

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. J. UTT, DURANGO, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 4460

April 11, 1938.

Appearances: Louis M. Perkins, Esq., Durango, Colorado,
for the applicant;
T. A. White, Esq., Denver, Colorado, for
the Rio Grande Motor Way, Inc.,
and Denver and Rio Grande Western
Railroad Company;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Associa-
tion, Wood and Morgan, La Plata
Transfer and Ignacio Transfer.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity to operate as a "Motor Vehicle Carrier" for hire, for the transportation of passengers, baggage, express and light freight in shipments of not to exceed one hundred pounds, on schedule, between Durango, Colorado and the site of the proposed Pine River Dam, via Ignacio, with the right to serve all intermediate points.

Applicant was the only witness appearing in his behalf. Among other things, he stated that there was not room for two operations of the character he sought, and that if one C. H. Cole had been authorized to operate between Durango and said dam site, he did not want the certificate.

The records and files of the Commission show that one C. H. Cole, on February 14, 1938, Decision No. 11396, was authorized, after hearing held on December 28, 1937, to operate as a "Motor Vehicle Carrier" between Durango and Vallecito Dam Site and intermediate points and between Ignacio and said Dam Site and intermediate points, except points Durango to Bayfield, Durango to Ignacio and Ignacio to Bayfield, for the transportation of passengers,

baggage and package freight.

In view of statement of applicant, the Commission is of the opinion, and finds, that said application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application 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 W. Danks

W. E. Danks

W. E. Danks

Commissioners.

Dated at Denver, Colorado,
this 11th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. C. TUCKER, SR., AND/OR R. C. TUCKER)
JR., DOING BUSINESS AS "BASIN FEED AND)
SEED STORE", DOLORES, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A PRI-)
VATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 4461-PP

April 11, 1938.

Appearances: F. C. Krouse, Denver, Colorado, for Rio
Grande Southern Railway Company.

S T A T E M E N T

By the Commission:

R. C. Tucker, Sr. and R. C. Tucker, Jr., co-partners, doing business
as "Basin Feed and Seed Store" of Dolores, filed the above styled application
for a Class "B" permit.

Applicants, in writing, subsequent to the setting of the above styled
matter for hearing, asked 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 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 V. O'Driscoll
W. H. Danks
W. H. Danks
Commissioners.

Dated at Denver, Colorado,
this 11th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM CRAIG TO TRANSFER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
NO. 285 TO CARL TEBBS, CORTEZ, COLO.)

APPLICATION NO. 1019-B-A
1019-A

April 11, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for William Craig and Carl Tebbs,
applicants;
F. C. Krouse, Denver, Colorado, for Rio
Grande and Southern Railway Company.

S T A T E M E N T

By the Commission:

Application No. 1019, Decision No. 1852, on July 27, 1928, William Craig was authorized to operate as a "Motor Carrier" for the transportation, between Cortez and Dolores, of freight and express shipments weighing in excess of twenty-five pounds, and the transportation between Cortez and McElmo of passengers, freight and express, and freight and express regardless of weight, between Dolores and McElmo and points intermediate to Cortez and McElmo.

On February 24, 1930, in Application No. 1019-B, Decision No. 2743, said certificate was amended to include the right to transport freight and express, without respect to weight, between Dolores and Cortez.

Applicant now seeks authority to transfer said certificate to Carl Tebbs.

The evidence disclosed that transferee is pecuniarily able and otherwise qualified to carry on the operation; that there are no unsatisfied claims growing out of the operations of transferor under said certificate.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said William Craig should be, and he hereby is, authorized to transfer said certificate of public convenience and necessity No. 283 to Carl Tebbs.

O R D E R

IT IS THEREFORE ORDERED, That William Craig should be, and he hereby is, authorized to transfer all of his right, title and interest in and to certificate of public convenience and necessity No. 283 to Carl Tebbs.

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 T. Danks

W. L. Danks

Walter Danks
Commissioners.

Dated at Denver, Colorado,
this 11th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED HERRMANN, SAN ACACIO, COLORADO,)
FOR AUTHORITY TO EXTEND PRIVATE PER-)
MIT NO. B-1539.)

APPLICATION NO. 3183-PP-B

April 11, 1938.

Appearances: T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado, for The
Motor Truck Common Carriers' Assn.

S T A T E M E N T

By the Commission:

The above styled application was regularly set for hearing at Alamosa, Colorado, on March 22, 1938, at 9:30 o'clock A. M.

Applicant, although duly notified, failed to appear, but by letter, asked the Commission to "Cancel our hearing for extension of our permit".

Protestants appearing at the hearing 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 for extension should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application be, and the same 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

Edward D. Dineen

W. C. Danks

W. C. Danks

Commissioners.

Dated at Denver, Colorado,
this 11th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE ALBER, HOTCHKISS, COLO-)
RADO, P. U. C. NO. 1035.)

CASE NO. 4694

April 9, 1938.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that George Alber, the above named respondent, was heretofore issued a certificate of public convenience and necessity, No. 1035, 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 Colorado, 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.

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 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, 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 days from this date, why it should not enter an order, because of the aforesaid delinquencies, 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 27th 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 V. Daniels

W. L. Danks

Walter H. H. H. H.

Commissioners.

Dated at Denver, Colorado,
this 9th 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)
HAYBRO, COLORADO, ON ONE CARLOAD OF) MISCELLANEOUS DOCKET NO. 98.
COAL, CONSIGNED TO THE DENVER COM-)
MUNITY CHEST, DENVER, COLORADO.)

April 9, 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 6, 1938, requesting authority to transport one carload of coal free of charge from Haybro, 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 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 one carload of coal from Haybro, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of the Goody-Courter Coal Company, 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

Edward D. Wheeler

W. C. Danks

Wesley E. Smith
Commissioners.

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

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
E. S. BALDWIN, ALAMOSA, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 4483-PP

April 11, 1938.

Appearances: Charles H. Allen, Esq., Alamosa,
Colorado, for applicant;
T. A. White, Esq., Denver, Colo-
rado, for the Rio Grande Motor
Way, Inc.;
Marion F. Jones, Esq., Denver,
Colorado, for The Colorado
Trucking Association, Lute Vance,
Richard Postel and Adolph Arguello;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
E. B. Faus, Monte Vista, Colorado,
for Pueblo-San Luis Valley Trans-
portation Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a permit to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of gravel and sand from gravel pits located about fourteen miles distant from Alamosa to construction jobs at Alamosa and wood from Mount Blanca and Trinchera Creek to Alamosa.

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 E. S. Baldwin, Alamosa, 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 gravel and sand from gravel pits located about fourteen miles distant from Alamosa to con-

struction jobs at Alamosa and wood from Mount Blanca and Trinchera Creek to Alamosa.

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 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 become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. C. Danks

William J. Dineen
Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1938.

R

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hlec. 11702
Miss. Hockett 98
Dated April 8, 1938.
Miss. Hockett 98

THE DENVER AND SALT LAKE RAILWAY CO.

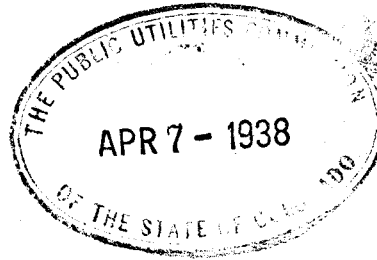
OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

April 6, 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 Goody-Courter Coal Company, Denver.

In view of the above, we shall be pleased to haul this car of coal free of charge from the mine at Maybro, 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

U

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE INVESTIGATION BY THE COMMISSION)
OF THE RATES AND CHARGES OF THE)
MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY RELATIVE TO THE)
SO-CALLED "HAND SET" TYPE OF SERVICE.)

CASE NO. 4677

April 9, 1938

Appearances: J. J. Patterson, Esq., Denver, Colorado,
attorney for the Commission;
J. R. Turnquist and P. A. Holland,
Denver, Colorado, representing
The Mountain States Telephone and
Telegraph Company.

S T A T E M E N T

By the Commission:

On December 23, 1937, the Commission entered an order, on its own motion, requiring respondent, The Mountain States Telephone and Telegraph Company to answer the complaint of the Commission as to the reasonableness of the rates and charges of said respondent in connection with its present surcharge for the use of the regular so-called "Hand Set" type of service to its customers.

Thereafter, on January 21, 1938, said respondent filed its answer, alleging, inter alia, that its rates and charges for furnishing "Hand Sets" were just, reasonable and fair, and have been and now are necessary for the proper conduct of its business.

Our order of December 23, 1937, sets forth that said surcharge amounts to the sum of fifteen cents per month for a period of eighteen months. Since the issuance of said order and the filing of said answer by respondent, several conferences have been held by the Commission with representatives of said respondent company, having in view a settlement of the issues created

by said show cause order and answer of respondent. As a result of said conferences, it was stipulated and agreed, with the consent of the Commission, by the attorney for the Commission and the attorneys representing respondent at the formal hearing of said case on April 7, 1938, that an order be issued by the Commission requiring said respondent to cease and desist from making any surcharge for the use of the regular "Hand Set" type of equipment in Colorado on the first billing dates on and after June 1, 1938, save and except that those subscribers who were receiving such service from said respondent for less than an eighteen-month period prior to said billing dates, be required to continue to pay the said fifteen cents per month surcharge until their total payments under said surcharge, both before and after the said billing dates, have amounted to a sum equivalent to the change of equipment charge provided for in tariff of respondent.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said stipulation is a fair and reasonable adjustment of the instant controversy and should be made effective by proper order of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That, commencing on the first billing dates on and after June 1, 1938, The Mountain States Telephone and Telegraph Company, respondent herein, shall cease and desist from assessing and collecting from any of its users of the regular so-called "Hand Set" equipment its present surcharge of fifteen cents per month for a period of eighteen months, or any surcharge for any period whatsoever, save and except that those patrons of respondent who have been subscribers to the regular "Hand Set" type of service for a period of less than eighteen months prior to said billing dates, be assessed and charged for the use of said special equipment the sum of fifteen cents per month until the total payments made by said subscribers, both before and after the first billing dates on and after June 1, 1938, for

the use of said regular "Hand Set" equipment, shall have amounted to a sum equivalent to the change of equipment charge provided for in the tariff of respondent.

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

William H. Harrison
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 COMPLAINT)
OF LEAMON RESLER AND THE COLORADO)
TRUCKING ASSOCIATION AS TO THIRD)
REVISED GENERAL ORDER NO. 39 AND)
THIRD REVISED GENERAL ORDER NO. 42.)

CASE NO. 4695

April 11, 1938.

S T A T E M E N T

By the Commission:

On the 3rd day of March, 1938, the Commission adopted and promulgated Third Revised General Order No. 39 and Third Revised General Order No. 42. Said orders provided that the same would become effective April 15, 1938.

We are now in receipt of a complaint filed by Leamon Resler and The Colorado Trucking Association, requesting that the effective date of said orders be vacated, pending a hearing relative to the power and authority of the Commission to promulgate said orders.

After a careful consideration of said complaint, the Commission is of the opinion, and so finds, that said request contained therein should be granted, and that the effective date of said orders should be suspended, pending the further order of the Commission, and that the entire question be set down for hearing.

O R D E R

IT IS THEREFORE ORDERED, That the effective date of said Third Revised General Orders Nos. 39 and 42 be, and the same is hereby, suspended, pending the further order of the Commission.

IT IS FURTHER ORDERED, That the question of the adoption of said General Orders be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 350 State Office Building, Denver, Colorado, on April 21, 1938, at the hour of ten o'clock A. M., at which time and place all parties interested may be present and present such material evidence as they may desire.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dineen

W. C. Danks

Walter L. Harrison
Commissioners

Dated at Denver, Colorado,
this 11th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF MELVIN PRICE, LA JARA, COLO-)
RADO, FOR A CLASS "A" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4482-PP

April 13, 1938.

Appearances: Melvin Price, La Jara, Colorado,

pro se;

Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association
and Lute Vance;

A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers'
Association;

E. B. Faus, Monte Vista, Colorado, for
Pueblo-San Luis Valley Transportation
Company.

S T A T E M E N T

By the Commission:

Melvin Price herein seeks a permit to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of milk to Alamosa from the so-called "Morgan, Star, Carmel, Waverly, Bowen, Henry, Alamosa, Hopper, Mosca, Newsom, Stanley, Mt. Pleasant and Nortonville districts" along a route, or highways, extending through said districts, as shown on Exhibit No. 1 attached to the application, which is made a part hereof by reference, for Alamosa Creamery Company, with back-haul of farm supplies and groceries in shipments of not to exceed one hundred pounds each, butter and empty cans from Alamosa to customers along said milk route.

There was no objection to the issuance of permit, as limited, it appearing that the back-haul transportation service of applicant is intended solely for the convenience of milk shippers, and that applicant does not propose to go into a scheduled line haul freight service in competition with motor vehicle common carriers operating on schedule.

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 Melvin Price, LaJara, 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 milk to Alamosa from the so-called "Morgan, Star, Carmel, Waverly, Bowen, Henry, Alamosa, Hopper, Mosca, Newsom, Stanley, Mt. Pleasant and Nortonville Districts" along a route, or highways, extending through said districts, as shown on Exhibit No. 1 attached to the application, which is made a part hereof by reference, for Alamosa Creamery Company, with back-haul of farm supplies and groceries in shipments of not to exceed one hundred pounds each, and butter and empty cans from Alamosa to customers along said milk route.

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. Daniels

W. C. Janks

Robert E. Simon
Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ELSIE L. CLARK, ALAMOSA, COLO-)
RADO, TO TRANSFER PERMIT NO. A-498)
FROM W. J. CLARK, DECEASED, TO)
ELSIE L. CLARK.)

APPLICATION NO. 2318-PP-A

April 13, 1938.

Appearances: Elsie L. Clark, Alamosa, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
E. B. Faus, Monte Vista, Colorado,
for Pueblo-San Luis Valley Trans-
portation Company;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association;
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc.

S T A T E M E N T

BY THE COMMISSION:

Elsie L. Clark herein seeks an order of the Commission, transferring Permit No. A-498, as extended, from W. J. Clark, to whom it was originally issued, to applicant, Elsie L. Clark.

The evidence disclosed that said W. J. Clark died in January, 1937; that he left him surviving, as his sole heir at law, his widow, Elsie L. Clark, the applicant herein; that there are no outstanding unpaid obligations against said operation.

The record does not disclose any reason why said request should not be granted.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-498, as extended, which was heretofore issued to W. J. Clark, now deceased, should be, and hereby is, transferred to Elsie L. Clark, his widow and sole heir at law, him surviving, and that the records and files of the Commission should be amended and changed to show said Elsie L. Clark, instead of said W. J. Clark, as owner and operator of said Permit.

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 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 J. Dineen

W. C. Danks

Wm. E. Sisson
Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WILLIAM L. DE PRIEST OF MANASSA)
COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4468-PP

April 13, 1938.

Appearances: Leonard M. Haynie, Esq., Alamosa,
Colorado, for the applicant;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Marion F. Jones, Esq., Denver, Colo-
rado, for The Colorado Trucking
Association, Lute Vance, Curtis
Truck Line;
A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers'
Association;
E. B. Faus, Monte Vista, Colorado, for
Pueblo-San Luis Valley Transpor-
tation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to transport: (a) potatoes, grain and other farm products from farms within a radius of six miles of Manassa to mills, storage and shipping points in said area and to La Jara, Antonito and Alamosa; (b) livestock from farms in Conejos County to La Jara, Antonito and Alamosa; (c) lumber, cement, plaster, salt, hardware and building materials for Haynie Lumber Company, from point to point in said area and between Manassa, Romeo and La Jara, and from Manassa, Romeo and La Jara to farms in said six mile radius of Manassa; (d) farm supplies from point to point in Conejos County and from Alamosa to points in Conejos County; (e) seed potatoes from Center to points in said six mile area; (f) occasional transportation of milk for Frink Creamery Company along its milk route in the Manassa territory.

The evidence disclosed that applicant has been operating widely and indiscriminately as a for-hire carrier for more than three years last

past; that he never has applied, prior to the instant application, for authority to operate as a carrier for hire; that he has a so-called "Commercial Permit", but knew that such permit did not authorize him to render the for-hire service that he had been furnishing to the customers whom he now seeks authority to legally serve. He admitted that his for hire service had been furnished at rates less than those prescribed by the Commission for such service.

The evidence disclosed that there may be some need for "for-hire service" by an operator whose headquarters is at Manassa. However, protestants objected to the granting of the permit herein sought upon the ground that applicant had been a constant, persistent law violator for years and is not a satisfactory and proper person under the law to be authorized to operate as a for-hire carrier by truck.

The Commission believes that the position of protestants is well taken, and that it cannot grant authority to applicant to operate as a private carrier by motor vehicle for hire.

In Re application of Glenn H. Harpster, doing business as "Denver Taos Motor Transport", Application No. 1489-AAA-B, Decision No. 10643, decided September 27, 1937, we held:

"The Commission, on numerous occasions, has held that certificates under such circumstances should not be granted. The Commission in Re N. J. Fitzmorris, VII Colo. PUC 930, 951, said:

"The Commission has had placed upon it the duty of enforcing the laws relating to motor vehicle operators, We believe the Commission would be remiss in the performance of its duties if it issued a certificate to an applicant who has flouted the law as has the applicant herein. To issue a certificate under these circumstances would put a premium on law violation."

"In Decision No. 5143, 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 pointed 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.'"

After a careful consideration of the record, the Commission is of the opinion, and finds, that the instant application must, and should be, denied.

O R D E R

IT IS THEREFORE ORDERED, That the application of William L. De Priest, Manassa, Colorado, for a permit to operate as a Class "B" private carrier by motor vehicle for hire 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 V. Deane

W. C. Danks

Walter Erickson
Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE JOINT APPLICATION)
OF CHAMPA 3 AUTO LIVERY COMPANY TO)
SELL AND DENVER-COLORADO SPRINGS-PUEBLO)
MOTOR WAY TO ACQUIRE A CERTAIN CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 545-A

RE MOTOR VEHICLE OPERATIONS OF CHAMPA 3)
AUTO LIVERY COMPANY.)

CASE NO. 4687

April 11, 1938.

Appearances: T. A. White, Esq., Denver, Colorado,
for Denver-Colorado Springs-Pueblo
Motor Way, Inc.;
J. J. Patterson, Esq., Denver, Colorado,
for the Commission;
Worth Allen, Esq., Denver, Colorado,
for The Colorado Sightseeing Operators
Association;
Hodges, Vidal and Goree, Esqs., Denver,
Colorado, for Rocky Mountain Parks
Transportation Company;
William V. Hodges, Jr., Esq., Denver, Colorado,
for Champa 3 Auto Livery Company;
E. G. Knowles, Esq., Denver, Colorado,
for Interstate Transit Lines and Union
Pacific Railroad Company.

S T A T E M E N T

By the Commission:

On February 18, 1938, Application No. 545-A was filed with the Commission, seeking authority to permit Champa 3 Auto Livery Company, a corporation, to transfer to Denver-Colorado Springs-Pueblo Motor Way, Inc., that certain certificate of public convenience and necessity No. 76, heretofore issued to said Champa 3 Auto Livery Company on February 28, 1927, in Application No. 545, Decision No. 1106.

Thereafter, in Case No. 4687, on March 7, 1938, a show cause order was issued by the Commission, requiring respondent to show cause why said certificate of public convenience and necessity No. 76 should not be suspended or revoked for the following delinquencies:

1. That respondent had abandoned and discontinued operations

under said certificate during the years 1931 to 1937, inclusive, without securing authorization from the Commission so to do.

2. That respondent had failed to file with the Commission annual reports for the years 1935, 1936 and 1937.

3. That respondent had, during the years 1935, 1936 and 1937, failed to have on file with the Commission proper and adequate insurance.

Both of the above matters were set for hearing at the same time by order of the Commission and consolidated for the purpose of hearing.

The evidence disclosed that on February 14, 1938, a written agreement was entered into between Denver-Colorado Springs-Pueblo Motor Way, Inc., and Champa 3 Auto Livery Company, Inc., wherein said Champa 3 Auto Livery Company agreed to sell and transfer to Denver-Colorado Springs-Pueblo Motor Way, Inc., said certificate of public convenience and necessity No. 76. The total consideration for said sale was to be the sum of \$1500.00, of which sum \$350.00 was paid down by Denver-Colorado Springs-Pueblo Motor Way, the balance to be paid upon the approval by this Commission of the transfer of said certificate.

It further appeared that subsequent to the date of the agreement between said parties for the sale of said certificate, but prior to the issuance of the show cause order hereinbefore referred to, one J. H. Snively purchased all of the stock of said Champa 3 Auto Livery Company. The said J. H. Snively is employed by the firm of Hodges, Vidal and Goree, and it was alleged that said stock was being held on behalf of the Rocky Mountain Motor Company. Said Rocky Mountain Motor Company, together with its affiliated corporations, Rocky Mountain Parks Transportation Company and Denver Cab Company, protested the transfer of said certificate and also intervened in the show cause order case and offered testimony in support of the delinquencies mentioned in said show cause order.

An answer was filed to said show cause order by Champa 3 Auto Livery Company, signed by J. H. Snively, president, which, in effect, contains statements admitting the truth of the allegations of said show cause order.

It should be noted here that The Rocky Mountain Motor Company and its affiliated corporations, conduct motor transportation service of a competitive nature with that heretofore authorized by Certificate No. 76.

It was disclosed by witnesses that said Champa 3 Auto Livery Company had never filed any annual reports with the Commission, commencing with the year 1929 to date. The monthly reports of Champa 3 Auto Livery Company for the years 1935, 1936 and 1937 were made a part of the record. These reports disclose that in July and August, 1935, one trip each month was made and four passengers were carried a distance of 70 miles upon each trip. No passengers were transported in June or September of said year. For the year 1936, said reports disclosed that two trips were made and 12 passengers were carried a distance of 60 miles in the month of September; no service was rendered during the months of June, July and August. The 1937 reports disclose that three trips were made in the month of July, upon one of which 3 passengers were transported a distance of 40 miles, another two passengers a distance of 86 miles, and another three passengers a distance of 65 miles. No service was rendered during the months of June, August or September.

It was further disclosed that during the years 1935, 1936 and 1937, the Assessor's record for the City and County of Denver did not disclose any assessment against Champa 3 Auto Livery Company.

The insurance records of the Commission were introduced and disclosed that in the year 1933, insurance was carried in the name of Champa 3 Auto Livery Company as a corporation, but in the years 1936 and 1937, the only insurance on file was in the name of Sam Feldman, doing business as Champa 3 Auto Livery Company. No insurance was filed during the year 1934.

It was further disclosed that the records in the office of the Secretary of State show that Champa 3 Auto Livery Company was, on the 12th day of October, 1931, declared defunct and inoperative for failure to pay State annual corporation tax, and was not reinstated until February 18, 1938. Records of the Motor Vehicle Department of the State of Colorado disclosed that no motor vehicle equipment titles were issued in the name of Champa 3 Auto Livery Company

since 1931 through the year 1937. Our own records disclose that no equipment had been registered with the Commission by said Champa 3 Auto Livery Company for the years 1935, 1936 and 1937, and that no identification cards had been issued during any of said years for the Champa 3 Auto Livery Company or for P.U.C. 76.

The superintendent of Rocky Mountain Parks Transportation Company, who lives at Estes Park, testified to the effect that Champa 3 Auto Livery Company had not maintained an office in Estes Park since 1930; that the last car of said company that he saw in Estes Park was in 1935, when the driver of the car advised him that it was a Champa 3 Auto Livery car. He further testified that it would have been impossible for Champa 3 Auto Livery to have operated regularly into Estes Park without his knowing it. The manager of said Rocky Mountain Parks Transportation Company testified to practically the same facts.

On behalf of The Colorado Sightseeing Operators Association, a number of sightseeing operators testified to the effect that they were familiar with the operations of the Champa 3 Auto Livery Company; that of their own knowledge said company had not been operating for the past four or five years; that it had not maintained any office in Denver; that said company had formerly belonged to said Colorado Sightseeing Operators Association; that the manager of same, Sam Feldman, now deceased, had advised them that he was no longer interested in the sightseeing business; that said Feldman had been conducting a mortuary business in Denver, to which he devoted his time and attention.

On behalf of Denver-Colorado Springs-Pueblo Motor Way, Inc., the evidence disclosed that one of the officers of said company had checked the files and records of the Commission for insurance and tax reports and did not find any complaints against the certificate. A former employe of the Champa 3 Auto Livery Company testified that he had filed road tax reports for 1937 and had worked for said company in 1935 and 1936; that the company owned no equipment and did not solicit any business; that he drove the three trips that were made in 1937 and used a Cadillac touring car upon which he hung the number of the certificate issued to Champa 3 Auto Livery Company; that no daily trips were made into Estes Park, and only one trip had been made in 1936.

The order granting Certificate No. 76 of Champa 3 Auto Livery Company, Decision No. 1106, authorized motor vehicle operations for the transportation of passengers over the following routes:

"A. Denver to Estes Park via the North St. Vrain Canon.

"B. Denver to Estes Park via the South St. Vrain Canon.

"C. Denver to Pikes Peak.

"D. Denver to Georgetown Loop.

"E. Denver to Echo Lake and Mt. Evans.

"F. Denver to Mountain Parks."

* * * * * subject to the following terms and conditions, which, in the opinion of the Commission, the public convenience and necessity requires:

"(a) That the applicant shall operate a twice daily scheduled passenger service between Denver and Estes Park from June 1 to September 15, inclusive.

"(b) That no transportation of passengers to any intermediate point on the routes designated shall be permitted.

"(c) That all operations by the applicant herein, except those mentioned in condition (a) above, shall be limited to sightseeing, round trip, one day operations." * * *

Rule 11 of the Rules and Regulations Governing Motor Vehicle Carriers reads as follows:

"Rule 11. (a) No motor vehicle carrier having received from the Commission a certificate of public convenience and necessity shall abandon operation thereunder without first making application in writing to the Commission for permission so to do, and submitting evidence, giving reasons for same, and receiving an order based thereon, permitting such discontinuance and revoking and cancelling said certificate.

"(b) Discontinuance of service for a period of five consecutive days without written notice to and approval by the Commission shall be deemed a forfeiture of all rights secured under and by virtue of order or permission to operate issued by the Commission; provided, however, that the Commission may permit the resumption of operation after five such days on proper showing that the carrier was not responsible for the failure to give service.

"PROVIDED, However, that the provisions of sub-paragraph (b) of this Rule shall not apply to motor vehicle carriers whose certificates authorize the transportation of passengers or property over irregular routes on call and demand, nor to motor vehicle carriers engaged in sightseeing, taxi, or seasonal operations. Carriers engaged in seasonal operations shall notify the Commission in writing within five (5) days before the commencement and close of the period for which such seasonal service is rendered."

It was the position of the attorney for Denver-Colorado Springs-Pueblo Motor Way, Inc., that under said Sub. (b) of said rule, there could be

forfeiture of the sightseeing, taxi or seasonal operations authorized under P. U. C. No. 76, for failure to operate for a period of five consecutive days, without consent of the Commission. This position is correct. However, the question of abandonment of service still remains under Sub. (a) of said Rule 11. We would also call attention to the fact that Sub. (b) of said Rule 11 requires that the Commission be notified in writing five days before the commencement and close of the period for which said seasonal service is rendered. Such a notice was given the Commission in September 1937, by the Champa 3 Auto Livery Company to the effect that they were discontinuing sightseeing operations for that year and that said notice also applied to their one-way operation to the city of Estes Park. Except for some notations on the monthly reports of Champa 3 Auto Livery Company, we do not find any other notices of discontinuance or starting of operations.

It is clear from the record that no daily service has been maintained between Denver and the city of Estes Park by Champa 3 Auto Livery Company for a number of years. The evidence to that effect is admitted. It is also a fair conclusion, we believe, from the record as a whole, that the Champa 3 Auto Livery Company, under Subdivision 1 (a) of Rule 11, did abandon its operations under P.U.C. 76, and from October 1931 to February 18, 1938, it had no authority to operate in this State. It filed no annual reports with the Commission as required by law. No insurance was filed for the year 1934, and in 1935, 1936 and 1937, the insurance filed did not properly cover the operations of the corporation. The fault probably was that of the Commission in accepting insurance written in the manner and form in which this insurance was carried, and we would not for this reason alone revoke the certificate. This applies also to the failure of the corporation to make annual reports. While the company should be penalized for such delinquency, we do not think, standing alone, it would justify revocation. The few trips that were made in 1935, 1936 and 1937, would indicate that possibly an attempt was^{merely} being made to keep the certificate alive as a matter of form rather than the actual furnishing of transportation service for the benefit of the public. Certainly, the requirement of the certificate that authorized twice daily service to Estes Park be maintained, has not been complied with. No authority was obtained from the Commission to discontinue such service.

The violation of one portion of the certificate is, in our opinion, sufficient to justify the revocation of the entire certificate. As pointed out in

Re Paul R. Schwank, 9 Colo. P.U.C. Decisions, Page 423 -

"It has become elementary that one who is granted a certificate not only has a privilege but a duty, and a failure to perform that duty so far as cessation of operation is concerned, results in an abandonment of the certificate, warranting cancellation thereof by the Commission."

In view of all the circumstances surrounding the instant matter, the Commission has reviewed the testimony with great care, as competitive interests are involved, and it is not our desire to take any undue advantage of any present operators. However, we feel that the only conclusion that can reasonably be arrived at under the present record, is that operations under Certificate No. 76 were, in fact, abandoned, and that said certificate should be cancelled. It necessarily follows that if said certificate is to be cancelled, the application to transfer same should be denied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that certificate of public convenience and necessity No. 76, heretofore issued to Champa 3 Auto Livery Company, a corporation, in Application No. 545, should be cancelled and revoked for the reasons hereinbefore set forth, and that Application No. 545-A should be denied.

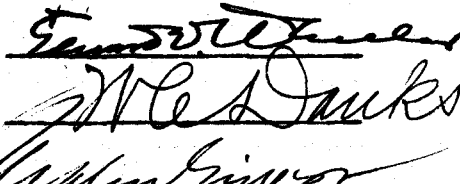
O R D E R

IT IS THEREFORE ORDERED, That certificate of public convenience and necessity No. 76, heretofore granted to Champa 3 Auto Livery Company, a corporation, in Application No. 545, be, and the same is hereby, revoked and cancelled.

IT IS FURTHER ORDERED, That Application No. 545-A 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


Commissioners.

Dated at Denver, Colorado,
this 11th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
HAYES-ROBINSON TRANSPORTATION COM-)
PANY, LANDER, WYOMING, TO TRANSFER)
CERTIFICATES NOS. 734-I AND 575-I)
TO CHARLES H. HAYES.)

INTERSTATE PERMITS
NOS. 734-I AND 575-I

April 14, 1938.

S T A T E M E N T

By the Commission:

Charles H. Hayes and Harry Robinson, copartners, doing business as "Hayes-Robinson Transportation Company", herein seek authority to consolidate their Interstate Permits Nos. 575-I and 734-I under Permit No. 575-I, and, as consolidated, to transfer them to Charles H. Hayes.

Said Permit No. 575-I, which authorized the transportation of freight as a common carrier in interstate commerce, only, for hire, between Denver and a point on the Colorado-Wyoming State Line, where U. S. Highway No. 285 then crossed said line, issued on July 6, 1931. Permit No. 734-I, which authorized the transportation of freight by motor vehicle as a common carrier in interstate commerce only, between Denver and points on the Colorado-Wyoming State Boundary Line, where said line was intersected by U. S. Highways Nos. 85 and 285 and Colorado Highway No. 1, and between intermediate points and said line, (in interstate commerce only), issued on March 14, 1935.

The records and files of the Commission do not 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 request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said Interstate Permits Nos. 734-I and 575-I should be, and they hereby are, consolidated, and that,

as consolidated into one permit, shall bear and be known as Interstate Permit No. "575-I", and that No. 734-I should be, and hereby is, discontinued.

IT IS FURTHER ORDERED, That the said Charles H. Hayes and Harry Robinson, copartners, doing business as "Hayes-Robinson Transportation Company", should be, and they hereby are, authorized to transfer, subject to the provisions of the Federal Motor Carrier Act of 1935, said Interstate Permit No. 575-I to Charles H. Hayes, said Charles H. Hayes to have authority under said permit to furnish, subject to the provisions of the Federal Motor Carrier Act of 1935, all transportation service heretofore authorized to be performed under said Interstate Permits Nos. 734-I and 575-I.

IT IS FURTHER ORDERED, That deposit of ten dollars heretofore made by said copartners with the Commission, pursuant to law under said Permit No. 734-I, be transferred to Permit No. 575-I and credited to the account of said Charles H. Hayes, if and when said transfer of said permits is consummated.

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. Dukes
W. C. Dukes
Walter E. Simon
Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. D. SIMMONS, LEWIS, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 4462-PP

April 14, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association,
Williams Truck Line and F. E. Larimore;
F. C. Krauser, Equitable Bldg., Denver,
for Rio Grande Southern Railroad Company.

S T A T E M E N T

By the Commission:

The above styled application was received by the Commission on
September 10, 1937, and filed on February 17, 1938.

Said matter was set for hearing at Durango on Thursday, March 24,
1938, at 9:30 o'clock A. M., due notice thereof having been forwarded to
applicant.

Notwithstanding such setting and notice, applicant failed to appear.
Thereupon, at the time and place appointed for hearing, protestants moved that
said application be dismissed for lack of prosecution, said motion being taken
under advisement by the Commission.

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 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

Edward D. Jones
W. C. Danks
Malcolm G. Ginn
Commissioners.

Dated at Denver, Colorado,
this 14th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
S. N. LAWRENCE, KLINE, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 4464-PP

April 14, 1938.

Appearances: S. N. Lawrence, Kline, 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:

S. N. Lawrence, who resides at Kline, Colorado, herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products and livestock from point to point within the area extending from Kline, west to the La Plata Mountain Range, north fifteen miles, east ten miles and south to the Colorado-New Mexico state boundary line, and from points in said area to Durango and all other points in the San Juan Basin.

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 S. N. Lawrence, Kline, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products and livestock from point to point within the area extending from Kline, west to the La Plata Mountain Range, north fifteen miles, east ten miles, and south to the Colorado-New Mexico state boundary line, and from points in said

area to Durango and all other points in the San Juan Basin.

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. Oliver

W. C. Danks

Walter E. Wilson

Commissioners.

Dated at Denver, Colorado,
this 14th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
HUGH KYLE, PAGOSA SPRINGS, COLORADO,)
FOR AN EXTENSION OF HIS PERMIT NO.)
B-982.)

APPLICATION NO. 2341-PP-B

April 14, 1938.

Appearances: Hugh Kyle, Pagosa Springs, Colo-
rado, pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
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 an extension of his Class "B" permit No B-982 to include the transportation of livestock from points within a radius of twenty-five miles of Pagosa Springs to Denver, Pueblo, Alamosa and to all points in the State of Colorado.

There was no objection to the extension 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 Hugh Kyle, Pagosa Springs, Colorado, should be, and hereby is, authorized to transport, as a private carrier by motor vehicle for hire under his Permit No. B-982, livestock from points within a radius of twenty-five miles of Pagosa Springs to Denver, Pueblo, Alamosa and to all points in the State of Colorado.

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

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. Turner

W. C. Danks

Wm. E. Quinn
Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
C. F. WOOD AND J. W. MORGAN, COPARTNERS,)
DOING BUSINESS AS WOOD AND MORGAN, FOR A) APPLICATION NO. 1924-B
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

April 14, 1938.

Appearances: A. R. Mollette and Robert S. Clements,
Esqs., Durango, Colorado, for the
applicants;
Marion F. Jones, Esq., Denver, Colorado,
for the applicants;
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc. and Denver
and Rio Grande Western Railroad Co.

S T A T E M E N T

By the Commission:

C. F. Wood and J. W. Morgan, copartners, doing business as Wood and Morgan, who operate as common carriers by motor vehicle under certificate of public convenience and necessity No. 347 granted by this Commission, herein seek an extension of their authorized service to include the right to haul freight, on schedule, between Durango and the Vallecito Reservoir and between Ignacio and Vallecito Reservoir, without the right to serve such intermediate points as now are served by authorized scheduled line haul motor vehicle carriers.

The evidence disclosed that applicants have been operating a truck service in Durango and the San Juan Basin, generally, for many years, and, under their call and demand certificate are now authorized to serve the points which they seek to serve on schedule; that recently the Congress authorized the construction of the so-called Vallecito Reservoir located on Pine River in Sections 17, 18, 19 and 20, Range 6-West, Township 36-North, in La Plata County, Colorado, and applicants anticipate the movement from Durango and from railhead at Ignacio to Vallecito Reservoir of large quantities of construction materials, machinery,

equipment and commissary supplies; that applicants propose to utilize when possible the county highway extending in an approximately direct line north-east from Durango to the reservoir for the movement of freight between said points, but, when due to weather conditions, snow, washouts, etc., said highway cannot be used by trucks, applicants propose to operate over U. S. Highway No. 160 from Durango to Bayfield, thence over county highway from Bayfield to the dam, no service to be furnished between points on U. S. Highway No. 160 served by scheduled line haul motor vehicle carriers.

Applicants also propose to operate between Ignacio, located on the Denver and Rio Grande Western Railroad Company, where it is expected most of the freight consigned to the dam will be unloaded, to said Vallecito Dam, via Bayfield, along the road substantially following the course of the Pine River; no service, however, to be furnished between Bayfield and Ignacio and intermediate points which are now served by scheduled line haul motor vehicle carrier services. Applicants, however, propose to serve all points north of Bayfield, as far as the dam.

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

Applicants own eight trucks, which are now being used in their transportation business under certificate of public convenience and necessity No. 347, and do not immediately contemplate the purchase of additional equipment, but are in a position to, and will, buy more equipment, if business developed warrants such investment.

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

O R D E R

IT IS THEREFORE ORDERED, That the future public convenience and necessity will require the proposed extended motor vehicle carrier service, on schedule, of applicants, for the transportation of express and freight between the City of Durango and Vallecito Dam, located in Sections 17, 18, 19

and 20, Range 6-West, Township 36-North, New Mexico Meridian, in La Plata County, and between the Town of Ignacio and said dam site, via Bayfield, Colorado, over public highways as same are now constructed, or hereafter may be constructed, with the right to serve intermediate points along said highways, subject to the following conditions: (A) that said operation between Durango and said dam site ordinarily shall be conducted over the at present unnumbered highway as now or hereafter constructed which runs approximately in a direct line northeasterly from Durango to said reservoir, with the right to use U. S. Highway No. 160, Durango to Bayfield and county road, Bayfield to said reservoir, when weather or highway conditions do not permit the use of said direct line; (b) applicants, under this extension, shall not engage in any transportation service between points along U. S. Highway No. 160 and between points, Ignacio to Bayfield and intermediate thereto now served by scheduled line haul motor vehicle 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 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.

IT IS FURTHER ORDERED, That applicants, by this order, are not

required to commence operations on or before the effective date of this order,
but may defer inauguration of truck service until magnitude of construction
operations at said dam site justify such action.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler

W. C. Danks

William Emerson
Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL WALKER, 924 LINLEY COURT,)
DENVER, COLORADO, FOR A CLASS "B" PER-)
MIT TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4510-PP

April 14, 1938.

S T A T E M E N T

By the Commission:

Applicant, Carl Walker, herein seeks a permit to operate as a class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from Brannan Sand and Gravel Company pits near Denver, to points within a radius of fifty miles thereof.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association, heretofore have indicated that they have no objection to issuance of permits limited to the service herein sought to be performed by applicant, the Commission determined to, and did, set said application for hearing forthwith, without formal notice, and has heard said matter upon the records and files herein.

After a careful consideration of said 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 Carl Walker, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from Brannan Sand and Gravel Company pits, near Denver, to points within a radius of fifty miles thereof.

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

Walter E. Eason

Commissioners.

Dated at Denver, Colorado,
this 14th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF GEORGE W. KEALIHAR, 2001 LAFAYETTE)
STREET, DENVER, COLORADO, FOR A CLASS) APPLICATION NO. 4511-PP
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

April 14, 1938.

S T A T E M E N T

By the Commission:

Applicant, George W. Kealiher, herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of: (a) coal from mines in the northern Colorado coal fields to the Public Service Company plant at Valmont and to Denver; and (b) sand and gravel from pits near Denver to the Regal Mine and to road 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 issuance of permits limited to the service herein sought to be performed by applicant, the Commission determined and did set said application for hearing forthwith, without formal notice, and has heard said matter upon the records and files herein.

After a careful consideration of said 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 George W. Kealiher, 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: (a) coal from mines in the northern Colorado coal fields to the Public Service Company plant at Valmont and to Denver, and (b) sand and gravel from pits near Denver to the Regal Mine and to road construction jobs within a radius of fifty miles of Denver.



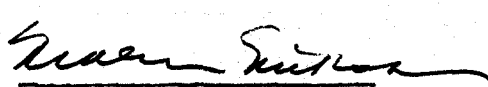
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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 operations 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 14th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELMORE M. ACKLEY, 1803 EAST SECOND)
STREET, PUEBLO, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 4512-PP

April 14, 1938.

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 Canon City coal fields and Huerfano-Las Animas County coal mines to Pueblo and Citizens' Civilian Conservation Camps within a radius of seventy miles of Pueblo, and (b) sand and gravel from pits and supply points within a radius of 70 miles of Pueblo to Pueblo and to road construction jobs in said area.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore have indicated that they have no objection to issuance of permits limited to the service herein sought to be performed by applicant, the Commission determined to set said applications for hearing forthwith, without formal notice, and has heard said matter upon the records and files herein.

After a careful consideration of the said 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 Elmore M. Ackley, Pueblo, 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) coal from Canon City coal fields and Huerfano-Las Animas County coal mines to Pueblo and Citizens' Civilian Conservation Camps within a radius of seventy miles of Pueblo, and (b) sand and gravel from pits and supply points within a radius of seventy miles of Pueblo to road construction jobs in said area

and to Pueblo.

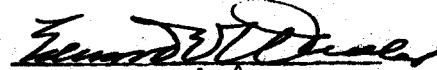
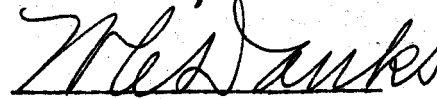
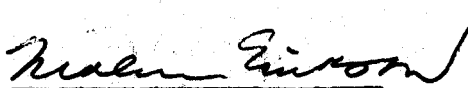
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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 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 14th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF E. J. MOORE, McPHEE, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 4465-PP

April 14, 1938.

Appearances: James B. Garrison, Esq., Dolores,
Colorado, for applicant;
F. C. Krauser, Denver, Colorado,
for Rio Grande Southern Rail-
road Company;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association,
F. E. Larimore and Williams Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of freight from Rio Grande Southern Railroad Company depot at Dolores to Company Commissary at McPhee, for Montezuma Lumber Company and its employees.

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 E. J. Moore, McPhee, 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 freight from Rio Grande Southern Railroad Company depot at Dolores to Company Commissary at McPhee, for Montezuma Lumber Company and its employees.

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 14th day of April, 1938.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF C. E. DIVINE AND SONS, ALAMOSA,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 4513-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

April 14, 1938.

S T A T E M E N T

By the Commission:

C. E. Divine, John Divine and Paul Divine, co-partners, doing business as C. E. Divine and Sons, herein seek a permit to operate as Class "B" private carriers by motor vehicle for hire for the transportation of gravel from pits located about twelve miles northwest of Alamosa and from applicants' ranch, four miles north of Alamosa, to Alamosa; and coal from Huerfano County coal fields to Alamosa.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore have indicated that they have no objection to issuance of permits limited to the service herein sought to be performed by applicants, the Commission determined to, and set said application for hearing forthwith, without formal notice, and has heard said matter upon the records and files herein.

After a careful consideration of said 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. E. Divine, John Divine and Paul Divine, co-partners, doing business as C. E. Divine and Sons, should be and they hereby are authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of gravel from pits located about twelve miles northwest of Alamosa and from applicants' ranch, four miles north of Alamosa, to Alamosa, and coal from Huerfano County coal fields to Alamosa.

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 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.

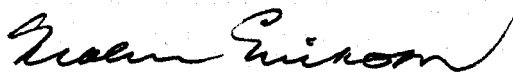
IT IS FURTHER ORDERED, That the right of applicants to operate under this order shall be dependent upon their compliance at all times with all the laws, rules and regulations pertaining to their operation which may now or hereafter be in effect.

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 14th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
N. F. KATZENDORN, CORTEZ, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 4463-PP

April 14, 1938.

Appearances: N. F. Katzendorn, Cortez, Colorado,
pro se;
F.C. Krauser, Esq., Equitable Bldg.,
Denver, Colorado, for Rio Grande
Motor Way, Inc.;
Marion F. Jones, Esq., Denver, Colo-
rado, for E. E. Larrimore, Williams
Truck Line, The Colorado Trucking
Association.

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 farm products, including livestock, from farms within the area extending to Dove Creek on the north, the Colorado-New Mexico State Boundary Line on the south, a line on the west drawn north and south through a point twenty miles west of Mancos and a line on the east drawn north and south through a point twenty miles west of Mancos and a line on the east drawn north and south through Mancos to Durango or Cortez, with back-haul of flour and other mill products from Durango to farms in said area, excepting any transportation service between towns served by scheduled line haul motor vehicle carriers in competition with said carriers.

Applicant admitted that there was ample motor vehicle truck service now available for the transportation of livestock and farm products, except the transportation of grain during harvest season. It appeared that for a considerable period of time, applicant has been buying grain for three

mills located at Cortez and Durango; that for the grain handled between Cortez and Durango and from farms to Cortez and Durango, he has been adding a charge equal to the cost of operating his truck, as computed by him, and a five-cent a bushel commission, and has been back-hauling flour from Durango to farmers in said area without charge. Primarily, he seeks a permit to haul wheat for the mills for hire, in the event said mills directly purchase a large quantity of grain which has to be moved from a farm to mill in Cortez, or from the mill at Cortez to mill at Durango.

E. E. Larrimore of Cortez, who operates under PUC No. 360 and E. E. Williams, who operates under certificate of public convenience and necessity No. 848, operate four trucks and three trucks, respectively, in said area. They testified that approximately ten private carriers are authorized to and do operate in the territory sought to be served by applicant; that a number of shipper-owned trucks also haul their own produce between Durango and Cortez, and between the farms in the Cortez area and Durango; that there is no dearth of transportation service at harvest time or any other time in the area sought to be served by applicant, and that the authorization of the proposed service would impair the efficiency of their respective common carrier service.

After a careful consideration of the record, the Commission is of the opinion, and finds, that common carrier service in said area proposed to be served by applicant is now adequate, and that the granting of additional authority would impair the efficiency of said adequate motor vehicle carrier service, and that said application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application 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 J. Dwyer
W. H. Dwyer
W. H. Emerson
Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
HARMON T. CLARK, PAGOSA SPRINGS,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4467-PP

April 14, 1938.

Appearances: Harmon T. Clark, Pagosa Springs,
Colorado, pro se;
Marion F. Jones, Esq., Denver,
Colorado, for The Colorado
Trucking Association, C. W.
Gibson;
T. A. White, Esq., Denver, Colo-
rado, for Rio Grande Motor Way,
Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk and cream to Durango from farms within a radius of ten miles of Bayfield and farms between Pagosa Springs and Bayfield, within a radius of five miles of U. S. Highway No. 160, with back-haul of cream cans, only.

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 Harmon T. Clark, Pagosa 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 milk and cream to Durango from farms within a radius of ten miles of Bayfield and from farms between Pagosa Springs and Bayfield that are located within a radius of five miles of U. S. Highway No. 160, with back-haul

of cream cans, only.

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. O'Connell

W. C. Jankes

William S. Sisson

Commissioners

Dated at Denver, Colorado,
this 14th day of April, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF RAY MILLER COAL AND ICE COMPANY,)
OF GUNNISON, COLORADO, FOR A PERMIT)
TO OPERATE AS A CLASS "B" PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4444-PP

AMENDED ORDER

April 14, 1938.

Appearances: Ray Miller, Gunnison, Colorado,
pro se;
John Betz, Gunnison, Colorado,
pro se;
Wayne Rees, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On February 17, 1938, in Decision No. 11411, an order was issued granting Ray Miller, Gunnison, Colorado, a Class "B" permit authorizing the transportation of ore, coal and mining machinery from point to point within a radius of 75 miles of Lake City, Colorado.

While the application filed by applicant stated that he desired a radius of 75 miles of Lake City, it now develops, and we believe the record justifies the assumption, that what applicant intended was a 75-mile radius of Gunnison, his home town.

We have been requested to change our former order to conform to the facts.

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 Decision No. 11411, made February 17, 1938, in the instant case, be amended by providing that the authority of Ray Miller to transport ore, coal and mining machinery, shall extend from point to point within a radius of 75 miles of Gunnison, Colorado, instead of Lake City, Colorado.

IT IS FURTHER ORDERED, That except as herein modified and changed,
said original decision No. 11411 shall remain in full force and effect.

IT IS FURTHER ORDERED, That this amended order shall be made a
part of said Decision No. 11411.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dineen

W. C. Danks

Walter E. Eason
Commissioners.

Dated at Denver, Colorado,
this 14th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF ANDERSON TRANSPORTATION COMPANY,)
ENCAMPMENT, WYOMING, TO TRANSFER) P. U. C. NO. 901-I
P. U. C. NO. 901-I TO L. H. ANDERSON,)
LOVELAND, COLORADO.)

April 15, 1938.

S T A T E M E N T

By the Commission:

The Anderson Transportation Company, a corporation, herein seeks authority to transfer its Interstate Permit No. 901-I to transport freight by motor vehicle as a common carrier, in interstate commerce only, to L. H. Anderson.

The 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 application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That, subject to the provisions of the Federal Motor Carrier Act of 1935, the Anderson Transportation Company, a corporation, should be, and it hereby is, authorized to transfer Interstate Permit No. 901-I to L. H. Anderson.

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. Dancy

W. C. Danks

Wm. E. Eason

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BERT FOGG, CEDAREGE, COLORADO, FOR)
A PERMIT TO OPERATE AS A CLASS "A")
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 4442-PP
AMENDED ORDER

April 15, 1938.

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:

On March 9, 1938, in Decision No. 11500, a Class "A" permit was granted to Bert Fogg, of Cedaredge, Colorado, authorizing certain transportation service, including the right to transport beer, bottles, and gas tanks from Golden to Delta for the Delta Bottling Works. Said order is silent concerning any authority for applicant to transport empty beer bottles and gas tanks back from Delta to Golden.

We are now requested by applicant to amend said order to include such authority. The application as filed does not specifically request the back haul of empties. However, we believe it is a fair assumption from the record as a whole that it was the intention of applicant to have this right, and that no competing interests would be affected by granting the same to applicant.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said original order, Decision No. 11500, should be amended to include this authority.

O R D E R

IT IS THEREFORE ORDERED, That Decision No. 11500, made March 9, 1938, in the instant application be, and the same is hereby, amended to include the right in applicant to transport empty beer barrels

and gas tanks from the Delta Bottling Works at Delta, to Golden, Colorado.

IT IS FURTHER ORDERED, That except as herein amended and modified, said original Decision No. 11500 shall remain in full force and effect.

IT IS FURTHER ORDERED, That this amended order shall be made a part of said original Decision No. 11500.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Damer
W. C. Danks
W. C. Danks
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF RUPERT J. BEECHER TO OPERATE) APPLICATION NO. 4466
TRUCK SERVICE AND FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

April 15, 1938.

Appearances: Joseph B. Garrison, Esq., Dolores,
Colorado, for the applicant;
F. C. Krauser, Equitable Building, Denver,
Colorado, for Rio Grande Southern
Railroad Company;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association,
E. E. Williams and F. E. Larimore.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity to operate as a motor vehicle carrier on call and demand. He proposes to operate a general cartage and transfer business in the Town of Dolores, which has a population of about one thousand people, and to move lumber, flour and other commodities, except livestock, in loads of not to exceed 4,000 pounds, between Dolores and McPhee and intermediate points.

The evidence disclosed that applicant has a mail contract between Dolores and McPhee, and that he makes two trips daily between said points; that there is no regular transportation service which served the general public in operation between said points, although Montezuma Lumber Company operates a narrow gauge railroad line between McPhee and Dolores, known as The Montezuma Lumber Company Railroad" for the transportation of its commodities, only; that one E. E. Williams operates a call and demand common carrier service in Dolores under authority of the Commission, the said Williams interposing no objection to the granting of the certificate as limited; that applicant proposes to use a 1935 1½-ton Dodge truck of the value of approximately \$500.00 in his proposed operation, and is in a position to handle such additional equipment as required; that Dolores is situated on the line of the Rio Grande Southern Railroad; that McPhee is the site of

the largest lumber mill in the State of Colorado, freight for said town of McPhees and points intermediate, Dolores to McPhee, being delivered by rail and scheduled truck line operators at Dolores; that some lumber moves out of McPhee in less than carload lots to Dolores; that a number of ranchmen and farmers living in the extensive agricultural section adjacent to McPhee trade at stores in McPhee; that applicant has resided at Dolores for twenty-seven years and, by reason of experience, is able to carry on 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 operation 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 call and demand common carrier motor vehicle carrier service of applicant for a general transfer and cartage business in Dolores, and the transportation of freight, except livestock, in loads of not to exceed 4,000 pounds, between Dolores and McPhee 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 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 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. Dineen

W. C. Danks

Allen S. Simon

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF R. P. WINGO,
CRAIG, COLORADO, FOR AUTHORITY,
TO LEASE HIS PERMIT NO. A-824,
TO DAVID P. CLOW, DOING BUSINESS
AS THE MOFFAT COUNTY CREAMERY,
CRAIG, COLORADO.

APPLICATION NO. 4506-PP-A

April 13, 1938.

Appearances: R. E. Conour, Esq., Denver, Colorado,
for Larson Transportation Company
and the Comet Motor Express;
Marion F. Jones, Esq., Denver, Colo.,
for The Colorado Trucking Assn.;
J. H. Shepherd, Esq., Denver, Colo.,
for the Denver and Salt Lake Railway.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing pursuant to a notice on April 6, 1938, at which time and place the applicants failed to appear and no one was present to represent them. Protestants moved to dismiss the application for lack of prosecution and called attention to the fact that Thomas S. Iles of Craig, Colorado, had been obliged to stay over in Denver an additional day in order to be present at this hearing, and that Stanley Larson who was on his way to the southern part of the State was also obliged to remain in Denver an additional day and was put to more or less inconvenience in order to be here. April 6 was a very stormy day, roads were closed in various parts of the state.

The Commission is now in receipt of a communication signed by David P. Clow, wherein he states that on account of the weather it was impossible for the applicants to be present and requests that this application be set for hearing, preferably April 19.

After careful consideration of the record, the Commission is of the opinion and finds that the motion to dismiss should be denied, and

this application be continued for hearing until April 19, 1938 at 2:00 o'clock P.M.

ORDER

IT IS THEREFORE ORDERED, That Application No. 4506-PP-A be and the same hereby is continued until April 19, 1938 at 2:00 o'clock, P.M. for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and that notice of this continuance be sent to all protestants appearing on April 6, 1938.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Danks

W. C. Danks

Walter E. Eason

Commissioners.

Dated at Denver, Colorado,
this 13th day of April, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COUNTY OF MONTROSE, COLORADO, FOR)
OPENING OF A PUBLIC HIGHWAY OVER THE)
RIGHT OF WAY AND TRACK OF THE DENVER)
AND RIO GRANDE WESTERN RAILROAD COM-)
PANY AT A POINT DESIGNATED AS MILE)
POST 359+4311 ENGINEERS STATION)
377+72. APPLICATION AMENDED TO IN-)
CLUDE ABANDONMENT OF GRADE CROSSINGS)
AT M. P. 360+640, 359+2430, AND)
358+3314.)

439 ✓
APPLICATION NO. 4390

April 15, 1938.

S T A T E M E N T

By the Commission:

On December 7, 1938, the County of Montrose, Colorado, by its County Clerk and Recorder and Ex-officio Clerk of the Board of County Commissioners, filed an application with the Commission for the opening and establishment of a public highway crossing, at grade, over the right-of-way and track of The Denver and Rio Grande Western Railroad Company at a point described as Mile Post 359+4311 feet of said railroad. Also a resolution of the Board of County Commissioners of Montrose County that was adopted on December 7, 1937, approving the abandonment of public grade crossings over the Denver and Rio Grande Railroad Company track in Montrose County located at M. P. 360+640 and 358+3314 and 359+640, was filed with the Commission to be considered in connection with the aforesaid application for the opening of a new crossing.

A copy of the application, as amended, was duly referred to the attorney for The Denver and Rio Grande Western Railroad Company for an expression of the attitude of the said Company toward the aforesaid application, and under date of January 3, 1938, the attorney for the Company advised the Commission that the Trustees of the Company had no objection to the granting of the application provided that the three public grade crossings herein referred to were abandoned and that the County would bear all the expense incident to the installation of the new crossing except the installation of standard railroad crossing signs.

On January 5, 1938, the Commission advised the County Commissioners of the attitude of the railroad company towards the application and requested a reply as to the position of the Commissioners regarding the expense as suggested by the railroad company. A reply was received on April 7, 1938, from the County Clerk advising that the County would bear all the expense in the installation of the new crossing.

Therefore, it appears there is a public necessity for the crossing at the place designated, and since there is no objection to it by anyone concerned, the Commission will, without any further proceedings in the matter, make its order granting the application.

O R D E R

IT IS THEREFORE ORDERED, In compliance with Section 29 of the Public Utilities Act, as amended, that a public highway crossing, at grade, be, and is hereby permitted to be opened and established at a point across the right of way and track of The Denver and Rio Grande Western Railroad Company designated as Mile Post 359+4311, Engineers Station No. 377+72; provided, however, that prior to the opening of said crossing to public travel, it shall be constructed in accordance with the Commission's specifications as provided in Case No. 879.

IT IS FURTHER ORDERED, That all the expense involved in the installation of said crossing, including grading of approaches and drainage therefor, and excepting the installation of the standard railroad crossing signs, shall be borne by the County of Montrose, State of Colorado.

IT IS FURTHER ORDERED, That existing grade crossings at Mile Post 360+640 feet, 359+2430 feet, and 358+3314 feet be closed and vacated as public crossings.

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
Robert W. Danks
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF J. D. HAYNIE, MANASSA, COLORADO,)
FOR AUTHORITY TO EXTEND HIS PRIVATE)
PERMIT NO. B-2025.)

APPLICATION NO. 3654-PP-B

April 15, 1938.

Appearances: J. D. Haynie, Manassa, Colorado,
pro se;
E. B. Faus, Monte Vista, Colorado,
for Pueblo-San Luis Valley
Transportation Company;
A. J. Fregeau, Denver, Colorado,
for Welcker Transportation Company;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association,
Lute Vance, Curtis Truck Service and
Adolph Arguello.

S T A T E M E N T

By the Commission:

J. D. Haynie, who, in Decision No. 9615 dated March 15, 1937, and Decision No. 9101 dated December 12, 1936, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, including livestock, only, from point to point within Conejos County, Colorado, and from and to said county, to and from Pueblo and Denver, and building material and machinery for the Haynie Hardware Company of Manassa, from Portland to and from Pueblo to said Company's yard at Manassa, now seeks an extension of said permit to include the right to transport livestock for Haynie and Sowards from point to point in Alamosa and Costilla counties, and from points in said counties to Denver and Pueblo, without the right to add to the number of his customers under said extension, except upon special permission of the Commission after hearing had.

The application, as filed, asked for much broader service, but limitations indicated were agreed to by the parties appearing at the hearing, there being no objection to granting of the extension as limited.

After a careful consideration of the record, the Commission is

of the opinion, and finds, that said extension should be authorized.

O R D E R

IT IS THEREFORE ORDERED, That J. D. Haynie, Manassa, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. B-2025 to include the transportation of livestock for Haynie and Sowards from point to point in Alamosa and Costilla counties, and from points in said counties to Denver and Pueblo, without the right to add to the number of his customers under this extension, except upon special permission of the Commission, after hearing had.

