatly disturbed by our original order cancelling his permit. He was aware in February that Drum did not propose to complete his deal to purchase said permit. Our order cancelling the same was dated April 29, 1937, and yet it was not until the following September that the instant petition was filed. To reinstate the permit after such a lapse of time upon the grounds shown in the instant record, would, in our opinion, establish a precedent that would be unfair to other established carriers.

The motions filed to strike the special appearance and answer will have to be over-ruled as we have no rule requiring filing at any particular time and our custom has always been to accept same up to time of hearing.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the petition in the instant case should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the petition to reinstate permit No. A-518 be, and the same is hereby denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Wheeler

W. H. Danks

Wesley E. Gibson  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of March, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

CONSOLIDATED MOTOR FREIGHT, INC.,	)	
	)	
a Corporation,	)	
	)	
Complainant,	)	<u>CASE NO. 4674</u>
	)	
vs.	)	
	)	
JACK PERRY, dba "SERVICE TRUCK	)	
LINE",	)	
	)	
Respondent.	)	
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-----  
March 30, 1938.  
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Appearances: Conour and Conour, Esqs., Denver,  
Colorado, for Complainant;  
Marion F. Jones, Esq., Denver,  
Colorado, for Respondent;  
Zene D. Bohrer, Esq., Denver,  
Colorado, for The Motor Truck  
Common Carriers' Association.

S T A T E M E N T

By the Commission:

Complainant, a motor vehicle carrier, operating under certificate of public convenience and necessity No. 51, and transporting freight between Denver and Fort Collins, herein complained that one Jack Perry, a private carrier, operating under Permit No. A-16, between Denver and Pueblo, without authority, was engaged in transporting freight for hire between Denver and Fort Collins, in competition with complainant, and asked that its complaint be set for hearing, and that after hearing, upon final determination, that said Permit No. A-16 be revoked or suspended, and respondent ordered to cease and desist from transporting freight between Denver and Fort Collins.

Order to show cause and satisfy issued upon said complaint against Jack Perry, who answered, admitting that he was transporting freight for hire between Denver and Fort Collins, but denied that he lacked authority from the Commission so to do, and averred that he is the

owner of Private Permits Nos. A-16 and A-779, and that each of said permits authorize him to transport freight as a private carrier by motor vehicle for hire between Denver and Fort Collins.

In reply, complainant denied that said permits, A-16 or A-779, specifically authorize the transportation of freight by motor vehicle between Denver and Fort Collins, and averred that authorized transportation service under Private Permit No. A-16 was limited to transportation between Denver and Pueblo; that the Commission, on November 30, 1931, "purported to extend" said permit to include the right to transport freight between Denver and Fort Collins (and other points not herein involved), said Commission, however, then being without right, authority, power or jurisdiction to extend a private permit; that Private Permit No. A-779 was issued to one Jennings; that respondent, Perry, is not the owner thereof, and that if it had been transferred, or sought to be transferred to said Perry, that such attempt was abortive and contrary to the rules and regulations of the Commission, because said complainant, although entitled to notice of hearing of application for transfer of said permit, had not been notified thereof, and for the further reason that said permit, insofar as service between Denver and Fort Collins was authorized, had been abandoned.

The matter was set for hearing in Denver on January 25, 1938, at 10:00 o'clock A. M. When the matter was called, the files and records of the Commission, so far as they concern Permits Nos. A-16 and A-779, were made a part of the record by stipulation, and said case submitted to the Commission without introduction of testimony, upon the pleadings and said files and records.

Complainant, in its reply, in effect, admitted that respondent is authorized to transport freight under Permits Nos. A-16 and A-779 between Denver and Fort Collins, but denies only that there is specific authorization therefor.

The Commission, in its Decision No. 10013, of date May 21, 1937, reference to which is hereby made (it being unnecessary, in the

opinion of the Commission, to herein set out in detail the facts and reasons for its opinion), held that Perry was authorized to transport freight between Denver and Fort Collins under his Permit No. A-16, as extended.

On August 23, 1937, Decision No. 10516, the Commission granted rehearing on said matter, it nevertheless being expressly stated by the Commission that it still was of the opinion that Perry was authorized to serve between Denver and Fort Collins (and other named points), but it was deemed advisable to let said matter remain in abeyance until such time as the Goldstein Case, still pending in the supreme Court, was determined, a proposition similar to that involved in the Perry case being under consideration by the Court in the Goldstein matter.

In passing (although in view of the status of Permit No. A-779, under which, it is our understanding, Perry is operating to Fort Collins, it is unnecessary to determine status of Permit No. A-16), we still are of the opinion that service between Denver and Fort Collins is authorized under said Permit No. A-16.

Permit No. A-779, authorizing freight service by motor vehicle between Pueblo and Fort Collins or Greeley and all intermediate points, via U. S. Highway No. 85 and U. S. Highway No. 285, between Colorado Springs and Grand Junction and all intermediate points, via U. S. Highway No. 40 South, and between Pueblo and Lamar and all intermediate points, via U. S. Highway No. 50, issued to L. E. Jennings on July 16, 1934.

Upon authority of the Commission, Decision No. 8012, July 18, 1936, said permit was transferred and assigned by said Jennings to Angelo DeSalle and C. Marcantonio, who, on March 1, 1937, Decision No. 9496, transferred said Permit to Jack Perry and Angelo DeSalle, doing business as "Arkansas Valley Truck Line". As shown by Certificate of Service of the Secretary of the Commission, dated October 27, 1936, Consolidated Motor Freight was notified of the hearing upon said application to transfer, but, (unless appearance of Zene D. Bohrer, Esq., of Denver, for The Motor

Truck Common Carriers' Association constituted appearance), complainant did not appear in opposition at said hearing. The objection of The Motor Truck Common Carriers' Association to said transfer, as voiced by Mr. Bohrer at the hearing, was based upon the contention that the proposal, "involved the transfer of portion of permit, in violation of Rule 7 (b)".

On May 22, 1937, Jack Perry and Angelo DeSalle, doing business as "Arkansas Valley Truck Line", filed their application to transfer said permit, A-779, to Jack Perry. The matter was set for hearing and heard in Denver, on June 2, 1937, notice thereof, as shown by the Certificate of E. E. Pollock, Secretary of the Commission, prior thereto having been forwarded to Consolidated Motor Freight and other carriers. Consolidated Motor Freight did not appear at the hearing.

On July 7, 1937, Decision No. 10285, transfer to Jack Perry, doing business as "Service Truck Line", was authorized, with the proviso that the transferee should conduct operations under his two permits, A-16 and A-779, separately.

While the Commission under the provisions of Chapter 120, Session Laws of 1931, as amended, being the Private Carrier Act, or the Public Utilities Act is not required to give notice to competing carriers of the pendency of an application for transfer of a permit or the hearing thereon, and has not so provided in Rule 7 of its Rules and Regulations Governing Private Carriers for Hire by Motor Vehicle, nevertheless, we generally, in order to get as much information as possible about the financial situation of transferor and transferee, have given notice to persons whom we thought could best furnish such information (ordinarily the carriers with whom the operation competes), of the filing of said application and hearing thereon. We have never held, and do not now hold, that such notice is required before the Commission has jurisdiction to grant the transfer. After all, the only persons interested in the transfer are the parties immediately involved and the Commission.

If competing carriers or other parties believed that said authority should be cancelled on account of abandonment or other reasons, they always had an opportunity to, and should have filed complaint with the Commis-

sion and had said matter determined.

We fail to find anything in the record of the Commission which discloses that Perry has abandoned his operations under Permit No. A-779 between Denver and Fort Collins, even though said claim could be made by complainant under its reply in the instant proceedings and adjudicated herein.

After a careful consideration of the record, the Commission is of the opinion, and finds, that respondent is authorized, under his private carrier permits, No. A-16 and A-779, and each of them, to transport freight for hire by motor vehicle between Fort Collins and Denver, and that said complaint should be dismissed, our finding herein as to his authority under Permit A-16, to serve Fort Collins, however, to be subject to our decision in Clarification proceedings filed by him, still pending before the Commission.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Dwyer

W. L. Danks

Reuben E. Gibson  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of March, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
R. E. LEONARD, COLORADO SPRINGS, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 4457-PP

-----  
March 30, 1938.  
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Appearances: R. E. Leonard, Colorado Springs, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
Jim's Truck Line, Homer Jessup, Elbert  
Truck Line, Marks Truck Line and  
M. A. Harsch;  
Merrill Shoup, Colorado Springs, Colorado,  
for Midland Terminal Railway Company;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association;  
Stanley Blunt, Esq., Canon City, Colorado,  
for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

The above styled matter was heard at Colorado Springs on March 1,  
1938, and taken under advisement.

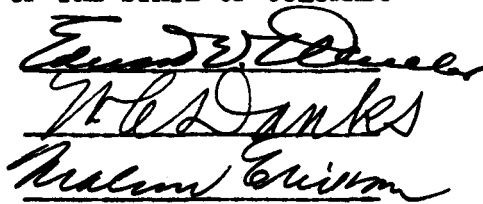
Since the hearing, the Commission is in receipt of a communication  
from Mr. Leonard, asking that said application be dismissed.

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

O R D E R

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF E. C. LEFLER, SALIDA, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )

APPLICATION NO. 4325-PP

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March 30, 1938.  
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Appearances: E. C. Lefler, Salida, Colorado,  
pro se;  
Robert Colman, Grand Junction, Colorado,  
for Colman Freight Service;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc., and  
The Denver and Rio Grande Western R.R. Co.;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association  
and U. S. Read Truck Line;  
Stanley Blunt, Esq., Canon City, Colorado,  
for The Southwestern Transportation Company;  
J. M. Boyle, Esq., Salida, Colorado,  
for U. S. Read.

S T A T E M E N T

By the Commission:

On January 14, 1938, Decision No. 11247, the Commission issued an order denying the above numbered application, primarily on the grounds that the applicant had been a violator of the rules and regulations of the Commission and admitted such violations.

The applicant sought a sweeping authority, but after listening to objections, withdrew some of his demands and there was found to be no objection to granting the applicant authority to transport live fish from Frantzhurst Rainbow Trout Company, Inc., hatchery near Salida, to points in the State of Colorado; telephone poles from railroad to points along the telephone company's lines in Chaffee County; and ore from Brown's Canon some eight miles north of Salida to railroad loading point at Salida, for the Fluorspar Syndicate. The applicant addressed a communication to the Commission which was received on January 24, 1938, wherein he sought a rehearing.

The Commission is now in receipt of another communication from the applicant, E. C. Lefler, wherein he calls attention to the fact that he

is badly in need of some authority in order to make a living to support himself and family, and that his being kept off the highways with his truck will drive him to seek relief.

It would appear that there is a need for the transportation service above mentioned which was not objected to by those appearing at the hearing and inasmuch as there is a public need for the services of this applicant, and he having shown by his conduct since the hearing that he intends to comply with the laws governing motor carriers for hire and the rules and regulations of the Commission, the Commission is of the opinion and finds that the application for rehearing should be considered in the light of this record as a petition for reconsideration, and upon careful reconsideration of this entire matter, the Commission is of the further opinion and finds that the order of January 14, 1938, should be modified and the applicant granted authority to transport live fish, telephone poles and ore.

#### O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 11247, dated January 14, 1938, be, and the same is hereby amended to read as follows:

#### ORDER

IT IS THEREFORE ORDERED, That E. C. Lefler of Salida, Colorado, be and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of live fish from Frantzhurst Rainbow Trout Company, Inc., hatchery near Salida, to points in the State of Colorado; telephone poles from railroad to points along the telephone company's lines in Chaffee County; and ore from Brown's Canon some eight miles from Salida to railroad loading point at Salida.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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

to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Dwyer

W. C. Danks

Wesley E. Simon  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOE MILLER, DOING BUSINESS AS )  
NORTHERN TRANSFER COMPANY, TO TRANS- ) INTERSTATE PERMIT NO. 1111-I  
FER INTERSTATE PERMIT NO. 1111-I TO )  
NORTHERN TRANSFER COMPANY, INC. )  
-----

-----  
March 30, 1938.  
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S T A T E M E N T

By the Commission:

Joe Miller, doing business as Northern Transfer Company, herein seeks authority to transfer his permit to operate as a common carrier by motor vehicle in interstate commerce only, between Denver, Colorado, and the Colorado-Wyoming state boundary line where U. S. Highway No. 85 crosses the same, and between intermediate points and said line, being No. 1111-I, to the Northern Transfer Company, Inc., a corporation.

The files and records of the Commission fail to disclose any reason why said application should not be granted.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the transfer sought should be authorized.

O R D E R

IT IS THEREFORE ORDERED, That Joe Miller, doing business as Northern Transfer Company, should be, and hereby is, authorized to transfer, subject to the provisions of the Federal Motor Carrier Act of 1935, his Interstate Permit No. 1111-I to the Northern Transfer Company, Inc., a Colorado corporation.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferee shall have the necessary insurance on file with the Commission, and said transferor and transferee, in writing, have advised the Commission 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 this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Daniels

W. C. Danks

William E. Brown

Commissioners.

Dated at Denver, Colorado,  
this 30th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
SILVER STATE FEED & PRODUCE. ) PERMIT NO. C- 6165  
..... )

March 31, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the  
Silver State Feed & Produce of Canon City, Colorado,  
requesting that his Permit No. C-6165 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6165, heretofore issued  
to the Silver State Feed & Produce, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Daniels  
W. C. Danks  
W. C. Danks  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
R. GREEN FUR, WOOL & HIDE CO. )  
..... )

PERMIT NO. C- 7753

March 31, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from ..... the  
R. Green Fur, Wool & Hide Co. .... of 516 West Yellowstone, Casper, Wyo.,  
requesting that his Permit No. C-..... 7753 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-..... 7753 ..... heretofore issued  
to..... the R. Green Fur, Wool and Hide, Co. .... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward V. Dineen*  
*W. C. Danks*  
*William Emerson*  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March ..... 1938



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN AND SERAFINO ARROYO. )  
PERMIT NO. C- 7621  
..... )

March 31, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
John and Serafino Arroyo ..... of 44 Sunset Drive Longmont, Colorado  
....., 7621  
requesting that his Permit No. C-..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7621....., heretofore issued  
to..... John and Serafino Arroyo, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Eduardo J. Sanchez*  
*W. C. Danks*  
*Malcolm G. Johnson*  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

. \* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN YATSKO AND HENRY KLEIN, )  
DOING BUSINESS AS ARKANSAS ) PERMIT NO. C- 6814  
VALLEY WHOLESALE. )  
.....)

.....  
March 31, 1938.  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Yatsko and  
Henry Klein, ..... of 1322 Lake Ave., Pueblo, Colorado,  
.....  
requesting that ~~his~~ Permit No. C- 6814 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 6814 ..... heretofore issued  
to John Yatsko and Henry Klein, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

.....  
.....  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
T. A. HANSEN. )  
 )  
 )  
 )  
.....)

PERMIT NO. C- 3717

March 31, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
T. A. Hansen ..... of 331 Union Blvd , Colorado Springs,  
requesting that his Permit No. C- 3717 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 3717 ..... heretofore issued  
to T. A. Hansen, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Edward J. Deneal*  
*McDermis*  
*Malcolm Erickson*  
Commissioners.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

I. G. ARNOLD.

PERMIT NO. C- 1073

March 31, 1938

## S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
I. G. Arnold of Steamboat Springs, Colorado,  
 requesting that his Permit No. C-1073 be cancelled .

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-1073, heretofore issued  
to I. G. Arnold, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Jones  
W. D. Parks  
Charles E. Garrison  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.

**R**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
LAURENCE JEFFERS. )  
PERMIT NO. C- 3720  
.....)

.....  
March 31, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Laurence Jeffers ..... of ..... Route 1 ..... Loveland, Colo.,  
requesting that his Permit No. C-..... 3720 ..... be cancelled\*

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-..... 3720 ..... heretofore issued  
to..... Laurence Jeffers, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

.....  
.....  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March ..... 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GILBERT MOSHER, OF 102 CAMERON, )  
BRUSH, COLORADO. )  
-----

PERMIT NO. B-1418

-----  
March 31, 1938.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Gilbert Mosher requesting that his Permit No. B-1418 be suspended for a period of six months from January 1, 1938.



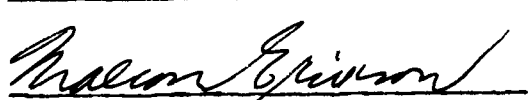
After careful consideration, the Commission is of the opinion, and so finds, that said request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Gilbert Mosher should be, and hereby is, allowed to suspend his operations under Permit No. B-1418 for a period of not to exceed six months from January 1, 1938.

IT IS FURTHER ORDERED, That unless said Gilbert Mosher shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES B. DALE. )  
PERMIT NO. C- 4174  
..... )  
..... )

.....  
March 31, 1931  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Charles B. Dale of Tuthill South Dakota,  
....., .....  
4174  
requesting that his Permit No. C-..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4174, heretofore issued  
Charles B. Dale,  
to..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Edward J. Dineen*  
*W. H. Danks*  
*Maxwell E. Wilson*  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ELMER W. EALEY, OF 4249 BRYANT ) PERMIT NO. B-1784  
STREET, DENVER, COLORADO. )  
-----

-----  
March 31, 1938.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Elmer W. Ealey requesting that his Permit No. B-1784 be suspended for a period of ninety days from March 23, 1938.

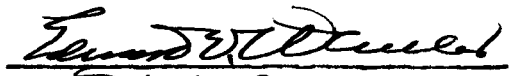

After careful consideration, the Commission is of the opinion, and so finds, that said permit should be suspended for said requested period.

