

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

E. E. Mercer and  
E. M. Bell  
.....)

PERMIT NO. C-11266

.....  
June 26, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
E. E. Mercer and E. M. Bell ..... 409 So. Ash St., Trinidad, Colorado  
..... of .....,  
C-11266  
requesting that his Permit No. .... 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-11266, heretofore issued  
to ..... E. E. Mercer and E. M. Bell ..... be,  
and the same is hereby, declared cancelled; as of April 12, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Wheeler*  
*W. C. Sparks*  
*Walter E. Wilson*  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of June, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

Intermountain Finance Co.,

PERMIT NO. C-10603

June 26, 1940

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Intermountain Finance Co                      940 Main St., Durango, Colorado

of \_\_\_\_\_, \_\_\_\_\_;

requesting that his Permit No. C-10603 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-10603, heretofore issued

to Intermountain Finance Company be

and the same is hereby, declared cancelled,' as of April 24, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Chase  
W. Danks  
Walter E. Wilson  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of June, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
C. A. Wagor )  
..... )

PERMIT NO. C-2177

June 26, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
C. A. Wagor ..... Bigelow, Kansas  
..... of .....  
C-2177  
requesting that his Permit No. .... 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-2177, heretofore issued  
to C. A. Wagor ..... be,  
and the same is hereby, declared cancelled; as of May 13, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Eduard E. Dineen*  
*W. C. Danks*  
*Walter E. Quinn*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

C. J. Cosand

PERMIT NO. C-7057

June 26, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
C. J. Cosand Burr Oak, Kansas  
..... of .....,  
C-7057  
requesting that his Permit No. .... 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-7057, heretofore issued  
to C. J. Cosand be,  
and the same is hereby, declared cancelled., as of May 22, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Leary*  
*W. D. Danks*  
*William Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of June, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

CO-Operative Elevator &  
Supply Co.

PERMIT NO. C-8273

June 26, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
CO-Operative Elevator & Supply Co. of Meade, Kansas,  
requesting that his Permit No. C-8273 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-8273, heretofore issued  
to CO-Operative Elevator & Supply Co. be,  
and the same is hereby, declared cancelled, as of May 22, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Leavelle*  
*W. E. Danks*  
*William Wilson*

Commissioners.

Dated at Denver, Colorado,  
this 26th day of June, 1940.

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

R. S. Scott

PERMIT NO. Cp5890

June 26, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
R. S. Scott 1041 Marion St., Denver, Colo.

..... of .....,  
requesting that his Permit No. C-5890 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-5890, heretofore issued  
to R. S. Scott be,  
and the same is hereby, declared cancelled, as of May 23, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward H. Davis*  
*W. C. Danks*  
*William E. Eakin*

Commissioners.

Dated at Denver, Colorado,  
this 26th day of June, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

Paul R. Finney

PERMIT NO. C-8299

June 26, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Paul R. Finney of 134 E Pikes Peak Ave., Colo Spgs., Colo  
requesting that his Permit No. C-8299 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-8299, heretofore issued  
to Paul R. Finney be,  
and the same is hereby, declared cancelled, as of May 23, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eugene E. Cressler*  
*W. D. Danks*  
*William E. Erickson*  
Commissioners.

Dated at Denver, Colorado, June 26th, 1940.  
this \_\_\_\_\_ day of \_\_\_\_\_, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Oley A. Summerfield )

PERMIT NO. C-9946

June 26, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Oley A. Summerfield Erie, Colorado  
..... of .....,  
C-9946  
requesting that his Permit No. .... 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-9946, heretofore issued  
to Oley A. Summerfield be,  
and the same is hereby, declared cancelled., as of May 24, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Decker*  
*W. S. Danks*  
*Walter Erickson*

Commissioners.

Dated at Denver, Colorado,  
this 26th day of June, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Kenneth Kramer d/b/a  
Kramer Coal Co.

PERMIT NO. C-1145

June 26, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Kenneth Kramer dba Kramer Coal Co. of 315 W Fountain, Colo. Spgs., Colo,  
requesting that his Permit No. C-1145 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-1145, heretofore issued  
to Kenneth Kramer dba Kramer Coal Co. be,  
and the same is hereby, declared cancelled; as of May 26, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Beale*  
*W. C. Danks*  
*Walter Wilson*  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of June, 1940.  
K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
A. W. LYON, WALDEN, COLORADO, FOR )  
REINSTATEMENT OF INTRASTATE AND )  
INTERSTATE CERTIFICATES, P.U.C. )  
Nos. 1172 and 1172-I, AND TRANSFER )  
OF SAME TO HAROLD DODGE, WALDEN, )  
COLORADO. )  
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APPLICATIONS NOS. 2853-AA  
3990-AA

-----  
June 28, 1940.  
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Appearances: John P. Beck, Esq., Denver, Colorado,  
for E. N. Winscom and H. M. Greely;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage  
Company and Weicker Transportation  
Company;  
E. Robert Baker, Denver, Colorado,  
for The Motor Truck Common  
Carriers Association and Denver-  
Laramie-Walden Truck Line.

S T A T E M E N T

By the Commission:

In the above-styled matter, on October 27, 1939, the Commission entered its order, Decision No. 14237, dismissing the application for lack of prosecution.

On November 15, 1939, application was filed to set aside said order of dismissal, and to reset said matter for 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 our Decision No. 14237 in the above-styled matter should be, and the same hereby is, set aside, vacated and held for naught.

IT IS FURTHER ORDERED, That said matter be, and the same hereby is, set for hearing in the Court House, at Walden, Colorado, on the 12th

day of July, 1940, at 1:30 o'clock P. M.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Wheeler

W. L. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILSON McCARTHY AND HENRY SWAN, )  
TRUSTEES OF THE DENVER AND RIO GRANDE )  
WESTERN RAILROAD COMPANY, AND THE ) APPLICATION NO. 5395  
COLORADO AND SOUTHERN RAILWAY COMPANY )  
TO CLOSE THE JOINT STATION AT CEDARWOOD, )  
COLORADO, AS AN AGENCY STATION. )  
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June 26, 1940.  
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Appearances: J. L. Rice, Esq., and J. C. Street, Esq.,  
Denver, Colorado, for The Colorado  
and Southern Railway Company;  
T. R. Woodrow, Esq., Denver, Colorado,  
for The Denver and Rio Grande Western  
Railroad Company.

S T A T E M E N T

By the Commission:

Wilson McCarthy and Henry Swan, Trustees of The Denver and Rio Grande  
Western Railroad Company, and The Colorado and Southern Railway Company, on  
June 11, 1940, filed their application with the Commission for leave to close  
their agency station at Cedarwood, in Pueblo County, Colorado.

Copies of the application were forwarded to the Board of County  
Commissioners of Pueblo County, the Postmaster at Cedarwood, A. R. Ferris,  
General Chairman, O. R. T., E. H. Mosier, General Chairman, O. R. T., J. C.  
Hadley, Superintendent, Railway Express Agency, W. S. Fowler, General Manager,  
Western Union, and Chairman of the Board of County Commissioners of Pueblo  
County, on June 13, 1940.

The only protest filed to date is one from Gertrude McDaniel,  
Postmaster at Cedarwood. She urges that the application be denied, inasmuch  
as:

"All shipping from and to here is done by rail, and  
we have some large wheat, cattle and sheep ranches  
in this region. There is also a clay mine operating  
at all seasons in connection with the Standard Fire  
Brick Company of Pueblo."



Examination of the application and supplemental exhibits filed by applicants shows that Cedarwood Station, primarily, has been maintained by the railroads to meet certain train operating requirements; that, recently, the Colorado and Southern Railway Company has established streamliner service between Denver and Texas points; that, from a train-operating standpoint, the requirements of the railroads now will be better served by having an operator at Southern Junction; that if the agency is discontinued at Cedarwood, telegrapher will be placed at Southern Junction; therefore, closing the Cedarwood station will not result in any loss of employment. In the opinion of the railway management, it is neither desirable nor practical to maintain operators at Cedarwood and at Southern Junction.

The total freight, passenger and telegraph revenues accruing to the agency at Cedarwood amounted to \$9,406.92 during the year 1939, and \$2,525.47 during the first four months of the year 1940. Of this amount, \$6,474.04 accrued as revenue from carload shipments of clay originating on a spur track at Mustang and Capers, 6.9 miles and 9.5 miles respectively, from Cedarwood, said clay being shipped to Standard Fire Brick Company at Pueblo, the station at Cedarwood being used as a billing point, only.

The cost of station operation -- wages, payroll taxes, lights, heating, and stationery -- amounted to \$2,100.28 in 1939, and \$690.29 for the first four months of 1940.

The application is not opposed by Standard Fire Brick Company, arrangements already having been made for the ordering of cars and the billing of shipments in the future through the agent at Pueblo, in the event discontinuance of station is authorized.

Upon the whole record, the Commission is of the opinion that no useful purpose would be served by setting the matter for formal hearing. The Commission appreciates and understands the position of the Postmaster at Cedarwood, but after all, the closing or maintenance of Cedarwood station is a matter for managerial discretion. While the Commission may sympathize with the desire of the Postmaster to have Cedarwood continue to be maintained by the railroad as a station point, still the management believes, after careful

consideration from a train-operating standpoint, that the requirements of the railroad will be better served by having an operator at Southern Junction instead of at Cedarwood. It will arrange for ordering cars at Pueblo for movement of sheep, cattle and grain, in carloads. The billing can be satisfactorily handled from said point. L.C.L. freight, which in the past has been very limited in volume, the Colorado and Southern handling only 28 shipments, producing \$48.95 in revenue, during the year 1939, no doubt can be satisfactorily handled in the manner that it is handled by the railroad at a number of other agency stations. Upon the record, we cannot say that the proposed action of the railroad is arbitrary, and unless we can so find, under the law, we are required to allow the railroad to make the change.

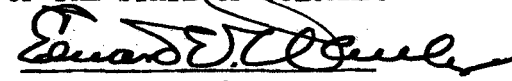
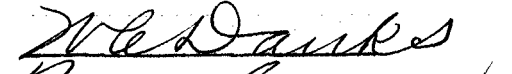

Therefore, after a careful consideration of the record, the Commission is of the opinion, and finds, that applicants should be authorized to close their station at Cedarwood on and after June 30, 1940.

O R D E R

IT IS THEREFORE ORDERED, That The Colorado and Southern Railway Company and Wilson McCarthy and Henry Swan, Trustees of The Denver and Rio Grande Western Railroad Company, be, and they hereby are, authorized to discontinue their operator and agency service at Cedarwood, Colorado, and to close said station on and after June 30, 1940.

IT IS FURTHER ORDERED, That this order be, and it hereby is, made effective as of the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of June, 1940.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE WRIGHT, 820 WEST 19th STREET, )  
CANON CITY, COLORADO, FOR AN EXTEN- )  
SION OF PERMIT NO. B-1508. )  
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APPLICATION NO. 2606-PP-B

-----  
June 29, 1940.  
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Appearances: J. W. Hawley, Esq., Trinidad,  
Colorado, for applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage  
Company and Weicker Transporta-  
tion Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for the Common Carriers' Division  
of The Colorado Motor Carriers'  
Association, L. E. Walker,  
Springfield-Lamar Truck Line,  
and C. H. Cornelius.

S T A T E M E N T

By the Commission:

Applicant, George Wright, heretofore was authorized to operate as a  
Class "B" private carrier by motor vehicle for hire for the transportation of:

coal from Florence coal fields to Pueblo; freight,  
generally, including livestock and dairy products,  
from and to points within a radius of twenty-five  
miles of Kim, Colorado, to and from La Junta, Pritchett,  
and Trinidad, Colorado, and from point to point in said  
area, and for the transportation of beans from points in  
said area to a point on U. S. Highway No. 50, where  
said highway intersects the Colorado-Kansas state line,  
and a point on U. S. Highway No. 59 where said highway  
intersects the Colorado-Oklahoma state line, with back  
haul of ranch and farm supplies.

As limited by testimony at hearing, he now seeks to extend his  
operations under said permit to include the right to transport: (a) cement  
from Portland to Walsh, Vilas, Trinidad and points within a radius of twenty  
miles of Kim; (b) coal from Florence-Canon City and Las Animas County coal  
fields, and freight, generally, from Pueblo to Walsh, Vilas and points within  
a radius of twenty miles of Walsh; (c) livestock, farm products, used household  
goods, used farm equipment and machinery to Pueblo from farms within a radius

of twenty miles of Walsh, when moving a farmer, and used farm equipment and machinery from Walsh to Pueblo for W. K. Burchfield; (d) bulk lime from Pueblo and sand from points along the Arkansas River to Walsh, Vilas and Trinidad, and points within a radius of twenty miles of Walsh.

That part of said application which proposed movement of freight from Pueblo to Walsh and Vilas and points within a radius of twenty miles of Walsh, and the transportation of farm equipment and machinery or any other freight, except livestock and farm products, from Walsh to Pueblo, was opposed by Springfield-Lamar Truck Line, L. E. Walker, Cornelius Transfer and Storage, and Weicker Transportation Company.

Upon cross-examination, applicant stated that freight out of Pueblo to be moved by him would amount to perhaps as much as five hundred pounds per week, and would chiefly be for Mr. Burchfield, who operates International Harvester Agency at Walsh; that he could not state whether Burchfield or other customers would be willing to pay a surcharge of twenty per cent over the prescribed rates in order to have his service. He admitted that the for-hire merchandise service was adequate and "pretty good".

Mr. Preston, testifying for Springfield-Lamar Truck Line, stated that Perry, Marks and Weicker delivered freight to his line at Lamar consigned to Walsh and points intermediate, Lamar to Walsh, including Springfield; that he furnished service daily, except Sunday and holidays; that the line was not profitable; that it was difficult to keep it going; that he needed all the freight that he could get in the territory between Lamar, Springfield, Vilas and Walsh; that he was in a position to, and could, move farm machinery, farm equipment and farm supplies between Pueblo and Walsh; that he did not object to movement of farm products in bulk or used household goods, farm equipment and machinery from farms out of the area.

It also appeared that Cornelius operated a line haul service to Walsh out of Lamar, via Holly, he also connecting with Weicker Transportation Company at Lamar.

We believe that the granting of the authority sought to transport

freight from Pueblo and used farm equipment and machinery or any other commodities from Walsh or Vilas along the lines served by the line haul carriers to Pueblo would tend to impair the efficiency of the now-adequate line haul service between said points. Admittedly, the volume of business between said points is small and no doubt it is difficult to maintain adequate daily service. We are of the opinion that it would not be in the public interest, at this time, to permit anyone to take business which the line haul carriers would be able to get.

After a careful consideration of the record, the Commission is of the opinion, and finds, that applicant's authority should be extended to include the right to perform the service sought, except as heretofore indicated.

#### O R D E R

IT IS THEREFORE ORDERED, That George Wright, Canon City, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. B-1308 to include the right to transport: (a) cement from Portland to Walsh, Vilas, and Trinidad and points within a radius of twenty miles of Kim; (b) coal from Florence-Canon City and Las Animas County coal fields to Walsh, Vilas and points within a radius of twenty miles of Walsh; (c) bulk lime from Pueblo and sand from points along the Arkansas River to Walsh, Vilas and Trinidad; (d) livestock, farm products, used household goods, used farm equipment and machinery from farms within a radius of 20 miles of Walsh (when moving a farmer) to Pueblo; without the right to engage in the transportation of any commodities ordinarily handled by line haul motor vehicle common carriers between points served by them.

IT IS FURTHER ORDERED, That the instant application, in all other respects, should be, and the same hereby is, denied.

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

IT IS FURTHER ORDERED, That this order shall become effective

twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Welch

W. C. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of June, 1940.

(Decision No. 15568 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Mabel Malouff, widow of  
Abdela Malouff

PERMIT NO. C-9542

June 27, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Mabel Malouff 144 Bridge St., Las Vegas, N. Mexico  
..... of .....,  
C-9542  
requesting that his Permit No. .... 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-9542, heretofore issued  
to Mabel Malouff ..... be,  
and the same is hereby, declared cancelled, as of June 2, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. H. Danks*  
*Malcolm E. Erickson*

Commissioners.

Dated at Denver, Colorado,  
this 27th day of June, 1940.

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Tom L. Cox

PERMIT NO. C-9917

June 27, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Tom L Cox \_\_\_\_\_ Pagosa Springs, Colorado  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C-9917 \_\_\_\_\_ 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-9917 \_\_\_\_\_, heretofore issued  
to \_\_\_\_\_ Tom L. Cox \_\_\_\_\_ be,  
and the same is hereby, declared cancelled, as of June 3, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Wheeler*  
*W. D. Danks*  
*Malcolm Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of June, 1940.  
K



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

John Ribacchi

PERMIT NO. C-10123

June 27, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
John Ribacchi ..... of 702 Colorado Ave., Walsenburg, Colo.  
requesting that his Permit No. C-10123 ..... 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-101234  
John Ribacchi ..... be,  
and the same is hereby, declared cancelled., as of June 4, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard E. Leeder*  
*Wes Danks*  
*Walter Wilson*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of June, 1940.

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Harry Pike

PERMIT NO. C-10627

June 27, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Harry Pike 1421 Main Ave., Durango, Colorado  
..... of .....  
requesting that his Permit No. .... 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-10627  
Harry Pike  
to ..... be,  
and the same is hereby, declared cancelled; as of June 5, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Quady*  
*W. S. Danks*  
*Arden Erickson*

Commissioners.

Dated at Denver, Colorado,  
this 27th day of June, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

H. J. Lapp d/b/a  
Great Western Tea Co.  
.....)

PERMIT NO. C-10914

.....  
June 27, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
H. J. Lapp dba Great Western Tea Co of 1303 Jefferson, Loveland, Colo.,  
requesting that his Permit No. C-10914 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-10914, heretofore issued  
to H. J. Lapp dba Great Western Tea Co be,  
and the same is hereby, declared cancelled: as of June 7, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Wheeler*  
*W. C. Danks*  
*Malcolm Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of June, 1940.  
K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

R. B. Sturman

PERMIT NO. C-8440

June 27, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
R. B. Sturman of Cortez, Colorado,  
requesting that his Permit No. C-8440 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-8440, heretofore issued  
to R. B. Sturman be,  
and the same is hereby, declared cancelled, as of June 7, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dwyer*  
*W. L. Danks*  
*Madison E. Garrison*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of June, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

M. R. Douglass d/b/a  
Douglass Poultry Co.

PERMIT NO. C-9408

June 27, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
M. R. Douglass d/b/a Douglass Poultry Co. 1255 Main, Grand Junction, Colo.  
of .....  
requesting that his Permit No. C-9408 ..... 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-9408, heretofore issued  
to M. R. Douglass dba Douglass Poultry Co. be,  
and the same is hereby, declared cancelled: as of June 7, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniel*  
*W. L. Danks*  
*Harold Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of June, 1940.

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Marion L. Page

PERMIT NO. C-6769

June 27, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Marion L. Page of 719 Palmer, Delta, Colorado  
requesting that his Permit No. C-6769 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-6769, heretofore issued  
to Marion L. Page be,  
and the same is hereby, declared cancelled, as of June 8, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Wheeler*  
*W. L. Danks*  
*Malcolm E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 27th day of June, 1940.

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## D I A I E M E N A

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Home Builders Supply Co., Inc. \_\_\_\_\_ of Bernalillo, New Mexico  
\_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_ C-10802  
requesting that his Permit No. \_\_\_\_\_ 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-10802, heretofore issued  
to Home Builders Supply Co., Inc. be,  
and the same is hereby, declared cancelled, as of June 9, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Ernest A. Wells  
W. L. Danks  
Malcolm Erikson  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of June, 19 40.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

Curtis Brown

PERMIT NO. A-1806

June 29, 1940

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Curtis Brown \_\_\_\_\_ of 938<sup>1</sup>/<sub>2</sub> So. Tejon, Colo. Spgs., Colo.,  
requesting that his Permit No. \_\_\_\_\_ A-1806 \_\_\_\_\_ be cancelled.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. A-1806, heretofore issued  
to Curtis Brown be,  
and the same is hereby, declared cancelled, as of June 10, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. Wheeler  
W. C. Danks  
Malcolm G. Kirkson  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of June, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

James L. Thacker

PERMIT NO. C-10406

June 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
James L. Thacker of Mankato, Kansas,  
requesting that his Permit No. C-10406 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-10406, heretofore issued  
to James L. Thacker be,  
and the same is hereby, declared cancelled, as of June 10, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Thacker*  
*W. D. Danks*  
*William E. Eason*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of June, 1940.

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Worley D. Reeder

C-11272

## S T A T E M E N T

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

Worley D. Reeder of Collyer, Kansas

and so finds, that the request should be granted.

C-11272

Worley D. Reeder

Edward E. Thacker

McDanks

W. L. Garrison

29th

**K**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
William Ferrier )  
PERMIT NO. C-10989  
)  
)  
)  
.....)

June 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
William Ferrier of Boone, Colorado,  
requesting that his Permit No. C-10989 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-10989, heretofore issued  
to William Ferrier be,  
and the same is hereby, declared cancelled., as of June 10, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Cullen*  
*W. H. Danks*  
*Walter E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of June, 1940.  
K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

O. E. & Vance  
Thornburg

PERMIT NO. C-10837

June 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
O. E. & Vance Thornburg Paonia Colorado  
\_\_\_\_\_ of \_\_\_\_\_,  
C-10837  
requesting that his Permit No. \_\_\_\_\_ 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-10837, heretofore issued  
to O. E. & Vance Thornburg be,  
and the same is hereby, declared cancelled, as of June 12, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Decker*  
*W. H. Danks*  
*Marion E. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of June, 1940.  
K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
)  
McDonald & Huff  
)  
.....)

PERMIT NO. C-291

.....  
June 29, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
..... McDonald & Huff ..... of 2409 W Colo. Ave., Colo. Spgs., Colo  
requesting that his Permit No. ..... C-291 ..... 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-291, heretofore issued  
to McDonald & Huff ..... be,  
and the same is hereby, declared cancelled, as of June 13, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Edward D. Wheeler*  
*Wes Danks*  
*Malcolm E. Quinn*  
Commissioners.

Dated at Denver, Colorado, June  
this 29th day of ..... 1940.  
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W. C. Deibh

B-1245

**S T A T E M E N T**

W. C. Deich \_\_\_\_\_ of Limon, Colorado \_\_\_\_\_,

B-1245

O R D E R

B-1245

Edward E. Wheeler

McDanks

Walter Guicks

**K**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

L. W. Mason

PERMIT NO. Puc 1224

June 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
L. W. Mason of Brookvale, Colorado,  
requesting that his Permit No. 1224 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. 1224, heretofore issued  
to L. W. Mason be,  
and the same is hereby, declared cancelled, as of June 14, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Ernest D. Davelos*  
*W. L. Danks*  
*Walter C. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of June, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EDWARD M. ROGERS, BOX 144, IDAHO )  
SPRINGS, COLORADO, FOR A CLASS "A" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5372-PP

-----  
July 2, 1940  
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Appearances: Edward M. Rogers, Idaho Springs,  
Colorado, pro se;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Common  
Carriers' Division of The  
Motor Carriers' Association.

S T A T E M E N T

By the Commission:

Applicant, Edward M. Rogers, herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ashes, trash, junk and refuse from points within the City of Idaho Springs to the City Dump, located about one-half mile east of Idaho Springs City Limits.

At the hearing, it appeared that applicant, for some time, has been engaged in performing the service which he now seeks authority from the Commission to furnish; that he did not know that a permit was required until he was stopped by Courtesy Patrolman; that since he was ordered to discontinue service, he has been taking care of the needs of his customers with a wagon and horse; that his application is supported by the City Council of Idaho Springs and by numerous residents of said town.

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 Edward M. Rogers, Idaho Springs, 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 ashes, trash, junk and refuse from points within the City of Idaho Springs to the City Dump, located about one-half mile east of Idaho Springs City Limits.

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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward M. Wheeler

W. C. Danks

Walter E. Erickson

Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK LOOMILLER, ROUTE 3, LONGMONT, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5401-PP

-----  
July 2, 1940  
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S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing materials from pits and supply points in the State of Colorado to road construction jobs within fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from northern Colorado coal fields to Longmont, Colorado.

Inasmuch as the motor carrier associations, heretofore, have indicated that they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That Frank Loomiller, 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 sand, gravel and road surfacing materials from pits and supply points in the

State of Colorado to road construction jobs within fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek and Gilpin Counties; coal from northern Colorado coal fields to Longmont, 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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard E. Decker

W. C. Danks

William Emerson

Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WALTER C. HULL, 79 WASHINGTON ST., )  
DENVER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5402-PP

-----  
July 2, 1940  
-----

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 sand and gravel for J. W. Brannan Sand and Gravel Company between points within a fifty-mile radius of Denver, excluding service in Boulder, Clear Creek and Gilpin Counties.

Inasmuch as the motor carrier associations, heretofore, have indicated that they have no objections to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That Walter C. Hull, 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 for J. W. Brannan Sand and Gravel Company between points within a fifty-mile radius of Denver, excluding service in Boulder, Clear Creek and Gilpin Counties.

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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Dwyer

W. H. Danks

William F. Fiverson  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JACK VAN EGMOND, ROUTE 1, LAS ANI- )  
MAS, COLORADO, FOR A CLASS "B" PER- )  
MIT TO OPERATE AS A PRIVATE CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5422-PP

-----  
July 2, 1940  
-----

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 loose hay between points within a radius of fifty miles of Las Animas, Colorado.

Inasmuch as the motor carrier associations, heretofore, have indicated that they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That Jack Van Egmond, Las Animas, 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 loose hay between points within a radius of fifty miles of Las Animas, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining con-

tinuing 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, the necessary tariffs, 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 as of the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. D. Danks

Walter Emerson  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RALPH LANGDON, ROUTE 2, LAS ANIMAS, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5421-PP

-----  
July 2, 1940  
-----

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 loose hay between points within a radius of fifty miles of Las Animas, Colorado.

Inasmuch as the motor carrier associations, heretofore, have indicated that they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That Ralph Langdon, Las Animas, 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 loose hay between points within a radius of fifty miles of Las Animas, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining con-

tinuing 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, the necessary tariffs, 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 as of the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. H. Danks

William E. Evers  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
N. O. BUTNER, BOX 384, LAS ANIMAS, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5420-PP

-----  
July 2, 1940  
-----

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 loose hay and sugar beets between points within a radius of fifty miles of Las Animas, Colorado.

Inasmuch as the motor carrier associations, heretofore, have indicated that they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That N. O. Butner, Las Animas, 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 loose hay and sugar beets between points within a radius of fifty miles of Las Animas, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining con-

timing 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, the necessary tariffs, 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 as of this date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. H. Danks

William E. Brown

Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED F. LEBACK, 863 EAST 7TH ST., )  
LOVELAND, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5419-PP

-----  
July 2, 1940  
-----

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 sand, gravel, dirt, oil mix, road oil and similar construction materials from pits and supply points in the State of Colorado to construction jobs within an area extending thirty miles west, fifteen miles south, ten miles east and twenty miles north of Loveland, excluding transportation service between, to or from points in Boulder, Clear Creek and Gilpin Counties.

Inasmuch as the motor carrier associations, heretofore, have indicated that they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That Fred F. Leback, Loveland, 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, dirt, oil mix, road oil and similar construction materials from

pits and supply points in the State of Colorado to construction jobs within the area extending thirty miles west, fifteen miles south, ten miles east and twenty miles north of Loveland, excluding transportation service between, to or from points in Boulder, Clear Creek and Gilpin Counties.

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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Daniels  
W. C. Danks  
William Erickson  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
)  
R. E. Mayfield  
.....)

PERMIT NO. A-1609

.....  
July 2, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
R. E. Mayfield ..... of 1274 S Andrews, Hollywood, Calif.  
....., requesting that his Permit No. A-1609 ..... be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-1609, heretofore issued  
to R. E. Mayfield ..... be,  
and the same is hereby, declared cancelled, as of June 15, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Edward E. Decker*  
*W. L. Jank*  
*Malcolm Brown*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
L. H. Barnes Co. )  
)  
..... )

PERMIT NO. C-1231

.....  
July 2, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
L. H. Barnes Co. .... of Woodward, Oklahoma, .....  
requesting that his Permit No. C-1231 ..... 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-1231, heretofore issued  
to L. H. Barnes Co. .... be,  
and the same is hereby, declared cancelled, as of June 17, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Wheeler*  
*W. C. Danks*  
*Walter H. Quinn*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of July, 1940.  
K



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

L. R. Allen

PERMIT NO. C-6742

July 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
L. R. Allen ..... of 233 S 1st, Montrose, Colorado ,  
requesting that his Permit No. C-6742 ..... 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-6742, heretofore issued  
to L. R. Allen ..... be,  
and the same is hereby, declared cancelled, as of June 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Healey*  
*W. C. Danks*  
*Malvin L. Nixon*  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of July, 1940.  
K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Harry Singer

PERMIT NO. C-11313

July 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Harry Singer 1437 Julian St., Denver, Colo.  
..... of .....,  
requesting that his Permit No. C-11313 ..... 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-11313, heretofore issued  
to Harry Singer ..... be,  
and the same is hereby, declared cancelled; as of June 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Wheeler*  
*John H. Gault*  
*Walter E. ...*

Commissioners.

Dated at Denver, Colorado,  
this 2d day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

R. V. Douglas

PERMIT NO. C-11109

July 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
R. V. Douglas ..... of 312 N. Prospect, Colo. Spgs., Colo.  
.....  
requesting that his Permit No. C-11109 ..... 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-11109~~ <sup>C-11109</sup>\*, heretofore issued  
to R. V. Douglas ..... be,  
and the same is hereby, declared cancelled, as of June 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward T. Decker*  
*W. H. Sparks*  
*Malcolm Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of July, 1940.

K

(Decision No. 15598 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

Lester P. Smead

PERMIT NO. C-10024

July 2, 1940

## S T A T E M E N T

By the Commission:

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

Lester P. Smead of R. C. Webster, 2262 Ashby Ave., Berkeley, Calif

requesting that his Permit No. C-10024 be cancelled.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-10024....., heretofore issued  
to Lester P. Smead..... be,  
and the same is hereby, declared cancelled., as of June 18, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Deedes  
Wm. J. J. J. J.  
Wm. J. J. J. J.  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Ernest A. Forkner

PERMIT NO. C-11344

July 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Ernest A. Forkner of 302 W 3d, Salida, Colorado,  
requesting that his Permit No. C-11344 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-11344, heretofore issued  
to Ernest A. Forkner be,  
and the same is hereby, declared cancelled, as of June 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. [Signature]*  
*W. Danks*  
*Walter [Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of July, 1940.

K

(Decision No. 15600 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

Abe Soloff

PERMIT NO. C-4893

July 2, 1940

## S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
 Abe Soloff \_\_\_\_\_ of 3219 W Colfax, Denver, Colorado  
 \_\_\_\_\_ of \_\_\_\_\_,  
 C-4893  
 requesting that his Permit No. \_\_\_\_\_ be cancelled.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-4893, heretofore issued  
to Abe Soloff be,  
and the same is hereby, declared cancelled, as of June 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. Wheeler  
McDauks  
Maurice Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of July, 1940.  
K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
O. B. COOLEY AND A. B. COOLEY, )  
DOING BUSINESS AS "COOLEY )  
BROTHERS," MOSCA, COLORADO. )  
-----

PERMIT NO. B-1654

-----  
July 2, 1940  
-----

S T A T E M E N T

By the Commission:

On May 27, 1940, we entered our order and decision, No. 15436, in the above-styled matter, cancelling out part of the authority theretofore granted to applicants to operate as Class "B" private carriers by motor vehicle for hire.

Subsequently, we were informed by applicants that they did not want authority to haul beet loaders from point to point in the San Luis Valley eliminated from the service which they can perform, and asked that said order be amended.

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 first paragraph in the order contained in Decision No. 8191, of date August 3, 1936, as amended by our order and decision, No. 15436, should be amended, by inserting after the word "point" at the beginning of the sixth line of said amended order, the language "beet loaders from point to point in the San Luis Valley," so that said paragraph, as amended, will read:

IT IS THEREFORE ORDERED, That O. B. Cooley and A. B. Cooley, doing business as "Cooley Brothers," Mosca, Colorado, be, and they hereby are, granted

a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of beet loaders from point to point in the San Luis Valley, and beet seed and beet machinery from Rocky Ford to points in the San Luis Valley for the American Crystal Sugar Company; and the transportation of farm products, excluding livestock, from point to point within a radius of seven miles of Mosca, Colorado, and between points within said seven-mile area and points outside thereof that are within a radius of fifty miles of Mosca, said farm products service to be limited to customers residing within a radius of seven miles of Mosca.

IT IS FURTHER ORDERED, That said Decisions Nos. 8191 and 15436, in all other respects, shall remain in full force and effect.

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniel*

*W. L. Danks*

*William Erickson*  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN D. LUXTON, DOLORES, COLORADO, )  
FOR AN EXTENSION OF HIS PRIVATE )  
CARRIER PERMIT NO. B-1985. )  
-----

APPLICATION NO. 4082-PP-B

-----  
July 2, 1940  
-----

Appearances: James B. Garrison, Esq., Dolores,  
Colorado, for the applicant;  
T. A. White, Esq., Denver, Colo-  
rado, for Rio Grande Motor Way,  
Inc.;  
Cass M. Herrington, Esq., Denver,  
Colorado, for Rio Grande Southern  
Railway Company;  
Harold Newrock, Esq., Lafayette,  
Colorado, for Williams Truck Line;  
K. Tracy Powers, 268 South State St.,  
Salt Lake City, Utah, for Moab  
Garage Company.

S T A T E M E N T

By the Commission:

Applicant, John D. Luxton, by Decision No. 10633, was auth-  
orized to operate as a Class "B" private carrier by motor vehicle for  
hire for the transportation of:

farm products only, excluding livestock, from  
point to point within a twenty-five mile rad-  
ius of Dolores,

with the proviso that such service should be limited to the seasonal  
movement of said farm products from fields to storage and loading points,  
and should not include the right to haul from storage or between towns.

On April 15, 1940, he filed application for an extension, the  
matter being set for hearing, and heard, in Cortez, Colorado, on June 20,  
1940.

After taking of testimony, both for and against the granting of the authority sought in said application for extension, it was stipulated that applicant's authority might be extended to include the right to transport: (a) farm products, excepting livestock, during crop-harvesting season, only, from fields within a radius of fifty miles of Dolores to storage and loading points in said area, only, specifically excluding the right to haul from storage to points in said area, or between towns in said area, and; (b) farm produce, wool, coal, farm machinery, livestock, lumber and household goods from farm to farm, town to farm and farm to town, within a radius of fifty miles of Dolores, Colorado, only, (specifically excepting service between towns served by motor vehicle line haul common carriers) for R. N. Musgrave, C. Royce, J. Rush, A. C. Seegar, R. Nash, and R. Akin, only, without the right to add to the number of his customers.

After a careful consideration of the record, it appearing that the proposed extended service will not impair the efficiency of any authorized motor vehicle common carrier, the Commission is of the opinion, and finds, that said application should be granted, without the right to add additional contracts or customers.

#### O R D E R

IT IS THEREFORE ORDERED, That, hereafter, under his said Private Carrier Permit, No. B-1985, said John D. Luxton, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) farm produce, wool, coal, farm machinery, livestock, lumber and household goods from farm to farm, town to farm, and farm to town, within a radius of fifty miles of Dolores, Colorado, only, (specifically excepting service between towns served by motor vehicle line haul common carriers) for R. N. Musgrave, C. Royce, J. Rush, A. C. Seegar, R. Nash, and R. Akin, only, without the right to add to the number of his contracts or customers; (b) farm products, excepting livestock, during crop-harvesting season, only, from fields within a radius of fifty miles of Dolores to storage and loading points in said area,

only, specifically excluding the right to haul from storage to points in said area, or between towns 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. A. Danks

Walter E. Erickson

Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ARTHUR D. POOR TO TRANSFER PERMIT )  
NO. B-1323 TO ARLES AND MARTHA BATES,) )  
DOING BUSINESS AS "BATES TRUCK LINE,) )  
HYGIENE, COLORADO. )  
-----

APPLICATION NO. 2917-PP-BA

-----  
July 2, 1940  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Arles and Martha Bates, stating that they have determined not to purchase Permit No. B-1323, for which assignment of authority is sought in the above-styled application.

Therefore, after a careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That application of Arthur Poor to assign Permit No. B-1323 to Arles and Martha Bates be, and the same hereby is, dismissed.

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dancy*

*W. C. Danks*

*William E. Eason*  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MARCUS L. ALEXANDER, GOULD, COLO- )  
RADO, FOR A CLASS "A" PERMIT TO OP- )  
ERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5206-PP  
SUPPLEMENTAL ORDER

-----  
July 2, 1940  
-----

Appearances: Marcus L. Alexander, Gould,  
Colorado, pro se;  
E. Robert Baker, Denver, Colo-  
rado, for The Motor Truck  
Common Carriers' Associa-  
tion;  
John P. Beck, Esq., Denver,  
Colorado, for The Colorado  
Trucking Association, E. N.  
Winscom, R. W. and H. M.  
Greeley;  
A. J. Fregeau, Denver, Colo-  
rado, for Weicker Transpor-  
tation Company.

S T A T E M E N T

By the Commission:

In the above-styled matter, on October 26, 1939, applicant, Marcus L. Alexander, was authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of:

"logs, ties, telephone poles, posts and piling  
from timber camps on Cameron Pass to Walden."

Upon receipt of the order, said Alexander asked the Commission to formally amend said order to show that he has the right to handle lumber from the foot of Cameron Pass to Walden.

Messrs. E. N. Winscom and R. W. Greeley, of Walden, were informed of his request. They have not objected thereto.

Therefore, after a careful consideration of the record, the Commission is of the opinion, and finds, that said amendment should be made.

O R D E R

IT IS THEREFORE ORDERED, That said order and decision, No. 14226, of date October 26, 1939, should be, and hereby is, amended, to read:

logs, ties, telephone poles, posts and piling from timber camps on Cameron Pass to Walden, and lumber from the foot of Cameron Pass to Walden.

IT IS FURTHER ORDERED, That said decision No. 14226, in all other respects, shall remain in full force and effect.

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Daniels

W. L. Danks

Malcolm Swenson

Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. B. LEASURE, COLORADO SPRINGS, )  
COLORADO, TO TRANSFER PERMIT NO. )  
A-445 TO IVAN AND DWIGHT MILLER, )  
GREELEY, COLORADO, SUBSTITUTE )  
TRANSFEREES OF PERCY WILSON. )

APPLICATION NO. 4990-PP-A

July 2, 1940

Appearances: Wayne Rees, Esq., Longmont, Colorado,  
for the applicants;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Common  
Carriers Division of the  
Colorado Motor Carriers'  
Association.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer Permit A-445, and the transferees, who are familiar with all outstanding obligations, agree to take care of the same.

Permit A-445, as originally issued, grants authority as follows:

"Denver to Fort Collins, and int. points,  
Denver to Pueblo & int. pts., Denver to  
Nunn and intermediate points."

However, it was agreed by the transferor and the transferees that all rights south of Denver had been abandoned and they expected the transfer to include nothing except Denver to Fort Collins and intermediate points via U S Highway No. 87, and Denver to Nunn and intermediate points via U S Highway No. 85.

On November 6, 1939, Decision No. 14281, the Commission issued an order authorizing a suspension of operations under Permit A-445 for a period of six months. On April 1, 1940, J. B. Leasure requested

that in connection with the transfer of this permit, the same be reinstated.

On May 17, 1940, a petition signed by Percy Wilson, the transferee originally designated, and Ivan and Dwight Miller, was filed with the Commission, wherein it is requested that Ivan and Dwight Miller be substituted as transferees in place of Percy Wilson; that Percy Wilson and Ivan and Dwight Miller have entered into an agreement whereby Ivan and Dwight Miller are to pay the sum of \$600.00 for Permit A-445.

It appears that the financial standing and operating dependability are matters of record with the Commission.

A copy of a letter dated May 27, 1940, addressed to Ivan and Dwight Miller, signed by J. E. Clayburg, was filed with the Commission, wherein it was disclosed that Ivan and Dwight Miller were indebted to J. E. Clayburg in the sum of approximately \$2700.00, and that they were about to default in making payments on account of this indebtedness.

The Commission, therefore, ordered a hearing on the application to substitute Ivan and Dwight Miller for Percy Wilson in the transfer of Permit A-445, for June 4, 1940, at which time it appeared that some agreeable settlement had been made by Miller Brothers with J. E. Clayburg, and that they were at liberty to conclude their arrangements to purchase Permit A-445 in the event authority to transfer was granted.

After careful consideration of the record, and the testimony given at the two hearings referred to above, the Commission is of the opinion, and finds, first, that Permit A-445 should be reinstated as of this date, and second, that J. B. Leasure should be given authority to transfer all of his right, title, and interest in and to said Permit A-445 to Ivan and Dwight Miller, doing business as Miller Brothers, Greeley, Colorado, as substitute transferees of Percy Wilson, with authority limited as indicated by the testimony.



O R D E R

IT IS THEREFORE ORDERED, That Permit A-445 should be, and it hereby is, reinstated as of this date.

IT IS FURTHER ORDERED, That J. B. Leasure should be, and he hereby is, authorized to transfer all of his right, title, and interest in and to Permit A-445 to Ivan and Dwight Miller, doing business as Miller Brothers, Greeley, Colorado, substitute transferees of Percy Wilson, with authority limited as follows:

Denver to Fort Collins and intermediate points  
and Denver to Nunn and intermediate points.

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 the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.



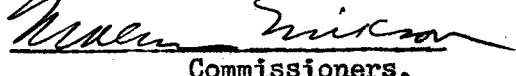
IT IS FURTHER ORDERED, That the right of transferees to operate under this order shall be dependent upon their compliance at all times with all of the laws, rules and regulations pertaining to their operation which now or hereafter may be in effect.

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.

DATED at Denver, Colorado,  
this 2d day of July, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GATELY MOTOR COMPANY, A CORPORATION, )  
FOR AN EXTENSION OF CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
NO. 1179. )

APPLICATION NO. 3977-BB

IN THE MATTER OF THE APPLICATION OF )  
GATELY MOTOR COMPANY, A COLORADO )  
CORPORATION, TO TRANSFER CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
NO. 1026 TO SOUTH PARK MOTOR LINES, )  
INC., A COLORADO CORPORATION. )

APPLICATION NO. 2626-AAA-AA

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July 2, 1940

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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for the applicant;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transfer and Storage  
Company and Weicker Transporta-  
tion Company.

S T A T E M E N T

By the Commission:

On January 18, 1939, in Application No. 3977-BB, a petition for rehearing was filed on behalf of the Gately Motor Company, in an effort to have Decision No. 12819 modified so as to grant some additional authority to the applicant.

Through oversight, this petition for rehearing has not been passed upon.

After carefully reading the petition for rehearing, as well as checking the statement and order contained in Decision No. 12819, the Commission has decided to treat the petition for rehearing as a petition for reconsideration.

It appears that the Gately Motor Company, applicant herein, has now acquired the operating rights of the Hitchcock Truck Line under

Certificate No. 1026, which removes line haul competition between Denver and Fairplay; that inasmuch as Certificate No. 1026 is a line haul operation, the applicant, Gately Motor Company, requests that the former be substituted and that the extension sought by Application No. 3977-BB, or that portion of the same which should have been allowed, be made a part of Certificate No. 1026, now operated by the applicant as the South Park Motor Lines, Inc.

A careful reading of Decision No. 12819 discloses that the testimony mentioned in the second paragraph on page 3 of said decision tends to support a demand for service by the applicant between Denver and Hartsel, and one intermediate point, namely, Garo, Colorado; that there is at the present time no scheduled common carrier service between Denver and Hartsel, Colorado.

After careful consideration of the record, and the request to have the South Park Motor Lines, Inc., substituted for the Gately Motor Company, the applicant herein, the Commission is of the opinion, and finds, that inasmuch as there is no common carrier service available for Hartsel and Garo, this part of the extension sought should be granted, and that the South Park Motor Lines, Inc., should be substituted for the Gately Motor Company, and the extension sought made a part of Certificate No. 1026 now held by the South Park Motor Lines, Inc.

#### O R D E R

IT IS THEREFORE ORDERED, That the South Park Motor Lines, Inc., be, and the same hereby is, substituted as applicant herein in lieu of the Gately Motor Company, a corporation.

IT IS FURTHER ORDERED, That the public convenience and necessity require the extended motor vehicle service of the South Park Motor Lines, Inc., operating under Certificate No. 1026, to include the transportation of general commodities between Denver and Hartsel, Colorado, and one intermediate point, namely, Garo, Colorado, by way of U.S. Highway 285 and Colorado Highway No. 9; 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 extension here granted shall become a part of the authority known as Certificate No. 1026.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Decker  
Wes Danks  
Malcolm Erickson  
Commissioners.

DATED at Denver, Colorado,  
this 2d day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
OSCAR BELL, DURANGO, COLORADO, FOR )  
REINSTATEMENT OF HIS PERMIT NO. )  
B-1922, AND FOR AUTHORITY TO TRANS- )  
FER SAID PERMIT TO WILLIAM HUNT, )  
HESPERUS, COLORADO. )  
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APPLICATION NO. 3216-PP-A

-----  
July 2, 1940  
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S T A T E M E N T

By the Commission:

On February 20, 1940, Decision No. 14895, Private Carrier Permit No. B-1922, granted to Oscar C. Bell, Decision No. 7948, on July 6, 1936, was suspended at the request of said Bell, with the right to reinstate at any time within six months from said February 20, 1940.

Said Bell has filed application to reinstate, and to transfer to one William Hunt, of Hesperus, Colorado, said permit, which authorizes:

the transportation of: (a) farm products, including wool and livestock, and farm supplies, from point to point within a radius of ten miles of Petty's ranch, which is located ten miles southwest of Durango, and from and to points in said area, to and from points in La Plata County; (b) ore from May Day mine, located on the La Plata River about six miles from Hesperus, to railroad loading points at Hesperus; (c) mine supplies from Durango to said May Day mine.

Inasmuch as the permit, in the first instance, was granted without opposition by common carriers authorized to perform motor vehicle common carrier service in La Plata County, we believe that no useful purpose would be served by setting said matter for formal hearing, and have determined to hear, and have heard, said matter, upon the filed and records herein.

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

that the authority sought to transfer should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1922 should be, and hereby is, reinstated.

IT IS FURTHER ORDERED, That Oscar Bell, Durango, Colorado, should be, and he hereby is, authorized to transfer said Permit No. B-1922 to William Hunt, Hesperus, Colorado.

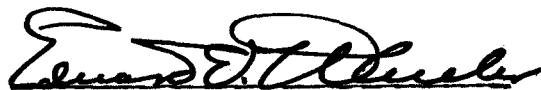
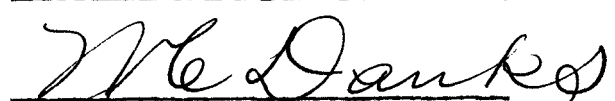

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future, will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
WALKER MOUNTAIN TOURS, OF ) P.U.C. No. 174  
BOULDER, COLORADO. )  
-----

-----  
July 2, 1940.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the Walker Mountain Tours, of Boulder, Colorado, requesting that its certificate of public convenience and necessity, PUC 174, be suspended for the "1940 Season."

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 Walker Mountain Tours should be, and hereby is, allowed to suspend its operations under its certificate of public convenience and necessity, PUC No. 174, for a period of one year from June 15, 1940.

IT IS FURTHER ORDERED, That unless said Walker Mountain Tours 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 D. Decker

McDank

William E. Evers  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOHN LEACH. )

P.U.C. No. B-1048

July 2, 1940

S T A T E M E N T

By the Commission:

On December 30, 1939, by order of the Commission, Decision  
No. 14570, John Leach of 569 Kalamath St.,  
Denver, Colorado, was given authority to suspend operations under  
PUC No. B-1048 for a period of six months with the privilege  
of reinstatement.

The Commission is now in receipt of a communication from permittee  
requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary  
certificate of insurance, cash deposit, and otherwise having complied with the  
rules and regulations of the Commission governing private carriers,  
the Commission is of the opinion and finds that said order of suspension should  
be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and  
hereby is, set aside and that PUC No. B-1048 be, and the same hereby is,  
restored to its active status as of the ~~date of this order~~ 1st day of July, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard D. Wheeler

W. C. Danks

Malcolm E. Eason

Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1939.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. W. WALLACE, MACK, COLORADO, TO )  
TRANSFER PRIVATE PERMIT NO. B-2276 )  
TO RALPH E. DOWNEY, LOMA, COLORADO. )  
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APPLICATION NO. 4767-PP-A

-----  
July 2, 1940  
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Appearances: Ralph E. Downey, Loma, Colo-  
rado, pro se, and for  
J.W. Wallace, Transferor;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.

S T A T E M E N T

By the Commission:

The evidence disclosed that on December 12, 1938, Decision No. 12888, J. W. Wallace, of Mack, Colorado, was granted a Class "B" permit, and in the instant application he is seeking to transfer the same to Ralph E. Downey, of Loma, Colorado. The permit has been operated by Mr. Wallace under No. B-2276, and authorizes the operation as a private carrier by motor vehicle for the transportation of agricultural products, consisting of potatoes and beans raised on farms within a ten-mile radius of Mack, to shipping points between Mack and Grand Junction, both inclusive.

It appeared to be in the public interest to grant the authority sought, and the reliability and standing of transferee were established to the satisfaction of the Commission.

It did not appear that any outstanding obligations exist against the operations under said permit by transferor.

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

O R D E R

IT IS THEREFORE ORDERED, That J. W. Wallace, of Mack, Colorado, be, and he is hereby, authorized to transfer to Ralph E. Downey, Loma, Colorado, all of his right, title and interest in and to Permit No. B-2276.




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. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 2nd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE PARADOX MERCANTILE COMPANY, )  
PARADOX, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5390-PP

-----  
July 3, 1940  
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Appearances: Walter Crose, Esq., Montrose,  
Colorado, for applicant;  
L. A. Theobald, Norwood, Colo-  
rado, for Theobald Truck  
Line.

S T A T E M E N T

By the Commission:

The application, as filed, herein seeks authority to transport ore and concentrates from points within a radius of twenty-five miles of Paradox, Colorado, to Uravan, Colorado. However, at the hearing, applicant asked to extend the authority sought to permit the transportation of ore and concentrates to any mill within said twenty-five-mile radius of Paradox.

No objection was interposed to this amendment.

It appeared from the evidence that Paradox Mercantile Company conducts a store at Paradox. The company is owned by Mrs. Marguerite M. Colombo, who also owns a 1940 one and one-half ton Chevrolet truck with stake body.

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

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

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

O R D E R

IT IS THEREFORE ORDERED, That Mrs. Marguerite Colombo, doing business as "Paradox Mercantile Company," should be, and she is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ore and concentrates from mines within a radius of twenty-five miles of Paradox to mills within said area; mining supplies from points within said area back to said mines, including rough lumber and mining timber from the Couraud-Proctor Sawmill to said mines.

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

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

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

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Wheeler*  
*W. H. Danks*  
*Malcolm Kirkman*

Commissioners

Dated at Denver, Colorado,  
this 3rd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RUPERT E. BORDEN, URAVAN, COLORADO, )  
FOR A CLASS "A" PRIVATE CARRIER )  
PERMIT TO OPERATE BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 539<sup>3</sup>-PP

-----  
July 3, 1940  
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Appearances: Rupert E. Borden, Uravan,  
Colorado, pro se;  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.;  
L. A. Theobald, Norwood,  
Colorado, for Theobald  
Truck Line.

S T A T E M E N T

By the Commission:

The application, as filed, seeks authority to haul ore from a vanadium mine located on Rifle Creek north and east of Rifle, Colorado, via U. S. Highways No.s 6 and 24, to Grand Junction, and thence to Uravan, Colorado, via Gatewood <sup>WAY</sup> or via Montrose, Ridgway and Placerville, as an alternate route.

The evidence disclosed that applicant had been transporting said ore under temporary authority issued by the Commission. It was further developed that in addition to the transportation of said ore, applicant also desired to transport to the mine, on Rifle Creek, materials of the nature of drill steel, timbers, pipe and powder from Uravan, Grand Junction or Rifle. This authority was not included in the application. However, no objections were interposed to including the same if the permit was granted.

The financial standing and operating reliability of applicant

were established to the satisfaction of the Commission.

The reason given for desiring the alternate route via Ridgway and Placerville was to the effect that the highway via Gateway was not always in good condition, and even though the alternate route is longer by some seventy-five miles, it is sometimes more practical to use the same.

It does not appear that any common carrier is now rendering the service proposed by applicant.

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

#### O R D E R

IT IS THEREFORE ORDERED, That Rupert E. Borden, Uravan, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of ore from the vanadium mine on Rifle Creek north and east of Rifle, Colorado, to Grand Junction, via U. S. Highways 6 and 24, and thence to Uravan, Colorado, via Gateway, or, as an alternate route, via Montrose, Ridgway and Placerville, together with the right to transport back to said mine supplies and materials of the nature of drill steel, timbers, pipe and explosives from Uravan, Grand Junction and Rifle, 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 granted, said permit herein provided for, 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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. C. Danks

Malcolm E. Quinn

Commissioners

Dated at Denver, Colorado,  
this 3rd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN DESTRUF, PAONIA, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
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APPLICATION NO. 5388-PP

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July 3, 1940.  
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Appearances: John Destruf, Paonia, Colorado,  
pro se;  
Ernest C. Butler, Crawford, Colorado,  
pro se;  
R. G. Girling, Lazear, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

The application as filed herein seeks authority to transport milk and coal from point to point within a radius of 50 miles of Paonia, Colorado.

Applicant testified that at the present time he is transporting milk to the Girling Creamery at Lazear. None of the common carriers with authority to operate in the territory involved, appeared in opposition to the granting of this permit, and it appeared that it would be in the public interest to authorize the same.

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

O R D E R

IT IS THEREFORE ORDERED, That John Destruf, of Paonia, 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 milk and cream, only, from point to point within a radius of fifty miles of Paonia, Colorado.

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing



jurisdiction in 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, the necessary tariffs and 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. E. Danks

James E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. M. WOODS, MONTROSE, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE ) APPLICATION NO. 5231-PP  
AS A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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July 3, 1940.  
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Appearances: L. M. Woods, Montrose, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

On February 24, 1936, Decision No. 7243, L. M. Woods was granted a Class "B" permit authorizing the transportation of farm commodities and live-stock within a certain area surrounding Montrose, Colorado.

Thereafter, by Decision No. 9299, said permit was revoked for failure to keep on file with the Commission the necessary insurance, with the privilege, however, of reinstatement at any time during six months from and after January 15, 1937, provided all rules and regulations of the Commission had been complied with.

Said permit was not reinstated within the said six-months period, and thereafter applicant, on October 2, 1939, filed a new application, and paid a new filing fee, seeking a reissuance of Permit No. B-1530. Said application was set down for hearing at Montrose, Colorado, on the 17th day of June, and no one appeared protesting the granting of the authority sought.

Applicant testified that all of his reports are on file, his taxes are paid, and he has the proper insurance on file.

The files of the Commission indicate that there is a need for the service which applicant seeks to render.

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

O R D E R

IT IS THEREFORE ORDERED, That L. M. Woods, of Montrose, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, including livestock, from point to point within a radius of 50 miles of Montrose, Colorado, with the further right to extend his operations to a radius of 100 miles of Montrose for the purpose of picking up said farm products and livestock for delivery to points within said 50-mile radius; provided, however, that the authority herein granted does not permit applicant to transport freight between towns within said above described areas in competition with any established motor vehicle common carrier service.

IT IS FURTHER ORDERED, That the permit herein issued shall be given the number "B-1350".

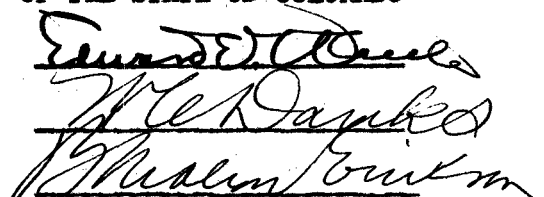
IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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, the necessary tariffs and required insurance, and has secured identification cards.

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

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 3rd day of July, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. E. DAUGHERTY, ROUTE 4, BOX 98, )  
MONTROSE, COLORADO, FOR REISSUANCE )  
OF PERMIT NO. B-2049 AND FOR EXTEN- )  
SION OF SAME. )  
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APPLICATION NO. 5391-PP

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July 5, 1940.  
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Appearances: C. E. Daugherty, Route 4, Box 98,  
Montrose, Colorado, pro se.

S T A T E M E N T

By the Commission:

On October 9, 1936, Decision No. 8510, applicant was issued a private permit authorizing certain transportation in the vicinity of Montrose, Colorado, under Permit No. B-2049.