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. Dineen

W. C. Danks

Maureen E. Quinn
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF BELLOWY BROTHERS, BOISE CITY,)
OKLAHOMA, FOR AN EXTENSION OF)
THEIR INTERSTATE PERMIT NO. B-1013-I.)

APPLICATION NO. 4498-PP-B

April 18, 1938.

Appearances: H. D. Bellomy, Boise City, Oklahoma,
for the applicants;
Richard E. Conour, Esq., Denver, Colorado,
for Weicker Transportation Company and
the 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:

The applicants herein have an interstate authority, B-1013-I, and conduct an operation transporting general freight in interstate commerce, between Denver and points in Oklahoma, and by the instant application, seek an extension to include intrastate service with authority to transport pickles and tomatoes, canned goods and fresh vegetables from Fort Collins, Greeley, Fort Lupton, Brighton, Colorado Springs and La Junta to Denver and occasional pickup in Denver, to Brighton and Fort Lupton.

It appeared from the testimony given at the hearing that in connection with the interstate movement of these commodities from Denver to Oklahoma it would be convenient for the applicant to make pickup for the Denver Pickle Company at Fort Collins, Greeley, Fort Lupton, Brighton, Colorado Springs and La Junta, moving principally tomatoes and pickles, the pickles moving either in sacks or in barrels from these various points to Denver, or at times to the factory at Brighton, but usually to Denver, where the applicant assembled his full load for Oklahoma.

It also appeared that in returning from Oklahoma to Denver empty it would be quite convenient for the applicants to pick up fresh vegetables at La Junta and move the same to the Denver Pickle Company plant at Denver.

H. D. Bellomy stated that

"there is no lack of authorized service between Denver and the points where we seek to make pickups, but we want this authority in order to fill out our load - a convenience to us."

L. P. Davis of the Consolidated Motor Freight, Inc., testified that his company operated under Certificate No. 51 and had been rendering service continuously since 1926; that they handle fresh fruit, pickles and vegetables between Fort Collins and Denver, have equipment adequate to take care of 30,000 pounds daily and need these commodities as a back haul; that their net earnings for the year 1937 were \$179.03 on a \$25,000.00 business; that they maintained a depot at Fort Collins with floor space enough to handle these items, which depot was kept open twenty-four hours during each day; and that his records for the months of January and February, 1938, disclosed that his operation was running at a loss.

The testimony of A. J. Fregeau, representing the Weicker Transportation Company disclosed that this company was in a position to take care of freight between Denver and all of the other points mentioned by the applicants; that the Weicker Company made three daily trips from the points north of Denver to Denver, and four to eight trucks moved daily between Denver and Colorado Springs, with one operating between Denver and La Junta; that the three trucks returning from the north usually returned empty; that they had been doing some business for the Denver Pickle Company and hope to handle more of it in the future. It appeared that this company had operated at a loss during the year 1937 and needed all the tonnage from the points sought to be served by the applicants, with the exception of Fort Collins, which point was taken care of by the Consolidated Motor Freight, Inc.

After a careful consideration of the record and the testimony, the

Commission is of the opinion and finds that there is at the present time adequate authorized transportation service between each of the points sought to be served by the applicant, and Denver, and that the two common carriers now authorized to render this service were in need of the tonnage, and that to grant additional authority would tend to impair their present efficient operations.

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. Turner

W. C. Danks

Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
THE BOARD OF COUNTY COMMISSIONERS OF)
EL PASO COUNTY, COLORADO, FOR THE OP-)
ENING OF A CROSSING AT GRADE OVER THE)
TRACKS OF THE ATCHISON, TOPEKA AND)
SANTA FE RAILWAY COMPANY AND THE DENVER)
AND RIO GRANDE WESTERN RAILROAD COMPANY)
AT A POINT 44 FEET EAST OF M. P. 84 OF)
THE D. & R.G.W. R. R. COMPANY LOCATED)
IN THE NORTHEAST QUARTER OF THE NORTH-)
WEST QUARTER OF SEC. 24, TWP. 15 S.,)
RANGE 66 WEST OF THE 6th P. M.)

APPLICATION NO. 4299

April 18, 1938.

S T A T E M E N T

By the Commission:

On November 9, 1937, the Board of County Commissioners of El Paso County, Colorado, filed an application with the Commission for the opening and establishment of a public highway crossing, at grade, over the tracks of the Atchison, Topeka and Santa Fe Railway Company and The Denver and Rio Grande Western Railroad Company at a point in the Northeast quarter of the Northwest quarter of Section 24, Township 15 South, Range 66 West, which point is 44 feet east of Mile Post 84 of the Denver and Rio Grande Western Railroad.

Copies of this application were duly served on the attorneys for said rail carriers for an expression of the attitudes of said companies toward the application. Replies were received from each of the carriers indicating in general no opposition to the application, provided that the said carriers would be at no expense in the installation of the proposed new crossing, except the minor expense of signs for the crossing and also provided that a farm crossing at Widefield, and another one a quarter of a mile south of the new crossing, should be eliminated and closed.

The Head Master of the Fountain Valley School, a high class private school for boys, located nearby the proposed crossing, originally made application to the Commission for the crossing, but in order to comply with Rule VI (b) of the Commission's Rules of Procedure, the County Commissioners of El Paso County were requested to file an application for the crossing.

This crossing is desired mainly and almost entirely for the benefit of the said Fountain Valley School to provide a short route to U. S. Highway 85-87 instead of a much longer route by County highway to this highway nearer to Colorado Springs. An application for a crossing at this point was made to the Commission about four years ago, but at that time the railroad companies opposed it and it had little support from the County Commissioners. In fact, on their recommendation, the application was dismissed from further consideration at that time. However, at this time, an offer is made to vacate two farm crossings nearby if this crossing is approved.

The visibility at the site of this proposed crossing is very good, and in that respect there is little danger. In fact, the danger will be no greater than at the present crossings nearer to Colorado Springs. It would seem, therefore, that there is now some slight advantage in a less number of crossings and undoubtedly the school will be benefited in a better highway to Colorado Springs, an important consideration for this school.

Under date of April 6, 1938, in reply to the Commission's several letters, the Secretary of the Board of County Commissioners of El Paso County advised the Commission that the County has finally made satisfactory arrangements with the rail carriers as to the expense involved in the installation of this crossing, and therefore all differences regarding this matter have been settled. Now, therefore, since it appears from the record and other information available to the Commission that there are now no objections to the establishment of this crossing, and that the crossing hazards are not increased and possibly to some extent lessened, and that the crossing will be a matter of some convenience to the Fountain Valley School, the Commission

finds that the application should be granted and will make its order accordingly.

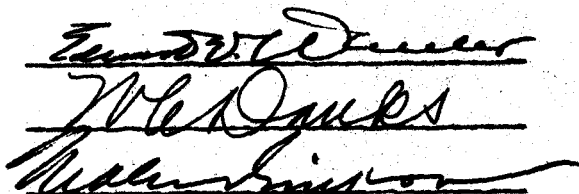
O R D E R

IT IS THEREFORE ORDERED, in compliance with Section 29 of the Public Utilities Act, as amended, that a public highway crossing, at grade, be and is hereby permitted to be opened and established across the right-of-way and tracks of The Atchison, Topeka and Santa Fe Railway Company and the nearby Denver and Rio Grande Western Railroad Company at a point in the Northeast Quarter of the Northwest Quarter of Section Twenty-four (24), Township Fifteen (15), Range Sixty-six (66), West of the 6th P.M., said point being forty-four (44) feet east of Mile Post 84 of the Denver and Rio Grande Western Railroad; provided, however, that prior to the opening of said crossing to public travel, it shall be constructed at right angles with tracks and in accordance with the Commission's plans and specifications as provided in Case 879.

IT IS FURTHER ORDERED, That all the expense, except the installation of crossing sign posts, incident to the installation of the aforesaid crossing, including all grading for approaches to crossings and the necessary drainage therefor, shall be borne by the County of El Paso, State of Colorado, and in such a manner as shall be mutually agreed upon between the County and the rail carriers concerned. Any work done on the rights-of-way of the carriers by the County shall be done under the supervision of and be satisfactory to the said carriers. All work in the tracks shall be done by the rail carrier forces.

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 April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HERMAN VOLLMERT, FORT MORGAN,)
COLORADO.)

APPLICATION NO. 4298-PP

April 19, 1938.

S T A T E M E N T

By the Commission:

On February 26, 1938, Decision No. 11456, the Commission granted a Class A private carrier permit to the above named applicant, with authority in addition to his milk transportation service to transport coal from the northern Colorado coal fields, to customers residing within his home area at Fort Morgan. This authority to transport coal involves a movement more than fifty miles distant from Fort Morgan and therefore affects the rate on his insurance.

The applicant now requests that his authority be limited to a radius of fifty miles of Fort Morgan.

After a careful consideration of the request, it being a reduction of his authority rather than an extension, the Commission is of the opinion and finds that this authority should be limited to a radius of fifty miles of Fort Morgan, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the two last lines contained in the first paragraph of the order as set forth in Decision No. 11456 be, and the same hereby are, deleted and eliminated from said order, the language

"and the transportation of coal from the northern Colorado coal fields to customers residing within the said six-mile area"

being the part which is hereby eliminated.

IT IS FURTHER ORDERED, That this order should be made a part of the order contained in said decision and in all other respects the provisions of said order shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Dwyer

W. C. Danks

Walter E. Eason

Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
L. L. BLAND, SPRINGFIELD,)
COLORADO.)

APPLICATION NO. 3713-PP
PERMITS NOS. B-1781,
B-1781-I and C-5989
CASE NO. 7221-Ins.

April 19, 1938.

S T A T E M E N T

By the Commission:

On January 20, 1937, Decision No. 9310, Application No. 3713-PP, L. L. Bland was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

- *(a) farm products, farm implements and farm machinery from point to point within the area extending 10 miles east and west, 20 miles north and 25 miles south of Springfield;
- *(b) farm products from points in said area to Springfield, Vilas, Pritchett and Walsh;
- *(c) farm machinery, implements and parts for Walsh Lumber Company and John Deere Plow Company between points within the area consisting of Prowers and Baca Counties, and that part of Las Animas County which lies east of a line drawn north and south through Branson, Colorado.*

On November 26, 1937, he was authorized to operate as a private carrier in interstate commerce, only, between all points in Baca County, Colorado, and the Colorado State Boundary Line, where all highways cross the same, subject to the provisions of the Federal Motor Carrier Act of 1935.

On March 1, 1937, a commercial permit, No. C-5989, authorizing state-wide operations as a commercial carrier issued to said L. L. Bland.

Cases having been filed by the Commission against the permittee for cancellation of said permits on account of failure to have insurance

coverage for a distance in excess of fifty miles on file with the Commission, applicant, on March 24, 1938, asked that the territory within which he is authorized to operate be reduced to fifty miles, he having insurance coverage for said distance.

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

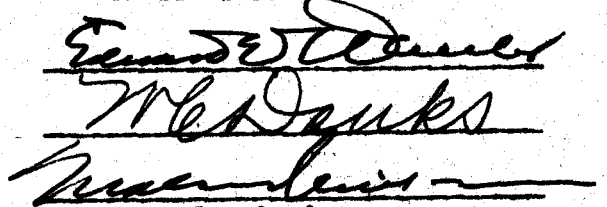
O R D E R

IT IS THEREFORE ORDERED, That (a) The first paragraph of the order contained in said Decision No. 9310 be, and it hereby is, amended to read as follows:

IT IS THEREFORE ORDERED, That L. L. Bland of Springfield, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, farm implements and farm machinery from point to point within the area extending 10 miles east and west, 20 miles north and 25 miles south of Springfield; farm products from points in said area to Springfield, Vilas, Pritchett and Walsh; farm machinery, implements and parts for Walsh Lumber Company and John Deere Plow Company between points within the area consisting of Prowers and Baca Counties and that part of Las Animas County which lies east of a line drawn north and south through a point fifty miles west of Springfield, Colorado;

(b) that said interstate authority, Permit No. B-1781-I, be, and it hereby is, amended to authorize the transportation of freight by motor vehicle as a private carrier in interstate commerce, only, between all points on the Colorado-Kansas State Boundary Line where it is intersected by highways and points in Baca County within a radius of fifty miles of said points of intersection; (c) and that the authority of applicant under his commercial permit, No. C-5989, be, and it hereby is, restricted to transportation of freight as a commercial carrier within a radius of fifty miles of Springfield, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF JACK PERRY, DOING BUSINESS AS
SERVICE TRUCK LINE, DENVER, COLO-
RADO, FOR AN EXTENSION OF HIS PER-
MIT NO. A-779.

3350
APPLICATION NO. ~~3550~~-PP-AA-B-A-B
PETITION FOR RE-HEARING

April 19, 1938.

S T A T E M E N T

By the Commission:

On December 10, 1937, the Commission issued an order in the above application for extension, denying the application.

On December 21, 1937, a petition for re-hearing was filed, setting forth that the Commission illegally found that there would be an impairment of service when the common carriers affected had never handled the commodities for applicant's customers, sought to be transported by the applicant, and that in the absence of applicant's regular Attorney, the hearing should have been postponed.

The record disclosed that the common carriers affected, transported "all commodities" and that the particular commodity in question, "sugar" had been offered to them for transportation from Sugar City to Denver at eighteen cents per cwt., and was declined by the carrier because the rate was too low. The record further disclosed that there was adequate, authorized common carrier service to take care of all movements of freight between Sugar City and Denver, that at the hearing on this application the applicant was represented by a very able Attorney, and the applicant's case was presented in a very efficient manner.

After a careful consideration of each and every assignment contained in the petition for re-hearing, the Commission is of the opinion and finds that this petition does not set forth anything which would justify

granting a re-hearing, and that the same should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the petition for re-hearing filed in this 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 W. Wheeler

W. L. Danks

W. L. Swenson
Commissioners.

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

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF W. F.)
BRENNER, IDALIA, COLORADO, RESPONDENT.)

CASE NO. 2473
PERMIT NO. B-1497

April 19, 1938.

S T A T E M E N T

By the Commission:

On July 19, 1937, in the Above numbered case the Commission issued an order revoking and cancelling Permit B-1497 on account of the respondent having failed to make road reports for 1936 and 1937.

It has now been brought to the attention of the Commission that the respondent made reports which were placed to the credit of his "C" permit 4102, but the respondent was of the opinion that the reports so rendered took care of his "C" operations as well as his "B".

The record does disclose that these reports were forthcoming immediately after notice of revocation was received by the 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 revocation order issued under date of July 19, 1937, in Case No. 2473 should be and the same hereby is set aside and held for naught and private permit B-1497 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Emmett C. Bennett
W. C. Danks
Robert Harrison
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
DICKEY HARDWARE & LUMBER COMPANY,
KIM, COLORADO, Respondent.)

CASE NO. 7150-Ins.
PERMIT NO. C-2294

April 19, 1938.

S T A T E M E N T

By the Commission:

On February 28, 1938, in the above numbered case, the Commission issued an order revoking and cancelling Permit C-2294 on account of the respondent having failed to keep on file the required certificate of insurance.

The Commission is now in receipt of information showing that on the date of this revocation, insurance was in full force and effect, but through no neglect on the part of the respondent, a proper record did not show in the office of the Commission.

J. N. Mabry, Esq., of Trinidad, for applicant, requests the reinstatement of this permit.

After careful consideration of the record the Commission is of the opinion and finds that the order of the Commission dated February 28, 1938, should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the order of the Commission dated February 28, 1938, entered in Case 7150-Ins. should be and the same hereby is set aside and held for naught and Permit C-2294 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. C. Danks

Walter E. Johnson

Commissioners.

Dated at Denver, Colorado,
this 19th day of April, 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. NO. 780.)

CASE NO. 4682
AMENDED COMPLAINT

April 16, 1938

S T A T E M E N T

By the Commission:

The records of the Commission disclose that on the 5th day of February, 1938, the Commission, on its own motion, instituted a complaint against the above named respondents, and more particularly concerning the operations of W. H. Oberwortman under said certificate, which said complaint charged that the said respondent Oberwortman had enlarged and extended his operations carried on under said certificate; that he did, during the month of December, 1937, transport shipments of freight for rates lower than the rates prescribed by this Commission, and that the said respondent had failed and neglected to remit to this Commission the accrued highway compensation taxes for the month of April, 1937; that pursuant to the filing of said complaint, a hearing was had thereon before the Commission, and that following said hearing the Commission, under date of April 1, 1938, issued its order cancelling and revoking the interest of said W. H. Oberwortman in and to said Certificate No. 780; that thereafter said respondent filed a petition for rehearing in said matter, which said petition has been granted and the matter set down for further hearing; that since the filing of said complaint and the hearing thereon, the operations of said respondent Oberwortman, conducted under said Certificate No. 780, have been further investigated, and pursuant to said investigation information has come to the Commission and its records disclose that said respondent has further violated the terms and provisions of Certificate No. 780, the rules and regulations of this Commission, and the

statutes governing his operations, in the following particulars, to-wit:

1. That said respondent did, during the months of January, February, March, and April, 1938, accept, transport, and deliver numerous shipments of freight, consisting of shipments of cement, from the Colorado Portland Cement Company, at Portland, Colorado, to the Colorado Construction Company and Rock Island Lumber Company at Lamar, Colorado; that said respondent did further, on or about the 6th day of April, 1938, offer to transport a shipment of flour from the Lamar Flour Mills, Lamar, Colorado, to the Safeway Stores at Holly, Colorado, at and for a rate and charge lower than the rate prescribed by this Commission for such transportation service.

2. That said respondent has enlarged and extended his operations carried on under said certificate, by accepting, transporting, and delivering shipments of freight from and to points outside and beyond the area granted him under said certificate, and more particularly, that he did, during the months of January, February, and March, 1938, accept, transport, and deliver shipments of freight from Portland, Colorado, to Lamar, Colorado, contrary to the provisions of his said certificate.

O R D E R

IT IS THEREFORE ORDERED, By the Commission on its own motion, that a further hearing be entered into to determine if the said respondent, W. H. Oberwortman, has failed or refused to comply with any or all of the terms and provisions of his said certificate, the rules and regulations of this Commission, and the statutes governing motor carrier operations, and, if so, whether his said 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 suspending or revoking the certificate heretofore issued to said respondent, because of the violations and delinquencies hereinbefore set forth, 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 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 27th 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 V. Dwyer

W. C. Danko

Walter Lewis
Commissioners.

Dated at Denver, Colorado,
this 16th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. H. OBERWORTMAN AND FRANCIS) CASE NO. 4682.
ROE, LAMAR, COLORADO, P.U.C. 780.)

RE MOTOR VEHICLE OPERATIONS OF)
OBERWORTMAN AND ROE, LAMAR, COLO-) CASE NO. 7391-Ins.
RADO, RESPONDENT.) CERTIFICATE NO. 780.

April 16, 1938.

S T A T E M E N T.

By the Commission:

The records disclose that after a hearing in Case No. 4682, the Commission issued an order, dated April 1, 1938, being Decision No. 11654, revoking the respondent's interest in Certificate No. 780.

On April 6 the respondent filed a petition for rehearing, pointing out apparent errors and irregularities in the Commission's findings.

It has been brought to the attention of the Commission that the complaint filed herein should be amended to include other violations on the part of the respondent herein.

After careful consideration of the record, the Commission is of the opinion and finds that a rehearing should be granted in the instant case and that Attorney for the Commission should be authorized to file an amended complaint. Also that on March 14, 1938, after a hearing in Case No. 7391-Ins., the Commission issued an order revoking and cancelling Certificate No. 780, on account of the respondent having failed to keep on file the required certificate of insurance and that inasmuch as application has also been made to have this revocation order set aside that the same should be set for hearing at the same time and place.

O R D E R

IT IS THEREFORE ORDERED, That the petition for rehearing filed herein in Case No. 4682 be, and the same hereby is, granted, and the Attorney for the Commission authorized to file amended complaint; that the application to set aside the revocation order entered under date of March 14, 1938, in Case No. 7391-Ins. be, and the same hereby is, granted; and that each of said cases be and they hereby are reopened for the purpose of taking further testimony; that a copy of the amended complaint be served upon respondent with a copy of this order, and that respondent be and he hereby is required to satisfy or answer in writing said amended complaint within ten (10) days from the date of service of said copies.

IT IS FURTHER ORDERED, That each of said matters be and the same are set down for hearing before the Commission at its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on the 27th day of April, 1938, at which time and place such evidence as may be proper will be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 16th day of April, 1938.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF BEN W. RENNER FOR CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECES-)
SITY TO OPERATE PASSENGER AND BAG-)
GAGE SERVICE.)

APPLICATION NO. 4479

April 20, 1938.

Appearances: John A. Cross, Esq., Loveland, Colorado,
for the applicant;
Marion F. Jones, Esq., Denver, Colorado,
for the Colorado Trucking Association
and Vane Golden;
Joseph G. Hodges, Esq., of Hodges, Vidal
and Goree, for the Rocky Mountain Parks
Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Inter-City Truck Line.

S T A T E M E N T

By the Commission:

The applicant herein seeks authority to establish service for the transportation of passengers and baggage between Loveland, Colorado and Greeley, Colorado, LaSalle, Colorado and other points within a radius of fifteen miles of Loveland, but not to include Longmont, nor between points where there are at the present time established services by common carriers. The proposed service is to be an irregular service, upon fares and rates to be published as required by the Commission.

The applicant possesses a 1931 Pontiac five-passenger sedan and a 1933 Terraplane five-passenger sedan, the value of which cars is approximately \$600.00.

Request was made for authority to amend the application by interlineation as follows:

"That there is at the present time no taxi service in the City of Loveland, nor within a radius of fifteen miles thereof; that there was no irregular service by motor vehicle between points within said area and that the public convenience and necessity require the proposed motor vehicle service of the applicant."

Authority to make this amendment was granted.

It appeared from the testimony of Ben W. Renner, the applicant, that he had been a resident of Loveland for about four months and was operating a taxicab service in the city, had been a driver for Brown and Bill's Cab in Denver, and knew how to conduct a transportation business as proposed; that he desired authority to serve only those points which were now without adequate service; that he did not intend to serve any points now being served by a common carrier; that he desired the service to be limited to passengers and baggage (no express) taxicab service. It appeared that there was a demand for service between Loveland and LaSalle in connection with the meeting of trains on the Union Pacific, which made stops at LaSalle, to discharge passengers destined to Loveland; that there was also a demand for service between Loveland and Johnstown, and between Loveland and Windsor, neither of which points now have any means of transportation to and from Loveland; and that there was a demand for direct service between Loveland and Greeley, inasmuch as the regular transportation facilities were routed via Fort Collins, at which point there was quite a delay before service could be had between Fort Collins and Greeley, while the distance direct from Loveland to Greeley was much shorter and could be made in a comparatively short time and this service would be on irregular schedule.

The proprietor of the Hotel Borlander of Loveland testified that many of his patrons stopping at the hotel sought transportation service from Loveland to Greeley, from Loveland to LaSalle, from Loveland to Johnstown, as well as from Loveland to Windsor; that the population of Loveland was approximately six thousand and that there was a constant demand for a taxicab service in Loveland; that he had been a party to the

movement in Loveland to procure some kind of transportation from the Rocky Mountain Parks Transportation Company, but so far had accomplished nothing in that direction; and that his patrons had been obliged to go via Fort Collins, and there stay over night before they could get a connection to Greeley.

C. C. Chaney and R. E. Palmer, business men at Loveland, testified in substance that in their business they had frequent demands or need for service between Loveland and LaSalle, as well as between Loveland and Johnstown, Loveland and Windsor, and Loveland and Greeley; that the need for some kind of conveyance to meet the trains stopping at LaSalle was the most needed service of any; that old folks and retired farmers residing in Loveland and desiring to go to Greeley or LaSalle invariably sought some means of transportation inasmuch as they did not possess their own automobiles; that a great many turkey farms were located west of Loveland and that buyers came to Loveland and sought means of transportation to go out to these turkey ranches; almost daily someone was looking for some means of transportation to Masonville and other points in the turkey ranch area; and that there were likewise frequent calls for transportation service to the brick yards west of Greeley as well as to the plaster mills.

It appeared that the Colorado Motor Way, Inc., conduct a service through Loveland, Fort Collins and Greeley as well as Greeley and LaSalle, and had considered additional service between Loveland and Greeley but did not feel that there was sufficient travel to justify such an operation. The time schedules maintained by the Colorado Motor Way, Inc. were introduced, showing that this schedule was intended to meet the train schedule on the Union Pacific, passing through LaSalle, and that this company had made a careful study of the transportation needs and considered their present schedule to be adequate; that service had been made during the past three years and no demand was found for increased service;

that there was no need for a town to town service as sought to be rendered by the applicant inasmuch as the only demand was during the summer months. It further appeared that the Motor Way had not been advised of any petition or movement on the part of the Chamber of Commerce of Loveland or others to arrange additional service as disclosed by the testimony of some of the witnesses. Some difference of opinion appears as to the public demand. However, it does not appear that the proposed service of applicant will adversely affect the Motor Way.

After a 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 taxicab service of the applicant herein for the transportation of passengers and baggage from point to point within the City of Loveland and between Loveland and LaSalle, Colorado, Loveland and Greeley, Colorado, Loveland and Johnstown, Colorado, Loveland and Windsor, Colorado, and between Loveland and other points within a radius of fifteen miles of Loveland, Colorado, excluding, however, Longmont and any other points now served by common carriers of passengers, and that a certificate granting such authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle taxicab transportation service of the applicant, Ben W. Renner, for the transportation of passengers and their baggage (no express) on call and demand from point to point within the City of Loveland, Colorado and between Loveland and LaSalle, Loveland and Greeley, Loveland and Johnstown, Loveland and Windsor, Loveland and other points within a radius of fifteen miles of Loveland, particularly excluding, however, Longmont, Colorado and any and all points not above named and now being served with common carrier passenger service, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That a statement of the rates and fares to be charged for service shall be submitted to the Commission for approval or modification before the effective date of this order, and before notice of the same has been published in the manner prescribed in Section 16 of the Public Utilities Act of 1913.

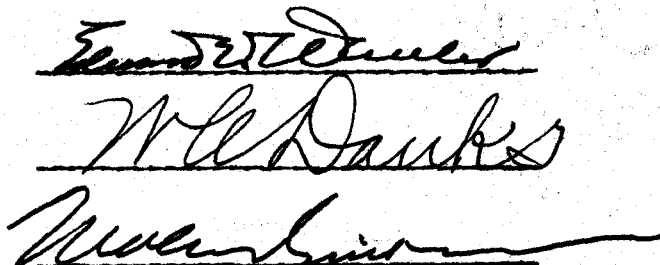
IT IS FURTHER ORDERED, That jurisdiction of the instant case be and the same hereby is retained to the end that such further orders may be entered herein as future developments may require.

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 20th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL WILSON, PERMIT NO. B-2048.)

CASE NO. 4696

April 18, 1938.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent heretofore became the holder of Permit No. B-2048 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 respondent 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 has, since becoming the holder of said permit, accepted, transported, and delivered 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 has, since becoming the holder of said permit, accepted, transported, and delivered shipments of freight for 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 memorandum of the terms of any contract, with such persons, firms, and corporations, on file with this Commission at the time of accepting, transporting, and delivering said shipments of freight.

3. That said respondent has failed and neglected to remit to this Commission the accrued highway compensation taxes for the month of February, 1938, and has failed and neglected to file with this Commission his monthly report for the month of March, 1938.




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 provisions of the aforesaid statute, 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 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 suspending or revoking Permit No. B-2048, heretofore issued to said respondent, because of the aforesaid violations of the law and the rules and regulations of this Commission, and why it should not enter such other order or orders as may be 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, 350 State Office Building, Denver, Colorado, at ten o'clock A. M., on the 28th 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




Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF E. N. WINSKOM TO TRANSFER HIS)
CERTIFICATE NO. 857 TO WILLIAM S.)
HOWARD AND CARL C. GEER, CO-)
PARTNERS.)

APPLICATION NO. 2853-AA

April 20, 1938.

Appearances: Richard E. Conour, Esq., Denver, Colorado,
for the 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 February 26, 1936, Decision No. 7274, the Commission granted authority to E. N. Winscom and A. W. Lyon

"for the transportation of general freight, including livestock, not on schedule, from point to point within Jackson County, Colorado, and from and to points in Jackson County to and from places outside thereof, excluding however, the right to transport merchandise from and to Denver, Fort Collins and points intermediate to and from Walden and Cowdrey, Colorado;"

which authority was given certificate No. 857, and on November 1, 1937, after a hearing, W. A. Lyon was authorized to withdraw from the firm and was further authorized to transfer all of his right, title and interest in and to Certificate No. 857, to E. N. Winscom, doing business as Winscom Truck Line.

In the instant application, authority is sought to transfer this certificate to W. S. Howard and Carl C. Geer, co-partners. A copy of the memorandum of agreement dated February 15, 1938, setting forth the terms and conditions of the sale and purchase of the certificate and four trucks was marked Exhibit No. 1 and received in evidence, which contract discloses that the consideration to be paid is \$2400.00, of which \$1,000.00 was paid in cash on the date of the agreement and the balance to follow as set forth in said agreement. There appeared to be no outstanding obligations as a result

of previous operations under this certificate, except possibly, C.O.D. on shipments forwarded by Montgomery Ward and Company of Denver, to J. E. Mallon at Walden, Colorado, however Winscom claims to have a receipt for this item but Montgomery Ward and Company contends that it has not yet been paid.

W. S. Howard, one of the transferees agreed to straighten this matter out and if Winscom did not produce a proper receipt for this amount he would pay the same himself and hold it out of the purchase price.

Exhibit No. 2 received in evidence, is a financial statement of the transferees.

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 given at the hearing, the Commission is of the opinion and finds that authority to make this transfer should be granted.

O R D E R

IT IS THEREFORE ORDERED, That E. N. Winscom be and he hereby is granted authority to transfer all of his right, title and interest in and to Certificate No. 857, with authority as hereinabove set forth, to William S. Howard and Carl C. Geer, both of Walden, Colorado, and this order shall be taken as authority to make such transfer.

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. Danner

W. L. Danks

Walter J. Simon
Commissioners.

Dated at Denver, Colorado,
this 20th day of April, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
L. E. BOCHMANN, COLORADO SPRINGS,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4494-PP

April 20, 1938.

Appearances: L. E. Bochmann, Colorado Springs,
Colorado, pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Com-
pany and Weicker Transfer and
Storage Company;
Merrill E. Shoup, Colorado Springs,
Colorado, for Midland Terminal
Railway, Colorado Springs-Cripple
Creek Stage Line, Colorado Trans-
fer and Trading Company;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Denver
and Rio Grande Western Railroad
Company;
Marion F. Jones, Esq., Denver, Colo-
rado, for The Colorado Trucking
Association and Jim's Truck Line;
Zene D. Bohrer, Esq., Denver, Colo-
rado, for the Motor Truck Common
Carriers' Association.

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 tombstones, finished and unfinished, between Colorado Springs and points within a radius of one hundred and fifty miles thereof, and flint shot from Denver to Colorado Springs for Evergreen Memorial Company of Colorado Springs, only.

The evidence disclosed that Evergreen Memorial Company, heretofore, in part, has been hauling tombstones for itself; that applicant, Bochmann,

has been employed by said company primarily to build the foundations for and to set the tombstones in various cemeteries within a radius of one hundred and fifty miles of Colorado Springs, he driving the truck moving the tombstones to the place of setting for said company. Also, occasionally, he has moved finished tombstones to Denver or points beyond for setting. Upon the return trip, occasionally, he has picked up unfinished or rough stones and flint shot in Denver and hauled said commodities to Colorado Springs. He has arranged to purchase the Evergreen Memorial Company truck and to continue placing or installing tombstones for said company, and wants to continue the transportation service formerly furnished by company itself, as incident to his employment in setting tombstones.

It appeared that the handling of tombstones and their subsequent setting required experienced men and special equipment, and that, in many towns, such installation service must be furnished by Evergreen Memorial Company, on account of lack of experienced men to do the work; that while scheduled line haul carriers may be able to furnish the transportation service satisfactorily to points where monuments are to be set, delay and extra expense would be occasioned by such arrangement, for it would be necessary for the Memorial Company to send a man to the cemetery to set the stone. Furthermore, ordinarily, a contract for sale of memorial or stone, as it may be called, ordinarily includes setting, as Evergreen Memorial Company guarantees satisfactory installation, which necessarily means contracting for "the completed job."

Applicant admitted that transportation service between Denver from G. and L. Granite Company to Evergreen Memorial Company, heretofore furnished by Weicker and Jim's Truck Line, has been very satisfactory, and contended that in the future, most of the rough granite, marble and flint shot still would move from Denver to Colorado Springs by truck lines, the only reason assigned for transportation from Denver to Colorado Springs of such commodities by applicant being his desire to insure a more profitable operation-- he needs the money.

Apparently, most of the carriers present recognize the necessity for special service in the setting of tombstones, and did not object to the proposed transportation service of applicant from Colorado Springs to points where such service is incidental to the construction of foundation and setting of stone. They, however, oppose granting of authority in excess of such service upon the ground that it would impair the efficiency of their admittedly adequate service.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the position of protestants is well-taken, and that the permit should issue to applicant, limited to transportation service, as an incident to setting of tombstones and foundations therefor.

O R D E R

IT IS THEREFORE ORDERED, That L. E. Bochmann, 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 finished tombstones (memorials) and foundations therefor from Colorado Springs for Evergreen Memorial Company, only, to points within a radius of one hundred and fifty miles of Colorado Springs where such transportation service is incidental to the installation, by applicant, of said tombstones, at cemeteries, for customers of said Evergreen Memorial Company.

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. Danks

W. C. Danks

Reuben E. Danks
Commissioners

Dated at Denver, Colorado,
this 20th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. E. COWAN, SALIDA, COLORADO,)
PERMIT NO. A-659.)

CASE NO. 4688

April 22, 1938.

Appearances: J. J. Patterson, Esq., Denver, Colorado,
for the Commission;
Marion F. Jones and John P. Beck, Esqs.,
Denver, Colorado, for the respondent;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers'
Association;
Stanley Blunt, Esq., Canon City, Colorado,
for the Southwestern Transportation
Company.

S T A T E M E N T

By the Commission:

On March 7, 1938, in the above numbered case the Commission issued an order charging that the holder of Permit A-659 had violated the terms and provisions of said permit, the rules and regulations of the Commission, and the provisions of Chapter 120, Session Laws of Colorado, 1931, as amended; and that during the period July to December, 1937, the holder of said permit accepted, transported and delivered numerous shipments of freight at and for rates and charges different from and lower than the rates and charges fixed by the Commission for such transportation; that during said period holder of said permit in violation of the terms thereof and in violation of the provisions of said Chapter 120, extended his operations by engaging in the business of transporting freight for hire from and to various points not included within his authority as granted; that said respondent further accepted and transported shipments of freight for numerous persons, firms and corporations without first having a statement on file showing the names and addresses of such persons, firms and corporations, and without having filed with the Commission, contracts or memorandums as required by the rules of the Commission; and that the

respondent has failed, refused and neglected to file correct monthly reports covering his operations, beginning November 1, 1935, to and including December 31, 1937.

The respondent answered the complaint by saying that if he had not charged the prescribed rates, such charges made by him were made inadvertently and not with intent to violate the order of the Commission and if shown that his charges were too low he would take steps to collect the undercharges.

Respondent admitted that on a few occasions he had served points outside of his authority but that this was on account of the lack of authorized carriers, and in order to take care of a shipper needing service, and that he did not realize the gravity of such offense and was willing to pay a reasonable penalty for such violation.

Further answering, the respondent states that if he has violated rules of the Commission, such violation was due entirely to inadvertence; admits that he failed to file reports at the proper time, but when advised by the Inspector he not only filed reports, but also paid back road tax and many times waited for the Inspectors to advise him. Respondent further stated that many operators were performing transportation service in violation of the rules of the Commission, that there was no authorized service available to take care of certain transportation needs, and that respondent along with others, has for many years performed service which was a violation of the rules of the Commission, but that they were not in any way molested and felt that it was a duty to take care of the needs of the community.

In support of the charges, in particular the rate violations, it was stipulated between Counsel that the Commission's Assistant Rate Expert, O. E. Mayer, render a report covering the rate items and that whatever his report might show would be accepted as the facts in connection with the Respondent's operations under Permit A-659, which report is as follows:

"April 1, 1938

"MEMORANDUM: To the Commission

"FROM: Oscar E. Mayer

"SUBJECT: Investigation of Rates of G. E. Cowan, Permit A-659.

"I beg to report the result of my investigation of memorandum submitted by A. E. Murchie, covering numerous shipments, as follows:

"That there is no prescribed rate on lumber. On the iron and steel pipe from Salida to Maysville, Colo., the rate would be 19½¢ per cwt on 20,000# and 15¢ per cwt. on 30,000#. Note that operator collected about 20¢ per cwt.

"On the iron and steel pipe from Colorado Springs to Maysville operator collected 20¢ per 100#. Correct ^{rate} would be 67½¢ on 20,000# and 50½¢ on 30,000#.

"Memorandum shows a haul of wool from Gunnison to Salida, but does not show amount collected nor the weight of movement; the LCL rate on this commodity would be 43¢ per 100# and 41¢ on 5,000#, 39¢ on 10,000#, 37¢ on 15,000# and 35¢ on 20,000#.

"Also shows a movement of horses from Lake City to Maysville, Colo., a distance of 137 miles. However, it does not show the number of head moved. The rate would be \$5.20 per head or a minimum charge of \$26.00 for five head for this movement.

"With reference to movement of circus outfits from Montrose to Monte Vista beg to advise that there is no rate in effect covering a movement of this kind. Administrative Ruling #2 provides that common carriers shall make a 16th section application for movements of this type.

"Also moved a 6,000# shipment of household goods from Durango to Salida for a total of \$75.00. The correct rate on this movement for the distance of 285 miles would be \$118 for 2,000# minimum and \$1.49 for each additional 100#.

"Also shows movement of household goods from Salida to Denver, a distance of 165 miles, weight 3,000# and charged \$45.00 for this movement. The correct weight on this shipment would be \$70.00 for 2,000#, plus \$1.18 per 100# for each additional 100#.

"Also shows a shipment of cattle from Salida to Guffey. Inasmuch as he does not show number of cattle hauled I have been unable to show the rate which would be applicable.

"Respectfully submitted,

"Signed) O. E. Mayer
"Asst. Rate Expert."

OM-JH

It was further shown that the applicant had been in the transportation business, serving ranchers living as far as thirty-five miles off of his scheduled route; that he had rendered service as far west as Montrose; that such operations outside of his territory had been going on for several years.

The respondent further testified that he had at times charged 40¢, 45¢ and as high as 50¢ per dwt. for the transportation of livestock

between the Salida area and Denver and when doing so thought that the prescribed rate was less than these figures; that he had some time back made an application to this Commission for a certificate of public convenience and necessity to transport farm products and farm supplies for customers residing in the Salida area but was for some reason obliged to wait about a year before his application was heard and that he had not as yet been granted this authority; that had he been given this authority, however, the respondent stated that some of his operations would not of course have been covered by the certificate, referring particularly to the Brunk's Comedians item which covered a movement of freight from Montrose to Monte Vista, Colorado, which service the respondent admitted was a violation on his part. The respondent further stated that his "A" authority did not cover what he wanted and that if he was given a certificate he would try to operate within the authority granted; that his health has been very poor of late and he was anything but a well man when testifying and had been obliged to rely upon his drivers to conduct his operation, and his wife to look after such records as he might have. The respondent further stated that he hoped the Commission might fix some penalty which he might pay and be given a chance to show his good intentions.

Permit A-659 grants authority between Salida and Denver and intermediate points and between Salida and Pueblo and intermediate points.

However, the record in this case discloses beyond doubt that the respondent operated continuously off of the above described route; that he charged rates for service which were lower than the prescribed rate as fixed by the Commission; that he rendered service indiscriminately without regard to the Commission's rule requiring private carriers to first file with the Commission a list of customers before serving them; and that not only the testimony herein, but the frank admissions of the respondent showed violations to have been practiced by the respondent quite continuously since the time of receiving his permit on April 18, 1934.

After careful consideration of the record and the testimony given in this case, the Commission is of the opinion and finds; that the record herein shows numerous violations involving transportation service for those not listed as customers, charging rates which were in violation of the Commission's rate order, and rendering a transportation service beyond the authority granted by Permit A-659; and that two items stand to the credit of this applicant:

1. That he has been frank enough to admit his wrongdoing and violations as above indicated.
2. That there appears to be a demand for services of a local operator in the Salida area, particularly in connection with the transportation of live-stock and that in exercising a desire to accommodate, particularly farmers and ranchers in this area, the respondent rendered service beyond his authority and in violation of the rules and regulations of the Commission while trying to render needed service, and stated:

"But to be honest about it, thought I could get by with it."; and that the penalty should be revocation of authority.

ORDER

IT IS THEREFORE ORDERED, That as a penalty for and on account of the violations as above set forth, Permit A-659 now held by respondent, G. E. Cowan, be and the same hereby is cancelled and revoked.

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

E. J. Dwyer

J. H. Dwyer

W. E. Dwyer
Commissioners.

Dated at Denver, Colorado,
this 22nd day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS OF)
T. N. CORRELL, OAK CREEK, COLORADO,)
doing business as NATE'S FREIGHT)
SERVICE.)

CASE NO. 4651

April 22, 1938.

Appearances: Conour and Conour, Esqs., Denver, Colorado,
for the Larson Transportation Company;
B. C. Hilliard, Jr. and Geo. A. Trout, Esqs.,
1022 Midland, Denver, Colorado, for the
Respondent;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers'
Association;
J. H. Shepherd, Esq., Denver, Colorado,
for The Denver & Salt Lake Railway Co.;
J. J. Patterson, Esq., Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On December 13, 1937, Decision No. 11154, the Commission modified a former order and accepted a payment as a penalty in lieu of the suspension of Permit A-677, which suspension was ordered on account of certain violations committed by the respondent.

On January 25, 1938, a petition to rescind the abovementioned order of December 13 was filed by the Larson Transportation Company, a party to the above-numbered case, setting forth a number of reasons why said order and the decision should be set aside and vacated, particularly that the Commission had been deceived and led to believe that the respondent had collected undercharges as required when in fact no undercharges whatever had been collected by the respondent, that no hearing was given as provided by the rules of the Commission when changing or modifying an order, and that the action of the Commission in not requiring the respondent to collect all of the undercharges was a discrimination against the public using the services of the intervener. Also calling attention to the item that the Commission acted without authority in changing the penalty from a suspension to a fine.

Decisions numbered 10495, dated August 17, 1937, 10968, dated November 20, 1937 and 11134, dated December 13, 1937 were made parts of the record.

Exhibits 1 and 2, being letters signed by J. M. Childress, were also received and road reports covering respondent's operations during the month of May 1937 were made a part of the record, Exhibit 1 being as follows:

"December 13, 1937

"Public Utilities Commission
State Office Building
Denver, Colorado

Gentleman:

"After conferring with my client, T. N. Correll, doing business as Nate's Freight Service, I find that it is impossible for him to make definite collections on the under-charges mentioned in your order of November 20, 1937, Decision No. 10968, for the month of May, 1937.

"He advises that he has absolutely no records as to definite amounts collected or from whom collected and, therefore, can not arrive at any definite statement as to the under-charges due from his patrons; that he has made an honest effort to comply with your order relative to such collections and has collected all that he possibly can on said under-charges; that quite a number of his May customers have left the country and he does not know their present addresses.

"Yours very truly,

(Signed) J. M. Childress

JMC:F

J. M. Childress"

Exhibit 2 was a letter addressed to the Commission, transmitting funds to cover the amount of the penalty tendered in lieu of suspension. After the Commission had modified the suspension order to read "the payment of a penalty of \$75.00 in lieu thereof" this amount was accepted by the Commission.

Harold Tucker testified that he made a personal call on a great many of the customers listed by the respondent, making an examination of their records and found that in no instance were any undercharges paid by these customers to the respondent in compliance with the order of the Commission; and that in trying to locate some customers served by the respondent and having paid less than the prescribed rate on freight transported for them, he found they had in fact left the country or could not be found.

T. M. Correll, the respondent, testified that he did not have the freight bills and not knowing the amount of undercharges due from his various customers, he was not in a position to collect the same, and left the entire matter with his Attorney, J. M. Childress; that not having anything to go by, he never collected any of the undercharges, but did, on or about March 16, 1938, receive from the Commission, all bills of lading and shipping tickets which had been introduced in evidence at the hearing, but after receiving these records MADE NO EFFORT WHATEVER TO COLLECT ANY UNDERCHARGES.

From Exhibit No. 1, the letter signed by J. M. Childress, Attorney for the Respondent, it appears that the Commission was advised

"that it is impossible for him to make definite collections on the undercharges"

also

"that he has made an honest effort to comply with your order, relative to such collections and has collected all that he possibly can, on said undercharges."

The above assurance coming from a responsible Attorney, after conference with his client, led the Commission to believe that at least some undercharges had been collected, and that an honest effort had been made to comply with the Commission's order in this respect; and coupled with the tender of \$75.00 in lieu of the suspension which was made by the respondent, the Commission acted thereon and entered an order dated December 13, 1937, being Decision 11134, accepting the amount in lieu of the suspension and modifying the original order.

After a careful consideration of the record and the testimony, the Commission is of the opinion and finds that in granting the order dated December 13, 1937, above referred to, the Commission was misinformed in regard to the collecting of undercharges by the respondent and his efforts put forth to comply with the Commission's order dated November 20, 1937, Decision No. 10968; that the Commission now finds from the undisputed testimony of the respondent that he made no effort whatever to collect any undercharges, either before the return of his freight bills and shipping tickets, nor after they had been returned to him, and did not make a bona-fide effort to comply with the Commission's order dated November 20,

1937, in connection with the collecting of undercharges; and that the Commission's order dated December 13, 1937, should be set aside and held for naught, the \$75.00 paid by the respondent to the Commission returned to him, and the Commission's order of November 20, 1937, permitted to stand as the final decision of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in the Commission's decision No. 11134, dated December 13, 1937, be and the same is hereby set aside and held for naught, and Decision No. 10968 restored to its full force and effect; and that a voucher for the sum of \$75.00, be made in favor of respondent T. N. Correll, as a refund for and on account of the payments so made by him.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker

W. C. Danks

W. H. Lister
Commissioners.

Dated at Denver, Colorado,
this 22nd day of April, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLENN H. HARPSTER, DOING BUSINESS)
AS "DENVER-TAOS MOTOR TRANSPORT" TO)
EXTEND COMMON CARRIER OPERATIONS)
UNDER COMMON CARRIER CERTIFICATE)
NO. 632.)

APPLICATION NO. 1489-AAA-BBB

April 20, 1938.

Appearances: Myron H. Burnett, Esq., Denver, Colorado,
for the applicant;
A. J. Fregeau, Denver, Colorado, for Weicker
Transportation Company;
E. B. Faus, Monte Vista, Colorado, for
Pueblo, San Luis Valley Transportation
Company;
Marion F. Jones, Esq., Denver, Colorado, for
the Colorado Trucking Association,
Adolph Arguello, Curtis Truck Service
and Richard Postel;
T. A. White, Esq., Denver, Colorado, for
Denver and Rio Grande Western Railroad
Company, Rio Grande Motor Way, Inc.,
Joe Aragon and San Luis Valley Southern
Railway Company.

S T A T E M E N T

By the Commission:

On March 8, 1938, Glenn H. Harpster, doing business as "Denver-Taos Motor Transport", filed his application for authority to extend his common carrier operations under certificate of public convenience and necessity No. 632 to include the right to transport general freight, including livestock, from Denver, Colorado Springs, Pueblo and Walsenburg to San Luis, Mesita, San Acacia, Jarosa, San Pablo, Garcia and Chama, and from San Luis, Mesita, San Acacia, Jarosa, Garcia, San Pablo and Chama to Pueblo, Colorado Springs and Denver.

The application alleged, and it appeared at the hearing, that a similar application filed by said applicant was denied by the Commission on September 27, 1937 in Application No. 1489-AAA-B, Decision No. 10645, Petition for Rehearing being denied on November 16, 1937, Decision No. 10941 (and a renewal thereof -- Application No. 1489-AAA-BB -- being dismissed on

January 26, 1938 upon the ground that it had been filed too soon -- no new matter being set forth therein -- after the entry of said Decision No. 10941).

The instant application alleges:

"that since the filing of said application No. 1489-AAA-B, and hearing thereon, conditions have changed materially with reference to the movement of freight between the above mentioned points and applicant relies up certain facts and conditions which exist or were not heard and considered by the Commission on said former application, which new and different facts are as follows:

"(a) That the only available authorized common carrier service between said points is by way of several connecting common carriers who offer service on through rate basis, and divide and distribute said through rates between them. That the proportionate amount of the through rate received by each connecting carrier on a given shipment is less than such carrier's actual cost of handling and carrying such shipment over its portion of the route between the above mentioned points. For this reason, said connecting carriers have refused, and still refuse, to furnish adequate and proper service between said points as is required by the convenience of the shipping public in said territory, and the shipping public in said territory has been, and is now, forced to confine its needs to the convenience of said connecting carriers.

"(b) That the shipping public in said territory is now, and has in many cases, solicited and hired unauthorized carriers to render a direct through service between said points.

"(c) That in many cases shippers who demand through service between said points, are forced to purchase and are purchasing private equipment and operating it privately at great expense in order to obtain the required through service.

"(d) That there is no certificated truck freight service now operating nor authorized to operate a direct through service between the points proposed to be served.

"(e) That the common carrier service by way of railroad, and truck now serving the proposed points is inadequate, inefficient and uncertain; and the duly certificated common carriers now serving the proposed points have wholly failed to properly and adequately serve the demands of the shipping public in the territory proposed to be served.

"(f) That the public convenience and necessity requires the granting of the authority herein requested.

"(g) That applicant is at present authorized to and is now operating common carrier service by motor vehicle to and through all of the points proposed to be served under the requested authority and can adequately and properly serve the general public in accordance with the convenience and necessity of said public under this proposed operation."

Joe E. Aragon, protestant, on March 14, 1938, filed a written motion to strike from said application all the portion thereof which is directed to the securing of authority to serve between Denver, Colorado Springs, Pueblo and Walsenburg on the one hand, and San Luis, San Pable and Chama on the other, upon the grounds that said application, with respect to truck service to said points, sets forth no other or different allegations of fact and tenders no new or different issues than those urged by applicant and considered by the Commission in Application No. 1489-AAA-B, which said application was denied with respect to said points, upon the ground that applicant failed to establish that the services rendered by existing carriers between Denver, Colorado Springs, Pueblo and Walsenburg and San Luis, San Pablo and Chama was inadequate, or that the present and future public convenience and necessity required or would require the service proposed by applicant; and also that the instant application, with respect to the points hereinbefore mentioned, alleges, in substance, the same facts and circumstances set forth in applicant's application No. 1489-AAA-BB, being the second application filed by this applicant on or about November 23, 1937, which application was dismissed by the Commission upon the ground that the same set forth no grounds other than those considered by the Commission in the first application filed by applicant, being Application No. 1489-AAA-B, and that in dismissing said application, this Commission stated:

"Prior application, with respect to service between Denver, Colorado Springs, Pueblo and Walsenburg, and San Luis, San Pable and Chama, was specifically denied upon the ground that public convenience and necessity therefor was not shown by the applicant, and that with respect to other points, being the points of San Acacia, Mesita, Jarosa and Garcia, was denied primarily on account of illegal operations by the applicant, with the suggestion that possibly after a suitable probationary period, the Commission might entertain a new application for permission to render service to such other points, being points other than San Luis, San Pablo and Chama; and that the above numbered application, with respect to the points of San Luis, San Pablo and Chama, upon the hearing thereof, would present the same issues as heretofore determined adversely to the applicant in the prior applications hereinbefore referred to; that said application constitutes an effort on the part of applicant to secure a retrial and reconsideration of the same issues here-

tofore determined adversely to said applicant, particularly with respect to the service proposed between Denver, Colorado Springs, Pueblo and Walsenburg, and San Luis, San Pablo and Chama, in competition with the service now rendered by the Joe E. Aragon Truck Line and its connections."

On the same day, March 14, 1938, San Luis Valley Southern Railway Company, Joe E. Aragon and The Denver and Rio Grande Western Railroad Company filed its formal objection and protest, in writing, to the granting of said petition, setting forth, in addition to substantially the same allegations recited in the motion heretofore referred to filed by Joe E. Aragon, that:

"That protestant Joe E. Aragon, doing business as Aragon Truck Line, is now and ever since July 15, 1936, has been operating as a common carrier of freight for hire between Fort Garland, San Luis, San Pablo, Chama and La Valley under and by virtue of certificate of public convenience and necessity of this Commission duly issued in Application No. 3242; that the San Luis Valley Southern Railway Company is now and for many years past has been engaged in the operation of a certain line of railroad for the transportation of property for hire between Blanca, San Acacio, Mesita and Jarosa; that Wilson McCarthy and Henry Swan are the duly qualified and acting Trustees of the property of The Denver and Rio Grande Western Railroad Company pursuant to proceedings had in the District Court of the United States for the District of Colorado under the provisions of Section 77 of the Bankruptcy Act, as amended; that The Denver and Rio Grande Western Railroad, operated by said Trustees as aforesaid, in conjunction with Joe E. Aragon, now renders and will continue to render adequate and sufficient service for the transportation of property between Denver, Colorado Springs, Pueblo and Walsenburg, and San Luis, San Pablo and Chama, Colorado, and that said railroad, in conjunction with the San Luis Valley Southern Railway Company now renders and will continue to render adequate and sufficient service for the transportation of property between Denver, Colorado Springs, Pueblo and Walsenburg, and San Acacio, Mesita and Jarosa, Colorado; that in addition to said service hereinbefore set out, Weicker Transportation Company, in conjunction with Pueblo-San Luis Valley Transportation Company and said Joe E. Aragon and said San Luis Valley Southern Railway Company, now render and will continue to render adequate and sufficient service for the transportation of property between Denver, Colorado Springs, Pueblo and Walsenburg and all of the points sought to be served by the applicant herein; that the public convenience and necessity does not now and will not in the future require or justify the transportation service sought to be rendered by the applicant herein; that the transportation service proposed to be rendered by the applicant herein will injuriously affect the business and revenues of these protestants."

Petition in Intervention and formal protest, in writing, was filed on March 21, 1938, by Weicker Transportation Company and Pueblo-San Luis Valley Transportation Company, asking the dismissal of said application upon approximately the same grounds set forth in the Aragon Petition, alleging:

"That interveners are common carriers by motor vehicle engaged in the business of transporting property for hire between Denver, Colorado Springs, Pueblo, Walsenburg, and points in the San Luis Valley sought to be served by this applicant, by connection and interchange at various points on joint through rates with other duly authorized motor vehicle carriers; that interveners are the holders of various certificates of public convenience and necessity heretofore duly and regularly issued to them by the Public Utilities Commission of the State of Colorado, and ever since the issuance of said certificates have been and now are serving the general public under and by virtue of said certificates; that interveners have a real and substantial interest in this application for the reason that they now transport a large amount of freight which is sought to be transported by applicant if his said application be granted, whereby the business of interveners and carriers connecting with them will be adversely affected;

"That interveners and the carriers now connecting and interchanging freight with them have been and now are adequately and efficiently serving the general public in the territory and between the points sought to be served by the applicant;

"That the present and future public convenience and necessity does not now and in the future will not require the proposed service of applicant for the reasons hereinbefore alleged; and for the further reason that interveners are ready, willing and able to furnish such additional service to the public between the points sought to be served by applicant as the public may require."

On March 21, 1938, the Cudahy Packing Company, Armour and Company, and Swift and Company, filed their joint petition in intervention, asking that the application of Glenn H. Harpster be granted, and alleging that:

"Since the applicant (successor in interest) has been forced to discontinue service to the points now sought to be served by him, "your petitioners have been forced to use joint service over two (2) or more lines to the points in question, which service has been unsatisfactory to the extent that your petitioners have suffered drastic losses in business therefrom, and that your petitioners desire, if possible, to secure through Common Carrier service from Denver, Colorado to the points in question, thereby eliminating the necessity of the several transfers en route."

They asked for a further hearing in Denver.

Prior to the taking of testimony at Durango, said motions to dis-

miss were presented by protestants and taken under advisement by the Commission, the Commission proceeding to take testimony without prejudice to the rights of said protestants.

For the applicant, Silvey Fortorell, proprietor of a restaurant and grocery in San Luis, stated that practically all his freight was shipped out of Denver, and that he needed direct daily service from Denver for transportation of his meat, which amounts to from three hundred to six hundred pounds weekly. On Cross-examination, he admitted that on the whole, his present service was satisfactory; that it was now delivered to him by Denver-Taos about six-thirty o'clock each morning, being received by Denver-Taos at Pueblo from Weicker Transportation Company; that he did not know that such combination service was available until about a month prior to the hearing. One beef loin which had been delivered by this combination service was received by him spoiled, but he did not know who was responsible for the spoilage, and thought that the meat would arrive in better shape if not transferred at Pueblo.

Mr. Corbin, who resides a mile east of San Luis, stated that he wanted direct through truck service from and to Denver, particularly for the transportation of livestock from San Luis to Denver. He stated that the rail service was very slow, and that he had been required to sign a "36-hour release" on nearly every occasion that he shipped lambs by railroad, while Harpster handled stock into Denver on one occasion for him in seven hours and thirty minutes. Also, he testified that Harpster should be allowed to handle livestock into Denver in order to have a back-haul; that a two-way haul would permit him to furnish better, more frequent and cheaper service. On Cross-examination, he admitted that Curtis Truck Service, Arguello Truck Line and others probably were in a position to serve the area, so far as transportation of livestock was concerned.

Joe Sierra, employed by the Hartog Mercantile Company of San Luis, stated that present arrangement for hauling meat by combination Weicker-Harpster Lines was all right as to time, but the condition of the meat had not been good on some occasions; that interline shipments at Pueblo of merchandise from Denver, or lettuce, Peas and cauliflower to Denver is not

desirable; that Arguello's truck is not large enough to handle lettuce and other mountain vegetables to satisfaction of shippers, and his rate is too high; that he had not heard of the Curtis Truck Line or attempted to procure its service.

Senator Parrish, who is engaged in the milling and livestock business at San Luis, stated that most of his inbound freight arrived via Rio Grande transport, service being very satisfactory; that it was desirable to keep the railroad going; that he, however, wanted to move his livestock, including hogs, to Denver by truck, and that: "A truck line can't double back empty from Pueblo and live"; that, "We are entitled to service more than Mr. Weicker is to revenue -- we need livestock service". He admitted that he never requested Arguello to haul livestock for him, and never had heard of the Curtis, Andis or Postel livestock truck service.

Frank M. Peterson, operator of a hardware store and two farms at San Acacia, styled by him, "A wide place in the road", stated that people in his community had no line haul truck service now; that trucks were needed for movement of hogs because one farmer could not furnish a carload to ship by rail, and, besides, service was too slow; that he shipped his lambs by rail and preferred rail service for that purpose; that incoming shipments were slow in arriving; that he never asked Arguello or other authorized truck transportation services to furnish transportation for movement of his livestock.

Walter E. Garrison, operator of a grocery, meat market and ranch at San Acacia, stated that his fresh meat and candies came from Denver; that meat shipped by rail from Denver often spoiled; that K. and B. Packing Company was now furnishing meat for him through their shipper-owned peddler trucks, delivering directly at San Acacia; that while service was satisfactory, he would like to buy in Denver, because of wider selection; that he would like to ship livestock and hogs by truck, if experienced truckers were available; that hogs, unless properly handled, frequently "pile up and die along the road"; that prices on Denver and Pueblo markets vary, and frequently it is very desirable to ship to Denver.

Mr. Madill, a garage owner at Jarosa, stated that rail service

into Jarosa was very slow, sometimes five to seven days being required for receipt of shipment from Denver; that frequently it was necessary to secure fast service on delivery of "parts", and that a daily truck service out of Denver was needed.

