(Decision No. 31470)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK TRUJILLO, STAR ROUTE, DEL NORTE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 8983-PP

November 5, 1948

S T A T E M E N T

By the Commission:

The above-styled matter was set for hearing in Alamosa, Colorado, on November 1, 1948, at 9:30 o'clock A. M.

Subsequent to the mailing of hearing notice, applicant, through his attorney, requested that said application be dismissed, and hearing has been vacated.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 5th day of November, 1948.

Commissioners

EHC

(Decision No. 31471)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROY KOHL, DOING BUSINESS AS "SUMMIT COUNTY TRANSFER," DILLON, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1484 TO REGIS MC KAY, DOING BUSINESS AS "SUMMIT COUNTY TRANSFER," DILLON, COLORADO.	APPLICATION NO. 9640-Transfer

November 8, 1948

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

STATEMENT

By the Commission:

By Decision No. 19398, of date July 31, 1942, Roy Kohl, doing business as "Summit County Transfer," Dillon, Colorado, was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of:

> timber products, mining machinery and supplies, used household goods, livestock, farm products, farm equipment and farm supplies, on call and demand, between points within an area round Breckenridge bounded on the south by Hoosier Pass, on the west by Fremont Pass, on the east by Loveland Pass, and on the north by the Summit-Grand County Line; ore and concentrates from mines and mills located within said area to mills in said area, and to Leadville, Kremmling, and Colorado City; coal from Kremmling and Leadville to points in said area; mining machinery and supplies, livestock, farm products, farm equipment and farm supplies from and to points in said area, to and from points in the State of Colorado, movements of mining machinery to points in the area to be limited to movements of less than seven tons; and used household goods from and to points in the area, to and from points west of the Continental Divide, and from points in the area to points east of the Continental Divide,

said operating rights being designated "PUC No. 1484."

Pursuant to authority contained in Decision No. 22859, of date November 10, 1944, that portion of the authority granted by Decision No. 19398 authorizing:

transportation of ore and concentrates from mines and mills located in the area,

was transferred to Ellis B. Webster.

By Decision No. 26507, of date August 27, 1946, Roy Kohl was authorized to extend operations under PUC No. 1484 to include the right to transport:

> household goods, on call and demand, from points east of the Continental Divide to points within the area around Breckenridge, bounded on the south by Hoosier Pass, on the west by Fremont Pass, on the east by Loveland Pass, and on the north by the Summit-Grand County Line, applicant being limited to use of open or stake body trucks, and not allowed to use padded moving vans under extended authority.

By the instant application, said certificate-holder seeks authority to transfer said operating rights to Regis McKay, doing business as "Summit County Transfer," Dillon, Colorado.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said certificate; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Roy Kohl, doing business as "Summit County Transfer," Dillon, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1484 -- being the operating rights granted by Decision No. 19398, as extended by Decision No. 26507, excluding operating rights transferred by Decision No. 22859 -- to Regis McKay, doing business as "Summit County Transfer," Dillon, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The tariff of rates, rules and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate up to the time of the transfer of said certificate, and the payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit be transferred to account of transferee.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Carlson

John R. Barry

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1948.

ea

(Decision No. 31472)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAY HALBROOK, 322 EAST FIFTH STREET,)
FLORENCE, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-2577 TO CLIFF) APPLICATION NO. 9642-PP-Transfer
HALBROOK, 109 WEST FOURTH STREET,)
FLORENCE, COLORADO.)
- -)

- - - - - - - -
November 8, 1948
- - - - - - - -

S T A T E M E N T

By the Commission:

By Decision No. 16050, of date October 22, 1940, Ray Halbrook was granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of:

> coal from Florence-Canon City Coal Fields to points within fifty miles of Florence, with occasional trips to points beyond,

said operating rights being designated "Permit No. B-2577."

By Decision No. 27486, of date February 7, 1947, said permit-holder was authorized to extend his operations under Permit No. B-2577 to include the right to transport:

> coke and dirt from Pueblo to Florence; limestone from Colorado Springs to Florence, and silica rock and slag from Canon City and points within a radius of five miles thereof, to Florence, excluding transportation of any commodities between points served by Hanssen Truck Line.

By the instant application, Ray Halbrook seeks authority to transfer Permit No.B-2577 to Cliff Halbrook, Florence, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said permit is in good standing; that road tax has has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is able and qualified to carry on the operation, and it does not appear that any

useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Ray Halbrook, Florence, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-2577 -- being the operating rights granted by Decisions Nos. 16050 and 27486 -- to Cliff Halbrook, Florence, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit be transferred to account of transferee.

This order is made a part of the permit authorized to be transferred, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Horton

John R. Barry

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1948.

ea

(Decision No. 31473)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES L. MOORES, GATEWAY, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-3452 TO FRANK H. MILLER, JR., AND KEITH BOUGHTON, CO-PARTNERS, FRUITA, COLORADO.

APPLICATION NO. 9641-PP-Transfer

November 8, 1948

Appearances: Lincoln D. Coit, Esq., Grand Junction, Colorado, for applicants.

STATEMENT

By the Commission:

By Decision No. 26269, of date July 19, 1946, Charles L. Moores was authorized to operate as a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of:

> lumber from the McAtlin sawmills, lying within a ten-mile radius of Gateway, Colorado, to Grand Junction, Colorado, and points within a radius of fifteen miles of Grand Junction, excluding from said area, service to the Town of Fruita, Colorado,

said operating rights being designated "Permit No. A-3452."

By the instant application, said permit-holder seeks authority to transfer Permit No. A-3452 to Frank H. Miller, Jr., and Keith Boughton, co-partners, Fruita, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said permit; that transferees, pecuniarily and otherwise, are qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating

right, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

ORDER

THE COMMISSION ORDERS:

That Charles L. Moores, Gateway, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-3452 -- being the authority granted by Decision No. 26269 -- to Frank H. Miller, Jr., and Keith Boughton, co-partners, Fruita, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferees of all unpaid ton-mile tax.

That ton-mile tax deposit be transferred to account of transferees.

This order is made a part of the permit authorized to be transferred, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1948.

es

(Decision No. 31474)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HAWKES TRUCK LINE, BOX 136, NORWOOD, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 943 TO A. F. SKALLA AND LEW R. McKEAN, CO-PARTNERS, DOING BUSINESS AS "NORWOOD TRUCK LINE," NORWOOD, COLORADO.	APPLICATION NO. 9644 TRANSFER

November 5, 1948

S T A T E M E N T

By the Commission:

By Decision No. 8379, of date September 2, 1936, Hawkes Truck Line, Norwood, Colorado, was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of:

> ore, livestock, lumber, grain, hay and general farm products from point to point within an area limited to fifty miles of Norwood, and to and from points in said area, from and to other points in the State of Colorado, provided, however, that no service shall be rendered in competition with any line-haul common carriers now serving said area,

said operating rights being designated "PUC No. 943."

By the instant application, Hawkes Truck Line seeks authority to transfer PUC No. 943 to Norwood Truck Line, Norwood, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said certificate; that transferees, pecuniarily and otherwise, are able and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said application for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said

certificate, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Hawkes Truck Line, Norwood, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 943,-- being the operating rights granted by Decision No. 8379 -- to A. F. Skalla and Lew R. McKean, co-partners, doing business as "Norwood Truck Line," Norwood, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the tariff of rates, rules and regulations of transferor shall become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

That the right of transferees to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering its operations under said certificate, and the payment by it, or by transferees, of all unpaid ton-mile tax.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Horton

John R. Barry

Commissioners

DATED at Denver, Colorado,
this 5th day of November, 1948.

EHC

(Decision No. 31475)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK MATTOON, DOING BUSINESS AS "MATTOON TRANSFER & STORAGE CO.," 1201 SOUTH MAIN STREET, TULSA, OKLAHOMA, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO MATTOON TRANSFER & STORAGE CO., A CORPORATION, 1201 SOUTH MAIN STREET, TULSA, OKLAHOMA.	PUC NO. 1470-I

November 5, 1948

Appearances: Carl T. Matthews, Jr., Esq., Tulsa, Oklahoma, for applicants.

S T A T E M E N T

By the Commission:

Heretofore, Frank Mattoon, doing business as "Mattoon Transfer & Storage Co.," Tulsa, Oklahoma, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire in interstate commerce, and PUC No. 1470-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Mattoon Transfer & Storage Co., an Oklahoma corporation, Tulsa, Oklahoma.

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

F I N D I N G S

THE COMMISSION FINDS:

That the transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Frank Mattoon, doing business as "Mattoon Transfer & Storage

Co.," Tulsa, Oklahoma, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1470-I to Mattoon Transfer & Storage Co., a corporation, Tulsa, Oklahoma, subject to the Federal Motor Carrier Act of 1935, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That ton-mile tax deposit be transferred to account of transferee.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hatton

Julia R. Barry

Commissioners

DATED at Denver, Colorado,
this 5th day of November, 1948.

EHC

(Decision No. 31476)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EVERETT MALONE, 12000 WEST 44TH AVENUE, WHEATRIDGE, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-2928.	APPLICATION NO. 9652-PP EXTENSION

November 5, 1948

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-2928 to include the right to transport riprap rock from quarries within a radius of twenty-five miles of Denver, to construction jobs within said area.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of authority 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Everett Malone, Wheatridge, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-2928 to include the right to transport riprap rock from quarries within a radius of twenty-five miles of Denver, to construction jobs within said area.

That this order is made a part of the permit granted to applicant, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hilton

John P. Barry

Commissioners

DATED at Denver, Colorado,
this 5th day of November, 1948.

EHC

(Decision No. 31477)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
D. E. WALTERS, CORTEZ, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 9651-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
- -)

- - - - - - - -
November 8, 1948
- - - - - - - -

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 vanadium and uranium ores, and concentrates thereof, from mines, pot holes, claims, and stock piles in that part of the State of Colorado west of the Continental Divide, and from points where all highways intersect the Colorado-Utah and Colorado-New Mexico State Lines, to ore reduction plants, mills, and smelters in the States of Colorado, Utah, and New Mexico, in intrastate and interstate commerce, with back-haul of mining supplies, including hand tools, powder, etc., to said mines, pot holes, claims, and stock piles, from warehouse and mills of U. S. Vanadium Corporation and Vanadium Corporation of America, or any agency or sub-agency of the United States Government; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Cortez, Colorado, to points within said fifty-mile radius of Cortez, Colorado.

Inasmuch as the motor carrier associations, heretofore, have indicated 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted; that permit, when issued, should bear the number "B-1708," being the number of a permit formerly held by applicant.

O R D E R

THE COMMISSION ORDERS:

That D. E. Walters, Cortez, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vanadium and uranium ores, and concentrates thereof, from mines, pot holes, claims, and stock piles in that part of the State of Colorado west of the Continental Divide, and from points where all highways intersect the Colorado-Utah and Colorado-New Mexico State Lines, to ore reduction plants, mills, and smelters in the States of Colorado, Utah, and New Mexico, in intrastate and interstate commerce, with back-haul of mining supplies, including hand tools, powder, etc., to said mines, pot holes, claims, and stock piles, from warehouse and mills of U. S. Vanadium Corporation and Vanadium Corporation of America, or any agency or sub-agency of the United States Government; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Cortez, Colorado, to points within said fifty-mile radius of Cortez, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That interstate operating rights herein granted shall be subject to the provisions of the Federal Motor Carrier Act of 1935.

That permit shall bear the number "B-1708."

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1948.

ea

(Decision No. 31478)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VIRGIL WILLIAMS, 1724 GILPIN STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-2966.

APPLICATION NO. 9650-PP-Extension.

November 8, 1948

STATEMENT

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-2966 to include the right to transport riprap rock from quarries within a radius of twenty-five miles of Denver, Colorado, to construction jobs within said area.

Inasmuch as the motor carrier associations, heretofore, have indicated they have no objection to the granting of authority, 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.

FINDINGS

THE COMMISSION FINDS:

That the authority sought should be granted.

ORDER

THE COMMISSION ORDERS:

That Virgil Williams, Denver, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-2966 to include the right to transport riprip rock from quarries within a radius of twenty-five miles of Denver, Colorado, to construction jobs within said area.