Thereafter, said Permit No. B-2049 was revoked, and in the instant application applicant is seeking authority to have the said permit reissued and to extend his operations under same to include other commodities which were not covered by the original permit.

The application for reissuance and extension was set for hearing after due notice to competitive carriers.

No one appeared objecting to the reissuance of said Permit No. B-2049 or to the extension which applicant seeks.

It appeared at the hearing that it would be in the public interest to reissue said permit and to grant the extended authority sought.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that C. E. Daugherty should be granted reissuance of said Permit B-2409 and the extension thereof as sought.

O R D E R

IT IS THEREFORE ORDERED, That C. E. Daugherty, of Montrose, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private

carrier by motor vehicle for hire for the transportation of: (a) farm products, including livestock, from farms in the Bostick Park area located 11 miles northeast of Montrose, and the Sanborn Park area located 30 miles west of Montrose, and farms within a radius of 12 miles of Montrose, to Montrose and Olathe; (b) lumber from Jack Wilson's mill located about 20 miles west of Montrose, to Montrose; (c) water for the National Park Service Camp about 18 miles northeast of Montrose; and (d) camp equipment and supplies for the National Park Service from and to National Park headquarters about 17 miles northwest of Grand Junction to and from said National Park Camp located about 18 miles northeast of Montrose, also the right to transport hides, bones, meat scraps, and dead animals, for the Western Slope Hide and Rendering Company, only, from points within a radius of 100 miles of Montrose to the Colorado Animal Rendering Company of Denver, over the shortest and most convenient route.

IT IS FURTHER ORDERED, That the permit herein granted shall be numbered "B-2049".

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, the necessary tariffs and 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. Welch

W. H. Danks

W. H. Simpson  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
R. L. ROBINS, ROUTE 4, BOX 23, MONTROSE, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. (Reissuance of )  
Permit No. B-2273) )  
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APPLICATION NO. 5392-PP

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July 3, 1940.  
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Appearances: R. L. Robins, Montrose, Colorado,  
pro se;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

The evidence disclosed that applicant formerly owned Permit No. B-2273, which was granted to him November 15, 1938, by Decision No. 12614, and authorized the transportation of sand, gravel, rock and natural fertilizer, from point to point within a radius of 50 miles of Montrose, Colorado. Later, said permit was amended by the inclusion of "dirt" as one of the commodities authorized to be transported.

This permit was revoked because of applicant's failure to keep on file the necessary insurance required by law, and in the instant application he seeks to have said permit reissued to him.

Applicant testified that his failure to maintain his former permit was due to the fact that so many carriers under "C" permits were operating for hire that it was impossible to maintain any business at compensatory rates. He felt that this condition had improved and desired again to try the transportation business.

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 should be granted.

O R D E R

IT IS THEREFORE ORDERED, That R. L. Robins, of Montrose, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, rock, dirt, and natural fertilizer, from point to point within a radius of 50 miles of Montrose, Colorado.

IT IS FURTHER ORDERED, That said permit shall bear the number "B-2275".


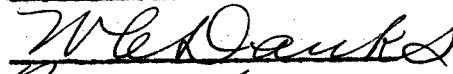

IT IS FURTHER ORDERED, That all operations under this permit are to be strictly contract operations, the Commission retaining continuing jurisdiction in this matter to make such further restrictions, reservations, limitations and amendments to this permit as to it may seem advisable in the premises.

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, the necessary tariffs and 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 3rd day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEO G. SCARLETT, NUCLA, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
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APPLICATION NO. 5389-PP

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July 3, 1940.  
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Appearances: Leo G. Scarlett, Nucla, Colorado,  
pro se;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

The application as filed seeks authority to haul vanadium ore in the  
Uravan territory.

At the hearing, applicant testified as to a number of hauls which he  
desired to make, including the transportation of ore from one mine approximately  
four miles below Uravan, to Montrose, via Norwood and Placerville. The various  
descriptions of properties to be served given by applicant are somewhat vague  
and lacking in definite location. However, it would appear that a 50-mile  
radius from the town of Nucla would cover all points which applicant is seeking  
authority to serve if he is also granted authority to make the Montrose trip  
via Placerville.

Applicant has been operating under a letter of authority issued  
by the Highway Courtesy Patrol. He owns two dump trucks, and has an equity  
of approximately \$2,200.00 therein.

No objections were interposed to the granting of the authority  
sought by any common carrier authorized to serve said territory.

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

O R D E R

IT IS THEREFORE ORDERED, That Leo G. Scarlett, of Nucla, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vanadium ore between mines and mills and from point to point within a radius of fifty miles of Nucla, Colorado, together with the right to transport vanadium ore from said area to Montrose, Colorado, via Placerville and Ridgway, no service to be rendered in competition with presently established common carrier service.

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

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, the necessary tariffs and 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. Steele  
W. L. Drank  
William G. Giverson  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of July, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
Mrs. Thelma Bridgefarmer )  
)  
.....)

PERMIT NO. C-8119

.....  
July 2, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
..... Mrs. Thelma Bridgefarmer ..... of ..... Rte 3, McKinney, Texas .....  
requesting that his Permit No. ..... C-8119 ..... 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-8119, heretofore issued  
to ..... Mrs. Thelma Bridgefarmer (widow of Collie Bridgefarmer) be,  
and the same is hereby, declared cancelled, as of May 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard J. Guel*  
*W. D. Danks*  
*W. L. Brown*  
Commissioners.

Dated at Denver, Colorado,  
this .....<sup>2d</sup> day of ..... July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Arthur L. Meiling

PERMIT NO. C-11237

July 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Arthur L. Meiling \_\_\_\_\_ Box 13, Leadville, Colorado  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C-11237 \_\_\_\_\_ 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-11237, heretofore issued  
to \_\_\_\_\_ Arthur L. Meiling \_\_\_\_\_ be,  
and the same is hereby, declared cancelled; as of June 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Wheeler*  
*W. D. Quirk*  
*Harmon Brinson*  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

George F. Miller

PERMIT NO. C-11394

July 2, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
George F. Miller ..... of 1007 Julian, Denver, Colorado .....  
requesting that his Permit No. C-11394 ..... 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-11394, heretofore issued  
to George F. Miller ..... be,  
and the same is hereby, declared cancelled, as of June 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Decker*  
*W. C. Dwyer*  
*Walter Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of July, 1940.

(Decision No. 15621

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

Cooper Motor Co.

PERMIT NO. C-6625

July 2, 1940

## S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
 ..... Cooper Motor Co. .... of 300 North 3d, Albuquerque, N. Mexico  
 ..... requesting that his Permit No. .... C-6625 ..... be cancelled.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. C-6625, heretofore issued to Cooper Motor Co. be, and the same is hereby, declared cancelled., as of June 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Candler  
J. C. Danks  
William E. Primmer  
Commissioners.

Dated at Denver, Colorado,  
this 2d day of July, 1940.

**K**

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Marshall Canning Co.  
.....)

PERMIT NO. C-1787

.....  
July 2, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Marshall Canning Co. of Marshalltown, Iowa,  
requesting that his Permit No. C-1787 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-1787  
Marshall Canning Co.  
to ..... be,  
and the same is hereby, declared cancelled. as of June 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. D. Dwyer*  
*Walter E. Erickson*  
Commissioners.

Date at Denver, Colorado, July 40  
this 2d day of 193.....

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
J. W. Kirwin )  
)  
.....)

PERMIT NO. C-4229

.....  
July 3, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
J. W. Kirwin Yuma Colorado  
..... of .....  
C-4229  
requesting that his Permit No. .... 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-4229, heretofore issued  
to J. W. Kirwin ..... be,  
and the same is hereby, declared cancelled,' as of June 24, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. H. Danks*  
*Malcolm E. Giverson*  
Commissioners.

Dated at Denver, Colorado, July 40  
this 2d day of ..... 19.....



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
)  
)  
E. A. Romine )  
)  
.....)

PERMIT NO. C-4318

.....  
July 3, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
E. A. Romine ..... of Cope, Colorado .....  
..... C-4318  
requesting that his Permit No. .... 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-4318  
to E. A. Romine ..... be,  
and the same is hereby, declared cancelled? as of June 24, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
*Edward E. O'Connell*  
*W. H. Sparks*  
*Malcolm E. Quinn*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

L. E. Snidow )  
)  
)  
)  
.....)

PERMIT NO. C-774

.....  
July 3, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
L. E. Snidow 811 12th St., Greeley, Colorado  
..... of .....  
C-774  
requesting that his Permit No. .... 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-774, heretofore issued  
to L. E. Snidow ..... be,  
and the same is hereby, declared cancelled, as of June 24, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. O'Connell*  
*W. C. Danks*  
*William Erickson*  
.....  
Commissioners.

Date at Denver, Colorado, July 40  
this 3d day of ..... 193.....

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

James E. Partch )  
)  
)  
)  
)  
.....)

PERMIT NO. C-9064

.....  
July 3, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
James E. Partch ..... Gunnison Colorado  
..... of .....  
requesting that his Permit No. C-9064 ..... 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-9064, heretofore issued  
to James E. Partch ..... be,  
and the same is hereby, declared cancelled, as of June 25, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Dwyer*  
*W. L. Dwyer*  
*William E. Dwyer*  
Commissioners.

Date at Denver, Colorado,  
this 3d day of July, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

B. I. Caldwell  
.....)

PERMIT NO. C-10896

.....  
July 3, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
B. I. Caldwell Campo, Colorado

..... of .....  
requesting that his Permit No. C-10896 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-10896, heretofore issued  
to B. I. Caldwell be,  
as of June 25, 1940  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniels*  
*W. H. Dapkes*  
*Walter E. Johnson*  
.....  
Commissioners.

Date at Denver, Colorado,  
this 3d day of July 1934

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO  
\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

J. J. Goodstein  
.....)

PERMIT NO. C-8160

.....  
July 3, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
J. J. Goodstein ..... of 1036 W Colfax, Denver, Colorado,  
requesting that his Permit No. C-8160 ..... 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

C-8160

IT IS THEREFORE ORDERED, That Permit No. ...., heretofore issued  
J. J. Goodstein d/b/a Rocky Ford Popcorn Co.  
to..... be,  
as of June 25, 1940.  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Dwyer*  
*W. C. Danks*  
*Walter E. Erickson*  
Commissioners.

Date at Denver, Colorado,  
this 3d day of July, 1934.

(Decision No. 15630 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

H. B. McDonald d/b/a  
H. B. McDonald Coal Co.

PERMIT NO. C-11368

July 3, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
H B McDonald d/b/a H B McDonald Coal Co 1520 E 46 Ave., Denver, Colo  
of  
C-11368

requesting that his Permit No. 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-11368  
H. B. McDonald d/b a H. B. McDonald Coal Co  
to be,  
as of June 26, 1940.  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Decker*  
*W. D. Danks*  
*Walter E. Erickson*  
Commissioners.

Date at Denver, Colorado,  
this 3d day of July, 1934.

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Rudy Garza

PERMIT NO. C-

C-9016

July 3, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Rudy Garza \_\_\_\_\_ of \_\_\_\_\_ 2603 W Martin, San Antonio, Texas \_\_\_\_\_,  
requesting that his Permit No. C-\_\_\_\_\_ C-9016 \_\_\_\_\_ 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-9016 \_\_\_\_\_, heretofore issued to \_\_\_\_\_ Rudy Garza \_\_\_\_\_ be, and the same is hereby, declared cancelled, as of June 26, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Huel*  
*W. B. Danks*  
*Walter E. Hinkley*  
Commissioners.

Dated at Denver, Colorado,  
this 3d day of July, 1934.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Robert L. Young

PERMIT NO. C-10418

July 3, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Robert L. Young of 225 So. Main, Pueblo, Colorado,  
requesting that his Permit No. C-10418 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-10418, heretofore issued to Robert L. Young be, and the same is hereby, declared cancelled: as of June 27, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Dwyer*  
*W. C. Danks*  
*Walter E. Hinkson*  
Commissioners.

Dated at Denver, Colorado,  
this 3d day of July, 1934



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Bus Anderson and  
James Reeve

PERMIT NO. C- 11673

July 3, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Bus Anderson and James Reeve 2655 Lawrence, Denver, Colorado  
\_\_\_\_\_ of \_\_\_\_\_,  
requesting that his Permit No. C- C-11673 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

11673

IT IS THEREFORE ORDERED, That Permit No. C-\_\_\_\_\_, heretofore issued  
Bus Anderson and James Reeve  
to \_\_\_\_\_ be,  
and the same is hereby, declared cancelled, as of June 27, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eugene E. O'Connell*

*W. L. Danks*

*Walter C. Quinn*

Commissioners.

Dated at Denver, Colorado,  
this \_\_\_\_\_ day of \_\_\_\_\_, 193\_\_40\_\_.

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

David Siegel

PERMIT NO. C- 7469

July 3, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
David Siegel ..... of 129 Columbia Road, Dorchester, Mass.,  
requesting that his Permit No. C-..... C-7469 ..... 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-..... C-7469 ..... heretofore issued  
to..... David Siegel ..... be,  
and the same is hereby, declared cancelled; as of June 28, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. C. Danks*  
*Walter E. Evers*  
Commissioners.

Dated at Denver, Colorado,  
this 3d day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Albert J. F<sup>i</sup>ner

PERMIT NO. C- 11362

July 3, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Albert J. F<sup>i</sup>ner 1429 Osceola, Denver, Colorado  
..... of .....  
C-11362  
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-.....<sup>C-11362</sup>, heretofore issued  
to..... Albert J. F<sup>i</sup>ner ..... be,  
and the same is hereby, declared cancelled., as of June 28, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward H. Decker*  
*W. H. Dwyer*  
*Walter Erickson*

Commissioners.

Dated at Denver, Colorado, July  
this 3<sup>d</sup> day of ..... 193<sup>40</sup>.....

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

A. A. Hoffman )

PERMIT NO. C- 7461

July 3, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Al A. Hoffman \_\_\_\_\_ Westcliffe, Colorado

\_\_\_\_\_ of \_\_\_\_\_,  
C-7461

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-7461  
A. A. Hoffman \_\_\_\_\_, heretofore issued

to \_\_\_\_\_ be,

and the same is hereby, declared cancelled., as of May 29, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard E. T. Gueley*

*W. H. Danks*

*Malcolm Erickson*

Commissioners.

Dated at Denver, Colorado,  
this 3d day of July, 193 40.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
F. M. HUNTER, 1319 SOUTH NEVADA, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 5400-PP

-----  
July 3, 1940.  
-----

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 sand, gravel and road surfacing materials from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles thereof, excluding the transportation of said commodities between points within or from or to points in Boulder, Clear Creek or Gilpin Counties.

Inasmuch as the motor carrier associations heretofore have indicated that they have no objection to the granting of permits limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter forthwith without formal notice upon the records and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That F. M. Hunter, 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 sand, gravel and road surfacing materials from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles thereof, excluding the transportation of said commodities between points

within or from or to points in Boulder, Clear Creek or Gilpin Counties.

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, the necessary tariffs and required insurance, and has secured identification cards.

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

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. T. Tuley

W. D. Danks

William F. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 3rd day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF H. B. BURNS, GRAND JUNCTION, ) APPLICATION NO. 5394  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY. )  
-----

-----  
July 6, 1940.  
-----

Appearances: Tupper, Smith and Holmes, Esqs., Grand  
Junction, Colorado, for applicant;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
L. A. Theobald, Norwood, Colorado,  
for Theobald Truck Line.

S T A T E M E N T

By the Commission:

Applicant seeks a certificate of public convenience and necessity authorizing the transportation of houses, box cars, heavy machinery and equipment, between points within a radius of 100 miles of the city of Grand Junction, Colorado.

At the hearing, applicant stated that he owned a 1933 GMC 1½-ton truck with house mover dollies and constructed especially for the movement of heavy equipment and houses.

It was stipulated between applicant and protestants that the movement of heavy machinery and all freight that applicant desires to transport, should be confined to freight of such nature and character that it could not be handled in an ordinary road truck. With this stipulation, all objections to the granting of the certificate sought were withdrawn.

The only testimony as to the public convenience and necessity to be served was the evidence given by applicant himself. However, he did state that he had been more or less engaged in this business for the last two or three years, and that no other carrier was authorized or equipped to take care of this type of work. Formerly, a private permit had been issued for similar authority, but said operation had stopped.

It appeared that applicant on some occasions had transported freight in violation of the law, but upon the record as made, we do not find these violations to be of sufficient magnitude to justify denial of the certificate.

After a careful consideration of the record as a whole, the Commission is of the opinion, and so finds, that the public convenience and necessity require the proposed operations of applicant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of H. B. Burns, Grand Junction, Colorado, for the transportation of houses, railroad box cars, and heavy machinery and equipment from point to point within a radius of 100 miles of the city of Grand Junction, Colorado; provided, however, that in the transportation of said freight, applicant shall be limited to such freight as cannot be handled in the ordinary freight road truck, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

IT IS FURTHER ORDERED, That this order shall become effective



twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell

W. L. Danks

William Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 6th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. P. DAVIS, NEW CASTLE, COLO- )  
RADO, PERMIT NO. B-1367. )  
-----

APPLICATION NO. 2925-PP-B

-----  
July 5, 1940  
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S T A T E M E N T

By the Commission:

On July 11, 1938, Decision No. 12090, the Commission issued an order extending Permit No. B-1367 to include the transportation of ore and concentrates from mines located in East Elk Creek Mining District to Leadville.

The Commission is now in receipt of a letter signed by J. P. Davis, wherein he states that he failed to get the contract to transport ore and concentrates to Leadville and therefore requests that the extended authority be suspended for a period of one year; that this extended authority grants a right to move ore a distance of approximately one hundred miles, and to carry insurance on the permit as extended would be much more expensive than on the permit as originally issued, and until he does arrange with a customer for transportation of ore to Leadville, he will not need this extended authority.

After careful consideration of the record, and the request of the holder of this permit for authority to suspend, the Commission is of the opinion, and finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. P. Davis, New Castle, Colorado, holder of Permit No. B-1367, should be, and he hereby is, authorized to suspend operations under that part of his authority granted by the Commission July 11, 1938, Decision No. 12090, for a period of one year from and after the date hereof, with the privilege of having

the same reinstated at any time before the expiration of the suspension period upon request and full compliance with all of the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That in the event the holder of this permit does not request reinstatement, file the required insurance, and otherwise comply with all of the rules and regulations of the Commission governing private carriers for hire, before the expiration of the suspension period herein fixed, then, and in that event, the extension authorized by Decision No. 12090 shall be deemed cancelled without further action on the part of the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard D. D. D.

W. D. D.

W. D. D.

Commissioners

Dated at Denver, Colorado,  
this 5th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BENNIE GOLDSTEIN, 2243 LAFAYETTE )  
STREET, DENVER, COLORADO, FOR AN )  
EXTENSION OF AUTHORITY UNDER PERMIT )  
NO. B-1590. )  
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APPLICATION NO. 3222-PP-BB

-----  
July 5, 1940  
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Appearances: A. J. Baumann, 960 Sherman  
Street, Denver, Colorado,  
for the applicant;  
Raymond B. Danks, Esq., Den-  
ver, Colorado, for The  
Motor Truck Common Carriers'  
Association, The Colorado  
Transfer and Warehousemen's  
Association, Foster Truck  
Line, Harold Swena, Gallagher  
Transportation Company, U. S.  
Transfer and Storage Company;  
Charles D. Young, Denver, Colo-  
rado, for The Colorado Truck-  
ing Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Stor-  
age Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought for an exten-  
sion of authority under Permit B-1590 to include the transportation of  
fresh meat and packing house products from Denver to Fitzsimons General  
Hospital, Fort Logan, the U. S. Federal Prison, and Lowry Field.

From the testimony of the applicant, it appears that, in addi-  
tion to Private Permit B-1590, he also has Permits A-430 and A-469, but  
the authority granted by each of these permits does not include a ser-  
vice on call and demand between Denver and the first three points men-  
tioned, which are within a few miles of the Denver City Limits. Lowry  
Field, or that portion where the headquarters are located, is within the  
Denver City Limits. The applicant stated that he has contracts calling

for a transportation service to these several points, all of which are agencies of the Federal Government; that he has equipment suitable for the service contemplated, with meat rails, hooks, and racks especially installed on which to hang carcass meat, and up-to-date refrigeration, all as required by the packers and these Federal agencies for transporting packing house commodities to the various points of consumption; that the handling of fresh meats and packing house products is a little different from the ordinary freight movement, inasmuch as the Government would turn down shipments transported in other than clean equipment, making it out of the question to use the same equipment for transporting fresh meat and packing house products and ordinary freight, and that he does have sufficient equipment to take care of these different customers so that the general freight is not mixed with packing house products or moved on the same truck; that he has been engaged in this type of operation for some time past; that the extension sought is to add specific commodities and specific customers, restricted to the four points mentioned; that so far as he knows, there is at the present time a number of transfer and warehouse operators authorized to render this service; that the applicant moves these same commodities on his "A" permits between Denver, Colorado Springs, Pueblo, Trinidad, Littleton, Loveland, Fort Collins, and Greeley, and has been so engaged for about nine years; that he has made similar applications to the Commission and has been granted authority to handle particular commodities, these cases involving service for the Heinz Roofing Company and the Denver Terra Cotta Company.

The applicant further testified that his investigation of present conditions disclosed that three of the points mentioned, to which he seeks authority to render service, are now being served by shipper-owned trucks, and that the requirements at these institutions call for deliveries daily and sometimes oftener; that shippers have endeavored to satisfy this demand by a daily delivery, but found it out of the question for the reason that, in case of a shortage, another trip has to be made; that according to his investigation, scheduled line carriers could not take care

of such service on account of the time of deliveries and calls for a special service, both of which can best be met by a call and demand service; that special deliveries to these institutions are usually made to the kitchen door or commissary, which involves more or less delay and would prove more costly in case of a service rendered on a per-hour basis; that Armour and Company and Gudahy Packing Company have requested the applicant to seek this extension, and have expressed their willingness to enter into contracts for service to these points, intimating that they might be willing to pay more than their present cost of operation so that they could use their own equipment elsewhere; that this extension would give the applicant an opportunity to utilize some of his equipment in the early morning when it is usually sitting around idle, thereby being beneficial to his present operations from a financial standpoint; that he had not prepared any figures reflecting operating costs at this time, for the reason that this extension would have but little bearing on his cost of operations, as a whole.

On cross-examination, it was shown that the applicant had some special authority to render a portion of this service at the present time, to which protestants complained and asked that the special authority be cancelled.

J. F. Smole, Traffic Manager for Gudahy Packing Company, testified that he had encouraged the applicant to seek this extension to the points mentioned, in order to speed up the movement and come within the Federal forty-two hour law; that the applicant's service for his company to the quartermaster warehouse near Littleton had been very satisfactory, the equipment used meets the requirements, and all movements were made promptly upon call, probably due to the Goldstein terminal being close to their plant; that he had been manager for the plant for one year only, and on account of the services of the applicant being highly satisfactory, he had not sought the services of local transfer companies to handle shipments to Fitzsimons Hospital and Lowry Field; that he had called for, but had been unable to get, closed van refrigerator service from some of the local transfer carriers, but did not

remember the names of the firms called -- at least he did not recall having called Weicker; that if the charges were reasonable, and the type of service equal, he would have no choice between any of them, but past experience with other carriers convinced him that Goldstein was preferable; that he was unable to figure the exact amount of the charge when it was based on a charge of \$3.00 per hour, and inasmuch as Gallagher and Weicker had told him the charges would be \$2.00 and \$3.00 per hour, he felt that this was not as definite as a contract; that he had contacted the Foster Truck Line regarding service to Fort Logan, but found out that his scheduled operation did not meet their requirements, and that type of equipment used was not satisfactory; that most of their shipments to that point had to be delivered around eight o'clock in the morning, so they had been using their own equipment.

Representatives of other packers testified in substance as did F. J. Smole.

Paul R. Santo, of the U. S. Transfer and Storage Company, holder of Certificate No. 433, J. G. Woods, Field Manager for the Gallagher Transportation Company, holder of Certificate No. 725, A. J. Fregeau, Manager of Weicker Transfer and Storage Company, holder of Certificate No. 341, and Cecil Foster, of the Foster Truck Line, holder of Certificate No. 72, testified in substance as follows: That the first three transfer companies mentioned were each equipped with a large number of different type trucks; that particularly the Weicker Transfer and Storage Company had a number of closed, insulated vans, equipped with meat racks, hooks and rails, especially prepared to take care of Swift and Armour requirements in shipping meat carcasses and packing house products; that these transfer companies had taken care of the needs of a number of packers for years past -- one for at least fifteen years; that they had received no complaints of the service rendered, were ready, able and willing to take care of the requirements of packing houses on a cwt rate, as well as on the hourly rate; that they had never refused to take care of a call coming from the packing houses; that they have solicited business from the different packing houses from time to time,

and stood ready at this time to render service at any hour of the day or night when called upon by the packers.

It further appeared that the transfer companies above mentioned have at this time not only adequate equipment but that the same is operated by experienced employees — men who have rendered more or less service in the handling of fresh meats and packing house products, many of these employees having been so engaged for as long as fourteen years, but for some reason — probably the charges — they have not been given business by the packers.

It further appeared from the testimony of representatives of these three transfer carriers that their equipment was not engaged at all times, much of it being throughout the year; that the granting of special authority, as sought by this applicant, resulted in taking some tonnage from them, and even though the packers were moving their products in their own equipment at the present time, to grant such authority would remove the chance of getting some of this business in the future; that in the face of idle equipment of the various transfer companies, to grant the authority sought by the applicant would tend to impair their ability to maintain the equipment which public demand required them to keep on hand and rendered each of them less able to give efficient public service. It appeared that some of these carriers did not have vans equipped with meat racks, hooks, and rails. One of these witnesses stated, without qualification, that the Denver area is saturated by common carriers at the present time to a degree which renders them unable to maintain their equipment.

Cecil Foster, of the Foster Truck Line, testified that he had handled packing house products for some of the packers between Denver and Fort Logan; that he had experienced employees, and needed this service to maintain his present operation; that Fort Logan, as well as the U. S. Prison, is on his line haul, and that he was adequately equipped to take care of transportation needs to these points. He stated, however, that his present schedule, leaving Denver at one o'clock P.M., arriving at Fort Logan at four o'clock P.M., might not meet the requirements



of these institutions; that his equipment was not all utilized in taking care of his present operations, at least two trucks being idle, and that he hoped to have a chance to render service for the packers to Fort Logan and to the U.S. Prison, but feared that the granting of special authority to the applicant would impair this chance. On cross-examination, Foster stated that he would charge a minimum of \$5.00 on all special trips to the U. S. Prison and Fort Logan.

Decisions Nos. 8739, 11649, and 13856 were made parts of the records.

The McGregor decision above referred to, number 13856, and made a part of the record, is dated August 18, 1939, and denied an application for authority to serve Denver and the immediate vicinity transporting general commodities, on grounds set forth in the decision, as follows:

"The Commission can well realize that certain shippers desire a personal, individual transportation service, and we appreciate that in many instances this is more convenient for the shipper. However, if the Commission continues to grant more private permits in a territory like the Denver area, which is already adequately supplied with common carrier service, it can only have the effect of ultimately destroying such service. While the loss of tonnage in each individual case considered may appear to be very limited, yet in the aggregate, the constant addition to the loss of tonnage may have a serious effect upon the adequate service of established common carriers. We are of the opinion that the granting of the instant application, while it would be for the benefit of applicant and possibly beneficial to the several shippers who testified in his behalf, would not be in the public interest as a whole, because it is of more importance to maintain adequate and satisfactory service for the shipping public as a whole than it is to favor certain individual shippers by granting them so-called personalized private carrier service."

The instant record discloses no change in the Denver situation from that described above, which, undoubtedly, was the situation on August 18, 1939.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the motor vehicle carrier service now furnished by authorized common carriers, in the Denver territory sought to be served by the applicant, is adequate, and that the granting of fur-

ther authority therefor would impair the efficiency of the operations of present authorized common carriers to the detriment of the public, and that said application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the application of Bennie Goldstein for an extension of his authority under Permit No. B-1590, as sought herein, should be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Decker

W. C. Danks

Walter Erickson

Commissioners

Dated at Denver, Colorado,  
this 5th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
E. L. BRINLEE, 1001 WEST SECOND ST.,  
FLORENCE, COLORADO, FOR A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 5376

RE MOTOR VEHICLE OPERATIONS OF  
E. L. BRINLEE, FLORENCE, COLORADO,  
UNDER PRIVATE PERMIT NO. A-966.

PERMIT NO. A-966

July 5, 1940

Appearances: Bernard E. Madden, Esq., Canon City,  
Colorado, for the applicant;  
Francis Keith, Canon City, Colorado,  
for Keith Truck Line;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage  
Company and Southwestern Trans-  
portation Company;  
Raymond B. Danks, Esq., Denver, Colo-  
rado, for the Common Carriers'  
Division of The Colorado Motor  
Carriers' Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a common car-  
rier by motor vehicle for the transportation of coal from mines within  
a radius of ten miles of Florence to Pueblo and Canon City and points  
intermediate on U. S. Highway No. 50 between Pueblo and Canon City.

At the hearing, it appeared that applicant has been handling  
coal as a private carrier by motor vehicle for hire under Permit No.  
A-966, and as a commercial carrier; that the number of individuals  
engaged in transporting coal as private carriers or commercial carriers  
has been so great that the coal business, both for hire and commercial,

has been demoralized. Apparently, carriers have not been able to operate profitably, although coal moves in a large volume in the territory which applicant seeks to serve. He hopes that if the certificate is granted, the rate structure, and also the coal price, may be stabilized.

Messrs. Louis Giulano and James L. Newell, coal operators in the Florence-Canon City district, and Mr. A. J. Fregeau, speaking for the common carriers operating in the territory, urged that said application be granted, stating that in their opinion it was in the public interest to so do.

It also appeared that applicant has four trucks, of the value of \$5,000.00, which he proposes to use in said operation.

Under his Class "A" permit No. A-966, applicant is authorized to transport:

Coal from mines in the Canon City-Florence coal fields to Pueblo and Canon City, and coal from mines in the Walsenburg district to Pueblo.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity require the proposed service of applicant, and that certificate of public convenience and necessity should issue therefor; also that authority to transport coal under applicant's private carrier permit No. A-966, from mines in the Canon City-Florence coal fields to Pueblo and Canon City should be cancelled and revoked.

#### O R D E R \_

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle transportation service of E. L. Brinlee, Florence, Colorado, for the transportation of coal from mines within a radius of ten miles of Florence to Pueblo and Canon City and points intermediate on U. S. Highway No. 50, to Canon City; 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 E. L. Brinlee's authority to transport coal under his Private Carrier Permit No. A-966, from mines in the Florence-Canon City coal fields to Pueblo and Canon City 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 D. D. D. D.

W. D. D.

W. D. D.

Commissioners.

DATED at Denver, Colorado,  
this 5th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. H. OBERWORTMAN, DOING BUSINESS )  
AS "W. H. O. FAST FREIGHT," CER- )  
TIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY NO. 760-I, AND )  
COMMERCIAL CARRIER PERMIT NO. C-940. )

CASE NO. 4817

NOTICE OF HEARING  
AND ORDER TO SHOW CAUSE

July 5, 1940

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Certificate of Public Convenience and Necessity No. 760-I, pursuant to the provisions of Chapter 134, Session Laws of 1927, as amended, and the holder of Commercial Carrier Permit No. C-940, pursuant to the provisions of Chapter 167, Session Laws of Colorado, 1935, as amended, and has operated, at all times since issuance of said certificate and permit, as a common and commercial carrier by motor vehicle.

The Commission is informed and believes, and upon such information and belief alleges, that said respondent has violated the provisions of the aforesaid statutes and the terms and conditions of the said certificate and permit and the rules and regulations of this Commission governing common and commercial carriers by motor vehicle, in the following particulars, to-wit:

1. That on numerous and different occasions during the years 1935 to 1940, both years inclusive, said respondent has failed and neglected to have on file with this Commission insurance policies or certificates thereof, as required by Section 17 of Chapter 127, Session Laws of 1927, as amended, Rule 18 of the Rules and Regulations Governing

Motor Vehicle Carriers, Section 15 of Chapter 167, Session Laws of 1935, as amended, and Rule 16 of the Rules and Regulations Governing Commercial Carriers, and that, by reason thereof, said respondent's operating rights under the certificate and permit aforesaid have been suspended on eleven different occasions; and further, that said respondent does not now have insurance filed with this Commission as required by the aforesaid statutes and rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be had to determine if this said respondent has failed or refused to comply with any or all of the provisions of the aforesaid statutes, rules and regulations, or the provisions of his said certificate and permit; and, if so, whether said certificate and 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 answer filed with the Commission within ten (10) days from this date, why it should not enter an order because of the aforesaid alleged delinquencies, suspending or revoking the certificate and permit heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 17th day of July, 1940, at ten o'clock, A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*John W. Daykes*  
*Malcolm Erickson*  
Commissioners.

DATED at Denver, Colorado,  
this 5th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
OLIVER E. CURTIS, ALAMOSA, COLORADO,  
DOING BUSINESS AS CURTIS TRUCK  
SERVICE, CERTIFICATE OF PUBLIC CON-  
VENIENCE AND NECESSITY NO. 967.

CASE NO. 4818

NOTICE OF HEARING  
AND ORDER TO SHOW CAUSE

July 5, 1940

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent heretofore became the holder of Certificate of Public Convenience and Necessity No. 967, pursuant to the provisions of Chapter 134, Session Laws of 1927, as amended, and has, at all times since, operated, and is now operating, as a common carrier by motor vehicle.

The Commission is informed and believes, and upon such information and belief alleges, that said respondent has violated the provisions of the aforesaid statute and the terms and conditions of the said certificate, and the rules and regulations of this Commission governing common carriers by motor vehicle, in the following particulars, to-wit:

1. That during the months of June, July, August, and September, 1939, said respondent failed and neglected to file with the Commission full, true, and correct monthly reports of his operations, in that he failed to report all shipments transported during said period, and failed and neglected to report accurate mileage for shipments transported during said period, and failed and neglected to remit to this Commission all highway compensation taxes due for the months of September and October, 1939.

2. That during the period aforesaid, said respondent accepted, transported and delivered shipments of freight at and for rates and charges different from and lower than the rates and charges prescribed



by this Commission for such service.

3. That during the period aforesaid, said respondent failed and neglected to completely and properly prepare and itemize bills of lading for all said shipments handled during said period.

O R D E R

IT IS THEREFORE ORDERED, By the Commission on its own motion, that an investigation and hearing be had to determine if said respondent has failed or refused to comply with any or all of the provisions of the aforesaid statute, rules and regulations, or the provisions of his said certificate, and, if so, whether 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 answer filed with the Commission within ten (10) days from this date, why it should not enter an order, because of the aforesaid alleged delinquencies, suspending or revoking the certificate heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 17th day of July, 1940, at ten o'clock, A. M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

DATED at Denver, Colorado,  
this 5th day of July, 1940.

Edward J. Decker

W. D. Danks

Harmon Erickson  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION OF FULLER TRUCK LINE,  
BRIGHTON, COLORADO, TO ESTABLISH AN  
ALLOWANCE IN LIEU OF PICK-UP SERVICE  
AT DENVER, COLORADO; ALSO PROPOSED  
QUANTITY RATES ON MILK IN CONNECTION  
WITH THE OPERATION OF FRED REIN  
TRUCK LINE.

CASE NO. 1585

July 8, 1940

S T A T E M E N T

By the Commission:

The Fuller Truck Line, Incorporated, by and through its Secretary-Treasurer, W. H. Fuller, seeks an order from the Commission authorizing an allowance of five cents per hundred pounds in lieu of pick-up service at Denver, Colorado, when freight is destined to points on its line, under the following conditions, viz.:

When the consignor elects to make his own arrangements for the pick-up service, an allowance of five cents per hundred pounds will be made to such consignor for such service, subject to the conditions and exceptions in paragraphs (A), (B), (C), and (D) below. Such allowance will be made only on shipments which are delivered and unloaded by the consignor at the carrier's freight depot and receipted for by the carrier at the freight depot to which such shipment is delivered.

(A ). Allowance will be computed on the basis of the weight on which the freight charges are assessed, except that a minimum allowance of five cents will be made when the freight charges are based on less than one hundred pounds or when the minimum charge is applied.

(B). Allowances due the consignor will be made upon claims filed by the consignor with the carrier's agent at the point where the

pick-up service is authorized, such claims to be supported by a statement of the shipments involved. In no case will allowances be made to other than the consignor named on the bill of lading, and all claims for allowance must be presented to carrier each two weeks.

(C). In no case will allowances be granted to consignors when pick-up service is accomplished by them in a manner other than by highway vehicle.

(D). No allowance will be made for pick-up service at stations other than Denver, Colorado.

The petition sets forth the following facts in support of same: That at the present time, petitioner does not conduct its own pick-up service in the City and County of Denver but pays five cents per hundred pounds therefor, subject to a minimum charge of fifteen cents; that since a number of shippers have their own equipment and desire to take care of this service themselves, it would be very satisfactory to both the shipper and the petitioner to make said allowance in lieu of pick-up service.

A protest to such allowance has been filed by the Weicker Transportation Company, copy of which was mailed to Mr. W. H. Fuller, of the Fuller Truck Line, Brighton, Colorado. The gist of the protest will not be recited herein.

On February 9, 1940, the Fred Rein Truck Line, 445 Ogden Street, Denver, Colorado, filed its tariff, Colo. P.U.C. No. 6, to become effective February 10, 1940, wherein the following rates were published:

- "(A) - 20¢ per 100 pounds of milk;
- "(B) - If any shipper in the regular and designated route known and described as No. 527, ships less than 50 pounds there is a charge of 10 cents per stop;
- "(C) - In the event that any of the shippers in the route hereinabove designated ships more than 700 pounds and less than 1,000 pounds of milk per day for fifteen consecutive days, they receive a 10 per cent discount;

"(D) - Any of the shippers in the route designated as No. 527 who shall ship 1,000 pounds or over per day for fifteen consecutive days or more shall receive a 20 per cent discount on transportation rates."

On February 10, 1940, by letter, the Commission advised Mr. Rein that he was not to apply the quantity rates set forth in his Colo. P.U.C. No. 6 until further advised.

A letter of protest relative to this proposal from the Fuller Truck Line, Inc., is on file with the Commission.

Inasmuch as the two proposals hereinbefore set forth are protested, the Commission is of the opinion, and so finds, that same should be set down for public hearing.

#### O R D E R

IT IS THEREFORE ORDERED, That the question of an allowance of five (5) cents per hundred pounds, in lieu of pick-up service, in Denver, Colorado, as set forth in the petition of the Fuller Truck Line, Inc., and the question of the milk rates of the Fred Rein Truck Line, as set forth in its tariff Colo. P.U.C. No. 6, be, and the same hereby are, assigned for public hearing at the hearing room of the Commission, 330 State Office Building, Denver, Colorado, at ten o'clock, A. M., on the 18th day of July, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

DATED at Denver, Colorado,  
this 8th day of July, 1940.

Edward D. Danks  
McDanks  
William Erickson  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FOREST HAINES, RYE STAR ROUTE, PUEBLO, )  
COLORADO, FOR A CLASS "A" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )

APPLICATION NO. 5374-PP

-----  
July 10, 1940  
-----

Appearances: Forest Haines, Pueblo, Colo-  
rado, pro se;  
Wes V. McKaughan, Rye, Colo-  
rado, pro se;  
A. J. Fregeau, Denver, Colo-  
rado, for Weicker Trans-  
portation Company;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Common  
Carriers' Division of The  
Colorado Motor Carriers'  
Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of bulk milk, only, for Ed Burke and Alvie Swain, without the right to add to the number of his customers, to Pueblo, over U. S. Highway No. 85 and a route described as:

commencing at a point on U. S. Highway No. 85, approximately ten miles south of Pueblo, where road known as "the Verde" road leaves said highway to the east; thence following said road in the form of a loop to a point where same returns to said U. S. Highway No. 85 at a point approximately twenty miles south of Pueblo.

Protestants withdrew 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 Forest Haines, Pueblo, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of bulk milk, only, for Ed Burke and Alvie Swain, without the right to add to the number of his customers, to Pueblo, over U. S. Highway No. 85, and a route described as:

commencing at a point on U. S. Highway No. 85, approximately ten miles south of Pueblo, where road known as "the Verde" road leaves said highway to the east; thence following said road in the form of a loop to a point where same returns to said U. S. Highway No. 85 at a point approximately twenty miles south of 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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO.

Edward D. O'Connell  
W. L. D. Jones  
William E. Smith  
Commissioners

Dated at Denver, Colorado,  
this 10th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. A. GRIMES, 1327 MADISON STREET, )  
DENVER, COLORADO, FOR A CLASS "A" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5354-PP

-----  
July 10, 1940  
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Appearances: W. A. Grimes, Denver, Colorado,  
pro se;  
Raymond B. Danks, Esq., Denver,  
Colorado, for The Colorado  
Transfer and Warehousemen's  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Stor-  
age Company, and Weicker  
Transportation Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport flour and feed between the Ralston-Purina Mills and the Omar Mills.

It appeared from the testimony given at the hearing that the applicant is an employee of the Ralston-Purina Mills, and in connection with his duties desires authority to render the transportation service between the Ralston-Purina Mills, located in Denver, and the Omar Mills, located in Adams County.

The applicant further stated that this was only a part-time service, but that he was the owner of a truck and in a position to take care of movements between the two mills, rendering a special service in addition to the transportation.

There was no objection made by protestants to the granting of authority to the applicant to transport flour and feed for two customers only, namely, the Ralston-Purina Mills and the Omar Mills.

After careful consideration of the record and the testimony, the Commission is of the opinion, and finds, that, inasmuch as there is no objection, the authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That W. A. Grimes, Denver, 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 flour and feed between the Ralston-Purina Mills and the Omar Mills, for two customers only, namely, the Ralston-Purina Mills and the Omar Mills.

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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wilson

W. L. Danks

Malcolm Erickson  
Commissioners

Dated at Denver, Colorado,  
this 10th day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CECIL A. FOSTER, DOING BUSINESS AS )  
FOSTER TRUCK LINES, FOR THE CONSTRUC- )  
TION OF ORDERS GRANTING CERTIFICATE )  
RIGHTS HELD BY APPLICANT, AND FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY. )

APPLICATION NO. 5322

July 10, 1940

Appearances: Marion F. Jones and Worth Allen, Esqs.,  
Denver, Colorado, for the applicant;  
T. A. White, Esq., Denver, Colorado,  
for The Denver & Rio Grande Western  
Railroad Company;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transfer and Storage Company  
and Weicker Transportation Company;  
Harold Swena, Golden, Colorado, for  
Swena Truck Line;  
Raymond B. Danks, Esq., Denver, Colorado,  
for The Motor Truck Common Carriers'  
Association.

S T A T E M E N T

By the Commission:

As indicated by the testimony given at the hearing, and from the application filed herein, Cecil A. Foster, doing business as Foster Truck Lines, seeks an extension of his Certificate No. 72 to include the transportation of freight to and from points in his territory or on his routes now authorized to be served, except those points specifically and expressly excluded from service.

It appeared from statement of counsel that the applicant herein has been operating under Certificate No. 72, with the impression that it included a right to transport freight generally between Denver and Littleton and intermediate points, also the right to transport freight between Littleton and the Quartermaster Warehouse immediately north of Littleton, and points in his authorized territory as described in Deci-

sions numbered 8532 and 8978. Reference was made to Decisions numbered 1090, 1438, 2131, 8532, 8978, and 13635, each of which was issued in connection with authority known as Certificate No. 72, and request was made that the Commission consider each of these decisions in connection with the authority here sought.

Taylor McCane, manager of the Service Truck Corporation, testified that his company had used the Foster Truck Line for the past eleven years, moving freight from Denver to Littleton; that they also used the Weicker service and had found each of these services to be very satisfactory, with no complaints except that the Weicker service was handled by a truck direct from Denver to Littleton and return, and no local Littleton service was handled on the through trucks out of Denver by this transportation line; that he also was familiar with the needs of other business establishments in Littleton, and that, like his company, they needed the daily services of this applicant.

C. M. O'Connell, who operates a restaurant in Littleton, stated that he needed a daily service from Denver to supply his requirements, and found the Foster service to be satisfactory in all respects; that he was never solicited by any other truck line and knew nothing about other carriers serving between Denver and Littleton.

J. E. Seeman, who conducts a furniture store and sells stokers and like commodities, stated that he did all of his buying in Denver, and found the Foster service to be not only satisfactory in movements between Denver and Littleton, but that, to points around Littleton or in the Foster territory, the service was equally satisfactory. Mr. Seeman stated that during the past five years he had not, as he recalled, used the Weicker service but once.

George Bancroft, who conducts a grocery business in Littleton, stated that he used the Foster service, needed the same in the conduct of his business, and that it was all that could be expected.

Richard Valore, hardware dealer, stated that he had used the Foster service on the movement of freight between Denver and Littleton ever since Foster bought the Lilley right, and found the service to be

entirely satisfactory.

Bidhaphi Lemcke, who has conducted a meat market for the past seventeen years, testified that he used the Foster service, and prior to that time used the Lilley service, which was taken over by Foster, and that, in the handling of packing house products between Denver and Littleton, found the Foster service to be very good; that he occasionally received shipments by way of the Weicker Transfer and Storage, but had never been solicited by them. He found the Weicker service to be very satisfactory when used.

Frank Hill, connected with the furniture business in Littleton, stated that he used the Foster service not only between Denver and Littleton, but also in connection with the making of deliveries as far west as Morrison, and that there was a public need for the Foster service as used by him in the past. This witness stated that he at times used the Weicker service and had found it to be very good.

Clyde Rice, who has conducted a grocery business in Littleton for the past twenty years, testified that he at times had deliveries made from Denver by the Foster Truck Line; however, many of the wholesalers now delivered shipments themselves; that interstate shipments usually came by way of the Weicker service, but that he had not been solicited at any time by Weicker.

C. E. Prinz, who runs a general merchandise store at Morrison, stated that he used three services and found them all very satisfactory, namely, the Foster Truck Line, the Bear Creek Truck Line, and the wholesalers who delivered direct.

F. D. Baker, present mayor of Morrison, who also operates a garage, testified that there was a public need for the Foster service between Morrison, Golden, and other points.

Cecil A. Foster testified that he had conducted an operation under Certificate No. 72, the first authority being granted January 24, 1927, which authorized the transportation of general freight and dairy products "between the City and County of Denver and towns of Morrison and Indian Hills and from and to the dairying district south

and contiguous or adjacent to the town of Morrison and all intermediate points"; that on April 3, 1929, he acquired the operating rights of Alice James Lilley, which authorizes:

"The transportation of merchandise returned by the merchants at Littleton to wholesale and jobbing houses in Denver, and for the transportation from Denver to Littleton of perishable vegetables, fresh fruit, ice cream, drugs and repairs for heating plants and machinery,"-

the above being the wording set forth in Decision No. 2151; that thereafter, by Decisions No. 8532 and No. 8978, his territory was extended to five miles on each side of Highway No. 8, between Cowan and Bailey, the same being authorized by Decision No. 8978 and the area described as follows:

"Commencing at the junction of Highway No. 70 with Highway No. 8; thence along Highway No. 8 in a northeasterly direction to approximately the center of Section 26, T. 4 S., Range 69 W., being the southwest corner of Green Gables Country Club; thence south to Bear Creek, thence southwest along Bear Creek to the junction of Highway No. 70 with Highway No. 8, and

"Beginning at Denver, Colorado; thence along U. S. Highway No. 85 to Littleton; thence county road to Fort Logan; thence State Highway No. 70 to Cowan and Highway No. 8, Denver-Cowan-Mt. Morrison-Indian Hills-Bailey and return."

The applicant stated that he had been rendering this service and was under the impression at all times that the authorities above mentioned gave him the right to serve between Denver and Littleton and between Littleton and points west thereof in the territory described, not only moving the limited freight as set forth in the Lilley authority which he acquired but the transportation of freight generally, and now finds that this authority is very questionable.

Mr. Foster called attention to his I. C. C. authority, M. C. 26470, dated November 27, 1939, and reading as follows:

"From Denver over U.S. Highway 85 to Littleton, Colo., thence over unnumbered highways to Fort Logan, Colo., thence over Colorado State Highway 70 to junction 285, and thence over U. S. Highway 285 to Mount Morrison, and return over the same route.

"All intermediate points."

The above interstate authority is Exhibit No. 2 introduced in evidence at the hearing.

The applicant also called attention to the Commission's Decision No. 2681, dated January 10, 1930, which was introduced as Exhibit No. 3, where the Commission mentioned the service of the Foster Truck Lines between Denver and Littleton and from Littleton back to Denver over a circuitous route, indicating that on January 10, 1930, the applicant herein was transporting freight between Denver and Littleton, presuming that he had a right to render this service, and so testified at the hearing where the Scott decision was later rendered.

It further appeared that the applicant has been bidding for contracts with the Federal Government to move supplies from the Quartermaster Warehouse near Littleton, Colorado, to Morrison and to CCC camps located in his present authorized territory; that he also had more or less demand to move freight from Denver to the Federal Prison Farm being built west of Fort Logan near State Highway No. 70; that demands for his service were numerous from Denver, Littleton, and intermediate points on U. S. Highway No. 85 between Denver and Littleton, to and from different points west thereof in the territory now authorized to be served by the applicant, and on routes over which he is authorized to serve; that the tonnage moving from Denver to Littleton was approximately 4,000 pounds per day, and this constituted approximately 33-1/3 per cent. of his business; that he made two trips daily between Denver and Littleton and found this to be required in order to take care of the demands of the public; and that, so far as any movement between Denver and Golden was concerned, he did not seek such authority, as this business was taken care of by other carriers.

Harold Swena, who conducts a regular, also an irregular, service under Certificate No. 701, testified that the irregular service was for a 15-mile radius of Golden, Colorado, and the regular service was between Denver and Golden; that the 15-mile radius of Golden includes Littleton, Colorado, and he objected to any further authority being granted which would invade his territory around Golden or his line haul

service between Denver and Golden; however, that the statement of Mr. Foster that he intended to render no service between Denver and Golden eliminated part of this objection. It also appeared that Swena had adequate equipment to take care of service in the Golden area; that he needed all of the tonnage available in order to maintain his present business and particularly the movement of commodities from the Quartermaster Warehouse near Littleton to the CCC camp near Genessee Mountain; that he solicited business in the area but was frank to admit that the quantity of any particular shipment would of necessity have to be sufficient to justify the movement of a truck from Golden to the pick-up point, and from there to the point of delivery.

A. J. Fregeau, manager of the Weicker Transfer and Storage Company, protested the granting of any authority to the applicant to transport freight generally between Denver and Littleton and intermediate points, and objected further to the granting of authority to move freight from the Quartermaster Warehouse immediately north of Littleton to points through Denver; that there was, in addition to the Weicker service, about twenty different authorities, principally warehousemen residing in the city of Denver, with authority to serve Denver and adjoining counties, and occasional trips throughout the various counties of the state, particularly the U. S. Transfer and Storage Company, the North Denver Transfer and Storage Company, and the Gallagher Transportation Company, which companies made a business of soliciting and delivering freight to and from Denver, Littleton, and intermediate points; that the Weicker Transportation Company maintained three regular daily services between Denver and Littleton and made such special trips as the demands might justify; that this service between Denver and Littleton could be arranged at any time on fifteen minutes' notice; that, in addition to this special or local service, the Weicker Transportation Company had seven trucks passing through Littleton and the Quartermaster Warehouse daily, over U. S. Highway No. 85, and on the return or north movement this equipment was ninety per cent. empty; that in maintaining the daily service to Littleton, the average tonnage did not exceed 753

pounds daily; however, in order to provide service in accordance with the terms of their certificate, this schedule had been maintained for the past seven years, serving some forty-three shippers within Littleton, all of which has been done without any complaint on the part of any shipper; that this service has not been compensatory, but has been maintained for the reason that the scheduled service could not be retarded by stopping at Littleton; that the Weicker Company was ready, willing, and able to render all service required between Denver and Littleton and intermediate points, and that to grant additional authority as sought by the applicant would tend to impair the efficient services now being rendered by this company. However, it was a fact that the new routing of U. S. Highway No. 85 caused the scheduled service of the Weicker Transportation Company moving south from Denver to pass west of the main part of the city of Littleton, and this was a further reason why scheduled through service could not well be stopped at Littleton; further, that the Weicker Company had made a systematic effort to contact shippers in Littleton, keeping a record of the date of all such calls or contacts, regardless of the fact that the business, so far, did not justify the turn-around service.

From this record, it appears that Littleton merchants depend on small daily shipments; sometimes a merchant will have two or three deliveries daily instead of carrying a heavy stock in trade; and that the carriers, in order to meet this demand, regard Littleton as a suburb of Denver and supply the transportation needs substantially the same as they do any other suburb of Denver by direct pick-up and delivery service from Denver. The schedule line haul service from Denver by way of U. S. Highway 85 through Littleton apparently does not make stops at Littleton, but the common carrier having this right prefers to render a "turn-around" service from Denver to Littleton, even at a loss, rather than to delay the scheduled service by a stop at that point.

The record further shows that Foster, thinking he had a right to transport freight generally from Denver to Littleton, which, apparently, was the opinion of the Commission, has at no time been stopped,

which indicates that others also thought Foster had this authority. Yet the fact remains that the only authority to transport freight between Denver and Littleton, conferred upon Foster and made a part of his Certificate No. 72, was the limited authority which he acquired from Alice J. Lilley, which gave him a right to transport merchandise returned by merchants at Littleton to wholesale and jobbing houses in Denver and the transportation from Denver to Littleton of perishable vegetables, fresh fruit, ice cream, drugs, and repairs for heating plants and machinery. The principal part of his transportation service of late years between Denver and Littleton has consisted of general commodities, and particularly merchandise required by the various merchants whom he served at Littleton.

This record further discloses that the scheduled common carrier holding a right between Denver and Littleton renders a "turn-around" service between these points three times daily, and on call at any time within fifteen minutes; that this firm is willing, ready, and able to render the service; that there was no complaint about the service thus far rendered; and that this same firm made a practice of soliciting merchants and others in Littleton for their transportation business, and at times during past years has served practically all of the merchants in Littleton. There was no showing of a lack of transportation service between Denver and Littleton, and, if there had been, the carrier having this right should, in all fairness, first be given an opportunity to meet the demand before a certificate is granted to the applicant.

So far as the transportation of freight between Littleton and points west of U. S. Highway 85 on the routes and in the territory authorized to be served by the applicant herein is concerned, some demand for such service was shown, not only from Littleton but from the Quartermaster Warehouse, and between other points on U. S. Highway 85 between Denver and Littleton and points within the applicant's authorized territory or on the routes authorized to be served by him.

It further appears that the granting of authority to serve to



and from points on U. S. Highway 85 between Denver and Littleton, from and to points west thereof within applicant's authorized territory, would not have an adverse effect on any common carrier operation.

The financial standing and operating dependability of the applicant are matters of record with the Commission and have been satisfactory over a long period of time.

After careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the public convenience and necessity require the extended service of the applicant, with authority to transport freight generally, from and to points on U. S. Highway No. 85 between Denver and Littleton (including Littleton), to and from points west of U. S. Highway 85 which are within the territory or on the routes heretofore authorized to be served by the applicant, and that such authority should be granted; and that authority to transport freight generally, in addition to the limited authority now held by applicant, between Denver and Littleton and intermediate points on U. S. Highway 85, should be denied.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the extension of Certificate No. 72 to include the transportation of freight generally from and to points on U. S. Highway 85 between Denver and Littleton (including Littleton), on the one hand, and points west of U. S. Highway 85 which are within the territory or on the routes described and authorized to be served by the applicant by:

Decision No. 1090, dated January 24, 1927,  
Decision No. 1438, dated October 13, 1927,  
Decision No. 2131, dated April 3, 1929,  
Decision No. 8532, dated October 19, 1936,  
Decision No. 8978, dated November 16, 1936,  
Decision No. 13635, dated June 12, 1939,-

on the other hand, without the right to perform any service between Denver and Littleton and intermediate points by virtue of this extension.

The routes and the territory described and authorized to be served by the above decisions are indicated on Exhibit 1 introduced in

evidence in Application No. 922-A-B and in Application No. 674-BB, March 31, 1939, being that portion colored pink; and this order shall be taken, deemed and held, to be a certificate of public convenience and necessity for such extension.

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 such portion of the instant application seeking authority to transport freight generally between Denver and Littleton and intermediate points 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

DATED at Denver, Colorado,  
this 10th day of July, 1940.