O R D E R

IT IS THEREFORE ORDERED, That Elmer W. Ealey should be, and hereby is, allowed to suspend his operations under Permit No. B-1784 for a period of ninety days from March 23, 1938.

IT IS FURTHER ORDERED, That unless said Elmer W. Ealey shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
SEWARD COLEMAN, OF KEELINE, )	PERMIT NO. 924-I
WYOMING. )	PERMIT NO. C-4755
-----	

-----  
March 31, 1938.  
-----

S T A T E M E N T

By the Commission:



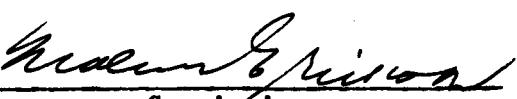
The Commission is in receipt of a communication from Seward Coleman, of Keeline, Wyoming, requesting that his Permits Nos. 924-I and C-4755 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permits Nos. 924-I and C-4755, heretofore issued to Seward Coleman, be, and the same are hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
RONALD BEACH. )  
PERMIT NO. C- 4185  
\_\_\_\_\_ )

March 31, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Ronald Beach of Garden City, Kansas  
\_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_,  
4185  
requesting that his Permit No. C-\_\_\_\_\_ be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4185, heretofore issued  
to Ronald Beach, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Daniel*  
*W. L. Danks*  
*Walter E. Garrison*  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE S. WALKER. )  
 )  
 )  
 )  
 )  
 )

PERMIT NO. C- 7497

March 31, 1938

S T A T E M E N T




By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
George S. Walker of 129 W 4th St., Loveland, Colo.,  
requesting that his Permit No. C-7497 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7497, heretofore issued to George S. Walker, be, and the same is hereby, declared cancelled.

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)  
  )  
IVAN L. KENT.                          )  
.....                                  )

PERMIT NO. C- 7639

.....  
March 31, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Ivan L. Kent                          of Rt 2, Box 154          Greeley, Colorado  
..... of .....,  
requesting that his Permit No. C- 7639 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 7639  
to Ivan L. Kent, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Emad S. D. D.*  
.....  
*W. D. D.*  
.....  
*Malcolm G. G.*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
B. B. ANDIS, OF 514 - 9th ST., )  
ALAMOSA, COLORADO. )  
-----

PERMIT NO. 962-I

\* \* \* \* \*  
March 31, 1938.  
\* \* \* \* \*

S T A T E M E N T

By the Commission:


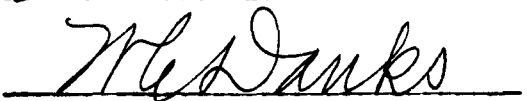

The Commission is in receipt of a communication from B. B. Andis, of Alamosa, Colorado, requesting that his interstate permit No. 962-I be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Interstate Permit No. 962-I, heretofore issued to B. B. Andis, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

**GARLIN D. TROWER.**

PERMIT NO. C-7394

March 31, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....

Garlin D. Trower

Box 404

Alamosa, Colorado

of

7394

requesting that his Permit No. C-..... be cancelled.

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

## O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7394, heretofore issued

to Garlin D. Trower, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Dineen  
Wes Danks  
Karlson Guismon  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.

**R**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF)  
JOHN E. MAY, DENVER, COLORADO, FOR )  
AUTHORITY TO EXTEND HIS PERMIT NO. )  
B-1412. )  
-----

APPLICATION NO. 3031-PP-B

-----  
March 31, 1938  
-----

Appearances: John E. May, Denver, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver,  
Colorado, for The Colorado  
Trucking Association, Denver-  
Limon-Burlington;  
Zene D. Bohrer, Esq., Denver,  
Colorado, for The Motor Truck  
Common Carriers' Association;  
Richard E. Conour, Esq., Denver,  
Colorado, for Weicker Trans-  
portation Company.

S T A T E M E N T

By the Commission:

On March 19, 1936, Decision No. 7368, the Commission granted authority to the applicant herein to "transport building blocks and cement from Denver to points within a radius of fifty miles thereof, and the transportation of coal from mines in northern Colorado coal fields to Denver." By the instant application, the applicant seeks authority to transport the same commodities from the plant of the Cinder Concrete Products, Inc., 1155 West 5th Avenue, Denver, Colorado, to Colorado Springs and Limon.

The applicant testified that the product was cinder and concrete blocks and that he desired this authority for the reason that these blocks were heavy and hard to transport without chipping off the corners, and that his customer had experienced trouble every time he utilized the services of another carrier who was not experienced in the handling of this

product; and that the cement was not cement in quantity, but merely such amount as was necessary in laying the concrete or cinder blocks, and that if there was serious objection to that item of cement being included in his extended operation, which would extend over a well-served route between Denver and Colorado Springs, it might be eliminated. The applicant further stated that he had in the past, so far as he knew, and intended in the future, to charge prescribed rates of the Commission, and that his one customer would be glad to pay any rate which the Commission might prescribe.

Objections were raised to the extension, including cement. But no objections were made to concrete or cinder blocks.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that authority should be granted to the applicant to transport cinder and cement blocks from Denver to Colorado Springs and to Limon, for one customer, Cinder Concrete Products, Inc. of Denver, in addition to the authority granted by the original order.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1412, granting authority to serve a fifty-mile radius around Denver, Colorado, be, and the same hereby is, extended to include the following:

The transportation of cinder and concrete building blocks only, from the plant of the Cinder Concrete Products, Inc., Denver, Colorado, to Colorado Springs and to Limon, for one customer, Cinder Concrete Products, Inc. of Denver, Colorado.

IT IS FURTHER ORDERED, That this order be made a part of the order contained in Decision No. 7368.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Thomas

W. C. Danks

William E. Givens  
Commissioners

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF)  
PAUL SILVERS AND CLAUDE SILVERS, )  
ROCKY FORD, COLORADO, FOR A CERTI- ) APPLICATION NO. 4345  
FICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY. )  
-----

-----  
March 31, 1938  
-----

Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for applicants;  
A. J. Fregeau, Denver, Colorado,  
for Jackson Transfer and  
Storage Company, Allumbaugh  
and Williams, Dallas Transfer  
and Storage, Weicker Transpor-  
tation Company.

S T A T E M E N T

By the Commission:

Applicants herein seek a certificate of public convenience and necessity to operate as a motor vehicle carrier for the transportation of farm products, except livestock, farm supplies and equipment, including used household goods, irrigation supplies, sand and gravel, and similar commodities and telephone poles between points within a radius of twenty-five miles of Rocky Ford, and from and to points in said area, to and from points in the State of Colorado.

The application was opposed by Jackson Transfer and Storage Company, Rocky Ford, Allumbaugh and Williams, Ordway, Dallas Transfer and Storage Company, successor to McCune Transfer, La Junta, and Weicker Transportation Company.

Allumbaugh and Williams are authorized to transport freight:

"Between Pueblo and Sugar City and intermediate points situated east of Boone, and between points on said route and farms situated within a radius of fifteen miles of Ordway and within a radius of five miles of the other towns east of Boone."

McCune Transfer Company is authorized to move:

"Freight in the Counties of Otero, Bent and Crowley, with occasional service throughout the State of Colorado."

Jackson Transfer and Storage Company is authorized to conduct:

"A transfer, moving and general cartage business in the counties of Bent, Otero, Pueblo, Crowley, Las Animas, Kiowa, Prowers and Baca, and occasional service throughout the State of Colorado."

Weicker Transportation Company operates a line haul service between Rocky Ford and points east and west along U. S. Highway No. 50 and north and south along U. S. Highway No. 85.

A number of call and demand common carriers who did not appear in opposition to the application at the hearing also are authorized to serve all or part of the territory in question, and the territory also is served by private carriers.

The evidence disclosed that applicant, Paul Silvers, under Permit No. B-1080, and Claude Silvers, under Permit No. B-1055, are authorized to furnish substantially the same transportation service to their customers which they now seek to furnish the public generally, except the transportation of telephone poles; that Rocky Ford, and the territory adjacent thereto, furnishes considerable business for truck operators, especially transportation of onions, melons, hay, grain and other farm products, applicants' business under the private carrier permits chiefly being limited to such hauling; that a small amount of irrigation supplies, sand and gravel moves from time to time. The principal shippers and receivers of freight whom applicants expect to serve under the certificate, if granted, already are being served by them under their private permits, and that, "The small shipper who doesn't have enough business to justify listing is the one whom they are not serving;" that a number of requests have been received during the year preceding the time of the hearing, from people in that class, wanting service, whom they could not serve; that they had been informed by some of the people soliciting their service that Jackson was not equipped to care for their needs. A number of customers of applicants testified that the transportation service furnished had been

very satisfactory; that applicants were reliable, and that, during the peak movement of onions in the fall of the year, a great number of trucks were needed to supply the demand for transportation service.

Mr. Blotz, witness for applicant, stated that there was not a great demand for truck service for supplies, irrigation or otherwise, and that rush service was only required for perishable commodities, and that he, personally, at all times, had adequate service.

Mr. P. M. Ruby, a producer and shipper of farm products, stated that recently he was unable to get trucks to move his crop, although he admitted that he had never called on Jackson Transfer and Storage or Dallas Transfer and Storage for the service required, and had no reason to believe that Jackson couldn't handle the business, if offered.

Jerry Kover, a feed and grain merchant of Rocky Ford, testified that applicants' service was satisfactory; also that he had no complaint about Jackson's Service, but believed that, at times, additional equipment was needed in the community.

John Campbell, farmer of Rocky Ford area, stated that he had contacted Dallas and Lenocker, carriers with headquarters at La Junta, to haul feed from a Rocky Ford mill, but being unable to procure their service, secured that of McCune. He stated that he would not patronize Jackson because Jackson had refused to furnish some chairs for some social function at some previous time, and he believed that additional truck service in the community was desirable. A number of customers testified to the same effect, or to the effect that the satisfactory Silvers transportation service should be made available for anyone in the community who wanted it.

A number of witnesses, including O. F. Erickson, Howard W. Veal, John Brisler, R. N. Jackson, F. E. McCune, G. O. Williams, testified in opposition to the granting of the certificate.

In general, it was established to the satisfaction of the Commission, from the testimony of these witnesses and witnesses for applicants, that there is ample common carrier and private carrier truck service now available in the area sought to be served by applicants; that Jackson

Transfer and Storage Company has four dump trucks, one low bed heavy-duty truck, and three stock racks in service, and three, or more, additional trucks which could be made available on short notice, if business required, as well as all other necessary equipment; that Dallas Transfer and Storage and Allumbaugh and Williams and other call and demand common carriers authorized to serve the territory in question are equipped to and do furnish farm service and care for other transportation business available in the community; that they have a large investment in equipment and other property which is idle much of the time; that their service is prompt, satisfactory and adequate. In short, it appeared, upon the whole record, that the public convenience and necessity does not require the proposed operation. No doubt, the service furnished their customers, by applicants, is very satisfactory, and they probably would be able to get more business which would be taken from common carriers now having a difficult time to continue in business, if a certificate were granted. But this is not sufficient reason to grant the authority sought.

In Re Fort Morgan-Brush Transportation Company, 8 Colo. P.U.C. 1704, we said:

"On Application for certificate of convenience and necessity, a clear and affirmative showing must be made that existing transportation facilities are inadequate or unsatisfactory."

And in Re Lahs Application No. 2621, Decision No. 6846, we held:

"It is elementary that before the Commission will issue a certificate authorizing rendition of any given service, public convenience and necessity must be proved. The rule is less elastic where the service proposed to be rendered is a duplication of service already authorized, unless it be shown that said service is inadequate and that the carrier is not in a position to or will not make it adequate."

And in Re Application No. 2691, Southwestern Greyhound Lines, Inc., decided November 4, 1936, Decision No. 8739, the Commission quoted, with approval, from In Re Fay Elliott, P.U.R. 1926 A, Page 380, where we held:

"\*\*\*\* that to permit more motor truck carriers to operate than is reasonably necessary to properly take care of the business to be handled over said line of route will deprive said protestant of the benefit of his certificate already granted by this

Commission, and to admit several to this field of activity will tend to decrease the volume of business for each utility, and tend to make the overhead expense and other expense of each utility heavier, even to the point of being burdensome, and that it would be only a matter of time until the weakest and less able financially to withstand the pressure of little or no business must abandon their activities as public utilities; that the protestant is at this time adequately prepared financially and with equipment to take care of all business offered to him in the said territory, and that to permit competition would further divide the business now adequately handled."

After a careful consideration of the record, the Commission is of the opinion, and finds, that the motor vehicle carrier call and demand service now furnished by authorized call and demand common carriers in the territory sought to be served by applicant is adequate, and that the public convenience and necessity does not require the proposed operation of applicants, and that the granting of authority therefore would impair the efficiency of the operations of said call and demand common carriers to the detriment of the public, and that said application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That application of Paul Silvers and Claude Silvers for a certificate of public convenience and necessity herein should be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Dineen  
W. A. Danks  
Marion Emerson  
Commissioners

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

THE PUBLIC UTILITIES COMMISSION )  
OF THE STATE OF COLORADO, )  
Plaintiff, )  
vs. )  
RALPH L. PEABODY, DOING BUSINESS )  
AS "PEABODY COAL COMPANY", COLO- )  
RADO SPRINGS, COLORADO, )  
Defendant. )

CASE NO. 4683

-----  
March 31, 1938  
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Appearances: James J. Patterson, Esq., Denver,  
Colorado, for the Commission;  
George B. Patrick, Esq., Colorado  
Springs, Colorado, for the  
Respondent;  
Marion F. Jones, Esq., Denver, Colo-  
rado, for intervener, Colorado  
Trucking Association;  
Zene D. Bohrer, Esq., Denver, Colo-  
rado, for intervener, The Motor  
Truck Common Carriers' Associa-  
tion;  
Stanley Blunt, Esq., Canon City,  
Colorado, for intervener, South-  
western Transportation Company.

S T A T E M E N T

By the Commission:

On February 5, 1938, the Commission, on its own motion, directed that an investigation and hearing be entered into to determine if the above named respondent had failed, refused and neglected to comply with the rules, regulations and statutes governing private carriers, and directed that respondent show cause, if any he had, why his said Permit No. B-1483 should not be suspended or revoked because he had violated our said rules, regulations and statutes in the following particulars, viz:

He had enlarged and extended his operations by accepting, transporting and delivering shipments of freight consisting of commodities other

than the commodities to which he is restricted by the terms and provisions of his said Permit No. B-1483; bills of lading were not itemized in the manner required by the rules and regulations of the Commission, and had failed, refused and neglected to file monthly reports covering his operations for the month of December, 1937.

The matter was set for hearing and heard at Colorado Springs on March 1, 1938.

Respondent appeared at the hearing by counsel and admitted that he had violated the rules and regulations of the Commission in the manner complained of, and further had hauled the commodities mentioned in the complaint from Canon City to Florence, which point he was not authorized to serve under his permit, and had failed to charge for the service the rates prescribed by the Commission, plus 20%.

He testified that he had purchased tires from Gamble Store Company and, at the suggestion of Mr. O. Binard, Manager of Gamble Store Company, agreed to transport merchandise for Gamble Store Company from its store in Colorado Springs to a Gamble Store at Florence, said freight to be transported for 40¢ per cwt., said manager having represented that some of the commodities moved under our prescribed rates at 35¢ per cwt., the balance at 45¢ per cwt., and that an average rate of 40¢ per cwt. would be proper.

It appeared at the hearing that applicant moved eleven shipments from Canon City to Florence for the Gamble Store Company, aggregating 7460 pounds, minimum shipment being two hundred pounds on December 29, 1937, maximum shipment being one thousand, four hundred and fifty pounds on November 12, 1937, the first shipment being handled on said November 12, and the last shipment being on January 19, 1938.

A number of bills of lading were presented at the hearing. For the most part, shipments were described as a certain number of pieces of freight. However, a few bills were itemized, but the weights of the different items were not shown.

Commodities handled consisted of car heaters, skooters, buckets, auto floor mats, turpentine, dry batteries, inner-tubes, rifles, tire chains, paint, radios, clocks, oil, light bulbs, circulars, tire reliners,

defrosters.




Under the classification prescribed in our rate order, No. 1585, this freight should have moved at rates varrying from 35¢ per cwt., plus 20%, to 63¢ per cwt., plus 20%. Of course, it is not permissible, under our prescribed rates, rules and regulations, to bill the freight at an average rate. All shipments should have been properly classified and the prescribed rates assessed. It is apparent that the under-charges amounted to a substantial sum.

Witness further testified at the hearing that he heretofore, has not used his for-hire permit; that it has been of no value to him. Apparently, no reason exists why he should retain it. And in view of the admitted violations of our rules and regulations, the Commission is of the opinion, and finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1483 should be, and hereby is, revoked and cancelled, effective this 31st day of March, 1938.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
C. R. DENTON. )  
PERMIT NO. C- 7691  
.....)

.....  
March 31, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
C. R. Denton, ..... of 2511 W 44th Ave. Denver, Colo.  
....., .....  
requesting that his Permit No. C- 7691 ..... be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 7691  
to C. R. Denton, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Eugene W. Daniel*  
*McDauks*  
*Heaven Erison*  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LOWE WILLIAMSON TO TRANSFER P.U.C. ) APPLICATION NO. 2411-A  
NO. 824 TO GAROLD A. WILLIAMSON. ) (APPLICATION NO. 4447)  
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March 31, 1938.  
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Appearances: Garold A. Williamson, Ovid, Colorado,  
pro se and for Lowe Williamson;  
Roy J. Robertson, Sterling, Colorado,  
for North Eastern Motor Freight Company;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant filed his application for a certificate of public convenience and necessity to operate as a motor vehicle carrier for hire for the transportation, not on schedule, of general freight in, and from point to point within a radius of five miles of Ovid, Colorado, and the transportation of building materials and supplies for the Sterling Lumber Company, only, from and to, to and from Ovid, Sterling and Julesburg, with the proviso that for the transportation of all freight, except furniture and household goods between points served by scheduled motor vehicle or railroad common carriers, rates should be charged, in all cases, which are at least twenty per cent in excess of those charged by said scheduled carriers, and rates for transportation of furniture and household goods to be not less than those provided in tariff of The Colorado Transfer and Warehousemen's Association on file with the Commission.