That this order is made part of the permit granted to applicant, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1948.

ea

(Decision No. 31479)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JESSE GLEN SHUMWAY, BLANDING, UTAH, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 9648-PP

November 8, 1948

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 vanadium and uranium ores, and concentrates thereof, from mines, pot holes, claims, and stock piles in that part of the State of Colorado west of the Continental Divide, and from points where all highways intersect the Colorado-Utah and Colorado-New Mexico State Lines, to ore reduction plants, mills, and smelters in the States of Colorado, Utah, and New Mexico, in intrastate and interstate commerce, with back-haul of mining supplies, including hand tools, powder, etc., to said mines, pot holes, claims, and stock piles, from warehouse and mills of U. S. Vanadium Corporation and Vanadium Corporation of America, or any agency or sub-agency of the United States Government; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road surfacing jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Inasmuch as the motor carrier associations, heretofore, have indicated 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Jesse Glen Shumway, Blanding, Utah, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vanadium and uranium ores, and concentrates thereof, from mines, pot holes, claims, and stock piles in that part of the State of Colorado west of the Continental Divide, and from points where all highways intersect the Colorado-Utah and Colorado-New Mexico State Lines, to ore reduction plants, mills, and smelters in the State of Colorado, Utah, and New Mexico, in intrastate and interstate commerce, with back-haul of mining supplies, including hand tools, powder, etc., to said mines, pot holes, claims, and stock piles, from warehouse and mills of U. S. Vanadium Corporation and Vanadium Corporation of America, or any agency or sub-agency of the United States Government; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road surfacing jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

That interstate operating rights herein granted are subject to the provisions of the Federal Motor Carrier Act of 1935.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Norton

John P. Barry

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1948.

ea

(Decision No. 31480)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HAROLD C. HARTZELL, NATURITA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 9649-PP

November 8, 1948

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 vanadium and uranium ores, and concentrates thereof, from mines, pot holes, claims, and stock piles in that part of the State of Colorado west of the Continental Divide, and from points where all highways intersect the Colorado-Utah and Colorado-New Mexico State Lines, to ore reduction plants, mills, and smelters in the States of Colorado, Utah, and New Mexico, in intrastate and interstate commerce, with back-haul of mining supplies, including hand tools, powder, etc., to said mines, pot holes, claims, and stock piles, from warehouse and mills of U. S. Vanadium Corporation and Vanadium Corporation of America, or any agency or sub-agency of the United States Government; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road construction jobs in the State of Colorado, excluding service in Boulder, Clear Creek, and Gilpin Counties.

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Harold C. Hartsell, Naturita, Colorado, be, and he hereby is authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vanadium and uranium ores, and concentrates thereof, from mines, pot holes, claims, and stock piles in that part of the State of Colorado west of the Continental Divide, and from points where all highways intersect the Colorado-Utah and Colorado-New Mexico State Lines, to ore reduction plants, mills, and smelters in the States of Colorado, Utah, and New Mexico, in intrastate and interstate commerce, with back-haul of mining supplies, including hand tools, powder, etc., to said mines, pot holes, claims, and stock piles, from warehouse and mills of U. S. Vanadium Corporation and Vanadium Corporation of America, or any agency or sub-agency of the United States Government; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road construction jobs in the State of Colorado, excluding service in Boulder, Clear Creek, and Gilpin Counties.

That interstate authority herein granted shall be subject to the provisions of the Federal Motor Carrier Act of 1935.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations

of the Commission.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 8th day of November, 1948.

ea

(Decision No. 31481)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LOUISE M. HENDRYX, DOING BUSINESS AS "EVERGREEN SIGHTSEEING AND TAXI COMPANY," EVERGREEN, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1355 TO EVERARD P. MILLER, JR., AND C. A. PENNINGTON, CO-PARTNERS, EVERGREEN, COLORADO.	APPLICATION NO. 9647 TRANSFER

November 8, 1948

S T A T E M E N T

By the Commission:

By Decision No. 13892, of date August 24, 1939, as amended by Decision No. 14460, of date December 12, 1939, Hertz Drivurself System, Inc., of Colorado, was authorized to operate as a common carrier by motor vehicle for hire for the transportation of: .

> passengers on regular schedule between Evergreen, Brook Forest, Troutdale and Bendemeer Lodge, and intermediate points; and the conduct of sightseeing, round-trip service from Evergreen, Troutdale, Brook Forest, and Bendemeer Lodge to Mt. Evans, Echo Lake, Idaho Springs, Silver Plume, Georgetown, Platte Canon, Bailey, Kiowa Lodge, Colorado Springs, Grand Lake, West Portal, Berthoud Pass, Central City, Blackhawk, via Lookout or Bear Creek, Lookout Mountain, Morrison, Indian Hills, Tiny Town, and Boulder, subject to the following restrictions: (a) applicant shall not solicit any business at any points outside of where it is authorized to originate trips; (b) all sightseeing trips shall be conducted on a round-trip, one-day basis, and commence and terminate at points authorized to be served in the Evergreen area;

said operating rights being designated "PUC No. 1355."

Pursuant to authority contained in Decision No. 26280, of date July 23, 1946, Hertz Drivurself System, Inc. of Colorado transferred said operating rights to Louise M. Hendryx, doing business as "Evergreen Sightseeing and Taxi Company," Evergreen, Colorado, who, pursuant to authority contained in Decision No. 28906, of date August 26, 1947, was authorized

to lease PUC No. 1355 to Perry E. Knoll and Mary M. Knoll, Evergreen, Colorado, until such time as she desired to sell said certificate.

On September 22, 1948, the following communication was directed to the Commission:

> "This is to notify you that as of this day and date, the lease on PUC 1355 between Louise M. Hendryx and Perry E. Knoll and Mary M. Knoll shall cancel and terminate.
>
> (Signed) Louise M. Hendryx
> (Signed) Mary M. Knoll"

By the instant application, said Louise M. Hendryx, doing business as "Evergreen Sightseeing and Taxi Company," seeks authority to transfer PUC No. 1355 to Everard P. Miller, Jr., and C. A. Pennington, co-partners, Evergreen, Colorado.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that passenger-mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said certificate; that transferees, pecuniarily and otherwise, are able and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Louise M. Hendryx, doing business as "Evergreen Sightseeing and Taxi Company," Evergreen, Colorado, be, and she hereby is, authorized

to transfer all her right, title, and interest in and to PUC No. 1355 -- being the operating rights granted by Decision No. 13892, as amended by Decision No. 14460 -- to Everard P. Miller, Jr., and C. A. Pennington, co-partners, Evergreen, Colorado, subject to payment of ourstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the tariff of rates, rules, and regulations of transferor shall become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

That the right of transferees to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering her operations under said certificate, and the payment by her, or by transferees, of all unpaid passenger-mile tax.

That passenger-mile tax deposit of transferor be transferred to account of transferees.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Commissioners

DATED at Denver, Colorado,
this 8th day of November, 1948.

EHC

(Decision No. 31482)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PERRY E. KNOLL AND MARY M. KNOLL, CO-PARTNERS, DOING BUSINESS AS "EVERGREEN TAXI SERVICE," EVERGREEN, COLORADO, FOR AUTHORITY TO TRANSFER PUC-1589 TO EVERARD P. MILLER, JR., AND C. A. PENNINGTON, CO-PARTNERS, EVERGREEN, COLORADO.	APPLICATION NO. 9646 TRANSFER

November 8, 1948

S T A T E M E N T

By the Commission:

By Decision No. 22585, of date August 9, 1944, Perry E. Knoll and Mary M. Knoll, co-partners, doing business as "Evergreen Taxi Service," Evergreen, Colorado, were granted a certificate of public convenience and necessity to operate as common carriers by motor vehicle for hire for the transportation of:

> passengers and their baggage, for hire, between points within a radius of fifteen miles of Evergreen, without the right to operate on schedule or to engage in sightseeing service.

By the instant application, said certificate-holders seek authority to transfer said operating rights (PUC No. 1589) to Everard P. Miller, Jr., and C. A. Pennington, co-partners, Evergreen, Colorado.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that passenger-mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said certificate; that transferees, pecuniarily and otherwise, are qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter forthwith, without

without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Perry E. Knoll and Mary M. Knoll, co-partners, doing business as "Evergreen Taxi Service," Evergreen, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1589 -- being the operating rights granted by Decision No. 22585 -- to Everard P. Miller, Jr. and C. A. Pennington, co-partners, Evergreen, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the tariff of rates, rules, and regulations of transferors shall become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

That the right of transferees to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate, and the payment by them, or by transferees, of all unpaid passenger-mile tax.

That passenger-mile tax deposit of transferors be transferred to account of transferees.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 8th day of November, 1948.

Ralph C. Hahn
John R. Barry
Commissioners

EHC

(Decision No. 31483)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF GLENN E. SHELL AND ROY L. BAKER, 115WEST IRVINGTON PLACE, DENVER, COLORADO.	PERMIT NO. B-3584.

November 12, 1948

S T A T E M E N T

By the Commission:

On September 30, 1948, the Commission authorized Glenn E. Shell and Roy L. Baker, to suspend operations under their Permit No. B-3584 until March 17, 1949.

The Commission is now in receipt of a communication from the above named permittees, requesting that their permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-3584, should be, and the same hereby is, reinstated as of November 1, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Bolton

Julian R. Bailey

Commissioners.

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31484)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH LANE, 425 CLEVELAND,)
STERLING, COLORADO.)
) PERMIT NO. C-2345.
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ralph Lane, requesting that Permit No. C-2345 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C02345, heretofore issued to Ralph Lane, be, and the same is hereby, declared cancelled effective August 21, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31485)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CAPITOL FUEL COMPANY, 409 COOPER)
BLDG., DENVER, COLORADO)
) PERMIT NO. C-9700.
)
)
- - - - - - - - - - - - - - - - - -

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Capitol Fuel Company, requesting that Permit No. C-9700 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-9700, heretofore issued to Capitol Fuel Company, be, and the same is hereby, declared cancelled effective September 4, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry.

Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31486)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID W. PAINE, 1437 BUENA VISTA)
BLVD., BURBANK, CALIFORNIA)
) PERMIT NO. C-13316.
)
)
- - - - - - - - - - - - - - - - - -

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

David W. Paine,

requesting that Permit No. C-13316 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-13316, heretofore issued to

David W. Paine, be,

and the same is hereby, declared cancelled effective August 1, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Berry

Commissioners

Dated at Denver, Colorado,

this 12th day of November, 1948.

ea

(Decision No. 31487)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID W. PAINE, 1437 BUENA)
VISTA BLVD., BURBANK, CALIF.)
) PERMIT NO. B-3314.
)
)
- - - - - - - - - - - - - - - - - -

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from David W. Paine,

requesting that Permit No. B-3314 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-3314, heretofore issued to David W. Paine, be,

and the same is hereby, declared cancelled effective August 1, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry.

Commissioners

Dated at Denver, Colorado,

this 12th day of November, 1948.

ea

(Decision No. 31488)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ANTHONY DE BELL, 3875 EATON,)
DENVER 14, COLORADO.)
) PERMIT NO. C-13328.
)
)

November 12, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Anthony De Bell, requesting that Permit No. C-13328 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-13328, heretofore issued to Anthony De Bell, be, and the same is hereby, declared cancelled effective October 25, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newcomer
John R. Barry
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31489)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY MAESTAS, 1722 WATER STREET,)
BOULDER, COLORADO.)
) PERMIT NO. C-16253.
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Roy Maestas, requesting that Permit No. C-16253 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-16253, heretofore issued to Roy Maestas, be, and the same is hereby, declared cancelled effective September 5, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry.

Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

(Decision No. 31490)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
M. L. KNIGHT, DBA KNIGHT MOTOR)
& MACHINERY CO., 60th & NEW)
BRIGHTON BLVD., DENVER 16,) PERMIT NO. C-16785.
COLORADO.)
)
- - - - - - - - - - - - - - - - - -

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from M. L. Knight, d/b/a Knight Motor & Machinery Co., requesting that Permit No. C-16785 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-16785, heretofore issued to M. L. Knight, d/b/a Knight Motor & Machinery Co., be, and the same is hereby, declared cancelled effective October 8, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoskins
John A. Berry
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ee

(Decision No. 31491)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALEXANDER GRIFFIN, c/o ASA MATHER,)
RT 2, SIDNEY, IOWA.)
) PERMIT NO. C-17520.
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Alexander Griffin, requesting that Permit No. C-17520 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-17520, heretofore issued to A lexander Griffin, be, and the same is hereby, declared cancelled effective October 11, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton
John A. Berry
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ee

(Decision No. 31492)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PAUL SAXTON, STEAMBOAT SPRINGS,)
COLORADO.)
) PERMIT NO. C-17753.
)
)
- - - - - - - - - - - - - - - - - -

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

Paul Saxton,

requesting that Permit No. C-17753 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-17753, heretofore issued to

Paul Saxton, be,

and the same is hereby, declared cancelled effective October 1, 1948.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

Commissioners

Dated at Denver, Colorado,

this 12th day of November, 1948.

ea

(Decision No. 31493)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES L. WILSON, RT. 1,)
FOWLER, COLORADO.)
) PERMIT NO. C-18333.
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James L. Wilson, requesting that Permit No. C-18333 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-18333, heretofore issued to James L. Wilson, be, and the same is hereby, declared cancelled effective August 24, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31494)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE BAKER, 1218 - 5TH AVENUE,)
SCOTTSBLUFF, NEBRASKA)
) PERMIT NO. C-19174.
)
)
- - - - - - - - - - - - - - - - - -

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joe Baker,

requesting that Permit No. C-19174 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-19174, heretofore issued to Joe Baker, be,

and the same is hereby, declared cancelled effective October 6, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Commissioners

Dated at Denver, Colorado,

this 12th day of November, 1948.

ea

(Decision No. 31495)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALVIA R. FERRELL, DBA R. A.)
FERRELL, 405 LUCUST, LAS ANIMAS,) PERMIT NO. C-19183.
COLORADO.)
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Alvia R. Ferrell, d/b/a R. A. Ferrell, requesting that Permit No. C-19183 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-19183, heretofore issued to Alvia R. Ferrell, d/b/a R. A. Ferrell, be, and the same is hereby, declared cancelled effective August 3, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John P. Barry
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31496)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ELMER D. VENARD, 3826 VRAIN,)
DENVER 12, COLORADO.)
) PERMIT NO. C-19198
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Elmer D. Venard, requesting that Permit No. C-19198 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-19198, heretofore issued to Elmer D. Venard, be, and the same is hereby, declared cancelled effective October 25, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoskins
John R. Barry
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31497)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ELMER D. VENARD, 3[illegible] VRAIN,)
DENVER 12, COLORADO.)
) PERMIT NO. B-3580
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Elmer D. Venard, requesting that Permit No. B-3580 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-3580, heretofore issued to Elmer D. Venard, be, and the same is hereby, declared cancelled effective October 25, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry.
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31498)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES M. GRIFFIN, 1430 SOUTH 4th)
ST., CANON CITY, COLORADO.) PERMIT NO. C-19452.
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James M. Griffin, requesting that Permit No. C-19452 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-19452, heretofore issued to James M. Griffin, be, and the same is hereby, declared cancelled effective August 28, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry.
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31499)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ELGAN JOHNSON & WILLARD LOVITT,)
DBA JOHNSON & LOVITT, CAHONE,) PERMIT NO. C-20006.
COLORADO.)
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Elgan Johnson & Willard Lovitt, d/b/a Johnson & Lovitt, requesting that Permit No. C-20006 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20006, heretofore issued to Elgan Johnson & Willard Lovitt, d/b/a Johnson & Lovitt, be, and the same is hereby, declared cancelled effective October 6, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry.
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31500)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. O. BOWMAN, 310 SOUTH 3RD ST.,)
LAMAR, COLORADO.)
) PERMIT NO. C-20112.
)
)

November 12, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. O. Bowman,

requesting that Permit No. C-20112 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-20112, heretofore issued to W. O. Bowman, be,

and the same is hereby, declared cancelled effective August 24, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John A. Barry
Commissioners

Dated at Denver, Colorado,

this 12th day of November, 1948.

ea

(Decision No. 31501)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
V. G. PARKER, RT. 3, BOX 54,)
GREELEY, COLORADO.) PERMIT NO. C-20114.
)
)
- - - - - - - - - - - - - - - - - -

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from V. G. Parker,

requesting that Permit No. C-20114 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20114, heretofore issued to V. G. Parker, be,

and the same is hereby, declared cancelled effective September 30, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

xxxxx

Ralph C. Morton

John P. Berry

Commissioners

Dated at Denver, Colorado,

this 12th day of November, 1948.

ea

(Decision No. 31502)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LOWELL F. ANDERSON, BAILEY,)
COLORADO.)
) PERMIT NO. C-20190.
)
)
- - - - - - - - - - - - - - - - - -

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lowell F. Anderson, requesting that Permit No. C-20190 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20190, heretofore issued to Lowell F. Anderson, be, and the same is hereby, declared cancelled effective September 17, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31503)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
NATE WILLIAMS, 1631 ~~H~~ILPIN,)
DENVER 6, COLORADO.)
) PERMIT NO. C-20231.
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Nate Williams,

requesting that Permit No. C-20231 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20231, heretofore issued to Nate Williams, be,

and the same is hereby, declared cancelled effective October 6, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hostetter
John R. Barry,
Commissioners

Dated at Denver, Colorado,

this 12th day of November, 1948.

ee

(Decision No. 31504)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DONALD HUTCHINSON, RT 1,)
LAS ANIMAS, COLORADO)
) PERMIT NO. C-20256.
)
)
- - - - - - - - - - - - - - - - - -

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Donald Hutchinson, requesting that Permit No. C-20256 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20256, heretofore issued to Donald Hutchinson, be, and the same is hereby, declared cancelled effective September 16, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry.
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31505)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JACK R. ROSS, DBA ROSS AUCTION)
HOUSE, 123 SO. CASCADE,)
COLORADO SPRINGS, COLORADO.) PERMIT NO. C-21372.
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jack R. Ross, d/b/a Ross Auction House, requesting that Permit No. C-21372 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21372, heretofore issued to Jack R. Ross, d/b/a Ross Auction House, be, and the same is hereby, declared cancelled effective September 30, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton
John R. Barry
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948

ea

(Decision No. 31506)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEO. JOHN LECHMAN, 226 N. 9th,)
STERLING, COLORADO.)
)
) PERMIT NO. C-21389.
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Geo. John Lechman,

requesting that Permit No. C-21389 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21389, heretofore issued to Geo. John Lechman, be,

and the same is hereby, declared cancelled effective September 22, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton

John R. Barry

Commissioners

Dated at Denver, Colorado,

this 12th day of November, 1948.

ea

(Decision No. 31507)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. P. & B. L. MOORE, 615 W. KIOWA,)
FORT MORGAN, COLORADO.)
) PERMIT NO. C-21390.
)
)

November 12, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. P. & B. L. Moore, requesting that Permit No. C-21390 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-21390, heretofore issued to J. P. & B. L. Moore, be, and the same is hereby, declared cancelled effective October 25, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton
John R. Barry
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31508)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE S. GALLEGOS, WESTON, COLO.)
) PERMIT NO. C-21451.
)
)

November 12, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Joe S. Gallegos, requesting that Permit No. C-21451 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-21451, heretofore issued to Joe S. Gallegos, be, and the same is hereby, declared cancelled effective October 7, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John [illegible]
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31509)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
C. W. POWELL, PO BOX 532,)
PAYETTE, IDAHO.) PERMIT NO. C-21664.
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from C. W. Powell, requesting that Permit No. C-21664 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21664, heretofore issued to C. W. Powell, be, and the same is hereby, declared cancelled effective September 6, ~~X~~, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31510)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
SPENCER SPARKS, GLEN HAVEN,)
COLORADO.) PERMIT NO. C-21716.
)
)
- - - - - - - - - - - - - - - - - -

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Spencer Sparks, requesting that Permit No. C-21716 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21716, heretofore issued to Spencer Sparks, be, and the same is hereby, declared cancelled effective September 30, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry.
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31511)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED KREIS, DBA FRED'S AUTO SALES,)
8791 W. COLFAX, DENVER 15,) PERMIT NO. C-21997.
COLORADO.)
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Fred Kreis, d/b/a Fred's Auto Sales, requesting that Permit No. C-21997 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21997, heretofore issued to Fred Kreis, d/b/a Fred's Auto Sales, be, and the same is hereby, declared cancelled effective October 7, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John P. Carr
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31512)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CONRAD C. KLEIN, 726 LINCOLN ST.,)
FT. MORGAN, COLORADO)
) PERMIT NO. C-22008.
)
)

November 12, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Conrad C. Klein, requesting that Permit No. C-22008 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-22008, heretofore issued to Conrad C. Klein, be, and the same is hereby, declared cancelled effective September 2, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry.
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31513)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
AUGUSTINE TRUJILLO, 1605 HAYES)
ST., TRINIDAD, COLORADO.)
) PERMIT NO. C-22021.
)
)
- - - - - - - - - - - - - - - - - -

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Augustine Trujillo, requesting that Permit No. C-22021 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-22021, heretofore issued to Augustine Trujillo, be, and the same is hereby, declared cancelled effective September 29, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Morton
John R. Barry
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31514)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. A. PAULSON, 2203 IRIS ST.,)
LAKEWOOD 15, COLORADO.)
) PERMIT NO. C-22029.
)
)

November 12, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. A. Paulson,

requesting that Permit No. C-22029 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-22029, heretofore issued to C. A. Paulson, be,

and the same is hereby, declared cancelled effective October 4, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John P. Thomas
Commissioners

Dated at Denver, Colorado,

this 12th day of November, 1948.

ea

(Decision No. 31516)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF W. R. SHANKLIN, ALLIANCE, NEBRASKA.	)))	PUC 1574-I.

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. R. Shanklin, of Alliance, Nebraska, requesting that Certificate of Public Convenience and Necessity No. 1574-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. 1574-I, heretofore issued to W. R. Shanklin, of Alliance, Nebraska, be, and the same hereby is, declared cancelled effective June 29, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry.

Commissioners.

Dated at Denver, Colorado,
this 12th day of November, 1948.

eq

(Decision No. 31517)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ELVIN V. CHAMBERS, TABERNASH,)
COLORADO.) PERMIT NO. B-3632.
)
)
- - - - - - - - - - - - - - - - - -

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Elvin V. Chambers, requesting that Permit No. B-3632 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-3632, heretofore issued to Elvin V. Chambers, be, and the same is hereby, declared cancelled effective October 5, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948.

ea

(Decision No. 31518)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GLEN HIGGINS, ERIE, COLORADO.)
)
) PERMIT NO. B-3731.
)
)

November 12, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Glen Higgins, requesting that Permit No. B-3731 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-3731, heretofore issued to Glen Higgins, be, and the same is hereby, declared cancelled effective September 25, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Morton
John R. Barry.
Commissioners

Dated at Denver, Colorado,
this 12th day of November, 194 8.

ea

(Decision No. 31519)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HUGH V. GILTNER AND ELMER L. GILTNER, CO-PARTNERS, DOING BUSINESS AS "CITY TRANSFER," 415 WEST TOPEKA AVENUE, TRINIDAD, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 594 TO FRANK CRISTOFORETTI AND HERB HAINES, CO-PARTNERS, DOING BUSINESS AS "TRINIDAD FREIGHT SERVICE," 405 GODDARD, TRINIDAD, COLORADO.	APPLICATION NO. 9645 TRANSFER

November 8, 1948

S T A T E M E N T

By the Commission:

On September 27, 1929, by Decision No. 2555, M. B. Bennett, doing business as "Bennett Transfer and Storage Company," was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of:

> freight within the City of Trinidad, only, subject to the following conditions: (a) applicant will file a tariff covering his rates in harmony with the tariff now on file, known as Joint Tariff No. 1 of the Colorado Transfer and Warehousemen's Association; (b) jurisdiction of the application herein shall be retained, to the end that if and as occasion may arise appropriate orders may be made to prevent improper encroachment by applicant upon any other authorized operation;

said operating rights being designated "PUC No. 594."

Pursuant to authority contained in Decision No. 3615, of date August 19, 1931, said certificate-holder transferred said PUC No. 594 to R. S. Choate.

By Decision No. 10706, of date October 9, 1937, PUC No. 594 was extended to include the right to:

> pick up and deliver freight for the Atchison, Topeka and Santa Fe Railway Company, Colorado and Southern Railway Company, and The Denver and Rio Grande Western Railroad Company, only, from and to their respective depots in Trinidad, to and from points within one mile of the corporate limits of the City of Trinidad, in addition to the service heretofore authorized.

Pursuant to authority contained in Decision No. 22954, of date November 27, 1944, R. S. Choate transferred PUC No. 594 to J. K. Passarelli and Rubin Cartelli, co-partners, doing business as "City Transfer," Trinidad, Colorado, who, subsequently (Decision No. 28286, of date June 3, 1947), transferred said operating rights to Hugh V. and Elmer L. Giltner, co-partners, doing business as "City Transfer," Trinidad, Colorado.

By the instant application, said Hugh V. Giltner and Elmer L. Giltner, co-partners, doing business as "City Transfer," seek authority to transfer PUC No. 594 to Frank Cristoforetti and Herb Haines, co-partners, doing business as "Trinidad Freight Service," Trinidad, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said operation; that transferees, pecuniarily and otherwise, are qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said application for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said certificate, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Hugh V. Giltner and Elmer L. Giltmer, co-partners, doing business as "City Transfer," Trinidad, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 594 -- being the operating rights granted by Decisions Nos. 2555 and 10706 -- to Frank Cristoforetti and Herb Haines, co-partners, doing busi-

ness as "Trinidad Freight Service," Trinidad, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the tariff of rates, rules, and regulations of transferors shall become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

That the right of transferees to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering their operations under said certificate, and the payment by them, or by transferees, of all unpaid ton-mile tax.