Edward E. Wheeler  
W. E. Danko  
Marion E. Erickson  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BEN SIEGEL, AND ISADORE SIEGEL, )  
ADMINISTRATOR OF THE ESTATE OF )  
BARNEY SIEGEL, DECEASED, TO )  
TRANSFER PRIVATE PERMIT NO. A-841 )  
TO DOMINICH FRANCH AND ALBERT )  
FRANCH, DOING BUSINESS AS FRANCH )  
BROS. TRUCK LINE. )

APPLICATION NO. 3564-PP-AAAA

July 8, 1940

Appearances: J. Churchill Owen, Esq., Denver,  
Colorado, for the transferees;  
Worth Allen, Esq., Denver, Colorado,  
for the transferors;  
T. A. White, Esq., Denver, Colorado,  
for the Rio Grande Motor Way, Inc.;  
Raymond B. Danks, Esq., Denver, Colo-  
rado, for the Common Carrier  
Division of The Colorado Motor  
Carriers' Association;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer Private Permit A-841 to Dominich and Albert Franch, doing business as Franch Bros. Truck Line, Silverton, Colorado.

From the record, Private Permit A-841 now stands in the name of Ben Siegel and Barney Siegel.

Exhibit No. 1, introduced in evidence, is a certified copy of an order issued by the Judge of the County Court of the City and County of Denver in Case No. 65029, "In the Matter of the Estate of Barney Siegel, Deceased," which order authorizes the sale of the interest which the estate of Barney Siegel may have in Private Permit A-841 by the administrator of said estate.

It appeared that Ben Siegel and the administrator of the estate of Barney Siegel have agreed to sell said permit, the consideration being \$1200.00; also that there was a deposit made, as required by law from all operators, which in this case was \$310.00, and that \$50.00 of this amount was to be applied to the payment of back road taxes due the Commission and the balance transferred to the account of the transferees.

Isadore Siegel, administrator of the Estate of Barney Siegel, deceased, testified that Exhibit No. 2 disclosed the accounts payable, as well as the accounts receivable, and that he hoped to take care of these obligations out of the assets of the estate and also would pay such additional road tax due the Commission in excess of the \$50.00 deposit which is to be applied on taxes.

The transferees herein propose to take over the customers heretofore listed and served under contract by the holders of this permit; that the transferees have four trucks, and, from the financial statement, copy of which is attached to the application, it appears that they are financially able to conduct the operation proposed under this authority should the same be transferred to them.

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

#### O R D E R

IT IS THEREFORE ORDERED, That Ben Siegel, and Isadore Siegel, Administrator of the Estate of Barney Siegel, Deceased, be, and they hereby are, granted authority to transfer all of their right, title, and interest in and to Private Permit No. A-841 to Dominich Franch and Albert Franch, doing business as Franch Bros. Truck Line, Silverton, Colorado.

The record discloses that Permit A-841 authorizes the following:

"Freight from Grand Junction to the Colorado-New Mexico State Line and intermediate points via U.S. Highways Nos. 550 and 50, and from Durango to Denver, via U.S. Highways Nos. 160 and 85."

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said 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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

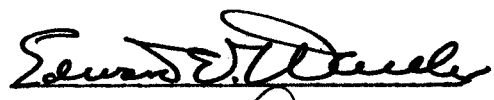

IT IS FURTHER ORDERED, That the right of transferees to operate under this order shall be dependent upon their compliance at all times with all of the laws, rules, and regulations pertaining to their operation which now or hereafter may be in effect.

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

DATED at Denver, Colorado,  
this 8th day of July, 1940.

  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK SALBATO, ROUTE 1, BOX 20, )  
TRINIDAD, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 4402-PP

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July 10, 1940  
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Appearances: Frank Salbato, Trinidad,  
Colorado, pro se.

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 and coke from mines in Las Animas County to points within a radius of fifty miles of, and including, Trinidad; (b) firewood from supply points in said fifty-mile radius to Trinidad; (c) ashes from Trinidad to Trinidad City Dump grounds; (d) flour for S. N. Hadad and Marta Bakery, only, from railroad cars in Trinidad to the respective places of business of said customers; (e) farm machinery from and to Trinidad, to and from farms, only, within a radius of fifty miles of Trinidad for Ray Brown, only; excluding all transportation service in competition with established motor vehicle line haul common carriers.

No one appeared in opposition to the granting of the authority sought.

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 Frank Salbato, Trinidad, 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 and coke from mines in Las Animas County to points within a radius of fifty miles of, and including, Trinidad; (b) firewood from supply points in said fifty-mile radius to Trinidad; (c) ashes from Trinidad to Trinidad City Dump grounds; (d) flour for S. N. Hadad and Marta Bakery, only, from railroad cars in Trinidad to the respective places of business of said customers; (e) farm machinery from and to Trinidad, to and from farms, only, within a radius of fifty miles of Trinidad for Ray Brown, only, excluding all transportation service in competition with established motor vehicle line haul common carriers.

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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wiley  
W. B. Danks

Malcolm E. Evers  
Commissioners

Dated at Denver, Colorado,  
this 10th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Donald Case d/b/a  
Fraser Equipment Co.

PERMIT NO. C- C-9956

July 8, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from .....  
Donald Case d/b/a Fraser Equipment Fraser, Colorado  
..... of .....,

requesting that his Permit No. C-..... C-9956 ..... 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

C-9956

IT IS THEREFORE ORDERED, That Permit No. C-....., heretofore issued  
Donald Case d/b/a Fraser Equipment  
to..... be,  
and the same is hereby, declared cancelled, as of July 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Wheeler*  
*W. C. Danks*  
*Wm. S. Swenson*  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of July, 193 40..



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
 )  
 )  
 Jack Wikstrand d/b/a )  
 Golden West Milling Co. )  
 )  
 )

PERMIT NO. C-10752

July 8, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
Jack Wikstrand d/b/a Golden West Milling Co. 3095 Clermont, Denver, Colorado  
.....of.....,  
requesting that his Permit No. C-10752.....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-10752, heretofore issued  
to Jack Wikstrand d/b/a Golden West Milling Co. be,  
and the same is hereby, declared cancelled, as of July 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Beebe*  
*W. E. Danks*  
*Malcolm Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 8th day of July, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. O. HOFF, 1806 EAST 16TH STREET, )  
PUEBLO, COLORADO, FOR A CLASS "A" ) APPLICATION NO. 5424-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

-----  
July 11, 1940  
-----

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from Trinidad, Aguilar, Canon City and Florence coal fields to Colorado Springs and Pueblo.

Inasmuch as the motor carrier associations, heretofore, have indicated that they have no objection to the granting of permits, limited to the service herein sought to be performed by applicant, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That J. O. Hoff, Pueblo, Colorado, should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of coal from Trinidad, Aguilar, Canon City and Florence coal fields to Colorado Springs and Pueblo, 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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Daniels

McDankes

William Episkop

Commissioners

Dated at Denver, Colorado,  
this 11th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AARON G. COX, AGUILAR, COLORADO, )  
FOR A CLASS "A" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
-----

APPLICATION NO. 5405-PP

-----  
July 11, 1940  
-----

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing at Trinidad, on July 1, 1940, at 10:00 o'clock A.M., due notice of the time and place of hearing being forwarded to applicant.

Notwithstanding such notice, applicant failed to appear.

However, the Commission determined to hear, and has heard, the matter upon the application and files herein.

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

O R D E R

IT IS THEREFORE ORDERED, That Aaron G. Cox, Aguilar, 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 ties and rough lumber from sawmill of Ben Chaney and George Herrod, located about seventeen miles west of Aguilar, Colorado, to Aguilar and Trinidad.

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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Deeds

W. L. Danks

William Ericson  
Commissioners

Dated at Denver, Colorado,  
this 11th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
NASH LUCERO, 1010 OAK STREET, )  
TRINIDAD, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5404-PP

-----  
July 11, 1940  
-----

Appearances: Nash Lucero, Trinidad, Colo-  
rado, pro se.

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 sand, gravel, dirt, coal, ashes, firewood, rough lumber and scrap iron between points within a radius of ten miles of Trinidad, Colorado.

There was no objection to the granting of permit.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Nash Lucero, Trinidad, 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, dirt, coal, ashes, firewood, rough lumber and scrap iron between points within a radius of ten miles of Trinidad, 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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. D. Danks

Wm. E. Egan

Commissioners

Dated at Denver, Colorado,  
this 11th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BEN BACA, 1521 EAST MAIN STREET, )  
TRINIDAD, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5403-PP

-----  
July 11, 1940  
-----

Appearances: Ben Baca, Trinidad, Colorado,  
pro se.

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 ashes, coal, firewood, sand and manure between points within a radius of fifty miles of Trinidad, Colorado.

There was no objection to the granting of permit.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Ben Baca, Trinidad, 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 ashes, coal, firewood, sand and manure between points within a radius of fifty miles of Trinidad, 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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward H. Danks  
McDankes

Walter E. Swick  
Commissioners

Dated at Denver, Colorado,  
this 11th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MELVIN BEKINS AND PAUL BEKINS, )  
DOING BUSINESS AS "BEKINS VAN AND )  
STORAGE COMPANY," 806 SOUTH 16TH )  
STREET, OMAHA, NEBRASKA, FOR AUTH- )  
ORITY TO TRANSFER INTERSTATE CER- )  
TIFICATE NO. 850-I TO BEKINS VAN )  
LINES CO., 1335 SOUTH FIGUEROA )  
STREET, LOS ANGELES, CALIFORNIA. )  
-----

INTERSTATE CERTIFICATE NO. 850-I

-----  
July 11, 1940  
-----

S T A T E M E N T

By the Commission:

Heretofore, Melvin Bekins and Paul Bekins, doing business as "Bekins Van and Storage Company," were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as common carriers by motor vehicle for hire in interstate commerce, and Certificate No. 850-I issued to them.

Said certificate-holders now seek authority to transfer said certificate to Bekins Van Lines Co.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

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

O R D E R

IT IS THEREFORE ORDERED, That Melvin Bekins and Paul Bekins, doing business as "Bekins Van and Storage Company," Omaha, Nebraska, should be, and they hereby are, authorized to transfer all of their right, title and interest in and to Certificate No. 850-I to Bekins Van Lines Co., Los Angeles, California.

IT IS FURTHER ORDERED, That said transfer shall become ef-

fective **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. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

McDanks

William S. Sisson  
Commissioners

Dated at Denver, Colorado,  
this 11th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE REDUCED TRANSPORTATION BY THE )  
DENVER CAB COMPANY BETWEEN DENVER, ) MISCELLANEOUS DOCKET NO. 143  
COLORADO, AND EVERGREEN, COLORADO. )  
-----

-----  
July 9, 1940.  
-----

S T A T E M E N T

By the Commission:

This matter is before the Commission upon a letter from The Denver Cab Company, by G. Q. Smith, its General Manager, dated June 29, 1940, requesting authority to transport one bus load, consisting of some 25 to 30 passengers, from Denver, Colorado, to Evergreen, Colorado, and return at one-half of the regular tariff rate.

The movement in question is for the purpose of transporting said passengers from Denver to the Episcopal Conference Grounds at Evergreen, Colorado, and return on Monday, July 15, 1940.

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.

O R D E R

IT IS THEREFORE ORDERED, That The Denver Cab Company be, and it is hereby, authorized to protect a charge computed on the basis of one-half of the regular tariff fare at \$24.50 on one bus-load of some 25 to 30 passengers, members of St. Thomas Episcopal Church, Denver, Colorado, from Denver, Colorado, to the Episcopal Conference Grounds at Evergreen, Colorado and return, on July 15, 1940.

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 E. Wheeler

W. C. Danks

Walter S. Hinkle  
Commissioners

Dated at Denver, Colorado,  
this 9th day of July, 1940

JH

ROE EMERY  
PRESIDENT



TRANSPORTATION  
AND HOTELS IN  
ROCKY MOUNTAIN  
NATIONAL PARK  
AND ESTES PARK



15657  
7/9/40  
m. 10143

# ROCKY MOUNTAIN MOTOR COMPANY



1730 Glenarm Place  
DENVER  
COLORADO



June 29, 1940

1-200W  
6  
The Public Utilities Commission  
of the State of Colorado  
State Office Building  
Denver, Colorado

Gentlemen:

On Monday, July 15, twenty-five or thirty members of St. Thomas Episcopal Church, E. 22nd Avenue and Dexter Street, wish to use a bus to the Episcopal Conference Grounds at Evergreen.

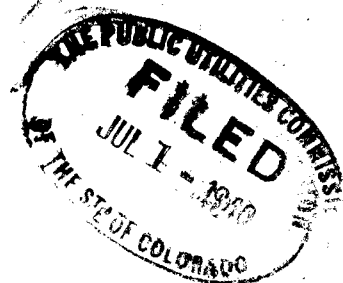
The tariff rate on this service would be \$24.50, since these people will be gone over seven hours. However, since this is for a religious conference, I will appreciate it if you will grant permission to allow a rate of \$12.25 for the trip.

Yours very truly

THE DENVER CAB COMPANY

G. Q. Smith, Genl. Mgr.

GQS/mw



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE MELONAS, 530 WEST 8TH STREET, )  
WALSENBURG, COLORADO, TO EXTEND HIS )  
PRIVATE CARRIER OPERATIONS UNDER )  
PERMIT NO. B-2088. )  
-----

APPLICATION NO. 4403-PP-B

-----  
July 13, 1940  
-----

Appearances: Angelo Mosco, Esq., Walsen-  
burg, Colorado, for the  
applicant.

S T A T E M E N T

By the Commission:

Applicant filed his application for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of coal, sand and gravel, firewood and coke between points within a radius of fifty miles of Walsenburg, and from points in said area to Pueblo, he, heretofore, having been authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

coal, firewood and gravel from point to point  
within a radius of thirteen miles of Walsen-  
burg, and from points in said area to Pueblo,

Permit No. B-2088.

At the hearing, through his counsel, he asked that his application be amended to show that he requested authority to operate as a common carrier by motor vehicle for hire, instead of a private carrier by motor vehicle for hire, with authority to perform the same service he sought to perform as a private carrier.

The amendment was permitted, applicant to pay the difference in fees required to be paid for a private carrier and a common carrier application.

It appeared that applicant chiefly is engaged in the transportation of coal; that there is considerable demand for such service and for the transportation of sand and gravel, firewood and coke in the area in which he seeks to serve; that coke moves from ovens at Riggio Mine, located near Trinidad, to Walsenburg.

Applicant stated that he did not want to compete with the common carrier service of Angelo Baudino in the Town of Aguilar.

It further appeared that applicant has one truck, of the value of five hundred dollars, which he proposes to use in said operation.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity require the proposed operation of applicant, and that a certificate of public convenience and necessity should issue therefor, and further, that Permit No. B-2088 granted by Decision No. 11243 to applicant, should be cancelled and revoked.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operation of applicant for the transportation of coal, sand and gravel, firewood and coke between points within a radius of fifty miles of Walsenburg, and from points in said area to Pueblo, without the right to haul coal to or from Aguilar, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the rules and regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty (20) 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 regu-



lations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That Private Carrier Permit No. B-2088, heretofore issued to applicant in Decision No. 11243, should be, and the same hereby is, cancelled, revoked and held for naught.

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Brien

W. D. Oakes

Malcolm Erickson  
Commissioners

Dated at Denver, Colorado,  
this 13th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
IVAN AND DWIGHT MILLER, GREELEY,  
COLORADO, UNDER PRIVATE PERMIT  
NO. B-28.

CASE NO. 4804

July 13, 1940

Appearances: J. J. Patterson, Esq., Denver,  
Colorado, for the Commission;  
Marion F. Jones, Esq., Denver,  
Colorado, for the respondents.

S T A T E M E N T

By the Commission:

The above numbered case was heard and taken under advisement. However, before the decision of the Commission was written, the respondents herein, being indebted to the original holder of Permit B-28, were obliged to return the same to J. E. Clayburg, the original owner, as part payment of the obligation owed to him by them.

Inasmuch as the respondents herein have no further interest in this permit, the Commission is not in a position to assess a penalty of suspension of the same, which would result in no inconvenience or punishment to these respondents, but might, on the contrary, prove a hardship to J. E. Clayburg, who had nothing to do with the violations complained of, and it appears that the only just course to take in connection with this permit would be to dismiss the case.

O R D E R

IT IS THEREFORE ORDERED, That the instant case, No. 4804, be, and the same hereby is, dismissed.

DATED at Denver, Colorado,  
this 13th day of July, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Jones*  
*W. E. Danko*  
*Marion F. Jones*  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
IVAN AND DWIGHT MILLER, GREELEY,  
COLORADO, DOING BUSINESS AS MILLER  
BROTHERS, TO TRANSFER PERMIT B-28  
TO J. E. CLAYBURG, GREELEY, COLORADO.

APPLICATION NO. 5003-PP-AA

July 13, 1940

Appearances: Ivan and Dwight Miller,  
Greeley, Colorado, Transferors;  
J. E. Clayburg, Greeley,  
Colorado, Transferee.

S T A T E M E N T

By the Commission:

On June 4, 1940, Ivan and Dwight Miller, doing business as Miller Brothers, and J. E. Clayburg, filed a verified application with the Commission for the transfer of Permit B-28 to J. E. Clayburg, Greeley, Colorado.

It appears that on the 1st day of July, 1939, Ivan and Dwight Miller executed a chattel mortgage, intended to cover Private Permit B-28, to secure the payment of \$2700.00 which the Miller Brothers owed to J. E. Clayburg as part of the purchase price of Permit B-28, heretofore authorized to be transferred from Clayburg to Ivan and Dwight Miller. It now appears that Ivan and Dwight Miller have defaulted in the payments under said chattel mortgage, and, in accordance with their agreement and the terms of said chattel mortgage, said permit is to be transferred back to J. E. Clayburg.

J. E. Clayburg further requested that when the transfer to him was authorized, he be given authority to suspend operations under Permit B-28 for a period of one year.

After careful consideration of the application for transfer, the Commission is of the opinion, and finds, that authority should be

granted on the verified application on file, and in accordance with the agreement heretofore entered into between the parties hereto, to Ivan and Dwight Miller, doing business as Miller Brothers, to transfer all of their right, title, and interest in and to Permit B-28 to J. E. Clayburg, Greeley, Colorado.

The Commission further finds that Permit B-28 should be suspended for a period of one year upon the request of J. E. Clayburg.

#### O R D E R

IT IS THEREFORE ORDERED, That Ivan and Dwight Miller should be, and they hereby are, authorized to transfer all of their right, title, and interest in and to Permit B-28 to J. E. Clayburg, Greeley, Colorado.

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

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 J. E. Clayburg be, and he hereby is, granted authority to suspend operations under Permit B-28 for a period of one year from and after the date hereof, with the privilege of reinstating the same at any time within the suspension period upon compliance with the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That in the event the holder of this authority fails to request, in writing, the reinstatement thereof be-

fore the expiration of the suspension period, and otherwise comply with all of the rules and regulations of the Commission, then, and in that event, Permit B-28 shall be declared cancelled, without further action on the part of the Commission.

IT IS FURTHER ORDERED, That this order shall become effective as of the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Walter E. Swenson  
Commissioners.

DATED at Denver, Colorado,  
this 13th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
S. R. BARR AND O. E. HOLMAN, FOR )  
AUTHORITY TO TRANSFER PERMIT A-387 )  
TO S. R. BARR, DOING BUSINESS AS )  
"BARR LUMBER COMPANY," LA JARA, )  
COLORADO. )  
-----

APPLICATION NO. 2331-PP-A

-----  
July 13, 1940  
-----

S T A T E M E N T

By the Commission:

On November 9, 1939, the above-named parties filed with the Commission a verified application, seeking authority to transfer Private Permit No. A-387 from the partnership to S. R. Barr, doing business as "Barr Lumber Company."

It has now been brought to the attention of the Commission that, through some oversight, this application for a transfer has been lost in the files, and was never set for hearing.

It is understood that the parties hereto have concluded their agreement involving the transfer of this permit, and that the right has been used by S. R. Barr, doing business as "Barr Lumber Company," at La Jara, Colorado, and that the parties hereto have agreed that the deposit heretofore made pursuant to statute is to be transferred to the transferee.

On checking over this file and application, and inasmuch as it is merely a change in the record to show the title to this permit to be in S. R. Barr, an individual, instead of S. R. Barr and O. E. Holman, a partnership, and it appearing that there are no outstanding unpaid obligations as a result of operations under said permit, also that the financial standing and reliability of S. R. Barr have already been established to the satisfaction of the Commission, the Commission is of the opinion, and finds, that this transfer should be authorized on the veri-

fied application on file with the Commission, without the formality of a hearing.

O R D E R

IT IS THEREFORE ORDERED, That S. R. Barr and O. E. Holman be, and they hereby are, authorized to transfer all of their right, title and interest in and to Private Permit A-387 to S. R. Barr, doing business as "Barr Lumber Company," La Jara, Colorado; and that copies of this order be sent to Weicker Transportation Company, Denver, Faus Transportation Company, Monte Vista, Lute Vance, La Jara, Colorado, Raymond B. Danks, Denver, Marion F. Jones, Denver, and T. A. White, Denver.

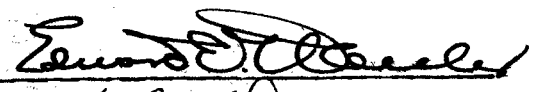


IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future, will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 13th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION )  
OF CLELL HINDMAN, DOING BUSINESS )  
AS SERV-U CAB COMPANY, FOR A CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY. )  
-----

APPLICATION NO. 5046

IN THE MATTER OF THE APPLICATION )  
FOR CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY, COVERING )  
OPERATIONS IN THE VICINITY OF )  
THE CITY OF BOULDER, BY JAMES F. )  
BURK AND MARIE G. BURK, DOING BUSI- )  
NESS AS YELLOW CAB COMPANY AND THE )  
BOULDER TAXI COMPANY. )  
-----

APPLICATION NO. 5048

IN THE MATTER OF THE APPLICATION )  
OF NELLIE WATSON, DOING BUSINESS )  
AS INDEPENDENT TAXI COMPANY, FOR )  
AN EXTENSION OF CERTIFICATE 1198. )  
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APPLICATIONS NOS. 255-A-A-B  
AND 576-A-A-B

SUPPLEMENTAL ORDER

-----  
July 13, 1940  
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Appearances: C. C. Chittim, Esq., Boulder, Colorado,  
for the Serv-U- Cab Company;  
James F. Burk, Boulder, Colorado, for  
the Yellow Cab Company and the  
Boulder Taxi Company;  
T. L. James, Denver, Colorado, for  
The Denver and Intermountain Motor  
Company;  
W. V. Hodges, Esq., Denver, Colorado,  
for the Rocky Mountain Parks  
Transportation Company;  
Lillie E. Hennig, Boulder, Colorado,  
for the City Taxi;  
A. W. Fitzgerald, Esq., Boulder,  
Colorado, for Nellie Watson, doing  
business as Independent Taxi Company.

S T A T E M E N T

By the Commission:

On July 19, 1939, Decision No. 13763, the Commission issued an



order granting authority to each of the above-named applicants to conduct a taxicab service for the transportation of one-way passengers and their baggage between points within the city of Boulder and points within a radius of five miles of the city limits of the city of Boulder, upon certain conditions set forth in said order.

It has now been brought to the attention of the Commission that the City Taxi objected to the granting of any authority which would affect the rights of the City Taxi to render a taxicab service between Boulder and Blanchard's Lodge, and at the hearing, in response to the objection, the representative of the City Taxi was advised that any authority which might be granted would protect existing carriers then conducting a scheduled operation within the five-mile radius of the city limits of the city of Boulder; it being understood at that time that the service by the City Taxi between the city of Boulder and Blanchard's Lodge was adequate and was such an operation as should be protected in the event authority was granted to the applicants above named. Applicants, Clell Hindman, James F. Burk and Marie G. Burk, and Nellie Watson offered no objection at the time, and offered no testimony showing a need for service to and from Blanchard's Lodge.

After careful consideration of Decision No. 13763, and the orders contained therein, together with the representations with respect to the service then existing between the city of Boulder and Blanchard's Lodge, the Commission is of the opinion, and finds, that there may have been some misunderstanding as to the character of existing service between the city of Boulder and Blanchard's Lodge; that, nevertheless, it was the intention, on the day of the hearing, that such existing service should not be affected by the granting of authority to the three applicants; and that the orders contained in Decision No. 13763 should be modified so as to exclude any service by these applicants,--namely, Clell Hindman, doing business as Serv-U Cab Company, James F. Burk and Marie G. Burk, doing business as Yellow Cab Company and the Boulder Taxi Company, and Nellie Watson, doing business as Independent Taxi Company,--to and from Blanchard's Lodge.

O R D E R

IT IS THEREFORE ORDERED, That each of the three authorities granted to the respective applicants by Decision No. 13763 should be, and the same hereby is, modified and amended so as to exclude service, under the taxicab rights therein granted, to and from Blanchard's Lodge.

IT IS FURTHER ORDERED, That in all other respects the orders contained in said Decision No. 13763 shall remain in full force and effect.

IT IS FURTHER ORDERED, That should applicants herein desire a hearing on this amendment the same will be granted upon the filing of a petition therefor before the effective date hereof.

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. L. Danks

Walter S. Smith

Commissioners

Dated at Denver, Colorado,  
this 13th day of July, 1940.

R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF JOHN SCHUMACHER, )  
DOING BUSINESS AS "AMHERST ELEC- )  
TRIC LIGHT PLANT," AMHERST, COLO- )  
RADO, PETITIONER. )  
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APPLICATION NO. 4892

-----  
July 13, 1940  
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S T A T E M E N T

By the Commission:

This matter comes before the Commission upon petition of John H. Schumacher, for authority to abandon and discontinue operation of an electric generating and distributing system operated at Amherst, Colorado.

It appears from the records of the Commission that petitioner herein was granted a certificate of public convenience and necessity, on or about November 29, 1939, authorizing operation of an electric generating and distributing plant and system, and has been so operating since that time.

It further appears that, under date of April 24, 1940, said Schumacher filed his petition with this Commission, requesting that said certificate be cancelled, and that he be permitted to discontinue the operation authorized by the certificate, the application reciting further that petitioner has negotiated for the sale of his plant and system; that his present consumers have made arrangements to secure service adequate for their needs from other sources, and that the public convenience and necessity will not be prejudiced or inconvenienced by discontinuing operation of the existing plant and system.

Notice of said petition was duly served upon the Board of County Commissioners of Phillips County, said Board filing with this Commission its statement, in writing, that there is no objection to granting of the petition.

The Commission having examined the petition filed herein, its records and files in the matter, and being now fully advised in the premises, finds that discontinuing the operation of petitioner's plant will not prejudice or impair the needs and the convenience of the public or of the residents of Amherst now being served by said petitioner.

O R D E R

IT IS THEREFORE ORDERED, That the certificate of public convenience and necessity heretofore granted petitioner herein be, and it hereby is, cancelled and held for naught, and that all rights and privileges conferred by said certificate will terminate as of the effective date of this order.

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners

Dated at Denver, Colorado,  
this 13th day of July, 1940.

(Decision No. 15664)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
S. S. HUNTINGTON, IDAHO SPRINGS, )  
COLORADO, FOR AN EXTENSION OF )  
PERMIT NO. A-887. )

APPLICATION NO. 4813-PP-BB

July 13, 1940

Appearances: P. E. Hamm, Leadville, Colorado,  
for the applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Colorado  
Transfer and Warehousemen's  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company.

S T A T E M E N T

By the Commission:

By the instant application, an extension of Permit A-887 is sought for the transportation of ore from points within a radius of five miles of Leadville, Colorado, to the P. E. Hamm mills at Leadville, and concentrates from these mills to the smelter near Leadville.

By order of the Commission dated January 21, 1935, Decision No. 6204, the Commission ordered the issuance of Permit No. A-887, with authority as follows:

"The transportation of ores and concentrates, only, from a radius of ten miles of the town of Idaho Springs, Colorado, to Idaho Springs and to Colorado Springs and to Leadville, with the right to transport mining supplies only from Idaho Springs back to his customers within said ten-mile radius."

The applicant now has a contract to transport ore from points within a radius of five miles of Leadville, Colorado, to the two Hamm

mills at Leadville, and concentrates from these two mills to the smelter a short distance south of Leadville. In the application, other authority was sought in connection with the transportation of supplies, but Mr. Hamm stated on the witness stand that he had no trouble in getting authorized carriers to move his mine supplies from Denver and other points to his mills at Leadville, and, in addition, Mr. S. S. Huntington stated that the movement of supplies might be eliminated from his present application for an extension.

On this record, protestants appearing at the hearing offered no objection to the granting of the extension, limited to ores and concentrates as above indicated.

After careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that an extension should be granted to include the transportation of ore from point to point within a radius of five miles of Leadville, and concentrates from the Hamm mills in Leadville to the smelter south of Leadville.

#### O R D E R

IT IS THEREFORE ORDERED, That Permit A-887 should be, and the same hereby is, extended to include the transportation of ore from points within a radius of five miles of Leadville, Colorado, to the two Hamm mills at or near Leadville, and the transportation of concentrates from the two Hamm mills at or near Leadville to the smelter a short distance south of Leadville.

IT IS FURTHER ORDERED, That those parts of the instant application for an extension to move mine supplies should be, and the same hereby is, denied.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. L. Danks

Walter Erickson  
Commissioners

DATED at Denver, Colorado,  
this 13th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
KENNETH HAYNES, HOTCHKISS, COLO- )  
RADO, FOR A CLASS "A" PERMIT TO OP- )  
ERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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APPLICATION NO. 5387-PP

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July 15, 1940  
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Appearances: Kenneth Haynes, Hotchkiss, Colo-  
rado, pro se;  
E. C. Butler, Crawford, Colorado,  
pro se;  
R. G. Girling, Lazear, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

The application, as filed, seeks authority to transport milk to a cheese factory at Lazear from points on Colorado Highway No. 92 between Delta and Crawford.

At the hearing, applicant testified that he would also like authority to transport fruit from Rogers Mesa to packing sheds at Lazear, confined, however, to the harvesting season, only. This authority was not included in his application, but no objections were interposed to the granting of same, provided it was limited to a sixty-day period in the fall of the year.

Some objection was interposed by E. C. Butler, Crawford, Colorado, to the transportation of milk to the cheese factory. However, it was developed that Mr. Butler, who has both a common carrier certificate and a private permit, has no authority to transport milk under his common carrier certificate. His private permit A-1520 authorizes the transportation of:

cream and milk from Crawford, Colorado, to Hotchkiss, Colorado, and from Crawford to Somerset.



The operator of the cheese factory at Lazear testified as to the need for the service which applicant proposes to perform.

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

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

#### O R D E R

IT IS THEREFORE ORDERED, That Kenneth Haynes, of Hotchkiss, Colorado, be, and he is hereby, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of milk from points on Colorado Highway No. 92 between Delta and Crawford, to the cheese factory at Lazear, including the right to transport fruit from Rogers Mesa to packing sheds at Lazear during the harvest season, only, and limited to not to exceed a sixty-day operation in the fall of the year.

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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Decker

W. L. Danks

Wm. E. E. E. E.

Commissioners

Dated at Denver, Colorado,  
this 15th day of July, 1940.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM TROXLER AND T. G. NIES FOR )  
AUTHORITY TO TRANSFER CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
NO. 422 TO WILLIAM TROXLER, AND FOR )  
AN EXTENSION OF SAID CERTIFICATE: )

APPLICATION NO. 1316-A-B

July 13, 1940

Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicants;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Colorado Rapid  
Transit Company;  
V. G. Garnett, Denver, Colorado,  
for Alex. Laubhan, Jr.

S T A T E M E N T

By the Commission:

On September 30, 1929, Decision No. 2556, authority was  
granted to William Troxler and T. G. Nies, being Certificate No. 422,  
to transport milk to Denver from the following area:

"Beginning where Pecos Street crosses the  
North Denver city limits, thence north 11  
miles; thence west 7 miles; thence south  
 $7\frac{1}{2}$  miles; thence east 4 miles to the Adams-  
Jefferson County line; thence south to the  
Denver city limits."

It appears that some time ago T. G. Nies withdrew from this  
partnership and that William Troxler has been sole owner thereof for  
about two years, and now desires to have the authority registered in  
his own name. It was also shown that the equipment and assets of the  
partnership are now the property of William Troxler and that there are  
no outstanding unpaid obligations as a result of previous operations  
under this authority.

There was no objection offered to the transferring of this  
authority from the partnership to William Troxler.

Also, by the instant application, authority is sought to extend the area from which the partnership heretofore has been, and Troxler now is, transporting milk from the farms therein. It appears that at the present time William Troxler lives a short distance north of the territory described in this certificate, he having moved to this place, and, in addition to transporting his own dairy products therefrom, has neighbors in the vicinity immediately north of his authorized territory for whom he has been rendering service for a number of years, and he seeks this extension in order to be authorized to take care of this public demand.

William Troxler testified that Sections 9, 10, 15, and 16, Township 1 North, Range 69 West, might be eliminated from his application for an extension.

V. G. Garnett, who has authority to serve this territory which the applicant now seeks authority to serve, conceded that so far as he was concerned the applicant might have the right to serve Sections 7, 8, 9, 16, 17, 18, and the North Half of Sections 19, 20, and 21, in Township 1 South, Range 68 West; also that he had no objection to the following: Sections 12, 13, and the North Half of Section 24, in Township 1 South, Range 69 West.

With the four sections eliminated by the applicant, and ten sections covered by the proposed extension being conceded by Mr. Garnett, there appears to be no dispute except as to Sections 11, 14, and the North Half of Sections 21, 22, and 28, in Township 1 South, Range 69 West.

The extension north along Pecos Street, a distance of two and one-half miles, is part of a route now taken care of by Alex. Laubhan, Jr., under his Certificate No. 467, and while the testimony shows that there has been no conflict of authority between Laubhan and the applicant herein,-- it appearing that Laughan served all of those customers residing on the east side of Pecos Street and that the applicant would serve such customers as reside on the west side of this highway (Pecos Street, extended),-- nevertheless Laubhan is entitled to serve both

sides of this highway from the west quarter corner of Section 22, Township 1 South, Range 68 West, north along this section line (being Pecos Street extended), to the northwest corner of Section 10, same township and range, and the testimony disclosed that the applicant and Leabhan have both rendered service on different sides of this highway in order to accommodate the producers.

Exhibit No. 1 is a map or sketch introduced by the applicant showing the location of the various customers whom he serves, but since it is not drawn to scale it is hard to determine whether or not any of his customers reside in the sections sought to be served which are objected to by the Colorado Rapid Transit. However, the Colorado Rapid Transit stands ready, willing, and able to serve the producers residing in Sections 11 and 14 and the North Half of Sections 21, 22, and 23, Township 2 South, Range 69 West, and in the absence of a showing of inadequacy of service, should retain these sections.

After careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that authority should be granted to transfer Certificate No. 422 from the partnership composed of William Troxler and T. G. Neis to William Troxler, doing business as Broomfield Truck Line, and that the public convenience and necessity require the extension of said certificate to include ten sections adjoining the original area on the north.

#### O R D E R

IT IS THEREFORE ORDERED, That William Troxler and T. G. Nies, co-partners, be, and they hereby are, authorized to transfer all of their right, title, and interest in and to Certificate No. 422 to William Troxler, doing business as Broomfield Milk Line.

IT IS FURTHER ORDERED, That the public convenience and necessity require the extended motor vehicle common carrier service of the applicant, William Troxler, with authority to transport milk to Denver from additional territory immediately north of the present territory

authorized to be served under this certificate, which additional area is described as follows:

Commencing at the East Quarter Corner of Section 21, Township 1 South, Range 68 West; thence North  $2\frac{1}{2}$  miles to the Bridge Street Road; thence West 4 miles; thence South  $2\frac{1}{2}$  miles to the West Quarter Corner of Section 24, Township 1 South, Range 69 West, being the North line of applicant's present authorized territory; thence East 4 miles to the point of beginning;-

and this order shall be taken, deemed and held, to be a certificate of public convenience and necessity therefor; provided, however, that no authority is granted hereby to serve milk producers residing along the highway (Pecos Street extended), as the same runs along the east side of the North Half of Section 21 and the east side of Sections 9 and 16, which milk producers, and the territory contiguous to and along said highway, are served by Alex. Laubhan, Jr.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferee shall have the necessary insurance on file with the Commission, and said transferors and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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

IT IS FURTHER ORDERED, That the transferee 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 transferee 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 D. Wheeler

W. C. Danks

Walter S. Sisson  
Commissioners.

DATED at Denver, Colorado,  
this 13th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

At a General Session of The Public  
Utilities Commission of the State  
of Colorado, held at its office in  
Denver, Colorado, on July 11, 1940.

INVESTIGATION AND SUSPENSION DOCKET NO. 234.

(Application No. 5398)

IT APPEARING, That on June 14, 1940, the Union Pacific Railroad Company and the Western Union Telegraph Company, jointly, by their Superintendents, filed an application with the Commission to close the railroad agency station and telegraph office of the respective companies at Wild Horse, Colorado, to be effective on and after July 15, 1940, alleging that the public convenience and necessity do not require the continued maintenance of said railroad agency station and telegraph office at said place, and that all the business at said agency and office can be adequately handled at the station of Aroya, 7.2 miles distant, and that economical operation of the companies does not justify these facilities at this place.

IT APPEARING FURTHER, That on June 25, 1940, the Commission received a petition signed by Mr. Chris Holte and some seventy other alleged patrons of the Union Pacific Railroad at Wild Horse and vicinity, and a letter from the Postmistress at Wild Horse, protesting the closing of said office; also, on June 27, 1940, the Commission received a letter from the County Commissioners of Cheyenne County, protesting the closing of the agency station and telegraph office at Wild Horse, and

IT APPEARING FURTHER, That the Commission finds that the proposed discontinuance of said railroad agency service and telegraph service 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 said railroad agency station, including the said telegraph service, be suspended for one hundred twenty (120) days from July 15, 1940, or until November 12, 1940, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed closing of the railroad agency station and telegraph office at Wild Horse, Colorado, 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 the matter of protests of said protestants, and others concerned herein, is hereby 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 July 19, 1940.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid application for the closing and discontinuance of the railroad agency station, including said telegraph office, at Wild Horse, Colorado, and copies hereof be forthwith served on E. G. Knowles, Esq., Attorney for Union Pacific Railroad Company and Western Union Telegraph Company, International Trust Building, Denver, Colorado, and on Mr. Chris Holte, for the protestants by the aforesaid petition, Wild Horse, Colorado, and Judith A. Holt, Postmistress, Wild Horse, Colorado, and the Board of County Commissioners of Cheyenne County, Cheyenne Wells, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. C. Danks

Malcolm E. Eason  
Commissioners

Dated at Denver, Colorado,  
this 11th day of July, 1940.

At a General Session of the Public Utilities Commission of the State of Colorado, held at its office in Denver, Colorado, July 11, 1940.

INVESTIGATION AND SUSPENSION DOCKET NO. 235  
(Application No. 5396)

IT APPEARING, That on June 14, 1940, the Union Pacific Railroad Company and the Western Union Telegraph Company, jointly, by their Superintendents, filed an application with the Commission to close the railroad agency station and telegraph office of the respective companies at Arapahoe, Colorado, to be effective on and after July 15, 1940, alleging that the public convenience and necessity do not require the continued maintenance of said railroad agency station and telegraph office at said place, and that all the business of said agency and office can be adequately handled at the station of Cheyenne Wells, 9.9 miles distant, or at Waskan, 11.3 miles distant, and that economical operation of the companies does not justify these facilities at this place.

IT APPEARING FURTHER, That on June 24, 1940, a petition signed by Joseph A. Pfost, Post Master at Arapahoe, and some 127 other persons, alleged residents of Arapahoe and vicinity, protesting the closing of said agency station and office, was received by the Commission, and on June 27, 1940, a letter was received from the Board of County Commissioners of Cheyenne County, protesting closing of the agency station and telegraph office at Arapahoe; and

IT APPEARING FURTHER, That the Commission finds that the proposed discontinuance of said railroad agency service and telegraph service 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 said railroad agency station, including the said telegraph service, be suspended for one hundred and twenty days from July 15, 1940, or

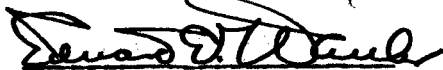
until November 12, 1940, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed closing of the railroad agency station and telegraph office at Arapahoe, Colorado, 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 the matter of protests of said protestants, or others concerned therein, is hereby set down for hearing before the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on July 19, 1940.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid application for the closing and discontinuance of the railroad agency station, including said telegraph office, at Arapahoe, Colorado, and copies hereof be forthwith served on E. G. Knowles, Esq., Attorney for Union Pacific Railroad Company and the Western Union Telegraph Company, International Trust Building, Denver, Colorado, and Joseph A. Pfost, Post Master at Arapahoe, Colorado, for the protestants of the aforesaid petition, and the Board of County Commissioners of Cheyenne County, Cheyenne Wells, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of July, 1940.

At a General Session of The Public Utilities Commission of the State of Colorado, held at its office in Denver, Colorado, July 11, 1940.

INVESTIGATION AND SUSPENSION DOCKET NO. 236  
(Application 5397)

IT APPEARING, That on June 14, 1940, the Union Pacific Railroad Company and Western Union Telegraph Company, jointly, by their Superintendents, filed an application with the Commission to close the railroad agency station and telegraph office of the respective companies at Proctor, Colorado, to be effective on and after July 15, 1940, alleging that the public convenience and necessity do not require the continued maintenance of said railroad agency station and telegraph office at said place, and that all the business of said agency and office can be adequately handled at the stations of Iliff, 6.8 miles distant, and Crook, 8.7 miles distant, and that economical operation of the companies does not justify these facilities at this place; and

IT FURTHER APPEARING, That on June 21, 1940, Mr. L. A. Lamb, Post Master at Proctor, submitted to the Commission a petition signed by himself and some 66 other alleged shippers at Proctor, protesting the closing of the station agency at Proctor, and on June 26, 1940, the Commission received a letter from the Board of County Commissioners of Logan County recommending the continuance of the agency station at Proctor if not too much of a burden to the railroad company; and,

IT FURTHER APPEARING, That the Commission finds that the proposed discontinuance of said railroad agency service and telegraph service might injuriously affect the rights and interests of said protestants and others that might be concerned;

IT IS THEREFORE ORDERED, That the effective date of the proposed discontinuance of said railroad agency station, including the telegraph service, be suspended for one hundred and twenty (120) days from July 15, 1940, or until November 12, 1940, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed closing of the railroad agency station and telegraph office at Proctor, Colorado, 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 the matter of protests of said protestants , or others concerned therein, be, and it is hereby set down for hearing before the Commission, in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on July 24, 1940.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid application for the closing and discontinuance of the railroad agency station, including said telegraph office, at Proctor, Colorado, and copies hereof be forthwith served on E. G. Knowles, Esq., Attorney for Union Pacific Railroad Company and Western Union Telegraph Company, International Trust Building, Denver, Colorado, and on Mr. L. A. Lamb, Post Master at Proctor, Colorado, for the protestants to said petition, and the Board of County Commissioners of Logan County, Sterling, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of July, 1940.

At a General Session of the Public  
Utilities Commission of the State of  
Colorado, held at its office in Denver,  
Colorado, July 11, 1940.

INVESTIGATION AND SUSPENSION DOCKET NO. 237  
(Application No. 5399)

IT APPEARING, That on June 14, 1940, the Union Pacific Railroad Company and the Western Union Telegraph Company, jointly, by their Superintendents, filed an application with the Commission to close the railroad agency station and telegraph office of the respective companies at Briggsdale, Colorado, to be effective on and after July 15, 1940, alleging that the public convenience and necessity do not require the continued maintenance of said railroad agency station and telegraph office at said place, and that all the business of said agency and office can be adequately handled at the station of Gill, 17.7 miles distant, and that the economical operation of these companies does not justify these facilities at this place;

IT FURTHER APPEARING, That on June 25, 1940, the Commission received a petition from businessmen and patrons of said railroad and telegraph company at Briggsdale protesting the closing of the said station agency and telegraph office at Briggsdale at this time in view of the encouraging crop conditions in that vicinity; and,

IT FURTHER APPEARING, That the Commission finds that the proposed discontinuance of said railroad agency service and telegraph service might injuriously affect the rights and interests of said protestants and others that might be concerned;

IT IS THEREFORE ORDERED, That the effective date of the proposed discontinuance of said railroad agency station, including the said telegraph service, be suspended for one hundred and twenty (120) days from July 15, 1940, or until November 12, 1940, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That the proposed closing of the railroad agency station and telegraph office at Briggsdale, Colorado, 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 the matter of the protests of the protestants, or others concerned therein, is hereby set down for hearing before the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M., on July 24, 1940.

IT IS FURTHER ORDERED, That a copy of this order be filed with the aforesaid application for the closing and discontinuance of the railroad agency station, including said telegraph office at Briggsdale, Colorado, and copies hereof be forthwith served on E. G. Knowles, Esq., Attorney for the Union Pacific Railroad Company and Western Union Telegraph Company, International Trust Building, Denver, Colorado, and on Mr. Fred G. Johnson, Manager, The Briggsdale Farmers Co-op Elevator Company, Briggsdale, Colorado, for the protestants.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. U. U. U.

McDauks

William E. U. U. U.  
Commissioners.

Dated at Denver, Colorado,  
this 11th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EVERETT SCOTT, FOR AUTHORITY TO )  
TRANSFER CERTIFICATE NO. 236 TO G. )  
O. ANDERSON, DOING BUSINESS AS )  
"CASTLE ROCK TRANSFER." )  
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APPLICATIONS NOS. 589-A, 1285-A,  
1742-A, 5342-A

-----  
July 15, 1940  
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Appearances: Everett Scott, Sedalia, Colo-  
rado, and  
G. O. Anderson, Castle Rock,  
Colorado, pro se;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Common  
Carriers' Division of the  
Colorado Motor Carriers'  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer the several rights known as Certificate No. 236 to G. O. Anderson, who is now the holder of Certificate No. 655, with which he desires to consolidate Certificate No. 236.

The consideration paid for this certificate is \$3,000.00.

It appeared that there were no outstanding unpaid obligations as a result of previous operations under this authority; that the highway compensation tax was paid to date; that Everett Scott has been conducting an operation between Sedalia and Denver for the past fifteen years, and G. O. Anderson, the transferee, operates under Certificate No. 655 between Castle Rock and a small area around this town and also in Larkspur and a five mile radius around Larkspur, and between these two towns on the one hand and Denver on the other, rendering a daily service on U. S. Highway No. 85, and proposes to conduct a like service be-



tween Sedalia and Louviers and Denver.

The financial standing and operating dependability of the transferee are matters of record with the Commission under his Certificate No. 655.

After careful consideration of the record, there being no objections offered on the part of the protestants, 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 Everett Scott, Sedalia, Colorado, be, and he hereby is, authorized to transfer all of his right, title and interest in and to Certificate No. 236 to G. O. Anderson, Castle Rock, Colorado, doing business as "Castle Rock Transfer," the same to be consolidated with and become a part of Certificate No. 655.

The authority hereby authorized to be transferred, known as Certificate No. 236, is as follows:

Application No. 589-A, Decision No. 1505, dated November 23, 1927:

"The collecting and transporting of milk, produce and express packages from and to Sedalia and points east and west thereof within a distance of three miles, also north along the state highway from Sedalia to a point six miles south of the town of Littleton, Colorado; thence directly into the city of Denver."

Application No. 1285-A, Decision No. 2681, dated January 10, 1930:

"The transportation of freight to and from Littleton from and to all points south thereof situated on the route over which the applicant is operating under a certificate of convenience and necessity."

Application No. 1742-A, Decision No. 3264, dated March 4, 1931:

"The transportation of milk and farm produce to Denver and Sedalia and intermediate points from points situated on the Plum Creek Road and within ten miles of the town of Sedalia, and the transportation of farm supplies from Denver and Sedalia and intermediate points to said points on said road."

Application No. 5342-A, Decision No. 15413, dated May 21, 1940:

"The transportation of general commodities between Denver on the one hand and Sedalia and Louviers and a three-mile radius around Sedalia on the other."

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. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of this order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. W. W. W.

McDankes

Harmon E. E. E.  
Commissioners

Dated at Denver, Colorado,  
this 15th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
CLYDE C. BRISTOL, STEAMBOAT  
SPRINGS, COLORADO, UNDER HIS  
PERMIT NO. B-1801.

APPLICATION NO. 3340-PP-A  
(Correction Order)

July 15, 1940

Appearances: Wayne Rees, Longmont, Colorado,  
for the applicant;  
Ray B. Danks, Esq., Denver, Colo-  
rado, for The Motor Truck  
Common Carriers' Association.

S T A T E M E N T

By the Commission:

On August 12, 1936, Decision No. 8245, the Commission issued an order granting authority to James Oberto, of Milner, Colorado, the same being Permit B-1801, a portion of said authority reading as follows:

"\* \* \* and sand, gravel and building  
materials from lumber yards to construc-  
tion jobs within said area,-"

It has now been brought to the attention of the Commission that in the statement contained in the above decision, the following appears:

"\* \* \* and sand, gravel and building  
material from point to point within said  
area where construction work was going on."

It has also been brought to the attention of the Commission that sand and gravel are not to be found at lumber yards as indicated by that part of the order above quoted, and that the authority as set forth in the order does not follow the language used in the statement as above mentioned.

The present holder of this authority, Clyde C. Bristol, requests a correction so that he can move sand and gravel from other points than lumber yards, for the reason that sand and gravel in this section of Routt County are not found at lumber yards but at other points. He further represents that this apparent error in the order makes it impossible for him to take care of his customers, as sand and gravel must be moved from pits and supply points and cement blocks from plants manufacturing same, and, technically, he is not in a position to render this service.

A letter signed by Stanley Larson for the Larson Transportation Company, holder of Certificate No. 331, discloses that there is no objection to the change suggested by the holder of Permit B-1801, except that he does object to any amendment which would authorize the holder of Permit B-1801 to move building materials from railroad cars or railroad depots.

After a careful reading of the record herein, and the request of the holder for a correction, and since there appears to be no objection to the granting of this change, the Commission is of the opinion, and finds, that the original order herein issued should be corrected to permit the movement of building materials from supply points other than railroad cars or railroad depots.

#### O R D E R

IT IS THEREFORE ORDERED, That the first paragraph of the order contained in Decision No. 8245 be, and the same hereby is, amended to read as follows:

"IT IS THEREFORE ORDERED, That James Oberto, of Milner, Colorado, be, and he hereby is, granted a Class 'B' permit to operate as a private carrier by motor vehicle for hire, for the transportation of farm products from farms in what is known as Twenty-Mile Park, and from farms in the Yampa Valley between Hayden on the west and Steamboat Springs on the east, to railroad loading points and markets within

said areas, including Hayden and Steamboat Springs; transportation of miners' and farmers' household goods between farms and mining camps within said areas; and sand, gravel, and building materials from supply points in said areas other than from railroad cars and railroad depots, to construction jobs within said areas; all of which service will be rendered for customers residing in the areas; and this order shall be taken as authority for said operation."

IT IS FURTHER ORDERED, That in all other respects said order as contained in Decision No. 8245 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. T. Guler

W. L. Danks

Wm. E. Erickson  
Commissioners.

DATED at Denver, Colorado,  
this 15th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
LOUIS A. TIETGEN, DOING BUSINESS AS  
"BERKELEY MOVING AND STORAGE COM-  
PANY," DENVER, COLORADO, FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY.

APPLICATION NO. 5140

July 17, 1940

Appearances: John F. Mueller, Esq., Denver,  
Colorado, for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Fuller Transfer Company,  
Johnson Storage & Moving Company,  
South Side Moving & Storage Com-  
pany, A B C Transfer Company,  
Gallagher Transportation & Stor-  
age Company, Bekins Transfer &  
Storage Company, Duffy Moving &  
Storage Company, Morgan Transfer  
& Storage Company, North Denver  
Transfer & Storage Company,  
Thomas & Son Transfer Line,  
U S Transfer & Storage Company,  
Weicker Transfer & Storage Com-  
pany, Weicker Transportation  
Company, and The Colorado Trans-  
fer & Warehousemen's Association;  
Raymond B. Danks, Esq. and E. R. Baker,  
Denver, Colorado, for The Moter  
Truck Common Carriers' Association,  
Curnow Livery & Transfer Company,  
and Harold Swena;  
J. L. Rice, Esq., Denver, Colorado, for  
The Colorado and Southern Railway  
Co. and Chicago, Burlington and  
Quincy Railroad Co.;  
Hodges, Vidal and Goree, Esqs., Denver,  
Colorado, for Rocky Mountain Motor  
Company, Denver Cab Company, Rocky  
Mountain Parks Transportation Com-  
pany, Yellow Cab Company, and Colo-  
rado Motor Way;  
John P. Beck, Esq., Denver, Colorado,  
for Colorado Trucking Association,  
et al.;  
Frank W. Miller, Denver, Colorado, for  
Denver-Limon-Burlington Transpor-  
tation Company.

## S T A T E M E N T

### By the Commission:

Louis A. Tietgen, doing business as "Berkeley Moving and Storage Company," filed herein his application for a certificate of public convenience and necessity to operate a call and demand motor vehicle common carrier service for the transportation of furniture, household goods and baggage between Denver, Colorado, and a radius of one hundred miles therefrom, and intermediate points.

At the hearing, it appeared that said Tietgen, for two and one-half years, has been operating a furniture and household goods motor vehicle transportation service in Denver, his place of business being located near the west city limits of Denver, at 4235 West 38th Avenue, he having purchased said business from one Earl Shepherd, who had been located at said stand for a period of twenty years prior to the purchase of said business by applicant; that applicant is a licensed carrier in the city of Denver; that the area immediately west of the city limits of Denver has been growing rapidly; that a great number of new homes have been built on small tracts of land recently in said section; that he has received many calls for service from people residing in said district and in that part of North Denver which extends for a number of blocks east, north, and south of his business location, they, for the most part, desiring to move from one point to another point in said area, although he has had a few requests for service to move people from points in said area to more distant points in the State of Colorado,—specifically, one to Pueblo, one to Leadville, and one to Golden. In addition, he was sent invitations to bid on moving jobs involving transfer of Government employees engaged in soil conservation service; that he has received from twenty-five to thirty calls monthly that he has been unable to handle; that his nearest competitor is located at Thirty-second Avenue and Tejon Street in Denver; that, admittedly, many authorized motor vehicle common carriers doing business in Denver have authority to serve in the territory west of Denver; that

for the most part they charge for truck service from the time they leave their respective places of business until they return thereto after moving the customer. Therefore, people residing in said area want to engage the services of a "local" hauler.

He admitted that said authorized carriers probably could serve adequately, if called by his customers; that they didn't complain that they could not get service elsewhere, and that probably the requests for service came to him because they lived near his place of business or because the business is "an old established firm." He also suggested that inasmuch as he was authorized to serve in Denver, and the Denver metropolitan area extended to a considerable distance,-- probably as much as five miles beyond the city limits,-- at least he should be authorized to serve in said area; that the west city boundary of Denver, in fact, did not mark the limits of Denver trade area on the west side; that, for all practical purposes, Denver extended to a point at least five miles beyond the city limits; that the granting of authority to serve five miles from town would enable him to take care of the bulk of the business which naturally would go to him. He specifically elected to eliminate package delivery, express service, and service from or to Lyons, Estes Park, Grand Lake, Agate, Limon, and Hugo. He also stated that he has three van type trucks, of the value of \$2,500.00, and all equipment necessary for the satisfactory handling of household goods, which he expects to use in transportation service if the certificate is granted.

A number of carriers testified in opposition. Vane Golden, doing business as "Golden Transfer," PUC No. 510, stated that his headquarters are at Longmont; that he has authority to serve in Boulder County and other counties in the State; that a great number of authorized carriers are located in Longmont, Loveland, Boulder, Berthoud, Greeley, and other points north of Denver; that he does not have any business between points in the district lying west of Denver.

H. F. Huff, testifying for Buehler Transfer, of 1200 Madison Street, Denver, stated that his firm had been in the business for twenty-five years; that it has three vans and three open trucks, and receives one request or more a day to furnish household goods moving service;



that it has handled about three jobs a month in the area in question; that probably his firm was called because its name is in the telephone book; that they depend upon personal solicitation, telephone book, radio, and advertising to get business; that some business comes to them because the firm is established; that eighteen motor vehicle carriers in Denver are authorized to perform service similar to that sought to be performed by applicant.

E. V. Duncan, of A B C Transfer, 2056 Champa Street, Denver, twenty years in business, stated that his firm has one closed truck and one stake body truck; that it has received about eight jobs a year on the average from the territory west of Denver which applicant seeks to serve; that, in his opinion, judging from business he has received, the business available does not justify issuance of another certificate.