He also requested in the application that P. U. C. 824, heretofore issued to Lowe Williamson, Decision No. 7085, should be transferred to him.

At the hearing, it developed that applicant wanted to continue the service formerly furnished by his father, Lowe Williamson, such authority to be obtained either by transfer of certificate of Lowe Williamson, or by granting new authority.

The records of the Commission show that said certificate of Lowe Williamson, P. U. C. No. 824, was cancelled on November 10, 1937, in Case No. 4262-R, so it is impossible to transfer said certificate to applicant.

There was no objection on the part of those appearing at the hearing to the granting of the authority sought, and the evidence disclosed that the public convenience and necessity requires the proposed operation.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity requires the proposed operation of applicant, and that certificate of public convenience and necessity should issue therefor.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operations of the applicant, Garold A. Williamson, for a general cartage and transfer business and the transportation, not on schedule, of general freight between points within a radius of five miles of (and including) Ovid, Colorado, and the transportation of building materials and supplies for the Sterling Lumber Company, only, from and to, to and from, Ovid, Sterling and Julesburg, with the proviso that for the transportation of all freight, except furniture and household goods, between points served by scheduled motor vehicle or railroad common carriers, rates should be charged, in all cases, which are at least twenty per cent in excess of those charged by said scheduled carriers, and rates for transportation of furniture and household goods to be not less than those provided in tariff of the Colorado Transfer and Warehousemen's Association on file with the Commission.

IT IS FURTHER ORDERED, That applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission, except when prevented from so doing by the Act of God, the public enemy

or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Danks

McDanks

Walter E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
P. M. RAGLAND FOR A CERTIFICATE OF ) APPLICATION NO. 4394  
PUBLIC CONVENIENCE AND NECESSITY. )  
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March 31, 1938.  
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Appearances: Winston S. Howard, Esq., Denver, Colorado,  
for applicant;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
Don P. Taylor and Leroy Sheller;  
Worth Allen, Esq., Denver, Colorado,  
for Percy Klinginsmith;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association.

S T A T E M E N T

By the Commission:

Applicant, P. M. Ragland, herein seeks authority to operate as a motor vehicle carrier on call and demand for the transportation, by motor vehicle, of grain, mill feeds, farm products, including livestock, farm supplies, machinery and equipment, household goods and furniture, and hardware, into, out of and between points within the territory described as a radius of twenty miles of Grover, Colorado.

The evidence disclosed that applicant, for a period of seven years, has been operating as a private carrier by motor vehicle for hire under Permit No. A-202, which authorizes service:

"From Grover and vicinity to Grover, Briggsdale,  
Hereford, Greeley and Denver";

that he has two trucks which he expects to use in his proposed operation, if the certificate is granted, of the net value of \$1,300.00; that a number of large sheep and livestock ranches are operated in the vicinity of Grover, said animals moving in and out of the country by rail and truck; that said livestock activities, chiefly are in the hands of approximately twenty men who probably could be served under a private carrier permit, but there are a number of small operators who could not easily be listed as customers; that

the pick-up area on the south might be cut to five miles south of Grover; that ranchers residing in said area require supplies consisting of machinery and equipment, cotton cake, stock feeds, coal and other commodities.

Applicant admitted that on occasions he had hauled livestock and other commodities for customers from points off his route, to points not on his route, at rates less than those prescribed by the Commission, for customers not on his customer list.

The testimony further disclosed that the applicant is a responsible, capable trucker, ready and willing to serve at all times, under all conditions of roads and weather.

A number of carriers and other witnesses testifying in opposition to the granting of said permit, stated that transportation service now authorized in the community sought to be served by applicant, is satisfactory; that there are a number of local carriers available and common carriers with large outfits operating out of Denver and other points who have authority to serve the entire state.

In Decision No. 10643, Application No. 1489-AAA-B, decided September 27, 1937, the Commission quoted with approval from its decision in the H. P. Lahs matter, as follows:

"The Commission, on a number of occasions, has held that an applicant, in order to secure a certificate of public convenience and necessity, must affirmatively show that the public convenience and necessity, as distinguished from his personal desires, requires his proposed operation, and that before a certificate of public convenience and necessity will issue for an operation which will virtually parallel existing common carrier service, a clear and affirmative showing must be made that the existing transportation facilities are inadequate or unsatisfactory, and that there is no prospect of such service being made better under the orders of the Commission."

Also, in Decision No. 3143, Re Bodley, Case No. 581 and Application No. 1715, the Commission denied Bodley's application for an extension of his certificate, because he had knowingly, without authority, served the points sought to be served by him under the extension, one of the reasons or excuses assigned by Bodley for such violation being that, "There was a demand for the service." The Commission said:

"It has been held not infrequently by this Commission that if the public convenience and necessity requires the extension of a certificate, the holder of the certificate should first seek and obtain an extension and not take the law into his own hands, as so many who do not have certificates are inclined to do. \* \* \* As we point out in the application of N. J. Fitzmorris, Application No. 989, Decision No. 1776, to grant a certificate to one who has flagrantly flouted the law, is to put a premium on the violation of the law which we are under oath to administer and enforce. Before the Commission would feel warranted in granting Bodley any further certificate rights, it should want the granting of such rights to be preceded by a strict observance of the law for a substantial period of time."

The Commission is of the opinion, that upon the record as made, applicant failed to establish that existing common carrier service is inadequate, or if deficient, that it cannot be made adequate, and did not establish that public convenience and necessity requires the proposed operation. Further, that even though it had been established that the public convenience and necessity required the operation, the Commission, under its decision in the Harpster and other matters, could not at this time grant the certificate on account of the admitted violations of the for-hire carrier Acts by applicant. See Re Cowan, Application No. 3688, Decision No. 11389.

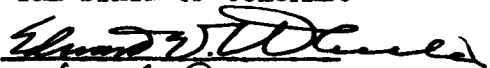

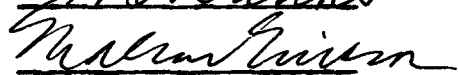
After a careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity does not require the proposed motor vehicle operations of applicant, and that said application should be denied.

#### ORDER

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. H. OBERWORTMAN AND FRANCIS )  
ROE, LAMAR, COLORADO, P.U.C. 780. )  
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CASE NO. 4682

-----  
April 1, 1938  
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Appearances: J. J. Patterson, Esq., Denver, Colorado,  
for the Commission;  
Marion F. Jones, Esq., Denver, Colorado,  
for the applicant;  
R. E. Conour, Esq., Denver, Colorado, for  
Weicker Transportation Company, inter-  
vener;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers'  
Association.

S T A T E M E N T

By the Commission:

The complaint herein alleges that the respondents are the holders of Certificate of public convenience and necessity No. 780 and that in the conduct of operations under said authority, respondent W. H. Oberwortman has violated the terms and provisions of said certificate, the terms and provisions of Chapter 121, S. L. of 1927, as amended, and otherwise violated rules, regulations and orders of the Commission.

In support of this complaint Exhibit No. 1 was introduced in evidence, being copies of bills of lading showing that four shipments of oil and grease were moved by Oberwortman on December 14, 1937, from Denver to Lamar, which bills of lading were taken from the driver at Lamar where they were being delivered to the Socony-Vacuum Oil Company, with destination marked Lamar.

The respondent's road report for December, 1937, was made a part of the record and it likewise showed shipments on this date moving from Denver to Lamar.

Exhibit No. 2 was introduced, being one bill of lading dated February 24, 1938, Socony-Vacuum Oil Company, consignor, at Denver, and

the consignee being the same company's branch at Lamar, which shipment was also composed of oil and grease in barrels or steel drums; and the second bill of lading dated February 25, 1938 - B. K. Sweeney Electrical Company being the consignor and the consignee Eckles Tire Service, Lamar, Colorado, which shipment was a Frigidaire boxed and Washing Machines crated.

The testimony showed that Clifford Smith was the driver of respondent Oberwortman's car, being a Chevrolet tractor with P.U.C. No. 780 marked on it.

This movement was intercepted by Inspector Grant on U. S. 40 east of Denver. The record further disclosed that Certificate 780 specifically excludes merchandise movements by the following expression contained in the authority of the Commission granting this certificate, "specifically excluding merchandise." The respondent Oberwortman admitted that the movement of grease and oil was from Denver to bulk plant dealers at Lamar.

Road reports for the month of December 1937, which were made a part of the record, were filed with the Commission under date of February 17 or some time after the order to show cause and satisfy in present case was served on the respondent.

Certificate No. 780 which was made a part of this record, authorizes a transportation service, not on schedule

"from point to point within the area bounded by the Colorado-Kansas State Line on the east, a line on the west, drawn north and south through Las Animas, Colorado, and Prowers County boundary lines as extended on the north and south, respectively; livestock from all points in said area to markets in La Junta, Pueblo, and Denver; farm machinery, farm products, and supplies, coal, furniture, and household goods (specifically excluding merchandise) from and to points within said area to and from points within the State."

Respondent Oberwortman, in explaining the above charges, stated that he transported the grease and oil, classifying them as farm supplies and could offer no explanation as to the movement being from Denver to Lamar, and not from Denver to the farm, or in substance that he did

not know that the destination had anything to do with what was a farm supply and what was not, but did admit that these commodities moved to a bulk dealer at Lamar. The respondent further testified that he understood oil had been borrowed from the LaJunta dealer by the Lamar dealer and that deliveries made to LaJunta were for the purpose of returning borrowed commodities and this accounted for his making delivery Denver to LaJunta, the latter point being outside of his territory prescribed in Certificate No. 780.

Explaining the transportation of Frigidaire boxed, and Washing Machines crated, the respondent said that he did not know when delivering the same to Eckles Tire Service, that it was for sale by that firm. The respondent also testified that after receiving a copy of the show cause order he hauled one load from Denver and said he had written to the Commission, and not having heard promptly, moved a second load and referred to a memorandum attached to his December road report.

The record and testimony given in this case are conclusive to the effect that the respondent transported merchandise from Denver to Lamar in violation of the terms of his authority; also transported merchandise from Denver to LaJunta, a point outside of his territory; and that he, after receiving the show cause order issued under date of February 5, moved at least two loads between Denver and Lamar, going via U. S. 40 out of Denver, a road which is not authorized under Certificate No. 780; and that his attempted explanation of these violations was feeble to say the least. That he did not know merchandise was specifically excluded from his authority does not check well with his conduct on October 3, 1935 when Francis Roe testified in the presence of this respondent, that they would not engage in the transportation of merchandise, would not engage in a line haul or scheduled service and would not compete with line haul carriers, and respondent Oberwortman followed Roe to the witness chair and stated that he adopted the testimony of Roe as his testimony, to say nothing about the provision contained in the order granting Certificate No. 780 where the following expression appears:

"specifically excluding merchandise".

There was no dispute about the shipments to LaJunta, a point outside of the territory described by Certificate No. 780 and likewise there was no dispute about the Oberwortman truck being apprehended on U. S. 40 east of Denver.

This record discloses that the violations complained of were committed by respondent Oberwortman and that so far as his partner Roe is concerned, no testimony couples him directly with these violations. However, it was disclosed by the record that Oberwortman conducted his operation under Certificate No. 780, separate and apart from the operation conducted by Francis Roe, under this same certificate, and that there is at this time an application pending before the Commission for a severance of this certificate, which separation would appear to be in the public interest.

After a careful consideration of the record and the testimony the Commission is of the opinion and finds that respondent Oberwortman herein has openly and flagrantly violated the law governing common carriers for hire, has violated the specific terms of Certificate No. 780, has extended his authorized authority by serving points outside the prescribed territory set forth in said certificate, has failed and neglected to make proper road reports within the time prescribed by the rules of the Commission, and was delinquent in the filing of such reports at the time this complaint was made; and that on account of such disregard for the laws, rules and regulations as aforesaid the respondent's authority should be revoked.

#### O R D E R

IT IS THEREFORE ORDERED, That insofar as the interest of W. H. Oberwortman is concerned in Certificate No. 780, the same be, and is hereby revoked and cancelled.

IT IS FURTHER ORDERED, That the order herein shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Wheeler

W. D. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1938.

(Decision No. 11655)

\* \* \*

March 30, 1938.

By the Commission:

"RESOLVED, That the system of accounts contained in the reports of said Committee be recommended to the Commissions represented in the membership of this Association for consideration, and for adoption in their respective jurisdictions, with such modifications only as they may deem necessary in the public interest."

THEREFORE , The Commission is of the opinion, and so finds, that it should, on its own motion, institute a proceeding to determine the advisability of adopting said uniform system of accounts and to require all gas and electric utilities on record as operating in the State of Colorado, including municipally owned or operated utilities serving customers outside of the corporate boundaries of such municipalities, as

public utilities, to file, within thirty (30) days of the service hereof, their objections, if any, to the adoption by the Commission of said uniform system of accounts for gas and electric utilities, or any modifications thereof which the Commission may deem necessary.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that a proceeding be, and the same is hereby, instituted to determine the advisability of adopting the Uniform System of Accounts for Gas and Electric Utilities prescribed by the National Association of Railroad and Utilities Commissioners, November 10, 1936, and to require all gas and electric utilities on record as operating in the State of Colorado, including municipally owned or operated utilities serving customers outside of the corporate limits of such municipalities, as public utilities, to file within thirty (30) days of the service hereof, their objections, if any, to the adoption by the Commission of said uniform system of accounts for gas and electric utilities, or any modification thereof which the Commission may deem necessary.

IT IS FURTHER ORDERED, That this case be set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 2nd day of May, 1938, at 2 o'clock P.M.

(S E A L)

ATTEST: A true copy

E. E. POLLOCK

Secretary.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
EDWARD E. WHEELER

  
W. C. DANKS

  
MALCOM ERICKSON

Commissioners

Dated at Denver, Colorado,  
this 30th day of March, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

MARION M. IACINO, )  
 )  
Complainant, )  
 )  
v. )  
 )  
CITY OF GOLDEN, A Municipal )  
Corporation, )  
 )  
Respondent. )

CASE NO. 2012

-----  
March 31, 1938.  
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Appearances: John C. Vivian, Esq., Denver, Colorado,  
for Complainant;  
J. E. McCall, Esq., Golden, Colorado,  
for Respondent.

S T A T E M E N T

By the Commission:

In the instant matter, an order was originally entered by the Commission on June 3, 1937, requiring respondent to grant certain rights for the use of its water from the Gravity Water System of the City of Golden to respondent's property located in Cody Park. Thereafter, a petition was filed by complainant seeking authority to amend his petition on file herein, which petition was granted and the matter was set for further hearing at Denver, Colorado, on the 25th day of February, 1938.

During the course of the hearing, the attorneys for both complainant and respondent indicated to the Commission that they felt an agreement could be reached between the parties, obviating the necessity of any further proceedings before the Commission. In view of this situation, the Commission vacated the hearing with the understanding that same could be reset if the parties were unable to come to a mutual understanding.

We are now in receipt of a written communication from the attorney for complainant advising us that a contract between the parties has been formally entered into concerning the matters at issue in the instant

case, and requesting that said case be dismissed without prejudice.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed without prejudice.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward T. Steele*

*W. C. Danks*

*Malcolm E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
OWEN L. DEVER, LYONS, COLORADO. )  
-----

APPLICATION NO. 1795-A  
APPLICATION NO. 930-AA

-----  
March 31, 1938.  
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S T A T E M E N T

By the Commission:

On November 20, 1937, Decision No. 10960, Owen L. Dever was granted authority to suspend operations under the authority granted him by Decision No. 10152 for a period of six months.

The Commission is now in receipt of a communication from Owen L. Dever requesting that his authority be suspended for an additional six months' period.

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

O R D E R

IT IS THEREFORE ORDERED, That Owen L. Dever be, and he hereby is, granted authority to suspend operations under the authority granted him by Decision No. 10152 for a period of six months from May 20, 1938, the expiration of his previous suspension period.

IT IS FURTHER ORDERED, That unless said Owen L. Dever shall, prior to expiration of said suspension period, reinstate said authority by complying with all rules and regulations of the Commission applicable to certificates, said authority without further action by the Commission shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edmund E. Dever

W. H. Quicks

W. C. Harrison

Commissioners

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ROSS LABART, DOING BUSINESS AS )  
LABART TRANSFER, FOR AN EXTENSION ) APPLICATION NO. 2605-B  
OF HIS CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY NO. 826. )  
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-----  
April 1, 1938.  
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Appearances: Worth Allen, Esq., Denver, Colorado,  
for applicant;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association;  
P. A. Johnson, Esq., Denver, Colorado,  
for The Colorado Transfer and Ware-  
housmen's Association.

S T A T E M E N T

By the Commission:

Ross Labart heretofore was granted a certificate of public convenience and necessity authorizing the transportation of motion picture films, motion picture advertising and accessories, theater equipment, and newspapers, between Denver, Colorado, and La Veta, Alamosa, Monte Vista, Del Norte, Center, La Jara, Manassa, Antonito, Saguache and Salida, and the transportation of said commodities, except newspapers, between Denver, Buena Vista, Leadville and Fairplay.