That this order shall be effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Commissioners

DATED at Denver, Colorado,
this 8th day of November, 1948.

EHC

(Decision No. 31520)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF N. O. DILLNER, ERIE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9653-PP

November 1, 1948

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 other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in northern Colorado coal fields to Denver, Colorado, and to Valmont Plant of Public Service Company, located near Boulder, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That N. O. Dillner, Erie, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for

hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in northern Colorado coal fields to Denver, Colorado, and to Valmont Plant of Public Service Company, located near Boulder, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers. copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall be effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C Norton

John R. Barry

Commissioners

DATED at Denver, Colorado,
this 1st day of November, 1948.

EHC

(Decision No. 31521)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF ERNEST M. AND ELMER G. TIEMAN, DOING BUSINESS AS TIEMAN BROTHERS, EAST PLATTE AVENUE, FORT MORGAN, COLORADO.	CASE NO. 44001-INS. PERMIT NO. C-9336

November 8, 1948

S T A T E M E N T

By the Commission:

On October 29, 1948, in Case No. 44001-Ins., the Commission entered an order revoking Permit No. C-9336 for failure to keep on file effective insurance.

Proper filing, however, was made within the five-day grace period, and the insurance is in order without lapse.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 44001-Ins., should be cancelled and set aside and said Permit No. C-9336 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 44001-Ins., should be, and it hereby is, cancelled and set aside and said Permit No. C-9336 restored to its former status as of October 29, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 8th day of November, 1948.

Commissioners

EHC

(Decision No. 31522)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF JAMES W. BOYD, 1602 SOUTH 23RD STREET, LINCOLN, NEBRASKA.	CASE NO. 43400-INS. PERMIT NO. C-2693

November 10, 1948

S T A T E M E N T

By the Commission:

On September 27, 1948, in Case No. 43400-Ins., the Commission entered an order revoking Permit No. C-2693 for failure to keep on file effective insurance.

Proper insurance filing was made on September 28, 1948, the day after the order was mailed, and the insurance is in order without lapse. As this filing was made within the five-day period of grace, the order of revocation should be set aside.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 43400-Ins., should be cancelled and set aside and said Permit No. C-2693 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 43400-Ins., should be, and it hereby is, cancelled and set aside and said Permit No. C-2693 restored to its former status as of September 27, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 10th day of November, 1948.

Ralph L. Horton
John R. Barry
Commissioners

EHC

(Decision No. 31523)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS OF E. N. WINSCOM AND W. C. WINSCOM, WALDEN, COLORADO. (APPLICATION NO. 8223-PP.)	)	CASE NO. 4978

November 12, 1948

Appearances: J. W. Hawley, Esq., of the Public Utilities Commission of the State of Colorado, for the Commission;
Jones and Stauffer, Esqs., Denver, Colorado, for the North Park Transportation Company.

S T A T E M E N T

By the Commission:

On May 21, 1948, by Decision No. 30532, the Commission ordered that an investigation be made to determine if said E. N. Winscom and W. C. Winscom have failed and neglected to comply with any or all of the provisions of the statutes of the State of Colorado and the Rules and Regulations of this Commission Governing Private Carriers by Motor Vehicle for Hire.

The above matter was set for hearing before the Commission at its Hearing Room, 330 State Office Building, Denver, Colorado, on the 7th day of June, A. D. 1948, at ten o'clock A. M. Notice was served by mail on E. N. Winscom and W. C. Winscom, the respondents herein, who failed to appear to answer the Show Cause Order of the Commission. Evidence, however, on behalf of the Commission, was introduced by the department charged with enforcement of the statutes and our Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire.

After hearing the evidence introduced, the matter was taken under advisement by the Commission.

At the hearing, the evidence disclosed that, on June 15, 1946, the above-named respondents filed their application with this Commission for a private carrier permit; that on November 15, 1946, temporary authority was issued to E. N. and W. C. Winscom as follows, to-wit:

> "Transportation, as a Class "B" carrier, of livestock, farm products, household goods and building supplies between points in North Park to loading points on the Denver & Salt Lake Railroad in Grand County, Colorado, provided that no transportation under this temporary authority shall be made to any other points outside North Park, except those specifically set out above."

It appears that said application was duly processed and set up by the Commission as Application No. 8223-PP, and was set down for hearing, and heard, on February 28, 1947; that on May 27, 1947, the Commission made and entered its order, being Decision No. 28239, granting authority as follows, to-wit:

> "That E. N. Winscom and W. C. Winscom, Walden, Colorado, be, and they hereby are, authorized to operate as Class "B" private carriers by motor vehicle for hire, for the transportation of livestock, farm commodities, building materials, and supplies, machinery, and household goods, between points in Jackson County, Colorado, and from and to points in Jackson County, to and from points in the State of Colorado, provided, however, that applicants shall not transport commodities ordinarily handled by line-haul motor vehicle common carriers between points served on schedule by Denver-Laramie-Walden Truck Line, Inc.
>
> "All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.
>
> "This order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards."

The evidence introduced by the Enforcement Division pointed out that, on June 2, 1947, the Denver-Laramie-Walden Truck Line, Inc., filed its Petition for Rehearing in the matter, which was denied on June 10, 1947, in Decision No. 28377, which decision was effective on June 30, 1947. On September 15, 1947, the Commission entered a Supplemental Order, being Decision No. 28999, again denying the Petition for Rehearing, and making its order effective on September 30, 1947.

The evidence disclosed that, since September 30, 1947, E. N. and W. C. Winscom have failed to perform the necessary acts to put into effect the authority granted to them under our Decision No. 28239; that the staff of this Commission had notified the said respondents as to the acts to be performed in order to make the authority granted in Decision No. 28239 effective.

The evidence also disclosed, and the records of the Public Utilities Commission show, that said respondents have engaged in transportation as private carriers by motor vehicle without making reports of such operation, or paying highway compensation tax therefor.

The records of the Commission further show that respondents have transported livestock between Jackson County and Denver without either temporary or permanent authority therefor. Respondents, after opportunity was granted, have failed to answer, or appear to answer, the complaints which state they have failed and neglected to comply with any or all of the statutes of the State of Colorado and the Rules and Regulations of this Commission.

It therefore appears to the Commission that respondents are no longer interested in the authority granted to them by this Commission, or they have unlawfully operated under the statutes of the State of Colorado and the Rules and Regulations of this Commission.

F I N D I N G S

THE COMMISSION FINDS:

That our Decision No. 28239, and our Decision No. 28999, should be vacated and held for naught, and that Application No. 8223-PP should be denied, for the reasons heretofore given in the Statement preceding.

O R D E R

THE COMMISSION ORDERS:

That our Decision No. 28239 and our Decision No. 28999 be, and the same hereby are, vacated and held for naught, and that Application

No. 8223-PP be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 12th day of November, 1948.

EHC

(Decision No. 31524)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DALE SIMMONS, MERINO, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1346 TO ROBERT CHRISTENSEN AND EDGAR CHRISTENSEN, CO-PARTNERS, DOING BUSINESS AS "CHRISTENSEN BROTHERS," MERINO, COLORADO.	APPLICATION NO. 9259-PP TRANSFER

November 12, 1948

S T A T E M E N T

By the Commission:

Upon consideration of request of petitioners herein to withdraw the above styled application to transfer Permit No. B-1346, -

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That said petition be, and the same hereby is, dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Commissioners

DATED at Denver, Colorado,
this 12th day of November, 1948.

EHC

(Decision No. 31525)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

SIDNEY E. OMOHUNDRO, DOING BUSINESS AS "FOXALL TRANSPORTATION COMPANY," Complainant, v. JAMES A. SCHAEFFER, DOING BUSINESS AS "SCHAEFFER TRUCK LINE," Defendant.	)	CASE NO. 4947

November 12, 1948

S T A T E M E N T

By the Commission:

Upon consideration of the evidence before the Commission in the above-styled case:

F I N D I N G S

THE COMMISSION FINDS:

That said case should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That the above-styled case be, and the same hereby is, dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Commissioners

DATED at Denver, Colorado,
this 12th day of November, 1948.

EHC

(Decision No. 31526)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JAMES D. STEPHENSON, 4558 WYANDOT STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-3729.	APPLICATION NO. 9659-PP EXTENSION

November 12, 1948

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-3729 to include the right to transport loam, silicate sand, fire clay, and dirt, from pits and supply points within a radius of one hundred miles of Denver, to Denver, and from Denver to points within the above radius, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Inasmuch as the motor carrier associations heretofore have indicated they have no objection to the granting of authority 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That James D. Stephenson, Denver, Colorado, be, and he hereby

is, authorized to extend operations under Permit No. B-3729 to include the right to transport loam, silicate sand, fire clay, and dirt, from pits and supply points within a radius of one hundred miles of Denver, to Denver, and from Denver to points within the above radius, excluding service in Boulder, Clear Creek, and Gilpin Counties.

That this order is made a part of the permit granted to applicant, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C Hoton

John P Barry

Commissioners

DATED at Denver, Colorado,
this 12th day of November, 1948.

EHC

Original

(Decision No. 31527)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. C. WORLEY, DOING BUSINESS AS "NORTHERN COLORADO FREIGHT LINES," 3230 NEWTON STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. A-742 TO DEAN RESLER, DOING BUSINESS AS "PLATTE VALLEY TRUCK COMPANY," Sterling, Colorado.	APPLICATION NO. 6375-PP-AA SUPPLEMENTAL ORDER

November 15, 1948

Appearances: James B. Radetsky, Esq., Denver, Colorado, for E. C. Worley;
Marion F. Jones, Esq., Denver, Colorado, for Dean Resler;
Jean Breitenstein, Esq., Denver, Colorado, and
David McKee, Esq., Denver, Colorado, for Fred Rein, Jr.;
T. A. Stockton, Jr., Esq., Denver, Colorado, for Northeastern Motor Freight, Inc., McKie Transfer, North Eastern Freight Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Stanley Blunt, Canon City, Colorado, for Consolidated Motor Freight.

S T A T E M E N T

By the Commission:

On September 12, 1947, the Commission entered Decision No. 28983 in Application No. 6375-PP-AA, denying said application.

On October 1, 1947, Petition for Rehearing was filed by Dean Resler.

The Commission has reviewed the evidence adduced at the hearing on said application, and has carefully considered Petition for Rehearing filed herein, and each and every allegation thereof, and is of the opinion, and finds, that said Petition should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing herein, filed by Dean Resler, be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Carlson

John P. Barry

Commissioners

DATED at Denver, Colorado,
this 15th day of November, 1948.

(Decision No. 31528)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE BARBER, GERALD WAGNER, AND CARL PIERCE, CO-PARTNERS, DOING BUSINESS AS "BARBER, WAGNER & PIERCE," BOX 249, STERLING, COLORADO, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO GEORGE BARBER AND GERALD WAGNER, CO-PARTNERS, DOING BUSINESS AS "BARBER & WAGNER," BOX 249, STERLING, COLORADO.	PUC NO. 1762-I

November 15, 1948

S T A T E M E N T

By the Commission:

Heretofore, George Barber, Gerald Wagner, and Carl Pierce, co-partners, doing business as "Barber, Wagner & Pierce," Sterling, Colorado, 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 PUC No. 1762-I issued to them.

Said certificate-holders now seek authority to transfer said certificate to George Barber and Gerald Wagner, co-partners, doing business as "Barber & Wagner," Sterling, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That the transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

That George Barber, Gerald Wagner, and Carl Pierce, co-partners, doing business as "Barber, Wagner & Pierce," Sterling, Colorado, be, and

they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1762-I to George Barber and Gerald Wagner, co-partners, doing business as "Barber & Wagner," Sterling, Colorado, subject to the provisions of the Federal Motor Carrier Act of 1935, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That ton-mile tax deposit of transferors be transferred to account of transferees.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 15th day of November, 1948.

EHC

(Decision No. 31529)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BILL SORENSEN AND S. J. SORENSEN, CO-PARTNERS, DOING BUSINESS AS "SORENSEN & SON," ALBIN, WYOMING, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO R. D. SORENSEN AND S. J. SORENSEN, CO-PARTNERS, DOING BUSINESS AS "SORENSEN AND SON," ALBIN, WYOMING.	PUC NO. 1176-I-Transfer.