Delfino Salazar, a merchant, farmer and stock raiser of San Luis, who operates a business which has been conducted by his family since the year 1857, thought that truck service was very essential, because it furnished quicker, more direct service, with less shrinkage and damage; that Denver prices are lower than those quoted in other supply centers, and it was not practical to ship fresh meat by rail; that he had some difficulty obtaining for-hire truck service for the transportation of lettuce to Denver at a price that he was willing to pay during the 1937 season; that truckers wanted sixty cents a crate, and twenty cents a crate was the maximum rate he could pay; that he was compelled to go into the trucking business himself to move his lettuce; that he sent twenty-one truck-loads to Denver, and in all, shipped three thousand crates of vegetables consisting of lettuce, peas, cauliflower and broccoli; that the principal need for truck service in and out of the San Luis Area was for the transportation of livestock and lettuce; that he had not contacted Arguello, and if Arguello had authority to haul lettuce and was willing to haul it at a price witness could afford to pay, he would be glad to give him the business; that "a trucker must have a load both ways in order to make a rate under which we can ship"; that it would be satisfactory, from his point of view, if overnight service via Weicker and Denver-Taos were furnished out of Denver.

Epifanio Gold, a retail liquor dealer and farmer of San Luis, thought that direct truck service to and from Denver, especially for the transportation of cauliflower and lettuce, was desirable; that no inbound freight was received by rail; that, although he knew Arguello was an authorized common carrier, thought that Arguello's one truck was kept busy in the transportation of coal and local cartage service. On cross-examination, he admitted that he owned a truck which handled most of his freight and, if he had a load of vegetables, he would move it himself, but wanted to be in

a position to ship smaller quantities by Denver-Taos line haul service.

It was stipulated by counsel that Walter H. Lycan, a farmer and stock raiser of San Acacia, Roy Large, a Continental Oil Distributor of Jarosa, Orville Buhr, a farmer and stock raiser of San Acacia, W. J. Jensen, hardware, lumber and implement dealer of San Luis, Delfino Gonzales, manager of a San Luis liquor store, Fred Viehl, a farmer, stock raiser and stock feeder of San Luis and Ben F. Hanson, a farmer and stock raiser of Jarosa, were present and ready to testify in behalf of applicant, and that, if called, their testimony would be substantially the same as the testimony of preceding witnesses. Mr. Gonzales added that a daily service into San Luis was needed in order to get drug shipments for Dr. Diaz that were shipped in his care. Mr. Large supplemented his testimony given by stipulation by stating that he had a limited warehouse capacity, and that truck service out of Pueblo for movement of oil was needed by him because of the delay in receiving shipments by rail. Mr. Buhr added that hogs, when sold upon the Denver open market, brought about fifteen cents more per hundred than hogs sold to Nuckolls, the only purchaser in Pueblo.

H. T. Scarborough, Office Manager, Denver-Taos Line, stated that Denver-Taos had sufficient equipment to handle the contemplated operation; that its trucks that were operating through the territory in question were not moving loaded to capacity; that one-way movement of livestock would not be profitable, with a possible exception of hogs, which, if handled in double-deck trucks, could be moved at a profit without a back-haul; that the line with a two way haul could be operated at a profit under the present prescribed Commission rates; that present operation is profitable, with livestock haul to Pueblo only, plus interstate freight from Denver and intrastate freight from Pueblo to points where Denver-Taos is authorized to serve, but he expressed some doubt that the service would continue to be profitable without the additional transportation service herein sought; that while divisions on interchanged freight, in his judgment, resulted in a loss to Denver-Taos, he admitted that no relief on account thereof had been sought from the Commission, the Commission refusing on objection being made by protestants to go into the

proposition that unprofitable interchange business established public convenience and necessity for through service without transfer; that Denver-Taos has one refrigerated truck which is equipped with brine tanks; that they intended to convert to mechanical refrigeration this year; that last year, with such tanks, Denver-Taos had only one claim on its interstate operations, and he believed that meat, during the winter season, could be handled on a thirty-six-hour basis without loss; that applicant has one van body truck, one semi-trailer and one truck equipped with stock rack, in addition to its refrigerated equipment; that it is somewhat expensive to clean a refrigerated truck for use again after movement of cattle; that a truck equipped with stock rack will handle twice the number of animals that a van body can accommodate; that meat is shipped only twice a week, and Denver-Taos would arrange movement of its equipment so as to have a refrigerated truck available when meat is moved; that it could handle merchandise out of Denver at a profit in intrastate commerce along with its present interstate freight without revenue from back-haul livestock movement to Denver; that tonnage moving from Denver including Weicker intrastate and interstate business now amounts to about six thousand pounds weekly, and, in his opinion, business could be developed by applicant to about three thousand pounds daily; that Weicker now delivered to Denver-Taos about fifteen hundred to three thousand pounds, three times a week for San Luis, Chama and San Pablo; that, in the opinion of witness, Weicker would continue to handle said freight, even though applicant were authorized to serve by interlining with Denver-Taos at Pueblo, or by inter-lining with Pueblo-San Luis Valley at Pueblo or Walsenburg, Pueblo-San Luis Valley to deliver to Aragon Truck Line or San Luis Valley Southern Railroad, (which, of course could be true, only if the Aragon or Pueblo-San Luis Valley - Weicker service meets the needs and requirements of the public - and amounts to an admission that such is the case).

Mr. Harpster, testifying in his own behalf, stated that he now proposed to operate daily, except Sunday, service, and that he had numerous calls for truck transportation service to the points he seeks to serve.

At the conclusion of applicant's testimony, protestants renewed their motions to dismiss the application upon the ground that the testimony offered

was the same testimony and to the same effect as testimony offered at the previous hearing upon application which was denied for the same service here sought; that no testimony had been offered, showing that the service afforded to San Luis, San Pablo and Chama by Aragon Truck Line in competition with Pueblo-San Luis Valley Transportation Company and Weicker, or with Denver and Rio Grande Western Railroad Company was inadequate in any respect, and no showing had been made that the public convenience and necessity required additional truck service beyond that now afforded by Denver-Taos and Aragon in competition with other carriers.

All motions were taken under advisement.

The testimony of Joe Aragon, A. J. Fregeau and Andrew Dick, given at the hearing on Application No. 1489-AAA-B, held at Alamosa on July 2, 1937 at 10 o'clock A. M., was made part of the record by stipulation. (Page 6, Decision No. 10643). Their testimony, as set out in the said Decision No. 10643, was as follows:

"Joe Aragon, testifying in opposition to the granting of said application, stated that his truck left Fort Garland daily in the morning, arriving at San Luis at about 9:30 A. M. and Chama at about 11:00 A. M., serving also San Pablo and La Valley; that frequently he made an extra trip out of Fort Garland to said points in the afternoon; that his truck returned to Fort Garland daily; that at Fort Garland it connected with the daily truck service of the Pueblo-San Luis Valley Transportation Company out of Pueblo and out of Monte Vista and Alamosa; that he does not serve Jarosa, Mesita and San Acacia; that he had not received any complaints about his service; that ordinarily freight of Pueblo-San Luis Valley Transportation Company out of Pueblo and Walsenburg (and Denver and Colorado Springs by connection with Weicker) and freight handled by rail for points served by him, goes to Alamosa, the Pueblo-San Luis Valley freight being back-hauled to Fort Garland in the evening, rail freight being back-hauled by Bassett Truck Line from Alamosa to Fort Garland late in the morning; that if said freight is received after his truck leaves Fort Garland early in the morning, it is not delivered to points served by him until the following day unless he runs an afternoon truck.

"A. J. Fregeau, of the Weicker Transportation Company, stated that his Company published joint through rates with Pueblo-San Luis Valley Transportation Company and Aragon Truck Line, and is prepared to furnish daily service to the points sought to be served by applicant; that perishables to said points are tendered to and handled only infrequently by his line.

"Andrew Dick, general agent of the Denver and Rio Grande Western Railroad Company, testified relative to rail-Bassett-Aragon service mentioned; that on occasions there had been some delay in getting freight to Fort Arland; that Railroad is prepared to and will furnish adequate service to the points in question; that the shipment of drugs to the San Luis Drug Company which apparently was delayed in transit, was shipment of acid, delay being due to fact that acids move only on Tuesdays, Thursdays and Saturdays; that the railroad is willing to file joint tariff with Harpster for points served by him, including Taos."

We believe that the nature of the existing transportation service available between the points sought to be served by applicant probably has been sufficiently stated in the previous discussion, or in our Decision No. 10643, reference to which is hereby made, except the service afforded by call and demand carriers operating in the San Luis Valley for the movement of livestock and such commodities as ordinarily are handled by call and demand carriers.

Oliver E. Curtis testified that he operates under call and demand certificate No. 967, granted by the Commission in July, 1936 (See Decision No. 7950, Application No. 3244). He and one B. B. Andis (Certificate No. 962), in said decision, were severally granted authority to operate as call and demand common carriers by motor vehicle for the transportation, in irregular service, of:

Farm products, (including livestock), farm supplies, farm equipment and used household goods and furniture between farms and ranches situated within a radius of fifty miles of Alamosa, and from and to said farms and ranches, to and from points in the State of Colorado, with the proviso that applicants should not engage in the transportation of freight, except farm products, including livestock, between towns located on the line of any scheduled common carrier serving the area.

The towns in the San Luis Valley sought to be served by applicant are included in the radius mentioned.

In addition, Adolph Arguello is authorized, under certificate of public convenience and necessity granted in Decision No. 10583 to conduct:

"General transfer, moving and cartage business between points within a radius of fifteen miles of San Luis, Colorado, and the transportation of farm products including livestock and wool from farms and ranches in said area to loading points

and markets in Colorado; timber from timber camps, lumber and mill products from saw mills in said area to loading points and markets in Colorado; and machinery and farm supplies from point to point within said area, and applicant shall not compete with scheduled carriers now serving points in this area."

Said certificate on September 27, 1937, Decision No. 10639, was amended to include:

"Transportation of used household goods, farm machinery, farm equipment and livestock, from and to points within the fifteen-mile radius of San Luis, Colorado, to and from points in the San Luis Valley, in connection with the moving of ranchers and farmers."

Curtis stated that he operates six trucks, including White semi-trailer equipped with stock rack that handled one-half a carload at a time; that he seeks livestock business from the area sought to be served by applicant, and needs such business in order to justify and pay return upon the extensive investment that he has made to take care of that class of business in the San Luis Valley; that he advertises extensively by newspaper and radio; that he has about one hundred livestock customers, and could take care of some more; that his trucks frequently are idle; that he has operated profitably in the transportation of livestock and produce from the Valley to Denver, without a back-haul, and is ready, able and willing to continue such service; that he is in business, "To make a living out of it"; that, in his opinion, the saturation point for transportation of livestock by truck out of the Valley has been reached; that Richard Postel has succeeded to the business of B. B. Andis; that he is an experienced, able operator, with good equipment; that he is willing to work with Arguello, who is located at San Luis, and will handle shipments for him that he may not be able to handle because of lack of large-capacity equipment; that the granting of additional authority would take business from him and other operators which they need badly, and might result in serious loss to them and impairment of their service.

From the record, as made, the Commission is of the same opinion as expressed in its Decision No. 10643 (no showing herein having been made to the contrary), that existing common carrier service to San Luis, San Pablo

and Chama is adequate, and that the public convenience and necessity do not require the operation proposed by applicant from or to said points. At the former hearing, it appeared that witnesses were not aware that service to said points was afforded by Aragon Truck interline arrangements. This, in a sense, may have been due to lack of advertising on the part of Aragon and other carriers interested in the movement of freight to said points through said area. More likely, it was due to the fact that applicant and his predecessor, for years had conducted an illegal service to said points, and it had not been necessary for shippers or receivers of freight in said towns of San Luis, San Pablo and Chama to acquaint themselves with other transportation services. This, we believe, is manifested by the fact that since the discontinuance of said service by Harpster, merchants in San Luis have been receiving freight out of Denver by over-night service through Weicker and Harpster, interchange being made at Pueblo, which service, on the whole, appears to have been satisfactory. At any rate, we believe that, with proper cooperation on the part of shippers and interested carriers, it can be made very satisfactory, for, generally speaking, we believe the separate transportation services of Weicker and Harpster have been conducted to the satisfaction of the shipping public.

The evidence did not show that additional service for the transportation of livestock from points in the San Luis Valley to Denver is needed. That service is now furnished by many carriers who are experienced operators and have adequate equipment and are ready at all times to move livestock at the rates prescribed by the Commission. Apparently these carriers operate on a small margin of profit, and we cannot expect operators to furnish the kind of equipment maintained by Curtis and Postel unless they are sure of adequate business. The impairment of the efficiency of their operation would not be in the public interest. Denver-Taos is now authorized to furnish livestock service from the towns they seek to serve to Pueblo and intermediate points, including Walsenburg. Applicant admitted that truck load movements of hogs can be made at a profit under our prescribed rates. There is ample call and demand service for such movements, now available, and to extend that service to include transportation to Denver in order to afford a perhaps slightly

better price for small shipments of hogs marketed by truck would not be fair to other livestock transportation carriers. The Commission, in so finding, has not ignored the testimony of Delfino Salazar and other witnesses to the effect that "a trucker must have a load both ways in order to make a rate under which we can ship". If all trucks operating in Colorado could be assured of a "two way load", unquestionably it would mean lowering of our prescribed rates. The Commission is willing to do anything that consistently can be done to encourage "back haul" movement of freight, but in this case it did not appear to the satisfaction of the Commission, especially when weighed against the rights and interests of other carriers already in the field, that "back haul movement" of livestock in the same equipment (especially refrigerated trucks) used to move merchandise, fresh meats and perishables, is desirable, even though facilities may be available at some points along the line to steam clean trucks. We have had some experience with that type of service and have found the practice difficult to supervise or "police".

A somewhat better showing was made in justification of the granting of authority to move lettuce and other perishable vegetables from the area adjacent to San Luis to Denver on through trucks, without interchange. However, we believe it fairly can be said upon the record that it is not lack of for-hire truck service that has prevented the movement of said commodities to Denver by truck. Shippers have refused to pay the prescribed rate and, where such commodities have been moved by truck, they have been moved by shipper-owned trucks, or at rates less than those prescribed. This showing does not establish public convenience and necessity.

For the reasons pointed out in our Decision No. 10643, which was confirmed by the testimony offered at the hearing on the instant application, we believe that public convenience and necessity requires truck service from Denver, Colorado Springs, Pueblo and Walsenburg to San Acacia, Mesita, Jarosa and Garcia and from said last-named points to Pueblo, Walsenburg, Colorado Springs and Denver. This would be effected by movement out of Denver on Denver-Taos trucks without transfer, through to destination or interchange, upon the record, could be effected with Weicker at Pueblo or Walsenburg or with Pueblo-San Luis Valley at Fort Garland, or Joe Aragon at

San Luis, Aragon receiving freight at Fort Garland from Pueblo, San Luis Valley. We do not believe that, in view of the Commission's previous decisions in similar cases and the evidence herein, that applicant established that through service by truck without transfer is required.

The Commission, in Decision No. 6879, disposed of the application of the Cripple Creek, Victor, Colorado Springs Stage Company for a certificate to operate motor vehicle freight service between Colorado Springs and Cripple Creek and Victor and intermediate points, and application of John Shall for a certificate to operate truck service between Denver and intermediate points and Cripple Creek and Victor. The certificate was granted to Cripple Creek, Victor and Colorado Springs Stage Company upon the showing, among other things, that Cripple Creek, Victor, Colorado Springs Stage Company would interline at Colorado Springs with Weicker, who operates a common carrier service between Greeley, Trinidad and Lamar and intermediate points; that such interlining would help Weicker, who needed the business, and who would furnish common carrier service through interline arrangements to and from many towns and cities in the State of Colorado besides Denver. On application for rehearing, the Commission disposed of Shall's contention that granting a certificate to him would not mean "Institution of a new service", (Decision No. 7995), by stating that:

"Colorado Springs, its people and shippers and the public generally, are interested in this operation, and Colorado Springs, its people and shippers, and a large portion of the shipping public of Colorado directly, and the citizens and merchants of Victor and Cripple Creek indirectly, are interested in the continuation of the service of Weicker, and we think that it is proper to consider the entire transportation situation, past and future, in determining who should get a certificate."

In Decision No. 7652, dated May 29, 1936, involving applications of J. W. Barker and Frank Barker, Rio Grande Motor Way, Inc., Trone Truck Line, John Malles and S. N. Drum and Frank George, doing business as the "Drum Motor Freight Lines", for a certificate to furnish common carrier motor vehicle truck service for the transportation, on schedule, of freight between Denver and Durango and intermediate points, certificate was granted the Rio Grande Motor Way, Inc., one of the reasons assigned therefor being

the fact that Rio Grande Motor Way, Inc., contrary to the other applicants who wanted to furnish truck service, proposed to furnish such service by interlining with Weicker and Pueblo-San Luis Valley Transportation Company.

The Commission said:

"The lines of Weicker and the lines of Rio Grande Motor Way, Inc. and their interline connections, with Pueblo-San Luis Valley Transportation Company's line as a connecting link, would make the contemplated motor vehicle common carrier service an integral part of a state-wide transportation system offering a maximum of transportation service not only to the people of the San Juan Basin, but to the people of the Eastern Slope, Western Slope, and San Luis Valley. The various lines 'making up' the combination service, as heretofore stated, already are serving locally along the through route Denver to Durango and intermediate points, except the link South Fork to Pagosa Springs, and the proposed through service would be but an extension of existing service which extension if required by public convenience and necessity, existing carriers (especially if they, like Weicker, need the revenue to insure continuation of their operations), should be given an opportunity to furnish before a new service is authorized."

In Application No. 2782 of J. B. Moore for a certificate of public convenience and necessity to operate truck service between Denver, Colorado Springs and Pueblo and Delta, Colorado and intermediate points, Decision No. 7448, the Commission granted the certificate for service as far west as Gunnison, requiring Moore to interchange freight at Gunnison destined to or from points west thereof. The Commission said:

"We have an established common carrier service between Gunnison and Grand Junction. The volume of traffic handled by this operator between said points is not large. The Commission desires to see this service as adequate and satisfactory to the general shipping public as possible, and we believe it should be protected to the extent of not permitting a so-called 'leapfrog' of its operation by applicant. At least, we believe this should not be permitted unless and until it is demonstrated by trial that satisfactory interchange of freight at Gunnison cannot be made between the certificate holder operating from Denver and other points to Gunnison and a certificate holder operating from Gunnison west. The satisfactory nature of this service will depend to a large extent, in our opinion, upon the cooperative efforts of both said certificate holders to insure the best service to the public."

Believing, as we do, that the record does not justify granting authority for through truck transportation service by applicant, the question to determine is at what point interchange should be made by applicant with

other carriers. Applicant is now authorized to serve most of the points he seeks to serve from and to Pueblo and Walsenburg. For practical purposes, the only freight that requires provision by Commission as to point of interchange is freight originating north of Pueblo. If it were possible, consistent with economical and expeditious service to require interlining with Pueblo-San Luis Valley Transportation Company at Fort Garland, or with Joe Aragon at San Luis, that arrangement might be required, notwithstanding applicant operates to Pueblo and Walsenburg. However, on the record made upon the hearing on the original application, it appeared that Pueblo-San Luis Valley Transportation Company frequently took freight that should have been left for interchange at Fort Garland through to Alamosa or Monte Vista, returning it to Fort Garland in the evening; they explained that this was done because of lack of adequate dockage facilities during the night-time at Fort Garland, a very small town, for reception and transfer of freight. There was no showing in the hearing on the instant application that this situation has been bettered. It also would be difficult to arrange satisfactory transfer service for inbound freight at Fort Garland. The same objections apply to transfer from or to Joe Aragon's line at San Luis. Also, this arrangement would mean at least two transfers, which might mean more delay and expense for the carriers involved than the benefits to be received therefrom would justify. It also might be contended that transfer at Walsenburg of freight originating north of Pueblo, Weicker to Denver-Taos, should be required. We approved a three-line movement in the Denver-Alamosa-Durango matter heretofore referred to, but these carriers proposed to use semi-trailer equipment and transfer the trailer to another tractor, instead of transferring the freight. Moreover, a different arrangement is now in effect between Weicker and Denver-Taos, and it would seem to be desirable that such arrangement, which is, or is becoming familiar to shippers, should be continued, and that the benefits that may accrue to Weicker, as originating carrier, be offset by the longer haul Denver-Taos would obtain by transfer at Pueblo instead of Walsenburg. Also, transfer at Pueblo probably can be effected with a minimum of inconvenience and delay for carriers concerned, which would not be true if we required transfer of Denver Freight to Pueblo-San Luis Transportation

Company at Pueblo to be re-transferred at Walsenburg or Fort Garland, and, if at latter point, again from Aragon Line to Denver-Taos at San Luis. Such arrangement, as we have suggested, might prove expensive for the carriers, and very annoying to shippers.

In making the statement that its conclusion, in part, is predicated upon the fact that Denver-Taos is now authorized to serve out of Pueblo, the Commission has not ignored the fact that Denver-Taos operates out of Denver in interstate commerce.

Also, what we here say should not be construed as prohibiting interlining at Fort Garland, San Luis or Walsenburg, of freight handled to those points on lines of connecting carriers other than Weicker freight from and to points north of Pueblo, consigned to points served hereunder by Denver-Taos.

The Commission in re application of Southwestern Greyhound Lines, Application No. 2691, Decision No. 8739, decided November 4, 1936, said:

"While there may be some slight inconvenience to the traveling public incurred by transfer requirements at Walsenburg, Denver and Trinidad, we cannot say that such inconvenience is of such magnitude as to justify issuance of a certificate for the proposed operation of applicant when considered with the other testimony in the case. Train and bus transfers under situations far more burdensome, are daily being made by the traveling public without complaint. It is impossible to have through transportation service to all points over one line. The evidence clearly discloses that the Greyhound Company could not conduct the proposed 'leap frog' operation as a separate operation and earn enough revenue to pay the cost thereof. While some benefit and extra revenue would accrue to Greyhound Company without additional expense on its part, we are of the opinion, in view of previous decisions of the Commission, that the fact that a motor vehicle carrier is operating in interstate commerce over the same route that it seeks intrastate privileges, has no bearing on the question whether public convenience and necessity require an intrastate operation."

After a careful consideration of the record, the Commission is of the opinion, and finds; (a) That, while the motion of Joe E. Aragon, protestant, filed on March 14, 1938, probably is well-taken, we believe that, on the whole record, applicant did not establish the public convenience and necessity required his proposed service from and to San Luis, San Pablo and Chama, and in view of our subsequent finding to that effect, that said motion should be over-ruled; (b) That the motion of San Luis Valley

Southern Railway Company, Joe E. Aragon, Denver and Rio Grande Western Railroad Company, filed on March 14, 1938, and the motion of Weicker Transportation Company and Pueblo-San Luis Valley Transportation Company, filed March 24, 1938, should be over-ruled, the Commission being of the opinion that a suitable probationary period has elapsed since the hearing upon the original application of applicant for extension, no showing being made at the hearing on instant application that applicant, Harpster, continued his practice of hauling illegally for hire; (c) That the motion filed on March 21, 1938 by Gudahy Packing Company, Armour and Company and Swift and Company for a further hearing in Denver, should be denied; (d) That the public convenience and necessity requires the proposed extended motor vehicle common carrier operation of Glen H. Harpster, doing business as "Denver-Taos Motor Transport", for the transportation of freight, except livestock, by motor vehicle, from and to Pueblo and Walsenburg, to and from Mesita, San Acacia, Jarosa and Garcia, and in conjunction with said operation, and his present operation, the public convenience and necessity requires said operation to include the right to interchange freight at Pueblo, Walsenburg, Fort Garland and San Luis with all connecting carriers, including interchange at Pueblo of freight originating at or destined to points north of Pueblo with Weicker Transportation Company, said freight to be handled on joint through rates; (e) That the public convenience and necessity does not require the balance of the service proposed by applicant, and that said application, except as to the authority mentioned in paragraph "d" hereof, should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed extended motor vehicle common carrier operation of Glen H. Harpster, doing business as "Denver-Taos Motor Transport", for the transportation of freight, except livestock, by motor vehicle, from and to Pueblo and Walsenburg, to and from Mesita, San Acacia, Jarosa and Garcia, and in conjunction with said operation, and his present operation, the public convenience and necessity require said operation to include the right to interchange freight at Pueblo, Walsenburg, Fort Garland and San

Luis with all connecting carriers, including interchange of freight at Pueblo originating at or destined to points north of Pueblo with Weicker Transportation Company, said freight to be handled on joint through rates, and this order shall be, and hereby is, deemed, held and taken to be a certificate of public convenience and necessity therefor.

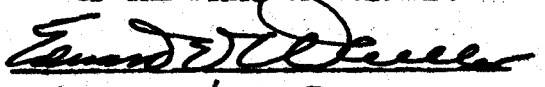

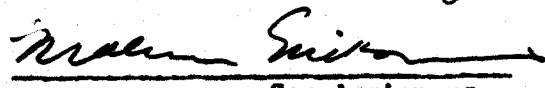
IT IS FURTHER ORDERED, That the application of said Glen H. Harpster, doing business as "Denver-Taos Motor Transport", in all other respects, should be, and hereby is, denied.

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 20th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF G. E. COWAN, SALIDA, COLORADO,)
FOR CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)

APPLICATION NO. 3688

April 22, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colo-
rado, for applicant;
T. A. White, Esq., Denver, Colorado,
for the Denver and Rio Grande
Western Railroad, Rio Grande Motor
Way, Inc., Colman Truck Service and
J. B. Moore;
Stanley Blunt, Esq., Canon City, Colo-
rado, for the Southwestern Transporta-
tion Co.;
F. M. Keith, Jr., Canon City, Colorado,
for the Keith Trucking Co.;
J. M. Boyle, Esq., Salida, Colorado, for
U. S. Read Truck Line.

S T A T E M E N T

By the Commission:

On February 21, 1938, a petition for rehearing was filed in the above application, setting forth various reasons why it was thought the Commission erred in denying the application, particularly mentioning that the Commission had issued "hundreds of permits and certificates to operators who had theretofore been in violation of the Public Utilities Act", and that the applicant herein was singled out and denied authority because of his illegal operations; also alleging that the Commission erred in finding that the applicant's operations off of his route were illegal and that the Commission now permits A carriers to render service off of the described route; and that the Commission's decision was an abuse of discretion.

After careful consideration of the petition for rehearing and of each and every assignment therein contained, the Commission is of the opinion and finds that no discrimination has been made against the applicant,

and that his application and the testimony given at the hearing were considered and disposed of as all others are now considered and determined; that the Commission does not sanction the granting of authority to perpetual violators of the laws, rules and regulations governing motor carrier operations, and does not approve of any operations on the part of the holder of an A permit when the holder thereof repeatedly serves points thirty miles distant from his described route and openly admits service one hundred miles or more off of his described route; and that on a record showing continuous, open and flagrant disregard for the laws governing motor vehicle carriers, as well as the rules and regulations promulgated by the Commission, which violations were admitted by the applicant, does the Commission feel justified in granting authority without at least some performance and conduct on the part of such applicant to show that he will in the future observe the laws, rules and regulations governing motor vehicle transportation.

O R D E R

IT IS THEREFORE ORDERED, That the application for rehearing be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dancer

W. C. Danks

W. C. Danks
Commissioners

Dated at Denver, Colorado,
this 22nd day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF SOUTHERN COLORADO POWER COMPANY)
FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO EXERCISE)
RIGHTS UNDER A FRANCHISE FOR WHICH)
AN APPLICATION IS NOW PENDING BEFORE)
THE BOARD OF TRUSTEES OF THE TOWN OF)
COAL CREEK, IN FREMONT COUNTY, COLO-)
RADO.)

APPLICATION NO. 4507

April 22, 1938.

Appearances: Devine, Preston and Peterson, Esqs.,
Pueblo, Colorado, for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by the applicant of certain franchise rights granted by the board of Trustees of the Town of Coal Creek, Fremont County, Colorado, by Ordinance No. 117.

On April 6, 1938, there was passed by the said Board of Trustees, and approved by the Mayor of the Town of Coal Creek, said Ordinance No. 117, granting to applicant, its successors and assigns, a franchise -

"TO FURNISH TO THE TOWN OF COAL CREEK AND ITS INHABITANTS, ELECTRICITY FOR ILLUMINATING, HEATING, POWER AND ALL OTHER PURPOSES TO WHICH THE SAME MAY BE APPLICABLE, AND TO ERECT AND MAINTAIN A PLANT AND SYSTEM THEREFOR, AND GRANTING A RIGHT OF WAY OVER, UPON, ALONG, UNDER AND ACROSS THE STREETS, ALLEYS AND PUBLIC PLACES OF SAID TOWN FOR THE ERECTION OF POLES AND WIRES THEREFOR."

The term of said franchise is for a period of 25 years from and after its passage and approval.

The records disclose that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado and doing business as a public utility within this State; that the

principal office and Post Office address of applicant is in the City of Pueblo, Colorado. Generally, it is authorized and empowered by the State of Colorado to engage in the business of generating electric energy and is transporting such energy by means of distribution lines for heat, light and power and other purposes, directly to consumers or wholesalers.

The original petition filed sought "an order preliminary" authorizing service pending the granting of franchise rights for the Town of Coal Creek. However, since the filing of said petition, the Commission has been furnished with a certified copy of the ordinance granting said franchise rights, as well as the consent and approval of the Board of County Commissioners of Fremont County and Mayor of the Town of Coal Creek to the issuance of a final certificate of public convenience and necessity herein.

In view of the record as above outlined, we have been requested to make said order without the formality of a hearing. It is alleged in said petition that no other person, corporation, public utility or municipality is now operating in or supplying electrical energy to said town of Coal Creek or any of the territory surrounding the same.

It is further alleged in said petition that the actual investment in the system now serving the Town of Coal Creek and territory tributary thereto is approximately \$25,000.00. However, the fixing of this figure and its adoption by the Commission for the purpose of determining the fee for issuance of certificate herein, shall not preclude the Commission from adopting a different value should the question of valuation arise in a rate hearing or any subsequent proceeding where valuation may be an issue.

Said petition has attached thereto an exhibit marked "C" which shows generally the territory covered by applicant's electrical generating and transmission system, as well as a map marked Exhibit "D" showing its transmission and distribution lines within said Town of Coal Creek, which maps by reference are hereby made a part of the record herein.

It is further set out in said petition that the Town of Coal Creek has approximately 435 inhabitants, and that applicant is now serving 76 customers in said town.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that no valid reason exists for the necessity of a formal hearing in the instant case, and that the present and future public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Town of Coal Creek, together with the further right to furnish electrical energy for light, heat, power and all other purposes to which same may be applicable, to the rural and suburban population and the enterprises along the route of its said transmission lines and in the vicinity thereof, in the territory surrounding said Town of Coal Creek, with the right to extend applicant's facilities, lines, plant or system in said contiguous territory.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity require the exercise by applicant of the franchise rights granted by the Board of Trustees of the Town of Coal Creek in Ordinance No. 117, including the right to furnish electrical energy for light, heat, power and other purposes to the rural and suburban population of the territory surrounding the said Town of Coal Creek and the enterprises along the route of applicant's transmission lines and contiguous to its lines, plant and system, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its practices as to testing, consumers' deposits and operations, and its records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from the date hereof.

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

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

Reginald Quinn
Commissioners

Dated at Denver, Colorado,
this 22nd day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROTEST AND)
OBJECTION OF G. C. LEBECK, DOING)
BUSINESS AS LOS ANGELES-ALBUQUERQUE)
EXPRESS, TO THE ADDITIONAL LEVY AND)
ASSESSMENT OF HIGHWAY COMPENSATION)
TAXES ALLEGED TO HAVE BEEN UNREPORTED)
FOR THE PERIOD, JANUARY 1, 1935, TO)
SEPTEMBER 30, 1937, AND THE ISSUANCE)
OF DISTRAINT WARRANT NO. 5023.)

CASE NO. 4673

April 22, 1938.

Appearances: J. J. Patterson, Esq., Denver, Colorado,
for the Commission;
Conour and Conour, Denver, Colorado,
for G. L. Lebeck, doing business as
Los Angeles-Albuquerque Express.

S T A T E M E N T

By the Commission:

On February 16, 1938, the Commission entered its order in the instant matter, sustaining the assessment made by the Commission under which Distraint Warrant No. 5023 was issued against respondent on November 3, 1937. Thereafter, on, to-wit, February 25, 1938, a petition for rehearing was filed by respondent. Said petition sets out twenty-one alleged reasons why our order of February 16, 1938, is "unlawful, unjust, arbitrary, unreasonable and unconstitutional, and that in making and entering said order and decision, the Commission abused its discretion, exceeded its jurisdiction, erred and acted unlawfully".

The Commission has examined each and every one of said allegations of error and is of the opinion that no good purpose would be served by discussing the same in detail, as we are of the opinion that said original order clearly defines the position of the Commission relative to the legal principles involved in the instant matter and, in itself, answers all allegations of error set forth in said petition for rehearing.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said petition for rehearing should be denied.

O R D E R

IT IS THEREFORE ORDERED, That said petition for rehearing filed February 25, 1938, be, and the same is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. D. Danks

Wm. E. Eason
Commissioners.

Dated at Denver, Colorado,
this 22nd day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
HERBERT DAVIES, 1208 EAST 10th ST.,)
PUEBLO, COLORADO, FOR A CLASS "B") APPLICATION NO. 4527-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

April 23, 1938.

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 gravel, sand, dirt and road surfacing materials for Driscoll Construction Company and Gordon Construction Company, from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles of said supply points.

Inasmuch as The Motor Truck Common Carriers' Association and The Colorado Trucking Association, heretofore, have indicated that they have no objection to granting of permits, limited to the authority here sought without hearing, the Commission determined to and set said matter for hearing forthwith, without formal notice.

The matter was regularly heard upon the files and records of the Commission and taken under advisement.

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

O R D E R

IT IS THEREFORE ORDERED, That Herbert Davies, Pueblo, 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 gravel, dirt, sand and road surfacing materials for Driscoll Construction Company and Gordon Construction Company, from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles of said supply points.

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

Eugene E. Driscoll

W. C. Driscoll

William E. Simon
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
OTTO QUILLIN, DOING BUSINESS AS)
OTTO'S SCENIC COMPANY, TO TRANSFER)
PUC NO. 125 TO RIO GRANDE MOTOR WAY,)
INC.)

APPLICATION NO. 668-A

April 23, 1938.

Appearances: T. A. White, Esq., Denver, Colo-
rado, for the applicants;
Zene D. Bohrer, Esq., Denver, Colo-
rado, for The Motor Truck Common
Carriers' Association;
Marion F. Jones, Esq., Denver, Colo-
rado, for The Colorado Trucking
Association;
Earl Ewing, Colorado Springs, Colorado,
for The Pikes Peak Auto Livery.

S T A T E M E N T

By the Commission:

In Application No. 668, Decision No. 1795, Otto Quillin was
authorized to operate as a "Motor Vehicle Carrier" for the transportation
of passengers:

"From Colorado Springs-Prospect Lake Auto Camp to the
various scenic attractions in the Pikes Peak Region",

said service to be limited to round-trip operations, originating and ter-
minating at the point of origin of the service, with equipment limited to
three automobiles.

On June 22, 1936, Case No. 1633, Decision No. 7722, the Commission
found that the authority of said applicant to operate one of the three cars
heretofore mentioned should be revoked, on account of abandonment, and limited
the operation under said certificate thereafter to two automobiles.

On November 10, 1937, Case No. 4152-R, said certificate, No. PUC
125, was cancelled for failure to file reports, a previous case, No. 3870-
Ins., filed against said carrier for failure to have proper insurance on
file, having been dismissed on September 27, 1937, because insurance had
been filed.

On February 14, 1938, Case No. 4152-R, upon application of applicant by his attorney, Clyde Starrett, Esq., it appearing that proper reports had been filed and that cancellation order had issued without notice of said proceedings having been served upon respondent, said order of revocation, dated November 10, 1937, was set aside and held for naught, and said PUC No. 125 restored to its original status.

Applicant now seeks authority to transfer certificate, limited to the operation of two automobiles, to Rio Grande Motor Way, Inc.

The transfer, in a sense, was not opposed by protestants, although Earl Ewing, Colorado Springs, Colorado, appearing for Pikes Peak Auto Livery, stated that he had been informed that reports and insurance had not been filed by Quillin; that operations under said certificate probably had been abandoned; that an examination of the files of the City Clerk in Colorado Springs indicated that no city license had been obtained by Quillin for sightseeing operations in Colorado Springs since the year 1925, although he was informed there had been some claim that one "Hammond", or other parties, had operated for applicant, and he requested the Commission to examine its files and records to determine whether said operation, in fact, had or had not been abandoned.

Mr. Ewing's request accounts for the previous review of history of this certificate, as disclosed by our files. It does not appear that said certificate has been abandoned. On the contrary, the orders of the Commission heretofore mentioned, reducing said operation to a two-car and reinstating said certificate after cancellation amounts to a finding that operation had not been abandoned.

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 the authority heretofore granted to Otto Quillin, doing business as Otto's Scenic Company, to operate as

a "Motor Vehicle Carrier", Decision No. 1795, as restricted or reduced to two cars by Decision No. 7722, may be transferred by said Otto Quillin, doing business as Otto's Scenic Company, to Rio Grande Motor Way, Inc.

IT IS FURTHER ORDERED, That the 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 E. Decker
W. C. Decker
Walter E. Decker
Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE JOINT APPLICATION)
OF CHAMPA 3 AUTO LIVERY COMPANY TO)
SELL AND DENVER-COLORADO SPRINGS-PUEBLO) APPLICATION NO. 545-A
MOTOR WAY TO ACQUIRE A CERTAIN CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NECESSITY.)

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

April 25, 1938.

Appearances: T. A. White, Esq., Denver, Colorado,
for Denver-Colorado Springs-Pueblo
Motor Way, Inc.;
J. J. Patterson, Esq., Denver, Colorado,
for the Commission;
Worth Allen, Esq., Denver, Colorado,
for The Colorado Sightseeing Operators
Association;
Hodges, Vidal and Goree, Esqs., Denver,
Colorado, for Rocky Mountain Parks
Transportation Company;
William V. Hodges, Jr., Esq., Denver, Colorado,
for Champa 3 Auto Livery Company;
E. G. Knowles, Esq., Denver, Colorado,
for Interstate Transit Lines and Union
Pacific Railroad Company.

S T A T E M E N T

By the Commission:

On April 11, 1938, the Commission entered its order revoking
certificate of public convenience and necessity No. 76 and alleging that
said certificate had heretofore been granted to Champa 3 Auto Livery Company
in Application No. 545.

Our records disclose that certificate of public convenience and
necessity No. 76 consisted of certificate of public convenience and necessity
issued, not only in Application No. 545, but also in Application No. 1082,
and said Application No. 1082 was inadvertently omitted from our order of
April 11, 1938.

After a careful consideration of the record, the Commission is of
the opinion, and so finds, that said order of April 11, 1938, Decision
No. 11713, should be amended to conform to the facts.

O R D E R

IT IS THEREFORE ORDERED, That the first paragraph of our order of April 11, 1938, Decision No. 11713, be, and the same is hereby amended to read as follows:

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity No. 76, heretofore granted to Champa 3 Auto Livery Company, a corporation, in Applications Nos. 545 and 1082, be, and the same is hereby, revoked and cancelled.

IT IS FURTHER ORDERED, That except as herein amended, said original order of April 11, 1938, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund W. Dancer

W. C. Danks

Walter E. Simon
Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
S. A. HAMMOND, RED CLIFF, COLORADO,)
FOR AUTHORITY TO TRANSFER PORTION OF)
CERTIFICATE NO. 697 TO BERT WINTERS)
AND DONALD BARZ.)

APPLICATION NO. 2131-A

April 25, 1938.

Appearances: Bert Winters and Donald Barz, Minturn,
Colorado, pro se;
S. A. Hammond, Red Cliff, Colorado,
pro se;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association.

S T A T E M E N T

By the Commission:

On September 28, 1933, in Application No. 2131, Decision No. 5292, S. A. Hammond was granted a certificate of public convenience and necessity authorizing the transportation of passengers between Red Cliff and Gilman and between Minturn and Gilman, Colorado. In the instant application, authority is sought to transfer to Albert Winters and Donald Barz that portion of said certificate which authorizes the transportation of passengers between Minturn and Gilman.

The evidence disclosed that transferees have been working for transferor as drivers on the Minturn end of said operation; that approximately 125 men living in Minturn work at the mine of the Empire Zinc Company at Gilman, and transferees are paying the sum of \$500.00 for that portion of said certificate. They own a 1936 Chevrolet 1½-ton truck equipped to carry passengers, with which they propose to conduct their operations.

It was further disclosed at the hearing that transferor had an outstanding account with the Holy Cross Garage at Red Cliff in the sum of \$257.00, besides some other indebtedness. The consideration to be paid for the transfer is to be used in the adjustment of bills, and the Commission has received a communication from the proprietor of said Holy Cross Garage stating that satisfactory arrangements had been made to take care of this indebtedness.

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 transfer should be authorized.

O R D E R

IT IS THEREFORE ORDERED, That S. A. Hammond, doing business as the Battle Mountain Transportation Company, be, and he is hereby, authorized to transfer to Albert Winters and Donald Barz, of Minturn, Colorado, all that portion of certificate of public convenience and necessity, heretofore issued in Application No. 2131, which authorizes the transportation of passengers to and from Minturn and Gilman, Colorado.

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 transferor 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 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 transferees 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. Danks

McDauks

Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. O. LIGHT, LAMAR, COLORADO.)

CASE NO. 4468-R

April 25, 1938.

S T A T E M E N T

By the Commission:

On December 1, 1937, the Commission entered an order revoking Permit B-1261 for the failure of respondent, L. O. Light, of Lamar, Colorado, to file reports of his highway tonnage for the months of June to August, inclusive, 1937.

It now appears from our records that shortly after the issuance of said order, respondent fully complied with all our rules and regulations, and requested the reinstatement of his permit. He was advised that the same would be reinstated, but through oversight the order was never drawn.

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

O R D E R

IT IS THEREFORE ORDERED, That our order of December 1, 1937, be, and the same is hereby, set aside, and Permit No. B-1261 is hereby reinstated, effective December 1, 1937.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dwyer

McDauks

William E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF E. G. ERVIN, DENVER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 4503-PP
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

April 25, 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 above numbered application was called for hearing on April 6,
The applicant being absent, protestants moved to dismiss the application
for lack of prosecution, which motion was taken under advisement.

April 6 was a very stormy day and the night before a number of
main highways were found to be impassable. The Commission is now advised
by applicant that on April 5 he was in South Park and was unable to return
to Denver until late afternoon on April 6 on account of the storm and the
condition of the highway.

The applicant requested that his application be limited to sand,
gravel, rock and road surfacing materials for construction companies or
the State Highway Department, and that his movement of these materials
be limited to a distance of fifty miles around the project where the
contractor was requiring the movement of these materials.

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 this authority, without a
hearing, the Commission determined to take this application under considera-
tion without formal notice. This matter was regularly heard upon the files
and records of the Commission and taken under advisement.

After careful consideration of the record, the Commission is of the

the opinion and finds that the motion to dismiss should be denied inasmuch as the applicant was absent on account of stormy weather and road conditions, and that his amendment to the application should be granted and the authority sought as thus limited should be granted.

O R D E R.

IT IS THEREFORE ORDERED, That E. G. Ervin, 1060 Logan Street, Denver, Colorado, be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of gravel, rock, sand and road surfacing materials, for road constructors and the State Highway Department, from pits and supply points in the State of Colorado, to road construction jobs within a radius of fifty miles of said supply points.

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. Dineen
W. C. Danks
M. J. Ervin
Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1938.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF R. SENTENA, P. O. BOX 134, ROUTE)	
NO. 1, PAPETON, COLORADO, FOR A CLASS)	<u>APPLICATION NO. 3002-PP</u>
"B" PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

April 25, 1938.

S T A T E M E N T

By the Commission:

R. Sentena, who, prior to cancellation of Permit No. B-1368 for failure to have proper insurance on file with the Commission, operated as a private carrier by motor vehicle for hire, 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 within a radius of 12 miles of Colorado Springs and from points in said area to points within a radius of 50 miles of Colorado Springs.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore have indicated that they have no objection to granting of permits, limited to the authority here sought, without hearing, the Commission determined to, and set said matter for hearing forthwith, without formal notice.

The matter was regularly heard upon the files and records of the Commission and taken under advisement.

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

O R D E R

IT IS THEREFORE ORDERED, That R. Sentena, Papeton, 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 within a radius of 12 miles of Colorado Springs, and from points in said area to points within a radius of 50 miles of Colorado Springs, Colorado, said

permit to bear the number "B-1368".

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

Emanuel D. Baker

W. C. Janks

Walter Emerson

Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF ARTHUR HELZER, LONGMONT, COLORADO,
FOR AUTHORITY TO EXTEND OPERATIONS
UNDER PERMIT NO. B-1690.)

APPLICATION NO. 3554-PP-B

April 25, 1938.

S T A T E M E N T

By the Commission:

In Application No. 3554-PP, Decision No. 8625, on October 28, 1936, Arthur Helzer, Fort Collins, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

"Lumber and ties from mills and forest west of Fort Collins to railroad loading points at Fort Collins and the immediate vicinity thereof for the National Lumber and Creosoting Company."

He now seeks an extension of said permit to include the right to transport coal and slack from mines, including Graden Mine, in the northern Colorado coal fields, to the Public Service power plant at Valmont, Colorado.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore indicated that they have no objection to granting of permits limited to the authority here sought without hearing, the Commission determined to and set said matter for hearing forthwith, without formal notice.

The matter was regularly heard upon the files and records of the Commission and taken under advisement.

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

O R D E R

IT IS THEREFORE ORDERED, That Arthur Helzer, Longmont, 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 and slack from mines, including Graden Mine, in the northern Colorado coal fields,

to the Public Service power plant at Valmont, 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.

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. Decker

W. C. Danks

Walter S. Sisson
Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF JOHN H. LANG, LONGMONT, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
HIS PERMIT NO. B-862 TO MRS. W. L.)
LANG, DOING BUSINESS AS LANG)
TRUCK LINE, LONGMONT, COLORADO.)

APPLICATION NO. 4499-PP-A

April 25, 1938.

Appearances: W. L. Lang, Longmont, Colorado, for
Mrs. W. L. Lang;
R. E. Conour, Esq., Denver, Colorado,
for Weicker Transportation Company,
Weicker Transfer and Storage Com-
pany, Consolidated Motor Freight,
Inc., Colorado Rapid Transit, North
Eastern Transportation Company,
Larson Transportation Company and
Pueblo-San Luis Valley Transporta-
tion Company;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association;
Harold Collins, Esq., Denver, Colorado,
for F. H. Lang.

S T A T E M E N T

By the Commission:

On November 2, 1934, Permit B-862 was issued to J. H. Lang,
doing business as Lang Transport Service, with authority to transport
general freight in irregular service in the State of Colorado.

W. L. Lang, husband of the transferee, testified that the con-
sideration to be paid for the permit alone was \$300.00 and that the in-
tention was to conduct an operation in the name of Mrs. W. L. Lang, doing
business as Lang Truck Line, transporting general freight; that the trans-
feree now holds Permit A-155 with authority to transport milk and intended
to use the same equipment in the operation of B-862, provided the same was
transferred to her; that he, the husband of the transferee, held Certificate
No. 913, and that in all probability they would use the same equipment to
conduct the operations under all three authorities; that he was using some

of the transferee's equipment to conduct his own operation under Certificate No. 913, but did not know a lease had to be filed with the Commission.

W. L. Lang stated that it was agreeable to eliminate the transportation of milk from Permit B-862. It further appeared that the applicant would possess two private permits and her husband a certificate and that all of the operations would be conducted by the husband, using the two private permits as well as the certificate, but that separate reports would be made.

There did not appear to be any unpaid outstanding obligations as a result of the operations under B-862.

The financial standing and reliability of the transferee was established to the satisfaction of the Commission.

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 sought.

O R D E R

IT IS THEREFORE ORDERED, That J. H. Lang be, and he hereby is, granted authority to transfer all of his right, title and interest in and to Permit B-862 to Mrs. W. L. Lang, doing business as Lang Truck Line, Longmont, Colorado, provided, however, that the right to transport milk is by stipulation eliminated from the authority hereby transferred.

IT IS FURTHER ORDERED, That Mrs. W. L. Lang shall not directly or indirectly allow her operations under Private Permit No. A-155 and Private Permit No. B-862 to be combined with certificate of public convenience and necessity No. 913, and shall not by such a combination, engage in business as a common carrier and a private carrier with the same equipment, over the same route, at the same time.

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 her compliance at all times with all the laws, rules and regulations pertaining to her operations 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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks

W. C. Danks

William E. Danks
Commissioners

Dated at Denver, Colorado,
this 25th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. F. DUNBAR, DEL NORTE, COLORADO,) CASE NO. 2003
UNDER HIS PRIVATE PERMIT NO. B-1124.)

April 25, 1938.

Appearances: R. E. Conour, Esq., Denver, Colorado,
for the Commission;
Marion F. Jones, Esq., Denver, Colorado,
for the 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:

On December 21, 1936, the Commission, on its own motion, a complaint having been made, instituted a show cause order against F. F. Dunbar in connection with his operations under Permit B-1124 and particularly charged the respondent with having transported pipe to be used in connection with a road construction project from South Fork, Colorado, to a point near Pagosa Springs, which service was entirely outside of the authority granted by his permit, and further charging that the respondent did not charge rates prescribed by the Commission.

The respondent answered, denying both charges and setting forth in his answer, also testifying orally, none of which was disputed, that he was given a letter of authority by Frank Jones, holder of Certificate No. 889, to render emergency service for Jones by moving pipe from South Fork, Colorado, to a point on the highway near Pagosa Springs, all within the authority covered by the Jones certificate, the record made in the instant case being as follows:

Decision No. 6843, dated November 20, 1935, Ralph Winchell file and application regarding Permit No. A-664, and Frank Jones Certificate No. 889, were made parts of the record.

R. E. Conour, for the Commission, denied all affirmative matters

set up in the answer and submitted the case on the pleadings.

F. F. Dunbar, the respondent, Del Norte, Colorado, testified, admitting the transportation, but stated that he used Certificate No. 889 pursuant to arrangements with the owner, Frank Jones, as Jones' truck broke down and he then gave respondent a letter of authority to haul the pipe.

The applicant further stated that Platt-Rogers paid him for the movement of this pipe, but that he was employed by Frank Jones, holder of Certificate No. 889. It appears that Frank Jones was moving pipe from South Fork to a point near Pagosa Springs, where the Platt Rogers Construction Company was taking care of a road contract, and that his equipment broke down, whereupon he engaged the respondent herein to assist in the movement of pipe from South Fork to a point near Pagosa Springs in order not to delay the construction work, and that such arrangement was in pursuance of the provisions of Rule 15 of the Rules and Regulations Governing Motor Vehicle Carriers prescribed by the Commission, Exhibit 2 being a copy of a letter signed by Frank Jones, engaging the equipment of the respondent, and the road reports made by Mr. Jones under his certificate No. 889, showing a large movement of pipe between these points during the months of September and October, 1936.

The authority granted under Certificate No. 889 includes the transportation of road construction material from point to point within a thirty-five mile radius of Pagosa Springs and between points in this area and other points in the State, which authority would include the movement from South Fork to a point on the highway near Pagosa Springs.

The respondent denies that the rate charged and collected by him for service was lower than that prescribed by the Commission in Case No. 1585.

After a careful consideration of the record, the Commission is of the opinion and finds that the same does not support the charges, as it appears from this record that the respondent, in performing the service complained of, acted for Frank Jones as above set forth; and there being no testimony to support the charge that the respondent violated the

Commission's rate order, the instant complaint should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the complaint in Case No. 2003 against F. F. Dunbar 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. Dancy

W. L. Danks

Wm. L. Dancy
Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. H. OBERWORTMAN, LAMAR, COLO-)
RADO, RESPONDENT.)

CASE NO. 7390-Ins.
CERTIFICATE NO. 760-I

April 25, 1938.
e -----

S T A T E M E N T

By the Commission:

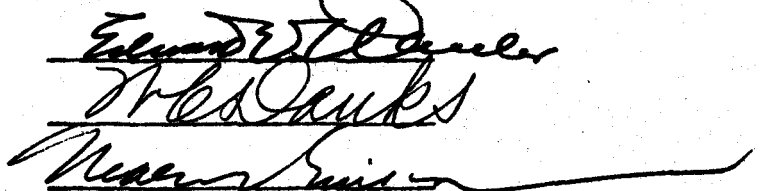
On March 14, 1938, in the above numbered case, the Commission issued an order revoking and cancelling Certificate No. 760-I on account of the respondent having failed to keep on file the required certificate of insurance. The records now disclose that there is on file a certificate of insurance covering the operations under said interstate certificate, the company covering this risk having failed, causing the respondent to procure his insurance from another company.

After a careful consideration of the record, the Commission is of the opinion, and finds, that that portion of the order above referred to, insofar as the same affects interstate certificate No. 760-I only, should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That such portion of the order dated March 14, 1938, insofar as it affects Certificate No. 760-I only, should be and the same hereby is set aside and held for naught, and that said revocation order in all other respects shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE DENISON, CHEYENNE WELLS,)
COLORADO, RESPONDENT.)

CASE NO. 4244-R
CERTIFICATE NO. 767

April 25, 1938.

S T A T E M E N T

By the Commission:

On November 10, 1937, in the above numbered case, the Commission issued an order revoking Certificate No. 767, on account of the respondent having failed to make road reports.

The Commission is now in receipt of information from V. E. Johnson, attorney at law, Cheyenne Wells, Colorado, to the effect that when the applicant made reports of transportation service rendered under his certificate No. 767, the same were reported on the blue or commercial carrier blanks, and were discovered as a part of respondent's file on his Permit C-1191.

Mr. Johnson further represents that he felt that inasmuch as reports were on file with the Commission, and further that conditions in the Cheyenne Wells territory were extremely bad, the respondent herein being one of the few who has been able to stay in the county, he should not be required to take out a new application and be put to the extra expense.

After careful consideration of the record, the Commission is of the opinion and finds that the revocation order entered under date of November 10, 1937, should be set aside.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order entered in Case No. 4244-R, cancelling Certificate No. 767, should be, and the same hereby is set aside and held for naught and said Certificate No. 767 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Johnson
McDauks
Russell
Commissioners.

Dated at Denver, Colorado,
this 25th day of April, 1938.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. M. BEASLEY, LONGMONT, COLORADO,)
RESPONDENT.)

CASE NO. 7200-Ins.
PERMIT NO. A-725

April 26, 1938.

S T A T E M E N T

By the Commission:

On February 28, 1938, in the above numbered case, the Commission issued an order, revoking and cancelling Permit A-725, for the reason that the respondent had failed to file the required road report for December, 1937.

The Commission is now in receipt of a communication signed by C. M. Beasley, wherein he calls attention to the fact that immediately upon receipt of the notice in Case No. 7200-Ins., he made up a proper report and left it at the Port of Entry to be picked up by Inspector O'Brien, and directed his insurance agent to take care of the necessary insurance. The insurance reached the office before the revocation order was entered, but through some delay in the road report reaching the Commission, it had not shown up on February 28, 1938, when the revocation order was issued. This does not seem to be due to any fault on the part of respondent, and his request for reinstatement should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the revocation order entered in the above numbered case on February 28, 1938, be, and the same hereby is set aside and held for naught, and Private Permit A-725 restored to its original status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF ESTEL H. ROE, BRUSH, COLORADO,)
FOR AUTHORITY TO TRANSFER HIS)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NO. 964 TO WILLIAM F.)
ACKLEY.)

APPLICATION NO. 3459-A

April 25, 1938.

Appearances: Zene D. Bohrer, Esq., Denver, Colorado,
for the applicant;
Richard E. Conour, Esq., Denver, Colorado,
for Northeastern Motor Freight, Inc.

S T A T E M E N T

By the Commission:

Estel H. Roe, Brush, Colorado, and William F. Ackley, doing
business as Ackley Truck Line, join in an application for authority to
transfer Certificate No. 964 to William F. Ackley.

It appeared from the testimony given at the hearing that the
applicants herein have agreed to a sale and purchase of this certificate,
the consideration being \$150.00, and that Ackley desires to abandon the
present number of this authority and operate the same under Certificate
No. 620, which he now holds and under which he conducts an operation.

There appeared to be no outstanding obligations except probably
the sum of \$52.00 which the transferor agreed to take care of.

The applicant proposes to conduct a similar operation under the
authority sought to be transferred as that now being conducted by the trans-
feror. It was stipulated that a correction be made in Certificate 964 as
follows:

"S T I P U L A T I O N

"IT IS HEREBY AGREED AND STIPULATED by the under-
signed parties that the Commission, in its Order in the
above-entitled matter, may correct Colorado PUC Certi-
ficate No. 964, now held by Estel H. Roe, to conform the
authority in said certificate with the authority formerly
held by Estel H. Roe under Private Permit No. B-1544, by

O R D E R

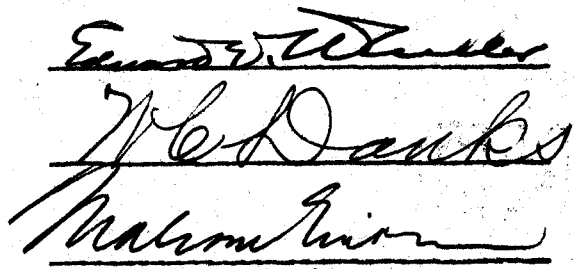
IT IS THEREFORE ORDERED, That authority should be, and the same hereby is, granted to Estel H. Roe to transfer all of his right, title and interest in and to Certificate No. 964, with authority as set forth in the stipulation herein, to William F. Ackley, doing business as Ackley Truck Line of Snyder, Colorado, and that the authority transferred shall hereafter be operated under Certificate No. 620 provided, however, that said Ackley shall not directly or indirectly combine his operations under his private permit 1-18 and his said certificate of public convenience and necessity, and shall not engage in business as a common carrier and a private carrier with the same equipment over the same route at the same time.

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 25th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. M. GREMS, CANON CITY, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 4504-PP

April 28, 1938.

Appearances: J. M. Grems, Canon City, Colorado,
pro se;
Marion F. Jones, Esq., and John P.
Beck, Esq., Denver, Colorado, for
The Colorado Trucking Association
and Joe Bouchard;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc. and
Colman Freight Service;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers'
Association, Hanson Truck Line and
Keith Truck Line;
A. J. Fregeau, Denver, Colorado, for
Weicker Transfer and Storage Company;
Stanley Blunt, Canon City, Colorado, for
Southwestern Transportation Company;
Merrill Shoup, Esq., Colorado Springs,
Colorado, for Midland Terminal Railway,
Cripple Creek-Colorado Springs Stage
Lines, Colorado Transfer and Trading
Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vermiculite from mines located between Westcliffe and Hillside, about six miles from State Highway No. 69, to Canon City; clay from clay pits, and gravel and sand from gravel pits located within a radius of six miles of Canon City to Canon City; barite and feldspar to Canon City from quarry located about thirty miles from Canon City (22 miles of the hauling being over county or private roads); coal from mines in the South Canon and Canon City Coal Fields to Canon City.

The evidence disclosed that applicant has been operating under a Commercial Permit, No. C-2204; that, under said authority, he has been purchasing vermiculite at some recently opened mines located near Hillside at \$4.25 per ton, re-selling it at mill at Canon City for \$6.25, the mill paying the miners \$4.25 directly, because, as he stated, "They may have been afraid of him"; that in moving the vermiculite, he does not propose to use the road through Texas Creek.

There was objection on the part of some carriers to the granting of authority for the transportation of coal and counsel representing Joe Bouchard stated that, in the event Bouchard, under his certificate, No. PUC 1191, had authority to move ore from the vermiculite mines mentioned to Canon City, that said Bouchard wanted to handle the movement.