In the instant application, he seeks to extend the authority heretofore granted to include the right to transport motion picture films, theater accessories and equipment, and newspapers to and from all points now being served by him from and to Cortez, Dolores, and all points intermediate to said two points, and Del Norte, including the town of Ignacio, which is off route. He further seeks authority to transport newspapers only from Denver and Pueblo to Trinidad, Colorado.

A number of witnesses engaged in the distribution of films, theater accessories and equipment, and newspapers, within the State, testified as to the public convenience and necessity to be served by the proposed operations of applicant.

His proposed time schedule, which would be a daily service, provides for leaving Denver at 11:15 P.M., arriving in Dolores at 11:00 A. M. the following morning. Upon his return trip, he would leave Dolores at 11:00 P. M. and arrive in Denver at 12:30 P. M. the following day.

It was disclosed that this expedited service would materially benefit the distribution of newspapers and motion picture films to points intermediate Del Norte to Dolores.

It was further disclosed that his proposed service would be in the public interest so far as the transportation of papers between Denver and Pueblo and Trinidad, Colorado, is concerned.

Applicant has ample equipment with which to conduct his proposed operations and his financial statement shows a net worth of \$12,130.00.

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

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the present and future public convenience and necessity require the proposed extension of applicant.

#### O R D E R

IT IS THEREFORE ORDERED, That Ross Labart, doing business as Labart Transfer, be, and he is hereby, authorized to extend his operations under certificate of public convenience and necessity No. 826, heretofore issued in Application No. 2605, to include the right to transport motion picture films, theater accessories and equipment, and newspapers, to and from all points now authorized under said certificate No. 826, from and to Cortez and Dolores and all points intermediate to said two points, and Del Norte, including the town of Ignacio which is off route, and including also the authority to transport newspapers from Denver and Pueblo to Trinidad, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as

required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LEWIS AND SON TRANSFER AND STORAGE )  
COMPANY, DENVER, COLORADO. )  
-----

APPLICATION NO. 1857  
P. U. C. NO. 624

-----  
March 31, 1938.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a letter from the above named Lewis and Son, stating that they expect to operate that portion of certificate of public convenience and necessity No. 624, heretofore issued in Application No. 1857, which authorizes the transportation of sugar beet laborers and their families only, between the period from April 1 to July 1 of each year. In order to save applicants the expense of carrying year-round insurance covering the transportation of passengers, the Commission has been requested to suspend that portion of said certificate which authorizes the transportation of passengers for the remaining portion of the year.

Heretofore, the Commission has been making an annual suspension to cover the situation, but in order to avoid such repeated orders, we have determined to make one order to cover the situation, not only for the present year, but for subsequent years.

After a careful consideration of the record and of the request, the Commission is of the opinion, and so finds, that an order should be made, suspending that portion of Permit No. 624 which authorizes the transportation of passengers, from July 1, 1938, to April 1, 1939, and for the same period for each succeeding year until the further order of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That Lewis and Son Transfer and Storage Company, of Denver, Colorado, should be and hereby are allowed to suspend that portion of their operations under certificate of public convenience

and necessity No. 624 which authorizes the transportation of passengers,  
for a period extending from July 1 of each year to April 1 of the succeeding  
year until the further order of the Commission herein.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Samuel D. Danks*

*W. D. Danks*

*Wesley Danks*

Commissioners.

Dated at Denver, Colorado,  
this 31st day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF C. C. SNYDER, TO TRANSFER A	)	
PORTION OF CERTIFICATE NO. 414	)	<u>APPLICATIONS NOS. 1258-AAA-AAA</u>
TO LEAMON RESLER.	)	<u>and 1491-AA.</u>
-----		<u>CERTIFICATES NOS. 460 and 414.</u>

-----  
April 1, 1938  
-----

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicant;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers'  
Association;  
Conour and Conour, Esqs., Denver, Colorado,  
for the North Eastern Motor Freight  
and Woods Truck Line.

S T A T E M E N T

By the Commission:

The parties herein seek authority to transfer that portion of Certificate No. 414, authorizing the transportation of freight between Denver and the Colorado-Kansas state line via U. S. Highway No. 36, including all intermediate points on said Highway, east of a point ten miles east of Byers.

It appears that the present holder of said certificate intends to retain for his own use all that irregular service authorized by the certificate covering the area twenty miles on each side of said U. S. Highway No. 36, and intending to transfer the line haul which is to be conducted on schedule by the transferee; that the consideration paid therefor is \$500.00; and that should there be any outstanding obligations as a result of previous operations under Certificate No. 414, the transferor agrees to take care of the same.

It appeared from the testimony given at the hearing that it would be in the public interest if this transfer be authorized, inasmuch as the transferee is now the owner and operator of a common carrier service between Denver and various points on Colorado Highway No. 54, points between Colorado Highway No. 54 and U. S. Highway No. 36, and to Anton, a town on Highway No. 36, and contemplates coordinating the two operations,

thereby providing better service to all points; and that the public interest would be further benefited by the transferor devoting all of his time to the irregular operation under Certificate No. 414.

It is the desire of the applicants that the transferor retain the number 414 under which he will conduct the irregular service, and that the transferee be authorized to use that portion authorized to be transferred as a part of his Certificate No. 460.

The transferee possesses a number of trucks now used in other operations and if this authority is granted, is in a position to put sufficient equipment on this road to take care of the service in an efficient manner.

After a careful consideration of the record and the testimony the Commission is of the opinion and finds that it will be in the public interest to transfer that portion of Certificate No. 414 authorizing the transportation of freight between Denver and the Colorado-Kansas state line via U. S. Highway No. 36, including all intermediate points east of a point ten miles east of Byers, and that authority to make such transfer should be authorized.

#### O R D E R

IT IS THEREFORE ORDERED, That C. C. Snyder be and he hereby is granted authority to transfer all that portion of Certificate No. 414, authorizing the transportation of freight between Denver and the Colorado-Kansas state line via U. S. Highway No. 36, including all intermediate points on said highway east of a point ten miles east of Byers, Colorado, (not including any service to intermediate points between Denver and a point ten miles east of Byers) to Leamon Resler, which authority when so transferred shall be conducted as a part of Certificate No. 460.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferee shall have the necessary

insurance on file with the Commission, and said transferor and transferee, in writing have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed.

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee herein until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*

*W. B. Danks*

*Walter E. Giverson*  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ARTHUR FAIRCHILD, CREEDE, COLO- )  
RADO, TO TRANSFER PERMIT NO. B-1869 )  
TO CREEDE TRANSPORTATION COMPANY, )  
CREEDE, COLORADO. )

APPLICATION NO. 3619-PP-A

-----  
April 2, 1938  
-----

Appearances: Arthur Fairchild, Creede, Colorado,  
pro se;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Assn.;  
Richard E. Conour, Esq., Denver, Colorado,  
for Pueblo-San Luis Valley Trans-  
portation Company;  
T. A. White, Esq., Denver, Colorado, for  
Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

On November 19, 1936, Decision No. 9008, the Commission granted  
Permit No. B-1869 to Arthur Fairchild, with authority to transport

"ore from mines in the Creede district to rail head at  
Creede, with the right to make occasional trips with  
sample shipments direct from said mines to Leadville,  
Colorado; the right to transport oil, gas, timber and  
mine supplies from Creede and Wagon Wheel Gap to said  
mines, and coal from Durango to said mines."

Mr. Fairchild testified that he had conducted a service under  
the above authority since the same had been granted to him and that he  
had now formed a corporation to be known as the "Creede Transportation  
Company", himself as President, Wm. Kolisch, Vice President and J. F.  
Wilson, Secretary-Treasurer; that there were no outstanding unpaid  
obligations as a result of his conduct of the transportation service  
under said permit during the past and that in order to render better  
service and be better financed he had formed a corporation, taking in

the two above-mentioned, he to transfer his permit and equipment, the others putting in cash and each contributing their time to the new company's business.

The witness further stated that this company possessed four trucks at the present time and were arranging to get two more; that they had contracts with the Commodore Bachelor Mines, Inc., Nelson Leasing Company, Emperius Mining Company and other mines and was now financially able to take care of the transportation needs of its customers.

The financial standing and operating reliability of the transferee was established to the satisfaction of the Commission.

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

#### O R D E R

IT IS THEREFORE ORDERED, That Arthur Fairchild be and he hereby is granted authority to transfer all his right, title and interest in and to Permit No. B-1869, granted in Application No. 3619-PP, to the Creede Transportation Company, Inc., and this order shall be authority to make such transfer.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferor and transferees in writing have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in 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 right of transferees to operate under this order shall be dependent upon their compliance at all times with all the laws, rules and regulations pertaining to their operation which may now or hereafter be in effect.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Dineen

W. L. Danks

Walter E. Eason  
Commissioners.

Dated at Denver, C olorado,  
this 2nd day of April, 1937.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF FOREST CONOVER, FORT MORGAN, COLO- ) APPLICATION NO. 2841-PP-BB  
RADO, FOR AUTHORITY TO EXTEND HIS )  
PERMIT NO. A-1279. )  
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-----  
April 1, 1938.  
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Appearances: Forest Conover, Fort Morgan, Colorado,  
                  pro se;  
                  Richard E. Conour, Esq., Denver, Colorado,  
                          for North Eastern Motor Freight;  
                  Marion F. Jones, Esq., Denver, Colorado,  
                          for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks to extend his authority under his "A" permit, No. 1279, to include the right to transport brick, hollow tile and similar construction material from Denver, plaster from Loveland, and cement from Boettcher to Fort Morgan, Brush and Sterling.

Applicant testified that he proposed to haul the commodities in question for a number of lumber companies operating in Fort Morgan,, Brush and Sterling.

Prior to filing said application, he had Mr. Jones contact North Eastern Motor Freight, and understood from the conversation, one end of which he overheard, that Mr. Arnold of North Eastern Motor Freight had no objection to the proposed service out of Denver.

There was no claim on the part of Conover that existing carrier service between Denver and the points sought to be served by him was inadequate.

J. R. Arnold, president of North Eastern Motor Freight, stated that his company maintained regular service between Denver, Fort Morgan, Brush and Sterling, and intermediate points; that it owned and operated twenty-three units; that it wants to, and does, haul the commodities named

in the application between Denver and Fort Morgan, Brush and Sterling; that, on account of increased operating expense, it needs all revenue that it can obtain, and on that account and because of the terms of its certificate, it handles all classes of commodities; that the proposed operation will adversely affect North Eastern Motor Freight, Inc.

No objection was voiced to the granting of extension proposed from Loveland and Boettcher.

After a careful consideration of the record, the Commission is of the opinion, and finds, that applicant should be authorized to extend his service, as proposed, from Loveland and Boettcher, and that the service proposed from Denver would impair the efficiency of adequate common carrier service now furnished by North Eastern Motor Freight, Inc., between said points, Denver, Fort Morgan, Brush and Sterling, and, therefore, should be denied.


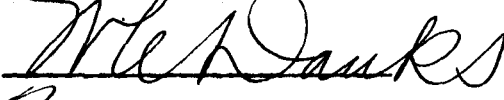

O R D E R

IT IS THEREFORE ORDERED, That Forest Conover, Fort Morgan, Colorado, should be, and he hereby is, authorized to extend his operations under his Permit No. A-1279 to include the transportation of plaster from Loveland and cement from Boettcher to Fort Morgan, Brush and Sterling, and that said application in all other respects should be, and hereby is, denied.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK C. KLEIN AND F. B. RANES, DOING )  
BUSINESS AS KLEIN AND RANES, DENVER, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
THEIR PERMIT NO. A-807 TO FRANK C. )  
KLEIN, DOING BUSINESS AS FRANK C. )  
KLEIN AND COMPANY, DENVER, COLORADO. )  
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APPLICATION NO. 4484-PP-A

-----  
April 1, 1938.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicant.

S T A T E M E N T

By the Commission:

Frank C. Klein and F. B. Ranes, co-partners, doing business as Klein and Ranes, herein seek authority to transfer intrastate permit No. A-807 to the said Frank C. Klein, doing business as Frank C. Klein and Company.

The evidence disclosed that Mr. Ranes is withdrawing from the partnership of Klein and Ranes, the consideration therefor being the sum of \$10.00 and the cancellation of certain obligations by him due and owing to said Klein. It also appeared from the testimony that transferee has net assets of \$20,000.00 and is pecuniarily, and otherwise, able to carry on.

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

O R D E R

IT IS THEREFORE ORDERED, That Frank C. Klein and F. B. Ranes, co-partners, doing business as Klein and Ranes, should be, and hereby are, authorized to transfer Private Permit No. A-807 to Frank C. Klein, an individual, doing business as Frank C. Klein and Company.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with the

conditions and requirements of this order to be by them, or either of them, kept and performed.

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. L. Danks

Wm. E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 1st day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF GUY L. HARRISON, FORT COLLINS, )  
COLORADO, FOR A CLASS "B" PERMIT ) APPLICATION NO. 4414-PP  
TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
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April 2, 1938.  
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Appearances: A. E. March, Esq., Fort Collins, Colorado,  
for the applicant;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association,  
J. B. Tague, Anderson Transportation  
Company, et al;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers  
Association and Fort Collins-Laramie  
Stage Line;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Guy L. Harrison, the applicant herein, of Fort Collins, Colorado,  
testified that what he wanted was authority to render a farm service, transporting  
principally livestock, feed, grain and hay, and at times some supplies, including  
salt, cotton cake and lumber (no machinery); that he applied for a one hundred  
mile radius in order to include the point of delivery, but most all of his  
customers would reside within a small area around Fort Collins; that he  
had a "C" permit and had been buying and selling cattle and horses himself; that  
he wanted to be in a position to render service for stock dealers and feeders,  
most of whom lived in Fort Collins and bought stock at various points, seeking  
his service to move the livestock between sales barns in the vicinity of  
Greeley to Fort Collins, and between points in the Fort Collins area and  
Denver; that in connection with the livestock business these feeders and  
dealers required more or less feed, such as cotton cake, grain and hay, and  
that these movements would be principally from point to point within the  
Fort Collins area; and that in addition to this local service for Fort Collins

customers, he wanted authority to transport livestock, hay, grain, cotton cake, and some lumber between Fort Collins and Jackson County, traveling via Laramie, Wyoming, but at times via Cameron Pass.

The applicant further testified that the only movement he sought to Denver would be livestock; that he was aware of the fact that Winscom and Lyon, Solomon Deines and Pete Hanson had common carrier rights, but that cattle men and stock dealers had not been getting the kind of service they wanted from these common carrier operators and had sought his services; that his customers would be limited to those named on his list filed with the Commission.

J. B. Tague of Loveland, Colorado, the holder of Certificate 909, who has authority to serve twelve miles north of Loveland, which takes him almost to the Fort Collins city limits; objected to the applicant being granted authority to overlap his area; that in his opinion there was no lack of service in the Longmont and Greeley districts; that there were numerous overlaps by carriers authorized to transport both livestock and farm products, insofar as the Longmont and Greeley districts were concerned; and that to grant additional authority to the applicant would impair the service of those now serving the area south of Fort Collins.

Mr. Tague testified that he did not make it a regular business of attending the auction sales at Greeley.

This record discloses that there is at the present time adequate authorized service for the area south of Fort Collins. From the testimony, it did not appear that this is true for area lying north of Fort Collins. None of the Fort Collins operators, particularly Solomon Deines, Jake Jordan or Pete Hanson, testified in opposition to granting permit at the hearing. It also appears that there is adequate authorized carrier authority to take care of intrastate movements between Jackson County and Fort Collins.

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

After careful consideration of the record and the testimony,

the Commission is of the opinion and finds that authority should be granted to the applicant to render intrastate point to point service within the Fort Collins area with an in and out service for the transportation of livestock between Greeley sales barns and the Fort Collins area, and transportation of feeds and farm supplies as hereinafter provided; also interstate rights between Fort Collins area and Jackson County via Laramie.

O R D E R

IT IS THEREFORE ORDERED, That Guy L. Harrison, Fort Collins, Colorado, be, and he hereby is granted a Class "B" permit to operate as an intrastate private carrier by motor vehicle for hire, for the transportation of livestock from point to point, and grain, hay and cotton cake from farm to farm, town to farm and farm to town within the following described area: extending south of Fort Collins to a line drawn east and west one mile south of Fort Collins, west of Fort Collins a distance of fifteen miles, north to the Colorado-Wyoming state line and east to the east Larimer County line, and livestock between points in said area and sales barns at Greeley; lumber from mills west of Fort Collins to ranches in the above described Fort Collins area.

The Commission further finds that the Constitution and Laws of the United States of America require the granting to applicant of an interstate permit for the transportation of livestock, including farm products and stock feed between the described Fort Collins area and Jackson County, via Laramie, Wyoming, in interstate commerce only, said permit to issue subject to the provisions of the Federal Motor Carrier Act of 1935, and the interstate authority shall bear the same number as the intrastate authority herein granted, followed by the letter "I".

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

IT IS FURTHER ORDERED, That this order shall be taken, deemed

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF EDWARD MARTIN, DOING BUSINESS AS )  
MARTIN TRUCK LINE, FOR CERTIFICATE ) APPLICATION NO. 3779  
OF PUBLIC CONVENIENCE AND NECESSITY. )  
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April 2, 1938.  
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Appearances: Adams and Heckman, Esqs., Grand Junction,  
Colorado, attorneys for applicant;  
T. A. White, Esq., Denver, Colorado,  
for Colman Freight Service and  
Rio Grande Motor Way, Inc.;  
J. D. Blunt, Esq., Canon City, Colorado,  
for Southwestern Transportation Company;  
F. M. Keith, Canon City, Colorado,  
for Keith Truck Line;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
U. S. Read, Salida, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

In the instant case, authority is sought to establish service for the transportation of freight between Grand Junction and Denver and Pueblo, Colorado, and intermediate points.