November 15, 1948

S T A T E M E N T

By the Commission:

Heretofore, Bill Sorensen and S. J. Sorensen, co-partners, doing business as "Sorensen & Son," Albin, Wyoming, 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 PUC No. 1176-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to R. D. Sorensen and S. J. Sorensen, co-partners, doing business as "Sorensen and Son," Albin, Wyoming.

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

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Bill Sorensen and S. J. Sorensen, co-partners, doing business as "Sorensen & Son," Albin, Wyoming, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1176-I to R. D. Sorensen and S. J. Sorensen, co-partners, doing

business as "Sorensen and Son," Albin, Wyoming, subject to the provisions of the Federal Motor Carrier Act of 1935, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That ton-mile tax deposit be transferred to account of transferees.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Hodges

John P. Barry

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1948.

ea

(Decision No. 31530)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

A. R. LEE AND R. F. LEE, PRITCHETT, COLORADO, AND R. S. THOMPSON, KIM, COLORADO, Complainants, vs. GEORGE WRIGHT, Defendant.	CASE NO. 4948 SUPPLEMENTAL ORDER

November 15, 1948

Appearances: E. B. Evans, Esq., Denver, Colorado, for Complainants;
Marion F. Jones, Esq., Denver, Colorado, and
Robert Stauffer, Esq., Denver, Colorado, for Defendant;
Myron H. Burnett, 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:

Heretofore, Decision No. 28978 was entered by the Commission in the above-entitled case, dismissing said complaint.

Subsequent thereto, Application for Rehearing was filed by A. R. Lee, R. F. Lee, and R. S. Thompson, by their attorney, E. B. Evans.

The Commission has reviewed the evidence adduced at the hearing in said case, and has carefully considered Petition for Rehearing filed herein, and each and every allegation thereof, and is of the opinion, and finds, that said petition should be denied.

O R D E R

THE COMMISSION ORDERS:

That Application for Rehearing herein filed by A. R. Lee, R. F. Lee, and R. S. Thompson, be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1948.

ea

(Decision No. 31531)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE WRIGHT, 1321 PARK AVENUE, CANON CITY, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1308 TO VIOLA L. WRIGHT, 1321 PARK AVENUE, CANON CITY, COLORADO.	APPLICATION NO. 8163-PP-Transfer SUPPLEMENTAL ORDER

November 15, 1948

Appearances: Robert Stauffer, Esq., Denver, Colorado, for applicants;
E. B. Evans, Esq., Denver, Colorado, for A. R. Lee and R. F. Lee, R. S. Thompson;
Myron H. Burnett, Esq., Denver, Colorado, for Common Carrier Division of The Colorado Motor Carriers' Association;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

STATEMENT

By the Commission:

By Decision No. 28990, the Commission, among other things, authorized George Wright to transfer Permit No. B-1308 to Viola L. Wright, Canon City, Colorado.

Subsequently, A. R. Lee, R. F. Lee, and R. S. Thompson, by their attorney, E. B. Evans, filed Application for Rehearing.

The Commission has reviewed the evidence presented at the hearing on said application, and has carefully considered each and every allegation contained in Application for Rehearing filed herein, and is of the opinion, and finds, that said Petition should be denied.

ORDER

THE COMMISSION ORDERS:

That Application for Rehearing herein filed by A. R. Lee, R. F. Lee, and R. S. Thompson, be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1948.

ea

(Decision No. 31532)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

W. P. REES, DOING BUSINESS AS "DE LUXE CAB COMPANY," AND HOWARD L. SODERBERG AND WILLIAM A. WOOLFORD, DOING BUSINESS AS "BILL'S CITY TAXI,"	)	
Complainants,	)	
vs.	)	CASE NO. 4956.
JAMES F. BURK AND MARIE G. BURK, DOING BUSINESS AS "YELLOW CAB COMPANY," BOULDER, COLORADO,	)	
Defendants.	)	

November 15, 1948

STATEMENT

By the Commission:

The above-styled case, pursuant to prior setting, after appropriate notice to all parties in interest, was heard in Boulder, Colorado, June 5, 1947, and was taken under advisement.

It now appears that PUC No. 1358, owned by James F. Burk and Marie G. Burk, co-partners, doing business as "Yellow Cab Company," was cancelled by the Commission on September 1, 1948, in Decision No. 42750-Ins. for failure of certificate-holders to file insurance, as required by law and rules and regulations governing motor vehicle carriers.

FINDINGS

THE COMMISSION FINDS:

That no useful purpose would be served by deciding the above-styled case; that said case should be dismissed.

ORDER

THE COMMISSION ORDERS:

That Case No. 4956 be, and the same hereby is, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1948.

ea

(Decision No. 31533)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
S. G. LEISCHUCK, RAMAH, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-) APPLICATION NO. 6805.
IENCE AND NECESSITY.)
- -)

- - - - - - - - - -
November 15, 1948
- - - - - - - - - -

S T A T E M E N T

By the Commission:

Upon consideration of the evidence before the Commission in the above-styled matter, it appears from the evidence that the authority sought was for the duration of the national emergency. Inasmuch as this emergency is not now so critical, it therefore appears that the instant application should be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed for the reasons heretofore set forth.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1948.

(Decision No. 31534)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LEROY W. MATTHEWS AND FRANK D. VONATTI, DOING BUSINESS AS "MATTHEWS & VONATTI TRUCK LINE," 115 POLK STREET, WALSENBURG, COLORADO, FOR A CLASS "A" PERMIT TO OPERATE AS PRIVATE CARRIERS BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 7373-PP.

November 15, 1948

Appearances: Frank D. Vonatti, Walsenburg, Colorado, pro se;
Chas. Dussart, Trinidad, Colorado, for Dussart Truck Line;
Angelo Baudino, Aguilar, Colorado, pro se.

S T A T E M E N T

By the Commission:

Upon consideration of the evidence before the Commission in the above-styled matter, it appears to the Commission that the service of protestants is adequate, or can be made adequate under the direction of the Commission. The Commission further is of the opinion that the granting of a permit would impair the efficiency of presently authorized common carriers now serving the area asked for in the application.

In view of the conclusions above reached, and inasmuch as the Commission is of the opinion that presently authorized service is adequate, or can be made adequate, the Commission believes that the application should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed for the reason heretofore set forth in the Statement.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 15th day of November, 1948.

ea

(Decision No. 31535)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK M. CADWELL, BOONE, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-) APPLICATION NO. 6642.
IENCE AND NECESSITY.)
- -)

- - - - - - - - -
November 15, 1948
- - - - - - - - -

Appearances: W. R. Book, Rush, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
J. S. Wright, Pueblo, Colorado, pro se;
John Green, Fowler, Colorado, pro se.

S T A T E M E N T

By the Commission:

Upon consideration of the evidence before the Commission in the above-styled matter, it appears from the evidence that the authority asked for in the application was for the duration of the war and the national emergency. Inasmuch as that emergency is no longer so critical, and that the present service of protestants is adequate, or can be made adequate under direction of the Commission, it now appears that said application should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be denied for the reasons heretofore set forth.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Horton
John P. Barry
Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1948.

(Decision No. 31536)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF ELECTRIC SERVICE FURNISHED BY W. F. COBB, 4040 WEST 38TH AVENUE, DENVER, COLORADO.	CASE NO. 4991 - COMPLAINT - ORDER TO CEASE AND DESIST AND TO SHOW CAUSE

November 13, 1948

S T A T E M E N T

By the Commission:

WHEREAS, Complaint has been made to the Commission to the effect that W. F. Cobb is the owner of what is known as "Crestview Trailer City," a trailer camp located at No. 5580 North Federal Boulevard, Denver, Colorado, and without the city limits of the City and County of Denver, Colorado, and, as such owner, has been purchasing from the Public Service Company of Colorado electric energy for resale to the occupants of said Trailer City for a monetary consideration, greatly in excess of the amount paid by him for such energy; and

WHEREAS , the schedule of electric rates of the Public Service Company of Colorado, filed with this Commission (3rd Revised Sheet No. 128, Colo. PUC No. 3), applicable to the territory in which said Trailer City is located, provides as follows:

> "Service hereunder is for the exclusive use of the customer and shall not be resold, and is not available for standby purposes";

and

WHEREAS, it appears from the files of the Commission that said W. F. Cobb has never applied for or obtained a certificate of public convenience and necessity for service such as he is said to be furnishing, as required by the Rules and Regulations of this Commission and the statutes of the State of Colorado in such case made and provided.

F I N D I N G S

The Commission, therefore, is of the opinion, and finds, that this Commission should, on its own motion, make a complaint against the respondent on account of the matters and things herein set forth; that an investigation be made and a hearing held relative thereto; that the respondent be required to show cause why this Commission should not enter an order adjudging the respondent to be a public utility, as defined by the statutes of the State of Colorado.

The Commission further finds that said respondent should be ordered to cease and desist from the resale of electric energy purchased by him from the Public Service Company of Colorado to the occupants of said Crestview Trailer City pending said hearing and decision thereon.

O R D E R

THE COMMISSION ORDERS:

That a complaint be made on the Commission's own motion against the respondent relative to the matters and things herein set forth; that an investigation be made and a hearing held to determine whether or not said respondent should be adjudged to be a public utility and subject to the jurisdiction of this Commission; and that said respondent be, and he is hereby, ordered to cease and desist from the resale of electric energy purchased by him from the Public Service Company of Colorado to the occupants of said Crestview Trailer City, pending such hearing and decision thereon.

That the respondent be required to show cause, by written answer filed herein by the 25th day of November, 1948, as to why this Commission should not enter a permanent order to the above effect.

That a hearing be held in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, on the 29th day of November, 1948, at ten o'clock A. M., relative to the matters and things stated herein.

DATED at Denver, Colorado,
this 13th day of November, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Carlson
John R. Barry
Commissioners

EHC

(Decision No. 31537)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. M. TRUJILLO, 130 STALLO STREET, MONTE VISTA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9593-PP.

November 15, 1948

Appearances: J. M. Trujillo, Monte Vista, Colorado, pro se;
Conour and Conour, Esqs., Del Norte, Colorado, for Lute Vance, Fred Gibson, Ted Walker, James Ashton, and J. P. Wiederkehr & Son.

S T A T E M E N T

By the Commission:

J. M. Trujillo, the applicant herein, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of farm produce and livestock between points within a thirty-five mile radius of Alamosa, Colorado, and from and to points in said area to and from Pueblo and Denver, Colorado, with no town-to-town service.

The above application was set for hearing, and heard, in the County Court Room in Alamosa, Colorado, on November 1, 1948, at which time said application was taken under advisement.

The evidence disclosed that applicant is the owner of a 1948 Chevrolet truck, equipped with a 28-foot stock rack, and that the operating experience and pecuniary responsibility of applicant appears to be satisfactory. Applicant states that, if granted a permit, he will have customers residing within a thirty-five mile radius of Alamosa who will use his services in transporting livestock and farm produce. He emphasized

that there is a need for hauling and picking up small shipments of livestock, but it appears, however, that his present equipment is not suited to this type of operation. He also desires to haul farm produce in the area.

Applicant produced no shipper-witnesses as to the need for his proposed service. In fact, the only testimony we have concerning the need for his service is his own. On the other hand, we have the testimony of Ralph Vance, who holds Certificate No. 411, that there is adequate service in the area covered by his certificate, and that the granting of additional authority in his territory would impair his operation.

James Ashton, of Monte Vista, Colorado, who holds certificate from this Commission, protested the granting of livestock authority. He maintained that there were adequate carriers certified by the Commission to adequately take care of all livestock shipments going out of the San Luis Valley.

Fred M. Gibson, who holds Certificates Nos. 1520 and 1646, also protested very vigorously the granting of any additional livestock authority, and he maintains that the granting of this application would impair his present operation. He states he has equipment that is now idle, and that the other common carriers in the southern part of the San Luis Valley also have idle equipment.

Before private carrier authority can be granted, the Commission must find that the granting of the same will not impair the service of common carriers now authorized to serve. The statutes of the State of Colorado and our rules and regulations provide:

> "Rule 5. No application for authority to operate as a private carrier by motor vehicle in intrastate commerce or for authority to extend or enlarge an existing permit will be granted as a matter of course, nor will any such application be granted if the Commission shall be of the opinion, after hearing, that the proposed operation will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

In view of the evidence submitted, and the record made at the

hearing, the Commission feels that applicant has failed to make the required showing to justify the granting of the authority he seeks, as he has failed to show that the service in the area sought to be served is not adequate, nor has he shown that his proposed service would not impair the efficiency of the presently authorized common carriers; whereas said common carriers testified that the granting of any additional authority would impair their present efficiency.

F I N D I N G S

THE COMMISSION FINDS:

That applicant has failed by his evidence to justify the granting of private carrier authority, as more particularly set out in the Statement herein, and the Commission further finds that said application should be denied.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 15th day of November, 1948.