Examination of Bouchard's authority discloses that his authority to handle ore is limited to the transportation from mines within the Wet Mountain area to Texas Creek.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said authority, limited to the transportation of sand and gravel, clay, barite and feldspar and vermiculite, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. M. Grems, Canon City, 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: (a) vermiculite from mines located between Westcliffe and Hillside, about six miles from State Highway No. 69, to Canon City; (b) clay from clay pits, and gravel and sand from gravel pits located within a radius of six miles of Canon City to Canon City; (c) barite and feldspar to Canon City from quarry located about thirty miles from 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

E. W. Danks

W. C. Danks

W. C. Danks
Commissioners.

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

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
N. R. McCORMICK, TO TRANSFER PUC)
NO. 260 TO J. ANDREW ECKERT.)

APPLICATION NO. 976-A
PERMIT NO. A-534

April 28, 1938.

Appearances: N. R. McCormick, Cedaredge, Colorado,
pro se;
J. Andrew Eckert, Cedaredge, Colorado,
pro se;
T. A. White, Esq., Equitable Bldg.,
Denver, Colorado, for the Rio
Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

N. H. McCormick, Cedaredge, Colorado, in Application No. 976,
Decision No. 1233, was authorized to operate as a "Motor Vehicle Carrier"
for hire, for the transportation of:

"freight and express, between Delta and Cedaredge
and intermediate points."

He now seeks authority to transfer the certificate so granted
to J. Andrew Eckert.

At the hearing, it appeared that there are no outstanding un-
satisfied obligations of transferor; that the consideration for the trans-
fer of said certificate and a one and one-half ton Diamond-T Truck of the
value of \$700.00, is the sum of \$1,000.00; that transferee is qualified,
pecuniarily and otherwise, to carry on the proposed operation.

The evidence also disclosed that applicant, J. Andrew Eckert,
is operating as a private carrier by motor vehicle, under Permit No. A-534;
which authorizes the transportation of:

"freight from Cedaredge to Grand Junction over State
Highway, for the most part, but at times, only, from
Cedaredge to Delta, Colorado, and return."

The attention of transferee was directed to our Rule No. 6 (b),
Rules and Regulations Governing Private Carriers for Hire, by Motor Vehicle,

which provides:

"No private carrier by motor vehicle shall extend the route, territory or privileges authorized in his or its permit by transporting, accepting for transportation, or contracting to transport, any freight, shipment of freight, or passenger destined to a point not authorized to be served by such private carrier by motor vehicle, where the contract of transportation contemplates transportation over the lines of more than one carrier on through bill of lading and on joint through rates; except by special authority of the Commission, after application duly made, and where it has been shown that any point so sought to be served is not served by a duly authorized motor vehicle common carrier, and that appropriate contractual relations exist between persons, firms or corporations sought to be served and all private carriers desiring to participate in such through movement;"

which rule has been applied to joining or consolidating operations under two or more separate authorities owned by an individual (J. R. Marks, Case No. 1992, Decision No. 9511). Our ruling in the Kirwin Application, No. 3614, Decision No. 9455, and other orders that a private carrier, as such, shall not transport between points he is authorized to serve under his certificate the commodities, or any of them, which he is authorized to transport under said certificate, and shall not, directly or indirectly, engage in business as a common carrier and a private carrier over the same route, at the same time, with the same equipment, was also called to the attention of applicant.

Applicant stated that he had no objection to the cancellation of that part of his permit which authorized transportation between Delta and Cedaredge, but wanted to continue his private carrier service between Grand Junction and Cedaredge, via Delta, limited to the service of his present customers in Delta, viz., Colorado Poultry Association and Delta Creamery, and with the right, as a private carrier, under Permit No. A-534, to interchange freight with himself as a common carrier, under the certificate here sought to be transferred, at Delta, said freight to be handled on through bill of lading and on joint through rates.

Also, he wants to operate his truck through from Cedaredge to Grand Junction, via Delta and return, transporting freight as a common carrier between Delta and Cedaredge, and as a private carrier between Delta and Grand Junction. The two types of freight will not be co-mingled in the same

piece of equipment at the same time, the effect of the service proposed being to change the character of the freight from common carrier freight to contract carrier freight, or the reverse, in Delta.

The Commission has contacted Rio Grande Motor Way, Inc., a motor vehicle common carrier serving between the points proposed to be served by applicant under his private permit and common carrier certificate, as to its position in the matter. The Motor Way, through its Attorney, Mr. T. A. White, informed the Commission that it had no objection to the transfer or to the combination of applicant's private and common carrier operations within the limits of his several authorities in the manner proposed.

After a careful consideration of the record, the Commission is of the opinion, and finds, that all that part of said J. Andrew Eckert's private permit, No. A-534, which authorizes service from Cedaredge to Delta and return, should be cancelled, and that the transfer of said certificate by N. R. McCormick to J. Andrew Eckert should be allowed, with proviso that the said transferee may continue his private carrier operation under his Permit No. A-534, within the limits of the authority there granted, between Grand Junction and Delta, only, with the right to interchange freight at Delta between said common carrier operation and said private carrier operation, said freight to be handled on through bill of lading and on joint through rates, and that he may, in so handling said freight, use the same piece of equipment from Cedaredge to Grand Junction or separate pieces of equipment from Cedaredge to Delta and Delta to Grand Junction.

O R D E R

IT IS THEREFORE ORDERED, That N. R. McCormick should be, and he hereby is, authorized to transfer the authority granted him in Decision No. 1233, Application No. 976, to J. Andrew Eckert.

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.

IT IS FURTHER ORDERED, That all that part of the authority granted to J. Andrew Eckert to operate as a private carrier by motor vehicle under Permit No. A-534, which authorized the transportation of freight from Cedaredge to Delta, Colorado, and return, should be, and hereby is, revoked and cancelled.

IT IS FURTHER ORDERED, That J. Andrew Eckert may continue his private carrier operations under his private carrier permit No. A-534, except the part thereof heretofore cancelled and revoked, and, as a common carrier under Certificate, P.U.C. No. 260, may interchange freight at Delta with said private carrier operation conducted under Permit No. A-534, said freight to be handled on through bill of lading and on joint through rates and, if desired, in the same equipment from Cedaredge to Grand Junction, or by transferring to different equipment at Delta.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARTIE L. POTEET, FLORENCE, COLORADO,) APPLICATION NO. 3092-PP-B
FOR AN EXTENSION OF PERMIT NO. B-1682.)

April 28, 1938

Appearances: No appearance for applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Keith Truck Line;
Stanley Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company;
Merrill Shoup, Esq., Colorado Springs, Colorado,
for The Midland Terminal Railway, Colorado
Transfer and Trading Company, Cripple
Creek-Victor and Colorado Springs Stage
Lines;
Marion F. Jones, Esq., and John Beck, Esq.,
Denver, Colorado, for The Colorado
Trucking Association, Jim's Truck Line,
Gottula Truck Line, W. G. Cressey,
F. Barnhill, Joe Bouchard and Wes V.
McKaughan.

S T A T E M E N T

By the Commission:

On March 21, 1938, the above styled application of A. L. Poteet for an extension of his operation authorized under his Permit No. B-1682 to include the right to transport livestock, was received by the Commission.

The matter was regularly set for hearing at Colorado Springs on the 8th day of April, 1938, due notice of the time and place of said setting being forwarded to applicant, who, notwithstanding said notice, failed to appear.

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 should be dismissed for lack of prosecution.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application for

extension be, and the same 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

Edward J. Dineen

W. C. Daeks

Walter Erickson

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF F. F. DUNBAR, DURANGO, COLORADO,)
FOR AUTHORITY TO TRANSFER HIS PER-) APPLICATION NO. 2601-PP-A
MITS NOS. B-1124 AND B-1124-I TO)
DICK HALL, DEL NORTE, COLORADO.)

April 26, 1938

Appearances: Dick Hall, Del Norte, Colorado,
for applicants;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
E. B. Faus, Monte Vista, Colorado,
for Pueblo-San Luis Valley Transportation
Company.

S T A T E M E N T

By the Commission:

On November 20, 1935, Decision No. 6834, F. F. Dunbar was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

"livestock from points within the area extending fifty-eight miles west, fifteen miles north, south and east of Del Norte, to Denver, excepting therefrom authority to pick up livestock between Monte Vista and Del Norte";

without authority to back-haul any commodities from Denver or other points in the State to said area.

On September 28, 1937, interstate permit No. B-1124-I, being the same number as his intrastate permit, followed by the letter "I", issued to him, subject to the provisions of the Federal Motor Carrier Act of 1935. He was authorized to operate as a private carrier by motor vehicle for hire in interstate commerce only:

between all points within three hundred miles of Del Norte and the Colorado State boundary line, where all highways cross the same within said limits.

He now seeks authority to transfer said permits to Dick Hall.

At the hearing, Mr. Hall stated that so far as he knew, all operating

indebtedness incurred by Dunbar had been paid, except the sum of \$275.00 owing to Hall for gasoline and other supplies furnished Dunbar; that he, Hall, had satisfied all claims for ton mile tax due the Commission, and was financially able and otherwise qualified to carry on the operation.

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

O R D E R

IT IS THEREFORE ORDERED, That F. F. Dunbar should be, and he hereby is authorized to transfer intrastate permit No. B-1124 to Dick Hall.

IT IS FURTHER ORDERED, That said F. F. Dunbar should be, and hereby is, authorized to transfer interstate permit No. B-1124-I, subject to the provisions of the Federal Motor Carrier Act of 1935, to Dick Hall.

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 permits have been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed.

IT IS FURTHER ORDERED, That the 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. Dunbar
W. H. Danks
Richard L. Dickson

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
LEO McCREA AND EDWARD McCREA, DOING)
BUSINESS AS McCREA BROTHERS, COLORADO) APPLICATION NO. 4459-PP
SPRINGS, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

April 28, 1938.

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, R. F.
Baldwin, G. Barnhill, W. G. Cressey, E. 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 E. Shoup, Esq., Colorado Springs,
Colorado, for Cripple Creek-Victor-
Colorado Springs Stage Line and The
Midland Terminal Railway Company.

S T A T E M E N T

By the Commission:

When the above styled matter was called for hearing, O. E. Collins, Esq., attorney for applicant, stated that applicant wanted to withdraw said application and asked that the same be dismissed without prejudice.

There was no objection on the part of protestants to the granting of said motion.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed without prejudice.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application of

McRae Brothers should be, and hereby is 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 E. Dwyer

W. D. Danks

Walter E. Gorman

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLIFFORD MORTENSEN, OF JAROSA,)
COLORADO.)

PERMIT NO. B-2021

May 6, 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. B-2021 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 Clifford Mortensen should be, and hereby is, allowed to suspend his operations under Permit No. B-2021 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Clifford Mortensen 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. Daniels

McDanks

Walter E. Simon
Commissioners

Dated at Denver, Colorado,
this 6th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PHILLIP SCHEIDEMAN, JR., OF)
2437 GROVE ST., DENVER, COLORADO.)

PERMIT NO. B-1295

April 28, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Phillip Scheideman, Jr., of Denver, Colorado, requesting that his Permit No. B-1295 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 Phillip Scheideman, Jr. should be, and hereby is, allowed to suspend his operations under Permit No. B-1295 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Phillip Scheideman, Jr. 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. C. Danks
Robert L. Dwyer
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALEX LONG, VICTOR, COLORADO.)

PERMIT NO. A-948

April 28, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Alex Long requesting that his Permit No. A-948 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 Alex Long should be, and hereby is, allowed to suspend his operations under Permit No. A-948 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Alex Long 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

E. W. Danner

W. C. Danks

W. C. Harrison

Commissioners

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

(Decision No. 11774)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

VALVERDE FEED STORE.

PERMIT NO. C- 4575

April 28, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
Valverde Feed Store of 1197 W. Alameda Denver, Colorado
requesting that his Permit No. C- 4575 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- 4575, heretofore issued
to Valverde Feed Store, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danner
W. C. Jackson
Walter H. Johnson
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
T. J. BAER, OF ROUTE 2, GRAND)
JUNCTION, COLORADO.)

PERMIT NO. B-1069

April 28, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from T. J. Baer requesting that his Permit No. B-1069 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. B-1069, heretofore issued to T. J. Baer, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dineen

W. C. Danks

Wm. E. Wilson

Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

C. M. WREN.

PERMIT NO. C- 7648

April 28, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

C. M. Wren

of

Blanca

Colorado

requesting that his Permit No. C- 7648 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

7648

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

C. M. Wren,

to..... be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Jones
W. H. Danks
Walter H. Wilson
Commissioners.

Dated at Denver, Colorado,
this 28th day of April, 1938

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

THE COLORADO RAPID TRANSIT COMPANY,
a corporation,

Complainant,

vs.

FRED REIN, JR.,

Respondent.

CASE NO. 4684

THE COLORADO TRUCKING ASSOCIATION
and LYON AND THOMPSON,

Complainants,

vs.

FRED REIN, JR.,

Respondent.

CASE NO. 4686

April 29, 1938.

Appearances: Conour and Conour, Attorneys at Law,
Denver, Colorado, for Lyon and
Thompson and Colorado Rapid Transit;
Marion F. Jones, Esq., Denver, Colorado,
for Lyon and Thompson and Kent Hoffman;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Associa-
tion, and especially for the Fuller Truck
Line;
Hellerstein and Gertz, Esqs., Denver, Colo-
rado, for Fred Rein, Jr.

S T A T E M E N T

By the Commission:

Case No. 4684, brought by the Colorado Rapid Transit Company, a corporation, charges that the respondent has been transporting some fifty-six cans of milk daily for hire, from farms and ranches lying in Township 1 N, R 66 W, to Denver, Colorado, in violation of the Commission's order contained in Decision No. 11143.

Case No. 4686 brought by the Colorado Trucking Association and Lyon and Thompson, charges that the respondent has been serving at least three dairy farmers living outside of the area described in the respondent's

authority, and who do live within the area allocated to Lyon and Thompson, under their certificate of authority; and further charging that the respondent has violated the orders of this Commission and particularly the Commission's rate order entered in Case No. 1585 by transporting milk and dairy products for less than the authorized rates, for such service between the area he is now serving and Brighton, Colorado.

There being no objection, the above numbered cases were consolidated for the purpose of the hearing. Decisions Nos. 2383, dated July 19, 1929, 4420, dated July 6, 1932, 4473, dated August 1, 1932 and Certificate No. 26; also Decision No. 11143 were made parts of the record.

Exhibit 1 was received in evidence, being a transcript of a certain part of the testimony given at a hearing on Application No. 1560-AB, held December 3, 1937.

In support of the charges brought by Case No. 4684, V. G. Garnett, President of the Colorado Rapid Transit Company, testified that his company was the holder of Certificate No. 26; that his company was serving certain territory east and north of Brighton, situated within the area described in his authority and that he stood ready, willing and able to serve all of the area contained within his authority as shown on the map, being Exhibit 3, introduced in evidence at the hearing; that he thought his territory was excluded from the area assigned to Rein, and had been offering solicitors \$5.00 per customer when they would get shippers to accept his service; that he had one shipper east of the pavement at the time of the other hearing; but had not been serving east of the pavement de facto.

Mr. Garnett further stated that a number of times, in person, and by solicitors, commencing about a year ago, he solicited the area, a part of which overlaps the territory described in the respondent's Certificate No. 454 and advised the residents interviewed that he stood ready, willing and able to render service at any time upon their demand; but he had not been requested by anyone to serve.

At the hearing on the Fred Rein Jr. application, held December 3, 1937, in response to a question asked by Mr. Bohrer who represented the Fuller Truck Line, the answer given by the respondent was:

"A. We are not interfering with the territory belonging to the Fuller Truck Line. Q. I believe they have a two-mile area on either side of highway there, and then, if I understand you correct, it is not your intention to infringe on their territory or compete with them? A. Absolutely."

Further down on the same page of this Exhibit appears the following:

"Q. (By Mr. Conour) Mr. Rein, with respect to this portion of your territory north we will say Sections 17, 18, 19, 20, 29, 30, 31 and 32 that's in a way north of Brighton, would you say there was any inadequacy of service in that territory? A. No, I wouldn't."

Near the top of page 7 of the same Exhibit appears:

"Q. (By Mr. Conour) If the record of the Commission should show that the Colorado Rapid Transit Company has authority to pick up milk along the highway in these eight sections that I referred you to would you still insist upon obtaining a certificate? A. Not if the Colorado Rapid has authority to haul that product and the territory is assigned to them, I will withdraw claims to that territory."

The foregoing eliminated from consideration the eight sections mentioned by Mr. Conour. On page 1 of the testimony of Thomas S. Wood at same hearing being attached as a part of the same Exhibit is the following:

"Q. (By Mr. Conour) Can you state from what source this Exhibit 1 was made up? A. It was taken from the certificate of the Colorado Rapid Transit in the order of the Commission.

"Q. That was Decisions Nos. 2383 and 4473 of this Commission? A. Yes sir."

At the bottom of the same page Mr. Wood testifies as follows:

"Mr. Wood: I might qualify that in this way, that on this drawing here, the green line shown on this Exhibit No. 1 is not absolutely correct only this way, that is supposed to be the extreme outer boundary of the Colorado Rapid Transit; however after they had been completed I discovered that the five-mile radius also applied in connection with Route 2 and Route No. 3 and this drawing simply shows the five-mile radius in connection with Route 1.

"Q. So that Route 2 would embrace an area five miles in width on either side of the brown line appearing on this map? A. That is correct."

The foregoing testimony of the Commission's Rate Expert, Thomas S. Wood, at the hearing on application for certificate, disclosed that

there was some territory east of the described Route No. 2 of the Colorado Rapid Transit, but so far as then disclosed by Counsel for this company the eight sections mentioned by him was the only territory which his client wanted - and which by order of the Commission was - specifically excluded from the application of the respondent herein at the time of the original hearing.

When requesting to have the 8 sections reserved for the benefit of the Colorado Rapid Transit, the entire overlap might have been included but no specific mention of this was made by counsel for Colorado Rapid Transit either through oversight or lack of desire to serve this territory. Furthermore, Exhibit (the map) did not at the time of the hearing on the original Rein application for extension disclose this five-mile overlap along Route No. 2.

Harry Lyon, partner of Lyon and Thompson, holder of Certificate No. 410 in the instant matter testified that so far as he knew there was no overlap onto his territory by the Rein certificate, but that Rein had been serving at least two residents who resided east of his (Rein's) east boundary line, namely, Adam Roth and Mr. Sam Hestler, and he thought that Mr. Osborne was also being served by Rein, that would make three residing in the area belonging to Lyon and Thompson.

Thomas S. Wood, Rate Expert for the Commission again testified, giving the date and rates shown by tariffs on file by Kent Hoffman, Lyon and Thompson and the Colorado Rapid Transit, insofar as they applied to the transportation of milk and dairy products from the area north and east of Brighton to Brighton and to Denver, disclosing that one of Hoffman's tariffs was as low as 14¢ based on the price of butter fat, which testimony when carefully considered indicates that the respondent, Rein, found the rates in this area as disclosed by the tariffs on file to be in more or less of a "muddle" and did his best to publish a rate which would be within the rules prescribed by the Commission.

Fred Rein, Jr. testified that insofar as the rates charged by him were concerned, he made an honest effort to learn what the prescribed rates might be, after conference with the Commission's Rate Expert, and then

filed his tariff, thinking that it was in accordance with the prescribed rates, and that he tried to follow this tariff as filed with the Commission; that he was serving twenty-two customers in this area previously served by Kent Hoffman; that he was also serving Osborne, Roth and Hestler, as stated by Mr. Lyon, charging a fifteen-cent rate from points in that area, and that insofar as these three customers were concerned he was under the impression they were within his territory; but after finding out that there was some question about whose territory they resided in, he had made a proposition to Mr. Lyon in connection with the service. The respondent stated that he had no intention of violating any rate order and that he had no intention of serving outside of the area described in his certificate and was ready to comply with all rules and regulations of the Commission.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that insofar as the rates charged by the respondent are concerned, it is quite apparent from an examination of the tariffs on file by Kent Hoffman, Colorado Rapid Transit and Lyon and Thompson, covering the territory north and east of Brighton, Colorado, that they are anything but uniform (but the Commission has under consideration an adjustment of these rates in Rate Case No. 1585), and taking into consideration the testimony of the Commission's Rate Expert, who had been assisting the respondent to meet the requirements on this question, the respondent is not shown to have been knowingly violating the orders of this Commission by transporting milk and dairy products at a rate less than the authorized rate as charged by the complaint in Case No. 4686; that the respondent has served at least two shippers who reside within the territory allocated to Lyon and Thompson in their Certificate No. 410 and has been serving one other shipper who resides approximately one mile north of the area described in respondent's certificate and within the territory allocated to Kent Hoffman under Certificate No. 552; that the respondent has been serving shippers in territory which is overlapped by the Colorado Rapid Transit authority and the authority granted to the applicant in his extension of Certificate No. 454, but has not been serving shippers within

those eight sections specifically retained by the Colorado Rapid Transit; that the testimony of V. G. Garnett discloses that his company has served only one customer east of Highway No. 85, and the line of his milk route No. 2, but that he solicited shippers residing in this overlap territory about a year ago and himself stated that he held himself out to be ready, willing and able to serve the same; that it is quite apparent that the customers residing within the territory allocated to the respondent by his extension to Certificate No. 454 have been receiving satisfactory service from the respondent and regardless of the solicitations by others, seem to prefer his service; that the authority granted by Decision No. 11143 specifically excluded the sections requested by the Colorado Rapid Transit, and specifically excluded any competition with Fuller Truck Line, also specifically fixed the east boundary line of the respondent's territory so as to coincide with the west boundary line of Lyon and Thompson; that this territory was granted to the respondent for the reason that milk shippers residing therein were at that time badly in need of transportation service; that the order of the Commission contained in Decision No. 11143 gave to the applicant therein the right to serve customers residing in that territory described in the order covering fifty-five sections in Ranges 65 and 66 W, Townships 1 N and 1 S, as shown by Exhibit No. 3, being the map prepared by Thomas S. Wood, Rate Expert for the Commission, specifically eliminating competition with the Fuller Truck Line, where there was an overlap covering a part of Fuller's area and also specifically at its request, by counsel, eliminating any competition in the overlap territory of the Colorado Rapid Transit, which was then being served by that Company and particularly those eight sections immediately north of Brighton hereinabove mentioned; and that said order granted to the respondent the right to serve approximately thirty-eight sections (included in the above-mentioned fifty-five sections) which is a part of the territory authorized to be served by the Colorado Rapid Transit, for the reason that the Colorado

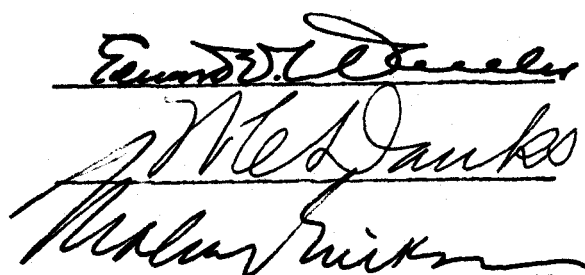
Rapid Transit was not serving in any of this area and Kent Hoffman was not rendering a satisfactory service. The Commission also finds in the instant case that the Colorado Rapid Transit is not serving customers in the thirty-eight sections constituting the overlap with the respondent, and while perhaps not abandoning its right to serve, in effect, waived its right to object by failing to assert their right in this area, at the hearing; that such claim is made only after it has been demonstrated that applicant and the Commission were right in believing that shippers in that area demanded a new service. We think Colorado Rapid Transit, ordinarily an active, able and aggressive operator, here overlooked something and "slept on its rights" that the respondent has worked up and maintained a dependable service pursuant to the order of this Commission granted in good faith, after finding a large number of shippers badly in need of service, and that respondent should be supported in this effort but should be required to cease and desist from serving outside of the territory heretofore authorized to be served, composed of fifty-five sections above referred to; and that other charges set forth in these complaints should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the respondent be, and he hereby is, ordered and required to cease and desist from rendering further service to Adam Roth, Sam Hestler and Mr. Osborne, residing outside of the fifty-five sections described in the extension of his Certificate No. 454, and that all other charges contained in the instant cases be, and the same are hereby, 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


Commissioners

Dated at Denver, Colorado,
this 29th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. W. SUTTON AND H. W. SUTTON, CO-)
PARTNERS, DOING BUSINESS AS "L. W.)
SUTTON AND SON", FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4497-PP

April 29, 1938.

Appearances: L. W. Sutton, Colorado Springs, Colo-
rado, for the applicants;
A. J. Fregeau, Denver, Colorado, for
Weicker Transfer and Storage
Company, Weicker Transportation
Company;
Merrill Shoup, Esq., Colorado Springs,
Colorado, for Midland Terminal
Railway, Cripple Creek, Colorado
Springs Stage Line, Colorado
Transfer and Trading Company;
Stanley Blunt, Esq., Canon City, Colo-
rado, for Southwestern Transpor-
tation Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Car-
riers' Association; Keith Truck
Line;
Marion F. Jones, Esq., Denver, Colorado,
for Wood and Morgan, La Plata
Transfer, Gottula Truck Line,
Jim's Truck Line, 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 authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation, by dump trucks only, of: (a) sand, gravel and road surfacing materials from pits and supply points in the State of Colorado to road construction jobs within a radius of twenty-five miles of said supply points; (b) road building machinery, camp equipment and road building supplies, including lumber and forms and barracks, as an incident to his transportation service of sand, gravel and road

surfacing materials for contractors, and for said contractors, only, from the headquarters of said contractors to said construction jobs, or from said construction jobs to said headquarters or to another construction job and from place to place along the project or from job to job; (c) coal from El Paso County coal mines to Colorado Springs.

The evidence disclosed that applicants, from time to time, are employed by general contractors in dump truck work on road jobs, dam jobs, etc., and that, as an incident thereto, when "setting up" or "breaking up" camps at points where said work is performed, said contractors expect applicants and other dump truck workers similarly employed to move machinery, forms, barracks and other construction camp and construction job equipment from the headquarters of contractor to the job, and from said job to headquarters or a new job, and also to move such commodities from time to time, from place to place, along the project or construction job, and from one job to another in the same general area.

Applicants do not propose any town to town service, and do not intend to haul machinery or equipment in trucks other than dump trucks or except as an incident to their employment as dump truckers.

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

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

O R D E R

IT IS THEREFORE ORDERED, That L. W. Sutton and H. W. Sutton, co-partners, doing business as "L. W. Sutton and Son", should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation, by dump trucks only, of: (a) sand, gravel and road surfacing materials from pits and supply points in the State of Colorado to road construction jobs within a radius of twenty-five miles of said supply points; (b) road building machinery, camp equipment and road building supplies, including lumber and forms and barracks,

as an incident to his transportation service of sand, gravel and road surfacing materials for contractors, for whom such service is performed, only, from the headquarters of said contractors to said construction jobs, or from said construction jobs to said headquarters or to another construction job, and from place to place along the project and from job to job; (c) coal from El Paso County coal mines to Colorado Springs, 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. Dwyer
W. L. Dwyer
W. L. Dwyer
Commissioners.

Dated at Denver, Colorado,
this 29th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELMER AMARANTUS, FLORENCE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 4505-PP

April 29, 1938.

Appearances: Elmer Amerantus, Florence, Colo-
rado, pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage
Company, Weicker Transportation
Company;
Zene D. Bohrer, Esq., Denver, Colo-
rado, for Keith Truck Line, Han-
son Truck Line, The Motor Truck
Common Carriers' Association;
Stanley Blunt, Canon City, Colorado,
for Southwestern Transportation
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:

Applicant herein seeks a permit to operate as a Class "B" pri-
vate carrier by motor vehicle for hire, which, as limited by the testi-
mony offered at the hearing, would authorize him to transport: (A) Coal
from South Canon Coal Fields to Pueblo, Colorado Springs and points, ex-
cepting Cripple Creek and Victor, within a radius of fifty miles of Flor-
ence, Colorado; (b) Coal from Huerfano County Coal Fields to Pueblo; (c)
Sand and gravel from pits and supply points near Pueblo to Florence; (d)
Mine timbers and props from mountain mills within a radius of fifty miles
of Florence to mines, only, in the South Canon Coal Fields.

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

The operating experience and financial responsibility of appli-
cant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit, limited to the service heretofore outlined, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Elmer Amarantus, Florence, 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) Coal from South Canon Coal Fields to Pueblo, Colorado Springs and points, excepting Cripple Creek and Victor, within a radius of fifty miles of Florence, Colorado; (b) Coal from Huerfano County Coal Fields to Pueblo; (c) Sand and gravel from pits and supply points near Pueblo to Florence; (d) Mine timbers and props from mountain mills within a radius of fifty miles of Florence to mines, only, in the South Canon Coal Fields.

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. Thomas
John J. Pikes
Malcolm R. ...

Commissioners.

Dated at Denver, Colorado,
this 29th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FRED REIN, JR., FOR AN EXTEN-)
SION OF HIS CERTIFICATE NO. 454.)

APPLICATION NO. 1560-A-B

April 30, 1938.

Appearances: Hellerstein and Gertz, Esqs., 1020 Univer-
sity Bldg., Denver, Colorado, for
the applicant;

Marion F. Jones, Esq. and Wayne Rees,
Denver, Colorado, for The Colorado
Trucking Association, Kent Hoffman,
F. Bethke and Lyon and Thompson;
Conour and Conour, Esqs., Denver, Colorado,
for Colorado Rapid Transit;
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:

By Decision No. 11263, dated January 19, 1938, issued after a
hearing on the above entitled application, the Commission granted certain
rights to the applicant to render a service in part of the territory au-
thorized to be served by Kent Hoffman.

On February 24, 1938, an unverified petition, signed by Marion F.
Jones as attorney for Kent Hoffman, was filed with the Commission, asking
the Commission to reconsider the abovementioned decision, and if necessary
grant a rehearing on the above numbered application. No action was taken
on the petition for reconsideration at the time the same was filed for the
reason that a number of developments were taking place, affecting the ser-
vice in this area and there was some question as to the status of the opera-
tion under the Kent Hoffman authority. Also the Colorado Rapid Transit and
Lyon and Thompson had filed a case against Fred Rein, Jr., on account of
certain operations of Rein under the extension; and the Commission felt that
pending matters should be taken care of before this petition for reconsidera-
tion was acted upon.

Attached to the petition for reconsideration are twenty-four sworn statements executed by different shippers residing in the territory served by the Hoffman Milk Lines.

The power of Attorney referred to in the petition seems to have been filed with the Commission on February 1, 1938, while the decision sought to be reconsidered was dated January 19, 1938, showing quite clearly that the Commission had no notice of the alleged status of P. K. Hoffman as operator under power of attorney, prior to February 1, 1938. From the record in the Rein matter it would appear that Kent Hoffman had abandoned the operation and left for parts unknown and that P. K. Hoffman, without authority, was continuing the operation to try and recoup his losses account monies advanced to Kent Hoffman.

A further consideration of the record, including the affidavits of shippers appended to the present petition does not indicate that any false reflection was made upon the services of Kent Hoffman inasmuch as the extension granted to Fred Rein, Jr. was predicated upon the inadequate service then and theretofore rendered by Kent Hoffman to some twenty customers residing in the south portion of his authorized territory, which customers are now being satisfactorily served by Rein, and the instant petition for reconsideration covers service rendered by Kent Hoffman in the northern portion of his authorized territory only.

After careful consideration of the petition for reconsideration filed herein, and each and every alleged assignment of error therein, the Commission is of the opinion and finds that this same subject matter has been passed upon at least twice before, following the original hearing and again on the petition for a rehearing, and that the instant petition should be denied.

ORDER

IT IS THEREFORE ORDERED, That the petition for reconsideration filed in the above 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 D. Daniels

W. L. Danks

Wm. S. Simon

Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GUY BRINKERHUFF, ARVADA, COLORADO,)
TO TRANSFER HIS PRIVATE PERMIT NO.)
B-1991, TO HOMER L. WILSON, ARVADA,)
COLORADO.)

APPLICATION NO. 4087-PP-A

April 30, 1938.

Appearances: Howard Wilson, Arvada, Colorado, for
the applicants;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association
and the Tiller Cash Coal & Feed Company;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers' Asso-
ciation and Arvada Transfer Line.

S T A T E M E N T

By the Commission:

On October 4, 1937, by Decision No. 10658, the Commission granted
to Guy Brinkerhuff, Permit B-1991, with authority to transport

"farm products, excluding livestock from point to point
within a radius of twenty-five miles of Arvada, Colo-
rado, providing, however, that applicant shall not
transport any packed farm products between towns within
said area, but shall confine his movements from farm to
town or from farm to farm."

By the instant application, authority is sought to transfer this
right to Homer L. Wilson, the consideration paid is \$100.00. The transferee
further agrees to take care of any outstanding unpaid bills, if any there
be, up to the amount of the consideration to be paid hereby.

However, A. J. Rinder, representing the transferor, stated that
he was looking after the transferor's interest, the transferor being ill at
the present time, and that there were no outstanding unpaid obligations as
a result of the operations under said permit.

The financial standing and reliability of the transferee were es-
tablished to the satisfaction of the Commission. It appeared that the
transferee had been conducting some operations within the town limits of

Arvada, on the assumption that the Public Utilities Commission had no jurisdiction within the City, but when being informed that this limitation was applicable only to Home Rule cities, he stated that he would be careful to comply with all rules and regulations of the Commission, within the city limits as well as outside.

After a careful consideration of the record and the testimony, the Commission is of the opinion and finds that authority to transfer this right should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Guy Brinkerhuff be and hereby is granted authority to transfer all of his right, title and interest in and to Permit B-1991, with authority as hereinabove set forth to Homer L. Wilson of Arvada, 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

Edmund E. Wilson
W. L. Danks
Allen E. Wilson
Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
JOHN REISWIG, 3714 FRANKLIN STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 4535-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

April 30, 1938.

S T A T E M E N T

By the Commission:

Applicant, John Reiswig, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area; (b) coal from mines in the northern Colorado coal fields 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 or notice of 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 John Reiswig, 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 (a) sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area; and (b) coal from mines in the northern Colorado coal fields to Denver.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GEORGE STEIGER, 1034 SOUTH)
JOSEPHINE STREET, DENVER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 4536-PP

April 30, 1938.

S T A T E M E N T

By the Commission:

Applicant, George Steiger, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area; and (b) coal from mines in the northern Colorado coal fields 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 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 or notice of 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 George Steiger, 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 (a) sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area; and (b) coal from mines in the northern Colorado coal fields to 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 W. Dwyer

W. C. Dukes

William E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ANTHONY MORUZZI, 5129 ZUNI)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 4534-PP

April 30, 1938.

S T A T E M E N T

By the Commission:

Applicant, Anthony Moruzzi, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area; and (b) coal from mines in the northern Colorado coal fields 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 or notice of 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 Anthony Moruzzi, 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 (a) sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area; and (b) coal from mines in the northern Colorado coal fields to 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 V. McDaniel

W. C. Danks

Walter Emerson
Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
JAKE WAGNER, DENVER, COLORADO, FOR) APPLICATION NO. 4243-PP-B
AN EXTENSION OF HIS CLASS "B" PERMIT)
GRANTED IN DECISION NO. 10932.)

April 30, 1938.

S T A T E M E N T

By the Commission:

On November 16, 1937, Decision No. 10932, Application No. 4243-PP, Jake Wagner, Denver, Colorado, was granted authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from the northern Colorado coal fields to Denver, only.

Applicant now seeks an extension of said authority to include the transportation of sand, gravel and road surfacing material from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

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 authority, 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 or notice of hearing.

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 granted to Jake Wagner, Denver, Colorado, in Application No. 4243-PP, Decision No. 10932, should be, and the same hereby is extended to include the right to transport sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

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 D. Dineen

W. C. Danks

Reuben Emerson

Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAM VALENTINE, 2234 GROVE STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 4542-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

April 30, 1938.

S T A T E M E N T

By the Commission:

Applicant, Sam Valentine, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

The records of the Commission indicate that Permit No. B-1361, heretofore issued to applicant, was cancelled on November 30, 1936, in Case No. 37-Ins. for failure to keep certificate of insurance on file with the Commission. Applicant requests that permit sought in the instant application, if granted, shall bear the number "B-1361".

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 or notice of 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 Sam Valentine, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points within a radius

of fifty miles of Denver to construction jobs 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.

IT IS FURTHER ORDERED, That said permit herein granted, when issued, shall bear the number "B-1361".

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. D. C. C.

W. D. D.

W. D. C.
Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JOHN C. AMSLER.

PERMIT NO. C- 7139

April 30, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____
John C. Amsler of Breckenridge Colorado,
requesting that his Permit No. C- 7139 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- 7139, heretofore issued to John C. Amsler, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. H. Danks
Maureen E. Eiverson
Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

L. E. KRAMER.

PERMIT NO. C- 7101

April 30, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
L. E. Kramer of Route 1 Center, Colorado
requesting that his Permit No. C- 7101 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- 7101 heretofore issued
to L. E. Kramer, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dwyer
W. E. Danks
W. E. Danks
Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

FRANK G. SMITH.

PERMIT NO. C- 4383

April 30, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Frank G. Smith of Box 831 Bridgeport, Nebr.,
requesting that his Permit No. C-4383 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-4383 heretofore issued
to Frank G. Smith, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Emory D. Jones
W. C. Danks
Walter S. Sisson
Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

JOHN SCHNICKO.

PERMIT NO. C- 5556

April 30, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

John Schnicko

Lay

Colorado

of

5556

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-.....5556....., heretofore issued

to..... John Schnicko,..... be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dames
W. L. Danks
Wm. E. Eason
Commissioners.

Dated at Denver, Colorado,
this30th day ofApril....., 193.....8.....

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WERNER OLSON, 1134 WEST 9th)
AVENUE, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 4541-PP

April 30, 1938.

S T A T E M E N T

By the Commission:

Applicant, Werner Olson, herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points within a radius of twenty-five miles of Denver to construction jobs in said area, for Monaghan Construction Company 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 or notice of 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 Werner Olson, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points within a radius of twenty-five miles of Denver to construction jobs in said area, for Monaghan Construction Company 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 V. Dwyer

W. H. Danks

Wesley E. Brown
Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
E. S. BALDWIN, OF 1400 STATE) PERMIT NO. A-2120
AVENUE, ALAMOSA, COLORADO)

April 30, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from E. S. Baldwin stating, "I want my private carriers permit A-2120 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. A-2120, heretofore issued to E. S. Baldwin, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. S. Baldwin
W. C. Danks
W. S. Sisson
Commissioners

Dated at Denver, Colorado,
this 30th day of April, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

WILLIAM AND LYLE LEHN.

PERMIT NO. C- 6027

April 30, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
William and Lyle Lehn of 1303 W. Costilla, Colorado Springs,
requesting that his Permit No. C- 6027 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- 6027, heretofore issued
to William and Lyle Lehn, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Daniels
W. D. Danks
Maureen S. Sisson
Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)

PIERCE HDW. AND IMP. CO.

PERMIT NO. C- 7163

April 30, 1938

STATEMENT

By the Commission:

The Commission is in receipt of a communication from the
Pierce Hardware and Implement Co. of Pierce, Colorado,
requesting that his Permit No. C-7163 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-7163, heretofore issued to Pierce Hardware and Implement Co., be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Owens
W. D. Danks
Walter E. Brown
 Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

CITY MEAT MARKET.

PERMIT NO. C- 6820

April 30, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
City Meat Market of Hartum, Colorado,
requesting that his Permit No. C- 6820 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- 6820, heretofore issued
to the City Meat Market, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen
W. C. Danko
Wm. E. Eason
Commissioners.

Dated at Denver, Colorado,
this 30th day of April, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
V. W. YOUNG, 2901 GAYLORD STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 4540-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

May 2, 1938.

S T A T E M E N T

By the Commission:

Applicant, V. W. Young, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

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 or notice of 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 V. W. Young, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to construction jobs 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 J. Dancy
W. L. Danks
James E. Quinn
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF H. A. WALDRON AND A. C. WALDRON,)
2456 WEST 38th AVENUE, DENVER,)
COLORADO, FOR A CLASS "B" PERMIT) APPLICATION NO. 4538-PP
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

May 2, 1938.

S T A T E M E N T

By the Commission:

Applicants, H. A. Waldron and A. C. Waldron, Denver, Colorado, herein seek authority to operate as Class "B" private carriers by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

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 applicants, without formal hearing, the Commission determined to and has heard said matter upon the application and files herein, without formal setting or notice of 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 H. A. Waldron and A. C. Waldron, Denver, Colorado, should be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to road construction jobs 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 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 this 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. Dineen

McDanks

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JOHN H. WALLACE, 1787 SOUTH)
GRANT STREET, DENVER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 4539-PP

May 2, 1938.

S T A T E M E N T

By the Commission:

Applicant, John H. Wallace, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

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 or notice of 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 John H. Wallace, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver, to construction jobs 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

Edmund O. Lane
W. C. Danks
Walter E. Quinn
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VICTOR WAGNER, 4439 LEAF COURT,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 4537-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

May 2, 1938.

S T A T E M E N T

By the Commission:

Applicant, Victor Wagner, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area; and (b) coal from mines in the northern Colorado coal fields 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 or notice of 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 Victor Wagner, 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 (a) sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area; and (b) coal from mines in the northern Colorado coal fields to 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 D. Dineen
Wesley Danks
Allen E. Quinn
Commissioners.

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

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. Dancer

W. C. Danks

Wesley E. Egan
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)
HUGH BAKER, c/o MONAGHAN CAMP,)
GOLDEN, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4531-PP

May 2, 1938.

S T A T E M E N T

By the Commission:

Applicant, Hugh Baker, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) sand, gravel and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area; and (b) coal from mines in the northern Colorado coal fields 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 or notice of 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 Hugh Baker, Golden, 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 and road surfacing materials from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area; (b) coal from mines in the northern Colorado coal fields to Denver.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ERNEST E. CLARK, 437 STUART STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4532-PP

May 2, 1938.

S T A T E M E N T

By the Commission:

Applicant, Ernest E. Clark, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) sand and gravel from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area; (b) coal from mines in the northern Colorado coal fields 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 or notice of 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 Ernest E. Clark, 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 (a) sand and gravel from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area; (b) coal from mines in the northern Colorado coal fields to 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 operations 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. E. Danks

Robert E. Danks
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

W. L. LANG, COLORADO RAPID TRANSIT
COMPANY AND HARRY LAUBHAN,

Complainants,

vs.

CARL BORGMAN,

Defendant.

CASE NO. 4668

May 2, 1938.

Appearances: Conour and Conour, Denver, Colorado,
attorneys for Complainants;
Marion F. Jones, Esq., Denver, Colorado,
attorney for Defendant.

S T A T E M E N T

By the Commission:

The instant case was submitted to the Commission upon an "Agreed Statement of Facts". Said stipulation discloses, inter alia, that on or about March 30, 1934, the defendant Carl Borgman obtained a private permit from the Commission pursuant to Application No. A-704, which said application designated the authority desired as follows:

"Milk route, pick up east of Longmont to 15 miles, north 4 miles, thence south to Denver on North Colorado Boulevard road through Frederick."

The Commission is asked to construe the territory that defendant is authorized to serve under said permit.

As disclosed by said "Agreed Statement of Facts", the defendant claims the right to operate his milk transportation service in an area 15 miles east from Longmont and from a point 4 miles north of Longmont as far south as Denver, which is a territory approximately fifty by thirty miles in extent, using North Colorado Boulevard as a route base. Complainants contend that defendant applied for and received a permit authorizing the operation of a milk route along a passable highway running eastward from Longmont 15 miles

to a point approximately $1\frac{1}{2}$ miles south of the Town of Platteville, thence 4 miles north, thence back along said road to its intersection with the North Colorado Boulevard road to Denver.

Subsequent to the submission of said case to the Commission by said Agreed Statement of Facts, the attorneys representing complainants and defendant orally stipulated that, if agreeable to the Commission, said defendant should be restricted to an area commencing at the southeast corner of the Town of Longmont and extending due east 15 miles, thence due north 4 miles, thence due west 15 miles, thence due south 4 miles to the place of beginning, and from said area over North Colorado Boulevard road to Denver. However, the attorney for defendant did not agree to said restricted area unless defendant was also given the right to make pickups on said North Colorado Boulevard road.

The attorneys for complainants were willing to submit the question of service along said North Colorado Boulevard road to the Commission.

In view of the stipulation of counsel, and in view of the further fact that no rights are involved outside of those represented by counsel in the instant case, we see no reason why defendant should not be authorized to serve the above described area, although we question whether the language of the application for the permit, strictly construed, would entitle defendant to that much territory, as it is our opinion that the description was that of a route to be followed rather than the boundaries of any area to be served.

Upon the question of the authority to serve along North Colorado Boulevard road, the Commission believes that such authority should be granted, limited, however, to pickups from customers living upon farms that actually abut upon either side of the North Colorado Boulevard road.

After a careful consideration of the record and the various stipulations made herein, the Commission is of the opinion, and so finds, that said Permit A-704 should be construed to authorize the service hereinbefore described.

O R D E R

IT IS THEREFORE ORDERED, That Carl Borgman be, and he is hereby,

authorized, under Permit A-704, to conduct a private carrier motor vehicle operation for the transportation of milk from an area contained within the following boundary lines, to-wit: Commencing at the southeast corner of the Town of Longmont, thence east 15 miles, thence due north 4 miles, thence due west 15 miles, thence due south 4 miles to the place of beginning; and from said area via North Colorado Boulevard road to Denver, with the further right to pick up milk from shippers along said North Colorado Boulevard road who live on farms actually abutting said North Colorado Boulevard road on either side thereof.

IT IS FURTHER ORDERED, That said Carl Borgman shall cease and desist from serving any customers outside of the above described area and road.

IT IS FURTHER ORDERED, That this order shall in no way affect the extension of said private permit No. A-704, heretofore granted said Carl Borgman on March 17, 1936.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Denver

W. C. Danks

Wesley E. Eason

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
M. R. HILL.) PERMIT NO. C- 6777
.....)

May 6, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
M. R. Hill, of Jetmore, Kansas
requesting that his Permit No. C- 6777 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- 6777 heretofore issued
to M. R. Hill, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
W. C. Danks
Malcolm S. Givens
Commissioners.

Dated at Denver, Colorado,
this 6th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

M. R. HILL.

PERMIT NO. C- 6777

May 6, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from _____

M. R. Hill, _____ of Jetmore, _____ Kansas

requesting that his Permit No. C- 6777 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- 6777, heretofore issued

to M. R. Hill, _____ be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
W. C. Danks
William S. Givens
Commissioners.

Dated at Denver, Colorado,
this 6th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. L. MILLS.
.....)

PERMIT NO. C-4978

May 6, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
L. L. Mills of Hotchkiss Colorado,
requesting that his Permit No. C-4978 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-4978, heretofore issued to L. L. Mills, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler
W. C. Danks
Walter Emerson
Commissioners.

Dated at Denver, Colorado,
this 6th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

IRA FOSTER.

PERMIT NO. C- 7306

May 6, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Ira Foster of Wray Colorado
requesting that his Permit No. C- 7306 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- 7306 heretofore issued
to Ira Foster, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Decker
W. C. Danks
Wm. E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 6th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

ESTEL H. ROE.

PERMIT NO. C- 3973

May 2, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

Estel H. Roe

of 202 Bruce St., Brush, Colo.

requesting that his Permit No. C-3973 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-3973, heretofore issued

to Estel H. Roe, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank W. Dwyer
W. C. Dwyer
W. C. Dwyer
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PAT RIDOUT AND JOSEPH FAVERMAN)
.....)

PERMIT NO. C- 8173

.....
May 6, 1938
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Pat Ridout
and Joseph Faverman of 1032 Champa St., Denver, Colorado
requesting that his Permit No. C- 8173 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- 8173, heretofore issued
to Pat Ridout and Joseph Faverman, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Wheeler
Wesley D. Smith
Walter E. Smith
Commissioners.

Dated at Denver, Colorado,
this 6th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GILBERT H. MANGELS, ROUTE 1, FORT)
MORGAN, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4533-PP

May 2, 1938.

S T A T E M E N T

By the Commission:

Applicant, Gilbert H. Mangels, herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for the transportation of sand, gravel and road surfacing material from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

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 or notice of 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 Gilbert H. Mangels, Route 1, 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 sand, gravel and road surfacing material from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a 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 all operations under this permit are to be strictly contract operations, the Commission retaining 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 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, Colorado,
this 2nd day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE PUBLIX CAB COMPANY, a cor-)
poration, TO OPERATE A GENERAL)
TAXI SERVICE FOR CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
BETWEEN ANY AND ALL POINTS WITHIN)
A RADIUS OF FIFTEEN MILES FROM SAID)
CITY LIMITS.)

APPLICATION NO. 4424

IN THE MATTER OF THE APPLICATION)
OF FORREST M. WOODS, DOING BUSI-)
NESS AS DOLLAR CAB COMPANY OPERAT-)
ING ZONE CABS, TO OPERATE A GENE-)
RAL TAXI SERVICE FOR CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECES-)
SITY BETWEEN ANY AND ALL POINTS)
WITHIN A RADIUS OF FIFTEEN MILES)
FROM SAID CITY LIMITS.)

APPLICATION NO. 4425

IN THE MATTER OF THE APPLICATION OF)
W. MARLAR, DOING BUSINESS AS BILL'S)
CAB COMPANY, TO OPERATE A GENERAL)
TAXI SERVICE FOR CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
BETWEEN ANY AND ALL POINTS WITHIN A)
RADIUS OF FIFTEEN MILES FROM SAID)
CITY LIMITS.)

APPLICATION NO. 4426

IN THE MATTER OF THE APPLICATION OF)
L. E. POWELL, DOING BUSINESS AS)
GREEN AND WHITE CAB COMPANY, TO)
OPERATE A GENERAL TAXI SERVICE FOR)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY BETWEEN ANY AND ALL)
POINTS WITHIN A RADIUS OF FIFTEEN)
MILES FROM SAID CITY LIMITS.)

APPLICATION NO. 4427

May 2, 1938

Appearances: John Mueller, Esq. and Garwood and
Garwood, Esqs. and W. T. Lewis, all
of Denver, Colorado, for the applicants;
Worth Allen, Esq., Denver, Colorado,
for Colorado Sight-Seeing Association,
Harry E. Taylor, V. E. Brown and the
Colorado Cab Company;
Hodges, Vidal and Goree, Esqs., Denver,
Colorado, for the Colorado Motor Way,
Inc., and the Rocky Mountain Parks
Transportation Company;
Donald Robertson, Denver, Colorado, for
the Denver Tramway Company and the
Denver and Intermountain Railway.

S T A T E M E N T

By the Commission:

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

It appeared from the testimony of F. M. Woods of the Dollar Cab Company, William M. Meyers of the Publix Cab Company, Guy Billett of the Publix Cab Company, L. E. Powell, owner of the Green and White Cab Company, Mrs. W. F. Marlar of Bill's Cab Company, John Rothwell, Dispatcher, Bill's Cab Company, W. E. Gilman, Dispatcher, Dollar Cab Company, Charles W. Muse, Driver for the Dollar Cab Company, C. G. Stevenson, garage owner, Littleton, D. W. Shay, proprietor of Markham Hotel, and W. T. Lewis representing the Denver Taxicab Association; that the four applicants above-named now seek authority to render a taxicab service between Denver and Edgewater, Wheatridge, Littleton, Aurora, Fitzsimons Hospital, Arvada, Morrison, Englewood, Broadmoor, Derby, Hart's Corner, Welby and points within the Metropolitan area outside of the city limits of Denver, not specifically named above, for the transportation of passengers and hand-baggage, all of which service shall originate or terminate in the City and County of Denver; it was the expression of the different witnesses that the distance from the city limits to be served, should be limited to a reasonable radius so as not to encroach upon the rights of sight seeing operators who serve more distant points; and that each of the applicants had received many calls for this service, most of such calls originating in Denver, to transport persons to some points outside and usually bring them back, and that a number of calls were for the applicants to go outside of the city of Denver to some point and pick up one or more passengers, bring them to Denver and return them in some instances.

It was disclosed by a number of these witnesses that each of the applicant companies caused their dispatchers who answer phone calls at their offices to prepare tabulations, commencing on June 4 and continuing the same for twenty-four hour periods until June 22, and Exhibits were introduced,

showing the number of such phone calls coming in requiring a service outside of the city limits of Denver, and which the several applicants were obliged to turn down on account of lack of authority. These calls averaged all the way from five to twenty-five calls per day, the peak of calls to many places being after midnight when most other transportation facilities had ceased for the night. The testimony further showed that these applicants kept track of all service rendered outside the City and County of Denver, during the period July 8 to 15 inclusive, when temporary authority was given to each of the applicants herein to render service during the Elks Convention.

Exhibits were introduced, disclosing the number of calls, points to where service was rendered, hour of the day made, and the fare collected. Other exhibits covered the calls where no service was rendered during the period prior to the Elks Convention. These calls for service outside of Denver were as follows:

Dollar Cab Company	20 - 25 calls each twenty-four hours
Green and White Cab Co.	5 - 10 calls each twenty-four hours
Bill's Cab Company	20 - 25 calls each twenty-four hours
Publix Cab Company	5 - 7 calls each twenty-four hours

It was quite evident from these sources coming of course from the respective dispatchers for the applicants, indicate a public demand for their service outside the City of Denver. The testimony further indicated that there was a demand coming to the Markham Hotel, at which point one of the applicants has a stand, requesting taxi service to points outside of the city; that like demands came to business houses in Littleton, particularly the Littleton Garage where patrons of the Garage requested cab service to Denver and no service being available, short of a half hour wait, required the proprietor of the garage in some instances to use his own personal car to assist his patrons.

The testimony further disclosed that drivers of cabs belonging to the applicants had picked up passengers in the Denver area and after starting on the trip and inquiring as to where the passengers desired to go, were then, for the first time, advised that the point of destination was

outside of the City of Denver; that a number of these drivers made it a business of taking these passengers to the City Limits and there securing transportation service to the point of destination or, in a number of instances, walking with the passengers when the point of destination was only a few blocks outside of the city limits; other drivers took the passengers to the city limits and then advised the passengers that they could go no further and left such passengers at the city limits to wait for a street car or some other means of transportation to take them to some point outside of the city limits, causing more or less inconvenience to the passengers.

A number of officials, representing the applicant companies, testified that the arrangement with the drivers of their cabs was somewhat the same as at a previous hearing, but that instead of having their drivers classed as independent operators of the cab, the Federal Security Act and Social Security Insurance had insisted upon the applicants making payments while a more thorough investigation is being made as to whether or not these drivers are actually employees of the applicants or are to be looked upon as independent operators. However, most of the applicants are now paying the Social Security Insurance under protest, until such time as public officials are able to determine just what the status of these drivers might be.

The facts presented at the hearing are substantially the same as at the previous hearing, with some additional angles.

It appears from the testimony given at the instant hearing, that drivers are paired for the handling of each cab. The driver for the first twelve-hour period of the day turns over to the applicant company all of the revenue taken in during the period, from which the applicant company retains \$3.00 as compensation for the use of the car during the twelve-hour period and in addition thereto retains ten cents, which is placed in a fund to be applied on minor repairs, and the driver for the second twelve-hour period of the day turns over to the applicant company all revenue taken in from which they retain ten cents only, to be placed in the repair fund

abovementioned and in lieu of their taking \$3.00 in cash, this driver of the second half day is to check the condition of the car and see that it is kept in good mechanical condition. The net result of this transaction appears to give the company \$3.00 in cash for the use of the car and the maintenance of the car in good condition at all times. The net result to the drivers would be all income derived from the operation, less the \$3.00 charge paid by one and the labor and expense rendered by the other, to keep the car in good condition and the payment of ten cents, each, to the minor repair fund. It is possible that in such an arrangement which is more fully disclosed than heretofore, the relationship existing may be that of employer and employee and not as heretofore held by the Commission.

Seven drivers appeared at the hearing, each of whom stated that so far as their activities were compared, no service had been rendered outside the city limits of the City and County of Denver, since the last hearing and that this was done in order to comply with the others of the Commission.

Applicants maintain headquarters with telephone facilities and a dispatcher where they receive all calls, some testifying that these run four and five hundred calls per shift, and that these calls are turned over to the drivers to execute; that the liability insurance covering the various cabs is taken care of by the applicants herein, and that while each of the applicants insist that these drivers are not employees, the fact remains that their status is very close to that of an employee, regardless of any contention which these applicants may put forth. The relation appears now to be more nearly that of employer and employee, than it did under the testimony given at the previous hearing.

In the past, the applicants appear to have tried various arrangements in order to render dependable taxi service, within the City of Denver, at one time using meters on all cabs and after trying out different arrangements have found that the best service to the public is brought about by the compensation arrangement above described, and at the same time gives the

applicants herein just what is coming to them, leaving little or no chance for the driver to take undue advantage as is many times the case where drivers are required to collect the fares and their honesty being relied upon to turn the same over to the owner of the cab. The present arrangement also seems to promote the business, inasmuch as it is to the interest of the driver to at least make more than \$3.10 each twelve hours; otherwise he would have nothing for his own services.

The record made in the previous hearing, on similar applications by these applicants was made part of this record and therein the financial standing and reliability of each of the applicants is set forth. The testimony indicated that each of the applicants were in better financial condition at this time than they were at the time of the previous hearing. Attached to each of the applications are Exhibits A and B, the former setting forth the proposed rates for trips to important points proposed to be served outside of the City of Denver and provisions made for all other trips on a mileage basis. The latter Exhibit, being marked B, is a financial statement as of the date of the present hearing.

At the previous hearing, when these applicants testified that the relation between the several applicants and their drivers was not that of employer and employee, the Commission accepted such statement at face value; but at the instant hearing a complete disclosure of the status of drivers was presented. It now appears that the motive for adopting the present plan was not to change the relationship of employer and employee, but to make each driver more responsible for his own compensation, to remove the temptation to not report all revenue, and at the same time cause each driver to be a good business solicitor.

The result obtained after trying several plans was that the present one, whatever it be called, brings better service to the public, more certain revenue to the applicants, and gives drivers a chance to increase his own compensation.

On hearing previous applications made by these applicants, there was more or less testimony indicating that the drivers were not under very

good control of the applicants, and that violations had been committed by various drivers, some being caught outside the City of Denver and many reports showing there was little or no regard for the orders of the Commission. However, since the last hearing no such complaints have come to the attention of the Commission and none were reported at the hearing, and seven drivers of Zone Cabs and Bill's Cabs, each testified that they had not rendered service outside the city limits since the last hearing, except during the Elk's Convention.

On behalf of the Colorado Sightseeing Association it was revealed that there was no objection to the granting of the authority as sought by the applicants, so long as it would not infringe upon the rights of sightseeing operators and that so far as this Association was concerned, they had no objection to taxi service being extended to Littleton, Golden, Fitzsimons Hospital, so long as the operation was confined to a taxi service.

Harry A. Taylor of Englewood, however, took a different view as he contended that a taxi service covering the Englewood area would mean an impairment to his service, as well as to the service now being rendered by E. V. Brown, operating as the Englewood Cab Service.

Harry A. Taylor testified that his Englewood operation had four cabs and that at least one driver was at all times available, even after midnight each night, and in addition to this, on pay days, as well as Saturdays, all four of his drivers were available all night long; that he was not aware of having been called by Littleton to render service and causing any great delay; that the principal part of his business was done between Englewood and Fort ^{Logan} ~~Morgan~~ and that he felt the granting of authority to the applicants would impair his business; Taylor further testified that Victor Brown of the Englewood Cab Service had two cabs and some extra equipment; that he likewise had competent drivers and that the two operations cooperated with each other in order to take care of the Englewood demand. Taylor further stated that his operation was on a paying basis but that any business taken away from him would result in a curtailment of his business operations.