Similar testimony was given by witnesses appearing in opposition, for Bekins Moving and Storage, 1411 Arapahoe Street, and Johnson Moving and Storage Company, 221 Broadway, and South Side Moving and Storage Company, 535 South Broadway. All agreed that very little business was available; that, in their opinion, additional carriers are not needed to take care of the business.

Mr. Ridgeway, witness for South Side Moving and Storage Company, also stated that very little business came from the area west of Denver, which area was growing rapidly; that most of his business came from people living in the neighborhood of 500 South Broadway; that, in his opinion, the same thing would be true of applicant's business, - that is, it would come from people who lived near his location.

A. J. Fregeau, for Weicker Transfer and Storage Company, stated that his firm had twenty-one vans and eight van trailers, said equipment being operated to capacity seventy per cent. of the time; that, to the best of his recollection, twenty-four operators, with headquarters in Denver, were authorized to serve in the area west of Denver, and from and to points in said area to and from all points in the State of Colorado.

Mr. Trenworth, of Curnow Livery and Transfer, of Idaho Springs,

Colorado, stated that business was "plenty tough" in Idaho Springs, and in Gilpin County; that his firm was finding it difficult to operate at a profit; that one more carrier in the field would take some business from his firm.

In considering what, if any, authority should be granted to applicant, we believe that, upon this record, we need not consider service between points within or from or to any territory except that area which lies immediately west of applicant's business location and within a distance of about five miles from his place of business in Denver. It is true that applicant may have had some requests for service from or to more distant points originating in Denver or in said area, but such requests have been very limited. He has not specialized in long-distance hauling, while most of the carriers appearing in opposition have been furnishing said type of service for many years, and no doubt, on account of special equipment and experience, are well, if not better, qualified than applicant to furnish such service. However, it would appear that some of the witnesses for protestants, while contending that sufficient authorized service is now available to care for the needs of all people in said area west of Denver, conceded that business goes to concerns operating in the neighborhood of the person seeking service. People who want moving service want that service from a carrier who is conveniently and easily available. While, perhaps, the granting of a permit to applicant, limited to service in said area immediately west of Denver, may divert a small amount of traffic from now-authorized carriers, probably applicant will be able to originate some new business, or, as he suggests, by making authorized carrier service readily available, decrease the great amount of business now being handled by leased trucks and non-authorized carriers in said district. Certainly, upon the record, it did not appear that any protestant now is securing any considerable volume of business from said territory. We think it probably is desirable to give the public an opportunity, at least, to patronize an authorized carrier.

Therefore, after a careful consideration of the record, the

Commission is of the opinion, and finds, that public convenience and necessity require the proposed transportation service, on call and demand, by motor vehicle of applicant, for the movement of used furniture and household goods, including personal effects, between points within the area bounded on the east by the west boundary of the City and County of Denver, on the south by West Colfax Avenue extended, on the north by West Forty-sixth Avenue extended, and on the west by a line drawn north and south through a point three miles from the west boundary of the said City and County of Denver, and from and to points in said area to and from points in the City and County of Denver; and that, upon compliance with all requirements of the applicable provisions of Motor Vehicle and Public Utilities Acts, and the rules and regulations of the Commission relative to tariffs and insurance, a certificate of public convenience and necessity should issue to applicant therefor.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the transportation service of applicant on call and demand, by motor vehicle, for the movement of used furniture and household goods, including personal effects, between points within the area bounded on the east by the west boundary of the City and County of Denver, on the south by West Colfax Avenue extended, on the north by West Forty-sixth Avenue extended, and on the west by a line drawn north and south through a point three miles from the west boundary of the said City and County of Denver, and from and to points in said area to and from points in the City and County of 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 the instant application, in all other respects, 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. O'Connell

W. L. Danks

Max E. Evers  
Commissioners.

DATED at Denver, Colorado,  
this 17th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

E. G. and Cora Goss d/b/a )  
The Goss Company )  
..... )

PERMIT NO. C-7770

July 15, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
E. G. and Cora Goss dba Goss Company of 516 8th Ave., Greeley, Colo.,  
requesting that his Permit No. C-7770 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-7770, heretofore issued  
to E. G. and Cora Goss dba The Goss Company be,  
and the same is hereby, declared cancelled, as of June 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Danks*  
*W. E. Danks*  
*W. E. Danks*

Commissioners.

Dated at Denver, Colorado,  
this 15th day of July, 1940.

K

(Decision No. 15675 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

M. R. Thompson

PERMIT NO. C-8475

July 15, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
M. R. Thompson of Crook Colorado,  
requesting that his Permit No. C-8475 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-8475, heretofore issued  
to M. R. Thompson be,  
and the same is hereby, declared cancelled? as of June 10, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. [Signature]*  
*W. D. [Signature]*  
*Walter E. [Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of July, 1940.

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

L. B. Medola

PERMIT NO. C-9351

July 15, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
L. B. Medola of 815 S. Leona, San Antonio, Texas  
requesting that his Permit No. C-9351 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-9351, heretofore issued  
to L. B. Medola be,  
and the same is hereby, declared cancelled; as of June 11, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. [Signature]*  
*W. H. [Signature]*  
*Malcolm [Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of July, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

W. B. Mount

PERMIT NO. C-10760

July 15, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
W. B. Mount of 1618 Greenville, Dallas, Texas,  
requesting that his Permit No. C-10760 be cancelled.

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

## ORDER

C-10760

IT IS THEREFORE ORDERED, That Permit No....., heretofore issued  
to W. B. Mount.....be,  
and the same is hereby, declared cancelled., as of June 11, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. Lewis  
W. C. Banks  
Maurice Erikson  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

M. L. Miller

PERMIT NO. C-1433

July 15, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
M. L. Miller of Alma Colorado,  
requesting that his Permit No. C-1433 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-1433, heretofore issued  
to M. L. Miller be,  
and the same is hereby, declared cancelled, as of June 21, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Buckley*  
*W. K. Danks*  
*Robert E. Giverson*  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of July, 19 40.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Rex Cornish

PERMIT NO. C-9916

July 15, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Rex Cornish of Wray, Colorado,  
requesting that his Permit No. C-9916 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-9916, heretofore issued  
to Rex Cornish be,  
and the same is hereby, declared cancelled., as of June 22, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Danks*  
*W. D. Danks*  
*Walter E. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 15th day of July, 1940.  
K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

C. H. Bonney

PERMIT NO. C-7290

July 15, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
C. H. Bonney Rt 3, Grand Junction, Colorado  
.....of.....,  
requesting that his Permit No. C-7290 .....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-7290, heretofore issued  
to C. H. Bonney .....be,  
and the same is hereby, declared cancelled: as of June 28, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eugene D. Decker*  
*W. C. Danks*  
*Malcolm S. Smith*

Commissioners.

Dated at Denver, Colorado,  
this 15th day of July, 1940.

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

W. L. Seeley

PERMIT NO. A-2051

July 15, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

W. L. Seeley

609 E Bayaud, Denver, Colorado

of

A-2051

requesting that his Permit No. be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-2051

, heretofore issued

to W. L. Seeley be,

and the same is hereby, declared cancelled, as of June 30, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward H. Hinkle*  
*W. L. Danks*  
*Walter E. Miller*

Commissioners.

Dated at Denver, Colorado,  
this 15th day of July, 1940

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. R. JONES, OF RAGO, COLORADO. )  
-----

PERMIT NO. B-2336

-----  
July 17, 1940  
-----

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 an additional six months' suspension of his permit B-2336, it having been suspended for a period of six months from February 5, 1940, Decision No. 14796.

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. R. Jones should be, and hereby is, allowed to suspend operations under his Permit B-2336 for a period of not to exceed six months from Aug. 5, 1940.

IT IS FURTHER ORDERED, That unless said C. R. Jones 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 D. Lewis  
W. C. Danks  
Maureen E. Erickson

Commissioners

Dated at Denver, Colorado,  
this 17th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS )  
OF BEN BOPP, OF 2424 LAWRENCE ) PERMIT NO. B-2170  
ST., DENVER, COLO. )  
-----

-----  
July 17, 1940  
-----

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-2170 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 Ben Bopp should be, and hereby is, allowed to suspend operations under his Permit B-2170 for a period of not to exceed six months from July 15, 1940.

IT IS FURTHER ORDERED, That unless Ben Bopp 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

Eugene D. Danks  
W. C. Danks  
Walter E. Wilson  
Commissioners

Dated at Denver, Colorado,  
this 17th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THE GLACIER ROUTE, INC., OF ) P.U.C. NO. 66  
BOULDER, COLORADO. )  
-----

\* \* \* \* \*  
July 17, 1940  
\* \* \* \* \*

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from The Glacier Route, Inc. requesting suspension of its PUC No. 66 until it resumes operations, or is able to sell its certificate.



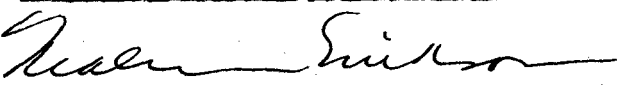
After careful consideration, the Commission is of the opinion, and so finds, that certificate of public convenience and necessity, PUC No. 66, should be suspended for a period of one year. from June 15, 1940.

O R D E R

IT IS THEREFORE ORDERED, That The Glacier Route, Inc. should be, and hereby is, allowed to suspend its operations under PUC No. 66 for a period of not to exceed one year from June 15, 1940.

IT IS FURTHER ORDERED, That unless said Glacier Route, Inc. 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

Commissioners

Dated at Denver, Colorado,  
this 17th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

S. R. Dubbs )

PERMIT NO. C-231

July 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
S. R. Dubbs of 329 Phelps, Sterling, Colorado,  
requesting that his Permit No. C-231 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-231, heretofore issued  
to S. R. Dubbs be,  
and the same is hereby, declared cancelled; as of July 1, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. D. Danks*  
*W. H. Harrison*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Carl Naccarato

PERMIT NO. C-7723

July 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Carl Naccarato of 819 Robinson, Trinidad, Colorado,  
requesting that his Permit No. C-7723 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-7723, heretofore issued  
to Carl Naccarato be,  
and the same is hereby, declared cancelled, as of July 2, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Lewis*  
*Wes Danks*  
*William E. Wilson*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Henry Hartz

PERMIT NO. C-11556

July 16, 1940

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from.....  
Henry Hartz..... of Hudson, Colorado.....,  
 requesting that his Permit No. C-11556..... be cancelled.

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

## ORDER

C-11556

IT IS THEREFORE ORDERED, That Permit No....., heretofore issued  
to Henry Hartz.....be,  
and the same is hereby, declared cancelled, as of July 5, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Clark  
J. C. Danks  
Walter Emerson  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of July, 19 40.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Lloyd King

PERMIT NO. C-10788

July 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Lloyd King of 64 So Quitman, Denver, Colo.,  
requesting that his Permit No. C-10788 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-10788  
to Lloyd King be,  
and the same is hereby, declared cancelled, as of July 6, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dwyer*  
*W. E. Danks*  
*Walter E. Swenson*  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Maurice Dunn  
.....)

PERMIT NO. C-10910

.....  
July 16, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
Maurice Dunn Box 421, Steamboat Spgs., Colo.  
..... of .....,  
C-10910  
requesting that his Permit No. .... 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-10910, heretofore issued  
to Maurice Dunn be,  
and the same is hereby, declared cancelled, as of July 11, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*E. D. ...*  
*W. L. ...*  
*...*  
Commissioners.

Dated at Denver, Colorado, July 16th, 1940  
this ..... day of .....

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Kiser Roberts Oil Co.

PERMIT NO. C-4077

July 16, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Kiser Roberts Oil Co.  
of Keenesburg, Colorado,  
requesting that his Permit No. C-4077 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-4077, heretofore issued  
to Kiser Roberts Oil Company be,  
and the same is hereby, declared cancelled, as of July 13, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Daniels*  
*W. H. Danks*  
*Maer Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this July 16th day of July, 1940..

K

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GEORGE C. PEDERSON, OF 3007 - 9th ) PERMIT NO. A-873  
ST., BOULDER, COLORADO. )  
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-----  
July 17, 1940  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George C. Pederson requesting that his Permit No. A-873 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 George C. Pederson should be, and hereby is, allowed to suspend his operations under Permit A-873 for a period of not to exceed six months from March 1, 1940.

IT IS FURTHER ORDERED, That unless said George C. Pederson 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 D. Dwyer

W. C. Danks

Walter E. Eason

Commissioners

Dated at Denver, Colorado,  
this 17th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
C. E. JONES, 414 WHEELER-KELLY- )  
HAGNY BUILDING, WICHITA, KANSAS. )  
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PERMIT NO. B-1702-I

-----  
July 17, 1940  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-named permit holder requesting that Interstate Permit No. B-1702-I 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 C. E. Jones should be, and hereby is, allowed to suspend his operations under Permit No. B-1702-I for a period of not to exceed six months from June 1, 1940.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Thacker  
W. C. Danks

Walter E. Evers  
Commissioners

Dated at Denver, Colorado,  
this 17th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GALE ROGERS. )  
----- )

P.U.C. No. B-2277-I

-----  
July 17, 1940  
-----

S T A T E M E N T

By the Commission:

On March 22, 193 40, by order of the Commission, Decision  
No. 15067, Gale Rogers of Armel,  
Colorado was given authority to suspend operations under  
PUC No. B-2277-I for a period of six months with the privilege  
of reinstatement.

The Commission is now in receipt of a communication from permittee  
requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary  
certificate of insurance, cash deposit, and otherwise having complied with the  
rules and regulations of the Commission governing interstate carriers,  
the Commission is of the opinion and finds that said order of suspension should  
be set aside and said permit be restored to its active status, as of  
July 11, 1940.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and  
hereby is, set aside and that PUC No. B-2277-I be, and the same hereby is,  
restored to its active status as of ~~the date of this order~~ July 11, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eugene D. Decker

W. C. Danks

Malcolm Smith

Commissioners

Dated at Denver, Colorado,  
this 17th day of July, 1940, ~~193~~



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LLOYD KING. )

P.U.C. No. B-1929

July 17, 1940

S T A T E M E N T

By the Commission:

On November 27 193 9, by order of the Commission, Decision  
No. 14402, Lloyd King of 49 South Quitman St.,  
Denver, Colorado was given authority to suspend operations under  
PUC No. B-1929 for a period of one year ~~six months~~ with the privilege  
of reinstatement.

The Commission is now in receipt of a communication from permittee  
requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary  
certificate of insurance, cash deposit, and otherwise having complied with the  
rules and regulations of the Commission governing private carriers,  
the Commission is of the opinion and finds that said order of suspension should  
be set aside and said permit be restored to its active status, as of  
July 6, 1940.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and  
hereby is, set aside and that PUC No. B-1929 be, and the same hereby is,  
restored to its active status as of ~~the date of this order~~ July 6, 1940, the  
date of effective insurance.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Decker*  
*W. S. Danks*  
*Maam Smith*

Dated at Denver, Colorado,  
this 17th day of July, 1940.

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
DAVID AND CHARLES CIRULI, DOING BUSI-  
NESS AS "CIRULI BROS.", ROUTE 2, BOX  
622, PUEBLO, COLORADO, FOR A CLASS  
"B" PERMIT TO OPERATE AS PRIVATE  
CARRIERS BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5375-PP

July 17, 1940

Appearances: Langdon and Barbrick, Esqs.,  
Thatcher Building, Pueblo,  
Colorado, for applicants;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Common Carriers'  
Division of The Colorado Motor  
Carriers' Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicants herein seek a permit to operate as Class "B" private carriers by motor vehicle for hire, for the transportation of fruit and vegetables to Pueblo and Denver, Colorado, from farms not served by line haul motor vehicle carriers in the Arkansas Valley, (near, but not upon, U.S. Highway No. 50), between Pueblo and Rocky Ford, and the transportation of packaged goods, fruit, and vegetables from Denver to Pueblo.

For applicant, it appeared that David Ciruli and Charles Ciruli, brothers, have been engaged for a number of years in farming in the St. Charles River area near Pueblo, producing fruit and vegetables chiefly for Safeway Stores, Inc.; that prior to the year 1940, they also had purchased fruit and vegetables from growers in the Arkansas Valley, which was resold by them to Safeway; that with the beginning of current growing season, Safeway has inaugurated a new policy,- that is, they

now desire to purchase directly from the grower and not through agents,-- believing that thereby they may purchase for less and sell to the consumer cheaper; that Charles Ciruli is a field buyer for Safeway; that the existing line haul motor vehicle service between Pueblo and Rocky Ford and intermediate points, in their opinion, is not adequate to care for the transportation requirements of Safeway for the movement of fruits and vegetables from growers' farms to Pueblo and Denver; that said farms are off the highway; that Weicker Transportation Company does not have, and cannot be expected to provide, pick-up service to the farms, and does not have available the number of schedules that would be required to move the produce to Pueblo and thence to Denver as quickly or as frequently as Safeway requires; that ordinarily applicants' trucks would leave the growers' farms near Rocky Ford and Manzanola about five o'clock, P. M., picking up at numerous farms between there and Pueblo, arriving Denver about ten o'clock, P. M., in time for vegetables to be reshipped by rail from Denver; that Safeway necessarily is very particular about the quality of vegetables it purchases, and, therefore, competent and trained buyers must purchase them and also inspect them as to quality when received; that applicants are qualified to perform such service; that they know the growers and the territory and can do the necessary grading, which will be beneficial for farmer as well as Safeway. Authority is sought for the proposed movement out of Denver to Pueblo primarily in order to give applicants a back-haul and insure the profitable operation of their carrier service.

While it appeared that perhaps Safeway at times might find it more convenient to have their strawberries, celery, bread, and other goods handled by applicants from Denver to Pueblo, it also appeared that practically all Safeway's freight has been handled by Safeway trucks, and that a great number of line haul trucks operate between Denver and Pueblo on convenient schedules that can handle all freight that Safeway might desire to move from Denver to Pueblo.

Weicker Transportation Company withdrew objections to issuance of permit limited to service from off-line points in the Arkansas Valley to Pueblo and Denver. However, it contended that service from Denver to Pueblo, as contemplated by applicants, should not be authorized; that the existing carrier service is adequate; that the business is needed by the line haul motor vehicle carrier serving between said points on schedule, and the proposed operation would tend to impair the efficiency of said carriers' now adequate service.

After a careful consideration of the record, there being no objection thereto, the Commission is of the opinion, and finds, that permit should issue for the transportation of fruit and vegetables (produce) to Pueblo and Denver from farms in the Arkansas Valley between La Junta and Pueblo and farms within a radius of ten miles of Pueblo, for Safeway Stores, Inc., only, without back-haul, and without the right to add customers or to serve between points served by motor vehicle line haul common carriers, and that request for authority to transport produce and packaged goods from Denver to Pueblo should be denied.

#### O R D E R

IT IS THEREFORE ORDERED, That David Ciruli and Charles Ciruli, doing business as "Ciruli Bros.", Pueblo, Colorado, should be, and they hereby are, authorized to operate as Class "A" private carriers by motor vehicle for hire, for the transportation of fruit and vegetables (produce) to Pueblo and Denver from farms in the Arkansas Valley between La Junta and Pueblo and farms within a radius of ten miles of Pueblo, for Safeway Stores, Inc., only, without back-haul, and without the right to add customers or to serve between points served by motor vehicle line haul common carriers.

IT IS FURTHER ORDERED, That all operations under this permit shall 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, the necessary tariff, 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 of the laws, rules, and regulations pertaining to their operations which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That said application, in all other respects, should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Leary

W. L. Danks

William E. Evers

Commissioners.

DATED at Denver, Colorado,  
this 17th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF BERT FOGG, CEDAREGE, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT ) APPLICATION NO. 4442-PP-A  
NO. A-2086 TO WILBUR ADAMS, OF DELTA, )  
COLORADO. )  
-----

-----  
July 20, 1940.  
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Appearances: Wilbur Adams, Delta, Colorado,  
pro se and for Bert Fogg, Transferer;  
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 March 9, 1938, Decision No. 11500, Permit No. A-2086 was issued  
to Bert Fogg, Cedaredge, Colorado, authorizing:

"the transportation of building material from Portland to  
Cedaredge for Cedaredge Lumber Company; beer, bottles and  
gas tanks from Golden to Delta for the Delta Bottling  
Works; wrapping paper, box paper and boxes from Denver to  
the Palmer and Joslin Fruit Company at Cedaredge; and oil  
in barrels and cans from Denver to Ralph Taylor, Agent,  
at Delta, over Highways Nos. 58 from Golden to Denver, 85  
from Denver to Pueblo, 50 from Pueblo to Delta, and 65  
from Delta to Cedaredge, without the right to serve any  
points intermediate between said points of origin and  
destination, and without the right to add to the customers  
above specified without an order of the Commission after  
due notice and hearing."

In the instant case, authority is sought to transfer said permit  
A-2086 to Wilbur Adams, of Delta, Colorado.

The evidence disclosed that the consideration to be paid for said  
permit is the sum of \$50.00. Transferee has a private permit No. B-2026, which  
authorizes the transportation of:

Farm products (excluding livestock), brick and tile from  
points within a 50-mile radius of Delta to and from other  
points in the State of Colorado; provided that in the move-  
ment of brick and tile, applicant's pickup area shall be  
limited to the town of Delta and its immediate vicinity, and  
that no freight shall be transported between towns, except in  
the movement of brick and tile in less than carload lots.

Transferee testified that he desired to combine the Fogg "A" permit with his own "B" permit and operate both permits under No. B-2026.

No objections were interposed to the granting of the application, and there does not appear to be any good reason why said permits should not be combined and operated under one number, save and except that the restriction as to the customers to be served under Permit No. A-2086 must be observed by transferee for the particular service authorized under said permit.

It did not appear that any outstanding obligations existed against the operation of said Permit No. A-2086. However, transferee was advised that if any obligations did appear, he would be expected to adjust and settle the same to the extent of the consideration being paid for the transfer of said permit.

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

#### O R D E R

IT IS THEREFORE ORDERED, That Bert Fogg, of Cedaredge, Colorado, be, and he is hereby, authorized to transfer all of his right, title and interest in and to Permit A-2086 to Wilbur Adams, of Delta, Colorado.

IT IS FURTHER ORDERED, That the said Wilbur Adams may combine his operations under Permit B-2026 and said Permit A-2086 and operate the two permits under his present number B-2026.

IT IS FURTHER ORDERED, That in permitting said combined operations, the said Wilbur Adams will not be allowed to in any manner or form add to the number of customers permitted in the order granted the Permit A-2086 without special order of the Commission after due notice and hearing.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order

shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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

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

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. Mueller

W. C. Danks

Walter E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
STEVE SIMON, FALFA, COLORADO, FOR A )  
CLASS "A" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
-----

APPLICATION NO. 5348-PP

-----  
July 20, 1940.  
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Appearances: Steve Simon, Falfa, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing at 9:00 o'clock A. M.,  
May 1, 1940, at Durango, Colorado.

At the hearing, applicant through a representative requested 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 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

Edward D. Threlkeld  
W. C. Quirk

Walter E. Simon  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARMON T. CLARK, DYKE, COLORADO, )  
FOR AUTHORITY TO TRANSFER PRIVATE )  
CARRIER PERMIT NO. B-2126 TO B. E. )  
COOPER, DYKE, COLORADO. )

APPLICATION NO. 4467-PP-A

-----  
July 20, 1940.  
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Appearances: B. E. Cooper, Dyke, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

Harmon T. Clark, Dyke, Colorado, herein seeks authority to transfer his Private Carrier Permit No. B-2126 to B. E. Cooper, Dyke, Colorado. The matter was heard at Durango, Colorado.

There were no objections to the granting of the authority sought.

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

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

O R D E R

IT IS THEREFORE ORDERED, That Harmon T. Clark, Dyke, Colorado, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Private Carrier Permit No. B-2126 to B. E. Cooper, Dyke, Colorado.

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

performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Dwyer*  
*W. C. Smith*

*Walter Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. MARCANTONIO AND SONS, OF LAFAYETTE, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )

APPLICATION NO. 5414-PP

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July 20, 1940.  
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Appearances: C. Marcantonio, Lafayette, Colorado,  
for applicants;  
Ray B. Danks, Esq., Denver, Colorado,  
for The Colorado Transfer and Ware-  
housemen's Association, Yockey Trucking  
Company, Harold Swena, and Colorado  
Rapid Transit Company;  
A. J. Frageau, Denver, Colorado,  
for Weicker Transportation Company;  
C. D. Youngg, Denver, Colorado,  
for Frank La Roche, Chas. Liley & Son,  
Live Stock Carriers Association.

S T A T E M E N T

By the Commission:

At the hearing, applicant testified that he was willing to eliminate all authority sought in his application, except the transportation of coal.

In opposition to the granting of the authority to transport coal, Mr. Charles Liley, who operates under P.U.C. No. 872, and Mr. Frank La Roche, who operates under P.U.C. No. 1012, both testified that while they had no objection to applicants transporting coal to Denver or Valmont, they did object to his transporting coal within the area they were authorized to serve in the vicinity of Frederick, Colorado.

Applicant testified that he did not desire to enter into competition with either of said certificates. It appeared that applicants had been transporting coal under Certificate No. 872 for Liley and Sons during emergency movements.

The financial standing and operating reliability of applicants 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 applicants should be granted a Class "B" permit authorizing the transportation of coal, only, as limited by the testimony at the hearing.

O R D E R

IT IS THEREFORE ORDERED, That C. Marcantonio and Sons, of Lafayette, Colorado, be, and they are hereby, authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of coal, only, from mines in the northern Colorado coal fields to points within a 50-mile radius of Lafayette, Colorado, save and except that no service shall be rendered by applicants in competition with certificate of public convenience and necessity No. 872, owned by Chas. Liley & Son, or certificate of public convenience and necessity No. 1012 owned by Frank La Roche, of Frederick, 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 necessary insurance, and required tariffs, 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

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

Commissioners.

Dated at Denver, Colorado,  
this 20th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
H. M. WOODS, HUNTINGTON BEACH, CALI- )  
FORNIA, TO TRANSFER CERTIFICATE NO. ) APPLICATION NO. 4252-A  
1185 TO E. D. HOLMES, 306 EAST 8th )  
STREET, LEADVILLE, COLORADO. )  
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-----  
July 20, 1940.  
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Appearances: E. D. Holmes, Leadville, Colorado,  
for the applicants.

S T A T E M E N T

By the Commission:

H. M. Woods, who heretofore was granted a certificate of public convenience and necessity in Decision No. 11283 to operate a taxicab service in Leadville, and between Leadville and points outside thereof, herein seeks authority to transfer the aforesaid certificate of public convenience and necessity to E. D. Holmes.

At the hearing, it appeared that said Holmes has a Chrysler automobile which he intends to use in said taxicab service; that there are no unpaid outstanding operating obligations against said certificate, and that the consideration for transfer thereof is the sum of \$100.00; that he proposes to charge for his service the rates set forth in said decision No. 11283, granting said certificate, which said provision is as follows:

1. City calls, 1/2 mile or less                      25c per passenger  
   City calls, all other points with-  
     in the city                                      50¢    "    "
2. For all points in the vicinity of  
   Leadville, except between Leadville  
   and Malta, the following basis to apply:  
   10¢ per mile each way for one passenger  
   and 5¢ additional per mile for each addi-  
   tional passenger.
3. Between Leadville and Malta the following  
   basis of rates to apply:

Number of Passengers

1	2	3	4	5	6
\$1.00	\$1.25	\$1.50	\$1.75	\$2.00	\$2.25

and that no change shall be made in the above rates and fares, except upon application therefor and proper notice to protestant appearing at the hearing and the authority of the Commission first had and obtained.

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

O R D E R

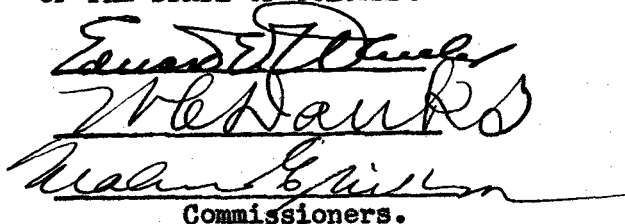
IT IS THEREFORE ORDERED, That H. M. Woods, Huntington Beach, California, should be, and he hereby is, authorized to transfer all of his right, title and interest in and to certificate of public convenience and necessity No. 1185 to E. D. Holmes, Leadville, Colorado.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order, shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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

  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED STECK, DOING BUSINESS AS )  
"CAREY-STECK AUTO LIVERY," COLORADO )  
SPRINGS, COLORADO, FOR TRANSFER OF )  
A PORTION OF HIS CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY, PUC )  
NO. 101, TO CLEO L. STARKS, DOING )  
BUSINESS AS "GREAT WESTERN TOURS," )  
MANITOU SPRINGS, COLORADO. )  
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APPLICATIONS NOS. 636-BA-BA  
753-AA-BA

IN THE MATTER OF THE APPLICATION OF )  
CLEO L. STARKS, DOING BUSINESS AS )  
"GREAT WESTERN TOURS," MANITOU )  
SPRINGS, COLORADO, FOR TRANSFER OF )  
A PORTION OF HIS CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY, )  
NO. 107, TO FRED STECK, DOING BUSI- )  
NESS AS "CAREY-STECK AUTO LIVERY," )  
COLORADO SPRINGS, COLORADO. )  
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APPLICATION NO. 615-AAA-A <sup>6/2-AAA</sup> S.P.

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July 20, 1940  
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Appearances: James Quine, Esq., Exchange  
National Bank Building,  
Colorado Springs, Colorado,  
for the applicants;  
Richard E. Conour, Esq., Del  
Norte, Colorado, for Pikes  
Peak Auto Livery.

S T A T E M E N T

By the Commission:

The above-styled matters were regularly set for hearing at  
the Commission's Hearing Room, in Denver, on July 11, 1940, at 10:00  
o'clock A.M.

Mr. James Quine, Esq., and said applicants, Cleo L. Starks  
and Fred Steck, appeared at the time and place appointed for hearing.

Shortly after said matters were called, Mr. Richard E. Con-  
our, Esq., by telephone, from Colorado Springs, requested the Secretary  
of the Commission to have his appearance entered, and asked that they  
be continued until such time as he could reach Denver, he desiring to



raise some legal question as to the right of applicants to transfer the authorities sought to be transferred.

The application for continuance was resisted by applicants.

Thereupon, the matter was heard.

At the hearing, it developed that said Cleo L. Starks, under his certificate of public convenience and necessity No. 107 is authorized to operate six automobiles in sightseeing service — five out of Manitou, and one out of Colorado Springs; that applicant, Fred Steck, is authorized to operate eight automobiles in sightseeing service — five out of Colorado Springs, one out of Manitou, and two out of Rodeo Camp Grounds; that, in conducting their respective businesses, said Starks has had more demands for service out of Colorado Springs than he could satisfy with one automobile, and said Steck has had more demands for service out of Manitou than he could satisfy with one automobile; that, accordingly, they have arranged a trade, whereby said Starks desires to transfer the right to operate two cars in sightseeing service in the Pikes Peak region out of Manitou to said Steck, and the said Steck desires to transfer the right or privilege of operating two automobiles in sightseeing service in the Pikes Peak region out of Colorado Springs to said Starks. They do not propose to pay any cash consideration, one to the other, or to transfer any equipment. At this time, each maintains offices in Colorado Springs and in Manitou. Said Starks, besides his certificate of public convenience and necessity, has net assets of the value of \$2,162.00, which includes six Packard automobiles of the gross value of \$3,000.00. Steck's net worth is \$4,700.00, which includes eight automobiles of the value of \$1,600.00.

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

We do not believe that protest, in writing, filed by protestant, Pikes Peak Auto Livery, subsequent to hearing, is well taken. To the contrary, it was shown that said applicants will be in a better position to furnish a more complete and satisfactory sightseeing service to the public than they now are able to furnish under their authorities, and that

transfer will be in public interest.

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

#### O R D E R

IT IS THEREFORE ORDERED, That Fred Steck be, and he hereby is, authorized to transfer the right to operate two automobiles in sightseeing service in the Pikes Peak Region out of Colorado Springs, which he formerly has operated under his certificate of public convenience and necessity No. 101, to Cleo L. Starks, who operates under PUC 107, subject to the restrictions and qualifications attached to said privilege, as set forth in the orders granting the same.

IT IS FURTHER ORDERED, That Cleo L. Starks be, and he hereby is, authorized to transfer the right to operate two automobiles in sightseeing service in the Pikes Peak region out of Manitou, which he formerly operated under his certificate of public convenience and necessity No. 107, to Fred L. Steck, who operates under PUC 101, subject to the restrictions and qualifications attached to said privilege, as set forth in the orders granting the same.

IT IS FURTHER ORDERED, That the said transfers shall become effective only if and when, but not before, said transferees shall have the necessary insurance on file with the Commission, and said transferors and transferees, in writing, have advised the Commission that the portions of certificates herein authorized to be transferred have been formally assigned, and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of this order shall automatically revoke the authority herein granted to make the transfers, without further order on the part of the Commission.

IT IS FURTHER ORDERED, That the tariffs of rates, rules and regulations of the transferors shall become and remain those of the transferees 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eugene D. Wheeler

W. L. Danks

Walter E. Quinn

Commissioners

Dated at Denver, Colorado,  
this 20th day of July, 1940.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES GARRETT AND WILLIAM A. QUINN, )  
4128 WEST 1st AVENUE, DENVER, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER PERMIT ) APPLICATION NO. 2584-PP-A  
NO. B-1083 TO CHARLES GARRETT, DOING )  
BUSINESS AS GARRETT HAULING COMPANY, )  
4128 WEST 1st AVE., DENVER, COLORADO. )  
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July 20, 1940.  
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Appearances: Mrs. Charles Garrett, Denver, Colorado,  
for the applicants.

S T A T E M E N T

By the Commission:

Charles Garrett and William A. Quinn, who heretofore have operated as private carriers by motor vehicle for hire, Permit No. B-1083, ask leave to transfer said operating right or privilege to the said Charles Garrett, doing business as Garrett Hauling Company, the effect of said transfer being the withdrawal of said William A. Quinn from the partnership.

At the hearing, it appeared that the net worth of said Garrett is \$2,550.00; that there are no outstanding unpaid operating obligations against said operation.

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

O R D E R

IT IS THEREFORE ORDERED, That Charles Garrett and William A. Quinn, co-partners, should be, and they hereby are, authorized to transfer Private Permit No. B-1083 to Charles Garrett, doing business as Garrett Hauling Company.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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

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

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. Decker

W. C. Banks

Malcolm S. Smith

Commissioners.

Dated at Denver, Colorado,  
this 20th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
O. R. RANDLEMAN FOR AUTHORITY TO )  
TRANSFER HIS CERTIFICATE NO. 262 TO )  
ROY ARMSTEAD, BOULDER, COLORADO. )  
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APPLICATIONS NOS. 930-AAA  
1795-AAA

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July 20, 1940.  
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Appearances: Roy Armstead, 1147 13th St., Boulder,  
Colorado, pro se;  
James Burke, Boulder, Colorado,  
pro se;  
Don Hume, Boulder, Colorado,  
for Peak-to-Peak Scenic Line.

S T A T E M E N T

By the Commission:

The evidence disclosed that O. R. Randleman is seeking to sell to Roy Armstead that portion of certificate of public convenience and necessity No. 262, which he claims to own. The transferee testified that he was paying the sum of \$10.00 for this certificate; that he was already engaged in the sightseeing business in Boulder County under Certificate No. 180, and if the present application to transfer is granted, he desires to combine the Randleman authority with his own and operate all of said authority under his present certificate number.

Protestants object to the transfer being granted upon the ground that the Randleman authority has been abandoned and nothing is left to transfer. Mr. Burke testified to the effect that presently owned equipment in Boulder County is sufficient to take care of the needs of the public and that the granting of any more authority will impair the service of those who are now operating. He further testified that in his opinion the last operations conducted by Mr. Randleman were in the year 1936. It was stipulated that Mr. Hume would have testified to practically the same state of affairs.

Mr. Armstead testified that he had written to the Commission and had been advised that this certificate was alive and subject to transfer.

An examination of the record disclosed that by Decisions Nos. 1738 and 1811, C. E. Lewis and Joe F. Enright, doing business as Lewis-Enright Auto Tours, were granted authority to operate seven automobiles in sightseeing trips in the Boulder area. Thereafter, by Decision No. 3529, said certificate was divided between the said C. E. Lewis and the said Joe F. Enright, by authorizing the said C. E. Lewis to operate four of said cars granted in the original certificate and allocating three of said cars to J. F. Enright.

Thereafter, on June 15, 1932, Decision No. 4382, said C. E. Lewis was authorized to transfer to C. L. Elliott the right to operate two automobiles, and on June 10, 1937, Decision 10152, authority was granted to said C. E. Lewis to transfer the two remaining cars which he still owned under the original certificate granted, one each to Orville E. Randleman and Owen Leroy Dever. Therefore, the right that is sought to be transferred in the instant proceeding involves the operation of one automobile, only.

As to the question raised by protestants that said right has been abandoned and forfeited, an examination of the record discloses that Mr. Randleman advised the Commission in writing on August 5, 1937, that he was stopping operations under his permit for the period, August 1, 1937, to June 15, 1938. He did not operate during the year 1938, but filed a report, with a request that he be permitted to cease operating under said permit until such time as business conditions would justify the renewal of operations. On February 11, 1939, he was advised by the Secretary of the Commission that his certificate would be permitted to stand in abeyance until such time as he was ready to resume operations. However, in July, 1939, he was advised by the attorney for the Commission that he would have to take steps to either resume operations by filing insurance, etc., or he might imperil the good standing of his certificate. Apparently, the result of said letter was the filing of the instant application on April 13, 1940.

In view of the letter of our Secretary of February 11, 1939, the Commission does not believe it would be justified in revoking certificate or in refusing the instant transfer on account of the non-operation by

transferor during the years 1938 and 1939.

It does not appear that any outstanding obligations exist against the former operations by Randleman, and the financial standing and operating reliability of transferee were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That O. R. Randleman, he, and he is hereby, authorized to transfer to Roy Armstead, of Boulder, Colorado, all of his right, title and interest in and to certificate of public convenience and necessity No. 262, consisting of the right to operate one automobile in sightseeing business in the Boulder area, as originally granted in Decision No. 1738.

IT IS FURTHER ORDERED, That transferee may operate said authority under his present certificate No. 180.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order, shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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

IT IS FURTHER ORDERED, That this order shall become effective



twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell

W. C. Danks

Walter S. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF COLORADO FREIGHTWAYS, INC., )  
FOR AUTHORITY TO TRANSFER CERTI- )  
FICATE NO. 1102 TO GLEN O. KELLOGG )  
d/b/a KELLOGG TRUCK LINE, AGATE, )  
COLORADO. )  
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APPLICATION NO. 1261-AAA-AAA-AAA

IN THE MATTER OF THE APPLICATION )  
OF COLORADO FREIGHTWAYS, INC., )  
FOR AUTHORITY TO TRANSFER PERMIT )  
NO. A-711 TO GLEN O. KELLOGG, )  
d/b/a/ KELLOGG TRUCK LINE, AGATE, )  
COLORADO. )  
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APPLICATION NO. 2907-PP-AAAA

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July 20, 1940  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicants;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Co.;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Common Car-  
riers' Division of the Colorado  
Motor Carriers' Association;  
Frank W. Miller, Denver, Colorado,  
for Denver-Limon-Burlington  
Transfer Company.

S T A T E M E N T

By the Commission:

The above numbered applications were consolidated for the purpose of the hearing. In the first application above captioned, authority is sought to transfer Certificate No. 1102, and by the second, authority is sought to transfer Permit No. A-711. The Colorado Freightways, Inc., is the owner of this certificate and this permit.

It appeared that there were no outstanding unpaid obligations as a result of previous operations under these two authorities. It further appeared that the certificate, at the present time, suspended by order of the Commission, with the right to reinstate the

same at any time before the expiration of the suspension period. It also appeared that the consideration being paid by the transferee is \$250.00 for the certificate and \$500.00 for the permit.

It was also shown that Glen O. Kellogg, the transferee, is, at the present time, the holder of Permit A-448, which authorizes a service between Agate, Colorado, and Denver, and, by extension, a local service in the Agate area; that the transferee possesses a 1937 Chevrolet and a 1936 Chevrolet and is in a position to acquire additional equipment, should the same be required, in order to continue the operations under his Private Permit A-448 and also to conduct a transportation business under Certificate 1102 and Private Permit A-711; that he was familiar with the rules and regulations of the Commission and agreed to observe these rules strictly in the conduct of operations under the certificate and under the permits; that he understood that he would be required to use separate equipment and not mix or commingle common carrier freight with private carrier freight, and that he would not be allowed to interline, in violation of the rules and regulations of the Commission, and that he cannot consolidate his private carrier permits, to make one operation - in fact he does not want to do that.

Glen O. Kellogg stated that he had been advised concerning the conduct of an operation as a common carrier and an operation as a private carrier by one and the same person, and intended to comply with all rules and regulations of the Commission; that he desired to have the certificate reinstated; that he was financially able to conduct these operations and proposed to make at least three trips weekly, to begin with, under Permit A-711, and was not in a position to say just what operation would be undertaken under the certificate until he had made a careful investigation of conditions in that part of Kit Carson County where he proposed to use this authority.

There were no objections offered at the hearing to the granting of the authority as here sought, it being assumed that the transferee

will conduct his operations under said certificate and said permit in the manner required by law and the rules of the Commission.

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

#### O R D E R

IT IS THEREFORE ORDERED, That Certificate No. 1102, heretofore suspended for a period of one year by Decision No. 15002, be, and the same hereby is, reinstated.

IT IS FURTHER ORDERED, That Colorado Freightways, Inc., a corporation, be, and it hereby is, granted authority to transfer all of that part of certificate of public convenience and necessity granted to A. E. Derby on November 7, 1928, in Application No. 1261, Decision No. 2619, - later transferred to Roy E. Barner, being now known as Certificate No. 1102, subject to the reservations and conditions contained in said certificate and all subsequent transfer orders, to Glen O. Kellogg, doing business as Kellogg Truck Line.

IT IS FURTHER ORDERED, That Colorado Freightways, Inc., be, and it hereby is, authorized to transfer all of its right, title, and interest in and to Private Permit A-711 to Glen O. Kellogg, doing business as Kellogg Truck Line.

IT IS FURTHER ORDERED, That Glen O. Kellogg shall conduct the operation under said certificate and under said permit in accordance with the rules and regulations of the Public Utilities Commission and the laws of the State of Colorado applicable to common carrier and private carrier operations, and that said transferee shall not, directly or indirectly, combine his operations under said certificate and under either of the private permits which he may have, and shall not engage in the business of a common carrier and a private carrier over the same route, at the same time, with the same equipment, and shall not consolidate his private carrier A-448 and A-711 operations.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said transferee shall have the necessary insurance on file with the Commission, and said transferor and transferee, in writing, have advised the Commission that said certificate and said permit have been formally assigned and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order, shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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

Eugene D. [Signature]  
W. H. [Signature]  
Malcolm [Signature]  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of July, 1940.

B

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE NORTH EASTERN MOTOR FREIGHT, INC., )  
FOR AN EXTENSION OF ITS CERTIFICATE )  
NO. 374. )

APPLICATION NO. 1929-BB

July 20, 1940

Appearances: Raymond B. Danks, Esq., Denver,  
Colorado, for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Stor-  
age Company;  
W. F. Ackley, Snyder, Colorado,  
for himself.

S T A T E M E N T

By the Commission:

By the application herein as amended,— the applicant being the owner of Certificate No. 374, with authority to render service between Denver and points on U S Highway No. 6 between and including Fort Morgan and Sterling, Colorado,— an extension to said certificate is sought to include a pick-up and delivery of commodities (no livestock), between points within an area around Wiggins, Colorado, extending one mile north, five miles east, south to the county line, and five miles west of Wiggins; a pick-up and delivery service within a radius of five miles of Deerfield, Colorado, and a like radius around Masters, Colorado; and a pick-up and delivery service from and to points within five miles of U S Highway No. 6 between Fort Morgan and Sterling, Colorado; all of said service to be in connection with the scheduled line haul operation now conducted by the applicant.

It appeared that the applicant has been rendering a transpor—

tation service between Denver and points on U S Highway No. 6 for the past fifteen years, at the present time rendering a daily service and at times making special trips to meet the public demand; that in connection with this line haul service numerous demands come from farmers and others living a short distance from the highway; that these demands usually are for repairs, farm supplies, and at times perishable commodities; that the customers making such demands live one, two, three, and four miles on each side of U S Highway No. 6 between Fort Morgan and Sterling; that the service to be rendered to these points along the highway is at all times a part of the line haul transportation service now being performed by the applicant, or the service would originate in Denver or on the line proper, or would constitute a pick-up which would be destined to points on applicant's scheduled line haul; that members of the Fort Morgan Potato Growers' Association have in the past sought the services of the applicant to render a service which was off of the highway but within five miles on either side thereof, between Fort Morgan and Sterling; that among others for whom the applicant has received calls for such service are Ed Miller, Martin Joppa, Steve Christenson, John Bimicke, each of whom lives within one to five miles east or west of U S Highway No. 6 and between Fort Morgan and Sterling; that the operator of the Trowel Ranch, which is located five miles east of Hillrose, has called upon the applicant for service at various times, as has A. Gerst, who resides three miles off of the highway east of Atwood; that most of these shipments are billed to Fort Morgan or Brush, but the parties live out of Brush or other points, and the applicant is obliged to arrange for some sort of delivery, and in the same manner is obliged to arrange for some pick-up when these various shippers advise that they have commodities which they desire to send to Denver or points on the applicant's scheduled line haul; that the applicant has been unable to arrange for any dependable pick-up and delivery service through the authorized carriers at various points along the highway between Fort Morgan and Brush; that there are authorized carriers holding roving certificates at Sterling, Brush, and other points, but who are not in a

position to make deliveries of small packages and are usually equipped for the movement of livestock and do not cater to any small tonnage such as ordinarily is involved in a pick-up and delivery service; and that the applicant has been obliged to maintain a pick-up truck at Sterling, Merino, and Atwood, which trucks are utilized in making deliveries back along U S Highway No. 6, and to the towns where it was not convenient to stop and unload freight for the reason that the consignee lived out of town and there was no proper place along the highway to unload commodities. At these points, where the applicant keeps a pick-up truck, it has not been found practical to utilize the services of the local authorized carriers for the reason that the tonnage usually was under a thousand pounds, and the weight of shipments would not be sufficient to justify their making a trip to the country.

J. R. Arnold, president of the applicant company, testified that the town of Snyder might be eliminated from the area sought to be served along U S Highway No. 6.

It further appeared that with respect to the area around Wiggins, Colorado, the applicant has been receiving demands for service and at times was obliged to render the same for the reason that there was no authorized carrier to make deliveries outside of Wiggins; that among the demands were the following: From Pruitt Miller, residing southwest of Wiggins; Vic Shoemaker, residing west of Wiggins; John Harshman, residing northwest of Wiggins; and Fred Wireman, residing immediately north; and that all of these parties resided within the area extending one mile north, five miles east, south to the county line, and five miles west of Wiggins.

Mr. Arnold further testified that the same situation prevailed at the town of Deerfield, a small settlement on U S Highway No. 6, where he had demands similar to those mentioned around Wiggins; that parties residing within a five-mile radius of Masters, Colorado, had likewise sought his services through necessity, particularly Tony Lamont, O. T. Jackson, O. T. Kimerman, C. A. Carlson, and Gus Swanson; that there is,



at the present time, no authorized carriers to render a pick-up and delivery service at Deerfield or at Masters, and that the applicant has been rendering this service in the past under the impression that his radius around Goodrich, Weldona, and Orchard probably gave him the authority to render this pick-up service. At any rate, there was a public demand for the service, and he had been meeting the same in the belief that he had authority. However, there was some doubt as to whether or not this authority at the present time included Deerfield and Masters.

Exhibit No. 1, introduced in evidence, is a statement of the assets and liabilities of the applicant, and from the testimony of Mr. Arnold, it appeared that while the statement was as of December 31, 1939, there had been no change in his business and that this December statement reflected his present financial standing.

Marion Martin, holder of Certificate No. 765, filed a protest against the granting of authority as sought, and at the hearing a number of carriers were present and testified briefly, giving their opinion as to the effect of granting the authority as sought by the applicant, the first being W. F. Ackley, of Snyder, Colorado, holder of Certificate No. 620.. (The town of Snyder is excluded from the applicant's present application, but a small part of Snyder's authorized area is still within applicant's territory as sought.) Mr. Ackley testified that he had no objection to the pick-up and delivery service involving packages and small freight, but did object to such items as household goods and heavy commodities or cement.

Marion J. Martin, Hillrose, Colorado, holder of Certificate No. 765, likewise testified that he had no objection to small packages of freight, but that if the granting of this authority to serve five miles on each side of Highway No. 6 through his area,-- which was a twelve-mile radius around Hillrose,-- would require him to charge twenty per cent. more within this overlap, it would put him out of business, the assumption being that if a line haul carrier were given a pick-up and delivery right, as here sought, then the irregular carrier would be in direct competition with the line haul carrier, and, in his opinion,

(or at least this was the opinion of a number of carriers at Sterling and other points), it would automatically require such irregular carriers to charge twenty per cent. additional when moving freight between points in this five-mile area on each side of Highway No. 6.

Lester E. Smith, Padroni, Colorado, holder of Certificate No. 1276, testified that while his business was that of a farmer and stock raiser, he did render some transportation service, particularly in the movement of livestock and household goods, and felt that the granting of the authority sought would injure his business, particularly if the twenty per cent. additional, which a roving certificate holder was required to charge when competing with a line haul carrier, was to be made applicable in the area sought by the applicant.

William Blankenbeckler, of Sterling, Colorado, holder of Certificate No. 992, which authorizes a service within a fifteen-mile radius of Sterling, felt that he could look after the pick-up and delivery needs within his territory, and would be glad to serve the applicant in this capacity, but was not interested in small packages but was interested in heavy freight.

W. F. Atwood, of Atwood Brothers, holders of Certificate No. 755, testified that if his operation was to be penalized by the imposition of a twenty per cent. increase in the area sought to be served by the applicant, he had serious objections, particularly when it involved heavy freight.

The objections made on the assumption that the twenty per cent. excess charge would be applicable to protestants, should applicant be given pick-up and delivery authority as sought, should be considered and taken care of in the order.

After careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the public convenience and necessity require the extended motor vehicle transportation service of the applicant, as sought by the instant application as amended.

## O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the extension of authority heretofore granted under Certificate No. 374, to include a pick-up and delivery service for the transportation of commodities generally, except livestock, between points within an area extending five miles on each side of U S Highway No. 6 between Fort Morgan and Sterling, Colorado; the conduct of a pick-up and delivery service for the transportation of commodities generally, except livestock, between points within an area around Wiggins, Colorado, extending one mile north, five miles east, south from Wiggins to the county line, and five miles west of Wiggins; and a pick-up and delivery service within a radius of five miles of Deerfield, Colorado, and a like radius around Masters, Colorado; all of said service to be conducted in connection with, and as a part of, the scheduled line haul operation now conducted by the applicant under Certificate No. 374; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity for such extension; provided, that irregular carriers serving the territory included in these extensions will not be required to charge twenty per cent. in excess of <sup>common</sup> scheduled/carriers' rates for service from or to points within the pick-up and delivery area embraced in said extension, to or from points on line of line haul motor vehicle carriers.

IT IS FURTHER ORDERED, that the applicant shall file tariffs of rates, rules, and regulations and distance schedules as required by the Rules and Regulations of this Commission Governing Motor Vehicle Carriers, within a period not to exceed twenty days from the date hereof.

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

legislative action that may be taken with respect thereto.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Daniel

W. C. Danks

Wm. E. Gibson  
Commissioners.

DATED at Denver, Colorado,  
this 20th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
THE DENVER CAB COMPANY, an Ohio cor-  
poration, THE ROCKY MOUNTAIN PARKS  
TRANSPORTATION COMPANY, a Colorado  
corporation, THE COLORADO MOTOR WAY,  
INC., a Colorado corporation, THE  
ROCKY MOUNTAIN MOTOR COMPANY, a  
Colorado corporation, FOR AUTHORITY  
TO HAVE ROCKY MOUNTAIN MOTOR COM-  
PANY, a Colorado corporation, FOR-  
MALLY AUTHORIZED JOINTLY WITH THE  
ABOVE CORPORATIONS TO OPERATE AS A  
COMMON CARRIER UNDER CERTAIN CER-  
TIFICATES OF PUBLIC CONVENIENCE  
AND NECESSITY.

APPLICATIONS NOS. 191  
532  
542  
543

July 20, 1940

Appearances: Conour and Conour, Attorneys at  
Law, Del Norte, Colorado,  
for Pikes Peak Auto Livery;  
Hodges, Vidal and Goree, Attor-  
neys at Law, Denver, Colorado,  
for Respondents.

S T A T E M E N T

By the Commission:

On August 18, 1939, by Decision No. 13885, an order was entered by this Commission, ex parte, amending Decisions Nos. 1001, 1002, 640, and 959, to show that Rocky Mountain Motor Company, a Colorado corporation, is authorized, jointly with the carriers therein named, (that is, The Rocky Mountain Parks Transportation Company, The Denver Cab Company, and The Colorado Motor Way, Inc.), "to operate as a common carrier by motor vehicle under the limitations and terms and conditions of said decisions" and the certificates of public convenience and necessity therein granted, said decision being made effective five days from the date thereof.

Thereafter, on August 25, 1939, a motion to vacate said Decision No. 13885 was filed by Frank S. Snell, Jr., and Joseph G. Shabouh, co-partners, doing business under the firm name and style of "Pikes Peak Auto Livery," it being alleged that the operating rights granted in the order and decisions referred to in said Decision No. 13885 were issued or transferred to The Rocky Mountain Motor Company, an Ohio corporation, on or about June 18, 1926, Rocky Mountain Motor Company, a Colorado corporation, being organized on May 14, 1927; that said Ohio corporation is still the owner and holder of said certificates, according to the records of the Commission; that since May 14, 1927, said Colorado corporation has purported to operate under and by virtue of said certificates issued in the aforesaid applications, without lawful authority or any right, title, or interest therein, in violation of law and rules and regulations of the Commission; that the Ohio corporation has abandoned all operations under said certificates, and, in violation of law, permitted the Colorado corporation to operate as a common carrier under said certificates; that all right, title, and interest of the Ohio corporation in the said certificates had been abandoned and forfeited; that said corporation had no certificates which could be operated by any of the other applicants herein.

The matter was set for hearing, and heard, in Denver, on September 20, 1939.

At the hearing, without specifically enumerating the exhibits admitted, we think generally it may be said that all applications, orders, reports, letters, and rules and regulations which might be considered competent or relevant in determining the questions herein raised were admitted in evidence and made a part of the record.

It appeared that Rocky Mountain Motor Company of Colorado was incorporated under the laws of the State of Colorado on May 18, 1927; that The Rocky Mountain Motor Company of Ohio was incorporated prior to said date and authorized to do business as a foreign corporation in the State of Colorado; that The Rocky Mountain Parks Transportation Company, The Denver Cab Company, and The Colorado Motor Way, Inc., are

Colorado corporations, and are subsidiaries of Rocky Mountain Motor Company of Colorado, the capital stock being owned by said Rocky Mountain Motor Company of Colorado; that in February, 1936, under the supervision of Mr. D. Edgar Wilson, an attorney at law, who was a member of the firm of Hodges, Vidal and Goree, three applications were prepared on behalf of Rocky Mountain Motor Company, a Colorado corporation, and filed with the Interstate Commerce Commission for a permit to operate as a carrier of interstate passengers, freight and express, and other commodities, said applications being based upon certain operating authorities granted by this Commission in Decisions Nos. 441, 640, 871, 959, 1001, 1002, 1018, and 4320, said applications being entitled "Rocky Mountain Motor Company, operating Rocky Mountain Parks Transportation Company," "Rocky Mountain Motor Company, operating Colorado Motor Way, Inc.," "Rocky Mountain Motor Company, operating Denver Cab Company."

Subsequently, Rocky Mountain Motor Company, a Colorado corporation, applied to this Commission for a certificate, attesting to the authority of said company to operate under the certificates granted in said decisions. Thereupon, said company was informed by Mr. E. E. Pollock, Secretary of the Commission, that the records and files of the Commission failed to disclose any right of record in Rocky Mountain Motor Company, a Colorado corporation, to operate under the certificates granted in Decisions Nos. 640, 959, 1001, and 1002, although, as alleged in paragraph 6 (d) of Pikes Peak Auto Livery's "Motion to Vacate Order, Decision No. 13885," said records and files show that Rocky Mountain Motor Company, Inc., a Colorado corporation, since on or about May 14, 1927, jointly with The Rocky Mountain Parks Transportation Company, The Denver Cab Company, The Colorado Motor Way, Inc., without objection on the part of the Commission's attorneys, representatives and employees, had been operating under said certificates of public convenience and necessity; that thereupon, said Rocky Mountain Motor Company, a Colorado corporation, filed its application with the Commission, asking that said Decisions Nos. 640, 959, 1001, and ~~1002~~ be amended in the manner hereinbefore set forth, said Decision No. 13885, thereafter, being entered by

the Commission without a hearing.