EHC

(Decision No. 31538)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE MC CLANAHAN, OF 640 SPRUCE STREET, DEL NORTE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 9594-PP.

November 15, 1948

Appearances: George McClanahan,
Del Norte, Colorado,
pro se;
Conour and Conour, Esqs.,
Del Norte, Colorado, for
J. P. Wiederkehr & Son,
Ted Walker, James Ashton,
and Fred Gibson.

S T A T E M E N T

By the Commission:

George McClanahan, the applicant herein, seeks authority to operate as a private carrier by motor vehicle for hire for the transportation of manure, ice, fertilizer, shook, vegetable hampers, baskets, farm machinery, and building materials, between points within a fifteen-mile radius of Del Norte, Colorado, and to and from said points in said radius and points within a fifty-mile radius of Del Norte, Colorado, with no town-to-town service.

The above application was set for hearing, and heard, at Alamosa, Colorado, on November 1, 1948, and there taken under advisement.

The evidence disclosed that applicant is the owner of a 1948 Chevrolet two-ton truck, equipped to haul farm produce. Applicant testified that he had been hauling for the Hartner Produce Company in the Del Norte area and had calls from this company to haul farm produce, baskets, hampers, shook, etc., between farms and warehouses; also, he has been occasionally called upon to transport baskets, etc., including farm produce, from the warehouses located at La Jara, Alamosa, and other points within his fifty-mile radius, to Del Norte, Colorado.

Applicant produced no shipper-witnesses to testify as to the need of his service, and he relied entirely on his own testimony.

The application was vigorously protested by carriers now serving in the area. Protestants stated they maintained equipment to take care of this business, and that they presently had idle equipment on hand and that would continue until the beginning of the next harvest season; that if additional authority is granted they will be forced to sell some of their present equipment, or leave it stand idle, which would thereby impair their present service.

The statutes of the State of Colorado, and Rule 5 of our Rules and Regulations provide:

> "Rule 5. No application for authority to operate as a private carrier by motor vehicle in intrastate commerce or for authority to extend or enlarge an existing permit will be granted as a matter of course, nor will any such application be granted if the Commission shall be of the opinion, after hearing, that the proposed operation will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

In view of the evidence submitted, and the record made at the hearing, and particularly the fact that no shipper-witnesses or customers appeared testifying that the present service was inadequate, or that they needed applicant's proposed service, we cannot say that applicant has made the required showing justifying the granting of the authority he seeks. He has failed to show that the service in the area he seeks to serve is inadequate, nor has he shown that his proposed service would not impair the efficiency of the presently authorized carriers.

F I N D I N G S

THE COMMISSION FINDS:

That applicant has failed to justify by his evidence the granting of private carrier authority as set out in the application herein, and further finds that said application should be denied.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Carlson

John R. Barry

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1948.

ea

(Decision No. 31539)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DELFINO TRUJILLO, DOING BUSINESS AS)
"TRUJILLO'S EXPRESS CO." BOX 153,)
ALAMOSA, COLORADO, FOR A CLASS "B") APPLICATION NO. 9589-PP.
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 15, 1948

Appearances: Delfino Trujillo,
Alamosa, Colorado,
pro se;
C. R. Deisher, Alamosa,
Colorado, for the
Continental Bus System;
Conour and Conour, Esqs.,
Del Norte, Colorado, for
James Ashton.

S T A T E M E N T

By the Commission:

The above matter was set for hearing at Alamosa, Colorado, on November 1, 1948.

At the hearing it was disclosed by the evidence that applicant desires common carrier authority. Applicant requested that the instant setting be vacated, with permission for applicant to amend his petition.

F I N D I N G S

After careful consideration of the record, it appears that applicant has filed for private carrier authority when in truth and in fact he desires common carrier authority, and the Commission finds that the setting should be vacated, thereby giving applicant opportunity to amend his application.

O R D E R

THE COMMISSION ORDERS:

That the setting in Application No. 9589-PP be, and the same is hereby, vacated.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1948.

ea

(Decision No. 31540)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT PACHECO, OF CENTER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 9591-PP.
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
- -)

- - - - - - - - -
November 15, 1948
- - - - - - - - -

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado, for
J. P. Wiederkehr & Son,
James Ashton, Ted Walker,
Lute Vance, and Fred Gibson.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at the Court House in Alamosa, Colorado, on Monday, November 1, 1948, at 9:30 A. M., due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

Thereupon, protestants, by their attorney, moved that said application be dismissed for lack of prosecution, and the matter was taken under advisement.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is,

dismissed for lack of prosecution.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Horton

John R. Barry

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1948.

ea

(Decision No. 31541)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK R. WRIGHT AND TONY SARACINO FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A TAXICAB SERVICE WITHIN THE CITY OF PUEBLO, COLORADO, AND A RADIUS OF TWENTY-FIVE MILES SURROUNDING THE SAID CITY OF PUEBLO, COLORADO.	)	APPLICATION NO. 9405.

November 15, 1948

Appearances: A. T. Stewart, Esq., Pueblo, Colorado, for applicants;
Charles F. Keen, Esq., Pueblo, Colorado, for Veterans Taxicab and Transportation Company;
Vincent Cristiano, Esq., Pueblo, Colorado, for Royal Cab Company;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc., and Denver and Rio Grande Western Railroad Company.

S T A T E M E N T

By the Commission:

On October 4, 1948, by Decision No. 31381, authority was granted to applicants for the transportation, on call and demand, by means of five-passenger and driver sedan taxicabs, of passengers and their baggage in the same vehicle, between points within a radius of five miles of the City of Pueblo, Colorado.

On October 23, 1948, the Royal Cab Company, one of the protestants in the instant matter, by its attorney, filed an application for rehearing, stating:

"1. Said decision of the Commission is unjust and unreasonable.

"2. The conclusions of the Commission in said decision are contrary to the evidence.

"3. That the conclusions of the Commission in said decision are contrary to law and the rules and regulations of the Public Utilities Commission and are not supported by the evidence, for the reason that a certificate of public convenience and necessity may only be granted by the Commission upon a showing that public convenience and necessity require the issuance of such certificate.

"4. That the Commission erred in granting to applicants a certificate of public convenience and necessity solely upon the ground that said applicants presently had a certificate from the City of Pueblo.

"5. The Commission erred in granting said certificate because applicants for said certificate failed to prove good moral character and responsibility.

"6. The Commission erred in granting said certificate because applicants for the certificate failed to furnish proof of financial responsibility and failed to file a financial statement as required by the rules and regulations of the Commission.

"7. The within decision authorizes such a great number of taxicabs to operate in the vicinity immediately surrounding the City of Pueblo that it will tend to cause unfair competition between them in competing for the limited business available, and it will make the operation of their businesses so unprofitable that they may be forced to operate with equipment that does not meet the standards and requirements of the Commission and will thereby result in a lack of service to the public, as well as an additional hazard to the public."

On October 25, 1948, the Veterans Taxicab and Transportation Company, a Colorado corporation, also one of the protestants in the above entitled matter, filed its application for rehearing, stating:

"1. That the decision and findings in No. 31381 are not in accord with the evidence in the following particulars, to-wit:

a. Paragraph 3 on Page 2, 'Admission of "Exhibit No. I" '

b. That 'and he fears that the granting of additional authority would eventually bankrupt the present certificate holders.' The evidence in this respect was to the effect that the granting of additional certificates at this time would cause Competitive Methods and Practices which would be detrimental to the taxi-riding public.

"2. That the decision and findings of the Commission herein are entirely contrary to the law and the evidence in the following particulars, to-wit:

a. No proof of financial responsibility (Legal proof is required by law and the P. U. C. Rules and Regulations).

b. No proof of good moral character.

c. That the proof of better service of the public convenience and necessity being wholly lacking, the Commission erred in its Finding that the taxi users of the City of Pueblo would be inconvenienced in use of an 'A Zone' cab if same were restricted as all proof showed that adequate taxi service was being rendered before the application herein was filed.

"3. That the Commission in its Findings and Order and the spirit of its Findings and Order did in fact nullify and completely abrogate its own right and duty to regulate and 'screen' applicants for certificates of public convenience and necessity when it, in fact, held that it would grant any applicant a certificate irregardless of required proof if the applicant had been approved by the City of Pueblo.

"4. That the terms and provisions of the Pueblo Taxi Ordinance were introduced into evidence and made a part of the record.

"5. That the conviction of applicant, Frank L. Wright, would bar him from securing a taxicab driver's license in the City of Pueblo, and he, therefore, should not be licensed as an operator.

"6. That the Findings of Fact and Order are wholly contrary under the evidence submitted to both the letter and spirit of the law and the Rules and Regulations of the Public Utilities Commission."

The Commission has re-examined the files, and the evidence given at the hearing in Pueblo, Colorado, on July 21, 1948. The Commission has also reviewed the briefs submitted by attorneys for protestants, and after a careful re-consideration of the facts, it now appears to the Commission that the all-important question confronting the Commission is: "does the public convenience and necessity require the services of applicants

for the transportation, on call and demand, by means of five-passenger and driver sedan taxicabs, of passengers and their baggage in the same vehicle, between points within a radius of five miles of the City of Pueblo?"

The Commission answered this question by Decision No. 31381. Protestants contend we have erred. A re-examination of the files and records clearly indicate a public need for applicants' service, as we stated in our Decision No. 31381, when we consider the convenience and necessities of the public, we have no other alternative but to grant the application, even though it may not be for the best interests of the presently authorized taxi operators. The loss that protestants may incur by reason of placing an additional competitor in the field is more than balanced or outweighed by the removal of the irritation, inconvenience and added expense suffered by patrons of supposedly "Pueblo Taxi Service."

We appreciate the position of protestants, but the regulatory power of the Commission looks rather to the best interests of the general public and not to the protection of individual certificate-holders.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission did not err in its Decision No. 31381, and that the petitions of Royal Cab Company and Veterans Taxicab and Transportation Company for a rehearing should be denied for the reasons heretofore given in our Statement.

O R D E R

THE COMMISSION ORDERS:

That the petitions of Royal Cab Company and Veternas Taxi-cab and Transportation Company for rehearing be, and the same hereby are, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1948.

ea

(Decision No. 31542)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARRY L. PEAK, OF ROUTE 1, BOX 249, LOVELAND, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 9588-PP.

November 15, 1948

Appearances: Frank Shaw, Esq., Monte Vista, Colorado, for applicant;
Conour and Conour, Esqs., Del Norte, Colorado, for J. P. Wiederkehr & Son, James Ashton, Ted Walker, Lute Vance, and Fred Gibson.

STATEMENT

By the Commission:

Harry L. Peak, of Center, Colorado, the applicant herein, on September 2, 1948, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of vegetables, fruit, farm produce, and livestock, from farm to market or storage places, within a radius of 25 miles of Center, Colorado.

The above matter was set for hearing, and heard, in the County Court Room in Alamosa, Colorado, on November 1, 1948, and there taken under advisement.

The applicant, testifying in his own behalf, stated he was the owner of a 1948 International 2½-ton truck, equipped with grain rack, and will put on a stock rack if this application is granted.

It further appears from his evidence that he is pecuniarily responsible and is qualified by experience to carry on his proposed operation; that on September 14, 1948, he received temporary authority from this

Commission to engage in the transportation of vegetables within a twenty-five mile radius of Center, Colorado, by motor vehicle for hire. While engaged in said operation, he did some hauling for farmers in the Center area who now desire and request his services, as more clearly set forth in his application. It appears also that there are two common carriers based at Center, Colorado, who are authorized to render a like service to that which applicant proposes to render, but neither of these carriers are here protesting the granting of the instant application.

Applicant presented several shipper-witnesses, who appeared and testified, among whom were M. J. Dillon, a farmer who lives nine miles north of Center. He stated he knew applicant, had used his services during the past two months; that he was dependable and that he would require his services in the future for hauling potatoes and farm produce from farm to market; that the present service in the Center area is not responsible or dependable, and that he, in his farming business, needs a responsible and reliable carrier to take care of his needs.

Mr. Al Kramer, a farmer living two miles west of Center, also stated that the service around Center was not dependable, and that he, too, desired applicant's proposed service for hauling in his farming operation.

Douglas Thompson, a farmer residing in the Center area, also testified as to his need for applicant's service in the transportation of farm produce, including livestock.

J. P. Wiederkehr, who holds a certificate of public convenience and necessity covering a portion of the territory asked for in the application, stated that his trucks were idle part of the time and that if authority is granted overlapping his territory it would take business away from his operation, thereby impairing the service he offers the public.