G. Q. Smith of the Denver Cab Company stated that under the authority of his Company, seventy cabs could be put on the streets, but that business conditions were such that sixty only were licensed at the present time. Mr. Smith further stated that all seventy cabs were available should the demands justify putting them into service; that from 8:00 P.M. to 12:00 midnight, they utilized about thirty-five cabs each night and between midnight and 5:00 o'clock in the morning business required not to exceed five; that there were very few calls for service outside of the City of Denver after midnight, that "this town closes up at midnight - no business after 1:00 A.M., to speak of."

It was further stipulated that the testimony of G. Q. Smith, given on applications previously heard be made a part of the record and particularly that portion which referred to the demands for service within the metropolitan area around Denver.

Seven persons testifying for the applicants showed that there was a substantial demand coming principally from sources in Denver, calling for service to points outside the city limits of Denver. This was supported by dispatcher's testimony where they kept track of all such calls for a period prior to the Elk's Convention and again during the Elk's Convention. These applicants find a demand for their service as sought. One witness for protestants, a man of wide experience, stated that there was very little demand outside and that Denver was "a closed town" after one o'clock in the morning. It would appear from such testimony, showing quite a variance that these applicants may be able to work up a business. If so, it does not appear that such business would be taking anything away from the cab companies already authorized to serve out of Denver, inasmuch as present authorized taxi operators are unable to find or get this business, at least at the present. There was testimony to the effect that any movement of passengers between Englewood and Fort Logan would impair carriers already authorized to render this service, but inasmuch as the applicants do not seek a point to point service outside the city limits, it would appear that the only question would be how many Englewood to Fort Logan passengers when in Denver would prefer

to use a taxi, thereby obviating a change at Englewood. However, at the present time they could call one of the authorized taxicab offices and go direct to Fort Logan, but the testimony shows that the present carriers find little or no use for their cabs, particularly after midnight and therefore keep only a few available.

The record does disclose, however, that the present authorized taxicab operators do have plenty of equipment to take care of more traffic and if there be any chance for them to take care of this public demand which the applicants have apparently shown, it might follow that the present Denver operators should first be given a chance to take care of this demand. They did not indicate, however, that there was any demand existing which they should have the first opportunity to take care of.

To each of the applications herein is attached a proposed schedule of rates, but the applicants did not support the same with testimony. However, the Rocky Mountain Motor Company, in Application No. 1606, and the Denver Cab Company, in Application No. 1635, parties to this hearing, sought authority to publish rates and after hearing, the Commission on April 26, 1937, Decision No. 9898, prescribed maximum rates between Denver and points within the Metropolitan area around Denver.

The service proposed to be rendered by the applicant is strictly call and demand and the rates proposed are sufficiently high to be non-competitive so far as scheduled operators to any of these points are concerned, and at a previous hearing Mr. Smith testified, and it was stipulated that his testimony be made a part of this record, that fifteen cents per mile for the round trip mileage was a reasonable rate for the transportation of any number of passengers up to five, when serving to points not specifically named.

As we pointed out in our former order of March 30, 1937:

"We realize that a rather inconvenient and more or less incongruous situation from the standpoint of the public is created in the taxicab situation in Denver where certain operators are permitted to render service to what is called 'fringe' territory, and others are not."

Denver being a home-rule city, no certificate of public convenience and necessity to operate a taxicab service within its boundaries is required from this Commission, but it is up to the municipal authorities to determine what taxicabs shall operate within the city limits. Denver having granted authority to applicants to operate within its city limits, we believe that it is quite essential and in the public interest that those same operators should have the right to extend their operations to include the right to serve the fringe territory or metropolitan area, of Denver. We denied the right before largely upon the ground that applicants had been law violators, and that to grant them a certificate would be to put a premium upon law violation. This condition has now changed and applicants have no doubt endeavored to obey the law since our former hearing.

It is probably true that established taxicab service in Denver that has authority to serve outside the city limits, has ample equipment or could obtain the same to actually handle all outside trips, but the taxicab business is somewhat different from the ordinary line-haul passenger service. Taxicab service has the elements of emergency service and it will not brook delay, transfers or other restrictions if the public is to be properly and adequately taken care of. Applicants are apparently responsible concerns who are making a success of the taxicab business within the corporate limits of Denver. The fact that the ownership of the cabs is in the applicants; that applicants have full power to hire and discharge their drivers; that they maintain central offices from which all calls are received and direct the drivers of their cabs where to go to properly serve said calls, offsets the conclusion heretofore reached that said drivers are independent contractors and leads us to the final conclusion that they are simply employees of applicants.

In their city operations, applicants are members of an association, which maintains a form of self-insurance. However, under the law any certificates granted herein must be protected by insurance or surety bond

executed by some insurance or surety company authorized to do business in this state.

After a careful consideration of the record and the testimony, the Commission is of the opinion and finds that the public convenience and necessity require the taxicab service proposed by the several applicants herein, between Denver and points specifically named outside of the City of Denver and such intermediate points within the Metropolitan area of Denver not more distant from Denver than those named, and that authority should be granted and rates published, as heretofore prescribed by the Commission in Applications Nos. 1606 and 1635, by Decision No. 9898, dated April 26, 1937.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the taxi service of each of the applicants, THE PUBLIX CAB COMPANY, a corporation, FORREST M. WOODS, doing business as Dollar Cab Company, W. MARLAR, doing business as Bill's Cab Company and L. E. POWELL, doing business as Green and White Cab Company, with authority to transport passengers and hand baggage between Denver and Arvada, Aurora, Broadmoor Country Club, Cherry Hills, Crown Hill, Derby, Englewood, Fairmount, Fitzsimons General Hospital, Fort Logan, Golden, Hart's Corner, J.C.R.S., Lakewood Country Club, Littleton, Loretto Heights, Lutheran Sanatorium, Morrison, Mount Olivet, O.E.S. Home (Sullivan), Rifle Range, Rock Rest and Welby, (Red Rocks Scenic Attraction not included), and other points within the Metropolitan area around Denver, not more distant from the Denver city limits nor beyond the places named above, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That each of the applicants herein be and they hereby are authorized and required to establish rates and charges for the service to be rendered, 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, which rates and charges

shall be in conformity with the rates prescribed in Applications Nos. 1606 and 1635, Decision No. 9898, dated April 26, 1937.

IT IS FURTHER ORDERED, That jurisdiction of the instant case be and the same hereby is retained to the end that such further orders may be entered herein as future developments may require.

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

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

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. E. Danks

Walter E. Eason
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
R. A. CRANOR, P. U. C. CERTIFICATE) CASE NO. 4699
NO. 865.)

May 2, 1938.

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 Certificate of public convenience and necessity No. 865, under the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended, authorizing him to engage in the business of a common carrier for hire by motor vehicle.

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

1. That said respondent does not now have, and has not had for a long period of time last past, a tariff on file with this Commission showing the schedule of rates and charges to be assessed and collected by him for the transportation of freight.

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 the aforesaid statute, the rules and regulations of this Commission, and the terms and provisions of his said certificate, and, if so, whether his said certificate should therefor 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 days from this date why it should not enter an order suspending or revoking Certificate of public convenience and necessity No. 865, heretofore issued to said respondent, because of the aforesaid violations of the law and of the rules and regulations of this Commission, and the terms and provisions of said certificate, 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 13th day of May, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Decker

W. L. Danks

Wesley E. Egan

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
G. W. DODGE, CARBONDALE, COLORADO,) CASE NO. 4700
P. U. C. CERTIFICATE NO. 782.)

May 2, 1938.

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 Certificate of Public Convenience and Necessity No. 782, under the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended, authorizing him to engage in the business of a common carrier for hire by motor vehicle.

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

1. That said respondent does not now have, and has not had for a long period of time last past, a tariff on file with this Commission showing the schedule of rates and charges to be assessed and collected by him for the transportation of freight.

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 the aforesaid statute, the rules and regulations of this Commission, and the terms and provisions of his said certificate, and, if so, whether his said certificate 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 days from this date why it should not enter an order suspending or revoking Certificate No. 782, heretofore issued to said respondent, because of the aforesaid violations of the law and of the rules and regulations of this Commission, and the terms and provisions of said certificate, 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 13th day of May, 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. Dwyer

W. L. Danks

Wesley E. Nixon
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER ACHESON, ASPEN, COLORADO,) CASE NO. 4701
P.U.C. CERTIFICATE NO. 779.)

May 2, 1938.

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 Certificate of Public Convenience and Necessity No. 779 under the provisions of Chapter 134, Session Laws of Colorado, 1927, as amended, authorizing him to engage in the business of a common carrier for hire by motor vehicle.

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

1. That said respondent does not now have, and has not had for a long period of time last past, a tariff on file with this Commission showing the schedule of rates and charges to be assessed and collected by him for the transportation of freight.

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 the aforesaid statute, the rules and regulations of this Commission, and the terms and provisions of his said certificate, and, if so, whether his said certificate 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 days from this date why it should not enter an order suspending or revoking Certificate No. 779, heretofore issued to said respondent, because of the aforesaid violations of the law and of the rules and regulations of this Commission, and the terms and provisions of said certificate, 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 13th day of May, 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. Dineen

W. L. Danks

Wm. E. Enison

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF JOHN W. ASHTON, RIFLE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 4525-PP

May 4, 1938.

Appearances: John W. Ashton, Rifle, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Robert Colman and The Denver and
Rio Grande Western Railroad Company;
Wayne Rees, Denver, Colorado,
for The Colorado Trucking Association
and James V. LeDonne.

S T A T E M E N T

By the Commission:

At the close of the hearing in the instant matter, applicant advised the Commission that he desired to have this application dismissed, as he intended to apply for a Class "C" permit which he believed would authorize the operation he proposed to conduct.

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

O R D E R

IT IS THEREFORE ORDERED, That the instant application be, and the same is hereby dismissed at the request of applicant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Danks

W. L. Danks

W. L. Danks
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
MILDRED R. JOY, DOING BUSINESS AS)
THE JOY MOTOR COMPANY, AND H. H. HARP)
FOR APPROVAL OF THE PUBLIC UTILITIES) APPLICATION NO. 2168-AA
COMMISSION OF THE TRANSFER OF CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY NO. 718.)

May 4, 1938.

Appearances: Winburn McDonald, Esq., Meeker, Colorado,
for applicants;
T. A. White, Esq., Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company;
Wayne Rees, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Authority is sought in the instant application to transfer to
H. H. Harp that certain certificate of public convenience and necessity No. 718
originally issued to H. C. Peterson in Application No. 2168 and later transferred
to one Mildred R. Joy in Application No. 2168-A.

The evidence disclosed that the operating rights under said certificate
had heretofore been leased to Harp Brothers, a co-partnership, with the
approval of this Commission, and that under the terms of said contract of
lease, the same could be terminated whenever said operation was not personally
under the direction of the said Thad S. Harp.

It further appeared that the said Thad S. Harp is now deceased, and
the operating rights, as well as the ownership of the authority heretofore
granted under said certificate of public convenience and necessity No. 718,
are now vested in the said Mildred R. Joy.

The financial standing and operating reliability of said Harry H. Harp
were established to the satisfaction of the Commission.

It further appears that no outstanding obligations exist against
the said operation, and no protests were interposed to the granting of the
authority sought.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF PAT SADLER, COLORADO SPRINGS,)
COLORADO, FOR A CLASS "A" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4500-PP

May 4, 1938.

Appearances: Pat Sadler, Colorado Springs,
Colorado, pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Com-
pany, Weicker Transfer and
Storage Company;
Merrill Shoup, Esq., Colorado
Springs, Colorado, for Midland
Terminal Railway, Cripple Creek-
Colorado Springs Stage Line,
Colorado Transfer and Trading
Company;
Stanley Blunt, Canon City, Colorado,
for Southwestern Transportation
Company;
Zene D. Bohrer, Esq., Denver, Colo-
rado, for Keith Truck Line, The
Motor Truck Common Carriers'
Association;
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, applicant seeks a permit to operate as a private carrier by motor vehicle for hire for the transportation of mine timbers and props from Woodland Park Mills to Colorado Springs, and to mines in El Paso County, and the Cripple Creek-Victor District.

The evidence disclosed that practically all the transportation service to be furnished by applicant under the permit sought would be for mines owned by the Carlton Interests; that he heretofore operated under a

private carrier permit, No. A-1324, which has been cancelled (Application No. 2702-PP); that, should permit herein be granted, it should be designated as "Permit No. B-1324."

After a careful consideration of the record, the Commission is of the opinion, and finds, that proposed service is that of a "B Carrier" and that said applicant should be authorized to operate as a Class B private carrier by motor vehicle for hire with authority as requested.

O R D E R

IT IS THEREFORE ORDERED, That Pat Sadler, 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 mine timbers and props from Woodland Park Mills to Colorado Springs, and to mines in El Paso County and the Cripple Creek-Victor District, said permit to bear number B-1324.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction to 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. Dancy

W. L. Danks

Walter E. Eason
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAPINI BROTHERS, GLENWOOD SPRINGS,)
COLORADO, FOR A PERMIT TO OPERATE AS)
PRIVATE CARRIERS BY MOTOR VEHICLE FOR)
HIRE IN THE TRANSPORTATION OF FARM)
PRODUCTS, INCLUDING LIVESTOCK, FARM)
MACHINERY, USED HOUSEHOLD GOODS, COAL)
AND FERTILIZER WITHIN A RADIUS OF 25)
MILES OF NEWCASTLE, COLORADO, WITH RIGHT)
TO MAKE AN OCCASIONAL TRIP FOR THE TRANS-)
PORTATION OF ABOVE DESCRIBED COMMODITIES)
FOR THE FATHER OF APPLICANTS ONLY, FROM)
SAID AREA TO OTHER POINTS NOT TO EXCEED)
40 MILES FROM NEWCASTLE, COLORADO. (REISSUE))

APPLICATION NO. 4518-PP

May 4, 1938.

Appearances: Thomas Rapini, Glenwood Springs, Colorado,
pro se and for applicants;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Wayne Rees, Denver, Colorado,
for The Colorado Trucking Association
and James V. LeDonne.

S T A T E M E N T

By the Commission:

The evidence disclosed that applicants in the instant case were granted a Class "B" permit on January 28, 1936, authorizing the same transportation service that they are seeking in the instant application. It was further developed that said permit had been revoked on November 8, 1937, for the failure of applicants to keep on file with the Commission a list of customers as required by our rules and regulations.

On December 13, 1937, a case was instituted against applicants for failure to keep on file with the Commission the necessary insurance required by law and to make a report for the month of November, 1937. However, said case was dismissed, due to the fact that the permit had been revoked in November, 1937.

One of the applicants testified as to the reason for their failure to keep on file the necessary insurance. The insurance was secured and sent in to the Commission on December 18, 1937, as apparently applicants had not been

advised of the previous cancellation of their permit for failure to file customer list.

Oral objection was made to the granting of a new permit on the ground that applicants had not complied with the law and our rules and regulations under their former permit. However, it was not disclosed that any change in conditions had occurred since the granting of the former permit, and we might point out that said former permit was granted under a stipulation entered into by applicants and protestants who appeared at the original hearing, which stipulation was based upon the probable needs of the shipping public in the area involved. We do not believe that the delinquencies of applicants under their former permit were of a serious enough nature to prevent them from securing another permit. They have been punished to the extent that they have been required to file a new application and pay a new filing fee, and the record in the original hearing when Permit B-1400 was issued to them, together with the instant record, justifies, we believe, the conclusion that the present authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Tom Rapini and Leo Rapini, doing business as Rapini Brothers, should be, and they are hereby, granted a Class B permit to operate as private carriers by motor vehicle for hire for the transportation of farm products (including livestock), farm machinery, used household goods, coal and fertilizer, only, within a radius of 25 miles of Newcastle, Colorado, with the right to make occasional trips for the transportation of the above described commodities for the father (Joe Rapini) of applicants, only, from said area to other points not to exceed 40 miles from Newcastle, 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 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 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. Wheeler

W. L. Danks

Wm. L. Wilson
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. A. BURT, MEEKER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE IN THE TRANSPORTATION OF FARM)
PRODUCTS FROM RANCHES WITHIN TEN MILES)
OF RIFLE, COLORADO, TO MARKETS: SALT,)
OIL CAKE, GRAIN AND STOCK FEED FROM)
RIFLE, CRAIG AND MEEKER TO RANCHES WITHIN)
20 MILES OF MEEKER, AND WOOL FROM SAID)
RANCHES TO SAID TOWNS: COAL FROM MINES)
WITHIN 20 MILES OF MEEKER TO POINTS IN)
SAID AREA AND OIL WELL MACHINERY AND SUP-)
PLIES FOR MARAPOSA PETROLEUM COMPANY)
ONLY, AS NEEDED IN ABOVE SERVICE.)

APPLICATION NO. 4517-PP

May 4, 1938.

Appearances: C. P. Rigby, Esq., Meeker, Colorado,
for applicant;
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 October 9, 1936, applicant in the instant case was granted a Class "B" permit authorizing the same transportation service that he seeks under this application. His former permit was revoked on July 19, 1937, for failure to make to the Commission the necessary monthly reports required by our rules and regulations.

The evidence given at the original hearing when Permit B-1710 was issued to applicant, was made a part of the present record. Applicant testified to the effect that if he obtained a new permit, he would comply with the law and all the rules and regulations of the Commission, and that he did not intentionally permit his former permit to become revoked.

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 authority sought by applicant as outlined

in the heading of this application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. A. Burt, of Meeker, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) farm products, including livestock, from ranches within a radius of 10 miles of Rifle, Colorado, to markets within the State; (b) salt, oil cake, grain and stock feeds from Rifle, Craig and Meeker to ranches within a 20-mile radius of Meeker; (c) wool from said ranches within a 20-mile radius of Meeker to Rifle and Craig; (d) coal from point to point within a radius of 20 miles of Meeker, and (e) oil well machinery and supplies from points in Colorado to the leases of the Maraposa Petroleum Company near Moab, said service to be for the Maraposa Petroleum Company only; provided, however, that applicant shall not engage in the transportation of commodities between points served by scheduled motor vehicle common carriers in competition therewith.

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 T. O'Brien

W. L. Danks

Walter E. Simon

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF BUTTON V. CAMERON, FOR AN EX-
TENSION OF HIS AUTHORITY UNDER
P.U.C. NO. 614, TO INCLUDE ADDI-
TIONAL SECTIONS SET FORTH IN HIS
APPLICATION, AND TO INCLUDE THE
RIGHT TO HAUL TO AND FROM DENVER,
FEED, COAL AND FARM SUPPLIES
TO CUSTOMERS FOR WHOM HE MAY BE
TRANSPORTING MILK.

APPLICATION NO. 1840-AAA-BB

May 5, 1938

Appearances: Button V. Cameron, Denver, Colorado,
pro se;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers'
Association;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Associa-
tion and Harry Flanders.

S T A T E M E N T

By the Commission:

The applicant herein, being the holder of Certificate No. 614, with authority to serve an area southeast of Denver, seeks authority to add to his territory approximately 48 sections lying northwest of his present milk territory, and extending almost to the Town of Aurora, as shown by the map or sketch attached to his application. The applicant also desires to transport back farm supplies to customers for whom he may transport milk and dairy products.

It appeared from the testimony given at the hearing that the territory heretofore served by the applicant has been bought up for the Federal Government, on which they are now arranging to conduct a bombing field and require a number of the farmers to leave the area. The applicant herein makes this application in order to supplement his operation which has been somewhat diminished on account of the Government operations. The applicant has received demands for his services to transport milk and dairy products, as well as farm supplies for residents of the area sought to be served.

It was shown that Harry Flanders had certain authority covering the area described in the instant application, but had no objections to granting to the applicant the right to transport milk and dairy products, however did object to the applicant being authorized to transport freight from or to Denver, to or from the farmers.

Certificate No. 426, under which Flanders operates, grants among other things, authority to transport

"freight, beans and grain from points within a radius of twenty-five miles of Bennett to Denver"

and

"grain and feed L.C.L. from Denver to farmers within a twenty-five mile radius of Bennett, Colorado".

The twenty-five mile radius of Bennett, above referred to, covers the entire extended territory sought to be served by the applicant herein. The applicant specifically stated that any overlap by the Flanders' authority involving the transportation of commodities covered by the Flanders' certificate might be eliminated and with this understanding, no further objections were made.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the public convenience and necessity require the extended services sought by the applicant herein, to transport milk and dairy products from the area described in his application and as set forth on the map attached thereto, to Denver, Colorado, and authority to also transport farm supplies except grain and feed from Denver to milk producers residing in this extended area, said commodities not being commodities which can be handled under Certificate No. 426, held by Harry Flanders.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the extension of Certificate No. 614, to include the transportation of milk and dairy products between Denver and all points in the territory described as follows:

Sections 13 to 36, inclusive in R 66 W, T 4 S;
Sections 17, 18, 19, 20, 29, 30, 31, 32 and 33, all in
R 65 W, T 4 S;
Sections 1, 2, 3, 4, 5 and 6, all in R 66 W, T 5 S;
Sections 4, 5, 6, all in R 65 W, T 5 S;
Sections 13, 14, 15, 23, 24 and 25, all in R 67 W, T 4 S,
Arapahoe County, Colorado;

and the right to transport all farm supplies except grain and feed from Denver back to milk producers residing in the above described area, said commodities not being commodities covered by Harry Flanders' Certificate No. 426, which reads:

"Freight, beans and grain from points within a twenty-five mile radius of Bennett to Denver"

"Grain and feed L.C.L. Denver to farmers within a radius of twenty-five miles of Bennett"

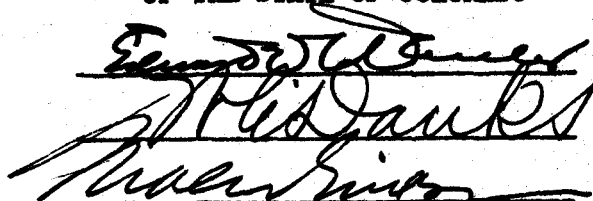
no authority being granted hereby to move freight except milk and dairy products from points in said area to Denver; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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 5th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY H. HARP, AS ADMINISTRATOR OF)
THE ESTATE OF THADDEUS STEVENS HARP,)
DECEASED, AND H. H. HARP, DOING)
BUSINESS AS HARP BROTHERS, FOR THE)
APPROVAL OF THE COMMISSION FOR THE)
TRANSFER OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY NO. 152.)

APPLICATIONS NOS. 632-A-B-A and
1692-B-A

May 5, 1938.

Appearances: William A. Mason, Esq., Rifle, Colorado,
for applicants;
T. A. White, Esq., Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company;
Wayne Rees, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The instant application seeks authority in Harry H. Harp, as Administrator of the Estate of Thaddeus Stevens Harp, deceased, to transfer to Harry H. Harp as an individual, doing business as Harp Brothers, that certain certificate of public convenience and necessity No. 152, heretofore issued in Applications Nos. 632 and 1692.

It appears from the record that Thaddeus Stevens Harp departed this life on or about the 17th day of July, 1937; that thereafter Harry H. Harp was duly and regularly appointed administrator of his estate by the County Court of Garfield County, Colorado; that as said administrator he has continued to carry on the transportation business over the territory involved under said Certificate No. 152.

It further appears that on or about the 18th day of January, 1938, Harry H. Harp duly and regularly purchased from the Estate of Thaddeus Stevens Harp all of the right, title and interest of said Estate in and to said certificate of public convenience and necessity No. 152, subject to the approval of this Commission.

It further appears from a certified copy of an order of said County

Court of Garfield County that said contract of purchase was approved by said County Court and Harry H. Harp, as Administrator of said Estate, is authorized and directed to execute a bill of sale to Harry H. Harp as an individual, of certain personal property belonging to said Estate, including said certificate of public convenience and necessity No. 152.

The financial standing and operating reliability of said Harry H. Harp were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That Harry H. Harp, as Administrator of the Estate of Thaddeus Stevens Harp, Deceased, be, and he is hereby authorized to transfer to Harry H. Harp, an individual, doing business as Harp Brothers, all right, title and interest of the Estate of the said Thaddeus Stevens Harp, deceased, in and to Certificate No. 152, heretofore issued by the Commission in Applications Nos. 632 and 1692.

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 E. O'Brien
W. C. Danks
Wm. E. O'Brien
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF S. L. RODGERS, DOING BUSINESS)
AS THE BROADWAY MOVING AND STORAGE) APPLICATION NO. 2061-A
COMPANY, FOR AUTHORITY TO TRANSFER)
TO S. L. HOWELL CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY NO. 672.)

May 5, 1938.

Appearances: Clarence Werthan, Esq., Denver, Colorado,
for S. L. Rodgers;
Conour and Conour, Denver, Colorado,
for Weicker Transfer & Storage Company,
Weicker Transportation Company, North
Eastern Motor Freight, Inc., Consolidated
Motor Freight, Larson Transportation Company,
Pueblo-San Luis Valley Transportation Co.,
and Southwestern Transportation Company,
Interveners;
P. A. Johnson, Esq., Denver, Colorado,
for The Colorado Transfer & Warehousemen's
Association.

S T A T E M E N T

By the Commission:

The above numbered application was set for hearing April 19, 1938,
However, before the same was called, it was agreed between counsel that the
hearing might be vacated.

The Commission is now in receipt of a communication signed by
Clarence Werthan, representing S. L. Howell, who joined in the original
application of transfer, advising the Commission that Mr. Howell does not
desire the transfer to be made and consents to the dismissal of the application.

After a careful consideration of the record, the Commission is of
the opinion and finds that inasmuch as the transferee does not desire to
have the transfer made to him, the application should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That Application No. 2061-A be, and the
same is hereby 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 W. Dwyer

W. H. Danks

Walter E. Simon

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS OF)
W. D. VANDENBURG, DOING BUSINESS)
AS VANDENBURG TRUCK LINE, FOR)
CLARIFICATION OF PERMIT NO. A-347.)

APPLICATION NO. 3828

May 5, 1938

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for the applicant;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Stanley Blunt, Esq., Canon City, Colorado,
for the Southwestern Transportation
Company and Keith Truck Line;
T. A. White, Esq., Denver, Colorado, for
The Rio Grande Motor Way, Inc., and
Colman Freight Service;
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 May 9, 1932, private permit No. A-347 issued to the applicant herein upon his application made upon form furnished by Commission to operate as a private carrier by motor vehicle for hire for the transportation of freight "over regular established routes" described in said application as "between Pueblo and Grand Junction." July 11, 1932, this authority, according to files of Commission, was changed to read: "Between Denver, Colorado Springs, Pueblo and Grand Junction." Form of permit issued did not otherwise define the route to be traveled by him and did not set out the points to be served, but merely authorized applicant to operate as a private carrier by motor vehicle for hire (Class "A"). In determining what authority applicant enjoys, we are limited to considerations of his application, upon which permit and extension thereof issued and the construction placed thereon by applicant, the Commission, its employees and his competitors as deduced from their conduct and declarations.

Applicant testified that before he applied for his permit, he talked with Worth Allen, then a member of the Commission and W. C. Reid, Chief Inspector, and explained to them that he wanted to haul freight out of Pueblo to Grand Junction and intermediate points; that when he described his operation as being over a regular established route between Pueblo and Grand Junction, Colorado, he assumed, and apparently Mr. Reid and Mr. Allen assumed, that a permit issued upon such application would authorize service to Pueblo, Grand Junction and points intermediate thereto.

Protestants objected to this line of testimony upon the ground that applicant, orally, was endeavoring to change terms of his written permit and that oral testimony should not be admitted for that purpose. The objection was over-ruled.

While similar objection was disposed of by the Commission in the same manner in the cases recently heard against Oren L. McKay, No. 1622 and 9478 and No. 1626, (Decisions Nos. 10474) and the application of Jack Perry for clarification of his Permit No. A-16 (Decisions Nos. 10013 and 10516), we here might point out that if determination of Vandenberg's authority were limited alone to consideration of the written terms of Permit No. A-347, we would be unable to say that he was limited to service between any points or over any specified route and, as heretofore pointed out, the permit itself, in terms, authorizes him to operate as a private carrier by motor vehicle for hire without limits. We are compelled to go to his application and the history of his operation as disclosed by our records for information as to what service was to be and was rendered under said permit. Apparently protestants have no objection to our considering the application, but seek to prevent our consideration of the circumstances under which the application was made or the statements of members of the Commission or its employees as to what said application meant or the construction as shown by his operation, placed thereon by applicant, the Commission, its employees and his competitors. We do not believe protestants' position is reasonable. See Re McKay, Decision No. 10474, supra.

Applicant testified that he obtained his extension from Denver in order to operate out of Denver and Pueblo via U. S. Highway No. 50 from Pueblo west and U. S. Highway No. 24 (then 40 South) out of Colorado Springs and that immediately following issuance of permit, he established and has maintained a weekly (later biweekly) service over each of these routes between Denver, Colorado Springs, Pueblo, and Grand Junction and intermediate points; serving Hartsel, Buena Vista, Leadville, Red Cliff, Gilman, Minturn, Eagle, Gypsum, Glenwood Springs and Rifle on U. S. Highway 24, and Gunnison, Montrose and Delta on U. S. Highway 50 for customers engaged in business at Pueblo, Leadville, Eagle, Gilman, Grand Junction, Delta, Olathe and Montrose and included the Colorado Paper Company, Forbush Oil Company, Loose Wiles Biscuit Company, Pueblo Tent and Awning Company, Gambel's Store Agency, Lewis Brothers, Western States Grocery Company, Specification Motor Oil System, Consumers' Gas and Oil Company, Delta Hardware Company, Olathe Hardware Company, Montrose Electric Shop, Valley Fuel and Feed Company, Safeway Stores and many others shown by his customer list on file with the Commission. His service of said customers to said points during the years 1932 to 1937, both inclusive, is shown and confirmed by his road reports. This service, however, according to applicant, over U. S. Highway No. 24 west, was one way. His shipments originated in Denver, Colorado Springs, and Pueblo and were distributed to points on U. S. Highways Nos. 24 and 50 west, as far as Grand Junction. No service has been rendered on shipments originating at Denver consigned to Pueblo and he has not served Salida. Said service has been rendered to all points mentioned by him for five years last past without interruption or objection by anyone which confirmed his belief that the right to so serve had been granted to him in the original application and extensions thereto. It was not until he received a letter from the Commission informing him that he should apply for clarification of the terms of his permit that he learned there might be some question about the extent of his authority.

At this point, protestants moved that the application to clarify be dismissed because:

Gilman, Minturn, Eagle, Gypsum, Glenwood Springs and Rifle and Grand Junction over U. S. Highways Nos. 85 and 24, and Delta, Olathe, Montrose and Gunnison over U. S. Highways Nos. 85, 24 and 50; that the facts and law are similar to or identical with facts and law as found in the Goldstein case, supra, and that clarification order should issue.

O R D E R

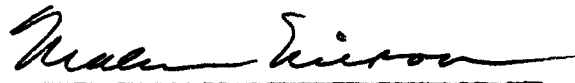
IT IS THEREFORE ORDERED, That Private Permit No. A-347 heretofore issued to W. D. Vandenburg be and the same hereby is defined and clarified to include the right to operate as a private carrier by motor vehicle for hire for the transportation of freight between Denver, Colorado Springs and Pueblo, and Hartsel, Buena Vista, Leadville, Red Cliff, Gilman, Minturn, Eagle, Gypsum, Glenwood Springs, Rifle and Grand Junction over U. S. Highways Nos. 85 and 24, and Delta, Olathe, Montrose and Gunnison over U. S. Highways Nos. 85, 24 and 50.

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 5th day of May, 1938.

B

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, TO CLARIFY)
PERMIT NO. A-494.)

APPLICATION NO. 3854-PP
CLARIFICATION

May 6, 1938

Appearances: Edward Martin, Box 65, Grand Junction, Colo-
rado, pro se;
T. A. White, Esq., Denver, Colorado, for the
Rio Grande Motor Way, Inc., and Colman
Freight Service;
A. J. Fregeau, Denver, Colorado, for Weicker
Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers' Assn.;
Marion F. Jones, Esq., Denver, Colorado, for
Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On August 3, 1935, Permit A-494 was issued to Ernest E. Martin and Edward Martin upon his application to serve over a regular established route described as "Between Grand Junction, Colorado and Denver, Colorado and all other routes hereafter to be described to the Commission in writing." On December 16, 1935, said permit was transferred to Edward Martin, doing business as Martin Truck Line. The applicant testified that when he and his father first made application, they thought it meant from Denver to Grand Junction via Leadville and Highway U. S. 40 S, now Highway U. S. 24; also through Pueblo via U. S. 50, to Grand Junction; that during the years 1935 and 36 he served the Grand Mesa Distributing Company, White Eagle Oil Company, Safeway Stores, Inc., Biggs-Kurtz Hardware Company, Pennzoil Company, Mesa Flour Mills, Maytag Company, Barteldes Seed Company, Ford Motor Company, Firestone Company, Western States Grocery and a number of other customers as listed with their businesses at Grand Junction, Denver, Leadville, Glenwood Springs and Rifle; that he distributed freight for these various customers to points on U. S. Highway No. 50 west of Gunnison and U. S. Highway

P.U.C. Colo. and Bennie Goldstein vs. Weicker, et al, decided March 21, 1938, (rehearing denied April 18, 1938), require a similar ruling herein.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that Permit A-494 should be defined to include service to intermediate points, with elimination of service to points waived by applicant.

O R D E R

IT IS THEREFORE ORDERED, That Permit A-494 be and the same hereby is defined and declared to include the following:

The transportation of freight from and to Denver, Pueblo and Colorado Springs, to and from Grand Junction, via U.S. Highway 85, U. S. Highway 285, U. S. Highway 24, U. S. Highway 50, U. S. Highway 40, and Colo. Highway 91, and from and to said points to and from intermediate points on said highways as follows: Leadville, Eagle, Gypsum, Glenwood Springs, New Castle, Silt, Rifle, Grand Valley, DeBeque, Delta, Olathe, Montrose and Gunnison,

and this order shall be made a part of Permit A-494.

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

Maureen E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 6th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
A.B. WOLGAMOTT, OF STRATTON,)
COLORADO.)

PERMIT NO. B-1267

May 6, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. B. Wolgamott, of Stratton, Colorado, requesting that his Permit No. B-1267 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 A. B. Wolgamott should be, and hereby is, allowed to suspend his operations under Permit No. B-1267 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said A. B. Wolgamott 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. Wheeler

W. C. Danks

Maureen E. Eason
Commissioners

Dated at Denver, Colorado,
this 6th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

KAMMERER LUMBER CO.

PERMIT NO. C-4699

May 7, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Kammerer Lumber Company of Mead, Colorado
requesting that his Permit No. C-4699 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-4699, heretofore issued to Kammerer Lumber Company, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dwyer
McDermis
William E. Eason
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT G. McGUIRE, OF STAR ROUTE,)
CENTER, COLORADO.)

PERMIT NO. B-1514

May 7, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robert G. McGuire requesting that operations under his Permit No. B-1514 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 Robert G. McGuire be, and hereby is, allowed to suspend his operations under Permit No. B-1514 until September 1, 1938.

IT IS FURTHER ORDERED, That unless said Robert G. McGuire 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. Dineen

W. C. Danks

William E. Simon
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MATHILDA H. BRASS.)

PERMIT NO. C-7877

May 7, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mathilda H. Brass, of 1617 - 13th Ave., Greeley, Colorado, requesting that his Permit No. C-7877 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-7877, heretofore issued to Mathilda H. Brass, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Decker
W. L. Danks
Walter Swanson
Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. D. VAUGHN.) PERMIT NO. C-7381

May 7, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. D. Vaughn, of C/o Double Header Ranch, Morrison, Colorado, requesting that his Permit No. C-7381 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-7381, heretofore issued to C. D. Vaughn, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. L. Danks
Walter E. Simon
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
G. P. WHITE.) PERMIT NO. C-7221
-----)

May 7, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from G. P. White, of Boone, Colorado, requesting that his Permit No. C-7221 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-7221, heretofore issued to G. P. White, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
McDanks
Walter S. Wilson
Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ROSS W. JOHNSTON, LARKSPUR,)
COLORADO, FOR A CLASS "A" PERMIT)
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE, FOR)
THE TRANSPORTATION OF MILK AND)
DAIRY PRODUCTS FROM DESCRIBED)
SECTIONS TO LARKSPUR, COLORADO.)

APPLICATION NO. 4514-PP

May 7, 1938

Appearances: R. W. Johnston, Larkspur, Colorado,
pro se;
Conour and Conour, Esqs., Denver, Colorado,
for Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers'
Association, G. O. Anderson and
C. N. Lavellett;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association,
et al.

S T A T E M E N T

By the Commission:

The applicant herein resides on a small ranch, six miles south-west of Larkspur, Colorado and conducts a small dairy, transporting his milk from the ranch to the Frink Creamery at Larkspur, Colorado, and seeks authority to transport milk and dairy products from ranches and farms located in that part of Douglas County lying west of U. S. Highway 85 and immediately south and west of the Town of Larkspur as shown on the map or sketch attached to his application. The applicant stated that he had made arrangements to haul milk and dairy products for five of his neighbors residing within the area sought to be served, and that so far as he knew there was no one who ever did pick up any of this milk in this particular area, and he knew of no one having authority unless it would be G. O. Anderson, who did haul freight, but made no pretense of taking care of the transportation of milk from farms to the Larkspur Creamery.

Those appearing at the hearing offered no objection to the granting of this authority, however called the Commission's attention to Decision No. 7960-Henjes. The applicant possesses a Ford pick-up equipped to transport milk cans in accordance with the regulations promulgated by the Inspection Department.

The financial standing and the reliability of the applicant were established to the satisfaction of the Commission. The Henjes decision referred to by protestants holds that the Commission does not favor the granting of authority to a farmer who desires to render a transportation service at such times as it may suit his convenience, when as a matter of fact, his principal business is that of a farmer. The instant application and the testimony given do not disclose a situation similar to that disclosed by the Henjes application, inasmuch as the applicant herein has equipped himself with a pick-up, covered truck, suitable for the transportation of milk cans only, and is required to make the trip to Larkspur each morning, seven days a week. In this particular case it probably will not take him more than a few hours each morning to render this service, but it is rendering a much needed service to the five or more farmers who do a dairy business in connection with their farming, and does not indicate that the applicant is serving at his own convenience or to merely step in at odd times and take desirable items of transportation away from regular carriers. There does not appear to be a regular operator ready to meet such a demand as is here presented. G. O. Anderson, holder of Certificate No. 655, does conduct a line operation and has a right to pick up within a four-mile radius of Larkspur, but has never made a business of picking up milk at various farms in the Larkspur area. C. N. Lavellett, holder of Certificate No. 418, filed a protest on the afternoon of April 19, 1938. However, the record discloses that he has not sought to move milk from the area involved to Larkspur and apparently does not propose to furnish the service at this time. From the record as made it appears that proposed operation will not impair the efficiency of his 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 Ross W. Johnston of Larkspur, Colorado, be and he hereby is granted a Class A permit to operate as a private carrier by motor vehicle for hire, for the transportation of milk and dairy products from Sections 31, 32, 33, T 9 S, R 67 W, Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30 and that part of Sections 10, 15 and 22, west of U.S. Highway 85, all in T 10 S, R 67 W, to Larkspur, 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. Daniels
W. C. Danks
Walter S. Gorton

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF PERRY LYON AND CARL THOMPSON,)
DOING BUSINESS AS LYON & THOMPSON,)
TO LEASE AND TRANSFER A PORTION OF)
CERTIFICATE NO. 410 TO THE COLO-)
RADO RAPID TRANSIT COMPANY, AND)
THE BALANCE TO CARL THOMPSON.)

APPLICATION NO. 1156-AA

832-aaa
1808-a

May 7, 1938

Appearances: Conour and Conour, Esqs., Denver, Colorado,
for the Colorado Rapid Transit;
Marion F. Jones, Esq., Denver, Colorado,
for Lyon and Thompson;
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:

The instant application is presented by Perry Lyon and Carl Thompson, doing business as Lyon and Thompson, and the Colorado Rapid Transit Company, seeking authority to:

- (1) Lease to the Colorado Rapid Transit Company, with an option to purchase the same, a portion of the territory covered by Certificate No. 410;
- (2) Authority to transfer one portion to the Colorado Rapid Transit upon terms and conditions set forth in the lease and option agreement attached to the application; and to transfer to Carl Thompson, the remaining portion of the territory covered by Certificate No. 410.

Perry Lyon testified that he and his partner Thompson were the holders of Certificate No. 410, with authority for

"The transportation of freight to Denver from the territory extending ten miles east of Keensburg, fifteen miles south thereof, four miles west thereof, and four miles north thereof, from Denver to points in said territory, and from point to point in said territory;"

that on March 15, 1938, he and his partner entered into a lease and option with the Colorado Rapid Transit Company, a corporation, whereby they lease to the Colorado Rapid Transit Company all that portion of their territory

lying west of the section line running north and south immediately east of the town of Keensburg, (being a strip five miles wide east and west and nineteen miles long north and south), with an option to buy upon terms and conditions set forth in the lease and option; and that they had arranged to transfer all of the east portion of their territory now covered by Certificate No. 410, to said Carl Thompson, as an individual; that they sought authority to enter into the Rapid Transit lease abovementioned and to make the transfer at such time as the Colorado Rapid Transit might complete the terms of said agreement, and stood ready to make the transfer to Carl Thompson, of his portion, as soon as the Commission granted authority.

Mr. Lyon further testified that they were transporting a great deal of milk from the territory to Denver; and that so far as he knew, there were no outstanding obligations as a result of their operation, except a few current bills which he stated they would take care of.

Carl Thompson, one of the partners owning Certificate No. 410, stated that the arrangement was substantially as set forth by Mr. Lyon, and that he expected to continue to conduct the operation, taking care of the east portion by using the number 410, and that he was financially able to take care of the same.

V. G. Garnett, President of the Colorado Rapid Transit Company, holder of Certificate No. 26, testified that the territory sought to be taken over by the Colorado Rapid, first by lease and then by purchase was adjacent to territory already covered by Certificate No. 26, and that on account of the location and character of service rendered by his company and by Lyon and Thompson, it would be in the public interest to join this western portion of Certificate No. 410 with the territory covered by his Certificate No. 26, and operate the same together; that the two operations covered a pickup in the vicinity of Keensburg in the Lyon and Thompson area and the vicinity of Hudson in the Colorado Rapid Transit territory, and transporting the commodities to Denver; that the Colorado Rapid Transit Company was financially able to take care of this additional service, and had assets aggregating somewhere between \$15,000. and \$20,000; that they rendered a daily service to and from all parts of their territory and two daily services from and to Boulder, Colorado; that by reason of this ex-

tension which tied into the routes of the Colorado Rapid Transit, they would be in a position to render better service to the public; that there would be little or no change in the character of service rendered to the customers residing in the territory west of Keensburg; and that so far as the east portion to be taken care of by Mr. Thompson as an individual was concerned, it would remain the same as the service now being rendered. The consideration and terms of the lease, also of the transfer later, are set forth in the lease and option agreement attached to the application herein.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the Colorado Rapid Transit Company, a corporation, is financially able to take over the extended authority, that it is in the public interest to divide Certificate No. 410, and that the lease and option agreement should be approved; that Carl Thompson is financially able to conduct individually, the operations under Certificate No. 410, covering the eastern portion of the Lyon and Thompson authority; and that authority should be granted to co-partners Perry Lyon and Carl Thompson to transfer to the Colorado Rapid Transit Company, the west portion of the territory covered by Certificate No. 410, and the east portion thereof to Carl Thompson.

O R D E R

IT IS THEREFORE ORDERED, That the lease and option dated March 15, 1938, executed by Perry Lyon and Carl Thompson, first parties, and the Colorado Rapid Transit Company, a corporation, second party, be and the same hereby is approved; that Perry Lyon and Carl Thompson be and they hereby are authorized to transfer to the Colorado Rapid Transit Company, a corporation, in accordance with the lease and option agreement, that part of Certificate No. 410 which lies west of the first section line east of Keensburg, (said west part being described as follows: Commencing at a point on the east section line of Section 26, T 2 N, R 64 W, immediately east of Keenesburg; thence north four miles; thence west five miles; thence south nineteen miles; thence east five miles; thence north fourteen miles

to the point of beginning), which authority when so transferred shall be operated as a part of Certificate No. 26; and also authorized to transfer to Carl Thompson, an individual, the remainder or east portion of Certificate No. 410, which lies east of the first section line east of Keensburg; (said east portion being described as follows: Commencing at a point on the east section line of Section 26, T 2 N, R 64 W, immediately east of Keensburg; thence north four miles; thence east ten miles; thence south nineteen miles; thence west ten miles; thence north fifteen miles to the place of beginning), which authority shall be operated and known as Certificate No. 410.

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 E. Wheeler

W. L. Danks

Mason Smith
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WEICKER TRANSFER AND STORAGE)
COMPANY, P.U.C. NO. 341.)

CASE NO. 4702

May 9, 1938

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent heretofore became the holder of certificate of public convenience and necessity No. 341, under the provisions of Chapter 134 Session Laws of Colorado, 1927, as amended, authorizing it to engage in the business of a common carrier by motor vehicle.

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

1. That said respondent did, during the entire month of March, 1938, and during the month of April to the date hereof, 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.

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 provisions of the aforesaid statute, said certificate, or the rules and regulations of this Commission, and, if so, whether the aforesaid certifi-

cate 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 it 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 certificate of public convenience and necessity No. 341, heretofore issued to this respondent, because of the aforesaid violations of the provisions of said certificate, of the statute, 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 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 27th day of May, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. T. Daniel

W. C. Danks

Walter S. Simon
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK PERRY, DOING BUSINESS AS)
SERVICE TRUCK LINE, PERMITS NO.)
A-16 AND NO. A-779.)

CASE NO. 4703

May 9, 1938

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 Private Permits A-16 and A-779, 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 permits, 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 November, 1937, to February, 1938, 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 period aforesaid, did, without the authority of this Commission, and in violation of the terms of his said permits, and in violation of the terms and 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 permits, by transporting

numerous shipments of freight from Sugar City, Colorado, to Denver, Colorado, and by transporting shipments of freight from Alamosa, Colorado, to Grand Junction, Colorado, contrary to and in excess of the authority conferred by his said permits.

3. That said respondent has failed, refused, and neglected to file correct monthly reports of his operations for the period from November, 1937, to February, 1938, both months inclusive, and has failed, refused, and neglected to remit to this Commission highway compensation taxes in the full and correct amount 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 the aforesaid statute, the rules and regulations of this Commission, and the terms and provisions of his said permits, and, if so, whether his said permits 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 days from this date, why it should not enter an order suspending or revoking Permits No. A-16 and No. A-779, heretofore issued to said respondent, because of the aforesaid violations of the law and of the rules and regulations of this Commission, and the terms and provisions of said permits, 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 27th day of May,

1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. W. W. W.

McDank

Maen Simon
Commissioners.

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

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE JOINT APPLICA-)
TION OF DENVER-COLORADO SPRINGS-)
PUEBLO MOTOR WAY, INC. AND SANTA FE)
TRAIL TRANSPORTATION COMPANY FOR)
APPROVAL OF OPERATING AGREEMENT.)

APPLICATIONS 378-A and 501-A

May 9, 1938

Appearances: Blood & Prosser, Esqs., Wichita, Kansas,
for Santa Fe Trail Transportation Co.;
T. R. Woodrow and T. A. White, Esqs.,
Denver, Colorado, for Denver-Colorado
Springs-Pueblo Motor Way, Inc.

S T A T E M E N T

By the Commission:

On April 11, 1938, the Denver-Colorado Springs-Pueblo Motor Way, Inc. and the Santa Fe Trail Transportation Company filed a joint application to which is attached a supplemental agreement dated March 31, 1938, entered into by and between the two companies, and request authority to execute this contract and for the approval thereof by the Commission.

Heretofore, on the 18th day of December, 1929, the original contract was entered into and approved by the Commission. This original contract was from time to time modified with the Approval of the Commission, and the supplemental contract involved in the instant application supplements the agreement of December 18, 1929.

After careful consideration of the record herein covering the original agreement and modifications thereof, including the proposed supplemental agreement, dated March 31, 1938, a copy of which is made a part of the instant application and marked Exhibit A, the Commission is of the opinion and finds that the arrangement proposed will enable the applicants to more efficiently and economically serve the public in the territory involved and that authority should be granted to execute the same, and that said supplemental agreement should be approved.

O R D E R

IT IS THEREFORE ORDERED, That the supplemental agreement entered into by and between the Denver-Colorado Springs-Pueblo Motor Way, Inc. and the Santa Fe Trail Transportation Company, on March 31, 1938, a copy being Exhibit A attached to the instant application, be and the same hereby is authorized and approved, as of March 31, 1938.

IT IS FURTHER ORDERED, That this order be and hereby is declared effective the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dineen

W. C. Danks

W. A. Dineen

Commissioners.

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

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF JOHN STICKLER, OF MONTE) CERTIFICATE NO. 800
VISTA, COLORADO.)

May 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John Stickler requesting that his certificate, PUC 800, be suspended.

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 John Stickler should be, and hereby is, allowed to suspend his operations under PUC 800 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said John Stickler 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 E. Danks

W. C. Danks

W. C. Danks
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
TEODORA D. deVALLE, OF 115 NO.)
MECHANIC, PUEBLO, COLORADO.)

PERMIT NO. A-1753

May 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Teodora De Valle, of 115 No. Mechanic, Pueblo, Colorado, requesting that his Permit No. A-1753 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. A-1753, heretofore issued to Teodora D. deValle, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Decker

McDauks

Maureen Emerson
Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF W. T. McGRAW, OF ORDWAY,) PERMIT NO. B-2075
COLORADO.)

May 10, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. T. McGraw requesting that his Permit No. B-2075 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-2075, heretofore issued to W. T. McGraw, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Danks

W. C. Danks

Wm. E. Danks
Commissioners

Dated at Denver, Colorado,
this 10th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
R. E. NEIBERGER, OF MEEKER,)
COLORADO.)

PERMIT NO. C-8122

May 9, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. E. Neiberger, of Meeker, Colorado, requesting that his Permit No. C-8122 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-8122, heretofore issued to R. E. Nieberger, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen
W. C. Dankes
Walter E. Quinn
Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
TAYLOR MERCANTILE COMPANY, OF)
AVONDALE, COLORADO.)

PERMIT NO. B-1881

May 10, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Taylor Mercantile Company of Avondale, Colorado, requesting that its Permit No. B-1881 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. B-1881, heretofore issued to the Taylor Mercantile Company, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Brien
W. C. Danks
Macmillan
Commissioners

Dated at Denver, Colorado,
this 10th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY E. BARTON.) PERMIT NO. C-7122
-----)

May 10, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ray E. Barton, of Lucas, Kansas, requesting that his permit No. C-7122 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-7122, heretofore issued to Ray E. Barton, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Danks

W. C. Danks

Wm. E. Eason
Commissioners

Dated at Denver, Colorado,
this 10th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF ELMER PAULSEN, OF 306 E.)
CUCHARRAS, COLORADO SPRINGS,)
COLORADO.)

PERMIT NO. A-1983

May 10, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Elmer Paulsen requesting that his Permit No. A-1983 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 Elmer Paulsen should be, and hereby is, allowed to suspend his operations under Permit No. A-1983 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Elmer Paulsen 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

Emmett D. Danks

W. D. Danks

W. D. Danks
Commissioners

Dated at Denver, Colorado,
this 10th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH BISHOP, OF ROUTE 2, FORT)
COLLINS, COLORADO.)

PERMIT NO. B-2020
PERMIT NO. C-5641

May 10, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ralph Bishop,
of Fort Collins, Colorado, requesting that his Permits Nos. B-2020 and
C-5641 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. B-2020 and C-5641, here-
tofore issued to Ralph Bishop, be, and the same are hereby, declared can-
celled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene V. Wheeler

W. C. Daniels

Walter E. Smith
Commissioners

Dated at Denver, Colorado,
this 10th day of May, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HARNDEN TRANSFER & STORAGE, INC.,) PERMIT NO. 867-I
LARAMIE, WYOMING.)

May 10, 1938.

S T A T E M E N T

By the Commission:

On October 27, 1937, Decision No. 10813, the Commission granted authority to the Harnden Transfer & Storage, Inc. to suspend operations under Permit No. 867-I for a period of six months.

The Commission is now in receipt of a communication from said company requesting that its permit be suspended for an addition 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 the Harnden Transfer and Storage, Inc. should be, and hereby is, allowed to suspend operations under Permit No. 867-I for a period of not to exceed six months from April 27, 1938.

IT IS FURTHER ORDERED, That unless said Harnden Transfer and Storage 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 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

Samuel E. Dwyer
W. C. Danks
W. H. Dwyer
Commissioners

Dated at Denver, Colorado,
this 10th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
D. O. HATHAWAY, OF SOUTH BIRCH)
STREET, YUMA, COLORADO.)

APPLICATION NO. 4141-PP

May 10, 1938.

S T A T E M E N T

By the Commission:

The Commission, on October 23, 1937, Decision No. 10772, granted to D. O. Hathaway authority to operate as a Class "B" private carrier by motor vehicle for hire. However, the application was never completed and permittee was not given a permit number.

Now, the Commission is in receipt of a communication from permittee requesting that his authority be suspended.

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. O. Hathaway should be, and hereby is, allowed to suspend his authority granted in Application No. 4141-PP on October 23, 1937, Decision No. 10772, for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said D. O. Hathaway shall, prior to expiration of said suspension period, reinstate said authority by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private carrier permits, said authority, without further action by the Commission, shall stand revoked without right to re-instate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Daniel
W. D. Danke
Walter E. Egan
Commissioners

Dated at Denver, Colorado,
this 10th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FARNUM DJUREEN, 1361 LAFAYETTE ST.,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4560-PP

May 10, 1938.

S T A T E M E N T

By the Commission:

Applicant, Farnum Djureen, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area.

Inasmuch as The Motor Truck Common Carriers' Association and The Colorado Trucking Association, heretofore, have indicated that they have no objections 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 or notice of 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 Farnum Djureen, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from pits and supply points within a radius of fifty miles of Denver to road construction jobs 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 J. Danks
W. C. Danks
William E. Danks
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF HENRY WHITMAN, 3718 FRANKLIN)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 4561-PP

May 10, 1938.

S T A T E M E N T

By the Commission:

Applicant, Henry Whitman, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) sand and gravel from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area; (b) coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as The Motor Truck Common Carriers' Association and The Colorado Trucking Association, heretofore, have indicated that they have no objections 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 or notice of 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 Henry Whitman, 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: (a) sand, and gravel from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area; (b) coal from mines in the northern Colorado coal fields to Denver.



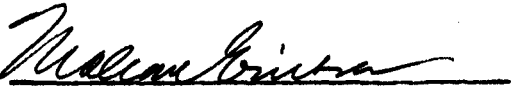
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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




Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF
CARL DUCOMMUN, 526 EAST DAKOTA ST.,
DENVER, COLORADO, FOR A CLASS "B"
PERMIT TO OPERATE AS A PRIVATE
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4563-PP

May 15, 1938

S T A T E M E N T

By the Commission:

Applicant, Carl Ducommun, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, road surfacing materials, dirt and rock from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area.

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 or notice of 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 Carl Ducommun, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, road surfacing materials, dirt and rock from pits and supply points within a radius of fifty miles of Denver to road construction jobs 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

James V. Dineen

W. L. Danko

Walter E. Quinn

Commissioners

Dated at Denver, Colorado,
this 13th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
CHRIS WALTERS, 4829 ZUNI STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4562-PP

May 15, 1938

S T A T E M E N T

By the Commission:

Applicant, Chris Walters, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) sand, gravel and dirt from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area; (b) coal from mines in the northern Colorado coal fields to Denver.

Inasmuch as 'he 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 rendered by applicant, without formal hearing, the Commission determined to and has heard said matter upon the application and files herein, without formal setting or notice of 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 Chris Walters, 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: (a) sand, gravel and dirt from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area; (b) coal

from mines in the northern Colorado coal fields to Denver.



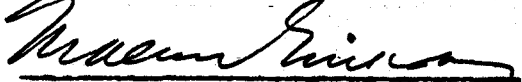
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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 said 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 13th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF RALPH JOHNSON, AGATE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE FOR THE TRANSPORTATION OF)
LIVESTOCK, FARM PRODUCTS, AND FARM)
MACHINERY BETWEEN POINTS IN THE AREA)
BOUNDED BY ELBERT COUNTY LINES ON)
THE NORTH AND EAST, STATE HIGHWAY)
NO. 68 ON THE SOUTH AND WEST BRANCH)
OF BIJOU CREEK ON THE WEST AND ALL)
POINTS IN THE STATE OF COLORADO.)

APPLICATION NO. 4502-PP

May 10, 1938

Appearances: Ralph Johnson, Agate, Colorado,
pro se;
Conour and Conour, Denver, Colorado,
for Weicker Transfer & Storage Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Association
and F. W. Miller;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association,
Forest Woodard, Kenneth Scott, Byron
Bunker, Hartsel Truck Line, W. C. Deich,
L. M. Anderson and Sons, and E. T. Gray
Land and Livestock Company.

S T A T E M E N T

By the Commission:

Ralph Johnson, the applicant herein, of Agate, Colorado, a single man, testified that he was the holder of Permit C-686; that he had a 1936 Ford V-8, also a Ford pickup, neither of which were paid for. that he had fifty customers listed; that he did hold Private Permit A-754, which right had been cancelled and revoked on account of his failure to comply with the rules and regulations of the Commission; and that he now wanted authority to engage in a transportation business just the same as he did heretofore.

Decision No. 11184 was made a part of the record. One paragraph of this decision is as follows:

"The file under Permit A-754 discloses that the holder thereof, at no time met the requirements of this rule and has in fact been acting as a common carrier by reason of his violation of this rule. Ralph Johnson testified while on the witness stand that he had never filed a list of customers

that he had never gotten around to it since being served with a notice, and the record shows that just nine days after receiving the show cause order, he filed this application for a transfer instead of putting his permit in good standing by filing a list of customers. His own statement was that he served anybody in the Limon-Agate area, transporting farm products and livestock, which is an admission on his part that his conduct was that of a common carrier.

The applicant frankly admitted that what he wanted to do was to serve anyone in the Agate area described in his application who might want his services.

A motion to dismiss the application was joined in by all protestants appearing at the hearing for the reasons set forth in Decision No. 11184, and for the further reason that there were at the present time adequate, authorized transportation facilities to take care of all needs in the town of Agate, and surrounding area, covered by the instant application, and that to grant additional authority to a known violator would tend to harass and embarrass carriers now adequately serving this territory, which motion was taken under advisement.

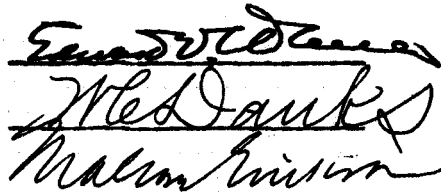
After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that the motion to dismiss should be granted and the instant application denied.

O R D E R

IT IS THEREFORE ORDERED, That the motion to dismiss offered by protestants should be, and the same hereby is granted for the reasons above assigned and 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 10th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF COLORADO CENTRAL POWER COMPANY,)
A CORPORATION, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY) APPLICATION NO. 4516
AUTHORIZING THE EXERCISE OF FRAN-)
CHISE RIGHTS GRANTED BY THE TOWN)
OF JOHNSTOWN, STATE OF COLORADO.)

May 10, 1938.

Appearances: Worth Allen, Esq., Denver, Colorado,
and Charles C. Baker, Golden, Colorado,
for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by applicant of certain franchise rights granted by the Board of Trustees of the Town of Johnstown, Weld County, Colorado, by Ordinance No. 81.

On December 6, 1937, there was passed by the Board of Trustees, and approved by the Mayor, of the Town of Johnstown, said Ordinance No. 81, granting to applicant, its successors and assigns -

"THE RIGHT, PRIVILEGE AND AUTHORITY TO
ERECT, CONSTRUCT, MAINTAIN AND OPERATE
A SUBSTATION OR SUBSTATIONS, AN ELECTRIC
LIGHT AND POWER PLANT AND A DISTRIBUTION
SYSTEM FOR THE TRANSMISSION, DISTRIBUTION
AND SALE OF ELECTRICITY AND ELECTRICAL
ENERGY WITHIN THE CORPORATE LIMITS OF THE
TOWN OF JOHNSTOWN AND ANY ADDITIONS THERETO,
WELD COUNTY, COLORADO."