The evidence disclosed that applicant was operating under a private permit between the points involved and had been making from one to three trips per week between Denver and Grand Junction, serving some 38 contract customers. Applicant testified that he had had to turn down freight which was offered to him by others than his regular customers, and that his regular customers had requested him to obtain a certificate of public convenience and necessity.

If granted the certificate sought, he proposed to make three trips per week, one via Gunnison and two via Leadville. He testified that his main object in attempting to secure the certificate was to obtain a back-haul from Denver, Pueblo and other points, to Grand Junction, although he would limit the delivery of any freight picked up in Denver to points on the Western Slope.

Several Grand Junction merchants testified that they desired the services of applicant, and the manager of the General Machinery Company in Grand Junction, which is the distributor for Denver Oxygen Company, testified that a better service could be rendered by applicant if he had a common carrier certificate, as it would expedite delivery to their customers.

The matter was originally heard at Grand Junction and a further hearing was held in Denver. At the Denver hearing, the manager of the Denver Oxygen Company testified that they did considerable business on the Western Slope and that the Martin Truck Line was handling said business; that their shipments went out collect and they preferred to have one line do all of their business, but that it was impossible to send these collect shipments by Martin as the consignees were not customers listed by him.

On behalf of protestants, evidence was introduced to show the service rendered between Denver and Grand Junction and intermediate points. Colman Freight Service operates daily from Denver to Grand Junction and twice weekly from Pueblo to Grand Junction via Leadville. They maintain dock facilities in Denver and have pickup and delivery service at all the larger points intermediate between Denver and Grand Junction. He maintained that the granting of another certificate would materially impair the present service he is rendering the public.

Evidence was introduced to show the train service out of Denver to Western Slope points in connection with Rio Grand Motor Way. This evidence disclosed that there was daily service out of Denver to all points on the railroad in Colorado. Shipments to Grand Junction reach there the following day for delivery to points south by Motor Way. The Rocket train leaves Denver at 6:30 P.M. every night and stops at Colorado Springs, Pueblo and Salida. Deliveries are made the following morning at Leadville for points west by the Colman Freight Service. The Motor Way operates a freight service out of Grand Junction to Montrose daily, with three trips during the summer months to Gunnison. A daily service is rendered up the North Fork and interchange is made at Gunnison with the Moore Truck Line, operating out of

Denver, and a pickup and delivery service is rendered at all points.

Exhibits were introduced to show that the granting of any further certificates would impair the service of said line.

Considering the record as a whole, we do not believe that sufficient showing has been made to justify the Commission in granting another certificate over the route which apparently is now adequately served by established common carrier operations. It is true that it might be more convenient for some shippers to have private carriers conduct their entire business. However, we must not forget that established common carrier line haul carriers who run regularly on schedule whether they have full loads or not and irrespective of the conditions of the roads, must be protected if the public is to continue to receive such service. The record disclosed a number of other private carriers operating between the points involved, and certainly no monopoly exists in regard to transportation service between Denver and Grand Junction.

The Commission has consistently refused to grant two certificates over the same route unless it is clearly shown that existing service is inadequate, or that sufficient business exists to justify two operations. We do not believe the instant record disclosed that either of these conditions is present in the instant matter.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the instant application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*  
*W. C. Danks*  
*William H. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF )  
HAROLD K. JOHNSON AND JOHN MATHEWS )  
FOR AN ORDER REQUIRING THE COLO- )  
RADO CENTRAL POWER COMPANY TO EX- )  
TEND AND MAKE AVAILABLE ITS ELEC- )  
TRICAL FACILITIES TO THE PETI- )  
TIONERS. )  
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CASE NO. 4665

-----  
April 2, 1938  
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Appearances: Charles F. Brannan, Esq., Equitable Bldg.,  
Denver, Colorado, for petitioners;  
Worth Allen, Esq., E. & C. Bldg., Denver,  
Colorado, for Colorado Central Power  
Company.

S T A T E M E N T

By the Commission:

On December 27, 1937, the Commission issued its order in the above numbered case, denying the petition of Harold K. Johnson and John Mathews for an order requiring the Colorado Central Power Company to extend its facilities upon conditions set forth in their petition.

On January 10, 1938, the petitioners filed a petition for re-hearing, setting up various alleged grounds for re-hearing.

The Commission denied the original petition primarily because the record made did not justify setting aside the prescribed extension policy of the Company by ordering a connection for the applicants, which would impose a burden on the Company and ultimately upon its present users, and at the same time be a discrimination against others similarly situated.

The various assignments called to the attention of the Commission in the petition for re-hearing deal with "permanent service" and in this connection the Commission feels that the petitioners have overlooked the most important item to be considered when determining what is "permanent service" that being the item of permanency of revenue when measured by the value of the service to the customer. In the instant case the probable

use of service at the rates applicable, would be far less than the necessary revenue from the extension investment.

After careful consideration of the petition for re-hearing and each and every assignment therein contained, the Commission is of the opinion and finds that a re-hearing would adduce no additional information, and that without any action of the Commission, under the extension policy on file with the Commission, the applicants still can obtain service by complying with the provisions of the company's extension policy under Group 2, Indeterminate Service; and that the petition for re-hearing should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the instant petition for re-hearing be and the same is hereby denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Turner

W. L. Danks

William H. Simon  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of April, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF RIO GRANDE MOTOR WAY, INC., A )  
CORPORATION, FOR A CERTIFICATE )  
AUTHORIZING THE TRANSPORTATION OF )  
PASSENGERS, BAGGAGE, MAIL AND EX- )  
PRESS BETWEEN TEXAS CREEK AND )  
WESTCLIFFE, COLORADO, AND INTER- )  
MEDIATE ROINTS. )

APPLICATION NO. 1787-B

IN THE MATTER OF THE APPLICATION )  
OF RIO GRANDE MOTOR WAY, INC., A )  
CORPORATION, FOR A CERTIFICATE )  
AUTHORIZING ADDITIONAL SERVICE. )  
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April 2, 1938  
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Appearances: T. A. White, Esq., Denver, Colorado,  
for applicant;  
J. D. Blunt, Esq., Canon City, Colorado,  
for the Southwestern Transportation  
Company;  
A. J. Fregeau, Denver, Colorado, for the  
Weicker Transportation Company;  
Marion F. Jones, Esq., Denver, Colorado,  
for The Colorado Trucking Association;  
F. M. Keith, Canon City, Colorado, for the  
Keith Trucking Company.

S T A T E M E N T

By the Commission:

On May 20, 1931, by Decision No. 3403, Rio Grande Motor Way, Inc., a corporation, was authorized to operate as a motor vehicle carrier for the transportation, by motor vehicle, of passengers, baggage, mail and express between Texas Creek and Westcliffe and intermediate points, "under the terms and conditions proposed by the applicant, as hereinbefore stated." Said conditions in said order contained referred to time of operation, and provided against non-competition with Denver and Rio Grande Western mixed train service upon days when such service was furnished by the railroads.

On December 7, 1937, applicant forwarded its application to the Commission for a certificate of public convenience and necessity authorizing

it to transport freight as a motor vehicle carrier between Texas Creek and Westcliffe and intermediate points over and upon State Highway No. 69, said service to be in addition to the transportation of passengers, baggage, mail and express. Applicant further requested that the Commission's order and Decision No. 3403, hereinbefore referred to, be amended by striking therefrom the language:

"under the terms and conditions proposed by the applicant, and hereinbefore stated".

The evidence disclosed that Westcliffe and points intermediate between Texas Creek and Westcliffe along said U. S. Highway No. 69 heretofore have been served by trains of the Denver and Rio Grande Western Railroad Company; that recently, the Interstate Commerce Commission authorized abandonment of said line; that there is now no scheduled freight service between Texas Creek (a point on U. S. Highway No. 50 and the Denver and Rio Grande Western Railroad Company main line) and points intermediate thereto; that Westcliffe is the County Seat of Custer County and the center of an extensive livestock and farming community; that it has seven stores, a garage, and a population of about two hundred; that Hillside, situated between Texas Creek and Westcliffe, has one general store, a population of seventy-five, and extensive farming, livestock and mining industries; that Motor Way has made arrangements to take over the former depot of the railroad in Westcliffe, and expects the driver of its bus to live in the depot and perform the ordinary agency service required for such operation; that it will make connection with passenger and freight trains at Texas Creek.

The evidence otherwise disclosed that public convenience and necessity requires the proposed operation and amendment of Decision No. 3403, as requested.

There was no objection to the granting of the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity requires the service proposed by applicant, and that certificate should

issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed operation of applicant for the transportation of freight by motor vehicle as a "motor vehicle carrier" between Texas Creek and Westcliffe and intermediate points, over and upon State Highway No. 69, said service to be in addition to the motor vehicle service heretofore authorized by the Commission to be performed by applicant for the transportation of passengers, baggage, mail and express, and that this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

IT IS FURTHER ORDERED, That all that part of the order contained in Decision No. 3403, beginning with the word "under" in the fourth line of the first paragraph, and ending with the word "stated" in the fifth line thereof, should be, and hereby is, stricken and deleted therefrom, so that said paragraph shall read:

"IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle system of the applicant for the transportation of passengers, baggage, mail and express between Texas Creek and Westcliffe, and intermediate points, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor."

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edmund V. Dineen

W. H. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of April, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GATELY MOTOR COMPANY, A CORPORATION, ) APPLICATION NO. 3977  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY. )  
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April 4, 1938.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicant;  
Conour and Conour, Denver, Colorado,  
for Weicker Transfer and Storage  
Company.

S T A T E M E N T

By the Commission:

On May 24, 1937, Gately Motor Company, a corporation, filed its application herein for a certificate of public convenience and necessity to transport ore, concentrates, coal, sand, gravel, mining and milling supplies and equipment, livestock, farm produce, farm supplies, household goods, and office furniture and fixtures, into, out of and between points within a twenty-mile radius of Alma, Colorado.

The only formal protest was filed by H. M. and B. W. Hitchcock, doing business as Hitchcock Truck Line, on May 29, 1937.

The matter was set for hearing and heard in Denver on June 3, 1937.

On October 6, 1937, Decision No. 10686, the Commission made and entered its decision and order, granting certificate of public convenience and necessity upon said application to Gately Motor Company, a corporation.

On October 7, 1937, a motion entitled "Special Appearance and Motion to Dismiss" was filed by Conour and Conour in said matter, and on November 22, 1937, Decision No. 10994, the Commission denied said application to dismiss for reasons therein in detail set forth.

Thereafter, to-wit, on December 14, 1937, Weicker Transfer and Storage Company, by its attorneys, Conour and Conour, filed its so-called "Petition for Rehearing", said Weicker Transfer and Storage Company therein being styled "Protestant and Intervener". Marion Jones, for Gately Motor

Company, filed motion to dismiss and to strike said petition from files, on the ground, among others, that matters alleged are scurrilous and defamatory.

The Commission has read each and every allegation, scurrilous, defamatory, and otherwise, in said petition contained, and is of the opinion that, for the most part, said matters were carefully considered and fully discussed in its former decisions, and do not require further discussion.

The statement contained in paragraph numbered "1" is not true, as petitioner's attorney well knows. Said order granting certificate was formally drawn and approved by the Commission October 6, 1937. The application to dismiss was filed October 7, 1937. Copies of said order, however, were not forwarded to interested parties for a number of days, that period of time being required for notation, etc., in the various departments of the Commission's office, as is well known to counsel for petitioner.

As to whether the matters and things set forth in paragraph numbered "5", are or are not true, in our opinion, is not controlling of our action herein, and whether the Motor Truck Common Carriers Association was or was not authorized to represent Weicker Transfer and Storage Company, and whether the appearance of said Association at the hearing was or was not appearance for Weicker Transfer and Storage Company, is, in the opinion of the Commission, unimportant for a determination of this controversy, inasmuch as the Commission, in either event, would have rendered its decision denying the application of the Weicker Transfer and Storage Company to dismiss said application of Gately Motor Company for the other reasons set forth in the opinion.

The Commission has carefully considered each and every alleged assignment of error contained in said petition for rehearing filed by Weicker Transfer and Storage Company, and is of the opinion, and finds, that no error was committed by the Commission in making and entering its said Decision No. 10686 and its Decision No. 10994, and that said petition, therefore, should be denied.

O R D E R

IT IS THEREFORE ORDERED, That petition of Weicker Transfer and Storage Company for rehearing of its motion to dismiss application herein, and for the further order of the Commission, vacating all proceedings and orders had in said application, pending such rehearing, there being no error of the Commission in making and entering its decisions complained of, should be and hereby is, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Samuel W. Thomas*  
*W. C. Danks*  
*Malcolm Kivron*  
Commissioners.

Dated at Denver, Colorado,  
this 4th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF)  
B. L. AUSTIN, JULESBURG, COLORADO, )  
FOR AN EXTENSION OF HIS PERMIT NO. )  
A-941. )  
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APPLICATION NO. 4486-PP-B

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April 6, 1938  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicant;  
Richard E. Conour, Esq., Denver,  
Colorado, for North Eastern  
Motor Freight, Inc., Welcker  
Transfer and Storage Company.

S T A T E M E N T

By the Commission:

Applicant, B. L. Austin, who is the owner and holder of Permit No. A-941, herein seeks an extension thereof to include the right to transport bulk petroleum products, only, in intrastate commerce, from Bay Refinery, near Denver, to Julesburg, via U. S. Highway No. 85 and State Highway No. 2 and U.S. Highway No. 6, through Greeley to Sterling, or via U. S. Highway No. 6 to Sterling and U. S. Highway No. 138, Sterling to Julesburg, and all intermediate points; also to Holyoke and intermediate points via same alternate routes, as far as Sterling, and U. S. Highway No. 6, Sterling to Holyoke; also to Wray and intermediate points, via said alternate routes, as far as Brush, thence via State Highway No. 54 to Wray; also to Idalia and intermediate points over U. S. Highway No. 40 to Strasburg, U. S. Highway No. 36, Strasburg to Idalia; also to Burlington and intermediate points, via U.S. Highway No. 40, Denver to Limon, and U. S. Highway No. 24, Limon to Burlington; and to Cheyenne Wells and intermediate points, via U. S. Highway No. 40; with the right to serve between Julesburg and Cheyenne Wells and all intermediate points, along Colorado

Highway No. 51, via any of said routes out of Denver; also between Denver refinery and the Colorado-Wyoming State Line and all intermediate points, via U. S. Highway No. 87, or via U. S. Highway No. 85.

And the transportation of bulk petroleum products in interstate commerce between Denver and points on the Colorado-Nebraska State Line, where said line is intersected by U. S. Highway No. 138 and U.S. Highway No. 6.

There was no objection to the granting of said authority, as limited.

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

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

#### O R D E R

IT IS THEREFORE ORDERED, That B. L. Austin, Julesburg, Colorado, should be, and he hereby is, authorized to extend his operations under his Class "A" Permit, No. A-941, to include the right to haul bulk petroleum products, only, in intrastate commerce, from Bay Refinery, near Denver, to Julesburg, via U. S. Highway No. 85 and State Highway No. 2 and U. S. Highway No. 6, through Greeley to Sterling, or via U.S. Highway No. 6 to Sterling, and U. S. Highway No. 138, Sterling to Julesburg, and all intermediate points; also to Holyoke and intermediate points via same alternate routes, as far as Sterling, and U. S. Highway No. 6, Sterling to Holyoke; also to Wray and intermediate points, via said alternate routes, as far as Brush, thence via State Highway No. 54 to Wray; also to Idalia and intermediate points over U. S. Highway No. 40 to Strasburg, U. S. Highway No. 36, Strasburg to Idalia; also to Burlington and intermediate points, via U. S. Highway No. 40, Denver to Limon, and U. S. Highway No. 24, Limon to Burlington; and to Cheyenne Wells and intermediate points, via U. S. Highway No. 40; with the right to serve between Julesburg and Cheyenne Wells and all intermediate points along Colorado Highway No. 51 via any of said routes out of Denver; also between Denver refinery and the Colorado-Wyoming State Line and all intermediate points, via U. S. Highway No. 87, or via U. S. Highway No. 85.

IT IS FURTHER ORDERED, That said B. L. Austin should be, and he hereby is, authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a Class "A" private carrier by motor vehicle for hire in interstate commerce, for the transportation of bulk petroleum products, only, between Denver and points on the Colorado-Nebraska State Line, where said line is intersected by U. S. Highway No. 138 and U. S. Highway No. 6, said permit to bear the same number as applicant's intrastate permit, followed by the letter "I".

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,  
this 6th day of April, 1938.

MW

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF)  
VIRGIL LONG, DOING BUSINESS AS "B &  
L TRANSPORT", YUMA, COLORADO, FOR )  
AN EXTENSION OF HIS PRIVATE PERMIT )  
NO. A-970. )  
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APPLICATION NO. 2952-PP-B

-----  
April 6, 1938  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicant;  
Conour and Conour, Esqs., Denver,  
Colorado, for the North Eastern  
Motor Freight, Inc.

S T A T E M E N T

By the Commission:

On June 24, 1935, Permit No. A-970 was granted to Virgil Long, doing business as "B and L Transport", to conduct an interstate operation, transporting gasoline and petroleum products only, between Yuma, Colorado and the Colorado-Nebraska and Colorado-Kansas State Lines, and intermediate points, via U. S. Highway No. 36, Colorado Highways Nos. 54, 51 and 53.

By the instant application, the applicant seeks intrastate authority to transport liquid petroleum products in bulk only between Denver and Julesburg and intermediate points via U. S. Highways Nos. 6 and 138; between Denver and Holyoke and intermediate points, via U. S. Highway No. 6; between Denver and Wray and intermediate points, via U. S. Highway No. 6 and Colorado Highway No. 54; between Denver and Burlington, Colorado, and intermediate points, via U. S. Highways Nos. 40 and 24; between Denver and the Nebraska State Line and intermediate points, via U. S. Highways Nos. 40 and 36; and between Greeley and the above points.