*Wt*  
It also appeared that on the 18th day of May, 1927, The Rocky Mountain Motor Company, an Ohio corporation, ceased to be an operating company, all of its assets then or soon thereafter, including the assets of its subsidiaries, The Rocky Mountain Parks Transportation Company, The Denver Cab Company, and The Colorado Motor Way, Inc., being acquired by Rocky Mountain Motor Company, a Colorado corporation, (The Rocky Mountain Motor Company, an Ohio corporation, <sup>through</sup> its stockholders, however, still remaining in full control of said companies by reason of its ownership of stock in Rocky Mountain Motor Company, a Colorado corporation); that thereafter Rocky Mountain Motor Company, a Colorado corporation, carried on the business of a common carrier through its operating subsidiaries, The Rocky Mountain Parks Transportation Company, The Colorado Motor Way, Inc., and The Denver Cab Company.

At the hearing, Pikes Peak Auto Livery Company's representative contended, as alleged in its petition, that The Rocky Mountain Motor Company of Ohio had ceased to exist as a corporation, and asked for and was granted leave to file certain certified copies of records in the Secretary of State's Office of the State of Colorado to substantiate said statement. To date, said certified copies have not been filed.

It also was suggested by counsel for petitioner that said Decision No. 13885 had been procured by Rocky Mountain Motor Company in bad faith, or, in entering it, the Commission was activated by a desire to aid Rocky Mountain Motor Company at the expense of Pikes Peak Auto Livery.

*Wt*  
It was not the intention of the Commission, in entry of the order complained of, to create a new or additional operating right in Rocky Mountain Motor Company, a Colorado corporation, nor did it intend to transfer the operating rights, to <sup>it</sup> ~~it~~, enjoyed jointly with The Denver Cab Company, et al., by The Rocky Mountain Motor Company, an Ohio corporation. It merely intended to formally recognize and, if necessary, legalize an operating practice which it had authorized or



recognized since the organization of Rocky Mountain Motor Company, a Colorado corporation, in May, 1927. For all practical purposes, at least, and probably in fact, the stock ownership, the management, and the employees of The Rocky Mountain Motor Company, an Ohio corporation, Rocky Mountain Motor Company, a Colorado corporation, The Rocky Mountain Parks Transportation Company, The Colorado Motor Way, Inc., and The Denver Cab Company, are identical. While some certificates issued to them by this Commission were issued in the name of one company, some in another, some in the name of two companies, and some in the name of all of them, they were considered as one operating right only. By Decision No. 640, certificate issued to Colorado Motor Way, Inc. By Decision No. 1001, certificate issued to The Rocky Mountain Motor Company (an Ohio corporation), and The Rocky Mountain Parks Transportation Company. By Decision No. 1002, certificate issued to The Rocky Mountain Motor Company (an Ohio corporation), and The Denver Cab Company. By Decision No. 10174 and Decision No. 4320, certificate issued to Rocky Mountain Motor Company (a Colorado corporation), Rocky Mountain Parks Transportation Company, The Colorado Motor Way, Inc., and The Denver Cab Company. By Decision No. 959 (Decisions Nos. 441 and 871), certificate was transferred to The Rocky Mountain Motor Company (an Ohio corporation), and the equipment went to The Colorado Motor Way, Inc. By Decision No. 3582, Rocky Mountain Motor Company, a Colorado corporation, was authorized to lease the Oxford Auto Company certificate, granted in Decision No. 1118, and in Decision No. 10174, Rocky Mountain Motor Company, a Colorado corporation, and Denver Cab Company, Colorado Motor Way, and Rocky Mountain Parks Transportation Company, jointly, were granted a certificate of public convenience and necessity.

By Decision No. 13885, the Commission merely sought to show of record the right of Rocky Mountain Motor Company, a Colorado corporation, jointly with its subsidiaries, to conduct the operations authorized by said Decisions Nos. 640, 959, 1001, and 1002, said companies having neglected to formally procure, or the Commission through oversight having failed to formally recognize or authorize, its right to carry on said

joint operation. We do not believe that Rocky Mountain Motor Company and its subsidiaries or its attorneys sought to, or did, deceive the Commission in any particular. We know that in entering said decision, we did not intend to injure Pikes Peak Auto Livery. We believe that they were not injured in any way. In fact, as suggested by counsel for Rocky Mountain Motor Company, et al., it is doubtful that petitioners' interests in any way were affected by entry of the order in question.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the petition herein should be denied.

O R D E R

IT IS THEREFORE ORDERED, That petition filed herein by Frank S. Snell, Jr., and Joseph G. Shabouh, co-partners, doing business under the firm name and style of "Pikes Peak Auto Livery," to vacate and set aside said order and decision, No. 13885, 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







Commissioners.

DATED at Denver, Colorado,  
this 20th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CARL SCHWAB, BRIGHTON, COLORADO, )  
FOR A CLARIFICATION OR EXTENSION OF )  
PERMIT NO. A-674. )

APPLICATION NO. 5306-PP-B

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July 20, 1940  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicant;  
V. G. Garnett, Denver, Colorado,  
for the Colorado Rapid Tran-  
sit Company and Frank Pless;  
Raymond B. Danks, Esq., Denver,  
Colorado, for The Motor Truck  
Common Carriers' Association,  
~~Ford Truck Lines~~, Fuller Truck  
Line;  
A. G. Gertz, Esq., Denver, Colo-  
rado, for Fred Rein, Jr.;  
A. E. Sherlock, Esq., Denver,  
Colorado, for Fred Rein, Sr. and  
Alex Laubhan, Jr.

S T A T E M E N T

By the Commission:

On May 1, 1934, the Commission issued Permit No. A-674 to Carl  
Schwab, the description contained in the original permit being as follows:

"Brighton-Denver, com. 3 mi. W. of Brighton; thence  
to Brighton; th. 3 mi. N.; th. thru Brighton S.  
3 $\frac{1}{4}$  mi.; th. E. 2 mi.; th. W. 2 mi.; th. S. 3 mi.;  
th. W. thru Henderson 3 mi., th E. 3 mi.; th. S. to  
Denver."

On November 2, 1934, the following list of customers was filed  
with the Commission:

J. F. Kramer . . . . .	2 $\frac{1}{2}$ miles northeast of Brighton
A. Delventhal. . . . .	2-3/4 mi. " " " "
John Wall. . . . .	1 mile south of Brighton
E. Ziebarth. . . . .	moved away
Ed Schaffer. . . . .	moved away
John Roedel. . . . .	3 miles south of Brighton
Fred Lutz. . . . .	moved away
M. Barthel . . . . .	$\frac{1}{2}$ mile east of Brighton
Karrich Bros. . . . .	2 miles southwest of Henderson
William Schneider. . . . .	2 " " " " " "

He here seeks an extension or clarification of said permit so that he may be authorized to serve some territory not specifically included in the foregoing description, he claiming that he has served the greater part, if not all of the territory included in said extended territory since, or soon after, the granting of said permit. .

The testimony of the applicant, Carl Schwab, and that of his wife, disclosed that the applicant possessed a Chevrolet truck which he acquired May 1, 1934, when he proceeded to transport milk, only, from the customers listed above to Denver, Colorado, and now requested that the application be amended to include only such points as had been heretofore served by the applicant; that he had made a business of charging twenty cents, but was unable to get this from some of the customers, one customer being charged a little less than twenty cents, Schneider fifteen cents, and King fifteen cents; and by the instant application he seeks specific authority from the Commission to serve over the routes necessary to take care of the customers which he is now serving.

John Wall testified that he lived south of Brighton, and had used the services of the applicant for the past fourteen years.

William Schneider testified that he lived west and south of Henderson, and had been using the services of the applicant ever since the latter had been granted a permit, and that the rate charged was between fifteen and twenty cents per hundredweight.

J. F. Kramer stated that he resided two and a half miles north and a little east of Brighton, and had been sending his milk to market by the applicant since the permit had been issued.

Adolph Getz, who resides one-half mile east of Brighton, testified that he had used the services of the applicant, and that the rate was based upon the volume and butterfat; that he found the services of both the applicant and Garnett to be very good, and that he did not use the Thompson service at any time. However, he had been solicited, and offers had been made to transport milk for fifteen cents or less, but he did not make a deal.

Paul Gremel, another milk producer, residing about one mile east of Brighton, stated that he had used the services of the applicant since 1932, and had found the same to be very good.

Walter Gettall, residing one mile northeast of Brighton, stated that he had used the transportation service of the applicant for the past eight years.

From the foregoing, it appears that the applicant has been serving regularly, since the year 1934, the following customers:

1. J. F. Kramer
2. August Delventhal
3. John Wall
4. M. Barthel
5. John Roedel
6. Karrick Brothers
7. William Schneider (King)
8. Walter Gettall

W. H. Fuller, holder of Certificate No. 23, testified that he did not care to see the applicant cut off on those milk producers whom he had been serving since 1934, but he felt that the applicant should stay in his own territory or on his own route and charge the rates prescribed by the Commission; that he had idle equipment, with authority to serve this same territory, and if the applicant continued to take customers any place he could find them, it would impair his business; that K. Nyholt, residing east of Henderson, was one of the Fuller Truck Line's customers, but for some reason he was now listed by the applicant and was being served by him. Mr. Fuller stated that his truck line charged twenty cents.

V. G. Garnett, Manager of the Colorado Rapid Transit, testified that he had four routes going through the Brighton area, one of which was on Highway No. 7, running east from Brighton, and that Adolph Getz, who resides on this highway a short distance east of Brighton, was one of his company's customers until July, 1938, when he was taken over by the applicant; that the Colorado Rapid Transit was adequately equipped to take care of all transportation needs in connection with the transportation of milk from farms, where milk is produced, to Denver; that there was no objection to the applicant retaining the customers whom he had

served at all times since 1934, provided they still lived on some part of the original route, but there was objection to giving him authority to serve customers other than those served in 1934, shortly after he obtained Permit A-674, and that he also objected to the applicant serving on State Highway No. 7, running east of Brighton, for the reason that the Brighton territory was highly competitive, and to grant additional authority to the applicant in territory contiguous to highway other than that which he was granted in 1934 and which he then proceeded to serve, would tend to impair protestant's service; that it was dangerous to allow the applicant to rove off of his route for the purpose of serving farmers who did not live on the route as described in his application for permit, or shortly thereafter served. Mr. Garnett stated, however, that the applicant might continue to serve Delventhal so far as he was concerned.

Fred Rein, Jr., holder of Certificate No. 454, testified that seven of the customers sought to be served by the applicant were in his territory; that there was no necessity for additional authority in the Brighton area, for the reason that his certificate, together with the authority of the Colorado Rapid Transit and the <sup>Fuller</sup> ~~Rein~~ Truck Line, provided ample service, and that they possessed adequate equipment to take care of all public demands with respect to the movement of milk and dairy products; that so far as he knew, he did not, at any time, take any of the old customers formerly served by Carl Schwab and had no objection to the applicant continuing to serve those customers whom he had listed and proceeded to serve November 2, 1934, as shown by the list of customers filed at that time by the applicant.

Fred Rein, Sr., holder of Certificate No. 527, stated that he had no objection to the applicant serving such customers as he had commenced serving shortly after the issuance of Certificate No. 674, but is opposed to any extension of authority to serve any others not residing on the route described in the original application.

The testimony of shippers and protestants supports different

ideas as to whom the applicant herein should now be authorized to serve. Some contend that the applicant should be limited to those customers whom he listed in 1934 and are still residing on his route as then described. Others contend that the applicant should be allowed to serve those customers whom he listed in 1934, along with others who have since moved to a point on his then described route, and should be permitted to follow the old customers to points not on his route as described in 1934. It is contended that in the interest of the milk-producing customers of the Brighton district, this applicant should be permitted to serve those original customers as listed in 1934, who now live off of the described route but in the immediate vicinity of Brighton, and that, in the future, no additional customers should be served by this applicant unless they should move to premises located on the route as originally described in 1934, when the same was issued.

After a careful consideration of the record, the Commission is of the opinion, and finds, that, hereafter, applicant should be limited to the transportation of milk to Brighton and Denver, for J. F. Kramer, A. Delventhal, John Wall, M. Barthel, John Rodel, Karrick Brothers, and William Schneider, each of said customers having been listed by the applicant November 2, 1934, and apparently having been served at all times since, and each residing on the applicant's route as originally described or within a short distance thereof, two of whom may have moved from one farm to another and now reside a short distance off of the route as originally described; and that he should be permitted to serve the following customers: Maggie Lines, Walter Gettal, Paul Neehl, Ben Stevenson, David Sigward, and George Bailey, each of the latter group, although not listed in 1934, having been served by the applicant for a number of years, and, apparently, some having moved to farms directly on his route and the others residing a short distance therefrom, and not being the customers of other carriers; and that, in the future, his services should be from the farms where these parties now reside; and the transportation of milk for customers now or hereafter residing on farms along the highways

or route described as:

Commencing at a point on the Bridge Street road three miles west of Brighton; thence east along said road to Brighton; thence north three miles to the north section line of Section 30, Township 1 North, Range 66 West; thence south through Brighton three and one-half miles, with authority to serve off-highway producers residing north and east of Brighton, namely, A. Delventhal, J. F. Kramer, Maggie Lines, Walter Gettal, and M. Barthel; thence east two miles and return to the north-south highway, with authority to serve off-highway producers, namely, David Sigward, Ben Stevenson, and George Bailey; thence south three miles; thence west to Henderson three miles, with authority to serve off-highway producers, namely, Karrick Brothers, and Schneider-King; thence east three miles; thence south to Denver.

#### O R D E R

IT IS THEREFORE ORDERED, That Carl Schwab, Brighton, Colorado, under his Permit A-674, shall be limited to a service transporting milk and dairy products for customers now or hereafter residing on farms along the highways or routes described as:

Commencing at a point on the Bridge Street road three miles west of Brighton; thence east along said road to Brighton; thence north three miles to the north section line of Section 30, Township 1 North, Range 66 West; thence south through Brighton three and one-half miles, with authority to serve off-highway producers residing north and east of Brighton, namely, A. Delventhal, J. F. Kramer, Maggie Lines, Walter Gettal, and M. Barthel; thence east two miles and return to the north-south highway, with authority to serve off-highway producers, namely, David Sigward, Ben Stevenson, and George Bailey; thence south three miles; thence west to Henderson three miles, with authority to serve off-highway producers, namely, Karrick Brothers and Schneider-King; thence east three miles; thence south to Denver.

And, when off-route producers move to farms other than those located on the described routes, then the applicant will lose his right to serve the off-route farms from which such customers have moved.

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Connell*  
*W. E. Danks*

*W. E. Danks* *G. H. H. H.*  
Commissioners

Dated at Denver, Colorado,  
this 20th day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
B. E. BEALS, COLORADO SPRINGS, )  
COLORADO, CERTIFICATE OF PUB- )  
LIC CONVENIENCE AND NECESSITY )  
NO. 164. )  
-----

CASE NO. 4757

-----  
July 13, 1940  
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Appearances: James J. Patterson, Esq., Den-  
ver, Colorado, for the  
Commission;  
Marion F. Jones, Esq., Denver,  
Colorado, for B. E. Beals,  
Respondent.

S T A T E M E N T

By the Commission:

On December 15, 1939, the Commission entered its Decision No. 14496, cancelling and revoking certificate of public convenience and necessity, PUC 164, theretofore issued to respondent, B. E. Beals.

Subsequently, to-wit, on February 13, 1940, Decision No. 14839, application for rehearing was denied.

Thereafter, said Beals, by his counsel, Marion F. Jones, filed his petition, asking for modification of said order of cancellation, and specifically requested that, in lieu of cancellation, the Commission impose a suspension for a period of sixty days from May 15, 1940, he stating that he probably had been in error in relying upon a technical defense at the hearing, namely, "that there could be no violation because the passengers transported were employees of the Commission and entitled to free transportation," instead of admitting that he made a mistake in his method of handling the transportation in manner

mentioned in complaint; that if said cancellation is set aside, and he is permitted to resume operation of the one car he is authorized to operate, he will so conduct himself that the Commission will have no further cause to complain in the future.

While the Commission does not believe that, under all the circumstances, the penalty imposed was unduly harsh or severe, it always desires to give operators the benefit of the doubt. It is true that Mr. Beals had been an operator for many years; that his authority is limited to one car; that he is old, and probably is unable to make a livelihood in any way except through the operation of said car; that the revocation of the permit in his case undoubtedly was a severe penalty; that the Commission is interested only in bringing about a reasonable degree of compliance by operators with the rules and regulations of the Commission. Probably, the suspension of said permit, rather than revocation thereof, would have served the same purpose. Apparently, said Beals now admits he was in error, and is willing to, and will, abide by provisions of his tariff and other rules and regulations of the Commission and the Public Utilities Law, if he again is permitted to operate.

Therefore, after a careful consideration of the record, the Commission is of the opinion, and finds, that the modification of penalty sought should be granted, and that said Decision No. 14496 should be amended, nunc pro tunc, in the manner requested and as hereinafter set forth.

#### O R D E R

IT IS THEREFORE ORDERED, That the first paragraph of the order contained in Decision No. 14496 should be, and hereby is, amended to read:

IT IS THEREFORE ORDERED, That certificate of public convenience and necessity heretofore issued to said respondent, B. E. Beals, PUC No. 164, should be, and the same hereby is, suspended for a period of sixty (60) days, said suspension period to commence on May 15, 1940, and end July 14, 1940,

instead of:

IT IS THEREFORE ORDERED, That certificate of public convenience and necessity heretofore issued to said respondent, B. E. Beals, PUC 164, should be, and the same hereby is, re-  
voked.

IT IS FURTHER ORDERED, That, except as herein amended, said Decision No. 14496 should remain in full force and effect.

IT IS FURTHER ORDERED, That this order shall become effective as of this date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Dwyer

W. L. Danks

Wm. E. Quinn

Commissioners

Dated at Denver, Colorado,  
this 13th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DALE SIMMONS, MERINO, COLORADO, FOR )  
AUTHORITY TO EXTEND HIS PERMIT NO. )  
B-1346. )

APPLICATION NO. 2556-PP-B

July 25, 1940

Appearances: Montague and Magnuson, Denver,  
Colorado, for the applicant;  
Marion F. Jones, Esq., Denver,  
Colorado, for William Blanken-  
beckler, Lester Smith, Delbert  
Hawkins, John Hellbusch, E. F.  
Anderson, Marion Martin,  
W. F. Ackley and Ture Nelson;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Common Car-  
rier Division of The Colorado  
Motor Carriers' Association;  
J. R. Arnold, Denver, Colorado,  
for Northeastern Motor Freight.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to extend Permit B-1346 to include transportation of dairy products between points within a fifteen-mile radius of Merino, Colorado, and livestock to and from points in said area from and to points in the State of Colorado.

It appeared from the testimony that the applicant, in the conduct of his operations within the Merino area heretofore granted to him, found a demand for his services to and from points outside of his present authorized territory, and with the additional authority sought by this application he could build up his business and take care of certain of his customers; that in moving pure bred stock, such as brood sows, his customers had called upon him to make deliveries to Littleton,

Flagler, and other points outside of his regular territory.

It appeared from the testimony of customers of the applicant that in the conduct of their business they at times were required to move livestock to various points in the State of Colorado, and when finding that the applicant did not have authority they were put to some inconvenience in locating Marion Martin, or some other person who did have authority, but that, in each instance, when they found that the applicant did not have authority to serve them, they had been able to accomplish the same by employing some one else, and had found the services of other authorized carriers to be highly satisfactory, and this applied particularly to Lester Smith, Marion Martin, and William Blankenbeckler.

There was no objection to the granting of authority to the applicant for hauling dairy products as sought.

Lester Smith, holder of Certificate 1272, with authority to serve that part of Logan County west of a line drawn west of Proctor, with an in and out service to all points in Colorado, testified that he had one truck, equipped to handle livestock of all kinds, and particularly pure bred stock; that this had been his business for some time past and he had received no complaints about his service, and was ready and able to meet all demands coming from shippers in the Merino area; also that shippers calling him by long distance telephone reversed the charges; that his equipment was not kept busy at all times, and that to grant the authority sought by the applicant would tend to take business from him and render him less able to maintain the efficient service which he was now offering to the public; that in addition to himself there were a number of authorized carriers, including W. F. Ackley, William Blankenbeckler, and others, authorized to serve the same territory, and that there was no need for the Commission to grant further authority to take care of shipping requirements.

W. F. Ackley, holder of Certificate No. 620, possesses thirteen livestock trucks, all of which are kept in the Merino-Hillrose territory, and that he made it his business to look after the needs of

cattle shippers in the Merino-Hillrose district and was able to take care of all demands; that he had at no time declined to move promptly any livestock which might be offered to him for transportation; that his equipment was not busy at all times, and that to grant additional authority would impair his present service.

William Blankenbeckler, holder of Certificate No. 992, possessor of two trucks, and with authority to render an in and out service, testified that he met all calls for such service promptly, and was able to put on additional equipment should same be needed, but that, at the present time, his equipment had not been busy at all times, and that to grant additional authority to the applicant would tend to impair his present efficient services.

After careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that, on this record, there appears to be adequate common carrier service for the transportation of livestock in the Merino area, and that to grant additional authority to the applicant as sought would tend to impair the ability of common carriers now serving this area to render the efficient services which they are offering at the present time, and that this part of the application should be denied.

The Commission further finds, since no objection was offered to the granting of authority to transport dairy products as sought by the applicant, that the same should be granted.

#### O R D E R \_

IT IS THEREFORE ORDERED, That Permit B-1346 should be, and the same hereby is, extended to include the right to transport dairy products between points within a fifteen-mile radius of Merino, 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 right to transport livestock

in and out of the Merino area, as sought by this 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 D. Dwyer

W. L. Danks

Malcolm E. Erickson  
Commissioners.

DATED at Denver, Colorado,  
this 25th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN T. SCHMITT, DOING BUSINESS AS )  
SCHMITT-ARVADA TRANSFER, FOR AUTHORITY )  
TO TRANSFER HIS CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY NO. 247 TO )  
ORVILLE JENKINS, WESTMINSTER, COLORADO. )

APPLICATION NO. 662-A

July 25, 1940

Appearances: John T. Schmitt, and Orville Jenkins,  
pro se;  
Raymond B. Danks, Esq., Denver, Colo-  
rado, for Common Carrier  
Division of Colorado Motor  
Carriers' Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer Certificate No. 247, the consideration to be paid for this certificate and one truck being \$2,000.00.

There appeared to be no outstanding debts or obligations as a result of previous operations under Certificate No. 247, except current tax due the Commission, which the transferor agreed to take care of at once.

The transferee has been driving a truck for the past sixteen years, possesses real estate of the value of \$5,000., which is clear, and is financially able to conduct an operation of his own should this transfer be completed.

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



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

O R D E R

IT IS THEREFORE ORDERED, That John T. Schmitt, doing business as Schmitt-Arvada Transfer, be, and he hereby is, authorized to transfer all of his right, title, and interest in and to Certificate No. 247 to Orville Jenkins, Westminster, Colorado.

The authority granted by Decision No. 1570, being Certificate No. 247, is as follows:

"For the transportation between the Town of Arvada and an area within a radius of nine miles thereof and Denver, Colorado, of perishables in L.C.L. quantities, consisting of fruits, vegetables, ice cream, milk, cream, dairy products, bakery goods, packing house products, machinery parts, auto accessories, livestock, and trunks, all irrespective of weight, and all other shipments totalling less than 100 pounds."

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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. Deuel

W. L. Danks

Wm. E. Erisman  
Commissioners

DATED at Denver, Colorado,  
this 25th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

APPLICATION NO. 5408-PP

July 26, 1940

Appearances: J. Moon, Denver, Colorado,  
for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Colorado  
Transfer and Warehousemen's  
Association.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport sand, gravel, oil mix, dirt, and bridge timber, from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles of such pits and supply points.

The applicant possesses a Chevrolet truck, is a resident of Denver, Colorado, and has been employed by different construction companies, each of whom he now lists as a customer in order to be able to transport construction materials for hire, but agrees, by his application, to the elimination of Boulder, Clear Creek, and Gilpin Counties.

The applicant further seeks by his application to transport coal from the Northern Colorado coal fields to Denver.

It was disclosed that by "bridge timbers", all that the applicant intended to transport would be heavy, rough dimension timber in cases of emergency in connection with the construction of bridges, but that, so far as he knew, he would have little of this kind of service

to render; that, in fact, all he expected to transport would be the other materials mentioned, for contractors during the summer and fall months, and intended, then, to transport coal from the Northern Colorado coal fields to Denver.

There were no objections offered to the granting of authority as sought so long as "bridge timbers" were confined to piling and other rough dimension lumber.

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

#### O R D E R

IT IS THEREFORE ORDERED, That W. H. Baker, of Denver, Colorado, should be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of sand, gravel, oil mix, and dirt, from pits and supply points in the State of Colorado to road construction jobs within a radius of fifty miles of such pits and supply points; also the transportation of piling and rough dimension lumber, in connection with the construction of bridges, from supply points within a radius of fifty miles of such bridges to said bridge construction jobs; and the transportation of coal from the Northern Colorado coal fields to Denver; provided, however, that this authority shall not authorize operations in or extend to Boulder, Clear Creek, and Gilpin Counties, which are specifically excluded by this application.

IT IS FURTHER ORDERED, That all operations under this permit shall 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, the necessary tariff, 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 of 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. Owens

McDanks

Wm. E. Erickson  
Commissioners

DATED at Denver, Colorado,  
this 26th day of July, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLYDE ROSS, ELBA, COLORADO, TO EX- )  
TEND HIS PRIVATE PERMIT NO. A-365. )

APPLICATION NO. 5409-PP-B

July 26, 1940

Appearances: John P. Beck, Esq., Denver, Colorado,  
for the applicant;  
Raymond B. Danks, Esq., Denver, Colo-  
rado, for Harry Atteberry,  
Lee Bethel, and Air Line  
Truck Service;  
W. F. Ackley, Snyder, Colorado,  
for himself.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought for an extension to include the transportation of livestock, poultry and eggs, farm products, milk and cream, farm supplies, machinery and equipment, and used household goods and furniture, between points within an area of twenty miles of Elba, Colorado, and with an in and out service to Denver.

Elba is a small town in Washington County some fifteen miles south of Akron, Colorado, and the applicant herein has a country store at this point. In connection with his merchandise business, he has been obliged to take poultry, eggs, and cream in order to better take care of his customers trading at the store; also, in connection with the poultry, eggs, and dairy products, much of which the applicant was unable to use in the business, has found it quite convenient to transport these commodities to Denver for the producers, and during past years has been rendering a pick-up and delivery service around Elba, in order to gather up these commodities, which he transported to Denver on his scheduled line haul, operating under Permit A-365.

The applicant stated that in connection with his pick-up and delivery service he had covered the area extending four miles north of Elba, fourteen miles east, fourteen miles west, and fourteen miles south, and had transported back to the farmers in this area some farm supplies; that he had also moved some used household goods in the area only, but had learned of late that his "A" permit authorized service between Elba and Denver, with an occasional trip to Akron, and that his right to pick-up in the area above described was in excess of the authority granted under Permit A-365.

The applicant further stated that he had over a hundred and twenty customers, which included most of the people in the country, but that a common carrier right would be much more convenient for his purpose; that in connection with the commodities mentioned he also desired the right to transport farm products, particularly grain, and all kinds of farm supplies, as well as livestock, and that he wanted authority to transport the livestock from points in the Elba area to Denver.

Exhibit 1 is a newspaper clipping of an advertisement carried in a local newspaper, and when the applicant was questioned as to what he meant by inviting people to bring their cream and eggs to Elba "for direct shipment to Denver", he was very much surprised to learn that such an advertisement was a violation of the rule of the Commission that a private carrier may not advertise.

Leamon Resler has a common carrier right between Akron and Anton, which passes within three miles of Elba. He stated that, so far as he was concerned, he thought applicant was in better position to take care of transportation needs between Elba and Denver than he was, and that he proposed to ask the Commission to relieve him of his obligation, under his certificate, to render service south of the Base Line to Anton over Highway No. 63.

C. H. Sexsmith, representing Bekins Transfer and Storage Company, at the hearing, offered no objection to the granting of authority as sought by the applicant.

W. F. Ackley, of Snyder, Colorado, holder of Certificate No. 620, with authority to transport livestock, and whose area overlaps the Elba area, stated that he had sixteen trucks and five trailers suitable for the transportation of all commodities sought to be transported by the applicant, and that these trucks were not busy more than half of the time; that he also served customers residing in the Elba area, and, in addition to himself, Atwood Brothers and other carriers had a similar right; that to grant additional authority to the applicant, particularly in the transportation of livestock and bulk farm products, would materially affect his ability to maintain his equipment.

C. Conant, holder of Certificate No. 847, objected to the granting of authority to the applicant, particularly for the transportation of livestock and farm products, stating that this territory was authorized to be served under his certificate, and that he was ready, able, and willing to take care of the demands on these commodities which might arise in the Elba territory.

Lee Bethel, holder of Certificate No. 984, of Willowdale, Colorado, protested the granting of authority to the applicant for the reason that it was entirely within his area; that he conducted a transportation business between the Willowdale-Elba territory and Denver; that he had two trucks, one of which was busy on his milk route and the other waiting around most of the time for livestock and farm products movements, and that to grant additional authority to the applicant on livestock and farm products would impair his ability to maintain his present equipment.

This record discloses that the applicant, in the conduct of his country store business, has drifted into the habit of serving customers residing in the farming area around Elba, and has, without any authority, extended his "A" permit to include a pick-up and delivery service in that part of Washington County south of the Base Line and extending east, west, and south of Elba a distance of fourteen miles. The record further shows that Lee Bethel, residing near Willowdale,



which is near Anton on U S Highway No. 36, has been looking after the territory around Anton, Harrisburg, and Abbott, and that the residents of this section have two means of transportation,— one by delivering their commodities at Elba to be transported by the applicant on his "A" permit to Denver, and to pick up such supplies from Denver as the applicant might return to Elba; and, in the case of livestock and bulk farm products, Lee Bethel resides within a few miles of these farmers and can be reached at any time.

After careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the applicant's authority should be extended to include a pick-up and delivery service of poultry, eggs, and dairy products, vegetables, farm supplies, and repair parts; and that the pick-up area should extend north of Elba to the Base Line, east fourteen miles, south six miles, and west fourteen miles; and that all other parts of this application, particularly for the movement of livestock, machinery and equipment, household goods and furniture, and bulk farm products, should be denied.

#### O R D E R

IT IS THEREFORE ORDERED, That Permit A-365, should be, and the same hereby is, extended to include a pick-up and delivery service in the area around Elba, Colorado, extending north of Elba to the Base Line, east of Elba a distance of fourteen miles, south six miles, and west fourteen miles, with authority to transport poultry, eggs, and dairy products, vegetables, farm supplies, and repair parts, (farm equipment, household goods and furniture, and bulk farm products and livestock not included).

IT IS FURTHER ORDERED, That all additional authority sought by the instant application should be, and the same hereby is, denied.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Welch

W. D. Banks

Marion E. Wilson  
Commissioners.

DATED at Denver, Colorado,  
this 26th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
F. C. WILLIAMS, RAGO, COLORADO, TO )  
EXTEND HIS PRIVATE PERMIT NO. A-305. )

APPLICATION NO. 5410-PP-B

July 26, 1940

Appearances: John P. Beck, Esq., Denver, Colo-  
rado, for the applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for The Colorado  
Transfer and Warehousemen's  
Association;  
Harry Atteberry, W. F. Ackley, E.F.Anderson,  
C. Conant, and Lee Bethel, each  
for himself;  
C. H. Sexsmith, Denver, Colorado,  
for Bekins Moving and Stor-  
age Company;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to extend Private Permit No. A-305, to include the transportation of livestock, poultry and eggs, farm products, milk and cream, farm supplies, machinery and equipment, and used household goods and furniture, between points in an area twenty miles of Rago, Colorado, with an in-and-out to Denver.

The applicant herein is the holder of Permit A-305, which authorizes service between Rago, Colorado, and Denver, Colorado, which authority has been used in connection with the applicant's conduct of a store at Rago. He agreed that his application might be amended to include the area around Rago extending twelve miles south, twenty miles west, eight miles north, and east to Highway No. 63.

It appeared from the testimony that the applicant has been rendering a service for the farmers residing in the above described area, which service was more or less a pick-up and delivery service for his line haul operation between Rago and Denver, but that, upon investigation, he now finds that his line haul between Rago and Denver does not contemplate or authorize a pick-up and delivery service in the Rago area.

It appeared that a number of farmers in this locality had been using the services of the applicant, and while Akron was not more than twelve miles distant, no effort had been made to locate common carriers at Akron or at other points, such as Hillrose, Brush, and Snyder, at which points common carriers reside who have authority to serve the Rago area.

F. E. Anderson, holder of Certificate No. 577, testified that he served at least seventy-five per cent. of the customers listed by the applicant; that his equipment was intended to take care of livestock and farm products, and that the territory between Akron and the Base Line was where some of his best customers resided; that he needed this business in order to maintain his present equipment, and that to grant authority to the applicant would impair his present services.

W. F. Ackley, holder of Certificate No. 620, protested the granting of authority to the applicant, particularly in the overlap of his area, for the reason that he had sixteen trucks and five trailers, suitable for the movement of such commodities as livestock and bulk farm products, sought to be transported by the applicant, and that these trucks were not busy more than one-half of the time; that he also served some of the applicant's customers as listed, particularly George Simpson and P. B. Alexander; that to grant additional service to the applicant would tend to impair his ability to maintain his present equipment, which was needed to meet the demands of the public.

On cross-examination, Ackley stated that he had moved thirty-eight head of calves for Alexander, one of the applicant's listed customers, within the past twenty-four hours, and had rendered service for

Simpson within the past week.

C. Conant, of Cope, Colorado, holder of Certificate No. 847, protested the granting of authority to the applicant to render any pick-up service in that part of Washington County included in the Simpson-Abbott-Harrisburg section sought to be served by the applicant, for the reason that some of his best customers resided in the south half of the territory sought to be served.

It further appeared that Lee Bethel, holder of Certificate No. 984, of Willowdale, Colorado, possessed two trucks, one of which was used on his milk route, and by this service he was brought in close contact with the residents of this section sought to be served by the applicant, particularly the southern portion thereof, and that, with another truck, he stood ready at all times to look after the movement of livestock, bulk grain, farm machinery and equipment, household goods, and heavy farm supplies; that his truck, which is maintained to take care of these commodities, was not busy at all times, and that to grant additional authority to the applicant would tend to impair his ability to maintain his present service.

It further appeared that Harry Atteberry and other carriers had overlapping rights, particularly in connection with the movement of livestock and farm products, covering this entire area sought to be served by the applicant.

This record discloses that this applicant, residing at Rago, is within a few miles of Elba, served by Clyde Ross, and, like the latter, Williams, in the conduct of his line haul operation under Permit A-305, has been conducting a pick-up and delivery service in the area around Rago, and now seeks authority from the Commission to continue this service which he has been rendering in the past.

The record further discloses that at nearby points, there are a number of common carriers authorized to take care of livestock, farm machinery and equipment, and bulk farm products, and that the applicant has gradually extended his pick-up and delivery service from poultry, eggs, milk and cream until he has been hauling heavy farm products, farm

machinery and equipment, and household goods and furniture, in direct competition with the carriers authorized to serve this area.

After careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the pick-up and delivery service which the applicant has been rendering in this area is no part of his line haul operation as authorized by the Commission, and that he should be confined to those commodities which naturally are handled in the conduct of a country store, such as eggs and poultry, vegetables, dairy products, repair parts for machinery, and that the pick-up area should be limited to a territory around Rago extending five miles north, east to Highway No. 63, south six miles, and west fourteen miles.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. A-305 should be, and the same hereby is, extended to include a pick-up and delivery service within the area around Rago, Colorado, extending five miles north, east to State Highway No. 63, south six miles, and west fourteen miles of Rago, for the transportation of poultry and eggs, dairy products, vegetables, and repair parts for machinery, (farm machinery and equipment, livestock, and bulk farm products not included).

IT IS FURTHER ORDERED, That all other parts of the instant application should be, and the same hereby are, denied.

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

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

DATED at Denver, Colorado,  
this 26th day of July, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. L. Danks*  
*Malcolm E. Erickson*  
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ELMER J. FORD, NEDERLAND, COLORADO, )  
FOR REISSUANCE OF HIS PRIVATE PER- )  
MIT NUMBER B-1007. )  
-----

APPLICATION NO. 5412-PP  
(Reissuance)

-----  
July 26, 1940.  
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Appearances: Elmer J. Ford, Nederland, Colorado,  
pro se;  
C. D. Young, Denver, Colorado,  
for J. D. McKenzie;  
R. B. Danks, Esq., Denver, Colorado,  
for the Common Carrier Division of  
The Colorado Motor Carriers Ass'n.

S T A T E M E N T

By the Commission:

The evidence disclosed that applicant formerly owned Permit No. B-1007, which authorized the transportation of tungsten ore to Nederland from mines of the Wolf Tongue Mining Company located within a radius of five miles of Nederland, for said company and all those persons leasing from said company. Said permit ultimately was cancelled for failure to reinstate after being suspended.

The instant application differs from the former authority as it seeks the transportation of timber and machinery from point to point within a five-mile radius of Nederland.

At the hearing, no objection was interposed to the granting of the authority sought so far as timber was concerned if same was limited to operations for the Wolf Tongue Company or its lessees. However, J. D. McKenzie, operating under certificate of public convenience and necessity No. 62, objected to the transportation of machinery upon the ground that he was amply able to meet all the requirements of the shipping public in this respect, and the granting of any further authority would tend to impair the service that he is now rendering the public. It would not appear that any public convenience

and necessity exists for further authority to transport machinery in said area.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted so far as the transportation of timber is concerned, as limited by the testimony, and denied as to any right to transport machinery.

O R D E R

IT IS THEREFORE ORDERED, That Elmer J. Ford, of Nederland, Colorado, be, and he is hereby, authorized to operate as a private carrier by motor vehicle for hire for the transportation of timber from point to point within a five-mile radius of Nederland, Colorado; provided, however, that such service shall be limited to the Wolf Tongue Mining Company and its lessees.

IT IS FURTHER ORDERED, That said permit shall bear the number B-1007.

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, the necessary tariffs and 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. H. Oakes*  
*Walter E. Hinson*  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOE L. BOGGS, 122 - 8th Ave., LONGMONT, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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APPLICATION NO. 5413-PP

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July 26, 1940.  
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Appearances: Ray B. Danks, Esq., Denver, Colorado,  
for Colorado Transfer & Warehousemen's  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation Company;  
C. D. Young, Denver, Colorado,  
for Golden Transfer, Frank La Roche,  
Chas. Liley & Son, Ralph Yockey,  
and E. J. Rawson.

S T A T E M E N T

By the Commission:

When the instant case was called after due notice of hearing, applicant failed to appear. However, no objections were interposed to the granting of the authority sought, provided it was limited to sand and gravel, only, and that all service in Boulder, Clear Creek and Gilpin Counties was excluded.

In view of this stipulation by protestants, the Commission is of the opinion, and so finds, that, as limited by said stipulation, the authority sought should be granted, without the necessity of a further hearing, upon the records and files as they now appear in this office.

O R D E R

IT IS THEREFORE ORDERED, That Joe L. Boggs, of Longmont, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand and gravel, only, between pits and supply points within the State of Colorado, to construction jobs within a radius of fifty miles of said pits and supply points, excluding

service in Boulder, Clear Creek and Gilpin Counties.

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, the necessary tariffs and 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. Steele

W. A. Danks

Walter E. Eister  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of July, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE OPERATIONS OF WESSON BURROW, )  
DOING BUSINESS AS "KIM LIGHT ) APPLICATION NO. 2283  
AND POWER COMPANY", KIM, COLO- )  
RADO. )  
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July 26, 1940.  
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S T A T E M E N T

By the Commission:

Wesson Burrow, doing business as "Kim Light and Power Company", who heretofore acquired the certificate of public convenience and necessity issued to R. H. Quinn, doing business as "Kim Light and Power Company", in Decision No. 6363, under date of March 11, 1935, has informed the Commission that he wants to change his trade name to "Wesson Electric Company", that is, to change the records of the Commission to show that Wesson Burrow, doing business as "Wesson Electric Company", is the operator under said certificate of public convenience and necessity.

It would appear that no useful purpose would be served by setting said matter for formal hearing, inasmuch as the ownership of said operation will continue as heretofore, there being no parties who will be affected by the change.

Therefore, after a careful consideration of the record, the Commission is of the opinion, and finds, that its records and files in the above-styled application should be changed to show operation under said certificate by Wesson Burrow, doing business as Wesson Electric Company.

O R D E R

IT IS THEREFORE ORDERED, That the records and files of the Commission in the above-styled matter be changed and amended to show Wesson Burrow, doing business as Wesson Electric Company, as owner and operator under said certificate of public convenience and necessity granted in Decision No. 6363.

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'Leary

W. L. Danks

Walter E. Evers  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of July, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES H. RODMAN, DURANGO, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE ) APPLICATION NO. 5347-PP  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
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July 26, 1940.  
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Appearances: L. M. Perkins, Esq., Durango, Colorado,  
for the applicant;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
McCloskey and Beise, Esq., 854 Main St.,  
Durango, Colorado, for George H. Hotter.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant, James H. Rodman, herein seeks a permit to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay, grain, potatoes, livestock, lumber, scrap iron, sand, cement, farm implements and household goods, between points within a radius of fifty miles of Durango, Colorado.

At the hearing, it appeared that applicant has been operating under a commercial permit, moving coal from mines in Hay Gulch, in La Plata County, to farmers in the county, and occasionally has bought and sold other commodities. He has found that the margin between the price he pays for coal and for which he sells is not sufficient to permit him to operate at a profit with a one-way haul, so he has applied for the permit herein sought in order to be able to get a back-haul, believing that a pay load both ways (one way commercial, the other, for hire) will show a profit for entire operation. Frequently, he has been asked by farmers to whom he has delivered coal, to haul farm implements, farm products, including livestock, scrap iron and household goods. He also expects some for-hire business in the transportation of lumber from sawmills on Marida and Pine rivers to farms and towns,

and hay and grain to towns and feed lots from farms located on Florida Mesa and in the Sunny Side Section. He stated that the movement is not seasonal.

His wife, Leona Rodman, stated that she knew many farmers to whom applicant delivered coal who wanted him to haul various commodities into Durango and other points in the county; that he needed a back-haul to make expenses; that it will be impossible for him to contract with the customers he desires to serve under the permit; that she could not state "that we have any regular customers;" that all demands for service "occur at the last minute".

The application, among others, was opposed by George H. Hotter, who has a certificate of public convenience and necessity, PUC No. 1308, under which he furnishes a farm service in the area where applicant seeks to serve. He stated that, primarily, he hauled grain, livestock, farm implements, emigrant moveables and household goods, lumber and timber; that he had sufficient business to keep going, but at times, in the past, he has been idle; that the carrier service in the territory is more than adequate; that Wood and Morgan, common carriers, Larrimore, Williams, Kyle, La Plata Transfer, and Gibson, who also have common carrier authority, serve all or part of the territory which applicant would serve if he secured the permit sought; that Barker, Barlow, Mason, Belger, Dunger, and many other private carriers also furnish competition; that if the permit were granted, he believes the efficiency of his and other common carrier operations would be adversely affected.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the common carrier service is adequate; that the proposed application of applicant would impair the efficiency of said authorized motor vehicle common carrier service, and that the operation which applicant proposes to conduct, should the authority sought be granted, is that of a common carrier instead of a private carrier for hire, and that said application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the above-styled 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 E. McQuinn

W. C. Danks

Wm. E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. G. SHABOUH AND FRANK SNELL, JR., )  
A CO-PARTNERSHIP, DOING BUSINESS AS ) APPLICATION NO. 736  
PIKES PEAK AUTO LIVERY, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NECESSITY. )  
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IN THE MATTER OF THE APPLICATION OF )  
J. G. SHABOUH AND FRANK SNELL, JR., A )  
CO-PARTNERSHIP, doing business UNDER )  
THE NAME AND STYLE OF PIKES PEAK AUTO )  
LIVERY, FOR A CERTIFICATE OF PUBLIC ) APPLICATION NO. 4035  
CONVENIENCE AND NECESSITY TO TRANSPORT )  
PASSENGERS BETWEEN THE TOWNS OF CASCADE )  
AND GREEN MOUNTAIN FALLS AND VARIOUS )  
SCENIC ATTRACTIONS IN THE PIKES PEAK )  
REGION. )  
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AMENDMENT TO ORDERS

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July 26, 1940.  
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Appearances: Conour and Conour, Attorneys at Law,  
Del Norte, Colorado, for applicants.

S T A T E M E N T

By the Commission:

On April 21, 1928, Decision No. 1712, the Commission entered an order granting to J. G. Shabouh and Frank Snell, Jr., doing business as Pikes Peak Auto Livery, a certificate of public convenience and necessity authorizing the transportation of passengers from Colorado Springs and Manitou, Colorado, to the various scenic attractions in the Pikes Peak Region, and on August 26, 1937, Decision 10554, a certificate was granted to the said Pikes Peak Auto Livery authorizing the transportation of passengers from Cascade and Green Mountain Falls, Colorado, to the various scenic attractions in the Pikes Peak Region, both certificates being subject to certain terms and conditions therein contained. Said terms and conditions provided, inter alia, that in the conduct of said motor vehicle operations,-

- \*(a) That all sightseeing and tourist operations by the applicants herein shall be limited to round trip operations originating and terminating at the points of origin of the service.



"(b) That no one-way transportation of passengers is permitted to any of the points in said Pikes Peak Region."

We are now in receipt of application from said Pikes Peak Auto Livery to amend said orders of April 21, 1928 and August 26, 1937, to permit said company to operate one-way traffic so far as trips to the summit of Pikes Peak are concerned.

It appears from the record and the files of the Commission that since June 29, 1927, the Manitou and Pikes Peak Railway Company have filed with the Commission a tariff setting forth what is called the "diverse" route to Pikes Peak, whereby customers are given the option of going to the summit of the peak by auto and returning via the Cog Road, or vice versa.

It further appears that applicants have had, and now have, on file with the Commission a similar tariff covering such diverse routing.

The Commission has, heretofore, in matters appearing before it, considered said question of diverse routing, and has accepted for filing said tariffs without the question being raised as to the authority of applicants under their certificate of public convenience and necessity to perform such one-way service. It would appear to be in the public interest to amend said original orders to conform to the established practice of applicants and of said Cog Road in granting said diverse routings for a number of years past. The same restrictions heretofore noted are contained in a number of early certificates granted the sightseeing operators in Colorado Springs, and those who have engaged in the so-called "diverse" route should, upon application to the Commission, be entitled to the same relief that is proposed herein.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said original orders of April 21, 1928, and August 26, 1937, should be amended to the extent of permitting one-way operations from Colorado Springs, Manitou, Cascade and Green Mountain Falls, to the summit of Pikes Peak or from the summit of Pikes Peak to Colorado Springs, Manitou, Cascade or Green Mountain Falls, in conjunction with the Manitou and Pikes Peak Railway Company.

O R D E R

IT IS THEREFORE ORDERED, That the orders of April 21, 1928, and August 26, 1937, Decisions Nos. 1712 and 10554, be, and the same are hereby, amended as follows:

After Subdivisions (a) and (b) in the order part of said Decisions Nos. 1712 and 10554, subdivision (b)-1 will be inserted, reading as follows:

Provided, however, that said limitations permitting only round trip operations and providing that no one-way transportation of passengers is permitted, shall not apply to the transportation of passengers from Colorado Springs, Manitou, Cascade and Green Mountain Falls to the summit of Pikes Peak or from the summit of Pikes Peak to Colorado Springs, Manitou, Cascade and Green Mountain Falls, when such operations are conducted under tariffs providing for diverse routing with the Manitou and Pikes Peak Railway Company.

IT IS FURTHER ORDERED, That except as herein amended and modified, said original decisions of April 21, 1928, and August 26, 1937, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO





  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of July, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
UNION PACIFIC RAILROAD COMPANY AND )  
THE WESTERN UNION TELEGRAPH COMPANY ) APPLICATION NO. 5398  
FOR AUTHORITY TO ABANDON THE AGENCY )  
AT WILD HORSE, CHEYENNE COUNTY, )  
COLORADO. )  
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IN THE MATTER OF THE APPLICATION OF )  
UNION PACIFIC RAILROAD COMPANY AND )  
THE WESTERN UNION TELEGRAPH COMPANY ) APPLICATION NO. 5396  
FOR AUTHORITY TO ABANDON THE AGENCY )  
STATION AT ARAPAHOE, COLORADO. )  
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July 26, 1940.  
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Appearances: E. G. Knowles, Esq., Denver, Colorado,  
for the applicants;  
J. Fred Snyder and  
William L. Cohn, Majestic Building,  
Denver, Colorado, for protestants.

S T A T E M E N T

By the Commission:

In the above-styled matters, the Commission has been requested by applicants to dismiss the applications without prejudice.

Protestants indicated that they have no objection to the dismissal of said matters.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said applications, and each of them, should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above-styled applications, and each of them, be, and the same hereby are, 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

*Eduard D. Dwyer*

*W. L. Danks*

*Maer W. Wiser*

Commissioners.

Dated at Denver, Colorado,  
this 26th day of July, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JACOB HANKLE, WINDSOR, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 5369-PP  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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July 26, 1940.  
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Appearances: Jacob Hankle, Windsor, Colorado,  
pro se;  
Raymond B. Danks, Esq., Denver,  
Colorado, for J. J. Schaefer,  
Inter-City Truck Line, and  
Union Delivery;  
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 authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of: (a) gravel and sand from Great Western Sugar Company farm, located about two miles south of Windsor, and from Loveland, to Great Western Sugar Company factory, located about one-fourth mile east of the city limits of Windsor, Colorado; (b) pipe and other building supplies and equipment from sugar company factory at Eaton to said factory at Windsor.

The evidence disclosed that Inter-City Truck Line operates between Greeley and Windsor; that Weicker Transportation Company serves between Greeley and Eaton; that service, so far as applicant knows, is adequate. He stated that two representatives of Great Western Sugar Company were present at the hearing to testify in his behalf, but left on account of the time which elapsed before his application was reached for hearing.

No testimony was offered to show inadequacy of service for the movement of pipe and supplies,

Application was opposed by Union Delivery Company, which objected to the handling of freight by applicant between factories, or the transporta-

tion of brick, building materials, supplies, etc., to factories. Mr. Webber of said company testified that his service, and that of the line haul carriers, was adequate; that the loss of business would impair the efficiency of their respective services.

There was no objection to granting of the authority for the transportation of gravel and sand.

After a careful consideration of the record, the Commission is of the opinion, and finds, that authority sought to move gravel and sand should be granted; that the granting of additional authority would impair the efficiency of the public service of common carriers now adequately serving the territory where applicant seeks to serve.

#### O R D E R

IT IS THEREFORE ORDERED, That Jacob Hankle, Windsor, 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 Great Western Sugar Company farm, located about two miles south of Windsor, and from Loveland to Great Western Sugar Company factory, located about one-fourth mile east of the city limits of Windsor, 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, the necessary tariffs and required insurance, and has secured identification cards.

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

hereafter be in effect.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. O'Brien

W. C. Danks

Walter E. Evers  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
F. A. MATHEWS, LONGMONT, COLORADO, )  
FOR AN EXTENSION OF CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
NO. 1125. )

APPLICATION NO. 3880-AB

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July 26, 1940.  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Denver-Loveland  
Transportation Company.

S T A T E M E N T

By the Commission:

Applicant, F. E. Mathews, who, under authority of the Commission,  
Decision No. 9948, operates a motor vehicle common carrier service for the  
transportation of:

Milk and dairy products to Loveland, Fort Collins,  
Johnstown, Greeley and Fort Lupton, from the area  
described as: Beginning at a point one mile west  
of Loveland on Colorado Highway 16, thence east to  
a point one mile east of Loveland, thence north one  
and one-half miles, thence east one mile, thence  
north one-half mile, thence east to U. S. Highway  
85, thence north to Ault, thence west on Colorado  
Highway 14, to a point one mile west of Fort Collins,  
thence south to the point of beginning, and the  
transportation of said commodities between cooling  
plant in Loveland and condenseries at Johnstown,  
Greeley and Fort Lupton,

herein seeks to extend his authority to include the right to transport fluid  
milk from Loveland to Denver and Golden, with back-haul of empty containers,  
and the transportation of milk and dairy products to Loveland, Fort Collins,  
Johnstown, Greeley and Fort Lupton from all points on and within the area  
bounded by a line described as:

Beginning at a point six miles due west of Fort  
Collins; thence due north to intersection of Highway  
U. S. 287; thence along U. S. 287 to the intersection  
of the Wyoming state line; thence east along the Wyoming  
state line to a point two miles east of the Weld-  
Larimer County Line; thence due south to the inter-  
section of Colorado 14; thence west to the point of  
beginning.

At the hearing, it appeared that applicant operates four trucks; that there is considerable demand for his service, not only as requested to Denver and to Golden, but for the movement of dairy products and milk to Loveland and Johnstown from the area heretofore described; that demand for movement of milk and dairy products from Fort Collins, Greeley and Fort Lupton has not developed as yet, but on account of the development of dairy industry in the area, generally, applicant anticipates demand for said service; that he proposes to handle Denver and Golden milk in the same truck.

Harry Waldamath, field manager for Golden Condensery Company, which operates plants at Fort Lupton, Johnstown and Loveland, stated that his concern always was interested in new territory; that, in the past, farmers from time to time have asked them to handle milk from the territory which applicant proposes to serve; that Mathews is a capable and satisfactory operator; that the movement of milk from Loveland to Denver and Golden is occasional, only; that such movement is required when plants in Denver and Golden are "short"; that while some line haul service is available, such carriers are not as well equipped to handle milk as milk haulers; that milk from Loveland to Denver and Golden should move in the same truck; that in the past they have had some difficulty in getting their empty containers returned, on account of transfer in Denver.

It was suggested at the hearing that the application might be opposed by Arvel Henrikson, but subsequent to the hearing the Commission was informed by representative of Mr. Henrikson that he did not object to the issuance of the authority sought.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity require the proposed extended motor vehicle common carrier service of applicant, on schedule or on call and demand, as business developed may require, and that a certificate of public convenience and necessity should issue therefor.



O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the extended motor vehicle common carrier service of applicant, on schedule or on call and demand, as business developed may require, for the transportation of fluid milk from Loveland to Denver and Golden, with back-haul of empty containers, and the transportation of milk and dairy products to Loveland, Fort Collins, Johnstown, Greeley and Fort Lupton, from all points on and within the area bounded by a line described as:

Beginning at a point six miles due west of Fort Collins;  
thence due north to intersection of Highway U. S. 287;  
thence along U. S. 287 to the intersection of the Wyoming  
state line; thence east along the Wyoming state line to  
a point two miles east of the Weld-Larimer County Line;  
thence due south to the intersection of Colorado 14; thence  
west to the point of beginning,


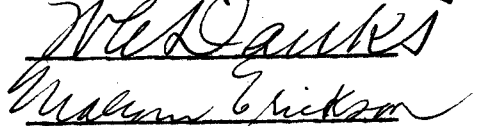
and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

Dated at Denver, Colorado,  
this 26th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
OLIVER E. CURTIS, DOING BUSINESS )  
AS "INTERMOUNTAIN FILM SERVICE," )  
ALAMOSA, COLORADO, CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECES- )  
SITY NO. 826. )  
-----

CASE NO. 4820 NOTICE OF HEARING  
AND ORDER TO SHOW CAUSE.

-----  
July 24, 1940.  
-----

S T A T E M E N T

By the Commission:

It appears from the records of the Commission that the above-named respondent, heretofore, became the holder of certificate of public convenience and necessity No. 826, pursuant to the provisions of Chapter 134, Session Laws of 1927, as amended, and said respondent is now operating, and has operated, at all times since issuance of said certificate, as a common carrier by motor vehicle for hire.

The Commission is informed and believes, and, upon such information and belief, alleges that said respondent has violated the provisions of the aforesaid statute and the terms and conditions of said certificate of public convenience and necessity and the rules and regulations of this Commission governing common carriers by motor vehicle in the following particulars, to-wit:

1. That said respondent has failed and neglected to file full, true and correct monthly reports of his operations for the months of June, July, August and September, 1939, and has failed and neglected to remit to this Commission the full and correct amount of highway compensation tax due from him for said months.