The term of said franchise is for a period of twenty years from and after its passage, approval and publication, and acceptance and approval by the Company of the ordinance aforesaid.

The evidence disclosed that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Delaware, and authorized to do business within the State of Colorado; that the principal

office and Post Office address of applicant is the City of Golden, Colorado. Generally, it is authorized and empowered to engage in the business of generating and purchasing electrical energy and in transporting such energy by means of distribution lines for heat, light, power and other purposes directly to consumers or wholesalers.

It was further disclosed that no other utility is now serving the town of Johnstown, which has a population of approximately 700; that applicant at the present time has approximately 200 customers in said town.

No objections to the application filed herein have been made, and the written consent of the Public Service Company of Colorado and the Home Gas and Electric Company of Greeley, Colorado, have been filed herein.

The evidence further disclosed that the investment by applicant in the system serving the town of Johnstown is approximately \$30,000.00. However, the fixing of this figure, and its adoption by the Commission for the purpose of determining the fee for issuance of certificate herein, shall not preclude the Commission from adopting a different value should the question of valuation arise in a rate hearing or any subsequent proceeding where valuation may be an issue.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the present and future public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Town of Johnstown in conformance with said Ordinance No. 81.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Board of Trustees of the Town of Johnstown in Ordinance No. 81, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its practices

as to testing, consumers' deposits and operations, and its records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from the date hereof.

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

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. Denver

W. D. Danks

Wm. E. Eason
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF A. T. BURBRIDGE, DOING BUSINESS)
AS BURBRIDGE TRUCK LINE, FOR)
CLARIFICATION AND CORRECTION OF)
PERMIT NO. A-20.)

APPLICATION NO. 3856-PP

May 10, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for applicant;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Z. D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

In the instant matter, an order was entered on May 1, 1937, clarifying the rights of A. T. Burbidge under Permit No. A-20. Thereafter, on May 19, 1937, petitions for rehearing were filed by Weicker Transportation Company and The Motor Truck Common Carriers Association.

As the questions involved in said order and in the petitions for rehearing were identical with those involved in Case No. 14278, The Public Utilities Commission of the State of Colorado and Bennie Goldstein, Plaintiffs In Error, v. Weicker Transportation Company, a Corporation, Consolidated Motor Freight, Inc., and The Motor Truck Common Carriers Association, a Corporation, Defendants in Error, pending in the Supreme Court of the State of Colorado, action was withheld upon said petitions for rehearing pending the final decision by the Supreme Court on the issues involved in the above entitled case.

It now appears that the Supreme Court of Colorado on March 21, 1938, rendered its final decision in said Goldstein case, upholding the right of the Commission to clarify and determine the authority granted under certain private permits.

In view of said decision, and after a careful consideration of the matters involved in the petitions for rehearing, the Commission is of the

opinion, and so finds, that no good purpose would be served by granting said petitions for rehearing.

O R D E R

IT IS THEREFORE ORDERED, That the petitions for rehearing filed in the instant case by Weicker Transportation Company and The Motor Truck Common Carriers Association be, and the same are hereby denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Danks
W. C. Danks
Walter Erickson
Commissioners.

Dated at Denver, Colorado,
this 10th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. F. WATTERS, CHERAW, COLORADO,) PRIVATE PERMIT B-859
PERMIT B-859)

May 13, 1938.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that on June 11, 1934, J. F. Watters of Cheraw, Colorado, filed an application with the Commission for a Class "B" permit. However, said permit was not actually issued to the said J. F. Watters until October 29, 1934, at which time Permit No. B-859 was granted to him, effective June 11, 1934. At that time, said permits were issued upon an annual basis and the payment of a flat fee based upon the tonnage capacity of the truck.

On June 21, 1935, the said J. F. Watters communicated with the Commission, asking when his said B permit No. 859 would expire, and was advised that the same expired June 11, 1935. He was further advised that it would be necessary to file a new application. Said application was never filed, but the said J. F. Watters called upon the Commission shortly thereafter and undoubtedly made some arrangement to continue operations under Permit B-859. At least, he was issued identification cards and has made his reports, kept up his insurance and paid his taxes since said date.

While the record is silent as to what actually occurred, we are of the opinion that, due to the fact that his letter was received within such a short time after the expiration date of his permit, it was determined that same would be kept in full force and effect, which would have been the case in the event his letter had been received on the 11th instead of the 21st of June.

No question has ever arisen concerning his operation until it

became necessary that he have a certified copy of his permit to use in connection with some interstate application which he has filed, when the above facts were disclosed by a search of our records. We are now requested, in view of the condition of the record, to reinstate said permit as of June 11, 1935.

After a careful consideration of the matter and in view of all the circumstances in connection with said request, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. B-859 be, and the same is hereby, reinstated, effective as of June 11, 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Tucker

W. C. Danks

Wm. R. Smith
Commissioners.

Dated at Denver, Colorado,
this 13th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FRANK W. MILLER, DOING BUSINESS)
AS THE DENVER-LIMON-BURLINGTON)
TRANSFER COMPANY, FOR CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE A MOTOR TRUCK COMMON)
CARRIER SERVICE BETWEEN LIMON, BOVINA,)
ARRIBA AND FLAGLER, COLORADO, AND)
KIT CARSON, EADS AND PUEBLO.)

APPLICATION NO. 1261-AAA-AAA-AA-B
PERMIT A-544-554
S.S.P.

May 13, 1938.

Appearances: George Swerer, Esq., Denver, Colorado,
for applicant;
R. E. Conour, Esq., Denver, Colorado,
for Weicker Transportation Company;
A. J. Fregeau, Denver, Colorado,
for C. Christensen;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers Ass'n;
J. W. Preston, Esq., Thatcher Bldg., Pueblo,
Colorado, for Missouri Pacific Railroad
Company, Guy A. Thompson as Trustee.

S T A T E M E N T

By the Commission:

The application as filed herein seeks authority to establish a common carrier motor truck service for the transportation of freight between the towns of Kit Carson, Eads, and Pueblo, Colorado, and all intermediate points between Lolita and Eads, over Colorado Highways Nos. 59 and 96, and also to establish a motor truck common carrier service for the transportation of general merchandise between Limon, Bovina, Arriba and Flagler, Colorado, over U. S. Highway No. 24, formerly known as No. 40 North. At the hearing, however, applicant testified that he had arranged to connect his operation, if authority was granted, at Sugar City with Allumbaugh and Williams, and, therefore, would eliminate from his application any authority west of the town of Sugar City.

A petition in intervention was filed by Weicker Transportation Company, alleging that said intervener is now serving various points involved in the instant application through interchange at Pueblo, Rocky Ford and Lamar, with the Allumbaugh and Williams Truck Line and Wildon Beach, and that said service is rendered on joint through rates, and that the granting of the

authority sought by applicant would deprive petitioners of much needed traffic and adversely affect its business.

Written protest was also filed by Guy A. Thompson, as Trustee for Missouri Pacific Railroad Company, alleging generally that the public convenience and necessity did not demand the service sought to be rendered by applicant.

The evidence disclosed that applicant is now operating under certificate of public convenience and necessity No. 699, which authorizes service, inter alia, between Denver and Eads via Kit Carson, and points east of Eads to and including Towner, Colorado, and also between Denver and Burlington, Colorado, and certain intermediate points, except points intermediate between Limon and Seibert on U. S. Highway No. 24. Service to said intermediate points, namely, Genoa, Bovina, Arriba and Flagler, is being rendered by applicant under a private permit limited to the transportation of general merchandise for Western Stores and Wholesale Grocery Company only. Evidence was introduced by some of the shippers at said towns tending to show the necessity for a common carrier service by applicant at said points.

The manager of the K. & B. Packing Company of Denver testified that said concern had customers in Bovina, Seibert and a number of the other towns involved, and had been using the service of Miller for about four years and found the same very satisfactory. However, they preferred to employ a common carrier and believed that the public would be better served by such an operation.

The general manager of the Forsythe Oil Company and Forsythe Mercantile Company testified that they had a branch in Arriba and had been using their own trucks for the last two months for hauling sugar from Sugar City to Arriba, Bovina, etc.; that they employ Miller to haul from Denver when traffic is heavy and believe that the public convenience and necessity would be better served by a common carrier operation. It is estimated that their tonnage would amount to approximately ten tens per month.

The operator of a grocery store at Galatea, Colorado, testified that he buys largely in Pueblo, but does get some freight out of Denver; that

J. S. Brown Company had been running their own trucks from Pueblo to Galatea; that the proposed service of applicant, namely, three times a week, would be very beneficial and that no common carrier truck service is now operating through their town. He estimated that his tonnage would amount to about 1,000 pounds a month. He also testified that train service was too slow and that if you gave your order on Tuesday, it would be Thursday or Friday before the goods were delivered.

The proprietor of a hardware, implement and dry goods store at Eads, which has a population of approximately 650 with about 15 business houses and is the county seat of Kiowa County, testified that he had been using the Miller service for over a year and found the same very satisfactory; that no truck line was operating between Pueblo and Eads; that it took two or three days to receive freight by rail out of Pueblo; that he was familiar with the interline service of Weicker out of Pueblo to Lamar, and of Wildon Beach from Lamar to Eads, but would not use the same.

An employe of another grocery store located at Eads testified that they used the Miller service and same was very satisfactory; that their shipments out of Pueblo came there by rail or by the J. S. Brown Company's own trucks. He also testified that orders given by Tuesday night to traveling men from Pueblo, would arrive in Eads on Thursday about 3:00 P. M.

A garage man living at Haswell testified that the service proposed by applicant would be a great convenience to him; that no common carrier truck service now operates through Haswell and that service by rail took two days; that the population of Haswell is approximately 175 and that six or eight business firms operated there; that his own tonnage would amount to between 500 and 1,000 pounds per week. He had talked with other business men in Haswell and they all "felt the same way".

Another hardware and implement merchant at Eads testified that he was unable to get his freight fast enough by rail out of Pueblo, and believed the proposed operation of applicant would be advantageous to himself, as well

as to other business men at Eads, both for incoming and outgoing freight. He had some freight handled by Weicker to Lamar and then had Beach Truck Line to Eads, but it was not a satisfactory service; that sometimes Beach brought the freight over the same day and other times did not.

Applicant testified in his own behalf that Sugar City has a population of some 200 and that any sugar moving from Sugar City and destined to points like Arriba, Flagler, Mesita, etc., would have to move back into Denver by rail and then east to said points, making a mileage of over 300 miles as compared with his own mileage to Arriba of 105 miles.

It was further developed that the only truck service now being conducted from Sugar City to Eads was by Christensen, who was operating under a "C" permit and that applicant proposes a tri-weekly schedule. He estimated that 600 to 1,000 sacks of sugar would be moved by him from Sugar City if granted authority.

On behalf of protestants, the evidence disclosed that Missouri Pacific Railroad Company operates a daily, except Sunday, local freight eastward from Pueblo to the Colorado-Kansas state line, serving all points involved in this application intermediate between Sugar City and Eads. Said train leaves Pueblo at 7:00 A. M. and, according to the witness for said protestants, freight received by said railroad the preceding day would be delivered the next day at the points mentioned. Said railroad maintains pick-up and delivery service or else makes an allowance to shippers for same at all points. The only agent maintained by said railroad between Pueblo and Eads is at Haswell.

It was estimated that the railroad is moving about 5,000 pounds per day from Pueblo to the Kansas state line and that approximately one-third of this tonnage goes to Ordway.

It was also disclosed that Missouri Pacific Transportation Company has a daily express and passenger service between Pueblo and Eads.

On behalf of Weicker Transportation Company, the evidence disclosed that said company maintains a service to Eads from Pueblo via Lamar, at which point said freight is transferred to the Eads Truck Line operated by

Wildon Beach. This tonnage for eleven months in the year 1937 amounted to 46,785 pounds.

It further appeared that applicant had upon certain occasions accepted freight for Lamar, which he transferred to Beach at Eads upon through rates. Applicant stated that this practice had been discontinued when he was advised that same was not proper. In three instances, Weicker had accepted shipments for Eads from Denver, but had discontinued such practice. It was further developed that the Weicker transportation between Pueblo and Lamar was unprofitable and that any loss of tonnage would be harmful.

In application No. 4361, Decision No. 11353, the Commission denied the application of E. Christianson for a certificate to operate between Sugar City and the Colorado-Kansas state line on Highway No. 96 and between intermediate points and said line. This denial was based upon the insufficient showing made by applicant as to the public convenience to be served by his proposed operation, it being pointed out that he was operating under a "C" permit, rendering a peddler service, particularly of fruits and vegetables, and that he needed to augment his income by being authorized to transport freight for hire if he was to continue his peddler operations.

We believe the record in the instant case discloses a public convenience and necessity to be served by the proposed operation of applicant, and this is particularly true of the transportation of sugar from Sugar City to points north of Eads on Highway No. 59 and east from Kit Carson on Highway 40. The fact that applicant stops his operation at Sugar City instead of extending same on into Pueblo, removes, in our opinion, considerable of the complaint that might be registered by Weicker Transportation Company against the proposed operation. Any Pueblo freight handled by applicant would, of course, have to be transferred at Sugar City.

It is true that reasonably adequate rail service, at least for east-bound traffic, is afforded by the Missouri Pacific between Pueblo and the Colorado-Kansas state line, but it is the history of transportation regulation that the public demands and should receive motor transportation service if desired. See Application No. 1211, Decision No. 2142, rendered April 29, 1929, as

follows:

"Without question, the businessmen of the two towns in question could get along without motor vehicle service, However, the fact that people today can get along without a service does not mean that the public convenience and necessity does not require it. That the public in towns and cities within a reasonable distance from wholesale and jobbing centers in the past few years almost unanimously have come to demand motor vehicle transportation, cannot be doubted. It has become increasingly clear to the Commission that when the public within such reasonable distance wants motor vehicle transportation, traffic will move in trucks even though a certificate of public convenience and necessity is not granted. A number of private carriers will divide up the business public and operate in such manner that the State receives no revenue therefrom and the public is denied the benefit of regulation."

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 operations of applicant as limited by the testimony given at the hearing.

O R D E R

IT IS THEREFORE ORDERED, That Frank Miller, doing business as Denver-Limon-Burlington Transfer Company, be, and he is hereby, authorized to operate as a motor vehicle common carrier for the transportation of freight between the towns of Kit Carson, Eads and Sugar City, Colorado, and all intermediate points, over Highways Nos. 59 and 96, and also to operate as a motor vehicle common carrier for the transportation of freight between Limon, Bovina, Arriba and Flagler, Colorado, over U. S. Highway No. 24, heretofore known as No. 40-North, 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 permit A-⁵⁵⁴~~544~~ be, and the same is hereby 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 V. Dames

W. L. Danks

W. W. Smith

Commissioners.

Dated at Denver, Colorado,
this 13th day of May, 1938.

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION OF STEAM RAILROADS)
OPERATING IN THE STATE OF COLORADO)
FOR AUTHORITY TO MAKE THE SAME)
INCREASES IN FREIGHT RATES APPLIC-) APPLICATION NO. 4437.
ABLE ON INTRASTATE TRAFFIC IN COLO-)
RADO AS AUTHORIZED BY THE INTERSTATE)
COMMERCE COMMISSION IN DOCKET EX PARTE)
NO. 123.)

May 10, 1938.

Appearances: George Williams, J. A. Gallaher, Esq. and J. F. Tomer,
Denver, Colorado, for the Steam Railroads;
Byron G. Rogers, Esq., Attorney General, and James J.
Patterson, Esq., Assistant Attorney General, Denver,
Colorado, for the State of Colorado;
Albert L. Vogl, Esq., and Frank A. Wachob, Esq.,
Denver, Colorado, for the Northern Colorado
Coals, Inc.;
Lowe P. Siddons, Esq., and T. A. Gardner, Colorado
Springs, Colo., for the Holly Sugar Corporation;
D. C. Stone, Denver, Colo., for the Colorado Perish-
able Shippers Association; also the Kumer Eapson Co.;
E. N. Castner, Brighton, Colo., for the Kumer Eapson Co.;
A. J. Bauman, Denver, Colo., for Armour & Company;
W. O. Richardson, Denver, Colo., for Cudahy Packing Co.;
R. W. Lentz, Denver, Colo., for Swift & Company;
Robert S. Palmer, Esq., Denver, Colo., for the Colorado
Metal Mining Fund;
B. F. Davis, Denver, Colo., for the Colorado Stock
Growers and Feeders Association;
W. J. Broadhead, Pueblo, Colo., for the American
Fruit Growers Association;
A. M. Echternach, Palisade, Colo., for United Fruit
Growers Association;
A. W. Kirkpatrick, Denver, Colo., for the Ideal
Portland Cement Company;
R. E. & Elizabeth Conour, Attorneys, Denver, Colo.,
for Weicker Transportation Co. et al.;
D. M. McCarl, Denver, Colo., for Colorado Potato
Growers Exchange;
Marion F. Jones, Esq., Denver, Colo., for Colorado
Trucking Association;
Zene D. Bohrer, Esq., Denver, Colo., for Motor Truck
Common Carriers Association;
T. S. Wood, Denver, Colo., for Colorado Public
Utilities Commission.

STATEMENT

By the Commission:

This matter is before the Commission upon a petition filed March 10,
1938, by all the Class I railroad companies operating in intrastate traffic

in Colorado, including The Rio Grande Southern Railroad Company, Victor A. Miller, Receiver, for authority to increase all existing freight rates and charges generally 15 per cent, subject to certain exceptions. At the hearing a request was made by a representative of the railroads, hereinafter referred to as applicants, to include the following carriers as parties to the petition: The Colorado-Kansas Railway Company, Ward S. Arnold, Receiver; The Colorado and Southeastern Railroad Company; The Crystal River and San Juan Railroad Company; The Denver and Intermountain Railroad Company; The Great Western Railway Company; The San Luis Central Railroad Company and The San Luis Valley Railway Company; also to modify the petition to the extent that it would reflect the same relative increases authorized by the Interstate Commerce Commission in Ex Parte Docket No. 123, reported in 226 I.C.C. 41 - 163; also to vacate or modify all outstanding orders of the Commission to the extent necessary to permit the increased rates herein sought.

In the original petition it is recited that the financial resources and credit of the applicants are seriously impaired as a result of inadequate earnings in the past and substantially increased operating costs. These conditions, it is stated, have created "a highly critical situation, which, unless promptly met by an increase in their revenues, will seriously impair their ability to continue to render adequate and efficient railway transportation service"; that the conditions which require an advance in interstate freight rates and charges apply equally to intrastate freight rates and charges; that an advance in the latter rates and charges, equal and corresponding to those proposed for interstate application, is necessary in order both to afford applicants the minimum measure of relief necessary in the present emergency and to avoid undue and unreasonable discrimination against interstate commerce and undue prejudice against shippers and localities in interstate commerce.

The case was set for hearing and heard on March 30 and 31, 1938, at which time the applicants in support of their petition introduced in evidence the original and supplemental report of the Interstate Commerce Commission, in Ex Parte Docket No. 123, supra, and requested that the

record in the interstate case be considered and made a part of the record in the instant case. This was done.

Inasmuch as the applicants' position based upon the railroads' need for additional revenue is fully discussed in the report of the Interstate Commerce Commission we do not deem it essential to discuss same further in this statement as the carriers' statistics introduced in this proceeding cover their systems as a whole without any segregation or allocation of their expenses and revenues to their operations in the State of Colorado.

Protests were filed by The Cudahy Packing Company, Armour and Company, Swift and Company, American National Live Stock Association; Colorado Stock Growers and Feeders Association, Holly Sugar Corporation, Colorado Mining Association, and the Colorado Potato Growers Exchange, and at the hearing objections were entered by the Colorado Perishable Shippers Association and Kumer Empson Company.

The protest and testimony of The Cudahy Packing Company, Armour and Company and Swift and Company relates primarily to the carload rates on fresh meats and packing house products from Denver, Colorado, to Colorado Springs, Pueblo and Trinidad, Colorado. However, the present rates on these commodities from and to the above named points are not involved in this proceeding as there is no contemplated change in the said rates due to the fact that the same were increased on December 20, 1937, resulting in rates that are higher than if such rates were cancelled and the rates in effect in January, 1937, were increased in accordance with the order of the Interstate Commerce Commission in Ex Parte Docket No. 123, supra.

The protests of the American National Live Stock Association and the Colorado Stock Growers and Feeders Association were not pursued at the hearing. Further, their situation was duly considered by the Interstate Commerce Commission for its order authorizing increases generally of 10% permitted increases of 5% only on products of agriculture other than tropical fruits, animals, and the products thereof and articles taking the same rate (except horses and mules), lumber, shingles, and lath and articles taking lumber rates, and refused to allow increases on bituminous coal, lignite coke and iron ore, which exceptions by the Commission in the absence of evidence

to the contrary, we, being bound by facts developed at hearing, must assume satisfied the producers (other than beet growers) of these commodities. It would appear that the industries so favored, which with the metal mining and beet sugar industries are the principal industries of our State, are, and should be, satisfied with the conclusions of the Interstate Commerce Commission.

The testimony of the representatives of the fruit and vegetable interests, was in effect, that the railroads have in the past always shown a spirit of cooperation in establishing temporary emergency rates during the harvest season, provided, the circumstances and conditions surrounding the movements of said products required reduced rates, and if the same consideration was extended to the shippers in the future as in the past they were not greatly concerned with the level of the rates between seasons. Any order entered in this proceeding will be permissive and not mandatory, so that the applicants will be at liberty to establish such rates as they feel are required to move the traffic; provided, that in so doing they do not create a discriminatory or prejudicial situation.

The Holly Sugar Corporation objected to any increase in the rates on sugar beets, lime rock and beet sugar molasses. The testimony shows that it must absorb the transportation costs of the raw materials; that the cost of maintaining its beet dumps is about seven cents a ton and about nine cents a ton to operate them; that any increase in the rates on hauls under 50 miles will tend to divert the traffic to trucks. An exhibit of record shows that the weighted average haul on sugar beets from various beet dumps to the sugar factory at Swink, Colorado, is 47.9 miles; per car mile earnings, 43.54 cents, per ton mile earnings, 11.16 mills; that to the sugar factory at Delta, Colorado, the weighted average haul is 82.8 miles, per car mile earnings, 38.99 cents, per ton mile earnings, 9.07 mills; that limerock from Glenwood Springs to Delta, 140.9 miles, produces per car mile earnings, 66 cents; per ton mile earnings, 10.64 mills; that limerock from Carlton Switch to Swink,

109.2 miles, shows per car mile earnings, 52.88 cents, per ton mile earnings, 9.61 mills; that molasses, from Brighton to Swink, 196.1 miles, produces per car mile earnings, 55.07 cents, per ton mile earnings, 12.23 mills, and from Delta to Grand Junction, 51.4 miles, the same commodity shows per car mile earnings, 116.3 cents, per ton mile earnings, 25.29 mills; and from Swink to Johnstown, 224 miles, per car mile earnings of 53.23 cents, per ton mile earnings, 11.83 mills; from Sugar City to Swink, 59 miles, per car mile earnings, 106.7 cents, per ton mile earnings, 23.72 mills. Under all the circumstances and conditions surrounding this traffic the above stated earnings indicate that these commodities are now contributing their fair share of the revenues of the carriers, and is all the traffic will bear.

The Kuner-Empson Company objected to any increase in the rates on canned goods, basing its objection principally upon the fact that any increase in the contemporaneous rates would divert the traffic now moving by rail to trucks.

The record discloses that approximately 50 per cent of this traffic is now moving by trucks; that the proposed increase will divert the balance of the traffic to truck movement, with the result the carriers' revenues will be further depleted rather than increased. The record is silent regarding the reasonableness or unreasonableness of the rates covering the various movements of this commodity.

While the record does not justify a finding of fact by us denying the carriers authority to increase the rates on canned goods, it is within their own managerial discretion whether or not they do so. However, it appears to us that the carriers will be making a mistake by increasing any of their rates, knowing that in doing so they are diverting the traffic from rail to truck movement; for after all is said and done revenues are not derived from rates alone, but from the application of the rate on the traffic.

In regard to the mining industry the record discloses that all

mining operators are now operating on a very narrow margin of profit, where there is a profit; that the reduction in the price of silver has been very harmful to the operators in the silver districts; that the mining industry cannot pass on any increased costs similar to other industries but must absorb same themselves; that the selling price of silver and gold at least is beyond the control of the operators due to the fact that same is fixed entirely by Federal Laws; that on low grade ores and concentrates the margin between a profit and a loss to the operator being practically nil any increase in cost of operation means the loss of considerable tonnage to the rails.

Findings.

After full consideration of the matters presented in the instant petition and the decision of the Interstate Commerce Commission in Ex Parte Docket No. 123, supra, the Commission is of the opinion, and so finds, that applicants should be authorized to make the same relative increases in rates and charges on Colorado intrastate traffic as authorized by the Interstate Commerce Commission in Ex Parte Docket No. 123, supra, on interstate traffic, except, that no increase shall be made in the rates on carload shipments of sugar beets, limerock when consigned to the sugar factories, beet sugar molasses, and ore where the valuation does not exceed \$20.00 per ton of 2,000 pounds and concentrates where the valuation does not exceed \$50.00 per ton of 2,000 pounds.

We further find that all outstanding unexpired orders of the Commission authorizing or prescribing rates should be modified to the extent necessary to permit the increases herein authorized to be applied.

ORDER

IT APPEARING, That the Commission having on the date hereof made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:

IT IS ORDERED, That all common carriers by railroad, parties to this petition, operating as such within the State of Colorado, according

as they participate in the transportation, be, and they are hereby, authorized to apply the increases in rates and charges as approved by the Interstate Commerce Commission in its report and findings in Fifteen Per Cent Case, 1937-1938, Ex Parte No. 123, 226 I.C.C. 41, which report and findings are hereby adopted and made a part hereof, except as herein-after set forth, 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.

IT IS FURTHER ORDERED, That the applicants' petition to increase the rates and charges on carload shipments of sugar beets, limerock when consigned to the sugar factories, beet sugar molasses, and ore where the valuation does not exceed \$20.00 per ton of 2,000 pounds, and concentrates when the valuation does not exceed \$50.00 per ton of 2,000 pounds, be and the same is hereby denied.

IT IS FURTHER ORDERED, That all outstanding unexpired orders of the Commission, authorizing or prescribing rates, be, and they are hereby, modified to the extent necessary to permit the increased rates and charges herein authorized to be applied; but that in all other respects said orders shall remain in full force and effect unaffected by this order.

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 E. Wheeler
EDWARD E. WHEELER

Malcolm Erickson
MALCOLM ERICKSON

Commissioners

Dated at Denver, Colorado,
this 10th day of May, 1938.

Commissioner Danks dissenting:

I do not concur in the foregoing majority opinion of the Commission for the reason that the carriers failed to show that the increase in rates therein authorized will produce the additional revenue sought.

While no doubt the railroads need more money, I believe the loss in volume of freight to other forms of for hire and shipper-owned transportation service which I think will result from increases granted, may well reduce the total gross earnings to an amount below that produced by current rates.

W. C. Danks

W. C. DANKS

Commissioner.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
T. D. deVALLE COAL CO.) PERMIT NO. C-5587

May 14, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the T.
D. deValle Coal Co., of 115 No. Mechanic, Pueblo, Colorado, request-
ing that its Permit No. C-5587 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-5587, heretofore
issued to T. D. deValle Coal Company, be, and the same is hereby,
declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of May, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
NILS J. STOHL, OF FLORISSANT,)
COLORADO.)

APPLICATION NO. 4384-PP

May 13, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Nils J. Stohl requesting that his Class "B" permit granted in Application No. 4384-PP, Decision No. 11259, under date of January 19, 1938, 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 Class "B" permit granted in Application No. 4384-PP, Decision No. 11259, under date of January 19, 1938, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund J. Dwyer

W. H. Danks

Malcolm F. Brown

Commissioners

Dated at Denver, Colorado,
this 13th day of May, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN SCHMIDT.) PERMIT NO. C-5179
-----)

May 14, 1938.

S T A T E M E N T

By the Commission:

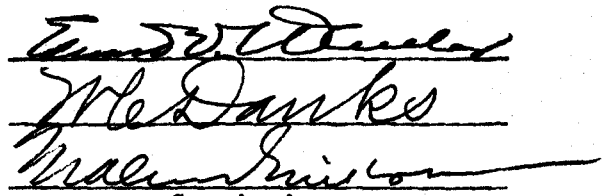
The Commission is in receipt of a communication from John Schmidt of Route 2, Box 105, LaSalle, Colorado, requesting that his Permit No. C-5179 be cancelled.

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-5179, heretofore issued to John Schmidt, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of May, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
H. FRIEDMAN & SON.) PERMIT NO. C-4135
-----)

May 14, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from H. Friedman & Son of 2345 Walnut, Denver, Colorado, requesting that his Permit No. C-4135 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-4135, heretofore issued to H. Friedman and Son, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Brien
W. L. Danks
Marion Smith
Commissioners

Dated at Denver, Colorado,
this 14th day of May, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED H. AND WILLIAM E. SMITH) PERMIT NO. C-7348

May 14, 1938.

S T A T E M E N T

By the Commission:

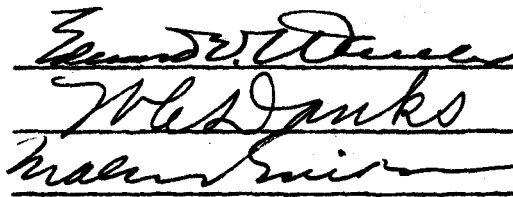
The Commission is in receipt of a communication from Fred H. and William E. Smith, of 3631 Julian St., Denver, Colorado, requesting that his Permit No. C-7348 be cancelled.

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-7348, heretofore issued to Fred H. and William E. Smith, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 14th day of May, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LYNN HOOPES.)

PERMIT NO. C-7830

May 14, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lynn Hoopes of 1724 E 12th, Pueblo, Colorado, requesting that his Permit No. C-7830 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-7830, heretofore issued to Lynn Hoopes, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Dineen
W. E. Danks

Walter J. Smith
Commissioners

Dated at Denver, Colorado,
this 14th day of May, 1938.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. K. DYER.)

PERMIT NO. C-4960

May 14, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. K. Dyer, of 628 Main St., Grand Junction, Colorado, requesting that his Permit No. C-4960 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-4960, heretofore issued to W. K. Dyer, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. C. Danks
Walter Smith

Commissioners

Dated at Denver, Colorado,
this 14th day of May, 1938.

R

At a General Session of the Public
Utilities Commission of the State of
Colorado, held at its Office in Denver,
Colorado, May 11, 1938.

INVESTIGATION AND SUSPENSION DOCKET NO. 225

IT APPEARING that on April 14, 1938, the Trustees of The Denver and Rio Grande Western Railroad Company, by their attorneys, filed a petition with the Commission seeking authority to discontinue the station of Allison as an agency station, to be effective on May 14, 1938, alleging that the expense of maintaining said agency is not justified by the revenue realized therefrom, and that neither the public convenience and necessity nor the safe, efficient and economical operation of the applicants' system requires or justifies the maintenance of said agency station.

IT APPEARING FURTHER that on May 10, 1938, the Commission received a communication from Mr. E. G. Austin, Secretary of the San Juan Turkey Growers' Association, protesting the discontinuance of the agency station of said railroad company at Allison.

A statement is attached to the letter of the Secretary of said Association giving in detail many reasons why said agency station should not be discontinued, particularly urging the need for such a railroad station agency on account of the large industry of turkey raising in that vicinity, and the anticipated future development of that district on account of the irrigation project now under construction.

IT APPEARING FURTHER that the Commission finds that the proposed discontinuance of the railroad agency at Allison might injuriously affect the rights and interests of said protestants and others that might be concerned.

IT IS THEREFORE ORDERED, That the effective date for the proposed discontinuance of the agency station of The Denver & Rio Grande Western Railroad Company at Allison, Colorado, be suspended for one hundred and twenty days from May 14, 1938, or until September 11, 1938, unless otherwise ordered.

IT IS FURTHER ORDERED, That the proposed discontinuance of said railroad agency station be made a subject of investigation and determination by the Commission within the said period of suspension or such further time as the same may be lawfully suspended.

IT IS FURTHER ORDERED, That the matter of protests of the aforesaid

protestants or others concerned therein is hereby set down for hearing before the Commission in the Court House at Durango, Colorado, at 9:30 o'clock A. M., on June 15, 1938, at which time and place such evidence in the matter as is proper may be offered.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid petition for the discontinuance of the agency station of The Denver and Rio Grande Western Railroad Company at Allison, Colorado, and copies hereof be forthwith served on T. R. Woodrow and T. A. White, attorneys for the Trustees of The Denver and Rio Grande Western Railroad Company, the applicants, and Mr. E. G. Austin, Secretary of the San Juan Turkey Growers' Association, Allison, Colorado, representative of and for the protestants, and such other parties as may be concerned.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Decker

W. C. Danks

Walter Smith
Commissioners.

Dated at Denver, Colorado,
this 11th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE ALBER, HOTCHKISS,)
COLORADO, P.U.C. NO. 1035.)

CASE NO. 4694

May 18, 1938.

S T A T E M E N T

By the Commission:

On April 9, 1938, Decision No. 11705, in the above styled matter, George Alber was required by the Commission, on its own motion, to show cause why his certificate of public convenience and necessity should not be suspended or revoked on account of his failure to file tariff with the Commission, as required by law and our rules and regulations.

Said respondent, since the service of said order, has complied with the rules and regulations of the Commission by filing tariff, and has asked that said case be dismissed.

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

O R D E R

IT IS THEREFORE ORDERED, Said applicant having complied with the rules and regulations of the Commission and corrected the delinquencies complained of in Decision No. 11705, 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 V. Dancer

W. C. Danks

Malcolm F. Johnson

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. DAN GIECK.)

PERMIT NO. C-6196

May 18, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. Dan Gieck, of Limon, Colorado, requesting that her permit No. C-6196 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-6196, heretofore issued to Mrs. Dan Gieck, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dancy

W. L. Danks

Walter E. Eason
Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THE UNION TRANSPORT COMPANY, OF) PERMIT NO. A-922-I
P. O. BOX 142, McPHERSON, KANSAS.)

May 18, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from The Union Transport Company requesting that its Permit No. A-922-I be suspended for a period of sixty days.

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 The Union Transport Company should be, and hereby is, allowed to suspend its operations under Permit No. A-922-I for a period of not to exceed sixty days from the date hereof.

IT IS FURTHER ORDERED, That unless said The Union Transport 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 interstate 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. Danks
W. C. Danks

Malcolm E. Eason
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK GRADY, OF 110 CAMERON ST.,)
BRUSH, COLORADO.)

PERMIT NO. B-1394

May 18, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank Grady requesting that his Permit No. B-1394 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 Frank Grady should be, and hereby is, allowed to suspend his operations under Permit No. B-1394 for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Frank Grady 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

Wm. Swenson

Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. VAY TIDWELL.)

PERMIT NO. C-7782

May 18, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. Vay Tidwell, of Route 3, Sterling, Colorado, requesting that his Permit No. C-7782 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-7782, heretofore issued to W. Vay Tidwell, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks
W. C. Danks
Samuel E. Eason
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. E. HALIDAY, OF GENERAL) PERMIT NO. C-7173
DELIVERY, RIDGWAY, COLORADO.)

May 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. Haliday requesting that his Permit No. C-7173 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-7173, heretofore issued to W. E. Haliday, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker
W. E. Banks
Walter E. Eason
Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
) PERMIT NO. C-3934
ROBERT YOUNG.)

May 18, 1938.

S T A T E M E N T

By the Commission:

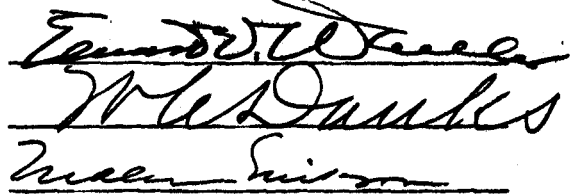
The Commission is in receipt of a communication from Robert Young, of 2615 W. Colorado Ave, Colorado Springs, Colorado, requesting that his Permit No. C-3934 be cancelled.

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-3934, heretofore issued to Robert Young, 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 May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN C. ENNEGON & COMPANY, OF)
575 LOGAN ST., DENVER, COLORADO.)

PERMIT NO. C-7956

May 18, 1938.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John C. Ennegon & Company requesting that Permit No. C-7956 be cancelled as of May 12, 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 Permit No. C-7956, heretofore issued to John C. Ennegon & Company, be, and the same is hereby, cancelled as of May 12, 1938.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Danks

W. C. Danks

Wesley E. Eason
Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. D. GARVER, OF 201 LINCOLN ST.,)
FORT MORGAN, COLORADO.)

APPLICATION NO. 4168-PP

May 18, 1938.

S T A T E M E N T

By the Commission:

On December 6, 1937, Decision No. 11053, the Commission granted authority to C. D. Garver to suspend operations under his Class "B" permit, granted in above numbered application, for a period of six months.

The Commission is now in receipt of the following communication from permittee:

"In November the Commission granted me a six months extension on my trucking permit. As the six months are now nearly up, and I am not yet in position to use the permit, I would like another extension and I hereby apply for the same."

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 C. D. Garver should be, and hereby is, allowed to suspend his operations under Class "B" permit, granted in Application No. 4168-PP, for a period of not to exceed six months from June 6, 1938.

IT IS FURTHER ORDERED, That unless said C. D. Garver 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. Daniels

W. L. Danks

Malcolm Sisson
Commissioners

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

(Decision No. 11872)

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

May 18, 1938.

S T A T E M E N T

By the Commission:

This matter is before the Commission upon an application of the Motor Truck Common Carriers Association, by J. R. Arnold, its agent, for authority to publish a rate of 10 cents per barrel on empty, returned beer barrels from Fruita, Loma and Mack, Colorado, to Grand Junction, Colorado, and for authority to publish the following rates, in cents, per 100 pounds, on construction material and equipment, contractors' outfits and supplies, straight or mixed, truckloads, minimum weight 15,000 pounds:

<u>BETWEEN</u>	<u>AND</u>	<u>RATE</u>
Pine River Dam Site	Denver	75
" " " "	Colorado Springs	65
" " " "	Pueblo	60
" " " "	Walsenburg	50
" " " "	Pagosa Springs	12
" " " "	Durango	10
" " " "	Ignacio	8
" " " "	South Fork	30
" " " "	Alamosa	35

The petition in regard to the rate on empty barrels sets forth the following reasons in support of the same:

"At present the minimum charge for a single shipment from Fruita to Grand Junction is 25¢ and from Loma and Mack, 30¢. The owner of these containers must necessarily keep a large supply of these containers on hand or ask his customer to pay rates which are too high. At present rather than pay this minimum charge the consignee is storing them until he has enough to make the 100-pound rate and defeat the minimum charge. This necessitates storing from 4 to 6 empty barrels on his place of business, as these empty containers move under a returned empty container rate of one-half of fourth class. Ice Cream containers are returned (not subject to the minimum charge) at a specific rate per container, regardless of distance at a rate of 11¢ per container, therefore, this rate is a fair rate as the distance involved is less than 20 miles."

The petition in support of the rates on the construction material sets forth the following reasons in support of the same:

"The construction work on the Pine River Dam Site has started and the movement of construction material and equipment, outfits and supplies are ready to move and as it was not known in time to publish on full statutory notice, these rates are requested to be published on short notice."

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 prescribing the rates as hereinbefore set forth.

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 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 May 20, 1938, and that the rates 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 the rates herein prescribed.

IT IS FURTHER ORDERED, That all private carriers by motor vehicle subject to this order shall on and after May 20, 1938 cease and desist from demanding, charging and collecting rates which shall be less than the rates prescribed and approved in the aforesaid statement.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Emmett D. Dineen
McDermott
Walter S. Smith
Commissioners.

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

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF HARRY E. JESMER, ROY F. ADAMS)
AND R. H. HARLOW, CO-PARTNERS,)
DOING BUSINESS AS "SOUTHERN)
WYOMING LINES" TO TRANSFER CERTIFI-)
CATE NO. 863-I TO W. G. AND L. H.)
WEBER, DOING BUSINESS AS "WEBER)
BROTHERS", BAGGS, WYOMING.,)

APPLICATION NO. 3219¹/₂-AAA
PERMIT NO. 863-I

May 20, 1938.

S T A T E M E N T

By the Commission:

On December 3, 1937, in Application No. 3219¹/₂-AA, Decision No. 11042, the Commission authorized the transfer of Interstate Permit No. 863-I to Harry E. Jesmer, Roy F. Adams and R. H. Harlow, co-partners, doing business as "Southern Wyoming Lines", subject to the provisions of the Federal Motor Carrier Act of 1935.

Said co-partners now seek authority to transfer said permit No. 863-I to W. G. Weber and L. H. Weber, co-partners, doing business as "Weber Brothers".

The records and files 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 application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Harry E. Jesmer, Roy F. Adams and R. H. Harlow, co-partners, doing business as "Southern Wyoming Lines", should be, and they hereby are, authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to transfer said permit, No. 863-I, to W. G. Weber and L. H. Weber, co-partners, doing business as "Weber

Brothers."

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 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 this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduardo V. Daniels

W. C. Danks

Naam Episkop
Commissioners.

Dated at Denver, Colorado,
the 20th day of May, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
W. C. CLARK, COLORADO SPRINGS, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OPER-)
ATE AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 4584-PP

May 20, 1938.

S T A T E M E N T

By the Commission:

Applicant, W. C. Clark, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines within a radius of ten miles of Florence to Pueblo and Colorado Springs and points within a radius of ten miles of Pueblo and ten miles of Colorado Springs, Colorado.

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 or notice of 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 W. C. Clark, 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 mines within a radius of ten miles of Florence to Pueblo and Colorado Springs, and points within a radius of ten miles of Pueblo and ten miles of Colorado Springs, 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 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. Dames

W. C. Danks

Maun Simon
Commissioners

Dated at Denver, Colorado,
this 20th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF DON WYATT, 4217 QUITMAN STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4585-PP

May 20, 1938.

S T A T E M E N T

By the Commission:

Applicant, Don Wyatt, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from pits and supply points within the State of Colorado to construction jobs within a radius of fifty miles thereof.

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 or notice of 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 Don Wyatt, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from pits and supply points within the State of Colorado to construction jobs within a radius of fifty miles thereof.

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. O'Brien

W. C. Danks

William S. Wilson
Commissioners

Dated at Denver, Colorado,
this 20th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
JOHN MANGINI, 4000 NAVAJO STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4588-PP

May 21, 1938

STATEMENT

By the Commission:

Applicant, John Mangini, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and dirt from pits and supply points within the State of Colorado to construction jobs within a radius of fifty miles thereof.

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 hear and has heard said matter upon the application and files herein, without formal setting or notice of hearing.

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

ORDER

IT IS THEREFORE ORDERED, That John Mangini, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and dirt from pits and supply points within the State of Colorado to construction jobs within a radius of fifty miles thereof.

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. O'Connell

W. C. Danks

Walter Simon
Commissioners

Dated at Denver, Colorado,
this 21st day of May, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE T. BETTS, 4154 BRYANT STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4587-PP

May 21, 1938

STATEMENT

By the Commission:

Applicant, George T. Betts, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from pits and supply points within a radius of fifty miles of Denver to road construction jobs in said area.

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 hear, and has heard, said matter upon the application and files herein, without formal setting or notice of hearing.

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

ORDER

IT IS THEREFORE ORDERED, That George T. Betts, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from pits and supply points within a radius of fifty miles of Denver to road construction jobs 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 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

William E. Gibson
Commissioners

Dated at Denver, Colorado,
this 21st day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF
W. E. BURNS, ORDWAY, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 4588-PP

May 21, 1938

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 alfalfa hay from farms within a radius of twenty-five miles of Ordway to Denver Alfalfa Milling Company Plants at Ordway, King Center, Fowler and Charaw.

Inasmuch as the motor vehicle common carriers operating in the area proposed to be served by applicant, at a number of hearings held in Las Animas on May 6, 1938, upon applications for similar authority, indicated that they have no objection to the granting of permits, limited to service of the character here sought to be performed, the Commission determined to hear, and has heard, said application, forthwith, without formal setting or notice of hearing, upon the records and files herein.

After careful consideration of said application and our records and files, the Commission is of the opinion, and finds, that said application, as limited, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That W. E. Burns, Ordway, 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 alfalfa hay, only, from farms within a radius of twenty-five miles of Ordway to Denver

Alfalfa Milling Company Plants at Ordway, King Center, Fowler and Cheraw.

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. Dineen
W. C. Danks

Malcolm E. Eason
Commissioners

Dated at Denver, Colorado,
this 21st day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
GERALD R. KRUSE, 536 SOUTH LINCOLN)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 4589-PP

May 21, 1938

S T A T E M E N T

By the Commission:

Applicant, Gerald R. Kruse, herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from pits and supply points within a radius of fifty miles of Denver to construction jobs in said area.

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 or notice of hearing.

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

O R D E R

IT IS THEREFORE ORDERED, That Gerald R. Kruse, Denver, Colorado, should be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel from pits and supply points within a radius of fifty miles of Denver to construction jobs 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 W. Danks

W. E. Danks

Walter S. Wilson

Commissioners

Dated at Denver, Colorado,
this 21st day of May, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF S. KURIYAMA, ORDWAY, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)

APPLICATION NO. 4340-PP

May 20, 1938.

Appearances: A. J. Fregeau, Denver, Colorado,
for Allumbaugh and Williams,
Jackson Transfer and Weicker
Transportation Company;
Marion F. Jones, Esq., Denver,
Colorado, for The Colorado Truck-
ing Association.

S T A T E M E N T

By the Commission:

The above styled application was regularly set for hearing at Las Animas, Colorado, on May 6, 1938, at 10:00 o'clock A. M., due notice of said setting being given to applicant.

Notwithstanding such setting and notice, said applicant failed to appear.

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 should be dismissed for lack of prosecution.

O R D E R

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eduard E. Jones
W. C. Danks
William E. Givens
Commissioners

Dated at Denver, Colorado,
this 20th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF FRED W. HINTZ, TRINIDAD, COLORADO,)
FOR AN EXTENSION OF HIS PRIVATE PER-)
MIT NO. B-1973.)

APPLICATION NO. 3716-PP-B

* * * * *
May 9, 1938.
* * * * *

Appearances: J. N. Mabry, Esq., Trinidad, Colorado,
for applicant;
Marion F. Jones, Esq., Denver, Colorado,
for Colorado Trucking Association,
Harry Warner and Jim's Truck Line.
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company and
Weicker Transfer and Storage Com-
pany, and Couey Transfer & Storage Co.

S T A T E M E N T

By the Commission:

On January 20, 1937, Decision No. 9309, Fred W. Hintz was au-
thorized to operate as a Class "B" private carrier by motor vehicle for
hire for the transportation of coal from mines in Huerfano and Las
Animas Counties and the Pike View Mine to Pueblo, Rocky Ford and Trinidad,
and the transportation of sand from sand pits located between Pueblo and
La Junta, along the Arkansas River, to points in Las Animas County.

Said Hintz now seeks authority to extend said operations to
include the right to transport (a) coal from coal mines in Las Animas
County to all points in the State of Colorado, and from railheads in the
State of Colorado for Bear Canon Fuel Company, only, to Civilian Conserva-
tion Camps in said State; (b) cement from Portland and lime from Manitou
or Pueblo to Trinidad, and to construction jobs in Las Animas County; (c)
mine props from timber camps near Alma to coal mines in El Paso and Las
Animas Counties.

There was no objection to the granting of the extension, as limited.

After a careful consideration of the record, the pecuniary responsibility and operating ability of applicant being established to the satisfaction of the Commission, 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 F. W. Hintz, in Decision No. 9309, to operate as a Class "B" private carrier by motor vehicle for hire, should be, and hereby is, extended to include in addition to authority heretofore granted, the right to transport: (a) coal from coal mines in Las Animas County to all points in the State of Colorado, and from railheads in the State of Colorado for Bear Canon Fuel Company, only, to Civilian Conservation Camps in said State; (b) cement from Portland and lime from Manitou or Pueblo to Trinidad, and to construction jobs in Las Animas County; (c) mine props from timber camps near Alma to coal mines in El Paso and Las Animas Counties.

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

Eugene V. Winters
W. C. Danks
William E. Wilson
Commissioners

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

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
R. W. DANA, FORT LUPTON, COLORADO,)
FOR AN EXTENSION OF HIS PRIVATE PER-)
MIT NO. B-1981.)

APPLICATION NO. 4025-PP-B

May 21, 1938.

Appearances: R. W. Dana, Fort Lupton, Colorado,
pro se;
Zane D. Bohrer, Esq., Denver, Colo-
rado, for The Motor Truck Common
Carriers Association, McKie
Transfer, Denver-Loveland Express,
Inter-City Truck Line, Fuller Truck
Line, Schmitt-Arvada Transfer, Fos-
ter Truck Line, Swena Transfer,
Milliken-Johnstown Truck Line, Over-
land Motor Express, Denver-Byers
Truck Line, Tony Parachini;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company and
Weicker Transfer and Storage Co.;
Marion F. Jones, Esq., Denver, Colo-
rado, for L. C. Kent, William Stuart,
The Colorado Trucking Association,
Gordon Auld, Edward Brooks, Ralph
Senseney, Vern Crandall, J. B. Tague,
Lyons and Thompson, Harry Mattison,
Anderson Transportation Company,
Golden Transfer, E. J. Rossner,
Ethel Sorenson, William Boze, Thomas
West, Norman Rhyno, Yockey Trucking
Service, Fred Funk, Tiller Cash Coal
and Feed, Harry Flanders, Thomas
Haugen.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, applicant
seeks to extend the authority heretofore granted in Decision No. 10407, to
include the right to haul hay and grain from point to point within a radius
of fifty miles of Fort Lupton, and household goods, including farm machinery
and equipment, from point to point in said area.

Applicant stated that he did not know the number of carriers now operating in said territory sought to be served by him, or the amount of service available therein; that he did not know what effect his proposed service might have on their respective operations, and admitted that the granting of the extension sought might impair the service of said carriers.

Inasmuch as the Private Carrier Act provides (Section 3, Chapter 120, Session Laws of 1931, as amended) that:

"No application for permit, nor for any extension, or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes,"

and applicant failed to offer any testimony relative to the effect of the proposed operation upon existing common carrier motor vehicle services now serving the territory sought to be served by him, the Commission is of the opinion, and finds, 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

Edward D. O'Connell

W. C. Danks

Wm. E. Emerson
Commissioners

Dated at Denver, Colorado,
this 21st day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ARTHUR BAWDEN, doing business as
ARTHUR TAXI & SIGHTSEEING SERVICE:
CHARLES W. DAVIS, doing business as
DAVIS SIGHTSEEING SERVICE; J. P.
FREELINGER, doing business as PREMIER
SIGHTSEEING COMPANY; THE ARGONAUT
GARAGES, INC., a Corporation; THE BURKE
TAXICAB LINE, INC., a Corporation;
FRANK D. BARCROFT AND EDITH A. BARCROFT,
Co-Partners, doing business as BROWN AND
WHITE CAB COMPANY; THE COLORADO CAB COMPANY,
a Corporation; MICHAEL P. MASTERSON, DOING
BUSINESS AS THE MASTERSON AUTO SERVICE
COMPANY: C. W. WHITNEY, doing business as
WHITNEY SIGHTSEEING COMPANY; JOHN R. BEARD,
DOING BUSINESS AS BEARD TAXI SERVICE; and
CHARLES P. FALLICO AND AMELIO FALLICO,
co-partners, doing business as FALLICO
AUTO LIVERY,

Complainants,

vs.

FRANK S. SNELL, JR., and JOSEPH G.
SHABOUH, co-partners, doing business
as PIKES PEAK AUTO LIVERY,

Respondents.

CASE NO. 4698

May 20, 1938.

Appearances: Worth Allen, Esq., Denver, Colorado,
for Complainants;
Conour and Conour, Denver, Colorado,
for Respondents.

S T A T E M E N T

By the Commission:

On April 16, 1938, written complaint was filed herein, seeking to cancel and revoke the certificate of public convenience and necessity heretofore issued to respondents on the ground that same had been abandoned and forfeited. Thereafter, on April 29, 1938, a motion was filed by respondents seeking to dismiss said complaint upon the ground that same did not allege facts sufficient to entitle the complainants to the relief sought, in that said complaint fails to properly state any facts showing an abandonment of service

on the part of respondents.

In addition to the motion to dismiss, it is requested that in the event the Commission denies the motion to dismiss, certain paragraphs and parts of paragraphs of said complaint be stricken on the ground that the same are irrelevant and immaterial.

The complaint as filed contains recitals to the effect that complainants are engaged in conducting sightseeing operations by automobile to the various scenic points in Colorado under authority of the Commission. Further allegations are made concerning a certain application that was filed with the Commission, No. 885-AA, wherein respondents sought authority from the Commission to transfer that portion of their certificate of public convenience and necessity covering the transportation of sightseeing passengers between Denver and Pikes Peak and return.

It appears from said complaint that said application was filed with the Commission on August 3, 1936, and was not finally disposed of until May 10, 1937, when, upon motion of applicants, the case was dismissed without prejudice.

It is further alleged in paragraphs 5 and 6 of said complaint, that in August 1937, a number of the complainants in the instant case appeared before the Chairman of the Commission for the purpose of stating that it was their contention in the transfer case that said certificate had been forfeited and that due to the various continuances in the application to transfer, they had been unable to get the question of the abandonment and forfeiture of the certificate adjudicated, and that if same was not to be done in the transfer proceeding, they desired to take some action to secure a trial of this question. Other allegations are to the effect that they were advised there would be no hearing upon the question of the abandonment of the certificate during the summer sightseeing season, as per the custom of the Commission.

The only allegation of abandonment contained in the complaint is found in Paragraph 4, which reads as follows:

"Prior to the time of filing said application for authority to transfer respondents ceased any substantial efforts to operate under said certificate, abandoned and forfeited their operations from Denver, and their right to conduct the same, if they ever in good faith operated or attempted to operate under said certificate."

We are asked to strike this paragraph on the ground that the allegations therein contained constitute a mere conclusion of fact wholly unsupported by any well pleaded facts.

We do not believe that strict construction of pleadings is essential before regulatory bodies and, as provided in Section 38 of the Public Utilities Act, C. L. 1921, 2947, the Commission is not bound by the technical rules of evidence nor any informality in proceedings pending before us. Section 4 of the complaint does make the allegation that the certificate referred to had been abandoned and forfeited insofar as operations from Denver were concerned. It is true that no supporting facts are pleaded, but we are of the opinion that it is not necessary for a complainant to plead his evidence and under the general allegation of abandonment and forfeiture, any material evidence tending to prove said facts would be admissible.

As to paragraphs 5 and 6 of said complaint, the Commission is unable to determine any materiality of the allegations therein contained, and we believe the motion to strike the same should be sustained.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the motion to dismiss said complaint should be overruled and that motion to strike paragraphs 5 and 6 of said complaint should be sustained, and the question of the abandonment and forfeiture of said certificate should be set down for hearing before the Commission in its Hearing Room in Denver, on the 7th day of June, 1938, at the hour of 11:00 o'clock A. M.

O R D E R

IT IS THEREFORE ORDERED, That the motion to dismiss said complaint be, and the same is hereby denied.

IT IS FURTHER ORDERED, That the motion to strike paragraphs 5 and 6 of said complaint be, and the same is hereby granted, and said paragraphs are ordered stricken from the complaint filed herein.

IT IS FURTHER ORDERED, That said complaint be, and the same

is hereby, set down for hearing before the Commission in its Hearing Room,
330 State Office Building, Denver, Colorado, on June 7, 1938, at the hour
of 11:00 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. C. Danks

Malcolm Sisson
Commissioners.

Dated at Denver, Colorado,
this 20th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF CARL MILLER, DENVER, COLORADO,)
FOR AN EXTENSION OF HIS PRIVATE)
PERMIT NO. B-1791 TO INCLUDE THE)
TRANSPORTATION OF TUNNEL MATERIAL)
AND EQUIPMENT, STEEL RAILS, RIBS,)
AND VENT PIPES FROM DENVER RAILROAD)
DEPOT AND CONTRACTOR'S YARD, 52nd)
AND WASHINGTON TO WILLIAMS FORK)
TUNNEL, EIGHT MILES WEST OF EMPIRE,)
COLORADO, AND RETURN.)

APPLICATION NO. 5128-PP-B

May 21, 1938.

Appearances: B. A. Gates, Esq., E. & C. Building,
Denver, Colorado, for applicant;
Conour and Conour, Denver, Colorado,
for Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Gurnow Transfer and
Livery Company;
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 application was set for hearing on May 3, 1938. The applicant failed to appear, whereupon protestants moved that the application be dismissed for lack of prosecution, which motion was taken under advisement.

On May 4, 1938, the Commission received the following communication:

"May 4th, 1938.

"Public Utilities Commission,
State Office Building,
Denver, Colorado.

"Gentlemen:

"Thru some unexplainable but, I believe, wholly honest mistake my client, Carl Miller, got it into his head that his hearing was set for this morning and accordingly made his plans and we were at your offices this morning ready for the hearing. He retained me over the telephone and I had not seen the enclosed Notice until this morning. I then discovered the Notice was for yesterday morning and called it to his attention. Mr. Miller was almost dumb-founded and could not possibly explain his mistake except that it was purely a mistake. I am certain it was not an intentional failure to appear May 3rd because as a matter of fact it would have been much more convenient for him to have been off work yesterday than today.

"Under the circumstances I respectfully request the Commission to set another date and grant him a hearing at your early convenience. I assure you there will be no mistake about it the next time.

"Thanking you kindly, I am

"Very truly yours,

(Signed) B. A. Gates.

G/s

"B. A. Gates."

After a careful consideration of the foregoing record and the communication as set forth, the Commission is of the opinion and finds that the motion interposed by protestants should be denied and the application for an extension set for hearing.

O R D E R

IT IS THEREFORE ORDERED, That protestants' motion to dismiss be, and hereby is denied, and that application No. 3128-PP-B be and the same is hereby set for hearing before the Commission on the 8th day of June, 1938, at 10:00 o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dineen

W. C. Dankes

Arthur E. Dineen

Commissioners.

Dated at Denver, Colorado,
this 21st day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF J. L. McCARTHY, CENTRAL CITY,
COLORADO, FOR AN EXTENSION OF HIS
PERMIT NO. B-2098 TO INCLUDE THE
TRANSPORTATION OF TIMBER, ORE,
LIVESTOCK, MINING MACHINERY, JUNK,
SCRAP IRON AND SUPPLIES AS AT
PRESENT AUTHORIZED; PLUS BUILDING
MATERIAL AND FEED, IN THE AREA NOW
AUTHORIZED WITH AN EXTENSION TO A
FIFTY-MILE RADIUS OF CENTRAL CITY
OR TO INCLUDE DENVER AND BOULDER,
COLORADO.

APPLICATION NO. 4232-PP-B

May 23, 1938.

Appearances: Conour and Conour, Esqs., Denver, Colorado,
for Weicker Transportation Company and
Colorado Rapid Transit;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Associa-
tion, Curnow Transfer and Livery Company,
Overland Motor Express, McKie Transfer
Company, Grand County Transportation Com-
pany, Fuller Truck Line, Foster Truck
Line, Swena Transfer Company, Castle Rock
Transportation Company, Windecker Brothers
Truck Line and Schmitt-Arvada Transfer
Company;
J. G. Woods, Denver, Colorado, for Gallagher
Transportation Company;
Marion F. Jones, Esq., Denver, Colorado, for
The Colorado Trucking Association, Norman
Rhyno, Yockey Trucking Company, et al;
H. H. Drumright, Central City, Colorado,
pro se.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing pursuant
to notice, the applicant not appearing.