It appeared from the testimony of the applicant that he has a contract with the Equity Co-operative Oil Company of Yuma, Colorado, and

in connection therewith desires authority to supply other cooperative organizations at the points above named; that he has filed with the Commission a statement of his assets and liabilities which shows total net assets of approximately \$12,000.00, among these assets being a tractor and semi-trailer and two Chevrolet trucks equipped to move liquid petroleum products in bulk.

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

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

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




#### O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-970 be, and the same hereby is, extended to include the transportation, in intrastate commerce, of liquid petroleum products in bulk only between Denver and Julesburg and intermediate points via U.S. Highways Nos. 6 and 138; between Denver and Holyoke and intermediate points via U. S. Highway No. 6; between Denver and Wray and intermediate points via U. S. Highway No. 6 and Colorado Highway No. 54; between Denver and Burlington and intermediate points via U. S. Highways Nos. 40 and 24; between Denver and the Nebraska State Line and intermediate points via U. S. Highways Nos. 40 and 36; and between Greeley, Colorado, via State Highway No. 2, connecting with and over each of the routes above described to the points thereon.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 6th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF)  
LESTER W. MC MANIS, IDAHO SPRINGS, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
HIS PRIVATE PERMIT NO. B-503 TO )  
BLANCHE JOHNSON, IDAHO SPRINGS, )  
COLORADO. )  
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APPLICATION NO. 3247-PP-AA

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April 6, 1938  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicant.

S T A T E M E N T

By the Commission:

Mr. Jones moved that the name of J. E. Johnson be eliminated from the application, which motion was granted.

The applicants herein seek authority to transfer Permit No. B-503. It was disclosed from the testimony that the consideration to be paid was \$600.00 and that no outstanding obligations or claims are known to exist against the previous operation under this authority, except a dispute between McManis and his transferor involving back taxes in the amount of \$150.00 due on a certain tract of land conveyed as consideration for the transfer of this permit under authority granted by the Commission in Decision No. 8429, date September 21, 1936. This dispute between the transferor and his predecessor is understood by the transferee and she is accepting such rights as the transferor may have in and to the permit here involved.

The transferee possesses three trucks and a trailer and is financially able to conduct the operation if given authority to acquire the same.

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

granted to make the transfer.

O R D E R

IT IS THEREFORE ORDERED, That Lester W. McManis be, and he hereby is, authorized to transfer all of his right, title and interest in and to Permit No. B-503, to Blanche Johnson of Idaho Springs, Colorado.

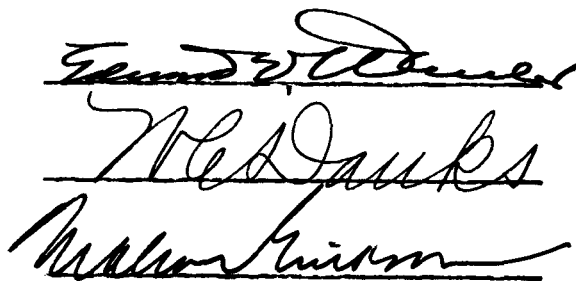
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted and, in the future, will comply with the conditions and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

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 6th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THEOBOLD TRUCK LINE, NORWOOD, )  
COLORADO, P. U. C. 888. )  
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CASE NO. 6939-Ins.

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April 4, 1938.  
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S T A T E M E N T

By the Commission:

In the above matter, an order was entered by the Commission on January 24, 1938, revoking the certificate of public convenience and necessity heretofore issued to the Theobold Truck Line in Application No. 3152. The ground for said revocation was the fact that no insurance was on file with the Commission as provided by law and our rules and regulations.

It now appears that at the time of said revocation, respondent did have effective insurance, but through the fault of the insurance agent, the certificate covering same had not been filed with the Commission.

We have been requested by respondent to reinstate said certificate.

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

O R D E R

IT IS THEREFORE ORDERED, That certificate of public convenience and necessity No. 888, heretofore issued to Theobold Truck Line, in Application No. 3152, should be, and the same is hereby, reinstated as of January 24, 1938.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Dancy

W. C. Danks

Malcolm B. Brown

Commissioners.

Dated at Denver, Colorado,  
this 4th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF H. H. BEATTY AND IONE BEATTY, )  
CO-PARTNERS, DOING BUSINESS UNDER )  
THE FIRM NAME AND STYLE OF QUARTSITE )  
GARAGE, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )  
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APPLICATION NO. 4474

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April 5, 1938.  
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Appearances: M. J. Mayes, Esq., Glenwood Springs, Colorado,  
attorney for applicants;  
Z. D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers Ass'n;  
S. A. Hammond, Red Cliff, Colorado,  
pro se;

S T A T E M E N T

By the Commission:

H. H. Beatty and Ione Beatty, his wife, doing business as Quartsite Garage, seek authority to establish a passenger service between Red Cliff and Gilman and return over U. S. Highway No. 24.

Applicants propose, if granted a certificate, to operate three times daily each way between Red Cliff and Gilman at a proposed fare of 25 cents one way or fifty cents round trip, with a charge of \$2.50 good for one round trip each day for a period of fifteen days. They propose also to put in operation a new 28-passenger Studebaker bus at an estimated cost of approximately \$2,000.00, which they would use in connection with one Hudson five-passenger sedan.

The evidence disclosed that the distance between Red Cliff and Gilman is between three and four miles. At Gilman, the Empire Zinc Company conducts a mining operation employing between five and six hundred men. Approximately one-third of these men live at Gilman, and the balance reside in about equal numbers at Red Cliff and Minturn. A number of men use their own cars in going to and returning from their work. Others are dependent upon bus transportation or else must ride with friends who drive their own cars.

The only bus transportation available at the present time is that rendered by S. A. Hammond, who operates under certificate of public convenience and necessity heretofore granted by the Commission and covering the transportation of passengers from both Minturn and Red Cliff to Gilman and return.

One of the applicants testified that, in her opinion, there was sufficient business for two lines between Red Cliff and Gilman. She also testified to the effect that the present bus operation was inadequate; that the bus was not properly equipped and maintained no bus station in the town of Red Cliff.

Applicants formerly were engaged in operating a bus line between Red Cliff and Gilman, and at the present time have a hotel, store and garage in Red Cliff. Several miners who work at Gilman and live in Red Cliff, testified concerning the present operation of S. A. Hammond. The gist of this testimony was to the effect that the main complaint against the operation of Hammond was the fact that he did not keep the bus properly heated and had no waiting room or place where his customers could stay pending the departure of the bus. Several of the witnesses indicated that, in their opinion, a number of men who are now driving their own cars probably would use the bus service if same were improved. The evidence did not disclose that men had not been able to reach their work on account of the bus running out of gas or having flat tires, and only one instance of a shortage of gasoline was brought out covering the entire period of Mr. Hammond's operation.

It was disclosed that Mr. Hammond had no garage in Red Cliff where he could store his bus, and that the miners had to go wherever the bus had been left the night before when they wanted to board it the next morning.

Mr. Hammond testified that he usually went down twenty minutes early and started the engine in order to warm the bus up, but the only heater in the car was the exhaust pipe which ran along the floor of the bus.

On behalf of protestant Hammond, the evidence further disclosed that he had been granted a certificate some four and one-half years ago. His charges for the trip are the same as those proposed by applicants. At the present time, he is hauling between 60 and 70 men from Red Cliff, and stated that any number less than 60 meant a non-profitable operation. Both Red Cliff and Gilman are at high altitudes and snow conditions in the winter are quite severe. He is operating a 1933 thirty-passenger bus which, however, has had a 1934 model engine placed therein. He took this big bus out of service last fall and used smaller equipment during the winter months. This was done in an endeavor to save on insurance costs.

It is quite evident to the Commission that the business between Red Cliff and Gilman would not justify two operations. We believe from the evidence that it is incumbent upon Mr. Hammond to improve his service. However, we believe that he should be given an opportunity to do this before another certificate is granted covering the same rights that he now enjoys. Unless the inadequacy of service is established beyond question, the Commission has heretofore in several cases held that new certificates should not be granted over routes already served without first giving the prior operator an opportunity of correcting his service to meet complaints made relative thereto. We believe the instant application should be denied at this time, but with the provision that same may be renewed at any time after sixty days from the date hereof, provided, in the meantime, that S. A. Hammond has not corrected his service to eliminate the complaints made by the public relative thereto and as pointed out in the discussion of the testimony herein. ✓

After a careful consideration of the record, the Commission is of the opinion, and so finds, that at this time the instant application should be denied, with the privilege, however, of renewing the same after a period of sixty days from the date hereof if S. A. Hammond has not made adequate provision to properly serve the traveling public between Red Cliff and Gilman.

#### O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby denied, provided, however, that same may be renewed at any

time after sixty days from the date hereof if S. A. Hammond has not, within said period of sixty days, improved his service by operating and maintaining adequate equipment to properly take care of his customers and by opening and maintaining a waiting room from which his bus will depart and arrive.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Wheeler

W. L. Danks

Charles H. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. W. KIRWIN, DOING BUSINESS AS )  
KIRWIN TRUCK LINE, YUMA, COLO- )  
RADO, PERMITS A-339 AND A-543. )  
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CASE NO. 4678

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April 6, 1938  
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Appearances: J. J. Patterson, Esq., Denver, Colorado,  
for the Commission;  
Marion F. Jones, Esq., Denver, Colorado,  
for the respondent;  
Conour and Conour, Esqs., Denver, Colo-  
rado, for Intervener, The North  
Eastern Motor Freight, Inc.

S T A T E M E N T

By the Commission:

On January 3, 1938, the Commission issued a show cause order against the respondent in reference to his operations under Permits A-339 and A-543, wherein we alleged that during the period May 26 to September 26, inclusive, 1936, and during the months of August and September, 1937, respondent accepted, transported and delivered numerous shipments of freight at and for rates and charges different and lower than the rates and charges fixed and prescribed by the Commission; that the respondent failed and neglected to keep proper road sheets covering operations under said permits, and that the respondent during the above periods issued improper and incomplete bills of lading which failed to disclose the kind of commodities transported by him, all in violation of law, the terms of said permits and the rules and regulations of the Commission.

At the hearing, the report of Oscar E. Mayer, Assistant Rate Expert for the Commission, was introduced in evidence and marked Exhibit 1, which report is supported by numerous bills of lading and abstracts thereof, marked Exhibit 3, also introduced in evidence, as well as by the testimony

of Mayer. Said Exhibit No. 1, being an abstract of the bills of lading and load sheets, introduced in evidence is as follows:

"November 15, 1936

"MEMORANDUM: To the Commission. Attention: J. J. Patterson.  
"FROM: Oscar E. Mayer.  
"SUBJECT: Investigation of J. W. Kirwin Truck Line,  
Permits A-339 and A-543.

"At the request of Attorney Richard E. Conour I made a check during the early part of November, 1936, covering the period from May 26th to September 26th, inclusive, 1936, of the J. W. Kirwin Truck Line, with the following results:

- "Has charged 4th class on drip-o-lators, should be second class.
- "Has charged 4th class on cash register, should be first class.
- "Has charged 4th class on display racks, should be first class.
- "Has charged 4¢ each on watermelons, Greeley to Yuma, should be third class.
- "Has charged 25¢ per cwt. on canned goods, Sterling to Holyoke, should be 28¢ cwt.
- "Has charged 4th class on fruit, should be third class.
- "Has charged 25¢ cwt. on groceries, Sterling to Yuma, should be 29¢ per cwt.
- "Has charged 30¢ on potatoes, Sterling to Wray, should be 41¢ per cwt.
- "Has charged 33¢ per cwt. on groceries, Sterling to Wray, should be 41¢ per cwt.
- "Has charged 10¢ per cwt. on flour, Greeley to Brush, should be 32¢ per cwt.
- "Has charged 4¢ each on watermelons, Greeley to Fort Morgan, should be 39¢ per cwt.
- "Has charged 4¢ each on watermelons, Greeley to Sterling, should be 48¢ per cwt.
- "Has charged 4¢ each on watermelons, Greeley to Brush, should be 41¢ per cwt.
- "Has charged 10¢ per cwt. on flour, Greeley to Brush, should be 32¢ per cwt.
- "Has charged 56¢ per cwt. on vegetables, Denver to Wray, should be 60¢ per cwt.
- "Has charged 30¢ per cwt. on groceries, Sterling to Wray, should be 41¢ per cwt.
- "Has charged 33¢ per cwt. on groceries, Sterling to Wray, should be 41¢ per cwt.
- "Has charged 30¢ per cwt. on potatoes, Sterling to Wray, should be 41¢ per cwt.
- "Has charged 48¢ per cwt. on fruit, Denver to Holyoke, should be 62¢ per cwt.
- "Has charged 10¢ per cwt. on flour, Greeley to Fort Morgan, should be 30¢ per cwt.
- "Has charged 47¢ per cwt. on vegetables, Denver to Burlington, should be 60¢ per cwt. (Bills not qualified.)
- "Has charged 33¢ per cwt. on groceries, Sterling to Wray, should be 41¢ per cwt.
- "Has charged 47¢ per cwt. on fruit and vegetables, Denver to Wray, should be 60¢ per cwt.
- "Has charged 25¢ per cwt. on tomatoes, Sterling to Wray, should be 52¢ per cwt.

"Has charged 10¢ per cwt. on flour, Greeley to Fort Morgan, should be 30¢ per cwt.

"Has charged 10¢ bushel on peaches, Denver to Wray, should be 60¢ per cwt.

"Has charged 10¢ bushel on peaches, Sterling to Wray, should be 52¢ per cwt.

"Has charged 44¢ per cwt. on vegetables, Denver to Yuma, should be 56¢ per cwt.

"Has charged 10¢ bushel on peaches, Denver to Yuma, should be 56¢ per cwt.

"There are numerous repetitions of the above violations.

"Respectfully submitted,

(Signed) Oscar E. Mayer

"Rate Clerk

OM-JH

"November 5, 1937.

"At the request of J. J. Patterson, I have made a further check of the operation of the J. W. Kirwin Truck Line, covered by the aforementioned permits, for the months of August and September, 1937, and beg to report as follows:

"Has charged 30¢ per cwt. on potatoes, Greeley to Yuma, should be 41¢ per cwt.

"Has charged 50¢ per cwt. on vegetables, Denver to Yuma, should be 56¢ per cwt.

"Has charged 44¢ per cwt. on vegetables, Denver to Yuma, should be 56¢ per cwt.

"Many shipments billed as merchandise and charged 4th class rate. (Bills not qualified.)

"Has charged 25¢ per cwt. on melons, Sterling to Yuma, should be 37¢ per cwt.

"Has charged 4th class on vegetables, Sterling to Wray, should be 3rd class.

"Has charged 33¢ per cwt. on groceries, Sterling to Wray, should be 41¢ per cwt.

"Has charged 30¢ per cwt. on potatoes, Greeley to Wray, should be 45¢ per cwt.

"Has charged 25¢ per cwt. on melons, Sterling to Wray, should be 41¢ per cwt.

"Has charged 4th class rate on vegetables, Denver to Burlington, should be 3rd class.

"Has charged 10¢ on flour, Burlington to Denver, should be 42¢ per cwt. on 5,000 lbs.

"Has charged 30¢ per cwt. on potatoes, Greeley to Burlington, should be 53¢ per cwt.

"Has charged 47¢ per cwt. on vegetables, Denver to Wray, should be 60¢ per cwt.

"Has charged 50¢ per cwt. on vegetables, Denver to Yuma, should be 56¢ per cwt.

"Has charged 6¢ per cwt. on flour, Brush to Fort Morgan, should be 17¢ on 10,000 lbs.

"Has charged 6¢ per cwt. on sugar, Brush to Fort Morgan, should be 17¢ on 10,000 lbs.

"Has charged 6¢ on sugar, Brush to Fort Morgan, should be 18¢ on 5,000 lbs.

"Has charged 6¢ on flour, Brush to Fort Morgan, should be 19¢ per cwt.

"Has charged 20¢ per cwt. on sugar, Brush to Yuma, should be 24¢ on 5,000 lbs.

"Has charged 10¢ on flour, Greeley to Brush, should be 32¢ per cwt.

"Has charged 6¢ on peaches, Brush to Fort Morgan, should be 25¢ per cwt.

"Has charged 44¢ on peaches, Denver to Yuma, should be 56¢ per cwt.

"Has charged 47¢ on peaches, Denver to Holyoke, should be 62¢ per cwt.

"Has charged 47¢ on peaches, Denver to Wray, should be 60¢ per cwt.

"Has charged 33¢ per cwt. on groceries, Sterling to Wray, should be 41¢ per cwt.

"Has charged 47¢ per cwt. on peaches, Denver to Burlington, should be 60¢ per cwt.

"Has charged 20¢ on peaches, Brush to Yuma, should be 35¢ per cwt.

"Has charged 50¢ per cwt. on fruit and vegetables, Denver to Wray, should be 60¢ per cwt.

"Has charged 25¢ per cwt. on cabbage, Sterling to Wray, should be 41¢ per cwt.

"Has charged 10¢ per cwt. on flour, Denver to Fort Morgan, should be 35¢ per cwt.

"Has charged 50¢ per cwt. on fruit and vegetables, Denver to Burlington, should be 60¢ per cwt.

"Has charged 50¢ per cwt. on fruit and vegetables, Denver to Yuma, should be 56¢ per cwt.

"Has charged 33¢ per cwt. on groceries, Sterling to Wray, should be 36¢ on 5,000 lbs.

"There have been many repetitions of the above violations.