E. T. Walker and James Ashton, holding authority to handle livestock in the area applicant desires to serve, both protested the granting of authority as sought in this application for the hauling of livestock. They gave a complete account of the equipment available in the territory for the

movement of livestock, and stated that the needs of the territory were, in their judgment, well taken care of.

The Commission feels that the San Luis Valley now has ample carriers to take care of the needs for hauling livestock to market, especially to Denver, and to Pueblo, as disclosed by the evidence in the instant hearing, however, protestants failed to show wherein the local service offered by applicant would impair their present operations.

The Commission has had numerous complaints as to short local hauls by shippers, and that the presently authorized carriers gave preference to large shipments going a long distance. The witnesses of protestants evaded the proposed service for the transportation of livestock as offered by applicant in their testimony.

F I N D I N G S

After careful consideration of the record and the evidence submitted, the Commission is of the opinion, and finds, that authority, as hereinafter limited, should be granted, and the Commission further finds that the authority hereinafter granted will not impair the operations of authorized carriers now serving the area, as disclosed by the evidence and the record in this matter.

O R D E R

THE COMMISSION ORDERS:

That Harry L. Peak, of Center, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, including livestock, from farm to farm, from farm to market, farm to loading points, and farm to storage places, within an area extending five miles west, twenty-five miles north, twenty-five miles east, and twenty-five miles south of Center, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 15th day of November, 1948.

ea

(Decision No. 31543)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF B. J. SCHOOLLAND, ROUTE 2, ALAMOSA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9590-PP

November 15, 1948

Appearances: B. J. Schoolland, Alamosa, Colorado, pro se;
Conour and Conour, Esqs., Del Norte, Colorado, for J. P. Wiederkehr & Son, James Ashton, Ted Walker, Lute Vance, and Fred Gibson.

S T A T E M E N T

By the Commission:

On August 3, 1948, the applicant herein filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of farm produce, potatoes, and hay, between points within a radius of twenty-five miles of Alamosa, Colorado, to markets in Alamosa, Colorado.

The matter was set for hearing, and heard, at the County Court Room in Alamosa, Colorado, on November 1, 1948, and there taken under advisement.

At the hearing, applicant stated that he was engaged in farming and was the owner of a 1942 Chevrolet 1½-ton truck, and that, prior thereto, had held private carrier authority from this Commission, which said authority had been cancelled due to his failure to file reports. He stated he desired to haul farm produce between points in a 10-mile radius of Waverly School House; that is, from the Waverly community to railroad sidings, storage places, and cellars, all of his service to be performed for neighbors residing in his area.

The pecuniary responsibility and experience of applicant appear

to be satisfactory to the Commission, and protestants had no objection to the authority granted to applicant if the portion of the 10-mile radius extending into Conejos County be eliminated for picking up of farm produce.

The Commission cannot see from the record before us where the granting of the application as now amended will impair common carrier service now authorized to serve this area.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that the authority hereinafter set forth should be granted.

O R D E R

THE COMMISSION ORDERS:

That B. J. Schoolland, of Alamosa, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce, excluding livestock, and baled hay, between points within a 10-mile radius of Waverly School House, being a point approximately 4½ miles south and west of Alamosa, Colorado; excluding, however, from said area the right to pick up farm produce in Conejos County, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 15th day of November, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

EHC

(Decision No. 31544)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PERRY DUNKLE, ROUTE NO. 2, ALAMOSA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9586-PP

November 15, 1948

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado, for
J. P. Wiederkehr & Son,
James Ashton, Ted Walker,
Lute Vance, and Fred Gibson.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at the Court House in Alamosa, Colorado, on November 1, 1948, at 9:30 A. M., due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

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

The matter was taken under advisement.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for lack of prosecution; and that this order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 15th day of November, 1948

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

EHC

(Decision No. 31545)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROY M. HARPER, 510 WEST 17TH, GOODLAND, KANSAS, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9587-PP

November 15, 1948

Appearances: Conour and Conour, Esqs., Del Norte, Colorado, for J. P. Wiederkehr & Son, James Ashton, Ted Walker, Lute Vance, and Fred Gibson.

S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing at the Court House in Alamosa, Colorado, on Monday, November 1, 1948, at 9:30 A. M., due notice of the time and place of hearing being forwarded to parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing.

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

The matter was taken under advisement.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that said application should be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed for lack of prosecution.

That this order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 15th day of November, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

EHC

(Decision No. 31546)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED)
RAILWAY FREIGHT RATES AND)
CHARGES WITHIN COLORADO.)

Applications Nos.
5819 and 3746

November 13, 1948

STATEMENT

BY THE COMMISSION:

On September 24, 1948, the Colorado rail common carriers, parties to the original petitions in the above applications, filed their petition requesting that the exceptions provided for by this Commission in its orders under decisions Nos. 27316 of January 13, 1947, and 31047 of August 16, 1948, be vacated, thereby permitting the authorized increases to apply on all traffic, or that an immediate hearing be granted for the purpose of presenting further evidence of the rail carriers' immediate need for the revenue now deprived the carriers because of the exceptions to the Commission's general orders in these proceedings.

FINDINGS

The Commission Finds:

That, having given consideration to the questions raised and the contentions made by petitioner, it is the opinion of the Commission, and it so finds, that there has been presented no showing of error of fact or law in the findings and orders in these proceedings, and that no sufficient grounds for modification of such findings and orders have been presented.

O R D E R

IT IS ORDERED:

That, the said petition be, and it is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado
this 13th day of November, 1948.

hn

(Decision No. 31547)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KANSAS-COLORADO UTILITIES, INC., FOR)
AUTHORITY TO ISSUE 10,000 SHARES OF ITS) APPLICATION NO. 9664
COMMON CAPITAL STOCK)

November 12, 1948

STATEMENT

By the Commission:

Upon consideration of the application filed on October 27, 1948, by the Kansas-Colorado Utilities, Inc., in the above-styled matter:

ORDER

THE COMMISSION FINDS:

That a public hearing be held, commencing on November 24, 1948, at 10:00 o'clock A. M., 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest, may intervene in said proceedings. Intervention petitions should be filed with the Commission on or before Saturday, November 20, 1948, and should set forth the grounds of the proposed intervention, and the position and interest of the petitioners in the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ray W. Hinton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 12th day of November, 1948
jh

Original

(Decision No. 31548)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EARL H. PAULSON, DOING BUSINESS AS "SKY TOURS," BOX 638, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO RENDER A TAXI, CHARTER, AND EXPRESS SERVICE BY AIRPLANE AND MOTOR VEHICLE.	APPLICATION NO. 8603, AMENDED.

November 15, 1948

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicant;
W. F. Bridgeman, Denver, Colorado, of The Public Utilities Commission of the State of Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Earl H. Paulson, doing business as "Sky Tours," by this application, seeks a certificate of public convenience and necessity to operate as a common carrier by airplane, in irregular service, for the transportation, on call and demand, of persons and property, not on schedule, from, to, and between all points within the State of Colorado, in intrastate and interstate commerce, and for authority to operate as a common carrier by motor vehicle for hire for the transportation of passengers, from and to cottage camps and hotels in El Paso County, to and from airports in said County; such service to be restricted to persons who have purchased tickets for air transportation by applicant, the price of the ticket for transportation by airplane to include the transportation between the cottage camps and hotels, on the one hand, and said airports, on the other.

Public hearing was had at Denver, Colorado, pursuant to prior setting, after appropriate notice to all parties in interest, and the matter was taken under advisement.

Applicant's operation is based on Garden Ranch Airport, near Colorado Springs, Colorado. He contemplates extensive operations during

the summer months, and anticipates that most of the business obtained by him will be supplied by lodges and tourist camps in and about Colorado Springs, whom he will employ to sell transportation for him. He has not been engaged in for-hire service. He has two planes -- one, a three-place-plus-pilot Piper Super Cruiser, the other, a two-place-plus-pilot Taylorcraft. He is not a commercial pilot, but has a Private Pilot's License, and while, as aforestated, his planes are stationed at Garden Ranch Airport, he may operate out of some other field in the vicinity of Colorado Springs. He expects to employ pilots with proper licenses and ratings to fly planes in commercial service. While presently he does not have servicing and maintenance facilities of his own, such service is readily available at a number of airports at Colorado Springs.

He has net assets of $62,000.00, including an auto court in Colorado Springs, which he values at $55,000.00

He will limit his proposed passenger service by motor vehicle, as stated in the application, to the transportation of passengers who, in advance, have purchased tickets for air transportation by his aircraft. One charge will be made for complete service -- that is, transportation of passengers from cottage camp or hotel to airport where his operation is based, the ride by plane and the return to starting point.

H. L. Hodson, a motor court owner in Colorado Springs and the manager of A. A. A. in Colorado Springs, testified that there was an increasing demand for the type of service which applicant expects to offer -- especially by visitors and tourists in Colorado Springs -- and that public convenience and necessity require, and will require, applicant's service.

Applicant carries suitable insurance protection covering public liability, property damage, and pilot, passenger, and student insurance, and will continue to carry such insurance and any other insurance protection that may be required by the Commission in the event certificate is granted.

Applicant does not propose to establish service in competition with service of carriers by air operating on schedule between fixed points.

W. J. Bain, Director, Colorado Aeronautics Commission, has informed the Commission that facilities at airport where applicant's opera-

tions are based are adequate for safe operation of type of aircraft which evidence at hearing showed applicant is using.

Our Aeronautical Inspector has reported that applicant's facilities are adequate; that aircraft are in good condition, and apparently airworthy; that log books and flight records are current; that shop and maintenance facilities available are sufficient for all minor and major repairs or overhaul work on the aircraft in use or proposed to be used; that Applicant Paulson and his associates are able and qualified, and Company, under their management, should be able to provide an adequate fixed-base operation.

The question of jurisdiction of this Commission to issue, and the propriety and necessity of issuing, certificates of public convenience and necessity for "not-on-schedule" or "irregular" common carrier service by air has been fully discussed in our Decision No. 30379, issued April 30, 1948, in Application No. 8734, "In the Matter of the Application of Great Plains Aviation Company, Inc." It is not necessary to review the matter here, and said decision is made a part hereof, by reference.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed motor vehicle common carrier service of applicant, for the transportation of passengers, by motor vehicle, between cottage camps and hotels in El Paso County, Colorado, on the one hand, and, on the other, the airport in El Paso County where applicant's air operations will be based; said service, however, to be ancillary to and supplemental of applicant's common carrier air service herein authorized, only, and is to be restricted to transportation of such persons who, in advance, have purchased tickets for air transportation by his aircraft, one charge to include transportation of passenger from cottage camp or hotel to airport where his operation is based, the ride by airplane, and return to starting point; and that certificate of public convenience and necessity should issue therefor.

That applicant is a common carrier by airplane of passengers and

freight in intrastate commerce, and as such is subject to the jurisdiction of this Commission; that existing means of transportation in the area embraced in this proceeding would be substantially improved by the inauguration of the proposed non-scheduled air service of applicant; that it is not desirable to withhold the authority sought at this time, or to postpone the institution of the proposed irregular service between points within the State of Colorado until such time as the Federal authorities may be given jurisdiction thereof, and/or elect to assume such jurisdiction, if such control is desirable; that public convenience and necessity require the authorization of air transportation of persons and property by applicant, as proposed; that the safety rules and regulations developed by the Civil Aeronautics Board, over a period of years, which are based on experience, generally speaking, assure the public of a maximum of safety in operation; that applicant should be required to comply with the Civil Air Regulations of the Civil Aeronautics Board presently in effect or to be adopted in the future, governing operations, with particular regard to "non-schedule or irregular air carrier rules," safety, and insurance, until we determine what local rules and regulations, if any, should be adopted, with the privilege of applying to us for a certificate of exemption from compliance with such rules and regulations as applicant may believe should be eliminated; that applicant is fit, willing, and able to perform the proposed air transportation properly, and to conform to our rules, regulations, and requirements — present or future — which we may adopt, and that certificate of public convenience and necessity should issue therefor, subject, however, to the conditions and restrictions set forth in the Order following, which, in the opinion of the Commission, the public interest requires.

O R D E R

Upon consideration of the evidence of record, the Commission having issued the foregoing Statement and Findings of Fact, which are hereby referred to and made a part hereof, by reference:

IT IS ORDERED, That public convenience and necessity require the proposed motor vehicle common carrier service of applicant, for the transportation of passengers, by motor vehicle, between cottage camps and hotels in El Paso County, Colorado, on the one hand, and, on the other, the airport in El Paso County where applicant's air operations will be based, said service, however, to be ancillary to and supplemental of applicant's common carrier air service herein authorized, only, and is to be restricted to transportation of such persons who, in advance, have purchased tickets for air transportation by his aircraft, one charge to include transportation of passenger from cottage camp or hotel to airport where his operation is based, the ride by airplane, and return to starting point; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules, and regulations and distance schedules as required by the rules and regulations of this Commission, within thirty days from date.