Protestants joined in a motion that the application be dismissed
for lack of prosecution, and that the temporary authority granted him be re-
called and the applicant required to stop operation, which motion was taken
under advisement.

The Commission is now in receipt of information verified by E. L. Reilly, Law Enforcement Officer, that the applicant was on his way to attend the hearing when a snowstorm overtook him. He was forced off the road and was unable to reach Denver until late in the afternoon; and requests that another date for hearing be given.

After careful consideration of the record the Commission is of the opinion and finds that the motion to dismiss should be denied and this application for an extension should be again set for hearing.

ORDER

IT IS THEREFORE ORDERED, That protestants' motion to dismiss be, and the same is hereby, denied, and that Application No. 4232-PP-B be, and the same is hereby, set for hearing before the Commission on the 8th day of June, 1958, at 10:00 o'clock A. M., at 550 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund T. Danner

W. C. Danks

Walter H. Hinson
Commissioners

Dated at Denver, Colorado,
this 25rd day of May, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY ROBERTSON, DOING BUSINESS AS)
THE NORTH EASTERN FREIGHT COMPANY,)
AND NORTH EASTERN MOTOR FREIGHT,)
INC., FOR APPROVAL OF ENCUMBRANCE)
OF CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NO. 707, FROM ROBERT-)
SON TO NORTH EASTERN MOTOR FREIGHT,)
INC.)

APPLICATION NO. 2093-AA

May 23, 1938.

Appearances: Conour and Conour, Denver, Colorado,
for applicants.

S T A T E M E N T

By the Commission:

On June 5, 1933, in Application No. 2093, Decision No. 5048, this Commission granted a certificate of public convenience and necessity to North Eastern Motor Freight, Inc., a corporation. On April 30, 1934, in Application No. 2093-A, Decision No. 5729, the Commission authorized a transfer of said certificate to one Roy J. Robertson.

Said Roy J. Robertson and said North Eastern Motor Freight, Inc., a corporation, on April 18, 1938, filed their petition with the Commission, asking that said Robertson be authorized by the Commission to mortgage said certificate to North Eastern Motor Freight, Inc., to secure payment of his promissory note in the principal sum of \$1,057.24, dated April 1, 1938, bearing interest at the rate of six per cent per annum, payable in twenty-four equal monthly installments, commencing May 1, 1938, and continuing until fully paid, said mortgage agreement theretofore having been executed by said Roy J. Robertson, copies thereof having been filed with and made a part of said application.

It further appears from said petition that said indebtedness represents a part of the unpaid purchase price of said certificate.

After a careful consideration of the record, the Commission is of

the opinion, and finds, that said petition should be granted.

O R D E R

IT IS THEREFORE ORDERED, That said Roy J. Robertson should be, and he hereby is, authorized to mortgage said certificate of public convenience and necessity No. 707, granted on June 5, 1933, in Application No. 2093, Decision No. 5048, to North Eastern Motor Freight, Inc., to secure payment of the note mentioned in said petition in the principal sum of \$1,057.24, with interest, and that the mortgage agreement purported to have been executed by said Roy J. Robertson on April 1, 1938, be, and the same is hereby, approved.

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 May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JACOB J. SCHAEFER FOR AN EXTENSION)
OF CERTIFICATE NO. 432.)

APPLICATION NO. 1446-BB

May 23, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for applicant;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and Storage
Company and Weicker Transportation
Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for Inter-City Truck Line, The Motor
Truck Common Carriers Association,
Colorado Transfer and Warehousemen's
Association and Milliken-Johnstown
Truck Line.

S T A T E M E N T

By the Commission:

In Application No. 1446, Jacob J. Schaefer was authorized to operate as a motor vehicle carrier for the transportation, on call and demand, of live stock to Denver from the territory located within a radius of fifteen miles of Windsor, Colorado.

On November 7, 1936, Decision No. 8841, said authority was extended to include the right to transport livestock, on call and demand, between points within a radius of twenty-five miles of Windsor, to and from points within said area, to and from points in the State of Colorado.

Said Schaefer now seeks an extension of his authority to include the right, as limited by the testimony offered at the hearing, to transport farm produce, farm supplies and equipment between points within a radius of twenty-five miles of Windsor, and from and to points in said area to and from points in the State of Colorado, except that no authority is sought to transport farm machinery, farm equipment and farm supplies, including household goods, from Greeley and points within a radius of five miles thereof, or from Denver, to points authorized to be served under this extension, or to transport said

commodities to and from points to be served under this extension from and to Johnstown and Milliken, and further eliminating all transportation service in competition with service of scheduled line haul motor vehicle common carriers.

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

The evidence disclosed that Mr. Schaeffer has been engaged in transportation service by motor vehicle for a period of approximately twenty years; that he had adequate equipment, including a semi-trailer with stock rack, and other trucks, of the value of \$3,500.00, which he proposes to use in his extended operations under P.U.C. No. 432; that he has received numerous requests to furnish service for which he seeks authority, and that the public convenience and necessity requires the granting thereof.

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

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed extended motor vehicle call and demand common carrier service of applicant for the transportation of farm produce, farm supplies and equipment between points within a radius of twenty-five miles of Windsor, and from and to points in said area, to and from points in the State of Colorado, except that no authority is granted to transport farm machinery, farm equipment and farm supplies, including household goods, from Greeley and points within a radius of five miles thereof, or from Denver, to points authorized to be served under this extension, or to transport said commodities to and from points to be served under this extension from and to Johnstown and Milliken, and further eliminating all transportation service in competition with service of scheduled line haul motor vehicle common 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 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 J. Dineen

W. L. Danks

Malcolm E. Eason
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WILLIAM E. RICHARDS, BOULDER,)
COLORADO, FOR A CLASS "A" PERMIT)
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE IN THE)
TRANSPORTATION OF GROCERIES AND)
FRESH MILK IN CONNECTION WITH MAIL)
ROUTE FROM BOULDER, COLORADO, TO)
GOLD HILL, COLORADO.)

APPLICATION NO. 4559-PP

May 24, 1938.

Appearances: P. M. Bunzel, Gold Hill, Colorado,
for applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association 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:

The instant application is for authority to transport groceries and fresh milk in connection with a mail route from Boulder, Colorado, to Gold Hill, Colorado.

It appeared from the testimony given at the hearing that the applicant, William E. Richards, has a Government mail contract, making daily trips between Boulder and Gold Hill, and that in connection with this mail service is in a position to transport groceries, meats and milk from Boulder to the stores at Gold Hill; that this is an emergency service, and inasmuch as there is no line haul carrier operating between these two points, the applicant requests this authority in order to be of service to the residents of Gold Hill and particularly the two stores; that these shipments might average one hundred pounds a day or around five hundred pounds a week, and that he could take care of this specialized service in connection with his mail route without much inconvenience.

There was no objection to the granting of this authority.

After careful consideration of the record and the testimony, the

Commission is of the opinion and finds that the authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That William E. Richards of Boulder, 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 groceries, dairy products, meat, and packing house products, between Boulder, Colorado, and Gold Hill, Colorado, for customers residing at Gold Hill.

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
William F. Lindner
Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1938.

At a General Session of The Public Utilities Commission of the State of Colorado, held at its Office in Denver, Colorado, May 23, 1938.

INVESTIGATION AND SUSPENSION DOCKET NO. 226

IT APPEARING, That on April 11, 1938, The Pure Springs Water Company, by its President, filed an application with the Commission to increase its water rate from 25 cents per thousand gallons to 45 cents to the Town of Fowler, Colorado, and to retain same minimum of 30,000 gallons per day to be paid for whether used or not, and to decrease its maximum daily requirement from 50,000 gallons to 35,000 gallons for said town. The Company also desires water deliveries to be made in accordance with new rules provided with new rate schedule.

IT APPEARING FURTHER, That on May 9, 1938, the Town of Fowler, by its Mayor, filed an answer and protest to the aforesaid application, alleging that the proposed new rate of 45 cents per thousand gallons is believed to be excessive, unfair as to investment of equipment used in service, unfair as compared with charges made to more distant communities, and excessive and unfair as compared with the present rate. The minimum amount of daily supply of water and the maximum amount that may be required in one day, is also protested. In brief, a general protest is made to all the terms of the application.

IT APPEARING FURTHER, That the Commission finds that the proposed change in rates and quantities of water to be delivered or required daily for the Town of Fowler might injuriously affect the rights and interests of said protestant and others that might be concerned;

IT IS THEREFORE ORDERED, That the effective date of the proposed new schedule of water rates, rules and regulations for the water to be sold by said The Pure Springs Water Company to the Town of Fowler, Colorado, be suspended one hundred and twenty days from June 1, 1938, or until September 28, 1938, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed change in water rates,

quantities of water to be required or delivered, and new rules and regulations of the said The Pure Springs Water Company for the water sold to the Town of Fowler be made a subject of investigation and determination by the Commission within said period of suspension, or such further time as the same may be lawfully suspended.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid application for change in rates and quantities of water to be delivered or required by said applicant for water sold to the Town of Fowler, and copies hereof to be forthwith served on Mr. D. P. McLaren, President of The Pure Springs Water Company, Fowler, Colorado, the applicant, and on Hon. Wayne Inman, Mayor of the Town of Fowler, Colorado, protestant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dancy

W. C. Danks

Malcolm E. Quinn
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF JAMES A. SCHAEFFER, DOING BUSI-)
NESS AS SCHAEFFER TRUCK LINE, FOR)
AUTHORITY TO ENCUMBER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
NO. 1195.)

APPLICATION NO. 4322-

May 24, 1938.

S T A T E M E N T

By the Commission:

On April 13, 1938, J. A. Schaeffer represented to the Commission that he had executed a mortgage, transferring to the Gately Motor Company, a corporation, his certificate of public convenience and necessity, heretofore granted to him in Application No. 4322, being Certificate No. 1195, as security for the payment of the sum of \$693.46.

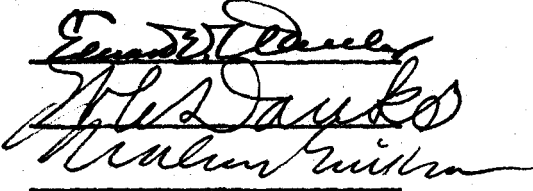
Mr. Schaeffer now presents a copy of the chattel mortgage, the original of which is filed with the Clerk and Recorder of the City and County of Denver, and requests that this action on his part be approved by the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That the chattel mortgage executed on March 14, 1938, by J. A. Schaeffer, transferring his Certificate No. 1195 to the Gately Motor Company, a corporation, to secure the payment of \$693.46, be, and the same hereby is approved.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 24th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. W. CARLISLE, doing business as)
EMPIRE TRUCK LINE, PRIVATE PER-)
MITS A-399 and A-804.)

CASE NO. 4680

May 25, 1938.

Appearances: Worth Allen, Esq., Denver, Colorado,
for the respondent;
J. J. Patterson, Esq., Denver, Colo-
rado, for the Commission;
R. E. Conour, Esq., Denver, Colorado,
for Weicker Transportation Com-
pany, Intervener;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Car-
riers' Association.

S T A T E M E N T

By the Commission:

The complainant herein charges that the respondent, W. J. Carlisle, as owner of Permit A-399, and alleged lessee of Permit A-804 has been conducting a consolidated motor vehicle operation under these combined authorities, and during the period November 1 to December 15, 1937, accepted, transported and delivered numerous freight shipments at and for rates and charges lower than the rates and charges prescribed by the Commission; that during the same period the respondent enlarged and extended his operations under said permits by transporting freight from and to points not included within his authority as granted, and not in accordance with the provisions of Permit A-399; that the respondent has not kept on file proper lists of his customers, and in violation of the rules of the Commission has transported freight for persons and corporations not listed as his customers; that he has failed to issue proper bills of lading, itemizing and describing the commodities transported by him; and that the respondent has interlined shipments of freight with the Gallagher Transfer and Storage Company of

Denver, in violation of the rules and regulations of the Commission and at the same time charged rates lower than those prescribed by the Commission in the conduct of his operations under Permit A-804.

Permit A-399 issued September 26, 1932 reads as follows:

"From Pueblo to Beulah via U.S. 50 and Colo. 39."

"On July 31, 1933, this authority was extended to read:

"Between Pueblo and Trinidad and intermediate points via U.S. 85, and between Pueblo and Canon City and intermediate points via U.S. 50."

On March 4, 1935, a further extension was granted, reading:

"Transportation of newspapers, motion picture films, liquors and automobile parts, between Pueblo and Del Norte and intermediate points, and between Pueblo and Salida and intermediate points."

Permit A-804 issued August 8, 1934 reads as follows:

"Between Pueblo and Colo.-Kan. state line and intermediate points via U.S. 50.

"Between Pueblo and Eads, Colorado and intermediate points via Colo. 96.

"Between Kit Carson and Pritchett, Colo. and intermediate points via Colo. 100 and Colo. 59.

"Between Las Animas and Pritchett, Colo. and intermediate points."

In support of this complaint Exhibit 1, being the report of O. E. Mayer, Assistant Rate Expert for the Commission, Exhibit 2 which is an Abstract of bills of lading covering shipments for the period of time mentioned herein, and exhibit 3 being bills of lading and expense bills made out by the respondent, were introduced. Exhibit 1:

"January 12, 1938

"MEMORANDUM: To the Commission

"FROM: Oscar E. Mayer

"SUBJECT: Investigation of Rates of the Empire Truck Line, Permit A-399, for the period November 1937 to December 15, 1937.

"Pursuant to instructions of J. J. Patterson I have made an investigation of the rates of The Empire Truck Line, Permit A-399 for the period November, 1937 to December 15, 1937 and beg to report as follows:

"That the rates and charges as shown on the bills submitted are in most instances correct except in the case of shipments of the Nehi Bottling Company and the Walters Brewing Co., Pueblo, Colo., consigned to Jack Turner, Walsenburg, Colo., in which case shipments are moved at carriers' convenience over a period of time and later billed on one expense bill on the basis of the gross weight;

"Has transported shipments for various shippers or consignees other than those appearing on his customer list on file with the Commission;

"Has transported commodities other than those to which he is restricted;

"Does not make a return charge for empties but advises that the weight of empty containers is added to the outbound movement;

"On Ticket No. 10100 and No. 10114 on shipments from Loose-Wiles Company, does not qualify the nature of the commodity shipped or show name of consignee, but apparently acts in this capacity himself;

"Ticket Nos. 10089, 10141, 10149, 10156 and 10280 cover shipments originating at Rocky Ford, Colorado, and are consigned to the Gallagher Transfer Company, Denver, Colo. These shipments were all prepaid and charges were assessed on the basis of the through rate, but shipments were actually turned over to the Gallagher Transfer Company at Pueblo.

"The above numbered tickets were transported under his leased permit A-804.

"In a telephone conversation with the bookkeeper of the Gallagher Transfer Company on January 11th, 1938 was advised that the above shipments were destined to points beyond Denver, were rebilled at Denver and local rate assessed from Denver to destination.

"Respectfully submitted,

"OEM/
JH

(Signed) Oscar E. Mayer
Rate Clerk

"Attached find letter from the Walter Brewing Company showing dates and weights of shipments as shown on ticket numbers 10245 and 11616; also charges that should have been assessed on these shipments.

"Charges assessed on the Empire Truck Line bills were based on the gross weight of shipments at a rate of 15¢ per 100 pounds, instead of the rates prescribed on the individual shipments.

"Respectfully submitted,

(Signed) Oscar E. Mayer
Rate Clerk

"EMPIRE TRUCK LINE

A-399

"Commodities being transported other than those to which he is restricted.

15 cs. Eggs	Ticket No. 10271
1 Bx Drugs	" 10264 - 10263 - 10261 - 10260 -
	10189 - 10157 - 10129 - 10128 - 10127
Shoes	" 10251
Glassware	" 10215 - 10093
Shampoo	" 10206
Drugs and Chemicals	" 10191
Notions	" 10188 - 10184
Oil	" 10187
Insecticides	" 10180
Commodities	" 10101 - 10102 - 10103

"OEM/
JH

(Signed) Oscar E. Mayer
Rate Clerk

"EMPIRE TRUCK LINE

A-399

"The following shippers or consignees do not appear on the customer list on file with the Commission.

Fox Vliet Drug Co.	Pueblo	Ticket 10264
Riverside Drug Co.	Trinidad	" 10264
Aguilar Drug	Aguilar	" 10263
Occhiato Merc.	Pueblo	" 10252
Golden Grill		
Hillcrest Club	not shown	10252
Eagle Club	Trinidad	" 10258
Zooock Tire	Pueblo	" 10244
Army and Navy Store	Pueblo	" 10251
Katz Dept. Store	Walsenburg	" 10251
Hamilton Equipment		10215
Candyland	Trinidad	10209
Quality Liquor	Trinidad	10208
Opps Barber & Beauty Supply	Pueblo	10206
R. J. Stephens	Trinidad	10206
Walsenburg Liquor	Walsenburg	10199
City Pharmacy	Walsenburg	10197
Crown Drug	Florence	10193
Standard Oil Pueblo		10187
Quality Tire & Battery	Pueblo	10185
Int. San. Rafael Hospital	Trinidad	10157
Loose Wiles Co.	Pueblo	10114
Angelo Sismondo	Trinidad	10103
Nick Malouff	Trinidad	10102
Paul Nelson	Trinidad	10101
Tom Wainello	Trinidad	09901

"OEM-JH

(Signed) Oscar E. Mayer
Rate Clerk"

By stipulation all orders in our Rate Case No. 1585 were made part of the record.

On Bill #10245, the Walters Brewing Company shows approximately 100 more cases of beer than is shown on the Empire Truck billing. Carlisle testified that the weight as shown on bill #10245 and bill #11616 did not represent the actual weight of the shipments, but that Carlisle and Turner had agreed to addition of an amount equal to $33\frac{1}{3}$ per cent of the loaded movements to bill of lading covering loaded movement to take care of the rate charges on the returned empty containers. No bill of lading being made for the movement of empties. Moreover using weights of empty barrels as furnished by Walters Brewing of

1/2 barrels, 65 lbs. each and
1/4 barrels, 35 lbs. each, and our prescribed rate,

the net result would be as follows:

70 1/2 barrels, 65# each, 4500# at 12¢ cwt . . .	\$5.40
38 1/2 barrels, 65# " , 2470# " 14 1/2¢ " . . .	1.11
60 1/4 " , 35# " , 2100# " " " . . .	3.05
22 " " , 35# " , 770# " " " . . .	<u>1.12</u>

Total undercharge on empty returns. \$10.68, which with
total undercharge on loaded outbound movement 33.56 amounts to
\$44.24.

Obviously the testimony of Mr. Carlisle was in error as the records show no added weight was included on the outgoing loaded movement to cover return of empty containers. In any event the practice is not allowed under our order in 1585, as even a casual examination will disclose.

The record shows a service by Carlisle of some twenty-six consignors and consignees whose names do not appear on the respondent's customer list.

It further appeared that the respondent, on numerous occasions, transported commodities at least ten in number, not authorized under his permit, between Pueblo and Salida and handled a number of shipments from Rocky Ford to Denver on through, prepaid rates, said shipments apparently being delivered to and interlined with Gallagher Transfer Company at Pueblo.

The record also discloses many instances of improper classification of freight and undercharges on shipments forwarded under classified as

well as quantity rates. Also bills with classifications of freight that are not sufficient in description, as well as assessment of minimum charges less than those prescribed by the Commission, two minimum shipments frequently being placed on one bill and billed at one minimum. Respondent also seems to have made a practice of consolidating shipments from one or more consignors to a number of consignees and then billing on the basis of gross weight of aggregate, to the Empire Truck Company as a customer, it developing that said company is W. J. Carlisle dba Empire Truck Company. In other words, the consolidated shipment was billed to himself. Primary purpose seems to have been to make up a shipment apparently in excess of five thousand or ten thousand pounds or more, being the weight of aggregate of small shipments, and then illegally assess the rate on said shipment as one shipment instead of assessing class rates on each shipment. Also frequently he accepted a large shipment from one shipper which he failed to transport in one day, on one bill of lading, to one consignee, as required by our rules. The shipment was "broken up" and moved at carriers' convenience from day to day over a period of time, but billed at gross weight. The shipment should have moved as one shipment from one consignor to one consignee in one vehicle or combination, in one day, in order to assess rate charged, or each shipment treated as a separate transaction and so billed and the prescribed rate charged for same.

In attempted explanation of the foregoing, respondent testified that he had been operating as lessee under Permit No. A-804 since July, 1937, and prior to September 1, 1937 as a partner of Harry Russell operated Permit No. A-399, said A-399 operation since October 1937 being conducted by him alone, he having acquired Russell's interests therein; that he had not intended to haul any commodities off his authorized routes; that if the practice be considered interlining, he interlined freight at Pueblo with Gallagher only when he understood Gallagher had authority to serve both the point of origin and the point of destination, and thought that practice was O.K. His testimony disclosed a most unusual operating situation for,

obviously to avoid our rule prohibiting transportation of freight by a carrier on a weekly or flat basis, he claimed he had leased his equipment (although our records failed to disclose lease of either equipment or permit) to Gallagher (Permit No. A-464) who then paid him \$116.50 a week to operate the trucks to haul Gallagher's newspapers and films, he, Carlisle, at the same time, in the same equipment supposedly leased to Gallagher, hauling his A-804 freight and Gallagher's A-464 newspapers and freight, on rates and charges through or local rates depending upon origin or destination being on or off his line, said trucks being marked with his number A-399, the number of the leased operation A-804 and Gallagher's number A-464; that not being a Rate Expert, he had consulted Mr. Ellis of the Pueblo Chamber of Commerce as to rates that should be charged and had been informed by Mr. Ellis or someone in his office that he was at liberty to assess the rail rates and on that basis had assessed the rail rate of 15 cents on beer handled from Pueblo to Walsenburg for Jack Turner, although the rail rate is based on seventy thousand pound minimums and of course is not the rate we have prescribed for truck transportation in Case No. 1585; that he had been advised by Chairman Wheeler of the Utilities Commission that under his permit (and it so provides), he could haul anything from Pueblo to Trinidad and intermediate points and between Pueblo and Canon City and intermediate points, and that all hauls of beverages were to points on said routes, it not appearing from the records of the Commission that his statement in this ✓ respect is untrue; that aided by the information received from various sources, he had studied the rate orders of the Commission and tried to comply with the same and when informed by Mr. Mayer, Assistant Rate Expert of the Commission that many of his practices were in violation of the rules of the Commission, he had eliminated the objectionable features; that it was very likely that he had hauled for customers who were not listed by him, but thought all customers served had been listed by Harry Russell or Empire Truck Line (his predecessor in interest) or had been filed as additional names by himself; that on some occasions he had refused freight from some

shippers who sought his service when he knew their names were not on the list; that each month when he sent in his report for the month preceding, he listed the names of new customers and after the expiration of three days served them, assuming, receiving no advice from the Commission to the contrary, that they could be served by him (although our Private Carrier Rules and Regulations require listing of new customers, copies of contracts or memoranda thereof and formal approval by the Commission before service is rendered to such newly listed customers). All customers lists filed by the respondent or his predecessors were made a part of the record. A check thereof failed to disclose the names of the twenty-six or any of them.

It further appeared that when respondent assessed the rates prescribed by the Commission, after his conversation with Mr. Mayer, he lost a number of customers.

Nevertheless he claimed that at the time of the hearing he was assessing, to the best of his ability, the rates prescribed by the Commission, upon proper bills of lading showing freight classified as required by the Rules of the Commission; that he never knowingly charged a rate other than the right one and when in doubt called the Traffic Experts of the Pueblo Chamber of Commerce, with which he was affiliated, for information.

From his demeanor on the witness stand, and testimony, the Commission believes that Mr. Carlisle is an experienced and intelligent operator. If he had attacked our rate order and Rules and Regulations with the same energy that he went after business for the truck line, we believe that he would not have experienced any difficulty mastering them. Probably a great number of his violations of the law and our Rules and Regulations were due to ignorance, but the fact that he was ignorant, if he were, is not such an excuse as justifies the dismissal of the complaint, for the information he needed to stay within the law and our Rules and Regulations was available if he wanted it. Most carriers operating in this State seem to be able to avoid the pitfalls he blindly or otherwise encountered.

Admittedly, he knew that it was necessary to file customer lists with the Commission and secure approval of the lists and terms of contract, before he could serve the new customers. He listed some and carelessly and negligently failed to list others or indiscriminately accepted all shipments that were offered. He issued bills of lading and as a carrier knew or should have known our Rules and Regulations required that freight be described in the bill of lading, otherwise it would be impossible to assess rates based upon classification of the freight. Our Rule 21, Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire provides that every private carrier by motor vehicle shall issue, at the time of accepting shipment, a bill of lading in the form prescribed by the Commission, covering each shipment, which shall be itemized in a manner so as to fully and clearly show the description and classification of the shipment and the rate charged for transportation thereof. He knew that he could not interline freight with another company or between different operations owned by him for he had been so informed and so agreed, as disclosed by the records and files of the Commission, when Permit No. A-804 was leased to him. Besides, Rule 6 (b) of said Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire, provides;

"No private carrier by motor vehicle shall extend the route, territory or privileges authorized in his or its permit by transporting, accepting for transportation, or contracting to transport, any freight, shipment of freight, or passenger destined to a point not authorized to be served by such private carrier by motor vehicle, where the contract of transportation contemplates transportation over the lines of more than one carrier on through bill of lading and on joint through rates; except by special authority of the Commission."

He is charged with notice of Rule 13 of our Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire:

"All permit holders shall either own their motor vehicles operated under their permits (proprietary control being deemed ownership), or lease such equipment for a specified amount on a term basis. Leasing of equipment shall not include the service of a driver or operator. Employment of drivers or operators shall be made on the basis of a contract by which the driver or operator shall bear the relationship of an employee to the carrier. The leas-

ing of equipment or employing of drivers with compensation on a percentage basis dependent on gross receipts per trip, or for any period of time, is prohibited. Leases of equipment shall be in writing and copies of such leases shall be filed with the department."

If he leased his equipment to Gallagher, copy of the lease should have been filed with the Commission. If such lease was in writing copy was not offered at the hearing and was not on file. After the purported lease of equipment, he or one of his drivers drove the truck and he received \$116.50 weekly by way of compensation. We are not impressed with his explanation of this transaction. We presume he wants us upon the record to find that this sum was rent for use of truck. Apparently the arrangement was a mere cartage contract whereby he transported Gallagher newspapers and films, at least, and possibly other freight (remuneration therefor not clearly appearing in the record) for Gallagher, for a flat sum, which is absolutely prohibited by our Rules and Regulations. This is borne out by the fact that he operated the trucks, continued to carry the insurance thereon in his name, filed the reports with the Commission, furnished the drivers, handled his A-399 and A-804 freight in the same equipment and made the reports in his, not Gallagher's, name, the trucks being marked with the three permit numbers, A-399, A-804 and A-464.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that J. W. Carlisle, doing business as Empire Truck Line, operating under Permits A-399 and A-804 has been guilty of the violations of the rules and regulations of the Commission, as well as the rate order of the Commission as set forth in the above record, and that his private permit A-399 should be suspended for a period of thirty days, his lease of Permit A-804 cancelled, respondent be required to collect undercharges, and the respondent be ordered to cease and desist operations under Permits A-804 and A-464, effective June 15, 1938.

O R D E R

IT IS THEREFORE ORDERED, That Permit A-399 be and the same hereby is suspended for a period of thirty days beginning June 15th, 1938, respondent

be and he hereby is ordered to collect undercharges in the amount of \$44.24 on account of beer and return of containers, on account of the violations as above set forth, committed by the holder thereof, J. W. Carlisle; and that our approval of lease of Permit A-804, to this respondent be and the same hereby is cancelled and rescinded and the respondent ordered to cease and desist from further operations under Permits A-804 and A-464.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel D. C. Jones
W. C. Danks
William E. Givon
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1938.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

ROBERT A. FRIEDMAN.

PERMIT NO. C-414

May 25, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Standard
Oil Company of Denver, Colo.
its
requesting that ~~his~~ Permit No. C-414 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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-414, heretofore issued
to Robert A. Friedman, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene V. Dineen
W. H. Danks
Allen S. Sison
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
I. H. Kouns, OF ROCKY FORD,)
COLORADO.)
.....)

PERMIT NO. C- 820

.....
May 25, 1938
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Standard
Oil Company, of Denver, Colo.
requesting that ~~the~~ Permit No. C- 820 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. C-1052.

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- 820, heretofore issued
to I. H. Kouns, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker
W. H. Banks
W. H. Banks

Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. R. ANDERSON, OF FT. LUPTON,)
COLORADO.)
.....)

PERMIT NO. C-1035

.....
May 25, 1938
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Standard
Oil Company of Denver Colorado,
requesting that ~~that~~ Permit No. C-..... 1035 be cancelled
for the reason that said agent will operate under Standard Oil Company
Permit No. 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-..... 1035 heretofore issued
to L. R. Anderson, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

.....
.....
.....
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

J. O. BEADLE, OF LONGMONT,)
COLORADO.)
)
)
)

PERMIT NO. C-1056

May 25, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Co. of Denver, Colorado

requesting that ~~the~~ Permit No. C-1056 be cancelled,

for the reason that said agent will operate under Standard Oil Company
Permit No. C-1052.

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-1056, heretofore issued
to J. O. Beadle, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Deneen
W. C. Danks
W. A. Simon
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

J. W. DAVIS, OF CRAIG, COLO.)
)
)
)
.....)

PERMIT NO. C- 1040

.....
May 25, 1938
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from t he Standard
Oil Company of Denver, Colorado,
.....

requesting that ~~his~~ Permit No. C- 1040 be cancelled .

for the reason that said agent will operate under Standard Oil Company
Permit No. C-1052.

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- 1040, heretofore issued
to J.W. Davis, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks
McDauks
Walter E. Eason
.....
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
O. J. EBRIGHT, OF EADS, COLO.)
)
)
.....)

PERMIT NO. C- 1041

.....
May 25, 1938
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Standard
Oil Company of Denver, Colorado,
requesting that ~~its~~ Permit No. C- 1041 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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- 1041, heretofore issued
to O. J. Ebright, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene W. Wheeler
W. E. Danks
Walter Zuercher
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. L. HERBERT, OF 1624 NO.)
EL PASO, COLORADO SPRINGS, COLO.)
_____)
_____)

PERMIT NO. C-1046

May 25, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Standard
Oil Company of Denver, Colorado,
requesting that his Permit No. C-1046 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. C-1052.

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-1046, heretofore issued
to F. L. Herbert, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks
W. C. Danks
W. C. Danks
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. L. HILL, OF TRINIDAD, COLO.)
)
)
.....)

PERMIT NO. C- 1047

May 25, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, d Colorado
requesting that his Permit No. C- 1047 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. C-1052.

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- 1047
to A. L. Hill, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene W. O'Connell
W. L. Danks
Wm. E. Simon
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ROY MERRIFIELD, OF BUENA VISTA,) COLO.
)
)

PERMIT NO. C-1049

May 25, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Standard
Oil Company of Denver, Colorado,
requesting that his Permit No. C-1049 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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-1049, heretofore issued
to Roy Merrifield, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Decker
W. C. Parks
W. E. Eason
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

RAY C. MIELL, HOLYOKE, COLO.)

PERMIT NO. C- 1050

May 25, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

Ray C. Miell

Holyoke

Colorado

of,

requesting that his Permit No. C-1050 be cancelled for the

reason that said agent will operate under Standard Oil Company Permit No.

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-1050, heretofore issued

to Ray C. Miell, be,

and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Decker
W. B. Smith
Wm. E. Eason
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 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 ONE CARLOAD OF) MISCELLANEOUS DOCKET NO. 99.
COAL, CONSIGNED TO THE DENVER COMMUNITY)
CHEST, DENVER, COLORADO.)

May 23, 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 May 18, 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 Denver 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 one carload of coal from Oak Hills, Colorado, to Denver, Colorado, consigned to the Denver Community Chest in care of the Moffat Coal Company, 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

Edward J. Dwyer

W. L. Danks

Walter E. Evers
Commissioners.

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

JH

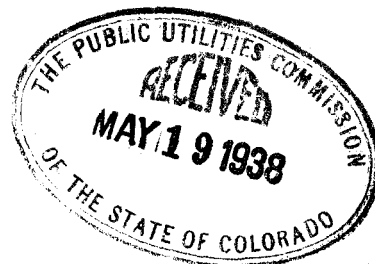
THE DENVER AND SALT LAKE RAILWAY CO.

OFFICE OF TRAFFIC MANAGER

DENVER, COLORADO

F. J. TONER
TRAFFIC MANAGER

May 18, 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 Community Chest Office Building and The Epworth Industries. This car 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 this car of coal free of charge from the mine 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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF R. P. WINGO, CRAIG, COLORADO,)
FOR AUTHORITY TO LEASE HIS PERMIT)
NO. A-824 TO DAVID P. CLOW, DOING)
BUSINESS AS THE MOFFAT COUNTY)
CREAMERY, CRAIG, COLORADO.)

APPLICATION NO. 4506-PP-A

May 25, 1938.

Appearances: Howard Roepnack, Esq., Equitable Bldg.,
Denver, Colorado, for applicants;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association;
Conour and Conour, Denver, Colorado,
for Larson Transportation Company and
Comet Motor Express Company;
J. H. Shepherd, Esq., Denver, Colorado,
for The Denver and Salt Lake Railway Company.

S T A T E M E N T

By the Commission:

The applicants herein seek approval of a lease of Private Permit No. A-824, so that David P. Clow and the Moffat County Creamery, a corporation, could conduct an operation under this authority now owned by R. P. Wingo. The lease is attached to the application. It appeared from the testimony given at the hearing that David P. Clow at one time had an authority from the Commission, but that the same was revoked May 9, 1934, which revocation order was made a part of the record; that the applicant then made an application for a common carrier certificate, being Application No. 2157, which was later denied by the Commission in Decision No. 5836, all of which was made a part of this record; that thereafter David P. Clow made a further application for an "A" permit which was denied by the Commission in Decision No. 6494; that since March, 1937, the Moffat County Creamery had been doing no "for-hire" service but had conducted its business under a "C" permit; that Permit No. A-824 had not been used much by the holder Wingo, and was idle a great deal of the time; that Wingo himself had not operated within the past year, and that W. E. Butler had attempted to operate under this lease during the past year by filing with the Commission a

purported lease which was in fact nothing more or less than a lease of his equipment to Wingo.

David P. Clow testified that he was not particularly interested in having the authority sought by this application granted; that he had in mind operating under his "C" permit and when he did not have a full return load of his own commodities, he would use A-824 to pick up the balance of the load for a customer or two in Craig.

The monthly reports filed by Wingo and Butler under Permit A-824 during the years 1937 and 1938 to date, were made a part of the record.

Inasmuch as there was at the time of this hearing a case pending against the owner of Permit A-824, the approval of this lease was held in abeyance until the case was disposed of.

Case No. 4697 has now been heard and a decision rendered thereon, cancelling and revoking Permit A-824.

Inasmuch as the abovementioned case cancels and revokes the authority herein sought to be leased, it is unnecessary to pass upon the merits of Application No. 4506-PP-A, there being no authority left for consideration.

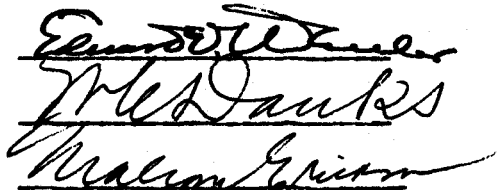
After careful consideration of the record, the Commission is of the opinion and finds that Application No. 4506-PP-A should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant application 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


Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE A. WHEELER, DURANGO,) CASE NO. 4706
COLORADO, PERMIT NO. A-841.)

May 25, 1938.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent heretofore became the holder of Private Permit No. A-841 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 respondent 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 1931, as amended, in the following particulars, to-wit:

1. That during the period from December 21, 1937, to January 10, 1938, said respondent accepted, transported, and delivered numerous C.O.D. shipments, and failed and neglected to remit to the consignors thereof the amounts collected therefor within five days after their delivery, or at all.
2. That said respondent has failed and neglected to file with this Commission monthly report of his operations for the month of April, 1938, and has failed and neglected to remit the full amount of highway compensation taxes now due and owing, covering his said operations.
3. That said respondent has failed and neglected to remit to this Commission the cash deposit required by the rules of this Commission in the amount requested of him.

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 provisions of the aforesaid statute, 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 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 suspending or revoking said permit heretofore issued to this respondent, because of the aforesaid violations of the provisions of said permit, of the statute, 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 it is hereby, set down for hearing before the Commission in the Court House in Durango, Colorado, at 9:30 o'clock A. M., on the 15th day of June, 1938, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Danks

W. L. Danks

William E. Givon
Commissioners.

Dated at Denver, Colorado,
this 25th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

WEICKER TRANSPORTATION COMPANY,)
A Corporation,)

Complainant,)

vs.)

L. B. VAN HOESEN AND J. L. WOOD,)
CO-PARTNERS, DOING BUSINESS UNDER)
THE FIRM NAME AND STYLE OF THE)
SIMPSON TRANSPORT SERVICE,)

Respondents.)

CASE NO. 4692

May 25, 1938.

Appearances: Conour and Conour, Denver, Colorado,
attorneys for Complainant;
Worth Allen, Esq., Denver, Colorado,
attorney for Respondents;
Zene D. Bohrer, Esq., Denver, Colorado,
attorney for The Motor Truck Common
Carriers Association.

S T A T E M E N T

By the Commission:

The instant case was instituted by the filing of a complaint by Weicker Transportation Company, wherein it is alleged that respondents had been guilty of transporting property of others for hire at rates less than those prescribed by the Commission; operating as a common carrier without obtaining from the Commission a certificate of public convenience and necessity; accepting and transporting freight at points not authorized to be served under the authority of their private permit; transferring and assigning said permit to one Westbrook without proper authority from the Commission, and serving the general public indiscriminately as common carriers without confining themselves to their customers whose names have been filed with the Commission.

To said complaint, an answer was filed by respondents, denying the material allegations of said complaint insofar as the various violations of law and our rules and regulations are concerned.

The evidence disclosed that respondents are operating under private permit No. A-607, originally issued to one William L. Simpson and thereafter transferred by said Simpson to respondents Van Hoesen and Wood. Said permit authorizes generally the transportation of property as a private carrier from Denver to Colorado Springs, Pueblo, Fowler, Rocky Ford, Swink, La Junta, Las Animas, Lamar, Springfield and Trinidad, and from Pueblo to Colorado Springs, Denver, Fowler, Rocky Ford, Swink, La Junta, Las Animas, Lamar, Springfield, Walsenburg, Trinidad, Canon City, Salida, Buena Vista and Leadville.

The application of W. L. Simpson for said permit, the order of transfer and the customer lists filed by respondents, were all made part of the record in the instant case, together with the report of our assistant rate clerk who investigated the operations of respondents. At the hearing, it was also agreed that said assistant rate clerk should make a further investigation of the records of respondents for the period from December 1, 1937, to April 11, 1938, and that his report on said inspection should be made a part of the record. Said inspection has been made and a report filed. It discloses that during said period, December 1, 1937, to April 11, 1938, respondents transported 107 shipments to consignees and 46 shipments for consignors who are not shown on any of the customer lists filed by respondents with the Commission. One of the respondents questioned said report insofar as it affected 14 consignors and 11 consignees upon the grounds that their records were in error and failed to show the correct shipper or consignee so far as these particular consignors and consignees were concerned. However, the fact remains that, granting respondents' contention, the report shows 93 shipments to consignees and 35 shipments to consignors who were not listed with the Commission as customers.

In view of this disclosure, we do not consider it necessary to discuss the other charges involved in the instant case. We might point out, however, that respondents had listed various warehouses in Denver as customers, which practice has not been confined to respondents alone, and our position in the instant case is in no way affected by said fact. However, we wish to

point out that since the hearing in the instant case, instructions have been given to the employees having such matters in charge that hereafter no private carrier lists will be accepted containing the names of other carriers or warehousemen, as we do not believe such practice comes within the rule and spirit of the private carrier Act.

It was brought out, however, that respondents in some instances at least, did not have any contracts, either verbal or written, with some of the warehouses that had been named upon their customer list. A private carrier who over a period of four and one-third months served over 100 customers whose names did not appear upon the customer list filed with the Commission, was undoubtedly operating as a common carrier without any certificate from this Commission authorizing him so to do. The law and our rules and regulations are designed to protect common carriers from this kind of competition, and if private carriers are to be permitted to flagrantly disregard the restrictions which are placed upon them as private carriers, it may well be said that common carriers are operating with little or no protection from this Commission. These laws and rules and regulations of the Commission have been in effect long enough so that all operators should be fully cognizant of their provision and requirements, and we believe the time has come when such violations must be dealt with in such manner as to impress upon all motor vehicle operators in Colorado that the laws and rules and regulations of the Commission must be complied with.

Rule 10 (a) of the Rules and Regulations Governing Private Carriers For Hire by Motor Vehicle provides as follows:

"Every private carrier by motor vehicle operating upon the public highways of the State of Colorado, before engaging in any act of transportation for hire, shall file with the Commission a written statement, under oath, upon forms to be supplied by the Commission, of the names and addresses of all persons, firms and corporations with whom such private carrier has special contracts of transportation. Duplicate copies of such contracts, or a statement or memorandum of the terms thereof, shall be filed with said statement."

In the instant case, we find that respondents have served not less than 128 customers in violation of the terms and conditions of the above rule.




After a careful consideration of the record, the Commission is of the opinion, and so finds, that permit No. A-607, heretofore issued to William L. Simpson in Application 2221-PP and thereafter transferred to respondents in Application 2221-PP-A, should be cancelled for violations of law and our rules and regulations by respondents.

O R D E R

IT IS THEREFORE ORDERED, That private permit A-607 be, and the same is hereby declared cancelled and revoked for the delinquencies hereinbefore set forth.

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 May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

LARSON TRANSPORTATION COMPANY and
COMET MOTOR EXPRESS COMPANY, INC.,

Complainants,

vs.

R. P. WINGO,

Defendants.

CASE NO. 4697

May 25, 1938.

Appearances: Conour and Conour, Esqs., Denver, Colorado,
for Larson Transportation Company and
The Comet Motor Express Company, Inc.

S T A T E M E N T

By the Commission:

On April 14, 1938, the above named complainants filed a complaint against the respondent, charging that he had abandoned the operations under his permit since April, 1937, and had failed to use said permit or to haul any freight or operate any vehicles under it, by virtue of the authority granted, all in violation of Rule 9 of the Rules and Regulations of the Commission Governing Private Carriers by Motor Vehicle, effective June 15, 1937; that the respondent violated the provisions of Rule 15 of the Rules and Regulations by entering into a purported lease with one Wiley Butler in order to circumvent and nullify the orders and decisions of the Commission revoking Permit No. A-100 and that on account of such violations, Permit No. A-824 should be cancelled and revoked.

This complaint was set for hearing on Thursday, April 28, 1938, State Office Building, Denver, Colorado, at which time and place the respondent failed to appear.

Exhibit No. 1 is a copy of the rules and regulations of the Commission governing private carriers by motor vehicle for hire. The reports of Both Wingo and Butler for the year 1937, and 1938 to date, were made a

part of the record, also Permit No. A-100, revocation order and lease of Butler to Wingo. These records show that there was no hauling performed under Permit No. A-824 either by the holder thereof or under any lease arrangements for the months of May, October and November, 1937, and nothing in January, February or March, 1938, and that for the other months not mentioned during the year 1937, there was some tonnage reported by Wiley Butler under the purported lease arrangement.

It further appeared that the Larson Transportation Company, one of the complainants herein is the holder of Certificate No. 331, and that the Comet Motor Express, Inc. is the holder of Certificate No. 717, which certificates authorize the complainants to serve the general public over the routes within the territory authorized to be served by the respondent.

Permit No. A-824 authorized the respondent to operate

"Denver to Mt. Harris, Hayden and Craig, Colorado, and return; Craig, Colorado to Iles Grove, Colorado and return."

It was also shown that Rule No. 15 of the Rules and Regulations of the Commission provides that:

"No private carrier by motor vehicle shall permit or authorize any other person, firm or corporation, whether a motor carrier or not, to operate any vehicles, except emergency vehicles permitted by Rule 14, under his or its permit, without first having obtained the consent of the Commission in writing. Any private carrier permitting any person, firm or corporation to operate vehicles under his or its permit, either with or without the authorization of the Commission, shall be responsible for any violations of law or any of the rules and regulations of the Commission by such user."

This record discloses that the respondent herein, beginning in April, 1937 and continuing until April 1, 1938 has not conducted a bona fide operation under his Permit No. A-824; that he purported to lease equipment from Wiley Butler as shown by the lease agreement dated June 10, 1936, but that under this lease, Butler undertook to conduct an occasional trip between Craig and Denver as his own operation, for his own customers as listed by him, and in no way an operation for Wingo; that the road reports showing tonnage hauled

under Permit A-824 during 1937 were made out and signed by Butler, and customers lists filed with the Commission, signed by Butler; and that the arrangement entered into by the respondent herein and Butler resulted in putting Butler back on the road after his own Permit No. A-100 had been cancelled and revoked by the Commission, Wingo, in effect, by said arrangement lending the use of his permit to Butler in order to give Butler's operation the color of legality, a direct violation by respondent Wingo, of the Commission's Rule No. 15 of the Rules and Regulations Governing Private Carriers for Hire. It was also shown that Butler was apprehended by the Courtesy Patrol in June, 1937, while operating under the Wingo arrangement, and charged with operating without authority, to which charge he pleaded guilty and paid a fine of \$25.00 plus \$10.00 costs.

After careful consideration of the record the Commission is of the opinion and finds that there has been no bona fide operation conducted under Permit A-824 during the period April, 1937 to April 1, 1938; that the respondent personally appears to have conducted no operation whatever since April 1, 1937; that the purported lease between Butler and Wingo was nothing more or less than a lease of permit to Butler by Wingo, and was used for the purpose of turning Permit A-824 over to Butler for the purpose of conducting his own operation; that the respondent well knew that W. E. Butler had been a violator of the Rules of the Commission and his own permit had been revoked and cancelled; that respondent Wingo has been guilty of violating the Commission's Rule No. 15 of the Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire; and on a record showing no explanation by the respondent his authority should be cancelled and revoked.

O R D E R

IT IS THEREFORE ORDERED, That as a penalty for and on account of the violations hereinabove set forth on the part of the respondent, Permit No. A-824 should be and the same hereby is cancelled and revoked.

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. Quinn

W. C. Danks

Wm. E. Eason

Commissioners

Dated at Denver, Colorado,
this 25th day of May, 1938.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LESTER W. McMANIS, IDAHO SPRINGS,)
COLORADO, FOR AUTHORITY TO TRANS-)
FER HIS PRIVATE PERMIT NO. B-503 TO)
BLANCHE JOHNSON, IDAHO SPRINGS,)
COLORADO.)

APPLICATION NO. 3247-PP-AA
(Amendment)

June 1, 1938.

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

S T A T E M E N T

By the Commission:

On April 6, 1938, Decision No. 11671, the Commission granted authority to Lester W. McManis to transfer his right, title and interest in and to Permit No. B-503, to Blanche Johnson.

In the latter part of the second paragraph contained in the statement, appears the following:

"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."

Blanche Johnson, the transferee, now calls attention to the fact that this dispute between the transferor and his predecessor has nothing whatever to do with the present application to transfer, does not affect the status of Permit B-503, and she requests that the above quoted portion be eliminated.

After careful consideration of the petition to modify the statement contained in Decision No. 11671, the Commission is of the opinion and finds that the above quoted sentence should be eliminated for the reason above mentioned.

O R D E R

IT IS THEREFORE ORDERED, That the last sentence contained in the second paragraph of the statement made in Decision No. 11671, to-wit:

"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",

be, and the same hereby is deleted from said statement,

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. C. Danks

William E. Giron
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
P. C. MOSHISKY, OF MONTROSE,)
COLORADO.)
)
)
)

PERMIT NO. C- 1053

June 1, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Standard
Oil Company Denver Colorado
of _____,
requesting that ~~that~~ Permit No. C- 1053 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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- 1053, heretofore issued
to P. C. Moshisky, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dwyer
W. C. Dwyer
W. C. Dwyer
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. C. ORR, OF GYPSUM, COLORADO.)

PERMIT NO. C- 1054

June 1, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~this~~ Permit No. C- 1054 be cancelled for
the reason that said agent will operate under Standard Oil Company
Permit No. 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- 1054, heretofore issued
to R. C. Orr, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Daniels
W. S. Danks
James E. Emerson
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. J. PINGER, OF 535 NORTH)
5th ST., GRAND JUNCTION, COLO.)

PERMIT NO. C-1055

June 1, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Co. of Denver, Colorado,
requesting that ~~his~~ Permit No. C- 1055 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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- 1055, heretofore issued
to H. J. Pinger, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Eugene D. Dimes
W. D. Danks
Robert E. Dimes
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. A. RUSSELL, BRIGHTON, COLO.)
)
)
.....)

PERMIT NO. C-1058

.....
June 1, 1938
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colo.
requesting that ~~his~~ Permit No. C-1058 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. C-1052.

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-1058, heretofore issued
to E. A. Russell, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deane
W. D. Danks
W. E. Siron
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

C. E. SAMMONS, DELTA, COLO.)

PERMIT NO. C-1059

June 1, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~the~~ Permit No. C-1059 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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-1059, heretofore issued
to C. E. Sammons, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Daniels
W. H. Danks
Walter S. Sison
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF RIO GRANDE MOTOR WAY, INC., FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE CALL AND)
DEMAND SIGHTSEEING PASSENGER SERVICE)
FROM GRAND JUNCTION, COLORADO, THROUGH)
COLORADO NATIONAL MONUMENT AND RETURN.)

APPLICATION NO. 4548

June 1, 1938.

Appearances: T. A. White, Esq., Denver, Colorado,
for applicant;
Wayne Rees, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

A certificate of public convenience and necessity is sought in the instant case authorizing Rio Grande Motor Way, Inc., to operate a call and demand sightseeing passenger service from Grand Junction, Colorado, to what is known as the Colorado National Monument Park and return.

A protest was filed by the Uintah Stage Line against any service from Grand Junction to Fruita. However, at the hearing, applicant stated that they did not desire any local service of that nature, but would only take passengers for said sightseeing trip from either Grand Junction or Fruita. In other words, they propose to take their passengers from Fruita through the Park, then to Grand Junction and return to Fruita, or starting at Grand Junction and going through the Park, returning to Grand Junction via Fruita.

It was developed that the entrance to said Colorado National Monument Park is approximately $1\frac{1}{2}$ miles from Grand Junction, and the other entrance to the Park is about two miles from Fruita. The entire round trip is approximately 45 miles. Authority was obtained by applicant from the Department of the Interior last February to render this class of service through the Park.

Applicant is a Colorado corporation and a subsidiary of The Denver Denver and Rio Grande Western Railroad Company. It is now authorized to

engage in the transportation of freight, baggage and passengers by motor vehicle between many points in the State of Colorado and in other states, particularly Utah and New Mexico. These operations include established lines between Denver, Colorado Springs and Pueblo and Salt Lake City, via Grand Junction, as well as other lines extending from Grand Junction southeasterly to Durango and Alamosa via Montrose. Applicant's passenger transportation system is coordinated with the rail service rendered by The Denver and Rio Grande Western Railroad Company in this State, and also includes sightseeing and passenger service from Durango to Mesa Verde Park.

The road over which the proposed operation will be conducted is known as the "Serpents Trail" to the Grand Junction entrance to said Park, and from Fruita the entrance is via a county road. It is proposed to operate five or seven passenger automobiles or busses of such capacity as the public requirements may require. It was further developed that applicant has ample passenger equipment and financial resources to supply such equipment as may become necessary.

It does not appear that the proposed operation would be in competition with any established service. Grand Junction is a thriving city of some 16,000 inhabitants, and the evidence disclosed that the route through said Colorado National Monument Park furnishes one of the most scenic attractions to be found in Colorado.

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 and that certificate of public convenience and necessity should be issued therefor.

O R D E R

IT IS THEREFORE ORDERED, That Rio Grande Motor Way, Inc., be, and it is hereby granted authority to operate sightseeing passenger service, on call and demand, from Grand Junction, Colorado, via county road known as "Serpents Trail" to the Grand Junction entrance of the Colorado National Monument, and from the Fruita entrance to said National Monument via a county road to Fruita, and from thence over U. S. Highway No. 50 to Grand Junction,

Colorado, or starting from Fruita, thence over county road to southern entrance of said National Monument, thence from Grand Junction entrance over "Serpents Trail" to Grand Junction and back to Fruita via U. S. Highway No. 50, said service to be rendered as a circle trip in either direction, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

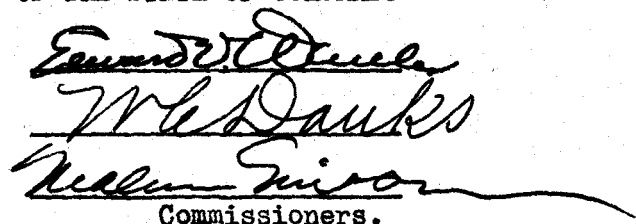
IT IS FURTHER ORDERED, That no local passengers between Grand Junction and Fruita, or Fruita and Grand Junction, shall be transported, and that the authority herein granted is confined to passengers originating at either Fruita or Grand Junction, Colorado, and for the circle trip above described only.

IT IS FURTHER ORDERED, That said 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


Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF G. J. SMITH FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 4549

June 1, 1938.

Appearances: Wayne N. Aspinall, Esq., Grand Junction,
Colorado, for applicant;
Wayne Rees, Denver, Colorado,
for The Colorado Trucking Association;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

The application filed herein seeks authority to operate a common carrier motor vehicle service for the transportation of both freight and passengers between Grand Junction and Gateway, Colorado. The operation would be over U. S. Highway No. 50 between Grand Junction and Whitewater and thence over State Highway No. 141 from Whitewater to Gateway, the distance from Grand Junction to Gateway being approximately 63 miles. Authority is sought to serve all points intermediate Grand Junction to Gateway. However, at the hearing, applicant testified that he did not desire to render any service between Grand Junction and Whitewater or Whitewater and Grand Junction, and was willing to eliminate such service from his application.

In view of said testimony, the protest filed by Rio Grande Motor Way, Inc., was withdrawn.

It was disclosed that applicant now has the mail contract between Grand Junction and Gateway and expects to institute a twice weekly service on Tuesdays and Saturdays for the transportation of freight and passengers, leaving Grand Junction at 7:00 A.M., arriving Gateway at 10:00 A.M., and upon the return trip leaving Gateway at 2:00 P.M. and arriving at Grand Junction at 6:00 P.M., with such additional trips as public convenience and necessity may require.

Applicant owns two Diamond "T" trucks of the approximate value of

\$1,600.00, with which he proposes to conduct his operations. A number of residents of the Unaweep Canon district where Gateway is located testified as to the need of common carrier service between Grand Junction and said territory. Heretofore, one Rupert E. Borden had been authorized by the Commission to transport passengers and freight from Grand Junction to and from all points along Highway 141 to Uraven, excepting Whitewater. However, the records disclose that due notice of the instant hearing was served upon the Valley Truck and Implement Company, successors in interest to the said Rupert E. Borden, but no appearance was made at the hearing in behalf of said company.

It was further disclosed by one of the witnesses that he had attempted to obtain said service from the Valley Truck and Implement Company in April of the present year, but had been advised by said company that they were not operating. Shippers from Grand Junction to the Unaweep territory also testified in behalf of applicant and as to the public convenience and necessity to be served by his proposed operation.

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 and that certificate of public convenience and necessity should be issued therefor.

O R D E R

IT IS THEREFORE ORDERED, That G. J. Smith, of Grand Junction, Colorado, be, and he hereby is authorized to conduct a common carrier motor vehicle service for the transportation of freight and passengers from, to and between Grand Junction and Gateway, Colorado, and all intermediate points, save and except that no authority is granted to render service between Grand Junction and Whitewater or Whitewater and Grand Junction, or points intermediate thereto, 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

Edward V. O'Connell

W. D. Danks

Walter E. Sviran

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. C. VANSYOC.)
)
)
.....)

PERMIT NO. C- 1064

June 1, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~his~~ Permit No. C-1064 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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-1064, heretofore issued
to E. C. Vansyoc, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler
W. H. Danks
Wm. E. Eason

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. E. WALLICK, OF FOWLER, COLO.)
)
)
.....)

PERMIT NO. C- 1065

.....
June 1, 1938
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Standard
Oil Company of Denver, Colorado,
requesting that ~~the~~ Permit No. C- 1065 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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- 1065, heretofore issued
to F. E. Wallick, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler
W. H. Tankersley
Wesley A. Brown
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES WARREN, JR. OF 409)
E 7th Ave., FT. MORGAN, COLO.)
)
.....)

PERMIT NO. C- 1066

June 1, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication fromthe Standard
Oil Company of Denver, Colorado,
requesting that ~~his~~ Permit No. C- 1066 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. C-1052.

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- 1066, heretofore issued
to Charles Warren, Jr. be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Connell
W. L. Danks

Wm. E. Simon
Commissioners.

Dated at Denver, Colorado, June
this 1st day of 1938

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
V. W. WESTPHAL, OF LIMON. COLO.)
)
)
.....)

PERMIT NO. C- 1067

.....
June 1, 1938
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Limon, Colorado,
requesting that ~~his~~ Permit No. C-1067 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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-1067, heretofore issued
to V. W. Westphal, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Daniels
W. D. Danks
James E. Quinn
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
L. W. WHITE, BERTHOUD, COLO.)
)
)
.....)

PERMIT NO. C- 1068

June 1, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver Colorado,
requesting that ~~his~~ Permit No. C- 1068 be cancelled
for the reason that said agent will operate under Standard Oil Company
Permit No. C-1052.

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- 1068
to L. W. White, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks
W. L. Danks
Thomas E. ...
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. W. WILCOX.)
)
)
.....)

PERMIT NO. C- 1069

June 1, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Standard
Oil Company of Denver, Colorado,
requesting that ~~his~~ Permit No. C- 1069 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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- 1069, heretofore issued
to W. W. Wilcox, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniels
W. W. Danks
W. W. Wilson
Commissioners.

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

(Decision No. 11924)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COLORADO AND SOUTHERN RAILWAY) APPLICATION NO. 4508.
COMPANY TO CLOSE ITS STATION OF)
RUGBY AS AN AGENCY STATION.)

May 26, 1938.

Appearances: J. C. Street and J. L. Rice, Esqs.,
Denver, Colorado, for applicant.

S T A T E M E N T

By the Commission:

Applicant seeks authority to close its station at Rugby, Colorado, and withdraw its Station Agent therefrom, application, in writing, for said authority, having been filed with the Commission on March 26, 1938.

Copies of said application were served upon all persons and corporations, private or municipal, whom the Commission thought might be affected by said proposed operation.

The Vickers Coal Company and Rugby Mercantile Company, in writing, asked that the application be granted in order that:

"We may help them in any way to reduce their expenses,
so that they can keep the railroad operating."

Pio Micheli, of Rugby, alone opposed the granting of the application upon the ground that:

"1. The undersigned operates a general mercantile business at the station of Rugby, Colorado, and all goods shipped to him are billed to Rugby, Colorado. In the event said application is allowed, such goods would be shipped to Aguilar, Colorado, which is about five miles distant from Rugby, Colorado, and this would make it necessary for the undersigned to call at Aguilar, Colorado for such merchandise. This would be a great disadvantage to him and an inconvenience to the public which he serves because of the delay in such deliveries.

"2. The undersigned also operated the Rapson Coal Mine near Rugby, Colorado and practically all of his output is shipped from Rugby, Colorado and billed from that place. The amount of coal so shipped and billed is approximately 15,000 tons per annum. If the application is allowed it will be necessary for the undersigned to bill such coal from Aguilar, Colorado, five miles distant and obtain his bills of lading from that place, which would be a great inconvenience to the undersigned, and the general public."