"Effective September 1, 1937, Mr. Kirwin has charged third class rates to all points on fresh meats and packing house products and 4th class on all grocery items.

"Many of his bills of lading do not conform to the rules and regulations as laid down by the Commission, such as, so many pieces of merchandise and several consignors are on one bill of lading.

"Mr. Wood and myself discussed the matter of more than one consignor on one bill of lading with Mr. Kirwin on November 1, 1937, and he advised that all shipments were delivered to the Western States Grocery warehouse, and the B/L was merely a matter of identification. Have confirmed this in conversation with Mr. Mills, Traffic Manager of the Western States Grocery.

"In many other cases bills of lading not qualified in such a manner as to identify the nature of the commodities shipped. Total amount of undercharge for August and September, 1937, \$341.66.

"Respectfully submitted,

(Signed) Oscar E. Mayer  
Rate Clerk"

The intervener appearing herein, The North Eastern Motor Freight, Inc. is the owner and operator of a service competing with the respondent and alleges that the violations of law and orders of the Commission above-mentioned adversely affect the intervener.

The record herein shows numerous violations of the Commission's prescribed rates as set forth in various decisions in Case No. 1585, and many violations in the classification of commodities transported likewise in violation of the abovementioned order. The record further shows that bills of lading and load sheets used by the respondent are so incomplete that it is impossible to determine the classification and rate to be charged on many of the shipments made by him during the periods above named.

Answering the charges set forth in the show cause order, the respondent alleges that the wrong classification referred to was due to a misunderstanding on the part of the respondent as to the proper classification. As to his charging less on certain commodities than the rate prescribed by the Commission, he states that these rates were forced upon him by commercial carrier competition and that his service did not damage other "for-hire" carriers, but resulted in revenue to the State of Colorado, on account of road tax return.

The respondent further alleges that by charging less than the prescribed rate for his customer, the Safeway Stores, Inc., the mis-application of such rates did not harm other "for-hire" carriers because this service had theretofore been performed by the Safeway Stores, Inc. Answering the charge of not keeping properly executed load sheets, the respondent again says that it was due to a misunderstanding of the requirements, and as to itemizing of bills of lading, this occurred prior to the time the Commission sent out its circular defining their requirements, and that the respondent used his own best knowledge in meeting the requirements of the Commission.

The Respondent further claims that several months prior to the filing of the show cause order herein the respondent discovered his misclassifying of certain commodities and tried to make corrections, and that since receiving a copy of the complaint herein has billed all shipments at the rates prescribed by the Commission and has made an endeavor to charge

and collect for service as prescribed by the Commission.

Exhibits 1, 2 and 3 disclose that undercharges in connection with the service rendered by the respondent for the Safeway Stores, Inc., during the months of August and September, 1937, amount in the aggregate to \$341.66.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that the respondent has violated the law and the rules and regulations of the Commission by not keeping proper bills of lading and load sheets covering his operations, and has transported freight for the Safeway Stores, Inc., charging less for such transportation than the rates prescribed by the Commission in Case No. 1585, and that as a penalty for such violations respondent should be required to collect said undercharges from Safeway Stores, Inc. and pay to the Commission as a penalty under the provisions of Section 61 of the Public Utilities Act of Colorado, the sum of Five Hundred Dollars (\$500.00).

#### O R D E R

IT IS THEREFORE ORDERED, That J. W. Kirwin, doing business as The Kirwin Truck Line, immediately proceed to collect from Safeway Stores, Inc. the sum of \$341.66 as undercharges for freight transported for them during the months of August and September, 1937, and within 30 days from the date hereof furnish documentary proof to the Commission of the collection of said undercharges.

IT IS FURTHER ORDERED, That the said J. W. Kirwin pay to the Commission under the provisions of Section 61 of the Public Utilities Act of Colorado, the sum of \$500.00 as a penalty for the aforesaid violations of law and our rules and regulations, said payment to be made within 30 days

from the date hereof.

IT IS FURTHER ORDERED, That the jurisdiction of the instant case be, and the same is hereby retained to the end that such further order or orders may be made herein as to the Commission may seem necessary.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Daniels  
W. L. Danks  
Kenneth L. Smith  
Commissioners

Dated at Denver, Colorado,  
this 6th day of March, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF CHARLES E. EVERITT, doing busi- )  
ness as A-1 TRUCK LINE, DENVER, )  
COLORADO, FOR AN EXTENSION OF HIS )  
PRIVATE PERMIT NO. A-469 TO IN- )  
CLUDE THE TRANSPORTATION OF CANNED )  
MILK FOR ARAPAHOE FOOD STORES, )  
COLORADO SPRINGS, COLORADO, ONLY, )  
FROM FORT LUPTON AND BRIGHTON TO )  
COLORADO SPRINGS, VIA U.S. 85. )  
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APPLICATION NO. 4435-PP-B

-----  
April 6, 1938  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicant;  
R. E. Conour, Esq., Denver, Colorado,  
for Weicker Transportation Company,  
Intervener;  
Zene D. Bohrer, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers'  
Association and Fuller Truck Line.

S T A T E M E N T

By the Commission:

Charles E. Everitt, doing business as A-1 Truck Line of Denver, Colorado, the holder of private permit A-469, with authority to transport freight from Denver, Colorado, to Pueblo, Trinidad and intermediate points, by the instant application seeks an extension of his authority to include the transportation of canned milk for the Arapahoe Food Stores of Colorado Springs, Colorado, from Fort Lupton and Brighton to Colorado Springs, via U. S. Highway No. 85. It appeared that this extension was sought on account of the need for speedy service on the part of the Arapahoe Food Stores; that the milk companies whose products were to be transported were to pay the prescribed freight charges to the applicant; and that at the present time this product was moving via rail and has not proved to be a very satisfactory service.

R. P. Aldridge, Manager of the Arapahoe Food Stores, testified that they had used the Everitt service and found it to be very satisfactory, and that their company, at this time, was badly in need of more speedy service in the movement of canned milk from Fort Lupton to their stores at Colorado Springs; that it now takes three days to get canned milk from Fort Lupton to the stores at Colorado Springs, moving by rail, and that through truck service would be much better; and that if the applicant was authorized to render the service, shipment would be ten thousand pounds or more, at least three times per month, and might run as high as twenty thousand pounds.

It appeared that the applicant had not as yet entered into any contract with the milk companies, but was in a position to do so, provided authority was granted to him.

It was also disclosed that the Weicker Transportation Company rendered a truck service between Fort Lupton and Colorado Springs; that two trucks move daily between Fort Lupton and Denver, three or more between Denver and Colorado Springs; that on full truck loads this company is in a position to supply through, uninterrupted truck service between Fort Lupton and Colorado Springs; that they had contacted the Creamery at Fort Lupton and moved some freight between Denver and Fort Lupton, during 1937 and hope to do more business with this concern in the future, as they had been soliciting for this business several years and thought they would land more of it some day. It appeared that the Weicker truck service between Fort Lupton, Brighton and Denver had not been profitable but the daily service had to be maintained, and that Weicker had been furnishing an adequate, dependable service at a loss; that grant of the authority sought would impair efficiency of its operation.

After careful consideration of the record and testimony, the Commission is of the opinion and finds, that there is adequate authorized carrier service between Fort Lupton and Colorado Springs to handle all

movements of freight; that some convenience might follow if special authority was granted to move canned milk, but why such preference should be given for the movement of this one commodity did not appear, and the instant application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same hereby is denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. O'Connell

W. C. Danks

Charles E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of April, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN RE THE MATTER OF A GENERAL )  
INVESTIGATION OF THE FREIGHT RATES )  
AND CLASSIFICATION OF FREIGHT OF )  
ALL COMMON AND PRIVATE MOTOR )  
VEHICLE CARRIERS. )  
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CASE NO. 1585

SUPPLEMENTAL ORDER

-----  
April 2, 1938  
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S T A T E M E N T

By the Commission:

This matter is before the Commission upon a petition from James A. Schaeffer, doing business as the Schaeffer Truck Line (hereinafter referred to as Schaeffer), by Marion F. Jones, his agent, for an order prescribing column one and two rates of 79 and 62 cents per 100 pounds between Denver, Colorado and Climax, Colorado, for the purpose of alternating with the contemporaneous class rates, viz: First, \$1.03; Second, 88, Third, 72 and Fourth, 57.

The petitioner alleges in his petition that the column one and two rates above specified are the prescribed rates between Denver, Colorado, and Leadville, Colorado; that via Schaeffer's route Climax is an intermediate point between Denver and Leadville; that the publication of the class rates above mentioned without the alternative column one and two rates as requested would result on many commodities of the application of a higher rate to Climax than to Leadville; that on certain commodities the applicable rate to Leadville is sixty-two cents per 100 pounds, while the applicable class rates to Climax are seventy-two cents per 100 pounds or higher; that a shipper could ship to Leadville and transport his own merchandise from Leadville to Climax, thereby depriving Schaeffer of the tonnage entirely; that in order to guard against this potential loss in tonnage it is essential that the alternative rates be made effective at the same time.

After full consideration of the matter presented in the instant petition and the record as a whole, the Commission is of the opinion and so finds, that column one and two rates of 79 and 62 cents per 100 pounds should be published between Denver, Colorado, and Climax, Colorado, to alternate with the contemporaneous class rates, viz: First, \$1.03; Second, 88; Third, 72; and Fourth, 57, which will result in just, fair, reasonable and sufficient maximum and minimum rates for the transportation of less than truckload shipments of freight moving under class rates or percentages thereof, on Colorado intrastate traffic by motor vehicle common carriers, except as otherwise specifically provided for in previous orders, and minimum rates for private carriers by motor vehicle, except as otherwise specifically provided for in previous orders, when competing with duly authorized motor vehicle common carriers for substantially the same or similar service.

#### O R D E R

IT APPEARING, That on February 5, 1936, and various subsequent dates, the Commission made and filed in this proceeding statements of its findings of fact and conclusions thereon; that on said dates the Commission issued its orders to give effect to said conclusions.

IT FURTHER APPEARING, That after further consideration of all the facts, the Commission has on the date hereof made and filed a statement containing its further findings of fact and conclusions thereon, which said statement and the aforesaid statements of February 5, 1936, and various subsequent dates are hereby referred to and made parts hereof.

IT IS ORDERED, That the order heretofore entered in said proceeding in Case No. 1585 on February 5, 1936, as since amended, be, and it is hereby, further amended, supplemented or modified insofar as shall be necessary to give effect to the amended, supplemented or modified findings made in the aforesaid statement on further consideration herein, and that, except as herein amended, supplemented or modified, the above

stated order as amended shall continue in full force and effect.

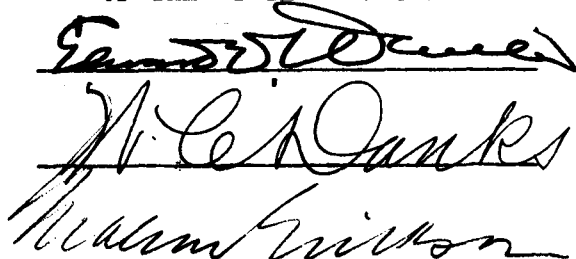
IT IS FURTHER ORDERED, That this order shall become effective on April 6, 1938, and that the rates and rules prescribed and approved in the aforesaid statement on further consideration shall be published by all affected motor vehicle common carriers operating in intrastate commerce on notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913; and that on and after said date all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than those herein prescribed.

IT IS FURTHER ORDERED, That all private carriers by motor vehicle subject to this order shall on and after April 6, 1938, cease and desist from demanding, charging or collecting rates which shall be less than those prescribed and approved in the aforesaid statement.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF EMERSON POLLOCK TO TRANSFER )  
CERTIFICATE NO. 726 TO WILLIAM F. )  
ACKLEY. )  
-----

APPLICATION NO. 1875-A

-----  
April 6, 1938.  
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Appearances: Emerson Pollock, Brush, Colorado,  
                  pro se;  
                  William F. Ackley, Snyder, Colorado,  
                  pro se;  
                  Zene D. Bohrer, Esq., Denver, Colorado,  
                  for North Eastern Motor Freight,  
                  Inc., North Eastern Motor Freight  
                  Company, Woods Truck Line and  
                  Brooks Transportation Company;  
                  Marion F. Jones, Esq., Denver, Colorado,  
                  for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On May 26, 1937, Decision No. 10055, application of Emerson Pollock to transfer his certificate of public convenience and necessity to William F. Ackley, was denied because it was not disclosed at the hearing how transferee proposed to conduct his operations under said certificate and his private carrier operations under his Permit No. A-18, so as to comply with our rule that motor carriers for hire may not, at the same time, be engaged in business as a common carrier and as a private carrier over the same route, using the same equipment and the same trade name.

On June 7, 1937, applicant transferee filed his statement, in writing, with the Commission, by which he stipulated that Permit No. A-18 should be modified by striking therefrom the right to transport livestock or farm produce, said commodities being the commodities authorized to be transported under Certificate No. 726, to or from points in the area described in said certificate.

On November 20, 1937, Decision No. 10962, the Commission approved the plan of operation proposed by Ackley and authorized Pollock to transfer the certificate, P.U.C. No. 726, to Ackley, with certain provisions and restrictions as to operations under the certificate and Ackley's Permit No. A-18, and also cancelled a part of the authority theretofore enjoyed by Ackley under his Permit No. A-18.

On December 13, 1937, North Eastern Motor Freight, Inc. and other carriers with whom Ackley competes, filed a petition for rehearing with the Commission, and asked that said order and Decision No. 10962 be vacated and set aside.

The Commission has carefully examined said petition for rehearing and considered each and every alleged assignment of error and believes:

1. As to the matters and things set forth in Paragraph No. 1 thereof, the Commission had jurisdiction to enter its Decision No. 10962; that said order was and is valid; that carriers who joined in the application for rehearing appeared at the hearing by sufferance of the Commission, being neither necessary nor indispensable parties or parties having a litigable interest in said proceedings within the provisions of the Public Utilities Act or Rule 6 of our Rules and Regulations Governing Motor Vehicle Carriers. See Consolidated Motor Freight vs. Perry, Case No. 4674, Decision No. 11624. That while application for rehearing was filed by said William F. Ackley on June 7, 1937, being within ten days of date of receipt of copy of our Decision No. 10055, nevertheless, had application been made later, and not prior to the effective date of order, the Commission, under the provisions of Section 49 of the Public Utilities Act,

Chapter 127, Session Laws of 1913, had authority to enter its Decision No. 10962, and amend, alter, or modify its Decision No. 10055 without formal hearing, upon notice to Pollock and Ackley, the carriers affected, only. See Rio Grande Motor Way, vs. Haley Trone, Case No. 1996, Decision No. 11623.

2. That further hearing, as set forth in Paragraphs Nos. 3 and 6 of said petition before the Commission had authority to enter its order amending private permit No. A-18, is not required under the provisions of the Private Carrier Act or the Public Utilities Act, and the Commission was not required to notify the carriers, if any, who perhaps competed with said Ackley, see Rio Grande Motor Way v. Trone, supra; said amendment not being an extension or enlargement of said permit, but a restriction of the terms thereof and reduction of the service authorized thereunder.

3. That the statement contained in Paragraph No. 4 of said application is unwarranted and unfounded, for, in the opinion of the Commission, a combination of Ackley's common carrier and private carrier operations is prohibited by the terms of the order. If he violates the conditions upon which transfer was allowed, the Commission can impose such penalty as it deems advisable.

After a careful consideration of each and every alleged error assigned in said petition for rehearing and the rules and regulations of the Commission and the law applicable to motor vehicle carriers and private carriers, the Commission is of the opinion, and finds, that said alleged petition for rehearing should be denied and said Order and Decision No. 10962 should remain in full force and effect.

#### O R D E R

IT IS THEREFORE ORDERED, That the petition of North Eastern Motor Freight, Inc., North Eastern Freight Company, Woods Truck Line and Brooks Transportation Company, for order of the Commission, vacating its order and Decision No. 10962, and granting a rehearing herein upon its

petition filed December 13, 1937, should be, and hereby is, denied.

IT IS FURTHER ORDERED, That this order shall become effective  
twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Dineen

W. C. Danks

Wm. E. Sisson

Commissioners.

Dated at Denver, Colorado,  
this 6th day of April, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
JAMES N. & HAROLD VANNORSDEL. )  
..... )

PERMIT NO. C- 6466

April 8, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James N. and  
Harold Vannorsdel of 329 No. Meldrum St., Ft. Collins, Colo.  
requesting that his Permit No. C- 6466 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 6466, heretofore issued  
to James N. and Harold Vannorsdel, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*James N. and Harold Vannorsdel*  
*W. C. Danks*  
*Walter H. Wilson*  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THE JOY MOTOR COMPANY, OF MEEKER, ) PERMIT NO. C-6706  
COLORADO. ) PERMIT NO. A-1994  
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-----  
April 8, 1938  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Joy Motor Company, of Meeker, Colorado, stating:

"Kindly be advised that the reason that we cancelled our insurance for hauling coal under our permit A-1994 and C-6706 is that we have suspended operations for the time being.

"We do not have any hauling at the present time and our trucks are stored. Since our operations will be suspended until next fall, we thought it advisable to cancel insurance until such time as we commence operations again."

After careful consideration, the Commission is of the opinion, and so finds, that Permit No. C-6706 should be cancelled and Permit No. A-1994 suspended for a period of not to exceed six months.

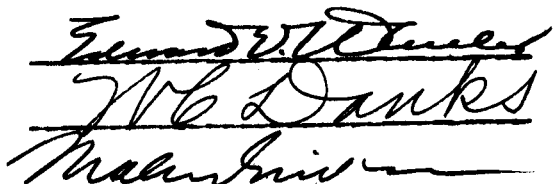
O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-6706, heretofore issued to the Joy Motor Company, be, and the same is hereby, declared cancelled.