2. That, during the months aforesaid, said respondent failed and neglected to issue properly and completely itemized bills of lading for each and every shipment transported by him.

3. That said respondent does not, at the date hereof, have a

tariff on file with this Commission, setting forth the rates and charges to be charged by him for service to each and every point served by said respondent.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be had to determine if this said respondent has failed or refused to comply with any or all of the provisions of the aforesaid statute, rules and regulations, or the provisions of his said certificate, and if so, whether 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 has, by written answer filed with the Commission within ten (10) days from this date, why it should not enter an order because of the aforesaid alleged delinquencies, suspending or revoking the certificate heretofore issued to said respondent, or why it should not enter such other order or orders as may be proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and it hereby is, set down for hearing, before the Commission, in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 9th day of August, 1940, at 10:00 o'clock A.M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Clark

W. L. Danks

Walter Erickson  
Commissioners

Dated at Denver, Colorado,  
this 24th day of July, 1940

JH

( Decision No. 15723 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
A. D. GARRIOTT, MATHESON, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY. )

APPLICATION NO. 5336

(Amended Order)

July 26, 1940

Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Common Car-  
riers' Division of The Colorado  
Motor Carriers' Association,  
G. A. Barnhill and Oren Hartsel;  
L. E. Fletcher, Hugo, Colorado, pro se;  
Wm. V. Hodges, Jr., Esq., Denver, Colo-  
rado, for the Chicago, Rock Island  
and Pacific Railway Company.

S T A T E M E N T

By the Commission:

On May 28, 1940, Decision No. 15458, the Commission granted authority to A. D. Garriott.

On June 20, 1940, the applicant filed a petition for reconsi-  
deration, setting forth that the three carriers, Oren Hartsel, G. A.  
Barnhill, and Forest Woodard, who are directly affected by the granting  
of authority to the applicant, were present at the hearing and offered  
no objections to his having an in and out service to all points in the  
State. The applicant, therefore, requests that on reconsideration of  
this record, the Commission change the order so as to permit him to serve  
all points outside of the authorized area instead of limiting the same  
to Denver and Colorado Springs. There was an objection to the service to  
and from all intermediate points between Denver and Matheson, except  
Colorado Springs, and no showing was made of public demand to or from

intermediate points except Colorado Springs. The record does disclose that the major portion of applicant's service outside of the Matheson area would be between this area and Denver and Colorado Springs.

After careful reconsideration of the record, and the petition for reconsideration, the Commission is of the opinion, and finds, that the record does support the granting of authority to the applicant to render service to and from other points in addition to Denver and Colorado Springs, but not other intermediate points between Matheson and Denver.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 15458 should be, and the same hereby is, amended to include the transportation, by motor vehicle on call and demand, only, of farm products, including livestock, farm equipment, and supplies, coal and timber, between points within a twenty-mile radius of Matheson, Colorado, and points outside thereof, excluding service from or to points between Denver and Matheson (except Colorado Springs), on U.S. 24, U.S. 40, and U.S. 85.

IT IS FURTHER ORDERED, That in all other respects the order contained in Decision No. 15458 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. Danks

W. D. Danks

William Danks  
Commissioners.

DATED at Denver, Colorado,  
this 26th day of July, 1940.

(Decision No. 15724 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Joe Novosad, d/b/a )  
Prep Basket Grocery & Market )  
..... )

PERMIT NO. C-10015

.....  
July 24, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
Joe Novosad dba Prep Basket Grocery & Market, 1646 Pearl, Boulder, Colo.  
..... of .....,  
requesting that his Permit No. C-10015 ..... 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-10015, heretofore issued  
to Joe Novosad d/b/a Prep Basket Grocery & Market ..... be,  
and the same is hereby, declared cancelled, as of June 29, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. O'Connell*  
*W. E. Danks*  
*Malcolm Guissem*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of July, 1940.

(Decision No. 15725 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
Thomas Green d/b/a                    )  
Quality Feed Store                    )  
-----)

PERMIT NO. C-9855

-----  
July 24, 1940  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----  
Thomas Green d/b/a Quality Feed Store of R R 2, Longmont, Colorado  
-----,  
requesting that his Permit No. C-9855 ----- 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-9855 -----, heretofore issued  
to Thomas Green d/b/a Quality Feed Store ----- be,  
and the same is hereby, declared cancelled, as of July 3, 1940

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Hume*  
*W. D. Danks*  
*Marion Wilson*  
-----  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of July, 19 40.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Franklin R. Saddoris

PERMIT NO. C-10753

July 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Franklin R. Saddoris of Palisade, Colorado,  
requesting that his Permit No. C-10753 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-10753, heretofore issued  
to Franklin R. Saddoris be,  
and the same is hereby, declared cancelled; as of July 5, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. [Signature]*  
*W. H. [Signature]*  
*Malcolm [Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Sid Pugh

PERMIT NO. C-11528

July 24, 1940

# STATEMENT

By the Commission:

The Commission is in receipt of a communication from.....  
 Sid Pugh..... of Craig, Colorado.....  
 requesting that his Permit No. C-11528..... be cancelled.

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

## ORDER

IT IS THEREFORE ORDERED, That Permit No. G-11528, heretofore issued  
to Sid Pugh \_\_\_\_\_ be,  
and the same is hereby, declared cancelled,' as of July 8, 1949

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward T. Kane  
W. C. Parks  
Maurice W. W.

Dated at Denver, Colorado,  
this 24th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

B. & B. Distributing Co. )  
)  
)  
)  
.....)

PERMIT NO. C-6874

.....  
July 24, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
B. & B. Distributing Co. .... of 241 West 1st, Denver, Colorado,  
requesting that his Permit No. C-6874 ..... 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-6874  
B. & B. Distributing Co. .... be,  
and the same is hereby, declared cancelled' as of July 11, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Smith*  
*W. L. Danks*  
*Walter E. Carson*  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

W. H. McKellar

PERMIT NO. C-4093

July 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
W. H. McKellar of Haxtun, Colorado,  
requesting that his Permit No. C-4093 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-4093, heretofore issued  
to W. H. McKellar be,  
and the same is hereby, declared cancelled, as of July 15, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eduard J. Dineen*  
*W. H. Danks*  
*Walter J. Emerson*  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Thrift Stores, Inc.

PERMIT NO. C-1811

July 24, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Thrift Stores, Inc. Roy, New Mexico

of ,  
requesting that his Permit No. C-1811 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-1811, heretofore issued  
to Thrift Stores, Inc. be,  
and the same is hereby, declared cancelled, as of July 18, 1940

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduardo J. Tellez  
Wesley J. Parks  
Walter J. Teller  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

APPLICATION NO. 5341-PP

July 26, 1940

Appearances: Dan Melinski, Esq., Cortez, Colo-  
rado, for the applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Common  
Carriers' Division of The  
Colorado Motor Carriers'  
Association;  
T. A. White, Esq., Denver, Colo-  
rado, for Rio Grande Motor  
Way, Inc.;  
C. D. Young, Denver, Colorado,  
for E. E. Williams, F. E.  
Larrimore, Barker Transfer,  
Tibbetts and Bowling.

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, except livestock, from farm to town, and farm to farm, within a radius of fifty miles of Lewis, Colorado, Lewis being located on U.S. Highway No. 160, about ten miles north of Cortez.

At the hearing, it appeared that applicant resides at Lewis; that the section extending from Cortez to Dove Creek along U. S. Highway No. 160, and Cortez to Dolores along State Highway No. 145, is being farmed extensively; that there is some irrigation, but for the most part, especially in the sections now undergoing extensive development, dry farming prevails; that large quantities of alfalfa hay are produced in

the irrigated sections yearly, applicant having operated a hay-baler for a number of years; that hay now is quarantined so it cannot be shipped out of the area; that hay, for the most part, now is fed in territory south and east of Lewis, it, however, ordinarily being conveyed to feeders' lots by shipper-owned trucks; that chief crops which require transportation to towns or storage places in said area are potatoes, beans, and grain; that beans move to storage in the summer and early fall, and from storage to cleaning plants in Dolores, Cortez, Lewis and other small towns, or to elevators, as demand for them develops, during the months from September to July; potatoes and grain move to storage points in said area.

He admitted that a number of private carriers are located at Cahone, Ackmen, Yellow Jacket, Cortez, and Dolores, and that Williams and Larrimore, common carriers, also are authorized to operate in the area, and that their trucks are idle for the greater portion of the time during eight or nine months out of each year. Also, he stated that practically all of his service, if authorized, would be performed in the dry farming section in Dolores and Montezuma Counties, within a radius of twenty-five miles of Lewis, and principally in the area north and west of Lewis.

W. K. Campbell, witness appearing in behalf of applicant, stated that during harvest season, at times additional truck service is required; that harvest season for beans and potatoes extends from September through November; for wheat and hay, through July and August.

E. E. Williams, who operates under certificate of public convenience and necessity No. 848, with headquarters at Dolores, which is about ten miles from Lewis, stated that, primarily, his service is a common carrier farm service; that, in his opinion, said service is adequate to care for the needs of farms in the area where applicant seems to serve; that, in addition to his service, E. E. Larrimore, another common carrier, operates in the area, and a number of private carriers, located at Dolores, Yellow Jacket, Ackmen and Cahone also serve; that

his trucks, for a considerable portion of the year, are not busy; that it is difficult for him to meet the expenses of his operation; that the granting of additional authority would impair the efficiency of his common carrier service.

After a careful consideration of the record, the Commission is of the opinion, and finds, that transport service now authorized in the area sought to be served by applicant is adequate, except during harvest season, for the movement of farm products from fields to storage; that said applicant should be authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm products, except livestock, from farms within a radius of twenty-five miles of Lewis to storage points and markets in said area, during harvest season, only, and that said application, in all other respects, should be denied.

#### O R D E R

IT IS THEREFORE ORDERED, That Glen D. Rust, Lewis, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for contract customers, only, for the transportation of farm products, except livestock, from farms within a radius of twenty-five miles of Lewis to storage points and markets in said area, during harvest season, only.

IT IS FURTHER ORDERED, That all operations under this permit shall 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, the necessary tariff, 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 of the laws, rules, and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That the instant application, in all other respects, should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell

W. B. Danko

James E. Egan  
Commissioners

DATED at Denver, Colorado,  
this 26th day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. M. YOUNT, MANCOS, COLORADO, FOR )  
A CLASS "A" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 5340-PP

-----  
July 29, 1940.  
-----

Appearances: Ray B. Danks, Esq., Denver, Colorado,  
for the Common Carriers Division of  
The Colorado Motor Carriers Association;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
Harold Newrock, Esq., Lafayette,  
Colorado, for Ed Haines.

S T A T E M E N T

By the Commission:

The above-styled application was set for hearing at 1:00 o'clock  
P. M., April 30, 1940, at Cortez, Colorado, due notice of the time and place  
of such hearing being forwarded to applicant.

Notwithstanding said notice, applicant failed to appear. There-  
upon, protestants moved that the instant application be dismissed for lack of  
prosecution.

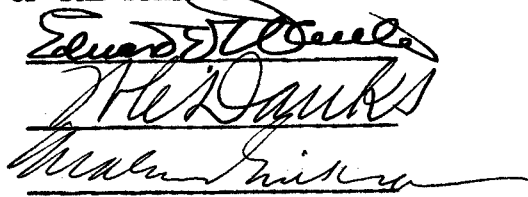
After a careful consideration of the record, the Commission is of  
the opinion, and finds, that said motion should be granted.

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

  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOE L. CLEMENTI, P. O. BOX 1256, )  
PUEBLO, COLORADO, FOR AN EXTENSION )  
OF PERMIT NO. A-655. )

APPLICATION NO. 4555-PP-BB

July 29, 1940

Appearances: Riley Cloud, Esq ., Pueblo, Colorado,  
for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Common  
Carriers' Division of The  
Colorado Motor Carriers'  
Association;  
T. A. White, Esq ., Denver, Colo-  
rado, for Denver and Rio Grande  
Western Railroad Company.

S T A T E M E N T

By the Commission:

Joe E. Clementi, who was authorized to operate as a Class "A"  
private carrier by motor vehicle for hire, for the transportation of:

Freight, Pueblo to Denver, and return,  
via U. S. Highway No. 85,-

herein seeks to extend his authority under said permit to include the  
right to serve Colorado Springs as an intermediate point.

In support of his application, applicant stated that Sears,  
Roebuck and Company want him to "stop to pick up and deliver freight"  
at Colorado Springs; that he has one Diamond-T truck now, with which he  
makes a round trip every other day, Denver to Pueblo, with occasional  
extra trips; that he can handle his present business with one truck;  
that if business develops as he hopes it will if the permit is granted,

he will add equipment; that, so far as he knows, the present line haul carrier service is adequate; that he filed the application for extension in order to make operation a paying proposition for him and not because of any "need of his customers." No showing was made by applicant, or representatives of said companies, that their transportation requirements to or from Colorado Springs can not be satisfied by now authorized carriers.

L. M. Rhodes, Pueblo manager of Weicker Transportation Company, stated that Weicker regularly operates four trucks in the morning and one truck in the afternoon to Colorado Springs, with some times as many as three extra trucks daily; that trucks do not move loaded to capacity; that, on the contrary, without increasing the number of trucks on the road, his company could handle 50,000 pounds additional freight daily; that the great number of schedules operated by his company is not due to the volume of freight to be handled but the desire of the company to furnish adequate transportation facilities for the public; that Weicker handles Montgomery Ward, Sears, Roebuck and Wholesale Liquor freight, which applicant expects to haul if the permit is granted; that revenue now realized for movement of all freight is not enough to make the Weicker operation a profitable one; that if any business is lost to applicant or other carriers, efficiency of said public service will be impaired.

After a careful consideration of the record, the Commission is of the opinion, and finds, that existing carrier service is adequate; that the granting of extension sought would impair the efficiency of said authorized common carrier motor vehicle service; 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Trench

W. C. Danks

Walter E. Spicer  
Commissioners.

DATED at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN L. DUNBAR, DOING BUSINESS AS )  
DOVE CREEK MERCANTILE, DOVE CREEK, ) APPLICATION NO. 5349-PP  
COLORADO, FOR A CLASS "A" PERMIT )  
TO OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

-----  
July 29, 1940.  
-----

Appearances: John L. Dunbar, Dove Creek, Colorado,  
pro se;  
T. A. White, Esq., Denver, Colorado,  
for Rio Grande Motor Way, Inc.;  
A. J. Fregeau, Denver, Colorado,  
for Welcker Transportation Company;  
Chas. D. Young, Denver, Colorado,  
for Barker Transfer Company;  
Conour and Conour, Esqs., Del Norte,  
Colorado, for Faus Transportation  
Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a private carrier by motor vehicle for hire, authority thereunder, as limited by the testimony offered at the hearing, to be confined to the transportation of: (a) coal between points within a radius of one hundred miles of Dove Creek; (b) farm produce, including livestock, from points within a radius of twenty miles of Dove Creek to Dove Creek, Cortez, Dolores and Denver; (c) farm machinery and equipment, including household goods, between points within said 20-mile area, and from Denver to Dove Creek.

At the hearing, it appeared that applicant, John L. Dunbar, is engaged in the mercantile business at Dove Creek, as "Dove Creek Mercantile"; that he buys wheat, beans and other farm products in the farming territory around Dove Creek -- that is, within a distance of twenty miles of Dove Creek; that, occasionally, he is requested to haul said commodities for hire; that also, he has been asked to move livestock from points in said farming area, most of said movement being to Dove Creek; that, occasionally, he has been

requested to haul said livestock and said farm produce to the other points, said farm produce particularly, including beans and wheat, moving from Dove Creek to Durango and points intermediate, on U. S. Highway No. 160, including the off-route point of Dolores, and livestock moving to Cortez, Dolores and Denver; that, primarily, he wants back-haul of farm machinery and equipment from Denver to Dove Creek in order to make his trip to Denver with livestock a profitable one -- in other words, he will be getting a two-way haul. He admitted that any carrier now authorized to serve the area could adequately and satisfactorily handle the movement of said livestock, farm products and farm machinery from and to points within a radius of twenty miles of Dove Creek, to and from points in said area. He stated that while Barker Truck Line served points on U. S. Highway No. 160, Dove Creek to Durango, and there are a number of common carriers located at Cortez and Dolores and private carriers at other points on U. S. Highway No. 160, Cortez to Dove Creek, that there are no resident truckers at Dove Creek.

Application was opposed by a number of carriers who contended that the common carrier service now available is adequate; that the granting of additional authority, especially for the transportation of commodities in competition with line haul motor vehicle carriers, would impair the efficiency of now-authorized common carriers' adequate service.

We think their position is well taken, except as to service in the vicinity of Dove Creek.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said applicant should be authorized to serve as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products, including livestock, farm machinery and equipment and used household goods, between points within that part of Dolores and San Miguel counties which lies west of a line drawn north and south through a point twenty miles east of Dove Creek, and the transportation of farm products, including livestock, from farms in said area to points on U. S. Highway No. 160 between Dove Creek and Durango, and Dolores; coal

from points within a radius of one hundred miles of Dove Creek to points in said western part of Dolores and San Miguel Counties.

O R D E R

IT IS THEREFORE ORDERED, That John L. Dunbar, doing business as Dove Creek Mercantile, Dove Creek, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) farm products, including livestock, farm machinery and equipment, and used household goods, between points within that part of Dolores and San Miguel Counties which lies west of a line drawn north and south through a point twenty miles east of Dove Creek; (b) the transportation of farm products, including livestock, from farms in said area to points on U. S. Highway No. 160 between Dove Creek and Durango, and to Dolores; (c) coal from points within a radius of one hundred miles of Dove Creek to points in said western part of Dolores and San Miguel Counties.

IT IS FURTHER ORDERED, That said application in so far as it involves transportation of freight to or from Denver, except as heretofore specifically granted, be, and hereby is, denied.

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

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

W. D. Danks

James E. Egan  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION  
OF JOE GASNER, STERLING, COLORADO,  
FOR A CLASS "B" PERMIT TO OPERATE  
AS A PRIVATE CARRIER BY MOTOR  
VEHICLE FOR HIRE.

APPLICATION NO. 5329-PP

July 29, 1940.

Appearances: Joe Gasner, Sterling, Colorado,  
pro se;  
Raymond B. Danks, Esq., Denver,  
Colorado, for The Motor Truck  
Common Carriers Association,  
Denver-Limon-Burlington Transporta-  
tion Company, North Eastern Motor  
Freight, F. V. Hellbusch, William  
Blankenbeckler, Lester D. Smith  
and Delbert Hawkins;  
E. F. Anderson, Akron, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

On November 5, 1935, Joe Gasner was authorized to operate as a  
Class "B" private carrier by motor vehicle for hire, Decision No. 6791.

On March 8, 1939, permit was cancelled for failure to file reports  
for April and May, 1938.

The evidence disclosed that Mr. Gasner filed reports for all  
months in 1938, except April and May; that he was not operating as a carrier  
for hire during those months, and thought it was not necessary to file reports;  
that he also has a commercial carrier permit, and, at all times, down to the  
time of hearing in Sterling, had insurance in force that covered his for-hire  
operation, as well as commercial operation; that he did not operate for  
hire for about ten months prior to January, 1940; that during that said  
period of time, he was engaged in farming; that he commenced operating as  
a for-hire carrier in February, 1940, and then was informed by Mr. Oldfield,  
a Courtesy Patrolman located at Sterling, that his permit had been cancelled;  
that, upon inquiry, he learned that Patrolman's statement was true and there-

upon, as required by employees of the Commission, filed his application to reinstate his permit. He claimed that he did not receive notice of pendency of proceedings against his permit, and thought that said failure to receive notice may have been due to the fact that he removed from Sterling to a farm near Proctor in March, 1939, or may have been mislaid by some one of his family, consisting of wife and ten children.

At the hearing, it appeared that most of applicant's transportation service had been furnished for Harris Land and Livestock Company, the Holly-Smith Company and Western Ranches, Inc., livestock feeders in a big way. Messrs. Smith, Hellbusch and Blankenbeckler, common carrier operators in the area, stated that they thought they could satisfy Mr. Harris' needs; that they also could furnish service for other customers of applicant; that they need more business.

While this may be true, said matters were carefully considered at the hearing when said permit was granted to Gasner. Protestants, unlike Gasner, are not equipped with semi-trailer outfits to haul loose or baled hay in big volume, or to move livestock in large numbers quickly. Furthermore, we believe that under all the circumstances, Mr. Gasner's permit should be reinstated. If this were an application for issuance of a permit in the first instance, or had been cancelled with Gasner's knowledge or acquiescence, it, of course, would be on a different footing; we believe that the same strict degree of proof should not be required from applicant who seeks to reinstate his permit where, as here, permit was cancelled apparently without applicant's knowledge for failure to file reports during a two months period, which reports, if filed, would have shown "nothing hauled". Incidentally, applicant filed reports for the months of April and May, 1938, covering his commercial carrier service, and filed reports covering for-hire operations for each month during balance of year. If he had appeared and filed reports, case probably would have been dismissed — at least, extreme penalty of cancellation would not have been imposed.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1120 of applicant, Joe Gasner, should be, and hereby is, reinstated.

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. H. Danks

Wm. E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE COLORADO TRADING AND TRANSFER )  
COMPANY FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )

APPLICATION NO. 5328  
(Amended Order)

July 29, 1940

Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company;  
Stanley Blunt, Canon City, Colo-  
rado, for Southwestern  
Transportation Company;  
F. M. Keith, Canon City, Colorado,  
for Keith Trucking Company;  
Raymond B. Danks, Esq., Denver,  
Colorado, for The Motor Truck  
Common Carriers' Association.

S T A T E M E N T

By the Commission:

On May 11, 1940, Decision No. 15374, the Commission granted authority to the above-named applicant, the same being Certificate No. 1357.

Protestants withdrew objections to the granting of this authority upon the applicant's agreeing that certain in and out service was to be restricted to the affiliated companies associated with the applicant, but that ore and concentrates might be transported from the Cripple Creek-Victor area to points outside thereof, without limitation. Through oversight, this last mentioned item (ore and concentrates to points outside) was not included in the order as written.

Inasmuch as there was no objection to this authority being granted, and the applicant having shown a need for this service, request is now made that the order be modified to include the same.

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

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 15374 should be, and the same hereby is, amended to include:

The transportation of ore and concentrates from points within a fifteen-mile radius of Cripple Creek, Colorado, to points outside thereof, for shippers generally.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. DeLoach

W. C. Danks

Walter E. Egan  
Commissioners.

DATED at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
HARMAN T. CLARK, PAGOSA SPRINGS,  
COLORADO,  
RESPONDENT.

CASE NO. 12338-INS.

July 29, 1940

S T A T E M E N T

By the Commission:

On January 8, 1940, the Commission issued an order in the above numbered case, cancelling and revoking Private Permit No. B-2126 on account of the respondent's having failed to keep on file the required certificate of insurance.

It has now been brought to the attention of the Commission that at the time the revocation order was issued there was pending before the Commission a transfer proceeding from Harman T. Clark to B. E. Cooper, and that revocation proceedings should have been held in abeyance pending disposition of transfer proceedings. The transfer was allowed, and transferee is ready, able, and willing to comply with our rules and regulations, including filing of insurance.

The transferee, B. E. Cooper, requests that the revocation be set aside, the provisions of rules having been met.

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

O R D E R

IT IS THEREFORE ORDERED, That the revocation order dated

January 8, 1940, Decision No. 12,338-Ins., should be, and the same hereby is, set aside and held for naught, and that Private Permit No. B-2126 should be, and the same hereby is, restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. O'Connell

W. L. Danks

W. A. Brown  
Commissioners.

DATED at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEWIS LITTLE, RYE, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY. )

APPLICATION NO. 5180

July 29, 1940

Appearances: John Barbrick, Esq., Pueblo, Colo-  
rado, for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company and Weicker Transfer  
and Storage Company;  
Raymond B. Danks, Esq ., Denver,  
Colorado, for the Common  
Carriers' Division of The  
Colorado Motor Carriers'  
Association;  
Stanley Blunt, Canon City, Colo-  
rado, for Southwestern Trans-  
portation Company;  
Marion F. Jones, Esq., Denver,  
Colorado, for Wes V. McKaughan;  
John P. Beck, Esq., Denver, Colorado,  
for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Lewis Little, a resident of Rye, Colorado, for thirty-one years, herein seeks authority to operate as a motor vehicle common carrier for hire, for the transportation of farm products, including livestock, machinery, and equipment, including household goods, between points within a radius of twenty miles of Rye, Colorado, and from and to points in said area, to and from points in the State of Colorado.

Applicant stated that Wes V. McKaughan, under his certificate of public convenience and necessity, was now serving said area, and much more; that said McKaughan specializes in livestock hauling, about



seventy-five per cent. of his business originating at points outside of the area he proposes to serve; that McKaughan has equipment which enables him to move livestock in large quantities; that if the authority sought is granted, applicant will handle smaller loads; that he now has a commercial permit, under which he buys and sells grain and other commodities; that formerly he was in partnership with McKaughan, they operating the certificate now owned by McKaughan; that when he was associated with McKaughan they had more business at times than they could handle promptly; that it is his impression that McKaughan now is occupied most of the time; that he and his drivers are busy night and day; that the equipment McKaughan now owns has twice the capacity of the equipment owned by the partnership of McKaughan and Little. He admitted that, if he were authorized to handle livestock, some business would be lost by McKaughan to him, and that his buying operations under his commercial permit in the past have deprived McKaughan of some business which otherwise would have gone to McKaughan as a for-hire carrier. He stated that chiefly he expected to haul grain from fields to railroad cars at Cedarwood, fodder from fields to silos, livestock from points in the area to markets, hay from farms outside to feed lots in the area; farm machinery and equipment, including household goods, from farm to farm in the area, and from and to farms in the area, to and from points outside thereof. He admitted that he had not been asked to haul farm machinery and equipment in or out of the area; that he knew of no point to point demand for service for movement of livestock; that he had not made any investigation as to the amount of livestock moving in and out of the area, and that, so far as he knew, the equipment available in the area to serve public demands for for-hire service is adequate; that Rex Andrews has two trucks, McKaughan has four trucks, and he has two trucks; that, in his opinion, since he went out of authorized for-hire truck business the population has increased, more land is under cultivation, and more livestock is produced; that people used to ship livestock and grain by rail exclusively, but now much of it is trucked.

R. A. Totten, a resident of Rye for thirty-two years, stated that he owns three or four small ranches; that McKaughan serves the public very well, especially in the handling of large jobs; that sometimes the little fellow may wait until McKaughan finishes a large job; that in the years 1936 and 1937 he had to wait ten or twelve days; that storage facilities for storing of grain are not available in the area; that grain must move to railroad at Cedarwood or to elevators, as harvested; that during drouth periods, it is necessary to move large quantities of hay into the area, and there is some movement of farm commodities from ranch to ranch.

Ralph W. Mayfield, who lives at Graneros, sixteen miles from Rye, stated that he farms 472 acres; that he produced 9,000 bushels of wheat in 1939; that he contacted McKaughan, who wanted to haul the wheat to Pueblo, stating that he could not make money at the price Mayfield was willing to pay to move the wheat to Cedarwood; that about 50,000 bushels of wheat are produced in the Rye area; that one truck line cannot handle wheat during harvest season.

Lee Dowd, foreman of Hayden Ranch at Crow, stated that his farm ships about 300 head of cattle yearly, cattle moving at one time; that Blakley and Harsh moved about 300 head for him; that McKaughan refused to handle 38 head (34 yearlings and 4 bulls) which were left over; that more cattle at times are required to be moved than can be conveniently handled by McKaughan.

McKaughan, in opposition to the granting of the authority sought, stated that he had three straight jobs and one semi-trailer, which were kept and maintained by him at considerable expense in order to satisfy all demands for service; that he had not refused to serve anyone in the area and always had taken care of all demands for service promptly; that he, on some two or three occasions, had handled two or three cows at a time for Mr. Totten, and several years ago had handled one load; that he went to see Mr. Mayfield some five or six times about moving the Mayfield wheat, or part of it, but was unable to get the business; that Little, without authority, moved 2,000 bushels to Pueblo, the balance to car at Cedarwood; that he tried to get the contract for

moving the Hayden cattle; that he bid  $21\frac{1}{2}$  cents; that the Hayden representative said, "I will be down," but failed to appear, and gave the business to another outfit.

As to the Hayden matter, he explained that Hayden informed him that he had 50 cows to go to Pueblo, of which 44 head were to be moved at once. When McKaughan arrived at the ranch, he found Little had taken 10, leaving only 33 instead of 50, and Hayden wanted him to hold his trucks until six o'clock P. M., the following night, he then to move them, if trucks he had ordered to handle stock failed to arrive. This, of course, McKaughan was not willing to do. He stated that Levy, at Walsenburg, and Sharp, of Gardner, were authorized to serve in a portion of his territory, and that they and nine common carriers in Denver, two in Pueblo, and one in Vineland, and some contract carriers, frequently operated in parts of his territory; that grain produced in the area around Rye had decreased; that Little, under his commercial permit, had been hauling for hire and had been giving just the same service that he would have given had he authority to operate for hire; that most of the time the McKaughan equipment was idle; that prospective customers ask him, "'What do you charge for that?' I tell them. That is the end. They say they can have it done for less money, and Mr. Little and other fellows having trucks do the hauling;" that most of the hay is handled on commercial permits; that most of the livestock moves during a two months' period in the year; that to grant additional authority would adversely affect his operation.

W. Lee Sharp, of Gardner, Colorado, PUC 391, stated that he has a Chevrolet truck; that he hauls livestock and general commodities; that he is authorized to serve in part of the territory where applicant seeks to serve; that his trucks are busy only a part of the time; that he, too, cannot afford to lose any business.

We heretofore have held:

"It is elementary that before the Commission will issue a certificate authorizing rendition of any given service, public convenience and necessity must be proved. The rule is less elastic where the service proposed to be rendered is a duplication of service already authorized, unless it be shown that said service

is inadequate and that the carrier is not in a position to, or will not, make it adequate."  
... In re Lahr, Application No. 2621, Decision No. 6848.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the call and demand common carrier service in the area where applicant seeks to serve is adequate; that the granting of additional common carrier authority would impair the service of now-authorized carriers, 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 D. Dineen

W. C. Danks

Wm. Erickson  
Commissioners.

DATED at Denver, Colorado,  
this 29th day of July, 1940

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

P. & C. Electric Co.

PERMIT NO. C-2517

July 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
P. & C. Electric Company 1511 Miner, Idaho Spgs., Colo.  
of  
requesting that his Permit No. C-2517 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-2517, heretofore issued  
to P. & C. Electric Company be,  
and the same is hereby, declared cancelled, as of December 31, 1938.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. Dwyer*  
*W. H. Danks*  
*Walter H. Brisson*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Alva Herlacher, Jr.

PERMIT NO. C-5674

July 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Alva Herlacher, Jr. of 113 E 5th, Pueblo, Colorado  
requesting that his Permit No. C-5674 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-5674, heretofore issued  
to Alva Herlacher, Jr. be,  
and the same is hereby, declared cancelled, as of April 30, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Danks*  
*W. L. Danks*  
*Walter J. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

L. E. Runkle

PERMIT NO. C-1214

July 29, 1940

S T A T E M E N T

By the Commission:

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

L. E. Runkle of 127 D St., Salida, Colorado

requesting that his Permit No. C-1214 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-1214, heretofore issued  
to L. E. Runkle be,  
and the same is hereby, declared cancelled, as of June 15, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. O'Brien*  
*W. E. Danks*  
*Walter E. Johnson*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Lewis C. Bennett

PERMIT NO. C-2418

July 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Lewis C. Bennett of 1336 E 9th, Pueblo, Colorado  
requesting that his Permit No. C-2418 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-2418, heretofore issued  
to Lewis C. Bennett be,  
and the same is hereby, declared cancelled, as of June 27, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Tucker*  
*Wes J. Janks*  
*Malcolm Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

George Knuppel

PERMIT NO. C-10083

July 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
George Knuppel of Hot Sulphur Spgs., Colorado  
requesting that his Permit No. C-10083 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-10083, heretofore issued  
to George Knuppel be,  
and the same is hereby, declared cancelled, as of July 12, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. DeLoach*  
*W. L. Danks*  
*Walter T. Nixon*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

James Hare, Jr.

PERMIT NO. C-7717

July 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
James Hare, Jr. of Baldwin, Colorado,  
requesting that his Permit No. C-7717 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-7717, heretofore issued  
to James Hare, Jr. be,  
and the same is hereby, declared cancelled, as of July 17, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dineen*  
*W. C. Danks*  
*Nelson E. Peterson*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

H. G. N. Mining & Milling )  
(corp.) )  
.....)

PERMIT NO. C-11727

.....  
July 29, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
The H. G. N. Mining & Milling Co. of Leadville, Colorado  
.....,  
requesting that his Permit No. C-11727 .....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-11727, heretofore issued  
to H. G. N. Mining & Milling Co. ....be,  
and the same is hereby, declared cancelled, as of July 19, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Connelley*  
*W. E. Dunks*  
*Walter E. Harrison*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Carl R. Schooley

PERMIT NO. C-11177

July 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Carl R. Schooley 702 9th Ave., Longmont, Colorado  
of  
requesting that his Permit No. C-11177 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-11177, heretofore issued  
to Carl R. Schooley be,  
and the same is hereby, declared cancelled, as of July 20, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Donald D. Daniels*  
*W. E. Danks*  
*Walter E. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Walter Woods

PERMIT NO. C-11686

July 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
Walter Woods of 322 H St., Salida, Colorado,  
requesting that his Permit No. C-11686 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-11686, heretofore issued  
to Walter Woods be,  
and the same is hereby, declared cancelled, as of July 20, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Danks*  
*W. E. Danks*  
*Walter Wilson*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Effie Atherton

PERMIT NO. C-9784

July 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Effie Atherton 715 Jefferson, Topeka, Kans.  
of  
requesting that his Permit No. C-9784 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-9784  
to Effie Atherton be,  
and the same is hereby, declared cancelled, as of July 21, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniel*  
*W. E. Danks*  
*W. E. Danks*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

James W. McCrea

PERMIT NO. C-3660

July 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
James W. McCrea of Masonville Rt., Loveland, Colo.,  
requesting that his Permit No. C-3660 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-3660, heretofore issued  
to James W. McCrea be,  
and the same is hereby, declared cancelled, as of July 23, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dineen*  
*W. L. Danks*  
*Malcolm E. Nixon*

Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Keene Power Equipment Co. )  
\_\_\_\_\_) )  
\_\_\_\_\_)

PERMIT NO. C-8101

\_\_\_\_\_  
July 29, 1940  
\_\_\_\_\_

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from \_\_\_\_\_  
Keene Power Equipment Co. \_\_\_\_\_ of Keenesburg, Colorado  
requesting that his Permit No. C-8101 \_\_\_\_\_ 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-8101 \_\_\_\_\_, heretofore issued  
to Keene Power Equipment Co. \_\_\_\_\_ be,  
and the same is hereby, declared cancelled; as of July 23, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. [Signature]*  
*W. C. [Signature]*  
*Ma [Signature]*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

H. H. Rasmussen )

PERMIT NO. C-11098

July 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
H. H. Rasmussen ..... of 209 Poplar, Sterling, Colorado ,  
requesting that his Permit No. C-11098 ..... 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-11098 , heretofore issued  
to H. H. Rasmussen ..... be,  
and the same is hereby, declared cancelled, as of July 26, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. L. Danks*  
*Walter E. Smith*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July , 19 40.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
J. E. CLAYBURG, GREELEY, COLORADO,  
FOR AUTHORITY TO TRANSFER PERMIT  
B-28 TO STATE-WIDE TRANSPORTATION  
COMPANY, 2120 WELTON STREET,  
DENVER, COLORADO.

APPLICATION NO. 5005-PP-AAA

July 31, 1940

Appearances: E. E. Brockman, 2120 Welton St., Denver,  
and J. E. Clayburg, Greeley, Colo-  
rado, for the applicants;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company  
and Weicker Transfer and Storage  
Company;  
Raymond B. Danks, Esq., Denver, Colo-  
rado, for the Common Carrier  
Division of the Colorado Motor  
Carriers' Association.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer  
Private Permit B-28 to State-Wide Transportation Company.

It appeared at the hearing that Permit B-28 was issued June  
29, 1931, to J. E. Clayburg, who utilized this authority at all times  
between that date and April, 1939, in the conduct of an operation with  
headquarters at Greeley, Colorado. To begin with, his services reached  
Weld, Larimer, Boulder, Adams, and Denver counties, and to points in the  
Arkansas Valley and San Luis Valley; that in the conduct of this service  
he transported various kinds of commodities, and finally developed a  
service between Denver and Greeley which he was of the opinion could be  
rendered under B-28, and without charging twenty per cent. in excess  
of the prescribed common carrier rates; and that he conducted this  
operation between Denver and Greeley for a number of years, or until

he sold this authority to Miller Brothers; that the Miller Brothers conducted more or less of a scheduled operation between Greeley and Denver, apparently not knowing that this authority was not issued for such purpose, until they were apprehended and stopped. After disposing of this permit to Miller Brothers, who failed to pay the purchase price for the permit and the equipment, the transferor herein was obliged to take back the same and it now stands of record in his name.

It further appeared that the consideration to be paid, in the event this authority is granted, is \$600.00; that there are no outstanding unpaid obligations as a result of previous operations under this permit; and that the same is now under suspension by order of the Commission, and that the parties hereto desire that the same be reinstated.

It appeared from the testimony of E. E. Brockman that he had been in the transportation business by rail and truck since 1914, and was not only quite familiar with truck transportation but had had more or less experience with rates and tariffs; that the State-Wide Transportation Company was incorporated under the laws of the State of Colorado, the directors being G. D. Hunt, O. R. Zimmerscheid, C. R. Robinson, G. A. Peterson, and F. B. Baker, Mr. E. E. Brockman being one of the incorporators and in charge of the transportation business for the company. A copy of the articles of incorporation of this company accompanies the application, and it appears that the authorized capital stock is \$10,000., of which \$5,000. has been paid in cash; that the company has made tentative arrangements for the leasing of three International trucks, to be used in the conduct of operations under this permit if the transfer is completed; and that they have, at the present time, seven customers, which include Charles M. Stark, J. Devine, J. Huggins, Civilian Conservation Corps, Continental Oil Company, L. K. Forde, and Dennis Pickens. Mr. Brockman further stated that his company expected to serve the public, or all those customers who might demand service, by which he meant that all who sought their services would be given a contract, the names filed with the Commission, and service rendered; that in this manner they intended to serve one and all, just as they came.

The financial standing and dependability of the transferee herein appear to be satisfactory.

The statement of the transferor, as to the conduct of a line haul operation between Denver and Greeley, appeared to be without reservation, and he appeared to be under the firm belief that it was permitted under the authority. The statement of E. E. Brockman was equally frank, in that he intended to sign contracts with all who sought their services. However, the State-Wide Transportation Company will be required to conduct a private carrier operation under this authority, and any attempt to serve the public generally, or even to contract with and list the general public, will not be tolerated. This may not be just what Mr. Brockman intended to convey by his statement, but attention is invited to the case of McKay v. P. U. C. of Colorado, 104 Colo., 402, and the rules and regulations of the Commission which were referred to in this decision. Private carriers are required to comply with the rules as interpreted by the court in said decision.

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

#### ORDER

IT IS THEREFORE ORDERED, That J. E. Clayburg be, and he hereby is, granted authority to transfer all of his right, title, and interest in and to Permit B-28 to State-Wide Transportation Company, a corporation, 2120 Welton Street, Denver, Colorado.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted

to make the transfer without further order on the part of the Commission.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Daniel

W. D. Danko

William Erickson  
Commissioners.

DATED at Denver, Colorado,  
this 31st day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. E. CLAYBURG, GREELEY, COLO- )  
RADO, UNDER PRIVATE PERMIT ) P.U.C. No. B-28  
NO. B-28. )  
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-----  
July 31, 1940  
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S T A T E M E N T

By the Commission:

On July 13, 19<sup>40</sup>, by order of the Commission, Decision  
No. 15660, J. E. Clayburg of Greeley,  
Colorado, was given authority to suspend operations under  
PUC No. B-28 for a period of ~~six months~~ <sup>one year</sup> with the privilege  
of reinstatement.

The Commission is now in receipt of a communication from permittee  
requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary  
certificate of insurance, cash deposit, and otherwise having complied with the  
rules and regulations of the Commission governing private carriers,  
the Commission is of the opinion and finds that said order of suspension should  
be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and  
hereby is, set aside and that PUC No. B-28 be, and the same hereby is,  
restored to its active status as of the date of this order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Miller*  
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*W. D. Danks*  
-----

*Marion Erickson*  
-----

Commissioners

Dated at Denver, Colorado,  
this 31st day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED HOFFMAN, DOING BUSINESS AS )  
"HOFFMAN TRANSFER," 2300 STOUT ST., )  
DENVER, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY.)  
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APPLICATION NO. 5139

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July 31, 1940  
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Appearances: John Q. Dier, Esq., E. and C.  
Building, Denver, Colorado,  
for the applicant;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company, Gallagher  
Transfer and Storage Company,  
North Denver Transfer and  
Storage Company, U. S. Trans-  
fer Company, Rocky Mountain  
Warehouse Corporation, Logan  
Moving and Storage Company,  
Amick Transfer, Dallas Trans-  
fer, Milne Transfer and Stor-  
age Company, Duffy Moving and  
Storage Company, A. B. C.  
Transfer, Buehler Transfer  
and Storage Company, Johnson  
Storage and Moving Company,  
South Side Moving and Stor-  
age Company, Bekins Moving  
and Storage Company, Weicker  
Transportation Company,  
Colorado Transfer and Ware-  
housemen's Association;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Colorado Trans-  
fer and Warehousemen's Asso-  
ciation;  
John P. Beck, Esq., Denver, Colo-  
rado, for Bruce Capron; Tiller  
Cash Coal and Feed Company, L.  
E. Funk.

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 common carrier for the transporta-  
tion of freight within the so-called Metropolitan area of Denver, to-wit,



a zone extending for a distance of five miles from, and surrounding, the present corporate limits of the City and County of Denver, except the corporate limits of Littleton and the Town of Arvada.

The application was opposed by a great number of call and demand common carriers operating in the territory where applicant seeks to serve, they contending that the existing common carrier service is adequate, and that the granting of the authority sought by applicant would adversely affect their respective operations.

Applicant, Fred Hoffman, testified that since on or about March 1, 1927, he continuously has been engaged in carrying on the business of a common carrier by motor vehicle of goods, merchandise and freight, exclusively, within the corporate limits of the City and County of Denver, and, in connection therewith, he has specialized in performing terminal pickup and delivery service for line haul carriers (mostly interstate) he naming specifically Pacific Intermountain Express, Dalby Motor Freight Lines, Buckingham Transportation Company, J. B. Marks and Riss and Company; that he had one truck to start with, and now has twelve trucks, one passenger car and eight employees; that, occasionally, in the past, but with increasing frequency, there has been need, on his part, for authority to operate within a metropolitan, or five-mile, zone, around Denver, said demand, like his Denver city business, coming primarily from interstate carriers who want merchandise delivered to points near, but not within, the city.

On cross-examination, he admitted that now-authorized common carrier service is adequate to serve the five-mile area; that his application was filed because he wants to further his own interests by developing his business, as well as furnishing a complete service for the interstate customers he now has; that his contract rate for pickup and delivery service for Pacific Intermountain Express, Inc., and most of the line haul carriers he serves, is five and one-half cents; that while said rate is non-compensatory in itself, there are other considerations included in his contracts which make business profitable — for instance, Zwingle, Manager of Pacific Intermountain Express, furnishes a man to help handle.

the packing house freight, and applicant gets five and one-half cents for all freight moving over his dock, whether or not he handles it; and that, in fact, only about forty-five percent of the freight paid for, is actually handled by him.

Ralph B. Hubbard, Industrial Engineer for Public Service Company, and Chairman of the Industrial Committee of the Chamber of Commerce of the City and County of Denver, testified about the industries located in the so-called metropolitan area and the increase in population, present and anticipated.

C. Zwingle, Denver Manager of the Pacific Intermountain Express, Inc., stated that his company operated an interstate common carrier service between Denver and Salt Lake City, and intermediate points, and San Francisco; that it requires pickup and delivery service in Denver for the two trucks in and two trucks out daily, each of which handles about twenty-seven thousand pounds; that Hoffman does their pickup and delivery work; that their tariff publication includes rates to Englewood, Arvada and other towns around Denver, the rate being the same as that published from and to Denver; that while now-authorized common carrier pickup and delivery service to said points out of Denver is adequate and satisfactory, the price is wrong — that is, carriers like Weicker Transfer and Storage Company, North Denver Transfer, Gallagher Transfer and Storage Company, who are call and demand carriers, and Cecil A. Foster, line haul carrier to Littleton and Fort Logan out of Denver, charge too much for their service — that is, they want more for service from Denver to delivery point than his company can afford to pay in view of the rate received for the transportation service from distant points to Denver, citing specifically canned goods from Salt Lake City to Fitzsimmons Hospital, a distance of 585 miles. He stated that they probably could furnish adequate service, if the rate were right; that the companies under his contract with Hoffman are required to pay five and one-half cents for all freight moving over the dock, whether it is or is not handled by Hoffman; that he cannot afford, in addition to said charge, to pay ten cents to call and demand pickup and delivery carriers to move the

commodities from Hoffman's dock to Fitzsimmons Hospital.

Mr. Butler, Denver Manager for J. R. Marks Truck Line, stated that his company pays Hoffman seven cents per cwt. for handling intrastate freight; that Marks includes the metropolitan area of Denver in its tariff provisions covering pickup and delivery service; that it has been unable to arrange with pickup and delivery carriers operating in Denver for through rates, Pueblo to Fitzsimmons — that is, said carriers refuse to participate in the tariff on a rate pro-rate basis; that if they would become parties to the tariff, charges for pickup and delivery service to said point would be less than under existing tariff provisions of said carriers.

Dalby Motor Freight Lines, interstate carrier operating between Texas points and Denver, according to its representative, Lloyd Lavotte, is in substantially the same position as Pacific Intermountain Express and J. R. Marks Truck Line.

Hoffman's dock man, one Homer Van Dusen, stated that, for a while, they had several calls daily for service out of Denver to points in the five-mile metropolitan area; that they were performing the service in and out of said area under the impression that they could do so, but were stopped by the Commission, and the demands for service are now decreasing, because customers know that Hoffman cannot furnish the service.

In opposition, A. M. Burrows, for Weicker Transfer and Storage Company, stated that his company had been in business in Denver and vicinity for fifty years; that it has a certificate from The Public Utilities Commission; that it maintains sixty to sixty-five trucks to handle general cartage and pickup and delivery work; that it does not do "much trucking" for the truck lines seeking applicant's service, because they want service performed for five and one-half cents, which is too cheap; that the Union Pacific Railway Company pays fifteen cents for service out of Denver to Fitzsimmons; that Weicker's published rate is 20,000 pounds of canned goods from Denver docks to Fitzsimmons for seven cents; that he cannot understand why a line haul carrier would unload its freight in Denver and pay Hoffman five and one-half cents, or anything, inasmuch as

his service is not required for the movement of the canned goods from Denver to Fitzsimmons; that unless they could get five and one-half cents for "something not done," in addition to five and one-half cents for service, they would not be interested in the business, because service would be furnished at less than cost.

Paul Santo, PUC No. 433, stated that he had been in business fourteen years in Denver; that he has twenty-two trucks, which operate about fifty percent of capacity; that fourteen Carters belong to "our association," this service being adequate; that, generally speaking, volume of pickup and delivery business is small; that rate of five and one-half cents is too low; that, under the rates now charged by his company which are in excess of five and one-half cents, pickup and delivery business could not be profitably handled, except for the fact that he is able to group or consolidate shipments from many lines, and thus get a pay load for one truck; that if he lost some business he would not be able to "get by," and would be compelled to increase rates or quit business, which, of course, would adversely affect service furnished customers patronizing his firm; that other carriers similarly situated would be similarly affected.

A. G. Woods, of Gallagher Transfer and Storage Company, stated that his company operates a great number of trucks; that it performs some pickup and delivery service for interstate carriers, its trucks being busy about fifty percent of the time; that if some business is lost, his company will suffer in proportion to the volume of business lost; that service is adequate.

James J. Finn, North Denver Transfer and Storage Company, stated that his company had been in business since 1902; that it serves forty truck lines; that it furnishes pickup and delivery service for Marks Truck Line when they want fast service, said line giving them about fifteen or twenty pickups daily; that Marks complains about the rates, and "gives me only hot shots;" that one more competitor in the field means that it would be compelled to cut service; that in order to furnish service to points in the metropolitan area — that is, comparative-

ly long hauls, carrier must have volume; that he could not handle the business at five and one-half cents, notwithstanding he specializes in pickup and delivery service; that besides other carriers, he handles over-flow business for Colorado-Wyoming, Russell, Riss and Ringsby, interstate carriers.

Cecil A. Foster, who operates a line haul service between Denver, Littleton, Fort Morgan and other points, stated that he handled interstate business for Interstate, Colorado-Wyoming, Buckingham, Campbell, Universal Forwarders, National Forwarders, Acme Fast Freight, to Fort Morgan and other points; that his service is adequate, and that he could not afford to lose the business.

In Application No. 5042-PP, Decision No. 13856, the Commission had under consideration the granting of authority to serve the metropolitan area. We there found:

"The Commission can well realize that certain shippers desire a personal, individual transportation service, and we appreciate that in many instances this is more convenient for the shipper. However, if the Commission continues to grant more private permits in a territory like the Denver area, which is already adequately supplied with common carrier service, it can only have the effect of ultimately destroying such service. While the loss of tonnage in each individual case considered may appear to be very limited, yet in the aggregate, the constant addition to the loss of tonnage may have a serious effect upon the adequate service of established common carriers. We are of the opinion that the granting of the instant application, while it would be for the benefit of applicant and possibly beneficial to the several shippers who testified in his behalf, would not be in the public interest as a whole."

We are unable to see that the situation as shown to exist here, requires a different conclusion. Applicant admits that the service is adequate; if the price is too high, relief can be obtained for complaining carriers upon application to the Commission.

We cannot say that protestants' position as to handling of business of Pacific Intermountain Express is reasonable. In order to have its business in Denver handled at a five and one-half cent rate, Pacific Intermountain Express pays Hoffman five and one-half cents for freight which he doesn't deliver. Obviously, if it pays Hoffman five

and one-half cents for said freight, it cannot, at least, not profitably, afford to pay Weicker seven cents more to move the same freight to Fitzsimmons. However, it might profitably pay Weicker seven cents, if it does not pay Hoffman anything. Applicant stated he would be willing to have his authority limited to pickup and delivery service for line haul carriers. His interstate customers, from whom practically all demand for service comes, complained that Weicker and other carriers will not become parties to their tariffs, and that Hoffman is willing to so do. It occurs to us that this may be a situation, if meritorious, that probably should be handled by the Interstate Commerce Commission. Any authority that we might grant applicant to serve in interstate commerce necessarily, must issue, subject to the provisions of the Federal Motor Carrier Act of 1935.

After a careful consideration of the record, the Commission is of the opinion, and finds, that authorized common carrier service in the area sought to be served by applicant is adequate; that the granting of additional authority would impair the efficiency of said adequate common carrier service, and that the public convenience and necessity do not require the proposed operation of applicant, and that said application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the above-styled matter be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard E. Wheeler

W. L. Danks

William E. Spitzer  
Commissioners

Dated at Denver, Colorado,  
this 31st day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

L. S. Walker

PERMIT NO. G-11077

July 29, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
L. S. Walker of 919 Inca, Denver, Colorado,  
requesting that his Permit No. C-11077 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-11077, heretofore issued  
to L. S. Walker be,  
and the same is hereby, declared cancelled, as of June 14, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. Wheeler*  
*W. L. Danks*  
*Arthur E. Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
LA NEAR FRANK, DAILEY, COLORADO,  
FOR AN EXTENSION OF HIS CERTIFICATE  
NO. 819.

APPLICATION NO. 2849-A-B

July 31, 1940

Appearances: LaNear Frank, Dailey, Colorado,  
                  PRO SE;  
                  Raymond B. Danks, Esq., Denver,  
                  Colorado, for the Common  
                  Carrier Division of The  
                  Colorado Motor Carrier's  
                  Association, The Brooks  
                  Transportation Company,  
                  and The Northeastern  
                  Motor Freight;  
                  A. J. Fregeau, Denver, Colorado,  
                  for Weicker Transfer and  
                  Storage Company;  
                  J. R. Arnold, Denver, Colorado,  
                  for the Northeastern Motor  
                  Freight.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport building materials into and out of points within a fifteen-mile radius of Fleming, Colorado. However, the applicant, at the hearing, specifically agreed to limit his application for an extension to plaster, cement, brick, and tile from Boettcher and Loveland, Colorado.

It appeared that the applicant now has authority to render service within fifteen miles of Fleming, Colorado, with an in and out service on livestock and used farm machinery and used household goods, to and from points east of U. S. Highway No. 285 and north of U. S. Highway No. 24 (formerly 40-M.) This area, however, does not include the cement plant at Boettcher, nor does it include the plant west of Loveland, from which points the applicant has a demand for his services moving products



from these plants to the described Fleming area; and as limited by his testimony given at the hearing, there was no objection to the granting of such authority.

After careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the public convenience and necessity require the extended motor vehicle services, as proposed by the applicant and limited by his testimony given at the hearing, for the transportation of plaster, cement, brick, and tile, from Boettcher, Colorado, and from Loveland, Colorado, and the plants nearby, to points within the described Fleming area.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the extension of Certificate No. 819 to include the transportation of plaster, cement, brick, and tile, from Boettcher, Colorado, and from Loveland, Colorado, and the plants nearby, to points within the described Fleming area; and this order shall be taken, deemed and held to be a certificate of authority for such extended service.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

Wes Danks

Maun E. Erickson  
Commissioners.

DATED at Denver, Colorado,  
this 31st day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
ELMER LOGAN, GOLDEN, COLORADO, FOR  
AN EXTENSION OF HIS PRIVATE PERMIT  
NO. B-2512.

APPLICATION NO. 4868-PP-B

July 31, 1940

Appearances: H. W. Gardner, Esq., Golden, Colorado,  
for the applicant;  
Raymond B. Danks, Esq., Denver, Colo-  
rado, for the Common Carrier  
Division of The Colorado Motor  
Carriers' Association, and for  
Harold Swena;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transfer and Storage  
Company.

**S T A T E M E N T**

By the Commission:

On June 26, 1940, Decision No. 15547, the Commission entered an order granting some extension to the above numbered permit and denying other parts thereof.

On July 11, 1940, the applicant filed his petition for a rehearing, and sets forth that he has additional testimony to offer in connection with the transportation of coal from the Northern Colorado coal fields to the U. S. Experimental Plant at the School of Mines at Golden.

On July 13, 1940, counsel representing Harold Swena, one of the protestants represented at the hearing on this application for an extension, presented a communication to the Commission advising that Harold Swena withdraws his protest against the granting of authority to the applicant herein to transport coal from the Northern Colorado coal fields to the U. S. Experimental Plant at the Colorado School of Mines.

After careful consideration of the petition for rehearing, which discloses that the rehearing is sought for the purpose of introducing testimony on the subject of the movement of coal from the Northern Colorado coal fields to Golden, the consideration of the withdrawal of protest on this same commodity, and the record herein, the Commission is of the opinion, and finds, that the original order for extension should be amended to include the transportation of coal as sought by the applicant.

O R D E R

IT IS THEREFORE ORDERED, That the third paragraph of the order contained in Decision No. 15547, dated June 26, 1940, should be, and the same hereby is, amended to read as follows:

IT IS FURTHER ORDERED, That Private Permit B-2312 should be, and the same hereby is, extended to include the transportation of coal from the Northern Colorado coal fields to the U. S. Experimental Plant at the Colorado School of Mines in Golden, Colorado; and that the right to render service between Denver and Golden as sought by this application should be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That in all other respects the order contained in Decision No. 15547, dated June 26, 1940, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. C. Danks

William Erickson  
Commissioners.

DATED at Denver, Colorado,  
this 31st day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
GEORGE J. WETHERALD, E. E. WETHERALD,  
AND JOS. PREMO, A PARTNERSHIP, DOING  
BUSINESS AS THE G & W GARAGE AND  
TOURS COMPANY, FOR A CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 612

July 31, 1940

Appearances: Cleo L. Starks, Box 401,  
Manitou, Colorado,  
for applicant.