In view of a precarious financial situation of all railroads, including the Colorado and Southern Railway Company, and the slight inconvenience which will be occasioned Mr. Micheli by the closing of said station, as compared with benefit accruing to the Railroad, directly, and the public, including Mr. Micheli, indirectly, by helping maintenance of rail service, the Commission has determined to grant said application without further proceedings. Railroad companies in the position of applicant are under obligation to the public, generally, to effect all reasonable operating economies, so long as reasonably satisfactory service is still rendered to the public.

We believe that the record in the instant case fully justifies the granting of the petition.

The fact that applicant is granted the right to close the agency station does not mean that if the future conditions warrant its reestablishment same would not be ordered by the Commission, in the event applicant declined to again establish an agency station at Rugby.

After a careful consideration of the records and files of the Commission, the Commission is of the opinion, and finds, that the Colorado and Southern Railway Company should be permitted to close its agency station at Rugby, Colorado, effective June 1, 1938.

O R D E R

IT IS THEREFORE ORDERED, That the Colorado and Southern Railway Company should be, and hereby is, permitted to close its agency station at Rugby, Colorado, effective June 1, 1938.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Turner
W. H. Danks
William E. Brown
Commissioners

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

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

APPLICATION NO. 4529-PP

June 1, 1938.

Appearances: James Cogburn, Platteville, Colorado,
pro se;
Conour and Conour, Denver, Colorado,
for Weicker Transportation Company,
Weicker Transfer and Storage Company,
North Eastern Motor Freight,
Consolidated Motor Freight and
Colorado Rapid Transit;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association, Inter-City Truck Line,
McKie Transfer, Over-Land Motor Express,
Denver-Loveland Transportation Company,
Milliken-Johnstown Truck Line, Fuller
Truck Line, Union Delivery, Tony Parachini,
McKenzie Truck Line, Byers-Denver Truck
Line and the Fort Collins-Laramie-Walden
Stage Lines;
Marion F. Jones and George D. Beck, Esqs.,
Denver, Colorado, for The Colorado
Trucking Association and McClure.

S T A T E M E N T

By the Commission:

J. C. Cogburn, Rural Route No. 2, Platteville, Colorado, testified that he was a farmer residing near Platteville and made farming his principal business, but that he had a 1931 Ford truck and wanted authority to haul for one customer only, viz., W. T. Porter and Sons of Greeley, Colorado; that he did not have a contract to render their service, but had talked to two members of the firm; that the service he desired to render was that of hauling new and used farm machinery from Denver to Greeley and from Denver to Platteville and from Greeley to various points within a fifty-mile area of Platteville; that he understood it would not take much of his time, probably one trip a week; that the W. T. Porter and Sons business required the movement of farm

machinery from farms to Greeley and from Greeley to farms when that firm made trades with farmers; and that so far as he knew they had nothing but a trailer of their own with which to render this service. The applicant further stated that he had a 160 acre farm and this took most of his time, but that he thought he could spend one day a week to look after this transportation service; that he did not know there was a twenty per cent differential between scheduled line haul carriers and a Class "B" carrier, but that if the private carrier was obliged to charge twenty per cent more than the scheduled carrier, he did not feel that W. T. Porter and Sons would give their business to the private carrier.

Protestants requested that Decision No. 7960, dated July 8, 1936, be made part of the record and that the certificate of authority of each of the protestants here appearing be made a part of the record, and a motion was made to dismiss the application for the reason that the applicant had not met the statutory provisions by making a showing that there would be no impairment to established carriers, and protestants offered to produce evidence to prove that authorized carriers stood ready to take care of all transportation needs proposed by the applicant between Denver and Greeley, between Eaton and Ault, and between Denver and Platteville, as well as Greeley and Platteville, and further offered to introduce testimony that would show that the granting of this authority would tend to impair the efficient service of carriers now serving the entire area sought to be served by the applicant, which motion was taken under advisement.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that it would appear that the granting of the instant application would impair the efficient service of established common carriers now operating in the territory sought to be served by applicant; and that in the absence of any showing on the part of this applicant that his proposed operation would not impair the service of authorized carriers, the 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 V. O'Brien

W. C. Danks

Wesley S. Simon

Commissioners.

Dated at Denver, Colorado,
this 1st day of June, 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.)

CASE NO. 4682

RE MOTOR VEHICLE OPERATIONS OF)
OBERWORTMAN AND ROE, LAMAR,)
COLORADO, Respondents.)

CASE NO. 7391-Ins.
CERTIFICATE NO. 780

June 1, 1938.

Appearances: James J. Patterson, Esq., Denver, Colorado,
for the Commission;
Marion F. Jones, Esq., Denver, Colorado,
for the Respondents;
Conour and Conour, Esq., Denver, Colorado,
for Weicker Transportation Company,
Intervener.

S T A T E M E N T

By the Commission:

On April 1, 1938, Decision No. 11654, the Commission entered an order, revoking Certificate No. 780 insofar as the interest of W. H. Oberwortman was concerned.

On April 6, a petition for rehearing was filed on behalf of the respondent, setting forth various alleged reasons why the Commission erred in its revocation order.

After careful consideration of the petition, the Commission granted a rehearing and included therein Case No. 7391-Ins., which also involved the status of Certificate No. 780, and in addition thereto, on its own motion, instituted an amended complaint against respondent W. H. Oberwortman, and set all of said matters for hearing April 27, 1938.

The amended complaint charges that the respondent, during the months of January, February, March and April, 1938, accepted, transported and delivered shipments of freight consisting of cement from the Portland Cement Company at Portland, Colorado, to the Colorado Construction Company and the Rock Island

Lumber Company at Lamar, Colorado, at and for rates lower than those prescribed by the Commission, in violation of the provisions of his certificate; and on or about the 6th day of April, 1938, offered to transport a shipment of flour from Lamar Flour Mills, Lamar, Colorado, to Safeway Stores at Holly, Colorado, at and for rates lower than the rates prescribed by the Commission for such transportation service.

In support of this charge, Exhibit 1-A was received in evidence, being the report of O. E. Mayer, Assistant Rate Expert for the Commission, which is as follows:

"April 14, 1938

"MEMORANDUM: To the Commission
"FROM: O. E. Mayer
"Subject: Investigation of Rates of W. H. Oberwortman, PUC No. 780.

"A check of the 14 bills submitted by W. H. Oberwortman disclosed that he has been charging a rate of from $10\frac{1}{2}\text{¢}$ to $11\frac{1}{2}\text{¢}$ per sack on cement from Portland to Lamar, Colorado, instead of charging the rates as prescribed by the Commission.

"Also that Ticket Nos. 1446, 1449 and 1554 are incorrect as to weight. The total amount of undercharges covering the period from January 4, 1938, to March 5, 1938, amounts to \$651.06.

"Also found one bill covering shipment of flour from the Lamar Flour Mills consigned to the Safeway Stores, Holly, Colorado, consisting of 232 sacks of flour weighing 10,330 lbs. Notation on the back of the bill shows that trucker contracted to haul this flour at 10¢ per cwt. instead of using the correct rate of $18\frac{1}{2}\text{¢}$ per 10,000 lbs. This would have made an undercharge of \$8.78. However, the driver was picked up by Inspectors Murchie and O'Brien while in transit and brought back to Lamar and their truck was tied up, so he did not complete delivery of this consignment.

"Further that he has been hauling articles taking lumber rates from Lamar for the Southern Colorado Construction Company to their various projects. While we have no prescribed rates on lumber, it would be necessary for him, as a common carrier, to file the rates that he charged with the Commission. No such rates are on file.

"I wish to call to the Commission's attention that we had a great amount of difficulty getting these bills from Mr. Oberwortman. I do not feel he has given us the cooperation in this matter to which the Commission is entitled.

"Respectfully submitted,

(Signed O. E. Mayer
"Assistant Rate Expert."

DEM:JH

Exhibit 2-A was received, being bills covering the transportation of shipments above reported and an abstract of the same, Exhibit 3-A being bill of lading covering the flour movement attempted for the Lamar Flour Mills.

O. E. Mayer testified that the flour item above mentioned was being moved at 10¢ per cwt., which was disclosed by the agreement found on the reverse side of Exhibit 3-A, and that the prescribed rate of the Commission was 18¢ for this same service; that the respondent was apprehended and caused to unload this shipment of some 10,000 pounds of flour. Bills presented as part of Exhibit 2-A show movements of cement from Portland, Colorado, to Lamar, Colorado, between January 1 and April 11, at 10½ and 11½ cents, while the correct rate which should have been charged is 23¢ to 40¢ according to the tonnage moved.

Mr. Mayer further testified that two items of structural steel were moved from Lamar to bridge construction work, weighing 360,000 and 191,000 pounds respectively, but no evidence could be found to learn whether or not the respondent moved 30,000 pounds on each load. If he did, the rate charged was correct for this minimum; that he tried in various ways to get possession of freight bills and was given no assistance by the respondent and was finally supplied with the bills introduced here in evidence after the respondent had returned from Kansas and sent them to the Commission.

J. A. Simpson, driver and assistant manager for Oberwortman, testified that in his opinion the cement movement was an emergency order and that he thought they added twenty per cent to the railroad rate in order to know what to charge, inasmuch as the railroad seemed to be the only competitor they had; that out-rate haulers were handling most of the tonnage around Lamar, and Oberwortman was forced to cut rates in order to get business, and having quite a number of trucks did not care to see them stand idle and was forced to cut the rates in order to get business; that the flour movement was figured in the same manner as the cement movements, except it did not happen to be an emergency movement; that the steel movements from Lamar were in truckloads of 30,000 pounds each, or about that amount; that the respondent was at Coffeyville, Kansas, on urgent business and, therefore, had sent the

witness to represent him; that the respondent knew the hearing was on for April 28, but was not in Denver to attend the hearing. This witness stated that he thought Oberwortman made one complaint to the patrolman at Lamar about the cutting of rates and that on this complaint the trucker was apprehended and caused to unload; that he was a driver for Oberwortman and did look after some matters, but did not have access to all the bills; that Oberwortman and Roe operated separately so far as he knew.

Mr. Simpson stated that on March 12, insurance was sent in covering the operation under Certificate No. 780 and should have arrived in Denver by the 14th, the date of the Commission's revocation order; that later this Company went into the hands of a receiver and they were obliged to get other insurance.

Decisions Nos. 6710 and 7118 were made a part of the record, as well as the Commission's rate order.

Insofar as Case No. 4682 is concerned, a rehearing was granted for the purpose of giving the respondent a chance to explain some of the alleged irregularities set forth in his petition for rehearing. However, no mention was made of any of the assignments of error set forth in this petition and so far as the record here is concerned the Commission's Decision No. 11654 needs no change.

The amended complaint filed herein charges further violations by Respondent Oberwortman, some of which were committed shortly after April 1, the date of the former decision, showing quite clearly that he still persists in transporting commodities for less than the prescribed rate of the Commission; that his operations between January 1 and March 5 show undercharges on cement hauls aggregating \$651.06; and that no explanation was given of his attempted movement of 10,330 pounds of flour for the Safeway Stores under date of April 6, 1938, at a rate of 10¢, which is clearly a violation of the Commission's rate order.

After careful consideration of the entire record, including the original hearing on Case No. 4682, the further hearing on the amended complaint, as well as Insurance Case No. 7391, the Commission is of the opinion and finds

that this further hearing resulted in additional testimony showing conclusively that the Respondent Oberwortman is a perpetual violator and that his reasons for rate cutting were not convincing; that Francis Roe was in no way connected with any of the violations herein complained of, and that the authority of Obertortman should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That insofar as the interest of respondent W. H. Oberwortman is concerned in Certificate No. 780, the same be and hereby is revoked and cancelled, and that the Commission's order entered in Case No. 7391-Ins. should be, and the same hereby is approved.

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. Wheeler

W. C. Danks

Malcolm Epison
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL WILSON, YUMA, COLORADO,)
PERMIT NO. B-2048.)

CASE NO. 4696

June 1, 1938.

Appearances: James J. Patterson, Esq., Denver, Colorado,
for the Commission;
Earl Wilson, 702 S. Main St., Yuma, 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:

On April 18, 1936, the Commission issued its order charging that the records of the Commission disclosed the respondent Earl Wilson, holder of Permit B-2048 had violated the terms and provisions of said permit, the rules and regulations of the Commission, and the provisions of Chapter 120, Session Laws of Colorado, 1931, as amended, by accepting, transporting and delivering shipments of freight at and for charges different from and lower than the rates and charges fixed and prescribed by the Commission for such transportation; and had accepted, transported and delivered shipments of freight for persons and firms, without first filing a statement with the Commission, showing the names and addresses of such persons or firms, and without first having a contract or memorandum covering his services for such persons and firms.

In support of the foregoing charges it was shown that on or about April 4, 1938, the respondent herein moved by truck, six head of horses, weighing approximately 6200 pounds, for G. F. Intermill of Eckley, Colorado, from Yuma, Colorado, to the Colorado Horse and Mule Company yard at Denver, Colorado; that Intermill had sold the same to the Horse and Mule Company

and as compensation for the transportation services rendered, paid the respondent the sum of \$18.00.

Exhibit No. 1 is a signed statement of the shipper, G. F. Intermill, disclosing the above transaction and services rendered. Exhibit No. 2, being a check signed by the shipper, made payable to the respondent in the sum of \$18.00, was shown to have been given in payment for the transportation services rendered.

The testimony of O. E. Mayer, Assistant Rate Expert for the Commission disclosed that the prescribed charge for the movement of six head of horses from Yuma to Denver was \$24.00.

Exhibit No. 3 is a memorandum covering the above described movement of six head of horses and showing the prescribed rate thereof, also showing transportation services rendered by the respondent between Sterling and Akron and Sterling and Yuma, together with the charges made by him, and the prescribed charges of the Commission.

It was further stipulated that the customer list on file with the Commission be made a part of the record. This list filed under date of December 17, 1937 does not show the name of G. F. Intermill.

Earl Wilson, the respondent herein testified that the foregoing record covering the three exhibits, as well as the testimony of the Commission's Rate Expert were correct, and disclosed the operations complained of about as they occurred. Respondent further stated that he took a little "bark off of one of the horses" and felt that he had damaged this horse a little and that when the shipper offered him \$18.00 for the service, he took it, thinking that this price made some allowance for the injury done to this animal, but further stated that he had made it a business of charging \$5.00 per head for the movement of horses from Yuma to Denver; that he had no deal with Intermill prior to making the trip to Denver with the horses but had thought a charge of \$20.00 would be about right. The respondent admitted that he did not have Intermill listed as one of his customers, and did not know that he had to have the customers whom he served listed in advance; that he did not know what the rates might be on horses, between Yuma and Denver; that he never had a copy of the rate order, and was unable to locate

one in the Yuma territory; that a member of the Patrol, or someone, gave him the rate on grain and that he understood from others that 35¢ per hundred was the right charge for cattle between Yuma and Denver.

After admitting the violations complained of, the respondent stated that he did make an effort to ascertain the prescribed rates for service and would try to comply with all rules and regulations of the Commission in the future.

The respondent herein was granted authority by the Commission under date of November 3, 1937, at which time he was advised of the Rules and Regulations of the Commission, and it seems rather unusual that the applicant has been unable to get a copy of the published Rules and Regulations of the Commission or to find out from someone who might know, what the prescribed rates were on livestock and farm products, covered by his authority.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that the respondent herein has violated the rules of the Commission, by failing to keep on file the name and address of customers for whom he rendered service, together with the memorandum contract of such service to be performed; has violated the orders of this Commission by transporting livestock for less than the prescribed rates and charges; and that as a penalty for such violations the respondent's authority should be suspended for a period of thirty days.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit B -2048 heretofore issued to Earl Wilson should be and the same hereby is suspended for a period of thirty days from and after the effective date of this order as a penalty for the violations hereinabove set forth.

IT IS FURTHER ORDERED, That respondent herein, Earl Wilson, be and he hereby is ordered to cease and desist any operations under his Permit B-2048 for a period of thirty days, commencing on the effective date of this order.

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. C. Danks

William Emerson
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OSCAR SCHULTZ, DODGE CITY, KANSAS,)
FOR AN EXTENSION OF HIS PRIVATE PER-)
MIT NO. A-521, TO INCLUDE BULK)
PETROLEUM PRODUCTS, BETWEEN ALL)
POINTS IN COLORADO.)

APPLICATION NO. 4245-PP-BB

June 3, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for the applicant;
R. E. Conour, Esq., Denver, Colorado, for
Weicker Transfer and Storage Co.,
Colorado Rapid Transit, Northeastern
Motor Freight, Inc., Consolidated
Motor Freight, Larson Transportation
Company and the Pueblo-San Luis
Valley Transportation Company.

S T A T E M E N T

By the Commission:

An amendment was offered to the application, in substance that the operation sought was between Shamrock, Colorado, and other points throughout the State of Colorado and if this addition to Permit A-521 constituted a "B" operation then the same be so designated, which amendment was granted.

The applicant herein is the holder of Permit A-521, with authority to transport, "freight between the Colorado-Kansas state line and points in Colorado in interstate commerce, and authority to transport petroleum and its products in bulk only between Denver, Greeley and Adams City and all points in the State of Colorado in intrastate."

The applicant now seeks authority to include the transportation of bulk petroleum products between Shamrock, Colorado and all other points in the State of Colorado. It appeared from the testimony given at the hearing that there is located at Shamrock, Colorado, a large bulk plant for petroleum products; that the applicant has a contract with the Shamrock Oil and Gas Corporation to make deliveries throughout the State of

Colorado from this bulk plant instead of moving these products from points outside of the State to the various points within Colorado, and that he intends to move these products by tank truck only.

It further appeared that the applicant has eight trucks, tractors and trailers equipped with tanks and is able to conduct the intra-state operation now sought. His operating reliability and financial standing were established to the satisfaction of the Commission. It also appears from the record that no common carrier service would be affected by the proposed operations of applicant.

The foregoing discloses that what the applicant really desires is authority to serve points in the State of Colorado, from Shamrock. Chapter 120, Session Laws of 1931 as amended, referring to Class A carriers reads as follows:

"Class A private carrier shall embrace all private carriers by motor vehicle operating over substantially regular or established routes or between substantially fixed termini; or to fixed terminus or termini."

It will be observed from the foregoing that "A" carriers operate between substantially fixed termini or TO a fixed terminus and not FROM a fixed terminus. It follows that from the testimony, what the applicant really desires as his operation should be found in the paragraph, covering Class "B" private carriers, and that this application should be considered an application for a "B" permit.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that the extension herein sought, plus the authority granted by Permit A-521 should be regarded as a Class "B" permit; and that the applicant should be granted an extension of his present authority as sought, and the authority designated as a "B" operation.

O R D E R

IT IS THEREFORE ORDERED, That Permit A-521 be and hereby is changed to Permit B-521, and said permit extended to include the transportation of bulk petroleum products only, between Shamrock, Colorado,

and all points in the State of Colorado by tank truck only.

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. Turner

W. H. Danks

Maureen Epison

Commissioners.

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

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
S. E. CANTRELL, DOING BUSINESS AS)
THE CITY CAB SERVICE, FOR CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND NE-)
CESSITY TO OPERATE A TAXICAB SERVICE)
ON CALL BETWEEN FORT COLLINS, COLO-)
RADO AND AULT, COLORADO; BETWEEN FORT)
COLLINS, COLORADO, AND THE MOUNTAIN)
TERRITORY TO THE WEST OF FORT COLLINS)
WITHIN A 60-MILE RADIUS THEREOF; BE-)
TWEEN FORT COLLINS, COLORADO AND THE)
IMMEDIATE VICINITY THEREOF WITHIN A)
FIVE-MILE RADIUS THEREOF.)

APPLICATION NO. 4547

June 3, 1938.

Appearances: Worth Allen, Esq., Denver, Colorado, for
the applicant;
Hodges, Vidal and Goree, Esqs., Denver,
Colorado, for the Colorado Motor Way
and the Rocky Mountain Parks Trans-
portation Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers'
Association and the Fort Collins-
Laramie-Walden Stage Line;
F. W. Stover, Esq., Fort Collins, Colorado,
for Chris Christensen;
Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The applicant herein seeks authority to establish taxicab service between Fort Collins, Colorado and Ault, Colorado; between Fort Collins, Colorado and the mountain territory to the west of Fort Collins, within a sixty-mile radius thereof; between Fort Collins and the immediate vicinity thereof within a five-mile radius of Fort Collins, Colorado and intermediate points.

S. E. Cantrell, who has been a resident of Fort Collins since December, 1937, testified that he was operating in the City of Fort Collins as the City Cab, having purchased this city right from Russell Taxi Service;

that he owns a 1938 Dodge, a 1937 Chevrolet and a 1936 Plymouth Sedan; that he utilizes two young men as regular drivers who are subject to call twenty-four hours out of the day, being in active duty eight and twelve hours respectively for a daily wage of \$1.50 and \$1.00 respectively, and has others who stand ready as relief drivers, in the conduct of his operations within the City of Fort Collins; and that he found a more or less constant demand for his service outside of the city limits of Fort Collins.

Exhibit No. 1, introduced in evidence is a memorandum prepared by the applicant, showing the calls received by him from May 1 to 9, inclusive. The applicant proposed rates for service somewhat less than the rates now charged by Chris Christensen, the operator of a taxi service in Fort Collins. The applicant stated that he had calls for service to Ault, Colorado, to points in the mountains west of Fort Collins and to Estes Park; that he felt he could not take care of his city business and all of the outside calls with two cars; that he would like to have his point of origin or pick-up area confined to a five-mile radius around Fort Collins and an in and out service to such points as passengers might want to go, within the sixty mile radius of Fort Collins; that he did not contemplate conducting a service which would be in direct competition with the Rocky Mountain Parks Transportation Company, especially in rendering a service south and east of Fort Collins; that he did desire to render a taxi or sight-seeing service between Fort Collins and Estes Park and wanted to use the shortest road between Fort Collins and Estes Park and thought that would be via Red Feather Lakes.

The applicant did not have any definite figures on cost of operation except that he had estimated per mile cost would be a sum equal to 80% of the cost of the gas used; that it was one hundred miles to Estes Park and he proposed to haul three passengers to said point from Fort Collins, and return, for \$7.50 and pay the driver 30% of this charge; that he would charge ten cents for the first ten blocks within the City and 15 cents for all points beyond ten blocks; that Christensen charged 50 cents for a round

trip to the Hospital, and he proposed to charge 30 cents.

A number of Fort Collins business men and women testified as to the character of the applicant, gained by the short acquaintance which they had with him, and that his operations within the City of Fort Collins had been very satisfactory. Each of these witnesses, including F. L. Tolliver, merchant, Bernice Allison, Secretary for Ray R. Matthews, Atta E. Hubbell, Superintendent of Nurses, Holmes Burnett, Mrs. Sharkey, Mrs. G. E. Williamson, Evelyn Young and H. M. Todd, spoke highly of the conduct of the applicant during his short residence in Fort Collins and of the service which he had rendered for each of them, and that they thought he should be granted authority to go outside of the City, at least to the Hospital and some other places. These witnesses appearing for the applicant, on cross examination stated that so far as the services of Chris Christensen were concerned, they were very good and they had no fault to find except that his charges were more than they could afford to pay for the extensive use of taxicabs.

A. K. Holmes testified that the Rocky Mountain Parks Transportation Company rendered a daily round trip service between Fort Collins and Estes Park, had adequate equipment to take care of any and all demands for transportation in the way of charter service between Fort Collins and points within a sixty-mile radius of Fort Collins. Mr. Holmes stated briefly the time of leaving and the time of arrival at both Fort Collins and Estes Park, the principal point involved, also the rates charged; that they had at all times arranged for special rates for students desiring to take trips from Fort Collins, particularly for students at the Agricultural College desiring to go to Estes Park; and stood ready to meet any demand which might arise in connection with the transportation service now authorized under their certificate, covering the sixty mile radius around Fort Collins.

C. H. Alford, the Local Manager of the Rocky Mountain Parks Transportation Company stated that he had occasional calls during the winter for transportation service to Estes Park, and that their company was able to take care of all requirements in connection therewith; that the Christensen

Taxi Service took care of all local demands, meeting the Motor Way busses and that in his opinion there was no need for further taxi service, other than that rendered by Chris Christensen.

L. C. Lair of the Fort Collins-Walden-Laramie Stages testified that their company was in a position and did take care of all transportation service north out of Fort Collins on Highway 87, which included transportation to La Porte, and other points along Highway 87, and that they maintained daily schedule along Highway 87.

John Hurdle, connected with the County Treasurer's Office, stated that he had used the services of Chris Christensen extensively for the past fifteen years and found such services to be highly satisfactory and met all requirements so far as he was advised.

A number of other witnesses called to the stand testified that they had used the services of Chris Christensen, found such services to be adequate and prompt, no accidents of any kind that they could remember, and that there was no need for further services to any of the points within the area around Fort Collins as sought to be served by the applicant. Mrs. Powers, a nurse stated that she believed from her knowledge of cost operations, that applicant's rates were non-compensatory, and that she would rather pay Christensen's rate of twenty-five cents for one or three passengers than applicant's rate of fifteen cents "if a man can't make a living at fifteen cents".

Chris Christensen stated that he had been operating a taxi service at Fort Collins for the past eighteen years; that he had Certificate No. 376; had lived in and around Fort Collins for forty years; knew the country in all directions; had two cabs and found that he could take care of not only the local taxi business but also the outside service (which to Estes Park the past winter amounted to three trips) with these two cabs; that he maintained an office with a phone and someone was there all the time to answer calls, also had a phone at his home and that someone was continually at his residence to take calls for service.

Mr. Christensen further testified that during the past eighteen years, at least a dozen outfits had come to Fort Collins, tried running a

taxi for a while and gone broke; that he met all busses and railroads coming into Fort Collins; that his charges were ten cents per mile each way - however it figured twenty-five cents for one or two passengers to the Larimer County Hospital, a distance of three miles, and for three passengers to hospital he charged thirty cents; that his rates in the City were twenty-five cents for one to three passengers, plus ten cents for each additional passenger, and he could not afford to operate for less, for the reason that most people in Fort Collins had their own cars and such demand as there was for service of a taxicab had to be rendered at twenty-five cents within the city limits, otherwise there would not be enough to maintain a service; that there had been no complaints as to his rates or service to the Commission, or demand for additional service; that at least a dozen "price cutters" like applicant, had operated in Fort Collins in the past eighteen years, to his great detriment, and not to their advantage or profit for they all "went broke" and inferentially left somebody "holding the sack".

Certificate No. 376 and the Commission's file thereon were made parts of the record, also Fort Collins City Charter and the time schedule of the Rocky Mountain Parks Transportation Company.

It was contended by the applicant herein that during the period he had resided in Fort Collins, or since December 1, 1937, to date, he felt that rendering service at the rate proposed by him would bring sufficient revenue to enable him to make a success of the business.

This contention by the applicant who had been a resident of the City some six months, supported by no data or cost figures, does not impress the Commission as being a sufficient foundation upon which to predicate this business enterprise.

It was shown quite conclusively by the protestants that the applicant could not operate at a profit on the rates proposed by him and that business rendered by the applicant outside of the City of Fort Collins, as well as the service inside of the city limits, would impair the efficient services of Chris Christensen who had been in business continuously for the

past eighteen years and is in a position to know the cost of operation under the conditions existing in Fort Collins.

After a careful consideration of the record and the testimony the Commission is unable to escape the conclusion that the applicant herein is not sufficiently familiar with the undertaking which he proposes, particularly that part which involves the rendering of services to Estes Park and other points outside of the city limits, to know what demand, if any, exists, and the cost of such operation. The Commission finds that the demand for the applicant's service comes from those persons who testified at the hearing as having become acquainted with the applicant during the past few months, apparently admiring his courage and feeling that they should have his service in addition to that of Christenson; that this demand is based primarily upon the desire for a cheaper rate without considering whether Christensen's rates are or are not unreasonable, or excessive, or whether applicant's rates are or are not below the cost of the service, and did not show a public demand for any service to distant points within the sixty mile radius around Fort Collins; that the services now being rendered by Chris Christensen are dependable, efficient and adequate; and that to grant authority to the applicant would not be in the public interest; that record herein fails to show that there would be no impairment if granted, but does disclose he would actually take business from the present operator, and for these reasons 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 V. Duncan

W. C. Danks

Walter E. Eason
Commissioners.

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

B

Original.

(Decision No. 11930)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

REVISED RULE 9 (b) OF REVISED GENERAL ORDER NO. 43.

IN THE MATTER OF THE RULES AND REGULATIONS)
GOVERNING THE TRANSPORTATION OF EXPLOSIVES)
AND OTHER DANGEROUS ARTICLES BY ALL COMMON)
PRIVATE, AND COMMERCIAL CARRIERS BY MOTOR)
VEHICLES.)

On July 21, 1936, the Commission entered an order adopting certain rules and regulations governing the transportation of explosives and other dangerous articles by all common, private, and commercial carriers by motor vehicles, which was approved, adopted, promulgated, and designated as "Revised General Order No. 43."

Since the adoption and promulgation of said rules, the Commission's attention has been called to the limitations imposed upon trucks transporting explosives by Rule 9 (b) of said "Revised General Order No. 43," and protests have been made to the Commission that said rule places an unjust restriction on the load that may be transported by trucks in that the loading allowed makes the cost by trucks excessive as compared with other freight and other means of transportation; and further, that trucks used in the transportation of explosives can safely transport much larger or heavier loads.

Complainants of said rule have made representations to the Commission that present day manufacture of explosives make handling of explosives less dangerous than formerly, and while this no doubt is true, yet the handling of such articles is still dangerous, and especially on the highways with all the present day hazards in the fast moving motor vehicle traffic, and these facts must be given due consideration.

But it appears, however, that the maximum safety loading limits of trucks used in the transportation of explosives is the important factor to be considered in this matter. The Commission is advised that the maximum load of "rated capacity" of trucks transporting

explosives or other dangerous articles, as provided by the Commission's rule, is less than the load that the truck is capable of transporting safely, or is less than the load that the manufacturers of trucks will guarantee them to carry safely. Evidently, the load that the manufacturers will guarantee the truck to carry safely will provide adequate safety in the transportation of explosives or other dangerous articles.

The Bureau of Explosives of the Interstate Commerce Commission has now under consideration a new set of rules for the transportation of explosives and other dangerous articles. New rules regarding the loading of trucks transporting explosives and inflammable liquids to replace said Commission's old rules, which are similar to this Commission's rule, is proposed to read as follows:

"No motor vehicle transporting explosives",
(or "inflammable liquid,") "may be loaded so
that its maximum gross weight exceeds that to
which the motor vehicle manufacturer's warranty
extends, expressed in pounds."

These rules appear to be based upon a reasonable safety factor that can be relied upon. Therefore, after a careful consideration of the matter, the Commission is of the opinion, and so finds, that adequate safety in the transportation of explosives and inflammable liquid will be maintained by the adoption of the above quoted rule in place of the Commission's present Rule 9 (b), and further, that it is advisable and desirable that the Commission's rule continue in conformity with the Interstate Commerce Commission's rules for the convenience of all concerned.

O R D E R

IT IS THEREFORE ORDERED, That Rule 9 (b) of Revised General Order No. 43, effective August 15, 1936, be, and the same is hereby, amended to read as follows:

"RULE 9 - LOADING

* * * * *

"(b) No motor vehicle transporting explosives or inflammable liquid may be loaded so that its maximum gross weight exceeds that to which the motor vehicle manufacturer's warranty extends,

expressed in pounds. Packages of explosives or other dangerous articles must not be placed where they are likely to fall off the motor truck or vehicle. All trucks transporting explosives and/or inflammable liquid shall have a plate or some evidence of the actual manufacturer's warranty attached to said truck or carried by the driver thereof."

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

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

(S E A L)

ATTEST: A true copy

E. E. POLLOCK

Secretary.

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

JH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
L. W. RIGG, BOX 462, ARVADA, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OP-)
ERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 4571-PP

June 6, 1938

Appearances: L. W. Rigg, Arvada, Colorado,
pro se;
Marion F. Jones, Esq., Denver,
Colorado, for the Colorado
Trucking Association and
Vane Golden;
Zene D. Bohrer, Esq., Denver,
Colorado, for the Motor Truck
Common Carriers' Association;
P. A. Johnson, Esq., Denver,
Colorado, for the Colorado
Transfer and Warehousemen's
Association;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation
Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points in the State of Colorado, and cement from rail heads to road construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder County.

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 L. W. Rigg, Arvada, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points in the State of Colorado, and cement from rail heads, to road construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder County, Colorado.

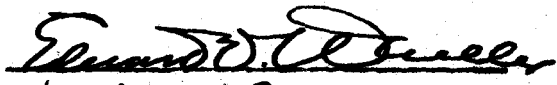

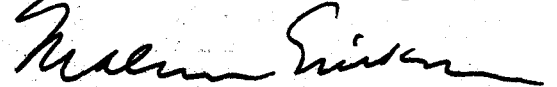
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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




Commissioners

Dated at Denver, Colorado,
this 6th day of June, 1958.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

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

APPLICATION NO. 4570-PP

June 6, 1938

Appearances: Ben Bopp, 2625 Lawrence Street,
Denver, Colorado, pro se;
Marion F. Jones, Esq., Denver,
Colorado, for the Colorado
Trucking Association, and
Vane Golden;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation
Company;
Zene D. Bohrer, Esq., Denver,
Colorado, for the Motor Truck
Common Carriers' Association;
P. A. Johnson, Esq., Denver,
Colorado, for the Colorado
Transfer and Warehousemen's
Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to Denver and sand and gravel from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles of said pits and supply points, except, however, transportation of sand and gravel to road construction jobs in Boulder County, and the transportation of chemical clay from clay pits located about twenty-nine miles due west of Wetmore to oil refineries in or near Denver.

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 Ben Bopp, 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 chemical clay from clay pits located about twenty-five miles due west of Wetmore to oil refineries in or near Denver, and the transportation of coal from mines in the northern Colorado coal fields to Denver, and sand and gravel from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles of said pits and supply points, except, however, transportation of sand and gravel to construction jobs in Boulder 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 V. Turner

W. C. Danks

W. C. Danks
Commissioners

Dated at Denver, Colorado,
this 6th day of June, 1958.

W

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
FRANK C. KLEIN, DOING BUSINESS AS)
"FRANK C. KLEIN AND COMPANY", DENVER,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4568-PP

June 6, 1938

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for the applicant;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation
Company;
Zene D. Bohrer, Esq., Denver,
Colorado, for the Motor Truck
Common Carriers' Association;
Conour and Conour, Esqs., Denver,
Colorado, for Larson Transpor-
tation Company, Consolidated
Motor Freight, Colorado Rapid
Transit Company, North Eastern
Motor Freight;
P. 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:

Frank C. Klein, doing business as "Frank C. Klein and Company",
herein seeks a permit to operate as a Class "B" private carrier by motor
vehicle for hire for the transportation of petroleum products, in bulk,
only, by tank trucks, from Shamrock, Colorado, the Bay Refinery near
Denver and refineries at Adams City, Imperial and Craig, to points in
the State of Colorado.

The evidence disclosed that applicant has nine trucks, has been
engaged in the transportation of bulk petroleum products in interstate
commerce for a number of years, and has net assets of value of twenty
thousand dollars.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Frank C. Klein, doing business as "Frank C. Klein and Company", should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of petroleum products, in bulk, only, by tank trucks, from Shamrock, Colorado, the Bay Refinery near Denver, and refineries at Adams City, Imperial and Craig, to 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 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. Deneen
W. C. Danks
William E. Quinn
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF F. TEEL ADAIR AND HAROLD ADAIR,)
DOING BUSINESS AS ADAIR AND SON,)
CASTLE ROCK, COLORADO, FOR AN EX-)
TENSION OF HIS PRIVATE PERMIT NO.)
A-529 TO INCLUDE THE TRANSPORTA-)
TION OF MILK TO LARKSPUR FROM FARMS)
WHICH ARE ALONG AND WITHIN THREE)
MILES OF HIGHWAY U.S. 85 AND NOT)
MORE THAN TWENTY-FIVE MILES FROM)
A POINT FOUR MILES SOUTH OF LARK-)
SPUR, COLORADO.)

APPLICATION NO. 2672-PP-A-B

* * * * *

June 4, 1938.

* * * * *

Appearances: H. S. Ramsey, Esq., Littleton, Colorado,
for the petitioners;
Conour and Conour, Esqs., Denver, Colo-
rado, for Weicker Transportation
Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers'
Association, C. N. Lavelett, Homer
M. Jessup and Castle Rock Transfer;
Marion F. Jones, and Geo. D. Beck, Esqs.,
Denver, Colorado, for The Colorado
Trucking Association.

S T A T E M E N T

By the Commission:

Permission was sought by the applicants to amend the application to show the point of beginning on Highway No. 85, to be four miles south of Larkspur, instead of at Larkspur, which authority was granted, there being no objections.

It appeared from the testimony given at the hearing that the applicants herein are the holders of private Permit No. A-529, with authority to transport milk from Larkspur and vicinity to Denver, Colorado, and by the instant application seek authority to transport milk from farms on either side of U. S. Highway No. 85, from a point four miles south of the Town of Larkspur, south along said highway a distance of twenty-one miles to Larkspur. The applicants have a Dodge truck and a Chevrolet pick up which they use in the conduct of their present transportation services,

and are financially able to conduct the extended operation if given authority.

It further appeared that there are a number of shippers on either side of U. S. Highway No. 85, commencing a mile or more north of the Colorado Springs city limits and extending north to a point on U. S. Highway No. 85, four miles south of Larkspur, who have been unable to get a satisfactory market for their milk and cream at Colorado Springs and have during the past sixty days determined to sell the same to the creamery at Larkspur; that these shippers, eleven in number, have, by various means, either been transporting their own milk or by arrangements with the applicants herein delivered milk to the creamery at Larkspur.

Two of these milk producers residing near Highway No. 85 and some distance south of Monument, viz Barber and Brooks, tried to induce C. N. Lavelett, the holder of Certificate No. 418 to transport their milk to Larkspur, but were told that the number of cans of milk to be hauled would not justify any such movement; that they suggested that he buy a certain pick-up truck and have someone drive it in order to take care of the milk that might be moving from this particular area to Larkspur each day, but that Lavelett at least twice refused to take any part in the movement of this milk and cream; that three other shippers, viz Dillon, Higby and Wait, living in this same section, later desired to quit the Colorado Springs market and send their milk to Larkspur and with other shippers arranged with the applicants herein to make a daily trip to Larkspur with milk and cream, returning the empty cans the following day.

Harold Adair, one of the applicants stated that in order to take care of this emergency service he was given some kind of temporary authority by Chief Inspector Reid of the Public Utilities Commission; however, Mr. Reid testified that he did not recall giving the authority, but it was possible that if an emergency existed he might have told them to take care of it, inasmuch as it was a perishable commodity, until arrangements could be made with the Commission.

R. A. Barber testified that he lived south of Monument and a short distance from U. S. Highway No. 85; that he did ship his milk to Colorado Springs, C. N. Lavelett having taken care of the transportation, but that for some reason the dairies, both the Alpine and the Hollywood at Colorado Springs, were reluctant to accept their milk, did not pay a reasonable price, and that he was finally driven to go to the Larkspur Creamery, where his milk was accepted without question and a higher price paid therefor; that there was no complaint about the service of Mr. Lavelett when he hauled their milk to Colorado Springs but that he refused to move their milk to Larkspur; and that being unable to transport the same themselves, the producers sought the services of the applicants herein who had been taking care of this service very nicely during the past sixty days.

C. N. Lavelett, holder of Certificate No. 418 testified that prior to his obtaining a certificate and when operating under a private permit, he transported milk to Larkspur, but found that it did not pay; that since securing his certificate and having authority to pick up milk in the area and deliver it to Larkspur, he had not sought this business; that at the time Barber and two other milk producers residing south of Monument conferred with him about transporting their milk to Larkspur, instead of to Colorado Springs, he declined to render the service for the reason that it would not be compensatory; that he knew a number of shippers along Highway No. 85 in the area now sought to be served by the applicants were transporting their milk to Larkspur, but that he did not make an effort to see how many were shipping to Larkspur as he felt there was not a sufficient amount to justify his putting on a truck for this purpose.

Decision No. 10223, which grants the authority now exercised under Certificate N o. 418 was made a part of the record.

C. N. Lavelett, under his Certificate No. 418, performs a general trucking business from point to point within a radius of fifteen miles of Monument, Colorado, and this radius takes in all of the milk route extension sought by the applicants and Lavelett has been transporting milk and

cream for some of the eleven customers, sought to be served by the applicants, to Colorado Springs; and would be entitled to a preference over the applicants in rendering service for them to the Larkspur Creamery; however this record discloses that Lavelett did not care to take this item of transportation, the principal reason being that he was familiar with what would be required and felt it would not be remunerative.

He admitted that he put forth no effort to ascertain just what volume of business could be worked up, but allowed the shippers, without soliciting their business, to transport their own milk and cream for the time, and during the past sixty days prior to this hearing knew that they were negotiating and had made some kind of an arrangement with the applicants to transport their milk and cream to the Larkspur Creamery. It perhaps would not be reasonable to now deny this application in order to give Lavelett an opportunity to solicit the business and furnish service he has neither tendered nor rendered in the past and did not offer to furnish at the hearing, inasmuch as the shippers went to more or less trouble, first by transporting their own milk and cream and later by making an arrangement with the applicants herein. The service furnished the shippers whom applicant proposes to serve under his extended service, was inadequate and Lavelett made no effort to make it adequate. The efficiency of his operation will not be affected because apparently he thought rendering of a non-compensatory service would be a burden rather than a benefit.

After a careful consideration of the record and the testimony the Commission is of the opinion and finds that F. Teel Adair and Harold Adair, doing business as Adair and Son, the applicants herein, are entitled to an extension of their present authority to transport milk and cream for customers from the area described, to the Creamery at Larkspur, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That private Permit No. A-529 be and the same hereby is extended to include authority for the transportation of milk and cream from milk producers residing along and within three miles

of U. S. Highway No. 85, beginning at a point four miles south of Larkspur, Colorado, and extending south along said highway a distance of twenty-one miles, to the Creamery at Larkspur, 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund D. O'Connell

W. L. Danks

W. A. Smith
Commissioners.

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

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WILLIAM ROGERS, 2114 MARION)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 4576-PP

June 4, 1938.

Appearances: Zene D. Bohrer, Esq., Denver, Colorado, for
the Motor Truck Common Carriers' Association and Windecker Brothers;
Marion F. Jones, Esq., Denver, Colorado, for
the Colorado Trucking Association and
Vane Golden;
A. J. Fregeau, Denver, Colorado, for Weicker
Transportation Company;
P. A. Johnson, Esq., Denver, Colorado, for
the Colorado Transfer and Warehousemen's
Association.

S T A T E M E N T

By the Commission:

The above styled application was set for hearing at Denver, on
May 25, 1938, at 10:00 o'clock A. M., on application filed May 12, 1938,
applicant being duly and regularly notified thereof.

Notwithstanding such setting and notice, applicant failed to
appear. Whereupon, at the time and place appointed for hearing, protest-
ants 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 should be dismissed for
lack of prosecution.

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

Edward D. Dwyer

W. C. Danks

W. C. Danks

Commissioners.

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

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. E. PLANE, HUDSON, COLORADO, TO)
TRANSFER HIS CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY NO. 505)
TO DONALD COOPER AND MATHEW PELZ,)
ROGGEN, COLORADO.)

APPLICATION NO. 1671-AA

June 4, 1938.

Appearances: L. E. Plane, Hudson, Colorado,
pro se;
Donald Cooper and Mathew Pelz, Roggen,
Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Conour and Conour, Esqs., Denver, Colo-
rado, for North Eastern Motor
Freight;
Zene D. Bohrer, Esq., Denver, Colorado,
for the Motor Truck Common Carriers'
Association;
Marion F. Jones, Esq., Denver, Colorado,
for the Colorado Trucking Association;
P. A. Johnson, Esq., Denver, Colorado,
for Colorado Transfer and Warehouse-
men's Association.

S T A T E M E N T

By the Commission:

On October 15, 1930, Decision No. 3098, Application No. 1671,
W. O. Timms was granted a certificate of public convenience and necessity,
authorizing the transportation of livestock and farm supplies on call and
demand between Denver and the territory described as:

"All territory embraced in Townships 1, 2 and 3,
North of Range 64 West; Townships 1, 2 and 3,
North of Range 63 West; Townships 1, 2 and 3,
North of Range 62 West; Townships 1, 2 and 3,
North of Range 61 West; Townships 1, 2 and 3,
North of Range 60 West; Townships 1, 2 and 3,
North of Range 59 West; and Township 2, North
of Range 58 West, all in Weld County, Colorado;
as well as all territory embraced in Township
1, South of Ranges 64, 63, 62, 61, 60 and 59
West, all in Adams County, Colorado,"

and grain to railroad points in said territory and freight generally from point to point therein, with the provisos that only livestock can be hauled from the territory in question to Denver, that freight hauled to said territory shall consist of livestock, farm implements and machinery, oil and petroleum products, lumber and building materials; no freight to be delivered to towns, and no Denver freight to be delivered to points on the main highway between Denver and Keenesburg, and a minimum transportation charge of \$4.00 to be charged and collected.

The authority granted by said decision was thereafter transferred to one L. E. Plane, who now seeks authority to transfer to Donald Cooper and Mathew Pelz, co-partners, doing business as "Cooper and Pelz".

The evidence disclosed that Mr. Cooper has one truck, and that said transferees, for a consideration of \$1,300.00, propose to acquire the certificate and truck owned by Plane. Upon completion of the transfer, aggregate indebtedness against the two trucks will amount to \$1,500.00.

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

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

O R D E R

IT IS THEREFORE ORDERED, That L. E. Plane, Hudson, Colorado, should be, and he hereby is, authorized to transfer the authority granted in Decision No. 3098 to Donald Cooper and Mathew Pelz, co-partners, doing business as "Cooper and Pelz", Roggen, 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 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 V. Dineen

W. C. Danks

Maclean E. Eason
Commissioners.

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

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. G. ROBERTS OF 1017 Belleview,
La Junta, Colorado.)
)
)
)

PERMIT NO. C-5210

June 4, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~his~~ Permit No. C-5210 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. C-1052.

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-5210, heretofore issued
to E. G. Roberts, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Daniels
W. E. Danks
William E. Eason

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. A. PECK, OF ALAMOSA, COLO.)
)
)
.....)

PERMIT NO. C- 5886

.....
June 4, 1938
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~his~~ Permit No. C- 5886 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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- 5886, heretofore issued
to W. A. Peck, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen
W. D. Danks
William E. Quinn
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
F. J. SERAFINI, OF 538½ W.)
7th ST., WALSENBURG, COLORADO.)
_____)
_____)

PERMIT NO. C-6384

June 4, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that his Permit No. C-6384 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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-6384, heretofore issued
to F. J. Serafini, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks
W. E. Danks
William Erickson
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES W. SWEITZER, JR., OF)
GUNNISON, COLORADO.)
PERMIT NO. C- 6465
_____)
_____)

June 4, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that his Permit No. C- 6465 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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- 6465, heretofore issued
to Charles W. Sweitzer, Jr., be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Daniels
W. D. Danks
William E. Green
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD B. ROWE, 700 SOUTH 4th,))
LAMAR, COLORADO.))
.....))

PERMIT NO. C-6642

June 4, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~his~~ Permit No. C-6642 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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-6642, heretofore issued
to Harold B. Rowe, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Daniels
W. C. Danks
William E. Givens
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. J. WOLFF, OF YUMA, COLO.)

PERMIT NO. C-1070

June 4, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~the~~ Permit No. C-1070 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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-1070, heretofore issued
to H. J. Wolff, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Daniels
W. E. Danks
William E. Quinn
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD E. BUSCH, OF 415 PLUM)
ST., FT. COLLINS, COLO.)
)
)

PERMIT NO. C- 2507

June 4, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Co., of Denver, Colorado,
requesting that ~~his~~ Permit No. C- 2507 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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- 2507, heretofore issued
to Harold E. Busch, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer
W. E. Danks
Malcolm E. Giverson
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. H. McBRIDE, OF LAS ANIMAS,)
COLORADO.)
)
)
)

PERMIT NO. C- 3355

June 4, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~his~~ Permit No. C- 3355 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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- 3355, heretofore issued
to C. H. McBride, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Wheeler
W. L. Danks
Malcolm Graham
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY DAVIDSON, 227 E 1st St.,)
SALIDA, COLO.)
)
)
)

PERMIT NO. C- 4729

June 4, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~his~~ Permit No. C- 4729 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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- 4729, heretofore issued
to Ray Davidson, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Dwyer
W. L. Danks
William E. Givson
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. F. DAUGHERTY, OF STEAMBOAT)
SPRINGS, COLO.)
)
)
)

PERMIT NO. C- 5224

June 4, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Co., of Denver Colorado

requesting that ~~his~~ Permit No. C- 5224 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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- 5224, heretofore issued
to W. F. Daugherty, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. W. [Signature]
W. L. Danks
Walter Erickson

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)

W. E. BATTEN, WALSH, COLO.)
)
)
.....)

PERMIT NO. C-4589

.....
June 4, 1938
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~his~~ Permit No. C-4589 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. C-1052.

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-4589, heretofore issued
to W. E. Batten, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Dwyer
W. E. Danks
William E. Garrison
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT F. HAFNER, OF RIFLE,)
COLORADO.)
)
)
)

PERMIT NO. C-6580

June 4, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~his~~ Permit No. C-6580 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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-6580, heretofore issued
to Albert F. Hafner, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dancy
Wes Danks
Malcolm Erickson
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD CHIRNSIDE, OF 414)
CHESTNUT, STERLING, COLORADO.)
.....)

PERMIT NO. C- 7590

June 4, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~his~~ Permit No. C- 7590 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. 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- 7590, heretofore issued
to Harold Chirnside, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Daniels
W. C. Banks
Walter E. Carson
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. A. SCHOECH, OF 1718 FORD,)
GOLDEN, COLORADO.)
)
)
)

PERMIT NO. C-4278

June 4, 1938

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the
Standard Oil Company of Denver, Colorado,
requesting that ~~his~~ Permit No. C-4278 be cancelled
for the reason that said agent will operate under Standard Oil Company Permit
No. C-1052.

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-4278, heretofore issued
to R. A. Schoech, be,
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks
Walter E. Danks
Walter E. Danks
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
L. A. BURSON FOR A CLASS "B" PERMIT) APPLICATION NO. 4565-PP
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

June 4, 1938.

Appearances: Marion F. Jones, Esq., Denver, Colorado,
for The Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Hodges, Vidal and Goree, Esqs., Denver,
Colorado, for Rocky Mountain Parks
Transportation Company.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing and inasmuch as the applicant seeks authority to transport ties, slabs, props and dimension lumber only, from five miles above Drake to Estes Park, plaster mill west of Loveland, Greeley and Loveland, there were no objections to granting the authority on the verified application of the applicant.

After a careful consideration of the application, and there being no objection to the granting of this authority, the Commission is of the opinion and finds that the same should be allowed.

O R D E R

IT IS THEREFORE ORDERED, That A. L. Burson 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 ties, slabs, props and dimension lumber from mills five miles above Drake, Colorado, to Estes Park, plaster mill west of Loveland, Loveland and Greeley.

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

Malcolm Swinson
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF RIO GRANDE MOTOR WAY, INC.,) APPLICATION NO. 1568
AND BERT J. HANDLEY FOR APPROVAL)
OF OPERATING AGREEMENT.)

June 4, 1938.

Appearances: T. R. Woodrow, Esq., and T. A. White, Esq.,
Denver, Colorado, for petitioners.

S T A T E M E N T

By the Commission:

In Application No. 1568, Decision No. 2866, Rio Grande Motor Way, Inc., is authorized to transport passengers, baggage and package freight between Mesa Verde Park and Mancos and Durango, Colorado.

In Application No. 4075, Bert J. Handley was granted a certificate of public convenience and necessity covering operation, on call and demand, of certain passenger service in the vicinity of Durango, Colorado.

A petition has now been filed with the Commission, signed by both Rio Grande Motor Way, Inc., and the said Bert J. Handley, wherein we are requested to approve a certain operating agreement dated April 29, 1938, between the above named parties, which provides in effect that the said Bert J. Handley shall operate for said Rio Grande Motor Way, Inc., the authority granted by the Commission to said Motor Way in Application No. 1568. A copy of said operating agreement was attached to said petition and by reference made a part thereof.

Said operating agreement provides, inter alia, that the Motor Way shall license and permit the said Handley to operate a 1938 Chrysler sedan and such other additional motor cars as may be necessary on behalf of Motor Way for the transportation of passengers, baggage and package freight, between Mesa Verde National Park, Mancos and Durango, Colorado, all in accordance with the rules and regulations of the Commission, and that the said Handley

shall receive as consideration for such operations all revenues derived therefrom, less ten per cent to be retained by said Motor Way as a commission for the sale of tickets which will be handled by the Motor Way for such transportation. Highway compensation taxes also are to be paid by the Motor Way and deducted from the revenue to be paid to the said Handley. The agreement is for a period of one year, although same may be terminated at any time upon written notice by either party.

We are requested to approve said operating agreement without the formality of a hearing.

After a careful consideration of said petition and of the terms and conditions of said operating agreement, and in view of the fact that both of the parties thereto are authorized common carriers, holding certificates of public convenience and necessity from this Commission, the Commission is of the opinion, and so finds, that said operating agreement should be approved.

O R D E R

IT IS THEREFORE ORDERED, That the operating agreement between Rio Grande Motor Way, Inc., and Bert J. Handley, dated April 29, 1938, marked Exhibit "A" and attached to the petition filed with the Commission May 25, 1938, in Application No. 1568, be, and the same is hereby approved; provided, however, that jurisdiction of the instant matter is hereby retained to the end that such further order or orders may be made herein by the Commission as the public interest may require.

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. Dancy
W. C. Danks
Walter E. Eason
Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROTEST AND)
OBJECTION OF G. C. LEBECK, DOING)
BUSINESS AS LOS ANGELES-ALBUQUERQUE)
EXPRESS, TO THE ADDITIONAL LEVY AND)
ASSESSMENT OF HIGHWAY COMPENSATION)
TAXES ALLEGED TO HAVE BEEN UNREPORTED)
FOR THE PERIOD JANUARY 1, 1935, TO)
SEPTEMBER 30, 1937, AND THE ISSUANCE)
OF DISTRAINT WARRANT NO. 5023.)

CASE NO. 4673

June 4, 1938.

Appearances: J. J. Patterson, Esq., Denver, Colorado,
for the Commission;
R. E. Conour, Esq., Denver, Colorado,
for protestant.

S T A T E M E N T

By the Commission:

On February 16, 1938, the Commission entered its order in the above entitled matter finding that protestant was indebted to the Commission for State highway compensation taxes for the period January 1, 1935, to May 30, 1936, in the sum of \$2062.34, including penalties. Thereafter, protestant filed a petition for rehearing in the instant case, which was denied by the Commission.

In arriving at said sum of \$2062.34 as the amount due from protestant to the Commission for said highway compensation taxes, the Commission had used the same percentage of shortage as had been disclosed by a check made by the Commission of protestant's road reports with port of entry records in our possession for the period from June 1, 1936, to September 30, 1937. We were compelled to make such assessment upon an arbitrary basis for the reason that we had been unable to obtain the actual records of protestant for the period in question, although the Commission had repeatedly advised protestant that if he would submit his records for examination and check, we would be guided in such assessment by what the books actually disclosed.

Protestant claimed that he was unable to locate said reports. However,

he afterward produced same and they have been checked by our inspection department for said period January 1, 1935, to May 30, 1936. Said check discloses that the actual amount of indebtedness of protestant to the Commission for said period for westbound freight passing through this State, including penalties, was the sum of \$682.85. Said records fail to disclose the amount of freight transported by protestant through this State eastbound. However, it has been mutually agreed between protestant and the Commission that said eastbound movement would amount to approximately 15 per cent of the westbound movement for said period. Adding 15 per cent to the sum of \$692.85, gives us a total of \$796.77, which we find to be the amount actually due from G. C. Lebeck, doing business as Los Angeles-Albuquerque Express, for highway compensation taxes, including penalties, for the period January 1, 1935, to May 30, 1936.

It further appears that protestant has paid the Commission said sum and requests an order of the Commission rescinding its order denying a rehearing in the instant matter.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said petition should be granted, and our original order dated February 16, 1938, Decision No. 11408, amended and modified to conform to the facts.

O R D E R

IT IS THEREFORE ORDERED, That our order denying a rehearing herein be, and it is hereby, rescinded, and that said original order of February 16, 1938, be, and the same is hereby, amended and modified to show that protestant was indebted to the Commission for highway compensation taxes, including penalties, for the period January 1, 1935, to May 30, 1936, in the sum of \$796.77 and that said sum be accepted in full payment of said assessment of taxes and the books of the Commission corrected in conformity therewith.

IT IS FURTHER ORDERED, That in view of the fact that said sum of \$796.77 has been fully paid by protestant, the instant case be, and

the same is hereby dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. C. Danks

Walter E. Simon

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF J. M. ARNOLD, GRAND JUNCTION,)
COLORADO, FOR A PERMIT TO OPERATE)
AS A CLASS "B" PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 4439-PP

June 4, 1938.

Appearances: John P. Helman, Esq., Grand Junction, Colorado,
for Plateau Valley Stage Line;
T. A. White, Esq., Denver, Colorado,
for Colman Freight Service;
Wayne Rees, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The instant application was first set for hearing in Montrose, Colorado, on February 10, 1938, but due to the fact that applicant advised the Commission he would be unable to be present on account of sickness, said hearing was vacated and the case was later set for hearing in Grand Junction, Colorado, on May 12, 1938. Applicant did not appear at the second hearing, nor was any word received from him in regard to same.

When the case was called, a motion was made that the application be dismissed for failure to prosecute.

After a careful consideration of said motion, and in view of the fact that we are without any communication from applicant giving any reason why he could not be present at the second hearing, the Commission is of the opinion and finds that motion to dismiss should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the motion to dismiss the instant application for failure to prosecute be, and the same is hereby sustained and said application is hereby 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 V. Dancy

W. L. Danks

Maureen E. Simon

Commissioners.

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GLEN L. WILCOX OF GRAND JUNCTION,)
COLORADO, FOR A CLASS "B" PERMIT) APPLICATION NO. 4566-PP
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

June 4, 1938.

Appearances: Glen L. Wilcox, Grand Junction, Colorado,
pro se;
John P. Helman, Esq., Grand Junction,
for Plateau Valley Stage Line;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Wayne Rees, Denver, Colorado,
for The Colorado Trucking Association,
Elmer Castberg, Parkinson T. & T. Co.,
George Stewart and Glen Holman.

S T A T E M E N T

By the Commission:

The application filed by applicant seeks authority to transport coal and brick from point to point within a 50-mile radius of Grand Junction, Colorado. However, at the hearing, applicant testified that he did not propose to haul either brick or coal between Palisade and Collbran, nor did he desire to transport any brick between Grand Junction and Delta, Olathe or Montrose, and would limit his transportation of brick to point to point service within a radius of fifteen miles of Grand Junction.

As so limited, 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 given at the hearing, the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Glen L. Wilcox, Route 3, Grand Junction, Colorado, be, and he is hereby, authorized to operate as a Class B private

carrier by motor vehicle for hire for the transportation of coal from point to point within a radius of 50 miles of Grand Junction, Colorado, and for the transportation of brick from point to point within a radius of fifteen miles of Grand Junction; provided, however, that no transportation service is to be rendered by applicant between Palisade and Collbran.

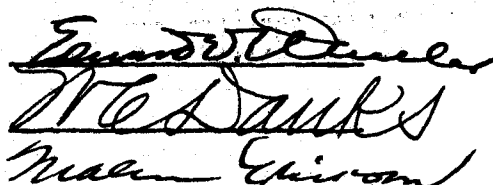
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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 4th day of June, 1938.

BH