IT IS FURTHER ORDERED, That the Joy Motor Company should be, and hereby is, allowed to suspend operations under Permit No. A-1994 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Joy Motor Company shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
LIZZIE C. ADAMS.  
.....)

PERMIT NO. C- 6676

April 8, 1938

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Lizzie C. Adams \_\_\_\_\_ of 809 Chestnut St., \_\_\_\_\_ Canon City \_\_\_\_\_,  
requesting that his Permit No. C-\_\_\_\_\_ 6676 \_\_\_\_\_ be cancelled.

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

## O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-<sup>6676</sup>-----, heretofore issued  
to Lizzie C. Adams,----- be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

James W. Turner  
McDermott  
Malcolm B. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. M. MANLOVE, OF 415 ADELAIDE, )  
COLORADO SPRINGS, COLORADO. )  
-----

PERMIT NO. A-2023

\* \* \* \* \*  
April 8, 1938  
\* \* \* \* \*

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. M. Manlove requesting that his Permit No. A-2023 be suspended until September 1, 1938.

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

O R D E R

IT IS THEREFORE ORDERED, That W. M. Manlove should be, and hereby is, allowed to suspend his operations under Permit No. A-2023 until September 1, 1938.

IT IS FURTHER ORDERED, That unless said W. M. Manlove shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Wheeler

McDauks

Walter J. Wilson  
Commissioners

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
FLOYD PAIZ. )  
PERMIT NO. C- 6980  
\_\_\_\_\_ )

April 8, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Floyd Paiz \_\_\_\_\_ of Rt 5, Box 134 Highland Station, Denver  
\_\_\_\_\_ , \_\_\_\_\_ ,  
requesting that his Permit No. C-\_\_\_\_\_ 6980 be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-\_\_\_\_\_ 6980  
Floyd Paiz,  
to \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edmund V. Wheeler*  
*W. C. Danks*  
*Malcolm G. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
CLARENCE O. BUCK. )  
PERMIT NO. C- 5090  
.....)

.....  
April 8, 1938.  
.....

S T A T E M E N T

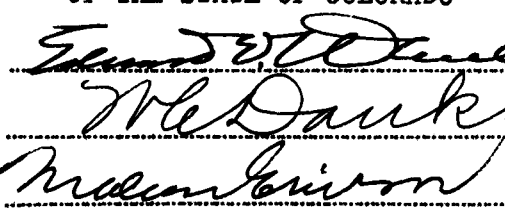
By the Commission:

The Commission is in receipt of a communication from .....  
Clarence O. Buck                      Eads                      Colorado  
..... of .....,  
requesting that his Permit No. C-5090 be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-5090, heretofore issued  
to Clarence O. Buck, be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

KENNETH CASTLE.

PERMIT NO. C- 7731

April 8, 1938

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from Kenneth Castle, doing business as Castle Fruit Company of Oberlin, Kansas, requesting that his Permit No. C-7731 be cancelled.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-7731, heretofore issued to Kenneth Castle, doing business as Castle Fruit Company, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward W. Turner  
W. C. Banks  
Klaus Friesen  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1938.

**R**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
RAYMOND R. DAVIS.  
)  
)  
-----)

PERMIT NO. C-7688

April 8, 1938

## S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Raymond R. Davis \_\_\_\_\_ of \_\_\_\_\_ Alamosa \_\_\_\_\_ Colorado \_\_\_\_\_,  
requesting that his Permit No. C-7688 \_\_\_\_\_ be cancelled .

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

## O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7688, heretofore issued to Raymond R. Davis, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Turner  
W. C. Sparks  
M. C. Emerson  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
C. C. WATKINS. )  
 ) PERMIT NO. C- 7784  
 )  
 )  
 )

April 8, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
C. C. Watkins, \_\_\_\_\_ of 619 Stover St., Ft. Collins, \_\_\_\_\_,  
requesting that his Permit No. C- 7784 \_\_\_\_\_ be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 7784 \_\_\_\_\_, heretofore issued  
to C. C. Watkins, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. J. Danks*  
*W. C. Danks*  
*W. C. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
MARVIN BARNES.  
.....)

PERMIT NO. C- 7635

April 8, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Marvin Barnes of 1005 N. 19th St., Colorado Springs,  
requesting that his Permit No. C-7635 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-7635 heretofore issued to Marvin Barnes, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward W. Danks*  
*W. D. Danks*  
*W. D. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
FRANK J. DAVES, OF 3517 SOUTH ) APPLICATION NO. 4190-PP  
SANTA FE, LITTLETON, COLORADO. )  
-----

-----  
April 8, 1938  
-----

S T A T E M E N T

By the Commission:

On March 29, 1938, in Application No. 4190-PP, Decision No. 11620, the Commission granted Frank J. Daves authority to operate as a Class "A" private carrier by motor vehicle for hire. However, the application was not completed, applicant not having filed insurance, etc., and applicant was not given a permit number.

The Commission is now in receipt of a communication from applicant, which states

"Kindly suspend my application 4190-PP for private carrier permit, which was granted March 29, 1938, for a period of six months as I will not be able to use it until the coal hauling period in the fall."

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

O R D E R

IT IS THEREFORE ORDERED, That Frank J. Daves should be, and hereby is, allowed to suspend Class A permit granted in Application No. 4190-PP, Decision No. 11620, for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless Frank J. Daves shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit without further action by the Commission shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward V. Daves*  
*W. C. Daves*  
*W. C. Daves*

Commissioners

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
D. A. BYES, OF 518 N. ROYER, ) PERMIT NO. A-348  
COLORADO SPRINGS, COLORADO. )  
-----

-----  
April 8, 1938  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-named permittee requesting that his Permit No. A-348 be suspended for a period of six months.

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

O R D E R

IT IS THEREFORE ORDERED, That D. A. Byes should be, and hereby is, allowed to suspend his operations under Permit No. A-348 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said D. A. Byes shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Dineen*

*W. C. Danks*

*Walter E. Quinn*

Commissioners

Dated at Denver, Colorado,  
this 8th day of April, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS     )  
OF C. T. McADAMS, OF HUDSON,     )  
COLORADO.                             )  
-----

PERMIT NO. B-1188

-----  
April 8, 1938 .  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from above named permittee stating that he is not operating at the present time.

After careful consideration, the Commission is of the opinion, and so finds, that said permit No. B-1188 should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That C. T. McAdams should be, and hereby is, allowed to suspend his operations under Permit No. B-1188 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said C. T. McAdams shall, prior to expiration of said suspension period, reinstate said permit by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Turner  
W. C. Danks  
Walter Lewis  
Commissioners

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WALTER HOOPS, OF GRAND ISLAND, )  
NEBRASKA. )

INTERSTATE PERMIT NO. B-1747-I

-----  
(422 East 4th St.)

-----  
April 8, 1938  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Walter Hoops,  
under date of March 31, 1938, which states:

"I wish to change my private permit to a common carrier."

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

O R D E R

IT IS THEREFORE ORDERED, That Interstate Permit No. B-1747-I, here-  
tofore issued to Walter Hoops, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Danks

W. C. Danks

Walter H. Hinson

Commissioners

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THE TAYLOR MERCANTILE COMPANY, )  
OF BREEN, COLORADO. )  
-----

P. U. C. No. 389

-----  
April 8, 1938  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Wayne Taylor, doing business as the Taylor Mercantile Company, which states:

"I would like to suspend my common carrier permit number 389 and in the meantime try to sell it."

After careful consideration, the Commission is of the opinion, and so finds, that certificate No. 389 should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That the Taylor Mercantile Company should be, and hereby is, allowed to suspend its operations under Certificate No. 389 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Taylor Mercantile Company shall, prior to expiration of said suspension period, reinstate said certificate by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Danks

W. L. Danks

Commissioners  
Commissioners

Dated at Denver, Colorado,  
this 8th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE FREE TRANSPORTATION BY THE DENVER )  
AND SALT LAKE RAILWAY COMPANY FROM )  
OAK HILLS, COLORADO, ON TWO CARLOADS ) MISCELLANEOUS DOCKET NO. 97.  
OF COAL, CONSIGNED TO THE DENVER COM- )  
MUNITY CHEST, DENVER, COLORADO. )  
-----

-----  
April 8, 1938.  
-----

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver and Salt Lake Railway Company, by F. J. Toner, its Traffic Manager, dated April 5, 1938, requesting authority to transport two carloads of coal free of charge from Oak Hills, Colorado, on account of charity.

The shipment in question has been donated by one of the shippers on the line of The Denver and Salt Lake Railway Company to the Community Chest Office Building and the Epworth Industries, agencies of the Denver Community Chest, a charitable institution, and is to be used for charity.

Section 17, Paragraph (c) of The Public Utilities Act provides that the Commission may by rule or order authorize carriers to depart from their published tariff rates.

After full consideration of the facts, as set forth, the Commission finds that the request should be authorized.

An appropriate order will be entered.

O R D E R

IT IS THEREFORE ORDERED, That The Denver and Salt Lake Railway Company be, and it is hereby, authorized to protect a free rate on two carloads of coal from Oak Hills, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of the Moffat Coal Company.

IT IS FURTHER ORDERED, That this order shall not be used as a precedent for other cases of a similar nature.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Danks

W. E. Danks

Walter E. Danks

Commissioners.

Dated at Denver, Colorado, this  
8th day of April, 1938.

JH

Decision No. 11693.

Misc. Docket No. 97

**THE DENVER AND SALT LAKE RAILWAY CO.**

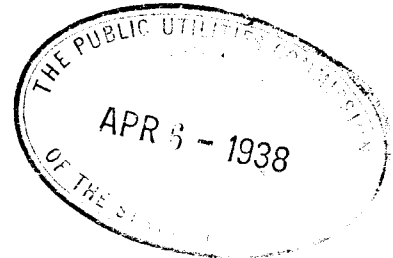
Dated - April 8, 1938

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER  
TRAFFIC MANAGER

April 5, 1938.



Public Utilities Commission  
of the State of Colorado,  
State Office Building,  
Denver, Colorado.

Gentlemen:

One of the operators on our line has donated two carloads of coal to the Denver Community Chest for use of the Community Chest Office Building and the Epworth Industries. These cars will be consigned to the Denver Community Chest in care of the Moffat Coal Company, Denver.

In view of the above, we shall be pleased to haul these cars of coal free of charge from the mines at Oak Hills, Colorado to Denver and we request your authority in line with Section 17-C of the Public Utilities Act to grant this free billing.

If consistent, we shall appreciate receiving this authority in duplicate.

Yours truly,

A handwritten signature in cursive script that reads "F. J. Toner".

Traffic Manager.  
K

C

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

HARRY PAYNE )

PERMIT NO. C- 1806

April 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Harry Payne Buena Vista Colorado  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C-1806 be cancelled .

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1806, heretofore issued  
to Harry Payne, \_\_\_\_\_ be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward W. Bailey*  
*W. C. Banks*  
*W. C. Banks*  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of April, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
CHARLES W. FINCH. )  
PERMIT NO. C-4962 )  
..... )

.....  
April 9, 1938  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Charles W. Finch                      Loop Route A                      Colorado Springs  
..... of .....,  
requesting that his Permit No. C-4962 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-4962, heretofore issued  
to Charles W. Finch, ..... be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
*[Signature]*  
*[Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ERNEST LUCKE, OF BURLINGTON, )  
COLORADO. )  
-----

PERMIT NO. A-652  
PERMIT NO. A-652-I

-----  
April 9, 1938  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ernest Lucke, holder of Permits Nos. A-652 and A-652-I, which contains statement, "I do not intend trucking for a couple of months at least or maybe more till there is enough business to operate."



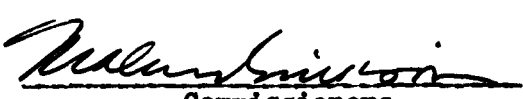
After careful consideration, the Commission is of the opinion, and so finds, that said permits should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That Ernest Lucke should be, and hereby is, allowed to suspend his operations under Permits Nos. A-652 and A-652-I for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Ernest Lucke shall, prior to expiration of said suspension period, reinstate said permits by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private and interstate carrier permits, said permits, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 9th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
PETE SORGENFREI. )  
\_\_\_\_\_ )

PERMIT NO. C- 5066

April 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Pete Sorgenfrei of Box 1037 Greeley, Colo.,  
requesting that his Permit No. C- 5066 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 5066, heretofore issued to \_\_\_\_\_ Pete Sorgenfrei, \_\_\_\_\_ be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. J. Daniels*  
*W. C. Banks*  
*Wm. J. ...*  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of April, 1938

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HENRY O. BROWN, OF ROUTE 2, ) PERMIT NO. A-1166  
GLENWOOD SPRINGS, COLORADO. )  
-----

-----  
April 9, 1938  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee stating, "This is to inform you that on March 31, 1938, I shall discontinue hauling for hire under Permit A-1166."

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-1166, heretofore issued to Henry O. Brown, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward V. O'Connell*  
*W. L. Danks*  
*Walter H. Hinson*  
Commissioners

Dated at Denver, Colorado,  
this 9th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
EDDIE B. MILLER. )  
 )  
 )  
----- )

PERMIT NO. C- 7802

-----  
April 9, 1938  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from -----  
Eddie B. Miller of 1381 W. Alameda Denver, Colorado  
-----,  
requesting that his Permit No. C- 7802 be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C- 7802, heretofore issued  
to Eddie B. Miller, ----- be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. J. Thomas*  
-----  
*W. L. Danks*  
-----  
*W. A. Smith*  
-----  
Commissioners.

Dated at Denver, Colorado,  
this 9th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
M. B. STONE AND A. L. KAUFMAN, DOING )  
BUSINESS AS "THE CANNON BALL STAGE ) APPLICATION NO. 1350-A-B  
LINES" FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )  
-----

-----  
April 11, 1938.  
-----

Appearances: R. Russell McKelvey and F. V. Emigh,  
Esqs., Durango, Colorado, for  
the applicants;  
Marion F. Jones, Esq., Denver, Colo-  
rado, for The Colorado Trucking  
Association;  
T. A. White, Esq., Denver, Colorado,  
for the Denver and Rio Grande  
Western Railroad Company, and Rio  
Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Heretofore, M. B. Stone and A. L. Kaufman, doing business as  
"Cannon Ball Stage Lines" were authorized to operate as "Motor Vehicle  
Carriers" for hire, for the transportation, on schedule, of passengers,  
baggage, express and newspapers from Durango, Colorado, to Cortez, Colorado,  
and Dolores, Colorado, being PUC No. 59.

Applicants also, under a certificate of public convenience and  
necessity issued by the Interstate Commerce Commission, operate a motor  
vehicle transportation system as a common carrier in interstate commerce  
for the transportation of passengers, baggage, express, mail and newspapers  
between Durango and Gallup and all intermediate points, via Aztec, Farmington  
and Shiprock, over U. S. Highway No. 60.

On February 7, 1938, said applicants were authorized by the Inter-  
state Commerce Commission to extend said interstate service to include the  
transportation of passengers and their baggage, express, mail and newspapers

in the same vehicle with passengers, in both directions, between Dolores and Shiprock, serving all intermediate points over State Highway No. 145, U. S. Highway No. 160, U. S. Highway No. 666, and the off-route point of Towaoc.

Applicants herein seek an extension of their said certificate of public convenience and necessity to include the right to transport passengers, baggage, express, mail and newspapers, by motor vehicle, in intrastate and interstate commerce, on schedule, between Dolores, Colorado and the Colorado-New Mexico state line and all intermediate points over state highway No. 145 and U. S. Highways No. 160 and No. 666, said operation to be linked with and made a part of their intrastate and interstate operations now conducted by them.

There was no objection to the granting of the extension sought.

The evidence disclosed that applicants propose to operate one round trip daily over said route between Cortez in Colorado, and Shiprock in New Mexico, their bus to connect at Shiprock with the interstate operation between Gallup and Durango via Aztec, Farmington and Shiprock; that applicants propose to use in this extended service, one 1937 Ford V-8 bus of the value of \$1,500; that said applicants have adequate assets to properly finance and conduct the proposed service; that there are no motor vehicle carriers, steam railroads, or other transportation services operating over the route proposed to be served by applicants in intrastate or interstate commerce; that passengers wishing to travel from Cortez and the territory adjacent thereto, under existing transportation service, must travel a round-about way, at a great loss of time; that after a survey of the territory to be served, applicants are of the opinion that the operation can be conducted profitably.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity requires the proposed motor vehicle transportation service of applicants, and that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed extended motor vehicle operation of applicants for the transportation, in intrastate commerce, of passengers, baggage, express, mail and newspapers, by motor vehicle, between Dolores, Colorado, and the Colorado-New Mexico State Line and all intermediate points, over State Highway No. 145, U. S. Highway No. 160 and U. S. Highway No. 666, including the off-route point of Towaoc, and that this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That said applicants should be, and they hereby are, authorized to operate a "motor vehicle carrier" transportation system for the transportation of passengers and their baggage, express, mail and newspapers in the same vehicle with passengers, in interstate commerce, in both direction, between Dolores, Colorado, and a point on the Colorado-New Mexico State Line, where it is intersected by U. S. Highway No. 666, over Colorado Highway No. 145, U. S. Highway No. 160 and U. S. Highway No. 666, with the right to serve all intermediate points, including the off-route point of Towaoc, subject to the provisions of the Federal Motor Carrier Act of 1935, and that interstate permit bearing the number "59-I" should issue therefor.

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

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made

subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Dineen

W. C. Danks

Walter L. Brown  
Commissioners

Dated at Denver, Colorado,  
this 11th day of April, 1938.