S T A T E M E N T

By the Commission:

On April 21, 1928, Decision No. 1689, the Commission entered an order granting George Wetherald, E. E. Wetherald, and Jos. Premo, a partnership, doing business as the G & W Garage and Tours Company, a certificate of public convenience and necessity, authorizing the transportation of passengers from Manitou, Colorado, to the various scenic attractions in the Pikes Peak region, subject to certain terms and conditions therein contained. Said terms and conditions provided, inter alia, that in the conduct of said motor vehicle operations,-

"(a) That all sightseeing and tourist operations by the applicants herein shall be limited to round trip operations originating and terminating at the point of origin of the service.

"(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region."

Thereafter, on June 1, 1936, Decision 7861, said certificate, insofar as the operation of one car was concerned, was transferred to Cleo L. Starks, doing business as Great Western Tours, and on March 15,

1957, Decision 9602, the right to operate four cars under said certificate, in sightseeing service, was also transferred to the said Cleo L. Starks, doing business as Great Western Tours, the right to operate five cars under said certificate having been transferred.

We are now in receipt of a request from said Cleo L. Starks, doing business as Great Western Tours, to amend said order of April 21, 1928, to permit said company to operate one-way traffic so far as trips to the summit of Pikes Peak are concerned.

It appears from the record and the files of the Commission that since June 29, 1927, the Manitou and Pikes Peak Railway Company has filed with the Commission a tariff setting forth what is called the "diverse" route to Pikes Peak, whereby customers are given the option of going to the summit of the Peak by auto and returning via the Cog Road, or vice versa.

It further appears that applicants have had, and now have, on file with the Commission a similar tariff covering such diverse routing.

The Commission has heretofore, in matters appearing before it, considered said question of diverse routing, and has accepted for filing said tariffs, without the question being raised as to the authority of applicants, under their certificate of public convenience and necessity, to perform such one-way service. It would appear to be in the public interest to amend said original order to conform to the established practice of applicants and of said Cog Road in granting said diverse routings for a number of years past. The same restrictions heretofore noted are contained in a number of early certificates granted the sightseeing operators in Colorado Springs, and those who have engaged in the so-called "diverse" route should, upon application to the Commission, be entitled to the same relief that is proposed herein.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said original order of April 21, 1928, should be amended, to the extent of permitting one-way operations from Manitou to the summit of Pikes Peak, or from the summit of Pikes Peak to Manitou, in conjunction with the Manitou and Pikes Peak Railway Company.

O R D E R

IT IS THEREFORE ORDERED, That the order of April 21, 1928, Decision 1689, be, and the same is hereby, amended as follows:

After Subdivisions (a) and (b) in the order part of said Decision No. 1689, subdivision (b-1) will be inserted, reading as follows:

Provided, however, that said limitations permitting only round trip operations and providing that no one-way transportation of passengers is permitted, shall not apply to the transportation of passengers from Manitou to the summit of Pikes Peak or from the summit of Pikes Peak to Manitou, when such operations are conducted under tariffs providing for diverse routing with the Manitou and Pikes Peak Railway Company.

IT IS FURTHER ORDERED, That except as herein amended and modified, said original order of April 21, 1928, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. L. Danks

William Zirkow  
Commissioners.

DATED at Denver, Colorado,  
this 31st day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE MOUNTAIN CIRCLE AUTO COMPANY FOR ) APPLICATION NO. 849  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY. )  
-----

IN THE MATTER OF THE APPLICATION OF )  
I. C. COLLINS AND M. M. SKINNER, )  
DOING BUSINESS UNDER THE FIRM NAME )  
AND STYLE OF MOUNTAIN CIRCLE AUTO ) APPLICATION NO. 849-A  
COMPANY, AND M. W. JAMES, FOR TRANS- )  
FER OF CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY. )  
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-----  
August 2, 1940.  
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Appearances: M. W. James, Colorado Springs,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

On May 28, 1928, Decision No. 1790, the Commission entered an order granting to Mountain Circle Auto Company a certificate of public convenience and necessity authorizing the transportation of passengers from Colorado Springs to the various scenic attractions in the Pikes Peak Region, subject to certain terms and conditions therein contained. Said terms and conditions provided, inter alia, that in the conduct of said motor vehicle operations,-

- "(a) That all sightseeing and tourist operations by the applicant herein shall be limited to round trip operations originating and terminating at the point of origin of the service.
- "(b) That no one way transportation of passengers is permitted to any of the points in said Pikes Peak Region."

Thereafter, on June 13, 1929, Decision 2293, said certificate, consisting of the right to operate two cars in sightseeing service from Colorado Springs to the various scenic attractions in the Pikes Peak Region, was transferred to M. W. James, doing business as Mountain States Auto Livery.



We are now in receipt of a request from said M. W. James, doing business as Mountain States Auto Livery, to amend said order of May 28, 1928, to permit said company to operate one-way traffic so far as trips to the summit of Pikes Peak are concerned.

It appears from the record and the files of the Commission that since June 29, 1927, the Manitou and Pikes Peak Railway Company has filed with the Commission a tariff setting forth what is called the "diverse route" to Pikes Peak, whereby customers are given the option of going to the summit of the peak by auto and returning via the Cog Road, or vice versa.

It further appears that applicant has had, and now has, on file with the Commission a similar tariff covering such diverse routing.

The Commission, heretofore, in matters appearing before it, has considered said question of diverse routing, and has accepted for filing said tariffs without the question being raised as to the authority of applicant under his certificate of public convenience and necessity to perform such one-way service. It would appear to be in the public interest to amend said original order to conform to the established practice of applicant and of said Cog Road in granting said diverse routings for a number of years past. The same restrictions heretofore noted are contained in a number of early certificates granted the sightseeing operators in Colorado Springs, and those who have engaged in the so-called "diverse" route should, upon application to the Commission, be entitled to the same relief that is proposed herein.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said original order of May 28, 1928, should be amended to the extent of permitting one-way operations from Colorado Springs to the summit of Pikes Peak or from the summit of Pikes Peak to Colorado Springs, in conjunction with the Manitou and Pikes Peak Railway Company.

#### O R D E R

IT IS THEREFORE ORDERED, That the order of May 28, 1928, Decision No. 1790, be, and the same is hereby, amended as follows:

After Subdivisions (a) and (b) in the order part of said Decision

No. 1790, Subdivision (b)-1 will be inserted, reading as follows:

Provided, however, that said limitations permitting only round trip operations and providing that no one-way transportation of passengers is permitted, shall not apply to the transportation of passengers from Colorado Springs to the summit of Pikes Peak or from the summit of Pikes Peak to Colorado Springs, when such operations are conducted under tariffs providing for diverse routing with the Manitou and Pikes Peak Railway Company.

IT IS FURTHER ORDERED, That except as herein amended and modified, said original order of May 28, 1928, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell

W. L. Danks

William E. Evers  
Commissioners.

Dated at Denver, Colorado,  
this 2nd day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
J. E. CLAYBURG, GREELEY, )  
COLORADO. Permit A-28. ) P.U.C. No. A-28  
)

July 31, 1940.

S T A T E M E N T

By the Commission:

On July 13, 1940 ~~1935~~, by order of the Commission, Decision  
No. 15660, J. E. Clayburg of Greeley,  
Colorado was given authority to suspend operations under  
PUC No. A-28 for a period of one year ~~six months~~ with the privilege  
of reinstatement.

The Commission is now in receipt of a communication from permittee  
requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary  
certificate of insurance, cash deposit, and otherwise having complied with the  
rules and regulations of the Commission governing private carriers,  
the Commission is of the opinion and finds that said order of suspension should  
be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and  
hereby is, set aside and that PUC No. A-28 be, and the same hereby is,  
restored to its active status as of the date of this order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eugene E. Turner

McDank

Malcolm E. Erickson

Commissioners

Dated at Denver, Colorado,  
this 31st day of July, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
D. W. Cromie ) PERMIT NO. C-10198  
 )  
 )  
 )  
 )  
 )

August 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
D. W. Cromie of 519 N 2d, Montrose, Colorado,  
requesting that his Permit No. C-10198 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-10198, heretofore issued  
to D. W. Cromie be,  
and the same is hereby, declared cancelled, as of July 26, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Emmett D. Jones*  
*W. L. Dyer*  
*Walter E. Jones*  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)  
  )  
  )  
Rountree Cotton Co., Inc. )  
  )  
  )  
.....)

PERMIT NO. C-4302

.....  
August 5, 1940  
.....

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
Rountree Cotton Co., Inc. Las Cruces, New Mexico  
.....of.....,  
requesting that his Permit No. C-4302 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-4302, heretofore issued  
to Rountree Cotton Co., Inc. be,  
and the same is hereby, declared cancelled, as of July 26, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dancy*  
*W. C. Danks*  
*Wm. Emerson*  
.....  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Carl and Paul D. Fain dba  
Fain Bros.

PERMIT NO. C-10076

August 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
.....Carl & Paul L. Fain dba Fain Bros. of 2119 Cadiz, Dallas, Texas  
requesting that his Permit No. C-10076 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-10076, heretofore issued  
to Carl & Paul L. Fain d/b/a Fain Bros. be,  
and the same is hereby, declared cancelled, as of July 27, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Dancer*  
*W. L. Danks*  
*Walter F. Finner*  
Commissioners.

Dated at Denver, Colorado,  
this 5th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

Wm. B. McCleary

PERMIT NO. C-11262

August 5, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....  
Wm. B. McCleary.....of Isabel Tobin, Box 89, Central City, Colo.  
requesting that his Permit No. C-11262.....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-11262, heretofore issued  
to Wm. B. McCleary.....be,  
and the same is hereby, declared cancelled, as of July 29, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. Daniels*  
*W. H. Danks*  
*Walter L. Johnson*

Commissioners.

Dated at Denver, Colorado,  
this 5th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
VERNON DOTSON, EATON, COLORADO, ) CASE NO. 4776  
PRIVATE CARRIER PERMIT NO. A-838. )  
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-----  
August 7, 1940.  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for respondent;  
Vernon Dotson, Eaton, Colorado,  
pro se;  
J. J. Patterson, Esq., Denver,  
for complainant.

S T A T E M E N T

By the Commission:

On February 27, 1940, in the above-styled matter, the Commission, by its Decision No. 14944, suspended Permit A-838 of said respondent, the allegations of a show cause order theretofore issued in said matter having been found to be true.

On March 5, 1940, a petition for rehearing was filed by respondent, respondent further suggesting that the suspension penalty imposed was too severe and that penalty imposed, if any, should be limited to a cash payment.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the offer of compromise submitted by respondent should be accepted, and that in lieu of the penalty of suspension imposed in said order, Decision 14944, and in satisfaction thereof, said respondent should be required to pay to the Commission under the applicable section of the Public Utilities Act, the sum of \$25.00 as a penalty on account of the matters and things of which he was adjudged to be guilty in Decision 14944.

O R D E R

IT IS THEREFORE ORDERED, That said Decision No. 14944, insofar as the permit of said respondent, A-838, was thereby suspended, hereby is set aside,



and in lieu thereof and in full satisfaction of the finding against said respondent therein contained, said respondent should be, and hereby is, required to pay to the Commission under the provisions of Section 61 of the Public Utilities Act, the sum of \$25.00 as a penalty, said payment to be made by said respondent within five days of the date hereof.

IT IS FURTHER ORDERED, That this order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Decker

W. L. Danks

Malcolm Ericson  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
VERNON DOTSON, EATON, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY. )  
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APPLICATION NO. 5277

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August 7, 1940  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for The Colorado  
Transfer and Warehousemen's  
Association, Colorado Motor  
Carriers' Association, Union  
Delivery Company, Inter City  
Truck Line, Jacob J. Schaefer;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Stor-  
age Company;  
Winston S. Howard, Esq., Denver,  
Colorado, for Charles P.  
Blakley, M. A. Harsh and George  
Stockton;  
J. C. Street, Esq., Denver, Colo-  
rado, for The Colorado and  
Southern Railway Company.

S T A T E M E N T

By the Commission:

By the instant application, Vernon Dotson, Eaton, Colorado,  
seeks a certificate of public convenience and necessity, with authority  
to conduct a motor vehicle common carrier call and demand service for  
the transportation of farm products, including livestock, farm equip-  
ment, and supplies, including used household goods, between points with-  
in, and into and out of, the following territory:

south of Eaton to Greeley, including South  
Greeley Sales Yard; west to the Weld County  
Line; north to the Wyoming State Line; and  
east 20 miles from U. S. Highway No. 85;

and the transportation of cement and coal; provided, however, that the  
following exceptions are agreed upon: (a) no service shall be rendered

within a radius of five miles of Windsor, Colorado; and (b) no town to town service shall be rendered except for the transportation of livestock, coal, cement, plaster and bulk farm products.

The applicant stated that in the event a certificate is granted herein, his present authority, being Permit No. A-838, might be cancelled.

Written protests were filed by Jacob J. Schaefer and F. R. Lamb.

The first hearing was held in Denver, and applicant testified that the value of his equipment was between \$750.00 and \$1,000.00, against which he owed about \$100.00. He is now serving between fifty and sixty customers under his private permit. This permit authorizes service in "the vicinity of Eaton."

Denver livestock haulers objected to livestock authority, claiming the territory is now amply served, and any additional service would impair established lines.

At the further hearing held at Greeley, Colorado, pursuant to stipulation, Vernon Dotson testified that he possessed two trucks, equipped with stock racks; that he had been conducting a service as authorized under his Permit No. A-838, and had found his private carrier service inadequate to properly take care of the transportation needs of his customers; that this service which he had been rendering, and which he intended to continue rendering in substantially the same manner, should this application be granted, involved the transportation of farm products, including livestock, from farms to markets, and the transportation of supplies from Eaton and Greeley back to the farmers residing in the above-described area; that so far as he knew there would be no town to town movement except for the transportation of livestock, coal, cement from Boettcher, and plaster from the factory near Loveland, to Eaton; that the only service he contemplated rendering out of Denver would be feed and livestock in less than truckload lots; that the movement of used furniture would be in connection with the moving of farmers from farm to farm and, at times, from farm to town; that he also wanted to

be in a position to transport dried beet pulp from the factory at Brighton to feed lots within the described Eaton area; and that, in view of the fact that it was inconvenient for him to take care of his new customers on account of the delay in arranging for the listing of their names, he sought a certificate in place of the permit which he now has.

H. A. Bennett, field representative for the Great Western Sugar Company, testified that he fed some livestock on their farms near Eaton and had use for a truck operator to move livestock from sales yards at Greeley and Denver to their farms, and an occasional truckload of cattle from the range to farms, with some movement of cattle from ranch to ranch, and dried beet pulp from the Brighton plant to feed lots; and that, from his knowledge of the ranching business in the Eaton territory, he felt there was a need for the service of the applicant, as sought. Mr. Bennett also referred to the fact that there was some satisfaction in having a local operator available instead of being obliged to send to other localities for a trucker, having reached this conclusion after having had some trouble in getting the services of Lang and being obliged to 'phone to Denver, at some expense and loss of time, in order to get the transportation service needed.

Don Anderson, a cattle feeder of Eaton, Colorado, testified that there was a need for the services of the applicant in connection with the transportation of livestock to and from markets, farms, and sales yards, and to and from Denver; that the applicant's services were quite satisfactory at the present time, but that, at times, his requirements called for an in and out service and the movement of feed and dried beet pulp to his feed lots.

James M. Collins, a farmer and cattle feeder, testified that he had used the Dotson service in connection with the transportation of livestock to and from Denver sales yards, and was quite sure there was a need for his services as a common carrier in order that he might be able to render an in and out service from and to the Eaton area; that he preferred the use of a local truck operator rather than depend upon Greeley and Denver operators, which took some time to contact, and that

the trade area around Eaton, with which he was quite familiar, could make good use of a local trucker.

Harry Clark, Ben Hicks, Henry Snyder, Gordon Wilson, Charles Kerns, W. G. Hutchinson, Ernie Wilson, George Johnson, and Newt Dobbs, all residents of the Eaton territory described in the application, were present at the hearing and ready to testify. Counsel agreed that if called to the stand, these gentlemen would each testify in substance as did Don Anderson and James M. Collins.

M. S. Weber, of the Union Delivery Company, holder of Certificate No. 354, testified that he was in a position to serve the Greeley area and take care of all transportation needs except livestock; that his company had adequate equipment to render this service, had never refused to serve when called upon, knew of no complaints about his service, and was certain there was no lack of authorized common carrier service in the Greeley trade area, particularly in that part extending north of Greeley to a line extending east and west midway between Greeley and Eaton; that not only was his equipment ready to take care of such service, but also that of Mr. Lafferty of the Lafferty Moving and Storage Company; and that he protested the granting of authority overlapping the Greeley area. After this protest was made, Mr. Jones agreed to eliminate from the instant application all that territory sought to be served which lies south of a line running east and west midway between Greeley and Eaton.

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 proposed motor vehicle transportation service of the applicant, Vernon Dotson, limited as indicated by the stipulation of counsel and that authority should be granted accordingly, and that Permit A-838 should be cancelled.

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle transportation service of the applicant, Vernon Dotson, Eaton, Colorado, for the transportation upon

call and demand of farm products, including livestock, farm equipment and supplies, including used household goods, between points within, and into and out of, an area described as follows:

extending south from Eaton, Colorado, to a line drawn east and west midway between Greeley and Eaton, west to the Weld County Line, north to the Colorado-Wyoming State Line, and east a distance of 20 miles from U. S. Highway 85;

and the transportation of cement from the plant at Boettcher, plaster from the factory near Loveland, and coal from the northern Colorado coal fields to customers residing in the described Eaton area; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor; provided, however, that no service will be rendered to any part of the above-described area falling within a five-mile radius of Windsor, Colorado; and further provided, that no service will be rendered from town to town on the line of scheduled common carriers, except for the transportation of livestock, coal, cement, plaster, dried beet pulp, and bulk farm products.

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

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

IT IS FURTHER ORDERED, That Permit A-838 be, and the same hereby is, cancelled.

IT IS FURTHER ORDERED, That this order shall become effective

twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. L. Danks

Walter E. Evers  
Commissioners

Dated at Denver, Colorado,  
this 7th day of August, 1940.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
McMILLAN TRANSFER AND STORAGE COMPANY ) APPLICATION NO. 1481-A  
FOR AUTHORITY TO TRANSFER CERTIFICATE )  
NO. 451 TO RALPH E. YOCKEY. )  
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-----  
August 7, 1940.  
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Appearances: W. E. Buck, Esq., Longmont, Colorado,  
for McMillan Transfer and Storage  
Company;  
Ray B. Danks, Esq., Denver, Colorado,  
for the Common Carriers' Division  
of The Colorado Motor Carriers  
Association and for W. S. Craghead;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer  
Certificate No. 451.

The consideration to be paid for this certificate is \$1,000.00.

The transferor contends that there are no outstanding unpaid obligations as a result of previous operations under this authority; that, as a matter of fact, he has operated but little under Certificate No. 451 for the reason that he is also the holder of Certificate No. 350, under which latter certificate most of his service is rendered.

Ralph E. Yockey, of Boulder, Colorado, proposes to conduct an operation under Certificate No. 451, if the transfer is granted, using two Ford trucks which he now possesses, with a semi-trailer, together with a pickup. He states that, in addition to the above-mentioned equipment, he has a home and a garage worth approximately \$2,000, against which there is an obligation of \$400.00; that his semi-trailer is worth approximately \$850.00, against which there is due \$400.00, but that he will be able to borrow enough money on his equipment to pay the purchase price of this certificate, and feels that he is



financially able to conduct an operation within the authority of this certificate.

Protestants objected to the granting of any authority to make a transfer of Certificate 451 for the reason that this certificate has been consolidated with Certificate No. 350, and, under Rule 6 of the Commission's rules and regulations, no separation should be permitted of these two authorities without a showing that it was in the public interest to make such separation.

Charles McMillan, president of the McMillan Transfer and Storage Company, testified that in making his road reports he intended that they should cover Certificate 350 and Certificate 451; that the policies of insurance carried during past years were intended to cover both of these certificates; that at the present time, and for some years past, no office has been maintained in Boulder; that he conducted all of his business from the Fort Collins headquarters; that while he had not maintained an agent in Boulder for the past ten years, he did have representatives or local people residing in Boulder who reported to him prospective customers who were going to move, and invariably took the matter up directly to see if he could have their business. Mr. McMillan further stated that he had no intention of consolidating these certificates so that they could not later be sold should he have a purchaser.

W. S. Craghead, Boulder, Colorado, holder of Certificate 352, with authority similar to the authority granted under Certificate 451, testified that he was ready, able and willing to take care of all moving requirements in Boulder County, particularly in the city of Boulder; that inasmuch as no service has been performed in Boulder under Certificate 451 for the past ten years, it should not be brought to Boulder in direct competition with him and his business without a showing of convenience and necessity; that if this transfer is authorized, it will result in competition which will impair his present services and render him less able to maintain the equipment now required in order to meet the demands in Boulder, and further, that the transferee, Ralph E. Yockey, has

been connected with operations that were in violation of the rules and regulations of the Commission.

W. S. Craghead's protest of the granting of authority to transfer on account of abandonment over a long period of time, and for the further reason that he is at the present time equipped and able to take care of all of the transportation service of this character needed in Boulder, is not a sufficient basis for the finding of abandonment, when the record discloses that the McMillan Transfer and Storage Company had no such intention, and inserted on its monthly reports the number "451" along with the number of its other certificate "350".

Protestants' objection to this transfer on the grounds that this certificate had been consolidated with Certificate 350 and moved to Fort Collins for the past ten years, during which time there was no operation to speak of out of Boulder, is not sufficiently supported by the record herein, but, on the contrary, it appears that Certificate 451 was invariably mentioned on the monthly reports by the transferor during the past ten years, and the testimony of Mr. McMillan was to the effect that he had no idea of consolidating these authorities in such a way that he could not sell one of them.

The transferee appears to be a man of some experience and possesses equipment and property which qualify him as being financially able to conduct the operation. The statement as to his having been connected with his brother, operating under another authority owned solely by his brother, and to have violated the rules and regulations of the Commission, does not appear to be a sufficient charge to disqualify the transferee.

After careful consideration of the record, the files herein, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the authority to make the transfer should be granted.

#### O R D E R

IT IS THEREFORE ORDERED, That the McMillan Transfer and Storage Company, a corporation, should be, and it hereby is, authorized to transfer all of its right, title and interest in and to Certificate No. 451 to Ralph E. Yockey, Boulder, Colorado.

The authority granted under Decision No. 2700, dated January 24, 1930, the same being Certificate No. 451, is as follows:

"The conduct of a transfer, moving and general cartage business in the counties of Boulder, Larimer, Adams and Weld, in the State of Colorado, and for occasional service throughout the State of Colorado, and in each of the counties thereof, subject to the terms and conditions hereinafter stated.

"For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which shall be as much as twenty per cent higher in all cases than those charged by scheduled carriers.

"The applicant shall not operate on schedule between any points.

"The applicant shall not engage in the business of carrying parcels or packages commonly carried by carriers rendering an express service.

"The applicant shall not under this certificate be permitted, without further authority from the Commission, to establish a branch office or to have an agent employed in any other town or city than Boulder for the purpose of developing business."

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order, shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 D. Danks

W. L. Danks

James E. Danks  
Commissioners.

Dated at Denver, Colorado,  
this 7th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ELMO L. MOTSINGER, OF KIRK, COLO- ) PERMIT NO. A-542  
RADO. )  
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-----  
August 7, 1940.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Elmo L. Motsinger, of Kirk, Colorado, requesting that his Permit A-542 be suspended for a period of one year.

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 Elmo L. Motsinger should be, and hereby is, allowed to suspend his operations under Permit No. A-542 for a period of not to exceed one year from July 17, 1940.

IT IS FURTHER ORDERED, That unless said Elmo L. Motsinger 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. Decker  
W. C. Daubert  
Walter E. Wilson  
Commissioners

Dated at Denver, Colorado,  
this 7th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES E. HITCHENS, OF STEAMBOAT )  
SPRINGS, COLORADO. )  
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PERMIT NO. B-1359

-----  
August 7, 1940.  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles E. Hitchens requesting that his permit No. B-1359 be suspended for a period of six months from July 21, 1940.

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 Charles E. Hitchens should be, and hereby is, allowed to suspend his operations under Permit No. B-1359 for a period of not to exceed six months from July 21, 1940.

IT IS FURTHER ORDERED, That unless said Charles E. Hitchens 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 D. Danks  
W. C. Danks  
William Smith  
Commissioners

Dated at Denver, Colorado,  
this 7th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
R. H. WATTS, OF TIMNATH, COLORADO. )  
-----

PERMIT NO. A-1883

-----  
August 7, 1940.  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his permit No. A-1883 be suspended for the "balance of the year."

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

O R D E R

IT IS THEREFORE ORDERED, That R. H. Watts should be, and hereby is, allowed to suspend his operations under Permit No. A-1883 for a period of not to exceed six months from July 3, 1940.

IT IS FURTHER ORDERED, That unless said R. H. Watts 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

Eduard D. Deane

W. L. Danks

Wm. E. Emerson

Commissioners

Dated at Denver, Colorado,  
this 7th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

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

PERMIT NO. B-1497

-----  
August 7, 1940.  
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S T A T E M E N T

By the Commission:

On January 17, 1940, Decision No. 14637, the Commission issued an order suspending the above numbered permit for a period of six months.

The Commission is now in receipt of a communication from permittee requesting an additional six months' suspension.

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

O R D E R

IT IS THEREFORE ORDERED, That W. F. Brenner should be, and hereby is, allowed to suspend his operations under Permit No. B-1497 for a period of not to exceed six months from July 17, 1940.

IT IS FURTHER ORDERED, That unless said W. F. Brenner 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 D. O'Connell

W. C. Danks

Wm. E. Eason

Commissioners

Dated at Denver, Colorado,  
this 7th day of August, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
TOM DENTON. )

) P.U.C. No. B-2053  
)

-----  
August 14, 1940  
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S T A T E M E N T

By the Commission:

On May 20, 1940 ~~xxxx~~, by order of the Commission, Decision  
No. 15416, Tom Denton of Fruita,  
Colorado was given authority to suspend operations under  
PUC No. B-2053 from March 1, 1940 for a period of six months with the privilege  
of reinstatement.

The Commission is now in receipt of a communication from permittee  
requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary  
certificate of insurance, cash deposit, and otherwise having complied with the  
rules and regulations of the Commission governing private carriers,  
the Commission is of the opinion and finds that said order of suspension should  
be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and  
hereby is, set aside and that PUC No. B-2053 be, and the same hereby is,  
restored to its active status as of the date of this order July 6, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eward J. D. D.

McDank

W. H. H.

Commissioners

Dated at Denver, Colorado,  
this 14th day of August, 1940 ~~xxxx~~  
R

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
STUART TRUCK LINE. )  
 ) P.U.C. No. 937  
 )  
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-----  
August 14, 1940  
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S T A T E M E N T

By the Commission:

On February 5, 1940 ~~1939~~, by order of the Commission, Decision  
No. 14802, the Stuart Truck Line of Brighton,  
Colorado was given authority to suspend operations under  
PUC No. 937 for a period of six months with the privilege  
of reinstatement.

The Commission is now in receipt of a communication from permittee  
requesting that said permit be restored to its active status.

After careful consideration, permittee having on file the necessary  
certificate of insurance, cash deposit, and otherwise having complied with the  
rules and regulations of the Commission governing common carriers,  
the Commission is of the opinion and finds that said order of suspension should  
be set aside and said permit be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension be, and  
hereby is, set aside and that PUC No. 937 be, and the same hereby is,  
restored to its active status as of ~~the date of this order~~ July 24, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. C. Danks

Walter E. Evers

Commissioners

Dated at Denver, Colorado,  
this 14th day of August, 1940 ~~1939~~.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )0  
WAYNE TAYLOR, OF BREEN, COLORADO.)  
-----

PERMIT NO. C-3203  
PUC 389

-----  
August 16, 1940  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above named permittee requesting that his Permit C-3203 be cancelled and his Certificate, PUC 389, suspended "temporarily."

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 C-3203, heretofore issued by the Commission to Wayne Taylor, be, and the same is hereby, declared cancelled.

IT IS FURTHER ORDERED, That Wayne Taylor should be, and hereby is, allowed to suspend his operations under Certificate of public convenience and necessity, PUC 389, for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Wayne Taylor 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

Eduard E. Danks  
W. E. Danks  
William Erickson

Commissioners

Dated at Denver, Colorado,  
this 16th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. M. MOORE, DOING BUSINESS AS )  
COLORADO-NEBRASKA TRANSPORT COM- )  
PANY, OF 436 S 7th, GRAND JUNCTION, )  
COLORADO. )  
-----

PERMITS NOS. B-2385 and B-2385-I

-----  
August 16, 1940  
-----

S T A T E M E N T

By the Commission:

On February 5, 1940, the Commission suspended the above numbered permits for a period of six months (Decision No. 14799).

The Commission is now in receipt of a communication from permittee requesting that his permits be suspended for an additional six months' period.

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

O R D E R

IT IS THEREFORE ORDERED, That W. M. Moore, doing business as Colorado-Nebraska Transport, be, and he hereby is, allowed to suspend his operations under Permits Nos. B-2385 and B-2385-I for a period of not to exceed six months from August 5, 1940.

IT IS FURTHER ORDERED, That unless said W. M. Moore, doing business as Colorado-Nebraska Transport, shall, prior to expiration of said suspension period, reinstate said permits by filing insurance and otherwise complying with all rules and regulations of the Commission applicable to private and interstate carrier permits, said permits, without further action by the Commission, shall stand revoked without right to reinstate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward J. Dunder  
W. L. Danks  
Madeline Erickson

Commissioners

Dated at Denver, Colorado,  
this 16th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

D. D. SHAKESPEARE. )

PERMIT NO. B-2421-I

August 16, 1940

S T A T E M E N T

By the Commission:

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

D. D. Shakespeare.....of Delta, Colorado,

requesting that his Permit No. B-2421-I.....be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-2421-I, heretofore issued  
to D. D. Shakespeare,.....be,  
and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Eugene D. Thomas*  
*W. D. Quirk*  
*Walter Smith*

Commissioners.

Dated at Denver, Colorado,  
this 16th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THE BRYANT AUTO LIVERY, OF ) P.U.C. No. 105  
COLORADO SPRINGS, COLORADO. )  
-----  
(417 E. Pikes Peak, Colo. Spgs.)

-----  
August 16, 1940  
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S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. Fred Bryant (wife of Fred Bryant, deceased) requesting that certificate of public convenience and necessity, PUC 105, 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 Mrs. Fred Bryant should be, and hereby is, allowed to suspend operations under PUC 105 (certificate of public convenience and necessity formerly operated by Fred Bryant, now deceased) for a period of not to exceed six months from the date hereof.

IT IS FURTHER ORDERED, That unless said Mrs. Fred Bryant 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. Daniel  
W. L. Danks  
Wm. S. Smith  
Commissioners

Dated at Denver, Colorado,  
this 16th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
SEVEN FALLS COMPANY, COLORADO )  
SPRINGS, COLORADO. )  
-----

CASE NO. 13776-TNS.  
P. U. C. 166

-----  
August 9, 1940  
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Appearances: Melvin S. Weimer, General Manager,  
Seven Falls Company, Colorado  
Springs, Colorado, for Respondent;  
A. A. von Egidy, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

On July 8, 1940, the Commission issued an order in the above-numbered case, revoking and cancelling Certificate No. 166 on account of respondent having failed to keep on file the required certificate of insurance.

Respondent appeared at the hearing and represented that through some misunderstanding with his insurance company, he could not get insurance under this certificate, and that if given ten days time, he would be able to arrange for an insurance certificate. This certificate should have been filed on July 18 in order to comply with this stipulation. It was not filed until July 27th.

Respondent now requests that the revocation order be set aside for the reason that he was obliged to seek another insurance company to write his insurance, and after getting this company to write the same, he had it dated back to cover from July 10th. He also represents that through no fault of his own, this insurance certificate was not with the Commission as agreed.

The record shows that a proper insurance certificate is now on file.

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

**O R D E R**

IT IS THEREFORE ORDERED, That the order contained in Decision No. 13776-Ins., dated July 8, 1940, should be, and the same hereby is, set aside and held for naught, and Certificate No. 166 restored to its original status.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Danks

W. C. Danks

Walter E. Erickson  
Commissioners

Dated at Denver, Colorado,  
this 9th day of August, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. H. PETERS, DOING BUSINESS AS )  
"NORTHWEST MOTOR CARGO," OMAHA, )  
NEBRASKA, FOR AUTHORITY TO TRANSFER ) INTERSTATE CERTIFICATE NO. 1157-I  
P.U.C. NO. 1157-I TO BOS TRUCK )  
LINES, INC., 508 SOUTH 12TH AVENUE, )  
MARSHALLTOWN, IOWA. )

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-----  
August 10, 1940  
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S T A T E M E N T

By the Commission:

Heretofore, J. H. Peters, doing business as "Northwest Motor Cargo," Omaha, Nebraska, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle in interstate commerce, and Certificate No. 1157-I issued to him.

Said certificate-holder now seeks authority to transfer said certificate to Bos Truck Lines, Inc., Marshalltown, Iowa.

The records and files of the Commission fail to disclose any reason why said request should not be granted.

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

O R D E R

IT IS THEREFORE ORDERED, That J. H. Peters, doing business as "Northwest Motor Cargo," Omaha, Nebraska, should be, and he hereby is, authorized to transfer all of his right, title and interest in and to Interstate Certificate No. 1157-I to Bos Truck Lines, Inc., Marshalltown, Iowa, subject to the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferee shall have the necessary

insurance on file with the Commission, and said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of this Commission.

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

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wines

W. C. Danks

Malcolm S. Wilson  
Commissioners

Dated at Denver, Colorado,  
this 10th day of August, 1940.

111

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RALPH DUNN, RURAL ROUTE 4, GRAND )  
JUNCTION, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 5426-PP

-----  
August 10, 1940  
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Appearances: Ralph Dunn, Route 4, Grand  
Junction, Colorado, pro se;  
Fellin Brothers, Ouray, Colo-  
rado, by Oliver Fellin,  
pro se.

S T A T E M E N T

By the Commission:

At the hearing, applicant testified that his ore haul would be confined to the transportation of ore to what is known as "Mesa Creek" situated approximately nine miles from Uravan, to Uravan, and mining supplies which would originate at Grand Junction and Uravan for delivery to mines in the Mesa Creek area.

Applicant further testified that he did not have any particular desire to transport sand and gravel and had no customers for such work.

While applicant seeks a radius of one hundred miles of Grand Junction, any permit issued herein will be confined to the territory which applicant's testimony shows that he desires to serve. Common carriers are now serving between Grand Junction and Uravan, and we believe the transportation of mining supplies should be limited to those that originate at Uravan, only.

The financial standing and operating reliability of applicant were established to the satisfaction of the Commission. He operates one 1 $\frac{1}{2}$ -ton dump truck.

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

O R D E R

IT IS THEREFORE ORDERED, That Ralph Dunn, of Grand Junction, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ore from mines in what is known as the "Mesa Creek" area to Uravan, Colorado, including the right to transport mining supplies from Uravan to said mines.

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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Wheeler

W. H. Danko

Marion Erickson

Commissioners

Dated at Denver, Colorado,  
this 10th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE ANNUAL REPORT OF PLATEAU )  
VALLEY LIGHT AND POWER COM- )  
PANY, AMORE RASO, PRESIDENT, )  
GRAND JUNCTION, COLORADO. )  
-----

CASE NO. 4821

-----  
August 12, 1940  
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S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above-named respondent was, heretofore, granted a certificate of public convenience and necessity in application No. 1882, authorizing such respondent to engage in the business of an electric utility, and it is now enjoying the privileges so granted.

Information has come to, and the records of, the Commission disclose that the above-named respondent has violated the law and the rules and regulations of the Commission, by failing and neglecting to file its Annual Report for the year 1939, as required, and that said respondent is now operating under said authority in violation of said law, rules and regulations.

The Commission is of the opinion, and so finds, that a complaint against the respondent should be instituted on its own motion, and that a hearing and investigation be entered into to determine if said respondent has failed, refused, and neglected to comply with the law and rules and regulations of the Commission by its failure to file its Annual Report for the year 1939.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that a complaint be instituted against the respondent, Plateau Valley Light

and Power Company, and that investigation and hearing be entered into to determine if said respondent has failed, refused, and neglected to comply with the law and the rules and regulations of the Commission in the matter and in the particulars aforesaid.

IT IS FURTHER ORDERED, That the said respondent show cause, if any it has, by written statement filed with the Commission within fifteen (15) days from this date why it should not enter an order revoking the aforesaid certificate of public convenience and necessity issued to respondent on account of the aforesaid violations of the law and the rules and regulations of this Commission and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That the said matter be set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on the 10th day of September, A. D., 1940, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard E. Dwyer  
W. C. Danks  
Malcolm Ericson  
Commissioners

Dated at Denver, Colorado,  
this 12th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF THE WEAVER LUMBER AND MERCANTILE )  
COMPANY, OF AUSTIN, COLORADO, FOR ) APPLICATION NO. 2968-PP-B  
AN EXTENSION OF PERMIT NO. B-1408. )  
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August 14, 1940  
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Appearances: R. L. Weaver, Austin, 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 April 3, 1936, applicant was issued a Class "B" permit which authorized the transportation of:

"farm products, including fruit, from ranches and orchards within a radius of 15 miles of Austin, Colorado, to railroad loading points in and out of said area; and oils, greases and petroleum products for Standard Oil Company, distributor; and grain sacks, farm implements and mixed feed from Denver and Grand Junction to Austin."

The instant application seeks an extension of said authority to permit the transportation between Denver and Delta, and Grand Junction and Delta, of oils, greases, petroleum products, grain sacks, farm implements, mixed feed, empty containers, and all types of seed.

At the hearing, witness for applicant testified that all of their customers live in Delta, and they had been hauling to Delta from both Grand Junction and Denver. A representative of the Standard Oil Company at Delta testified as to the service that had been rendered for him by applicant, which, he stated, was of a highly satisfactory nature.

On behalf of protestants, the service rendered by Rio Grande Motor

Way, Inc., between Denver and Delta and Grand Junction and Delta was given in detail. It would appear from the record that such service consists in daily six-times-a-week service from Denver to Delta, leaving Denver at 6:00 P.M. and arriving at Delta at 2:00 P.M. the following day; that service out of Grand Junction to Delta consists of two operations per day. Protestants testified that other private carriers were also serving between Denver and Delta, and Grand Junction and Delta.

We are at a loss to understand from the record how applicants conceived that they had any authority to operate between Denver and Delta or Grand Junction and Delta, as their authority specifically reads "to Austin" and not to Delta. The application which they filed for their original authority stated that they desired to serve Austin, and they were granted exactly what they asked for.

In view of the record as to present existing service, it would appear that shippers now have adequate transportation service by common carriers between Denver and Delta and between Grand Junction and Delta; that the granting of any further authority would tend to impair such common carrier service, and we are further of the opinion that the violation of the terms of their permit by applicants was not justified and must be taken into consideration in reaching a decision in the instant case.

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

#### O R D E R

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward E. O'Connell*  
*W. C. Pauls*  
*William G. Quinn*  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of August, 1940



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
E. L. TITTLE, OF JOHNSTOWN, COLORADO, ) APPLICATION NO. 3667-PP-A-B  
FOR AN EXTENSION OF PRIVATE PERMIT )  
NO. A-552. )  
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August 14, 1940  
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Appearances: E. L. Tittle, Johnstown, Colorado,  
pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for Common Carrier Division of  
The Colorado Motor Carriers  
Association.

S T A T E M E N T

By the Commission:

Applicant is now operating under Permit A-552, which authorizes transportation service in the vicinity of Johnstown. In the instant application, he is seeking to extend his authority to include the transportation of cement from cement mill located eight miles west and twenty-five miles north of Johnstown, to Johnstown, said service to be limited to Fred Harsh Lumber Company, of Johnstown, as his sole and only customer.

Applicant testified that the service he proposed would be occasional, only, and somewhat in the nature of an emergency operation.

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

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

O R D E R

IT IS THEREFORE ORDERED, That E. L. Tittle, of Johnstown, Colorado, be, and he is hereby, authorized to extend his operations under Private Permit No. A-552 to include the transportation of cement from the cement mill located 8 miles west and 24 miles north of Johnstown, to

Johnstown, Colorado, for the Fred Harsh Lumber Company, of Johnstown, only.

IT IS FURTHER ORDERED, That applicant shall not transport any cement under this extension for any other customers than the said Fred Harsh Lumber Company without special authority from the Commission after due notice to interested parties and a hearing.

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 E. Turner

W. L. Danks

Walter J. Smith  
Commissioners.

Dated at Denver, Colorado,  
this 14th day of August, 1940.

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE ANNUAL REPORTS OF EAGLE )  
VALLEY TELEPHONE COMPANY, )  
C. R. MC CARTHY, PRESIDENT, )  
EAGLE, COLORADO. )  
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CASE NO. 4822

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August 12, 1940  
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S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above-named respondent is operating as a public utility under the law and is engaged in the business of a telephone company.

Information has come to and records of the Commission disclose that the above-named respondent has violated the law and the rules and regulations of the Commission by failing and neglecting to file its annual reports for the years 1938 and 1939, as required, and that said respondent is now operating in violation of said law, rules and regulations.

The Commission is of the opinion, and so finds, that a complaint against the respondent should be instituted, on its own motion, and that a hearing and investigation be entered into to determine if said respondent has failed, refused, and neglected to comply with the law and rules and regulations of the Commission by its failure to file its annual reports for the years 1938 and 1939.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that a complaint be instituted against the respondent, Eagle Valley Telephone Company, and that investigation and hearing be entered into to determine if said respondent has failed, refused, and neglected to comply with the law and the rules and regulations of the Commission in the matter and in the particulars aforesaid.

IT IS FURTHER ORDERED, That the said respondent show cause, if any it has, by written statement filed with the Commission within fifteen (15) days from this date why it should not enter an order revoking the aforesaid certificate of public convenience and necessity issued to respondent on account of the aforesaid violations of the law and the rules and regulations of this Commission and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That the said matter be set down for hearing before the Commission, in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A.M., on the 10th day of September, A.D., 1940, 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. D. Danks  
Malcolm Erickson  
Commissioners

Dated at Denver, Colorado,  
this 12th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN CLOUS, WINDSOR, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 5436-PP

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August 12, 1940  
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Appearances: John Clous, Windsor, Colorado,

pro se;

Charles D. Young, Denver, Colo-  
rado, for Livestock Carriers'  
Division of The Colorado  
Motor Carriers' Association,  
J. J. Schaefer, H. C. Thompson,  
Dewey Bibbey and Vernon Dotson;  
Raymond Danks, Esq., Denver, Colo-  
rado, for the Common Carriers'  
Division of The Colorado Motor  
Carriers' Association.

S T A T E M E N T

By the Commission:

At the hearing, applicant testified that he owns a 1937 Chevrolet 1½ ton truck, and that he would like to "pick up a few days work occasionally" by hauling small lots of cattle and farm products within a radius of ten miles of Windsor. The application, as filed, also seeks authority for an in-and-out service from said area, which service applicant waived at the hearing.

Applicant testified that there seemed to be plenty of trucks to take care of the demands, but he saw farmers hauling stock for their neighbors, particularly from farm sales, and believed that he could get some work to do.

In opposition to the granting of the authority sought, a common carrier operating in the Windsor district testified that there was no need for any additional service; that the common carriers now serving the

area were having a hard time to make both ends meet, due largely to the competition of so-called "C" carriers, and that the granting of any further authority would materially impair the service of the common carriers. He further testified that if any need did arise for more service, he was in a position to put on additional trucks.

In view of the fact that the law provides that the Commission may not grant private permits if, in its opinion, the same would impair the service of established common carriers, we can reach no other conclusion in the instant application, upon the record as made, than that sufficient service is now available to shippers in said district, and that the granting of further permits would materially impair presently established common carrier operations.

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

O R D E R

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

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard E. Danks  
W. L. Danks  
William E. Danks  
Commissioners

Dated at Denver, Colorado,  
this 12th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED MELONEY, STERLING, COLORADO, FOR ) APPLICATION NO. 3037-PP-B  
AN EXTENSION OF HIS PRIVATE PERMIT )  
NO. B-1492. )  
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August 14, 1940  
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Appearances: Montague and Magnuson, and John P. Beck, Esq.,  
Denver, Colorado, for the applicant;  
Marion F. Jones, Esq., Denver, Colorado,  
for William Blankenbeckler, et al.;  
Raymond B. Danks, Esq., Denver, Colorado,  
for the Common Carrier Division of The  
Colorado Motor Carriers' Association;  
Wayne Reese, Longmont, Colorado, for  
the Colorado Livestock Association;  
J. R. Arnold, Denver, Colorado, for  
the Northeastern Motor Freight.

S T A T E M E N T

By the Commission:

Fred Meloney, Sterling, Colorado, by the instant application, seeks an extension of his Permit B-1492, to include the transportation of livestock, only, into and out of his present radius of fifteen miles around Sterling, Colorado, and farm products from point to point within a radius of twenty-five miles of Sterling, Colorado.

The applicant testified that he needed this additional authority in order to satisfy the demands of his customers, and, particularly, the demands coming from L. C. Hoover of the Hoover Sales Pavilion and H. E. McKenzie of the Sterling Sales and Commission Company, which two institutions conducted sales aggregating between ten and fifteen thousand head each per annum (most of which livestock had to be moved in and out of the sales yards by truck), and numerous other cattle feeders and pure bred cattle raisers; that some of the livestock sold at these sales barns were purchased by persons living outside of the fifteen-mile radius around Sterling where the applicant is authorized to serve, and when such parties sought his services he was obliged to decline the business on account of having no authority; also, that some of the livestock destined to the sales barns was from outside of his

fifteen-mile radius around Sterling, and when called upon to transport such livestock he did not have authority; also, pure bred cattle raisers in the Sterling area at times sold breeding stock to parties outside of said area, and, in this connection, the applicant was unable to take such business on account of lack of authority; that in some cases when there was more than one load of livestock to be moved from or to points outside of the Sterling area, the applicant made an arrangement with Lester Smith to operate under his authority; and that, at other times, when some one called on the applicant to transport livestock, such party not being listed as a customer, or living outside of his authorized territory, he undertook the job whenever he considered it "an emergency," regardless of the fact that he was not qualified to render the service. The applicant frankly stated that he had been apprehended at least three times, fined twice in justice court, and required to pay \$50.00 by a show cause order and hearing had by the Commission, and that, since the issuance of the order by the Commission settling the penalty assessed in Case No. 4778, he had again violated the rules of the Commission by undertaking and rendering service outside of his authority, and further stated that at the present time when called upon, whether outside of his authority or not; if it was by him considered an emergency he did the job. However, sometimes he called Smith, Blankenbeckler, or the Commission. The applicant further stated that he had a rate book and read it. Also that at times he declined to serve because he did not have an in and out authority, but in such cases the shippers got others to do the work, and he did not think the shipping public suffered for lack of service.

H. E. McKenzie and L. C. Hoover, each operating a sales barn at Sterling, testified as to the need for truck transportation to and from sales yards at each sale held, and each testified that he needed an in-and-out service between his barn in Sterling and points outside of the fifteen-mile radius which the applicant now has authority to serve.



E. A. Hammill, farmer and livestock feeder, A. H. Tetsell, mayor of Sterling and a rancher and cattle man, and A. R. Tedenhoft, livestock feeder, each testified in substance that in connection with their livestock business there was quite a demand for the transportation of cattle and other stock to and from their farms; that they had used the services of Mr. Meloney and found the same to be highly satisfactory. Not only these three witnesses, but also the sales barn operators, testified that there were a number of other operators in the Sterling area, particularly William Blankenbeckler and Lester Smith, both of whom had good equipment and rendered good service, there being no dispute on the character of service rendered by authorized carriers, with the one exception of some difference in personal opinion, or a misunderstanding, which had occurred between Mr. Hoover and Mr. Blankenbeckler.

Each of the sales barn operators, as well as the stock feeders and farmers who testified in behalf of the applicant, stated that at times they had movements of livestock to or from the area outside of the fifteen-mile radius around Sterling, and were obliged to call upon others than the applicant, and while there may have been some delay, in each instance they got the job done.

There was some testimony which indicated that some shippers had tried to have livestock moved at less than the prescribed rate, but each of the shippers testified that so far as he knew the rates charged by each of the authorized carriers in the Sterling district were the same.

There was also some testimony which indicated that the applicant had not observed the rates on livestock where the weight was less than the minimum. However, it did appear that Evan Meloney, son of the applicant, intended to take over the job of managing the transportation service for his father, and intended to do his best to observe all of the rules and regulations of the Commission.

Evans has been a driver for some time past, and whether there was to be a change in his authority or status, different from what it was six months ago, did not clearly appear.

William Blankenbeckler, Sterling, Colorado, holder of Certificate No. 992, Delbert Hawkins, Peetz, Colorado, holder of Certificate No. 870, John Hellbusch, Crook, Colorado, joint owner of Certificate No. 818, Lester Smith, Sterling, Colorado, holder of Certificate No. 1276, Ture Nelson, Sedgwick, Colorado, holder of Certificate No. 858, E. F. Anderson, Akron, Colorado, holder of Certificate No. 577, William F. Ackley, holder of Certificate No. 620, and C. E. Courtwright, Julesburg, Colorado, holder of Certificate No. 1147, each holding authority to render a service between the Sterling area and points within their respective territories in Northeastern Colorado, testified that they made a business of attending sales barns at Sterling and stood ready to transport livestock to and from the same, and also were in a position to serve cattle feeders and farmers requiring movements of livestock within Northeastern Colorado.

Blankenbeckler possesses two trucks, both maintained at Sterling, and available to meet any demand which may come in. Lester Smith has one truck, and makes a specialty of handling all kinds of livestock and particularly the pure bred stock, and each of these operators stated he was in a position to acquire additional equipment at any time he had a demand from shippers which he could not handle with his own equipment. William F. Ackley, with thirteen livestock trucks, stood ready to meet any and all demands for the movement of livestock in the Sterling area and in and out of the Sterling area, together with the other operators who testified, all maintaining that their equipment was not busy at all times; that they had not refused to accept any hauls for service which may have been made; and that to grant additional authority as sought by the applicant would tend to impair their ability to maintain the equipment which they now have in order to meet the public demand for livestock transportation.

C. E. Courtwright, Ture Nelson, Delbert Hawkins, and William Schiermeyer each testified that while he did not reside within the fifteen-mile radius of Sterling, he had authority to serve in and out of the Sterling area, and stood ready at all times to render such service when called upon, and that to grant an in-and-out service to the applicant as sought would impair his ability to maintain the equipment which he now had. Each of these operators also stated that he had observed the equipment of the applicant, not only before issuance of the show cause order but since that time, moving livestock in and out of his respective territory.

At the conclusion of the hearing, counsel were given ten days within which time to file simultaneous briefs.

Counsel for the applicant, also counsel for protestants, filed interesting written arguments, each of which merits attention.

The record discloses no support for that part of the application pertaining to the transportation of farm products. The record made by the applicant fails to make any showing that the services he proposes to render, if authorized, would not impair the efficiency of present authorized common carriers serving this same Sterling area.

The Commission held, in Re Poole, Decision No. 10707, dated October 9, 1937, that authority to haul for hire should not be granted to individuals who have persistently flouted the law. It was also held, in Re Schultz, 17 PUR (NS) 217, that a private carrier who extends his authority by violating the specific terms of his permit should suffer a penalty of revocation of his permit.

The record discloses violations by the applicant and proceedings before a justice of the peace in two instances. In each a fine was imposed, and a show cause order was brought by the Commission wherein the applicant was required to pay a penalty for like violations. In addition to this, the applicant admits committing at least one similar violation within the last sixty days.

After careful consideration of the record herein, and the written arguments of counsel, the Commission is of the opinion, and finds, that the Sterling area is one of the largest stock feeding areas in the State, and at times the stock-feeding activities, together with the business of the two sales barns located at Sterling, require a heavy movement of livestock; that the Commission has of late denied applications for authority in this area on account of the lack of a showing of public need or demand; that no lack of service appears at the present time from the following: The applicant has calls for service outside of his present authorized Sterling area, but, from the testimony of shippers and truck operators alike, they "got the job done", and, from applicant's statement, when he was obliged to decline to serve, the movement was made otherwise and the public did not suffer from lack of service.

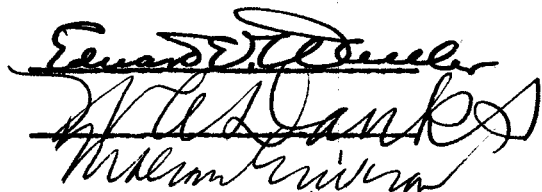
The Commission further finds, from this record, that the applicant has been a persistent violator of the laws and the rules and regulations of the Commission (even since being ordered by the Commission to pay a penalty for such violations), and that the application for an extension should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the instant application of Fred Meloney, of Sterling, Colorado, for an extension of his Private Permit No. B-1492 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

  
Commissioners

Dated at Denver, Colorado,  
this 14th day of August, 1940

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF CHARLES L. WEAKLEY, LOVELAND, ) APPLICATION NO. 3701-PP-BB  
COLORADO, FOR AN EXTENSION OF HIS )  
PRIVATE PERMIT NO. B-1766. )  
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August 12, 1940.  
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Appearances: Charles L. Weakley, 1445 East 1st St.,  
Loveland, Colorado, pro se;  
Ray B. Danks, Esq., Denver, Colorado,  
for the Common Carriers Division of  
The Colorado Motor Carriers Association.

S T A T E M E N T

By the Commission:

Applicant is now operating under Permit B-1766, which authorizes the transportation of certain farm products for certain named customers within a radius of Loveland, Colorado. In the instant application, he seeks to extend his operations to include the transportation of wet beet pulp and beet tailings from point to point within a 25-mile radius of Loveland.

At the hearing, applicant stated that he was willing to restrict his operations under the proposed extension to not exceed ten miles on the east side of Loveland, although he would still desire to go 25 miles north, west and south of Loveland.

In view of this restriction, all objections to the granting of the authority sought were withdrawn.

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

O R D E R

IT IS THEREFORE ORDERED, That Charles L. Weakley, of Loveland, Colorado, be, and he is hereby, authorized to extend his operations under Permit B-1766 to include the transportation of wet beet pulp and beet tailings from point to point within a radius of 25 miles north, south and

west of Loveland and 10 miles east thereof.

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. Decker

W. H. Danks

Wesley E. Quinn  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF JOHN BOLLES, URAVAN, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE ) APPLICATION NO. 5427-PP  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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August 12, 1940.  
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Appearances: John Bolles, Uravan, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

At the hearing, applicant testified that he desired to transport ore from what is known as the "Calamity" mining district, to Uravan, Colorado, with the right to transport mining supplies and camp supplies from Uravan back to the mines in said "Calamity" camp area.

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

Applicant possesses one 1940 1½-ton Ford truck, and his financial standing and operating reliability were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That John Bolles, of Uravan, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ore from mines in what is known as the "Calamity" mining district to Uravan, Colorado, and mine and camp supplies from Uravan to mines located within said "Calamity" mining district.

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, the necessary tariffs and 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. Oliver*  
*W. L. Danks*  
*Maclure Erickson*  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of August, 1940.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. W. THOMSON, OF EGNAR, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE FOR THE TRANSPORTATION )  
OF ORE, SALT, SAWDUST, CONCENTRATES, )  
INTO AND OUT OF A FIFTY-MILE RADIUS )  
OF MESA VANADIUM MILL, LOCATED TEN )  
MILES NORTHEAST OF EGNAR, COLORADO. )  
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APPLICATION NO. 5428-PP

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August 13, 1940.  
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Appearances: J. W. Thomson, Egnar, Colorado,  
pro se;  
Fellin Brothers, Ouray, Colorado,  
by Oliver Fellin, pro se.

S T A T E M E N T

By the Commission:

At the hearing, applicant testified that while he was asking for a 50-mile radius of Egnar, he did not desire to enter into competition with any of the common carriers now serving the Ouray, Telluride and Silverton districts, but only wished to transport vanadium ore and concentrates, salt and sawdust, into and out of a 50-mile radius of the Mesa Vanadium Mill located ten miles northeast of Egnar.

In view of the statement of applicant, no protests 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, the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. W. Thomson, of Egnar, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vanadium ore, concentrates, salt and sawdust, between points within a radius of 50 miles of

what is known as the "Mesa Vanadium Mill", now located approximately ten miles northeast of Egnar, Colorado, and to and from points in said radius from and to other points in the State of Colorado; provided, however, that applicant shall conduct no operations in competition with presently established common carriers operating in San Miguel, Ouray and San Juan Counties.

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, the necessary tariffs and 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

Eduard D. O'Connell

W. L. Danks

Malcolm F. Wilson  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. E. DAUGHERTY, ROUTE 4, BOX 98, )  
MONTROSE, COLORADO, FOR REISSUANCE )  
OF PERMIT NO. B-2049 AND FOR EX- )  
TENSION OF SAME. )

APPLICATION NO. 5391-PP  
(Amended Order)

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August 13, 1940.  
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Appearances: C. E. Daugherty, Montrose, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

On July 3, 1940, Decision No. 15615, the Commission entered its order authorizing C. E. Daugherty to operate as a Class "B" private carrier. Our attention has been called to the fact that Subdivision (d) of said order fails to provide for the transportation of hides, bones, meat scraps, and dead animals from points within a radius of 100 miles of Montrose to the Western Slope Hide and Rendering Company at Montrose, which was a part of the service applied for by applicant and which service it was intended to grant.

After a careful consideration of the matter, the Commission is of the opinion, and so finds, that said original order of July 3, 1940, should be amended to conform to the facts.

O R D E R

IT IS THEREFORE ORDERED, That our order of July 3, 1940, Decision No. 15615, be amended in the following particular, to-wit:

That Subdivision (d) of said order be, and the same is hereby, amended to read as follows:

- (D) Camp equipment and supplies for the National Park Service from and to National Park headquarters about 17 miles northwest of Grand Junction to and from said National Park Camp located about 18 miles northeast of Montrose, also the right to transport hides, bones, meat scraps and dead animals for the Western Slope Hide and Rendering Company from points within a radius of 100 miles of Montrose to the Western Slope Hide and Rendering Company at Montrose and to the Colorado Animal Rendering Company of Denver, over the shortest and most convenient routes.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. McCarty  
W. C. Danks  
William E. Spink  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of August, 1940.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
MIKE POPE, GREELEY, COLORADO, FOR A  
CLASS "B" PERMIT TO OPERATE AS A  
PRIVATE CARRIER FOR HIRE FOR THE  
TRANSPORTATION OF BEETS, DIRT,  
POULTRY, GRAVEL, AND COAL, FROM  
POINT TO POINT WITHIN A 50-MILE  
RADIUS OF GREELEY, INCLUDING DENVER  
AND ESTES PARK.

APPLICATION NO. 5455-PP

August 15, 1940

Appearances: E. H. Houchens, Esq., Greeley, Colo-  
rado, for applicant;  
Raymond Danks, Esq., Denver, Colorado,  
for the Common Carriers Division  
of The Colorado Motor Carriers  
Association and Union Delivery;  
A. J. Fregeau, Denver, Colorado, for  
Weicker Transportation Company;  
Charles D. Young, Denver, Colorado,  
for Livestock Carriers Division  
of The Colorado Motor Carriers'  
Association, J. J. Schaefer,  
Guy D. Ramsey, Vernon Dotson,  
Schwilke Truck Line, Frank  
LaRoche, and Charles Liley & Son.

S T A T E M E N T

By the Commission:

Applicant testified that he is presently engaged in the hauling of ashes and trash in the city of Greeley. He possesses two 1930 Ford 1½-ton trucks, one of which is clear, and he owes approximately \$100.00 on the other one. He also owns his home in Greeley. He only desires to haul beets and not dry or wet beet pulp.

He also testified that he was willing to limit his transportation of poultry to J. E. Johnson of Greeley as his only customer, and would limit the transportation of beets to Jacob Benner, of Kerasy, Colorado, his father-in-law, said transportation to be from the ranch of Jacob

Benner to Kersey. He does not propose to operate any town to town service and would eliminate any hauls into Denver or Estes Park. He further stated that a twenty-mile radius of Greeley would be sufficient for his transportation of coal, and he would not serve any points within a four-mile radius of Erie, Colorado, in the movement of coal. He further proposed to eliminate the transportation of sand or gravel in Boulder County.

As limited by the testimony of applicant, protestants withdrew any objections to the granting of the authority sought.

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

#### ORDER

IT IS THEREFORE ORDERED, That Mike Pope, of Greeley, 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) sand and gravel within a 50-mile radius of Greeley, Colorado, eliminating any service in Boulder County; (b) the transportation of poultry for J. E. Johnson, of Greeley, only, between points within a radius of 50 miles of Greeley, but excluding any town to town service; and (c) the transportation of coal from point to point within a radius of twenty miles of Greeley, excluding any transportation service of coal within a radius of four miles of Erie, Colorado.

IT IS FURTHER ORDERED, That so far as the transportation of poultry and beets is concerned, applicant may not add to the customers above provided for without special authority of the Commission after due notice to interested parties and hearing.

IT IS FURTHER ORDERED, That all operations under this permit shall 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, the necessary tariff, 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 of the laws, rules, and regulations pertaining to his operation which may now or hereafter be in effect.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Danks  
W. Danks

Commissioners.

DATED at Denver, Colorado,  
this 15th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF B. D. MARLOW, PARADOX, COLORADO,	)	
FOR A CLASS "B" PERMIT TO OPERATE	)	<u>APPLICATION NO. 5429-PP</u>
AS A PRIVATE CARRIER BY MOTOR	)	
VEHICLE FOR HIRE.	)	

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-----  
August 13, 1940.  
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Appearances: B. D. Marlow, Paradox, Colorado,  
pro se;

S T A T E M E N T

By the Commission:

At the hearing, no protests were interposed to the granting of the authority sought.

Applicant owns two 1½-ton Ford dump trucks, and his financial standing and operating reliability were established to the satisfaction of the Commission.

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

O R D E R

IT IS THEREFORE ORDERED, That B. D. Marlow, of Paradox, Colorado, be, and he is hereby, authorized to operate as a private carrier by motor vehicle for the transportation of ore from points within a radius of 15 miles of Paradox, Colorado, to Uravan, Colorado; and mining machinery from Uravan to mines within said 15-mile radius of Paradox.

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, the necessary tariffs and 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

W. L. Danks

Malcolm E. Erickson  
Commissioners.

Dated at Denver, Colorado,  
this 13th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. H. BONNEY, RURAL ROUTE 3, GRAND )  
JUNCTION, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5430-PP

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August 14, 1940  
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Appearances: C. H. Bonney, Rural Route 3,  
Grand Junction, Colorado,  
pro se;  
Fellin Brothers, Ouray Colo-  
rado, by Oliver Fellin,  
pro se.

S T A T E M E N T

By the Commission:

At the hearing, applicant testified that he was willing to eliminate any service in the counties of Rio Blanco and Moffat, and also did not desire to enter into competition with either Fellin Brothers, of Ouray, or the Telluride Transfer Company at Telluride, Colorado. Fellin Brothers operates under Certificate No. 871, on call and demand, and have the following authority:

"Transportation (a) on call and demand, of all classes of freight, including ore, from point to point within a radius of 40 miles of Ouray, Colorado, excluding the operation of a motor vehicle service between points on U. S. Highway No. 550 served by Rio Grande Motor Way, Inc.; and (b) a call and demand motor vehicle service from and to points in said area to and from points in the State of Colorado for the transportation of mining machinery, mining supplies (including timber, coal, explosives, etc.), household goods and furniture, building materials and farm products; \*\*\*."

The Telluride Transfer Company operates under Certificate No. 60, authorizing the transportation of:

"General freight, on call and demand, from points within a radius of 50 miles of Telluride, Colorado, to and from points in Colorado; \*\*\*."

As so limited by the evidence, 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, the authority should be granted.

#### O R D E R

IT IS THEREFORE ORDERED, That C. H. Bonney, of 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 ore and concentrates, mine supplies, coal, sand and gravel, from point to point within a radius of one hundred miles of Grand Junction, Colorado; provided, however, that no transportation service shall be rendered in the counties of Rio Blanco and Moffat, nor in competition with the presently authorized operations of Fellin Brothers, operating under Certificate No. 871, or Telluride Transfer Company, of Telluride, Colorado, operating under Certificate No. 60; nor shall any mine supplies be transported except such as may originate at Norwood or Uravan, Colorado, for delivery directly to mines, no town to town service being permitted.

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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Dineen

W. C. Danks

Wm. E. Erickson  
Commissioners

Dated at Denver, Colorado,  
this 14th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRED T. ANDERSON, ROUTE 2, BOX 154, )  
GREELEY, COLORADO, TO TRANSFER TO )  
WILLIAM ROMNEY, OF 2231 10TH AVENUE )  
COURT, GREELEY, COLORADO, HIS CER- )  
TIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY NO. 1275. )

APPLICATION NO. 4617-PP-BB-AA

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August 14, 1940  
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Appearances: Fred T. Anderson, Greeley, Colo-  
rado, pro se;  
Clay R. Apple, Esq., Greeley,  
Colorado, for William Romney;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Common  
Carrier Division of The Colo-  
rado Motor Carriers' Associa-  
tion;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company;  
Charles D. Young, Denver, Colo-  
rado, for The Colorado Motor  
Carriers' Association.

S T A T E M E N T

By the Commission:

On March 7, 1939, Decision No. 13156, a certificate of public convenience and necessity was issued to J. Earl Shepherd, of Greeley, Colorado, which authorized the transportation of milk from farms located in the following described area:

"Beginning at the Town of Ault, Colorado; thence southeast along U. S. Highway No. 85 to the Town of Lucerne; thence east a distance of 2 miles to the northwest corner of Sec. 22, T. 6 N., R. 65 W.; thence south one mile to the southwest corner of said Sec. 22; thence 5 miles east; thence in a southeasterly direction to the northeast corner of Sec. 1, T. 4., R. 63 W.; thence south 3 miles; thence in a northwesterly direction to the southeast corner of Sec. 10, T. 4 N., R. 65 W., thence west 4 miles; thence south one mile; thence west 2 miles; thence south 1 mile; thence west 3 miles; thence north 7 miles; thence west 13 miles; thence north 13 miles; thence east 5 miles to the Town of Ault;"

to Fort Collins, Colorado.

Thereafter, said certificate was authorized to be conveyed from the said J. E. Shepherd to Fred T. Anderson, of Greeley, Colorado, on March 22, 1940, by Decision No. 15071.

In the instant application, authority is sought to convey said certificate known as P.U.C. No. 1275, from the said Fred T. Anderson to William Romey, of Greeley, Colorado.

The evidence disclosed that the said Romey has been actually operating said route since approximately April 1, 1940, under special authority granted by the Enforcement Division of this Commission.

The consideration paid for the certificate, including one truck, was \$2,350.00.

The evidence further disclosed that since taking over the operation, transferee has increased the business and has placed another truck in operation.

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

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

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

#### O R D E R

IT IS THEREFORE ORDERED, That Fred T. Anderson, of Greeley, Colorado be, and he is hereby, authorized to transfer all of his right, title and interest in and to certificate of public convenience and necessity No. 1275 to William Romey, of Greeley, 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. Failure to

file said written acceptance of the terms of this order within thirty (30) days from the effective date of this order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

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

IT IS FURTHER ORDERED, That the order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Wheeler

W. C. Danks

Walter Erickson  
Commissioners

Dated at Denver, Colorado,  
this 14th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
RUPERT E. BORDEN, URAVAN, COLORADO,  
FOR A CERTIFICATE OF PUBLIC CON-  
VENIENCE AND NECESSITY TO OPERATE  
TRUCK SERVICE BETWEEN URAVAN, COLO-  
RADO, AND POINTS WITHIN A ONE  
HUNDRED MILE RADIUS THEREOF, EXCLU-  
DING SERVICE TO OURAY COUNTY, SAN  
JUAN COUNTY, OR THE SOUTH ONE-HALF  
OF SAN MIGUEL COUNTY.

APPLICATION NO. 5451

RE MOTOR VEHICLE OPERATIONS OF  
RUPERT E. BORDEN, URAVAN, COLORADO.

APPLICATION NO. 5595-PP

August 14, 1940

Appearances: Lincoln B. Coit, Esq., Grand  
Junction, Colorado, for applicant;  
Fellin Brothers, Ouray, Colorado,  
by Oliver Fellin, pro se.

S T A T E M E N T

By the Commission:

Applicant is seeking a certificate of public convenience and necessity authorizing the transportation of ore and mining supplies, to be limited to steel, powder, timbers, and mining equipment, between points within a radius of one hundred miles of Uravan, save and except that any service from or to Ouray County, San Juan County, or the south one-half of San Miguel County is eliminated, and provided, also, that all mining supplies must originate at Uravan.

Written protests were filed on behalf of the Receiver for the Rio Grande Southern Railroad Company and G. W. Hawthorne, who operates a motor vehicle service between Grand Junction and Gateway, Colorado.

On behalf of applicant, the evidence disclosed that he owns two 4½-ton White trucks, which are valued at approximately \$10,000; that he has been operating trucks in the vicinity of Uravan and also between



Rifle, Colorado, and Uravan, for several years last past. He testified that due to the increased mining activity in the Uravan territory the public convenience and necessity now require the services of a common carrier.

The U. S. Vanadium Corporation is operating a mill at Uravan, and it was testified that the capacity was approximately 270 tons per day. Another mill has been built south and east of Uravan. One of the officials of the U. S. Vanadium Company testified that in his opinion the public convenience and necessity required the proposed operation of applicant.

It does not appear that any common carrier service is now being rendered in said territory by common carriers, although several private carriers have authority to operate therein.

Applicant testified that he was willing to eliminate any competitive service with Fellin Brothers, of Ouray, Colorado, operating under Certificate No. 871, which authorizes:

Transportation (a) on call and demand, of all classes of freight, including ore, from point to point within a radius of 40 miles of Ouray, Colorado, excluding the operation of a motor vehicle service between points on U. S. Highway No. 550 served by Rio Grande Motor Way, Inc., and (b) a call and demand motor vehicle service from and to points in said area to and from points in the State of Colorado for the transportation of mining machinery, mining supplies (including timber, coal, explosives, etc.), household goods and furniture, building materials, and farm products,-

and the Telluride Transfer Company, operating under Certificate No. 60, which authorizes the transportation of:

"Transportation of general freight, in call and demand service, from points within a radius of 50 miles of Telluride, Colorado, to and from points in Colorado; \* \* \*."

Applicant also agreed to waive any service between points on the line of the Rio Grande Southern Railroad Company.

Applicant is now operating under private carrier authority granted in Application No. 5393, authorizing the transportation of ore between Rifle and Uravan. As the present certificate will cover the same authority, said private carrier authority should be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity require the proposed motor vehicle operations of Rupert E. Borden for the transportation of ore and mining supplies, consisting of steel, powder, timbers, and mining equipment, between points within a radius of 100 miles of Uravan, Colorado, subject to the following restrictions, which, in the opinion of the Commission, the public convenience and necessity require, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor:

(a) No service shall be rendered from or to Ouray or San Juan counties or the south one-half of San Miguel County, nor in competition with the certificate of public convenience and necessity of Fellin Brothers, of Ouray, Colorado, No. 871, or Certificate No. 60 of the Telluride Transfer Company, of Telluride, Colorado.

(b) Applicant shall not render any point to point service on the line of the Rio Grande Southern Railroad Company.

(c) Any and all mining supplies transported under this certificate must originate at Uravan, Colorado.

IT IS FURTHER ORDERED, That the authority granted under Application No. 5395, under date July 3, 1940, be, and the same is hereby, cancelled.

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

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public

enemy, or unusual or extreme weather conditions, and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers, and also subject to any future legislative action that may be taken with respect thereto.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Cullen

W. C. Danks

William E. Smith  
Commissioners.

DATED at Denver, Colorado,  
this 14th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN SEWELL, BOULDER, COLORADO, FOR )  
AUTHORITY TO TRANSFER PERMIT A-1078 )  
TO GOMER S. STERLING, NEDERLAND, )  
COLORADO. )

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APPLICATION NO. 2506-PP-BB-A

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August 14, 1940  
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Appearances: John Sewell, 2127 Walnut St.,  
Boulder, Colorado, pro se;  
Gomer S. Sterling, Nederland,  
Colorado, pro se;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Common  
Carriers' Division of The  
Colorado Motor Carriers'  
Association.

S T A T E M E N T

By the Commission:

By this application, authority is sought to transfer Permit  
No. A-1078.

It appeared from the testimony given at the hearing that the  
consideration for this transaction was six hundred dollars for a truck  
and the permit; that there were no outstanding unpaid obligations as a  
result of previous business conducted under this authority.

It was agreed between the parties that the \$10.00 deposit now  
credited to the transferor should remain with this permit and become  
the property of the transferee.

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 John Sewell of Boulder, Colorado,  
be, and hereby is, granted authority to transfer his right, title and in-

terest in and to Private Permit A-1078 to Gomer S. Sterling, Nederland, Colorado. The authority granted (Permit A-1078) by Decision No. 6783 is as follows:

"The transportation of ore, concentrates, and mining machinery and supplies, for The Rocky Mountain Gold Mining Company, from and to its mine distant about three and one-half miles from Nederland, Colorado, to and from Rollinsville, Boulder, Denver, and Littleton,"

which authority was extended by Decision No. 10733 to include the following:

"The right to transport coal from mines in the northern Colorado coal fields to Boulder and Denver."

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. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall depend 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eward D. Danks  
McDanks  
William G. Quinn

Commissioners

Dated at Denver, Colorado,  
this 14th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JACK McCROHAN, doing business as )  
FORT COLLINS-LARAMIE-WALDEN STAGE ) APPLICATION NO. 1364-AAAA  
LINE, LARAMIE, WYOMING, FOR AUTHORITY )  
TO TRANSFER PART OF CERTIFICATE NO. )  
398 TO THETUS GRANDEE, WALDEN, COLORADO. )  
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August 15, 1940.  
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Appearances: Jack McCrohan, Laramie, Wyoming,  
for applicants.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer that certain authority acquired by the transferor by authority of Decision No. 12814 dated January 4, 1939.

It appeared from the testimony that the consideration for this right, together with two busses, was \$3,000; that there were no outstanding unpaid obligations as a result of previous business conducted under this authority.

Thetus Grandee, the transferee, has for some time been engaged as a driver for the Fort Collins-Laramie-Walden Stage Line and is familiar with the operation. Attached to the application is a statement showing the assets and liabilities of the transferee.

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

After a careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that authority should be granted to Jack McCrohan, doing business as Fort Collins-Laramie-Walden Stage Line, to transfer all of that part of Certificate No. 398-I, covering the right to transport passengers and express between Fort Collins, Colorado, and Walden, Colorado, and all Colorado intermediate

points on U. S. Highway No. 287 and State Highways 127 and 125, to Thetus Grandee.

O R D E R

IT IS THEREFORE ORDERED, That Jack McCrohan be, and he is hereby, authorized to transfer all of that part of Certificate No. 398-I, as acquired from Wood and Laird by Decision No. 12814, dated January 4, 1939, covering the right to transport passengers and express between Fort Collins and Walden, Colorado, and all Colorado intermediate points on U. S. Highway No. 287 and State Highways 127 and 125, to Thetus Grandee, of Walden, Colorado, doing business as Fort Collins-Laramie-Walden Stage Line.

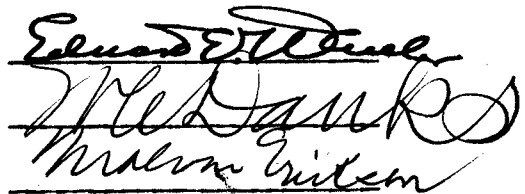
IT IS FURTHER ORDERED, That this operation, which is to be conducted as Fort Collins-Laramie-Walden Stage Line, shall be designated by a new certificate number followed by the letter "I".

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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

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 15th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ASHLEY DRAKE AND LAWRENCE DRAKE FOR )  
AUTHORITY TO TRANSFER PRIVATE PER- )  
MIT NO. A-2493 TO LAWRENCE DRAKE, )  
HAYDEN, COLORADO. )

APPLICATION NO. 5225-PP-AB

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August 14, 1940  
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Appearances: Lawrence Drake, Hayden, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transfer Permit A-2493 from the partnership of Ashley Drake and Lawrence Drake to Lawrence Drake, an individual.

It appeared from the testimony at the hearing that the transferors have dissolved their partnership, and that Lawrence Drake possesses the three trucks which have been operated under this authority; that there are no outstanding unpaid obligations, and that Lawrence Drake proposes to conduct a similar operation to that heretofore carried on by the partnership.

It appeared that, since the issuance of this permit, which was granted for the purpose of transporting coal, only, from the Coryell Mine, south of Hayden, that the same coal mining operators have opened up two additional mines in the immediate vicinity, viz., the Babson Coal Mine, located about two miles distant from the Coryell Mine, and the Sleepy Cat Mine, located about one-fourth mile from the Coryell Mine, and that the transferee desires to render a service moving coal from the three mines above mentioned, and has suggested that there might be some question about the authority, inasmuch as but one mine was mentioned at the time the original authority was granted.



After a careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that authority to transfer this permit should be granted, also that authority should be granted to serve the two additional mines above mentioned.

O R D E R

IT IS THEREFORE ORDERED, That Ashley Drake and Lawrence Drake, Hayden, Colorado, should be, and they hereby are, authorized to transfer Private Permit No. A-2493 to Lawrence Drake, Hayden, Colorado.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future, will comply with the conditions and requirements of this order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of this order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

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 the order contained in Decision No. 14406, dated December 2, 1939 be, and the same hereby is, extended to include the transportation of coal, only, from the Babson Mine and the Sleepy Cat Mine, each located south of Hayden, Colorado, near the Coryell Mine.

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 common carriers having a right to transport coal from the Babson and Sleepy Cat Mines, south of Hayden, Colorado, who desire to protest the granting of the extension herein granted, may do so by filing a written protest with the Commission within twenty (20) days from the effective date of this order and, upon the receipt of such protest, hearing will be set to finally determine the matter of authorizing applicant to serve the Babson and Sleepy Cat Mines.

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Denver  
W. L. Gunkel  
William E. Erickson  
Commissioners

Dated at Denver, Colorado,  
this 14th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BOB CLARK, TOPONAS, COLORADO, FOR )  
AN EXTENSION OF HIS PERMIT NO. B-977.)

APPLICATION NO. 4628-PP-B

-----  
August 14, 1940  
-----

Appearances: Bob Clark, Toponas, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

It appears that, heretofore, the applicant herein was granted  
a Permit, No. B-977, with authority to transport:

lumber, ties, head lettuce, hay and grain with-  
in the area around Toponas extending four miles  
north, ten miles east, ten miles south and ten  
miles west thereof, and with authority to trans-  
port the same commodities from and to points  
within the area, to and from points within a  
fifty-mile radius of Toponas.

The applicant now seeks a rather unusual extension (one hun-  
dred and twenty miles south of Toponas), with authority to transport  
lumber, ties and telephone poles from forests within a fifteen-mile radius  
of Doyleville, Colorado, to railroad loading point near Doyleville.

The applicant has a contract with the Western Paving Construc-  
tion Company, one of his customers, who is desirous of having this work  
performed, limited to timber, ties and telephone poles, to the loading  
point near Doyleville, and, in order to take care of this customer, the  
applicant seeks authority to serve at a location quite a distance from  
his home authority at Toponas.

The record shows that common carriers at Salida, Buena Vista,  
Gunnison, Almont, Canon City, Del Norte, Center and Monte Vista were no-  
tified of the hearing but, inasmuch as the same was to be heard at Steam-  
boat Springs, the distance presumably caused none of the competitors to

appear at the hearing. However, no written protests were filed, and inasmuch as the service sought to be rendered under this extension is for the transportation of timber, ties and telephone poles, there would seem to be no objection to the granting of the authority.

After a careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that an extension should be granted, limited to the transportation of timber, ties, and telephone poles, the items mentioned in the letter filed by C. M. Michner, Superintendent of the Western Paving Construction Company.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-977 should be, and the same hereby is, extended to include the transportation of timber, ties and telephone poles from forests within a radius of fifteen miles of Doyleville, Colorado, to railroad loading point near Doyleville.

IT IS FURTHER ORDERED, That this order 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Guler  
W. C. Danks

William E. Giverson  
Commissioners

Dated at Denver, Colorado,  
this 14th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
HARRY E. COOPER, NUCLA, COLORADO,  
FOR REINSTATEMENT OF PERMIT NO. B-1405,  
AND FOR TRANSFER OF SAME TO LEO F.  
FAGAN, OF NUCLA, COLORADO.

APPLICATION NO. 3023-PP-A

August 15, 1940

S T A T E M E N T

By the Commission:

On March 17, 1936, a Class "B" permit was issued to Harry E. Cooper, of Nucla, Colorado, known as Permit No. B-1405. Thereafter, on November 27, 1937, Decision No. 11014, said permit was suspended for a period of six months, and, no application having been made to reinstate the same, the permit was revoked on June 23, 1938.

On June 18, 1940, an application was filed with the Commission to transfer said permit from the said Harry E. Cooper to Leo F. Fagan.

The permit as originally issued authorized the transportation of:

"Transportation of farm products, including livestock, and farm and mine supplies, including lumber, from point to point within a radius of 30 miles of Nucla, Colorado; and for the transportation of carnotite ore from mines in said area to Montrose and to Denver."

At the time said application for transfer was filed, the Commission was advised by the Highway Courtesy patrolman stationed at Montrose, Colorado, that the service authorized under said permit was badly needed in said Nucla area and recommended that the permit be reinstated and transferred as requested. At said time, the only common carrier operating in the Nucla territory was the Theobald Truck Line, who was advised of the terms of the permit and requested to advise the Commission if they had any objection to the reinstatement and transfer

of same. No objection has been filed with the Commission by said common carrier.

In view of all the circumstances surrounding the permit, the Commission has determined, and so finds, that an order reinstating said permit and authorizing the transfer of same should be issued without the formality of a hearing, as the reliability of transferee was vouched for by said Highway Courtesy Patrol.

#### O R D E R

IT IS THEREFORE ORDERED, That said private permit No. B-1405 be, and the same is hereby, reinstated.

IT IS FURTHER ORDERED, That Harry E. Cooper, of Nucla, Colorado, be, and he is hereby, authorized to transfer all of his right, title, and interest in and to Permit No. B-1405 to Leo F. Fagan, of Nucla, Colorado.

IT IS FURTHER ORDERED, That jurisdiction of the instant matter be, and the same is hereby, retained, to the end that any interested parties may file objections to the action herein taken, provided same are filed with the Commission within sixty days from the date of this order, and, if such objections are filed, the Commission will set said matter down for hearing.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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 of 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

Eduard W. Weller

W. L. Danks

Walter Erickson

Commissioners.

DATED at Denver, Colorado,  
this 15th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LESLIE E. GOSNELL, FRUITA, COLORADO, )  
FOR REINSTATEMENT OF PRIVATE PERMIT )  
NO. B-1475, AND FOR EXTENSION THEREOF )  
TO INCLUDE TRANSPORTATION OF STEEL )  
CONSTRUCTION MATERIAL, TIES, AND LUMBER )  
FROM POINT TO POINT WITHIN A RADIUS OF )  
30 MILES OF FRUITA, COLORADO, FOR JULIUS )  
GOODSTEIN, ONLY, AND GREEN TIMBER FOR )  
ED KOCH, ONLY, FROM HIS VARIOUS MILLS )  
LOCATED 25 MILES NORTH OF GYPSUM AND )  
GORE CREEK TO LUMBER YARDS AT MINTURN, )  
ASPEN, AND GRAND VALLEY, COLORADO. )  
-----

APPLICATION NO. 4601-PP-B

-----  
August 16, 1940.  
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Appearances: Leslie E. Gosnell, Fruita, Colorado,  
                  pro se;  
                  T. A. White, Esq., Denver, Colorado,  
                  for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

On September 21, 1939, by Decision 14035, Permit No. B-1475, heretofore issued to Leslie E. Gosnell, was suspended for a period of six months from said date. Thereafter, on April 30, 1940, said permit was revoked for non-reinstatement. The instant application seeks reinstatement of said permit, as well as extension of same as outlined in the caption hereof.

At the hearing, applicant testified that he had a contract to wreck and move the bridges and ties on the Uintah Railroad, extending from Mack, Colorado, to Atchee, and was willing that when said contract was completed, his authority to transport steel construction material, ties and lumber from point to point within a radius of thirty miles of Fruita should be cancelled.

He further testified that he desired to transport green timber for Ed Koch from the various mills located 25 miles north of Gypsum and Gore Creek to lumber yards at Minturn, Aspen and Grand Valley.

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 Permit No. B-1475 should be reinstated and that the authority thereunder should be extended to include the service outlined by applicant's testimony.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1475 be, and the same is hereby, reinstated.

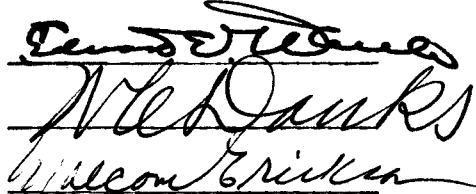
IT IS FURTHER ORDERED, That the authority thereunder be, and it is hereby, extended to include the transportation of steel construction material, ties and lumber, from point to point within a radius of 30 miles of Fruita, Colorado, such service to be limited to operations for Julius Goodstein, only; provided, however, that, such authority shall terminate as soon as applicant has completed his contract for the wrecking and removal of bridges and ties on what is known as the Uintah Railroad.

IT IS FURTHER ORDERED, That the authority under said Permit No. B-1475 be, and the same is hereby, extended to include the transportation of green timber for Ed Koch, only, from his various mills located 25 miles north of Gypsum and Gore Creek to lumber yards at Minturn, Aspen and Grand Valley, 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

  
Commissioners.

Dated at Denver, Colorado,  
this 16th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
VIRGIL D. STORK, DUPONT, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
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APPLICATION NO. 5437-PP

-----  
August 17, 1940  
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Appearances: A. J. Fregeau, Denver, Colo-  
rado, for Weicker Transfer  
and Storage Company and  
Weicker Transportation  
Company;  
Raymond B. Danks, Esq., Denver,  
Colorado, for The Colorado  
Transfer and Warehousemen's  
Association;  
Charles D. Young, Denver, Colo-  
rado, for the Livestock Divi-  
sion of The Colorado Motor  
Carriers' Association and the  
irregular carriers affected;  
Harold Swena, Golden, Colorado,  
for Swena Truck Line;  
H. B. Miner, Denver, Colorado,  
for H. B. Miner Transportation  
Company.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport cement, building materials, oil mix, sand, gravel, rock, dirt, coal, farm products, scrap iron and junk and, occasionally, barrels of gas for contractors, between all points within a fifty-mile radius of Dupont; and the transportation of all commodities and farm products from farms within twenty-five miles of Peetz to markets within the Peetz area.

The applicant amended his application by eliminating therefrom the following: cement, farm products, livestock, scrap iron and junk, within a fifty-mile radius of Dupont; and further stated that he had three customers, one of which was the Tate Sand and Gravel Company

of Denver, for whom he had arrangements to transport sand, gravel, rock, dirt, oil mix, and coal, and hoped to list other contractors in the Denver area; and that his other two customers were Roy French, of Sidney, Nebraska, who had grain farms in Northeastern Colorado, and Charles Stork, his brother, living at Dupont, Colorado.

It appeared that the only item of transportation the applicant had in mind for the Peetz area was service for one customer, probably moving wheat and beets, and that in all of his transportation service, he did not intend to render a town to town service in competition with scheduled common carriers; also that he had in mind the picking up of scrap iron and junk from points around Denver, moving the same to Denver, but did not know of any demand existing at this time for such service; that the building material mentioned in his application would not be from lumber yards, but only in connection with the construction work of contractors, but that, so far, he had no demand for the movement of any kind of lumber, and that the movement of coal would be from the Northern Colorado coal fields to customers within the fifty-mile radius.

Protests were filed by J. J. Schaefer, H. C. Thompson, and Kenneth Gahagan. The record shows that eighty-six competitors were notified of this hearing, and many were represented at the hearing.

Protestants objected to the granting of authority under this application for the reason that no demand was shown except for the transportation of sand, gravel, rock, oil mix, and like construction material, and moved that the application be dismissed on all demands except sand, gravel, rock, oil mix, and like construction material, and coal.

The applicant stated that he had a Ford dump truck and a G.M.C. dump truck, and anticipated that he would use no other kind of equipment except dump trucks in the Denver area sought to be served, and might use a stake body with tight bed for the transportation of bulk grain and beets.

Protestants called attention to the fact that for some time past the Commission had not granted additional service for the movement of sand, gravel, and like materials, in the Counties of Boulder, Clear

Creek, and Gilpin, and that this same policy should prevail in this application, unless a need was shown for such service.

This record discloses that the applicant has an arrangement for rendering a transportation service for the Tate Sand and Gravel Company, Denver, but offered no substantial showing that there was any need whatever for his services in the Peetz area.

After careful consideration of the record and the testimony offered at the hearing, the Commission is of the opinion, and finds, that the motion interposed by protestants should be granted; that authority should be granted to the applicant to transport sand, gravel, rock, oil mix, and like construction material, from pits and supply points within a radius of fifty miles of Dupont, Colorado, to construction jobs within the area, (excluding from this area those parts of Boulder, Clear Creek and Gilpin Counties which lie therein), and coal from the northern Colorado coal fields to customers residing in this same area; and that all other authority sought by the applicant should be denied, on account of the lack of evidence to support the granting of the same.

#### O R D E R

IT IS THEREFORE ORDERED, That the motion of protestants be, and the same hereby is, granted.

IT IS FURTHER ORDERED, That Virgil D. Stork, Dupont, Colorado, be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel, rock, dirt, oil mix, and like construction materials, from pits and supply points within a fifty-mile radius of Dupont, Colorado, to construction jobs in this same area, excluding from said area, however, such parts of Boulder, Gilpin, and Clear Creek Counties as may come within the same; and coal from the northern Colorado coal fields to customers in the Dupont area described.

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, the necessary tariffs, 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 other authority sought by the instant application should be, and the same hereby is, denied.

IT IS FURTHER ORDERED, That this order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. O'Connell

W. L. Danks

Walter E. Harrison

Commissioners

Dated at Denver, Colorado,  
this 17th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOSEPH A. SCHNEIDER, MORRISON, COLO- )  
RADO, FOR A CLASS "B" PERMIT TO OP- )  
ERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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APPLICATION NO. 5439-PP

-----  
August 17, 1940  
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Appearances: Raymond B. Danks, Esq., Denver,  
Colorado, for Foster Truck  
Line;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company, Weicker Transfer and  
Storage Company;  
Charles D. Young, Denver, Colo-  
rado, for Kenneth Gahagan,  
Tiller Cash Coal and Feed  
Company, and the Livestock  
Division of The Colorado  
Motor Carriers' Association;  
Harold Swena, Golden, Colorado,  
for Swena Truck Line.

S T A T E M E N T

By the Commission:

By the instant application, authority is sought to transport farm produce from farm to farm and farm to loading points and markets, farm supplies, equipment, and machinery from towns to farms, all within a radius of twenty-five miles of Morrison, Colorado.

However, from the applicant's testimony, he lived at what is known as Midway, on the Morrison Road between Denver and Morrison, and that all of his customers, except his brother, lived within a five-mile radius of the point known as Midway; that the applicant was a farmer, and during the threshing season was called upon to move grain from combines and threshing machines within the five-mile radius of Midway.

The applicant made the following statements on cross-examination:

1. Eliminate any service within a fifteen-mile radius of Evergreen, Colorado.
2. Eliminate all service in conflict with Harold Swena, who has a roving right extending fifteen miles around Golden, Colorado.
3. That there was no need of additional trucks to move farm supplies and machinery.
4. Eliminate all service in the Arvada area except service for his three brothers, moving bulk grain.
5. Eliminate the movement of any coal to customers in Arvada.
6. "Walter Adams and Foster Truck Line are both my friends, and I propose to render no service in competition with these two."

The applicant further stated that he had temporary authority to render some service during the last month, and that such service as he may have rendered on this temporary authority probably was taken from others, inasmuch as no one ever told him that they were unable to get trucks.

After careful consideration of the record, and more particularly the statements of the applicant wherein he very generously eliminated any service in competition with certain carriers now serving the area sought to be served by himself, such as Foster Truck Line, Walter Adams, Harold Swena, and the Evergreen Transfer, and his admission that such service as he may have rendered under special authority probably took business from other carriers as he never heard any one say they could not get trucks, it would appear that no showing has been made to justify granting authority to this applicant.

#### ORDER

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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward D. O'Connell*  
*W. D. Parks*  
*Malcolm Wilson*  
Commissioners

Dated at Denver, Colorado,  
this 17th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ELDON W. WALLACE, RIFLE, COLORADO, ) APPLICATION NO. 2620-B  
FOR AN EXTENSION OF HIS CERTIFICATE )  
NO. 802. )  
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August 17, 1940.  
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Appearances: Marion F. Jones, Esq., Denver, Colorado,  
attorney 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 December 6, 1935, Decision No. 6909, a certificate of public convenience and necessity was granted to Eldon W. Wallace, which authorized:

" . . . the transportation, not on schedule, of general freight and livestock from point to point within all that part of Garfield County which is west of a line drawn north and south through New Castle, Colorado; livestock from all points in said area to markets in Pueblo and Denver; farm machinery, farm products and farm supplies, coal, furniture and household goods (specifically excluding merchandise) from and to points within said area to and from points within the State, . . .; provided, however, that said applicant shall not establish a line haul carrier service under this certificate, and for the transportation of all freight other than farm products, livestock, furniture and household goods between points served by scheduled motor vehicle or railroad common carrier service, he shall charge rates which in all cases shall be at least twenty per cent in excess of those charged by said carriers, and his rates for the transportation of furniture and household goods shall not be less than those provided by tariff of Colorado Transfer and Warehousemen's Association now or hereafter on file with the Commission."

In the instant application he seeks to extend his authority to include the transportation, on call and demand, of brick and building material to and from points in Mesa and Garfield counties from and to points in the territory already authorized to be served under said certificate.

At the hearing, applicant testified that he also desired to include the transportation of livestock from the pickup area which he is now authorized to serve so far as livestock is concerned to and from other points in the



State, his original authority being limited to markets in Pueblo and Denver. He further stated that his transportation of brick and building material would not be between towns and that he had contacted the call and demand carriers in Grand Junction, who had no objections to his obtaining the authority sought.

No written protests were filed against the application

A pplicant was granted temporary authority to move certain brick, which authority has expired, although some 6,000 of the brick still remain to be moved. This brick is approximately two miles off the main highway.

Applicant was taken into the Justice of the Peace court for charging less than the prescribed rates and also for being out of territory. He paid the costs in one instance and the case was dismissed, and the other case was dropped. As near as we can determine, the violation consisted of his failure to charge twenty per cent in excess of the rates charged by scheduled carriers, as provided in his original certificate.

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

#### O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require that Eldon W. Wallace be, and he is hereby, authorized to extend his operations under certificate of public convenience and necessity No. 802 to include the transportation, on call and demand, of brick and building material to and from points in Mesa and Garfield counties from and to points in the territory already authorized to be served under said Certificate No. 802, which is that part of Garfield County lying west of a line drawn north and south through New Castle, as well as to extend his delivery of livestock to all points in the State of Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That in the transportation of said brick and building material, applicant shall not conduct any town to town movement in competition with presently established common carrier service.

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 17th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF A GENERAL INVESTIGATION OF )  
THE FREIGHT RATES ON SAND, GRAVEL, DIRT, )  
CONCRETE (WET AND/OR DRY), AND ROAD SUR- ) CASE NO. 1585  
FACING MATERIAL, WITHIN A FIFTY-MILE RADIUS )  
OF DENVER, COLORADO. )  
----- )

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August 19, 1940.  
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S T A T E M E N T

By the Commission:

It appears from the records of the Commission, and more particularly from the orders and rules set forth in Case No. 1585, that no truckload rates have been prescribed for the transportation of sand, gravel, dirt, concrete (wet and/or dry), and road surfacing materials; the Commission is informed that large movements of these commodities may be expected in the near future by reason of extensive highway and building construction throughout the state, particularly in the territory within fifty miles of Denver.

The Commission, having considered this matter, is of the opinion, and so finds, that the public interest and the rights of shippers and carriers engaged in shipping and transporting these said commodities require that the matter of prescribing rates for this class of service should be formally investigated, and that a hearing should be held in the matter, so that all shippers and carriers may present evidence upon the subject.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that an investigation and hearing be had in the matter of the transportation of said construction and building materials as hereinbefore set forth and the prescribing of rates therefor, particularly from and to points within a radius of fifty miles of Denver, Colorado, and that said hearing be, and is hereby, set for the 17th day of September, 1940, at 10 o'clock A.M., before the Commission, in its Hearing Room, 330 State Office Building, Denver, Colorado, when and where all parties in interest may appear and present evidence relative to this matter.

(S E A L) ATTEST: A TRUE COPY

E. E. POLLOCK  
Secretary

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Wheeler  
EDWARD E. WHEELER

W. K. Danks  
Commissioners

(Commissioner Erickson absent)

Dated at Denver, Colorado,  
this 19th day of August, 1940

JH

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MARY ELLA LANG, DOING BUSINESS AS )  
"LANG TRANSIT LINE," LONGMONT, )  
COLORADO, FOR AN EXTENSION OF PRI- )  
VATE CARRIER PERMIT NO. A-793. )  
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APPLICATION NO. 2208-PP-AB

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August 17, 1940  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for Borgmann  
Brothers;  
Raymond B. Danks, Esq., Denver,  
Colorado, for The Motor Truck  
Common Carriers' Association,  
Denver-Loveland Transportation  
Company, Milliken-Johnstown  
Truck Line, and McKie Transfer  
Company;  
Charles D. Young, Denver, Colo-  
rado, for The Colorado Truck-  
ing Association, F. A. Math-  
ews, and Clyde Beeson;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company;  
W. L. Lang, Longmont, Colorado,  
for Mary Ella Lang.

S T A T E M E N T

By the Commission:

On January 29, 1940, by Decision No. 14690, the Commission entered an order denying the application of Mary Ella Lang, who was seeking an extension of authority under Private Permit No. A-793. Said denial was based largely upon the fact that the granting of said authority would unduly interfere with the operations of Borgmann Brothers.

It now appears that said Borgmann Brothers have been granted additional authority to operate as common carriers in part of the territory which applicant was seeking to serve, and had no objection to applicant being granted the remaining portion of said area, and in fact have leased a portion of their own territory to her, with the understanding

that she would be granted an extension of her private permit No. A-793 to include the remaining portion of said area.

It further appears that no service is available to shippers in said territory other than that proposed by applicant and that no common carrier would be harmed or affected in any way by the granting of said restricted area.

On June 13, 1940, by Decision No. 15527, we denied applicant's motion for rehearing in the instant case. However, such action on our part was in error, as both Borgmann Brothers and applicant had reached an understanding and agreement as above outlined, and it was the intention of the Commission to grant the instant application to the extent of the area not granted to Borgmann.

The application for extension as filed seeks authority to pick up milk and transport it to Denver over U. S. Highway 87 within the area described as follows:

Beginning on U. S. 87 at the Boulder and Larimer County Line; thence north to a point 2 miles north of the City of Loveland, Colorado, with a radius of 10 miles on the east side and a radius of 5 miles on the west side of U. S. Highway 87.

The territory on the east side of U. S. 87 is to be eliminated from applicant's area.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the order of June 13, 1940, Decision No. 15527, should be set aside, and applicant should be granted an extension under Permit No. A-793 covering the territory described on the west side of U.S. Highway No. 87.

#### O R D E R

IT IS THEREFORE ORDERED, That Decision No. 15527, dated June 13, 1940, be, and the same is hereby, set aside and held for naught.

IT IS FURTHER ORDERED, That Decision No. 14690, dated June 29, 1940, be, and the same is hereby, amended to authorize Mary Ella Lang, doing business as "Lang Transit Line," of Longmont, Colorado, to extend her operations under Permit A-793 to include authority to pick up milk

and transport same to Denver from the area contained within the following description, to-wit:

Commencing on U. S. Highway 87 at the Boulder and Larimer County Line; thence north to a point two miles north of the City of Loveland; thence west five miles; thence south to the Boulder-Larimer County Line; thence east to the point of beginning.

IT IS FURTHER ORDERED, That jurisdiction of the instant matter be, and the same is hereby, retained to the end that if any interested party files objections to this order with the Commission within sixty (60) days from the date hereof, the matter will be set down for further hearing.

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 ten (10) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. Danks

W. Danks

W. Danks  
Commissioners

Dated at Denver, Colorado,  
this 17th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE ANNUAL REPORT OF PLATEAU VALLEY )  
LIGHT AND POWER COMPANY, AMORE RASO, ) CASE NO. 4821  
PRESIDENT, GRAND JUNCTION, COLORADO. )  
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August 19, 1940.  
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Appearances: Adams, Heckman and Raso, Esqs.,  
Grand Junction, Colorado,  
for respondent.

S T A T E M E N T

By the Commission:

On August 12, 1940, an order was issued in the above entitled matter requiring respondent to show cause why said respondent should not be penalized for failure to file its annual report for the year 1939.

Since the issuance of said order, said annual report has been received by the Commission, together with a satisfactory affidavit explaining the reasons why same was not filed in apt time.

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

O R D E R

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. D. D.  
W. C. Danks  
W. C. Danks  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of August, 1940

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. B. WEBB, DOING BUSINESS AS INTER- )  
CITY MOTOR FREIGHT, DENVER, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT NO. )  
A-719 TO DALBY MOTOR FREIGHT LINES, )  
INC., DENVER, COLORADO. )

APPLICATION NO. 4478-PP-AAA

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August 20, 1940

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Appearances: Loyd Lanotte, Denver, Colorado,  
for the applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for the Common  
Carriers' Division of The  
Colorado Motor Carriers'  
Association;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transportation  
Company.

S T A T E M E N T

By the Commission:

Authority is here sought to transfer Permit A-719.

It appears that Dalby Motor Freight Lines, Inc., is, at the present time, the holder of Certificate No. 639-I, and conducts rather an extensive interstate operation between Texas, New Mexico, and Colorado points over U. S. Highway No. 85 between Denver and the Colorado-New Mexico state line, and proposes to utilize Private Permit No. A-719 between Denver and Trinidad over U. S. Highway No. 85 in the conduct of an intrastate operation should the transfer be consummated.

Loyd Lanotte, testifying for the applicant, stated that the intention was to use separate equipment in the conduct of operations under Permit A-719 to that used in the conduct of operations under the certificate, but did contemplate the use of the same name.

The consideration for this transfer is \$5,000.00. There appear to be no unpaid outstanding obligations as a result of previous



operations conducted under A-719.

Exhibit No. 1, received in evidence at the hearing, is a balance sheet dated June 30, 1940, showing assets and liabilities of Dalby Motor Freight Lines, Inc., and the financial standing and operating dependability of the transferee were established to the satisfaction of the Commission.

The record discloses that Permit A-719 was issued June 5, 1934, and included transportation of freight:

"Over U. S. Highway No. 85 between Greeley, Colo. and Colorado-New Mexico State Line and all intermediate points, and other routes hereafter to be described to the Commission in writing."

In compliance with written request dated May 27, 1935, and acknowledged by the Commission in writing under date of May 28, 1935, an extension of routes was granted as follows:

"From Pueblo, Colorado to Colorado-Oklahoma State Line by way of Rocky Ford, La Junta, Lamar, and Springfield over Highways No. 50 from Pueblo to Lamar and No. 59 from Lamar to State Line; also pickup of merchandise at Longmont and Fort Collins via U. S. 285 (now U. S. 87)."

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

#### O R D E R

IT IS THEREFORE ORDERED, That W. B. Webb, Denver, Colorado, be, and he hereby is, authorized to transfer all of his right, title, and interest in and to Private Permit A-719, with authority as hereinabove set forth, to Dalby Motor Freight Lines, Inc., Denver, Colorado.

IT IS FURTHER ORDERED, That in the conduct of operations by Dalby Motor Freight Lines, Inc., under Certificate No. 639-I and Private Permit No. A-719, the same shall be accomplished in such manner as to comply with all of the rules and regulations of the Commission governing private carriers for hire, as interpreted by the Colorado Supreme

Court in McKay v. P. U. C., 104 Colo. 402.

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. Failure to file said written acceptance of the terms of this order within thirty days from the effective date of the order shall automatically revoke the authority herein granted to make the transfer without further order on the part of the Commission.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward D. Danks

W. C. Danks

Wm. J. Davis  
Commissioners.

DATED at Denver, Colorado,  
this 20th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
LEAMON RESLER TO TRANSFER THAT PORTION  
OF CERTIFICATE NO. 460 WHICH WAS FOR-  
MERLY DESIGNATED AS CERTIFICATE NO.  
665 TO CLYDE ROSS, ELBA, COLORADO.

APPLICATION NO. 2054-AA

\*\*\*\*\*  
August 20, 1940  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for the applicant;  
Raymond F. Danks, Esq., Denver,  
Colorado, for Northeastern  
Motor Freight;  
A. J. Fregeau, Denver, Colorado,  
for Weicker Transfer and  
Storage Company.

S T A T E M E N T

By the Commission:

Authority is here sought to transfer a portion of Certificate  
No. 460, which was originally Certificate No. 665 as extended, au-  
thorizing:

"Transportation of freight and express be-  
tween Denver and the town of Anton, and an  
area surrounding Anton extending 11 miles  
east, 11 miles south, 11 miles west, and  
18 miles north;" -

and also to include authority granted by the second paragraph of the  
order in Decision No. 14416, dated December 2, 1939, the same being a  
part of Certificate No. 460, as follows:

"The transportation of freight as a motor  
vehicle carrier, on schedule, in intrastate  
commerce, between Denver, Fort Morgan, and  
Brush on the one hand, and points on U. S.  
Highway No. 34 east of, but not including,  
Brush on the other; and between Anton on U.S.  
Highway No. 36 and said points, specifically  
excluding local service between Denver, Fort  
Morgan, and Brush, and between Greeley and  
any of said points."

It appeared at the hearing that through oversight this last mentioned paragraph had not been specifically included in the application but that it is necessary for the carrier to have this latter authority (now possessed by Leamon Resler), in order adequately to serve the Anton territory. It further appeared that it would be in the public interest to transfer this authority to Clyde Ross for the reason that he operates a store at Elba, is familiar with the transportation needs, and is equipped to take care of the same; and that Leamon Resler, who operates extensively north of this area, is not in a position to render proper service to Anton, and to be compelled to take care of the Anton requirements would entail a loss in his operation which he could not afford to continue.

Clyde Ross is now the holder of Permit A-365, and is authorized under this private carrier permit to render a service around Elba and between Elba and Denver, but that, under such authority, is not in a position to take care of the public demand and therefore requests that in the event this transfer is authorized, Permit A-365 be cancelled.

The financial standing and operating dependability of the transferee were established to the satisfaction of the Commission. The consideration being paid for this permit is \$200.00, and there are no outstanding unpaid obligations as a result of previous operations under the right here sought to be transferred.

After careful consideration of the record, and the testimony given at the hearing, the Commission is of the opinion, and finds, that the authority sought should be granted, and, in addition thereto, the extension as set forth above.

#### O R D E R

IT IS THEREFORE ORDERED, That Leamon Resler be, and he hereby is, granted authority to transfer all of his right, title, and interest in and to what was originally Certificate No. 665, as extended, now a part of Certificate No. 460, and, in addition thereto, such further right or part of Certificate No. 460 as was granted by the second paragraph of the order contained in Decision No. 14416, each of said authorities being, respectively, as above set forth, to Clyde Ross, Elba, Colorado.

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

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 of the laws, rules and regulations pertaining to his 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.

IT IS FURTHER ORDERED, That Private Permit A-365 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

Eduard E. T. Guler

McDanks

Quinn Eiverson

Commissioners.

DATED at Denver, Colorado,  
this 20th day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EVERETT WILLIAMS, FORT COLLINS, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 5435-PP

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August 21, 1940  
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Appearances: Raymond B. Danks, Esq., Denver,  
Colorado, for The Common  
Carriers' Division of The  
Colorado Motor Carriers'  
Association;  
Charles D. Young, Denver, Colo-  
rado, for J. B. Tague, et al.

S T A T E M E N T

By the Commission:

The instant application was set for hearing at Greeley, Colorado, on August 6, 1940, and when said case was called, no appearance was entered for applicant, although our records indicate that due notice of said hearing was mailed to him on July 25, 1940.

Protestants stated that they had no objection to the granting of the permit upon the application as filed, provided the same was limited to road mix and like road surfacing materials, and that Boulder County was eliminated as a point where such service could be rendered. They did object to granting any authority so far as the transportation of farm products was concerned.

After a careful consideration of the record, and due to the fact that the Commission is without any word from applicant as to why he did not appear at said hearing, the Commission has determined to grant that portion of the permit to which no objection was offered by protestants.

O R D E R

IT IS THEREFORE ORDERED, That Everett Williams, 411 E. Laurel

Fort Collins, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of road surfacing materials of the nature of road mix, black top, sand and gravel, and like road surfacing materials, from point to point within the following described area: from Fort Collins to the Colorado-Wyoming State Line on the north, Laramie County Line on the east, thirty-five miles west and fifteen miles south of Fort Collins, to and from points in said area from and to points in the State of Colorado, save and except that no service shall be rendered in the County of Boulder.

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, the necessary tariffs, 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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward E. Decker  
W. L. Gank

Wm. E. Eason  
Commissioners

Dated at Denver, Colorado,  
this 21st day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

IN THE MATTER OF THE APPLICATION OF )  
L. A. BARTMAN, 122 EAST 8TH, LOVE- )  
LAND, COLORADO, FOR AUTHORITY TO )  
TRANSFER TO LUTHER FINCHER, OF 736 )  
MONROE, LOVELAND, COLORADO, HIS )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY NO. 226. )  
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APPLICATION NO. 7110AB-A

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August 21, 1940  
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Appearances: Raymond B. Danks, Esq., Denver,  
Colorado, for The Colorado  
Motor Carriers' Association.

S T A T E M E N T

By the Commission:

The instant matter was set for hearing at Greeley on August 6, 1940, at 10:00 o'clock A.M.. However, when said case was called, no appearance for applicants was made. However, counsel for protestants stated for the record that they had no objection to the transfer being allowed, provided the bill of the Colorado Motor Carriers' Association against transferor in the sum of six dollars (\$6.00) was required to be paid.

The Commission is without any evidence as to the financial standing and reliability of transferee. However, the records indicate that he owns a 1936 Dodge 1½ ton truck, and we are inclined to grant the transfer, subject to the condition that said obligation of the Colorado Motor Carriers' Association, which is certainly a bill contracted in the conduct of the operation by transferor, be paid.

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

O R D E R

IT IS THEREFORE ORDERED, That L. A. Bartman, Loveland, Colorado, be, and he is hereby, authorized to transfer to Luther Fincher, Loveland,



Colorado, all of his right, title and interest in and to certificate of public convenience and necessity No. 226, heretofore issued in Application No. 711.

IT IS FURTHER ORDERED, That said transfer shall not become effective until the obligation of the said L. A. Bartman to The Colorado Motor Carriers' Association in the sum of six dollars (\$6.00) be paid, and evidence of said payment filed with the Commission.

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. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of this order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission.

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 (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Edward V. O'Connell  
W. H. Danks  
Wm. E. Erickson  
Commissioners

Dated at Denver, Colorado,  
this 21st day of August, 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
L. L. HART, OF 1349 CLEVELAND, )  
LOVELAND, COLORADO. )  
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P.U.C. No. 1303

-----  
August 20, 1940  
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S T A T E M E N T

By the Commission:

On May 17, 1940, by order of the Commission, Decision No. 15398, L. L. Hart, of Loveland, Colorado, was given authority to suspend operations under PUC No. 1303 until September 1, 1940.

The Commission is now in receipt of a communication from certificate holder requesting that that portion of his certificate, PUC No. 1303, pertaining to the transportation of freight be reinstated.

After careful consideration, certificate holder having on file the necessary certificate of insurance, cash deposit, and otherwise having complied with the rules and regulations of the Commission governing common carriers, the Commission is of the opinion and finds that said order of suspension, insofar as same pertains to transportation of freight, should be set aside and said certificate be restored to its active status.

O R D E R

IT IS THEREFORE ORDERED, That said order of suspension, insofar as same pertains to transportation of freight, be, and hereby is, set aside and that PUC No. 1303 be, and the same hereby is, restored to its active status as of the date of this order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Eduard E. Decker

W. C. Danko

Malcolm E. Wilson

Commissioners

Dated at Denver, Colorado,  
this 20th day of August, 1940.  
R

(Decision No. 15814 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF)

VASHTI KNISS.

PERMIT NO. 1077-I

August 20, 1940

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from  
Vashti Kniss of Hastings, Nebraska,  
requesting that his Permit No. 1077-I be cancelled.

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

O R D E R

IT IS THEREFORE ORDERED, That Permit No. 1077-I, heretofore issued  
to Vashti Kniss, be,  
and the same is hereby, declared cancelled, as of July 31, 1940.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Edward J. H. [Signature]*  
*W. C. [Signature]*  
*Walter [Signature]*

Commissioners.

Dated at Denver, Colorado,  
this 20th day of August, 1940.