That applicant shall operate his carrier system in accordance with the order of this Commission except when prevented by Act of God, the public enemy, or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of this Commission.

IT IS FURTHER ORDERED, That present and future public convenience and necessity require, and will require, the proposed non-schedule operations of applicant by airplane; that he should be, and hereby is, authorized to operate as a common carrier by airplane in interstate and intrastate commerce, for the transportation of passengers and property, not on schedule but on call and demand, in irregular service, between 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.

That applicant shall not establish an office or branch for the purpose of developing business at any town, place, or city other than Colorado Springs, Colorado, and nearby airports.

That the exercise of the privileges granted by this certificate shall be subject to the rules, regulations, and requirements of this Commission, and such other terms, conditions, and limitations as may, from time to time, be prescribed by it; that said applicant, at all times, shall comply with all the provisions of the laws of the State of Colorado relating to air operations or transportation, and especially Sections 11 and 12, Chapter 17, Colorado Statutes Annotated, and applicable rules and regulations of Colorado Aeronautics Commission, and all Civil Air Regulations of the Civil Aeronautics Board which now are, or hereafter shall be, in effect, relating to airworthiness of planes, safety measures, and liability insurance for common carriers of passengers or property by air, on call and demand or irregular service, provided that applicant may, if he considers any of the said Civil Air Regulations, as applied to his proposed operations, to be unduly burdensome or unreasonable, apply to this Commission for exemption from such specific requirement of said particular regulation, and, upon the granting of said exemption, shall be relieved from compliance therewith.

The interstate authority hereby granted is issued as a matter of course, subject to action of Civil Aeronautics Board, it being contemplated that such authority shall become effective only if and when said Board shall authorize such interstate operations by applicant, and only to the extent of such authorization or certificate.

Applicant shall file his tariffs, rate schedules, and rules and regulations with, and to be approved by, this Commission, within thirty (30) days from the date hereof; and such rates, so filed for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith.

Jurisdiction is hereby retained of this application and opera-

tions under the certificate herein granted, to the end that such further order, or orders, as to the Commission may seem proper in the public interest, may be entered herein by it, if and when deemed advisable.

This order shall become effective thirty (30) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John B. Barry

Commissioners

DATED at Denver, Colorado,
this 12th day of November, 1948.

EHC

Original

(Decision No. 31549)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF REX I. MOONEY AND ALICE LOUISE MOONEY, DOING BUSINESS AS "VISTA HEIGHTS TOURING COMPANY," GLENWOOD SPRINGS, COLORADO, A CO-PARTNERSHIP, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONDUCT A SIGHT-SEEING TOUR SERVICE.	APPLICATION NO. 9319.

November 18, 1948

Appearances: M. J. Mayes, Esq., Glenwood Springs, Colorado, for applicants;
E. B. Evans, Esq., Denver, Colorado, for Glenwood Transfer;
Jones and Stauffer, Esqs., Denver, Colorado, for Resler Truck Line;
Larry Dummer, Aspen, Colorado, for Dummer & Hanson.

STATEMENT

By the Commission:

On May 8, 1948, Rex I. Mooney and Alice Louise Mooney, doing business as a co-partnership under the name and style of "Vista Heights Touring Company," filed their application for a certificate of public convenience and necessity for authority to establish a sightseeing touring service originating and terminating in Glenwood Springs, Colorado, as follows:

1. Glenwood Springs to Leadville, and return via Twin Lakes, Independence Pass, Aspen, and Maroon Lakes.

2. Glenwood Springs to Gunnison, via McClure Pass and Kebler Pass, returning via Sapinero, Black Mesa, Cedaredge, and Grand Mesa.

3. Glenwood Springs to Redstone, Marble, Placita, Crystal, and return.

4. Glenwood Springs to Sweetwater Lake and return.

5. Glenwood Springs to Buford via Newcastle and return.

6. Glenwood Springs to Buford via Newcastle and return via Meeker and Rifle.

The matter was set for hearing, and heard, at the Court House in Glenwood Springs, Colorado, on July 14, 1948, and there taken under advisement.

Rex I. Mooney, one of the applicants herein, stated that he and his wife had investigated the tourist possibilities of Glenwood Springs and had been inquiring of business men, cottage camp operators, and hotel men concerning their proposed operation, and had determined that the operation was feasible. He also stated they are financially able to carry on the proposed operation; that they had made arrangements for special equipment which was to be made by the Winter-Weiss Company in Denver; that they could find no similar service now being offered, and from their investigation felt the service was needed by the public and would be beneficial to the tourist interests in the City of Glenwood Springs, Colorado.

Mrs. Mooney later testified, corroborating the evidence of her husband.

Mr. C. B. Bell, President of the Glenwood Chamber of Commerce, testifying in the interest of the application, stated he had resided in Glenwood Springs for the past fifteen years; that he knew of no similar service now being offered and felt that the service was needed, especially for the tourist season, viz., the three or four months during the summer. He stated he was well acquainted with applicants, felt they were competent, financially responsible, and able to carry on their proposed operation.

This testimony was corroborated by Dr. McFadden, Secretary of the Glenwood Chamber of Commerce.

Larry Dummer, of the firm of Dummer and Hanson, who holds Certificate No. 1710, authorizing taxi service out of Aspen, protested the granting of the certificate, stating that the plan of applicants was not feasible and could not be made to pay.

M. A. Cannell, who holds taxicab rights in Glenwood Springs, also protested the granting of the authority sought in the instant application. We note, however, that he has on file an application for similar authority

filed later than the instant application, which we expect to hear at this sitting.

Mr. L. L. Loesch, who operates the Glenwood-Aspen Stages, also protested the granting of the instant application, maintaining the same was not feasible and, in his opinion would interfere with his line-haul scheduled operation between Aspen and Glenwood Springs.

The Commission has weighed and considered the testimony of applicants and their witnesses; also the testimony of witnesses protesting the granting of the application. Applicants are asking for a sightseeing service, and we cannot see where their service is competitive with that of a taxi service, or the line-haul scheduled service of the Glenwood-Aspen Stages. Applicants have proposed a definite operation based at Glenwood Springs, with specified trips. The representatives of the Chamber of Commerce felt that applicants' proposed service is needed, and they apparently must feel - in fact testified - that the presently authorized carriers are not taking care of the sightseeing needs. Colorado has many tourists visiting in this State to see our many attractions, and it appears to us that applicants' proposed plan is feasible, and that they should be given an opportunity to prove the feasibility of their proposed operation.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed operation of applicants as set forth in their application, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That the public convenience and necessity require the proposed service of applicants for the operation of motor vehicles in the transportation of passengers in sightseeing service, only, originating and terminating in Glenwood Springs, Colorado, over the following routes:

1. Glenwood Springs to Leadville, and return via Twin Lakes, Independence Pass, Aspen, and Maroon Lakes.

2. Glenwood Springs to Gunnison, via McClure Pass and Kebler Pass, returning via Sapinero, Black Mesa, Cedaredge, and Grand Mesa.

3. Glenwood Springs to Redstone, Marble, Placita, Crystal, and return.

4. Glenwood Springs to Sweetwater Lake and return.

5. Glenwood Springs to Buford via Newcastle, and return.

6. Glenwood Springs to Buford via Newcastle, and return via Meeker and Rifle;

and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicants shall file tariffs of rates, rules, and regulations and distance schedules, as required by the rules and regulations of this Commission, within twenty days from date.

That applicants shall operate their carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

That this order is subject to compliance by applicants with all present and future laws and rules and regulations of this Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 18th day of November, 1948.

EHC

(Decision No. 31550)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF M. A. CANNELL, DOING BUSINESS AS "GLENWOOD TRANSFER," GLENWOOD SPRINGS, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PUC NO. 1681.	APPLICATION NO. 9381 EXTENSION

November 18, 1948

Appearances: E. B. Evans, Esq., Denver, Colorado, for applicant;
M. J. Mayes, Esq., Glenwood Springs, Colorado, for Vista Heights Touring Company;
Jones and Stauffer, Esqs., Denver, Colorado, for Resler Truck Line and Glenwood-Aspen Stages.

S T A T E M E N T

By the Commission:

On June 19, 1948, M. A. Cannell, doing business as "Glenwood Transfer," Glenwood Springs, Colorado, the applicant herein, filed his application for a certificate of public convenience and necessity to extend his authority under PUC No. 1681 to include the transportation of passengers for hire, in sightseeing service originating and terminating at Glenwood Springs, Colorado, to points within a radius of fifty miles of Glenwood Springs, Colorado, and to Leadville, Grand Mesa Lakes area, and Rangely, Colorado, and to extend his taxi operations to include trips in one-way service from Glenwood Springs to Grand Junction, Denver, Rangely, Eagle, Wolcott, Edwards, Avon, Minturn, Redcliffe, Pando, Leadville, Meeker, Gilman, Buford, Trappers Lake, oil shale operations near Rifle, Redstone, Placita, Marble, and Crystal, Colorado.

The matter was set for hearing, and heard, at the District Court Room in Glenwood Springs, Colorado, on July 12, 1948, and there taken under advisement.

The evidence disclosed that applicant is presently the owner of PUC No. 1681, with authority as follows:

> Call and demand transportation service for the transportation of passengers (and their baggage) for hire within the area covered by the City of Glenwood Springs and points within a radius of one mile thereof, and from and to points in said area, on the one hand, and, on the other, to and from points within a radius of twenty-five miles thereof, and the Towns of Basalt, Aspen, and Rifle, subject to the conditions: Applicants shall use five-passenger automobiles and shall charge, as rates for their service for the transportation of passengers for service within the corporate limits of the City of Glenwood Springs, 30¢ for one person and 10¢ for each additional person per one-way trip; service from Glenwood Springs to Red Mountain Inn, 50¢ per person per trip, one way; service from or to Glenwood Springs, to and from all outside points within the twenty-five-mile radius, exclusive of Red Mountain Inn, 30¢ per mile one way, with fare and a half for round-trip for the first passenger, and 10¢ per mile for each additional passenger up to the capacity of said five-passenger automobile -- either one way or round trip, with a charge of $2.00 per hour waiting time.

Mr. M. A. Cannell, testifying in his own behalf, stated he is presently operating four taxicabs, and, as a result of his taxicab operation, has had frequent demands to transport passengers in sightseeing service to various points of interest in the vicinity of Glenwood Springs, and within a radius of 50 miles thereof, as well as to Leadville, Grand Mesa Lakes area, and Rangely, Colorado. He states that the points of interest are so numerous that, in order to adequately serve the public, he desires authority to serve all points within a 50-mile radius of Glenwood Springs. It also appears he has demands for sightseeing service to Leadville, Colorado, via Tennessee Pass, with side trips to Climax and Kokomo, Colorado, and return via Vail Pass; thence to Twin Lakes, Independence Pass, Aspen, Carbondale, and return to Glenwood Springs. He states he also has demands for sightseeing trips to Grand Mesa area and the Rangely Oil Fields.

Applicant states he has had many demands to transport persons from Glenwood Springs to Denver, Grand Junction, Rangely, Wolcott, Edwards, Avon, Eagle, Minturn, Gilman, Redcliff, Pando, Leadville, Meeker, Buford, Trappers Lake, oil shale operations near Rifle, Redstone, Pacita, Marble, Crystal, Colorado, in a one-way service; he requests authority to extend

his certificate to include transportation of passengers in a taxi service from Glenwood Springs, Colorado, to said points, and that, for such transportation service, applicant proposes to charge 25¢ per mile for the first passenger and 10¢ per mile for each additional passenger. Applicant states he has a net worth of approximately $20,000.00, and now owns and uses, in the operation of his taxi business in Glenwood Springs, five-passenger automilbiles, and that, if this certificate is granted, applicant is financially able to purchase such equipment as may be necessary to meet the demands of the public.

Florence Blair Morehead, Social Director of the Colorado Hotel at Glenwood Springs, Colorado, states that the hotel needs applicant's service for sightseeing during the tourist season, and she feels it will greatly benefit the tourist trade in Glenwood Springs as the hotel has many guests who have requested this service.

It appears from the evidence that there is a definite need for applicant's proposed service. No evidence was introduced protesting the granting of the application.

F I N D I N G S

THE COMMISSION FINDS:

That the public convenience and necessity require the proposed extension of PUC No. 1681 of M. A. Cannell, doing business as "Glenwood Springs Transfer," to include the transportation as set forth in his application, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That the public convenience and necessity require the proposed extension by applicant of his certificate of public convenience and necessity, PUC No. 1681, to include:

1. The transportation of passengers for hire in sightseeing service originating and terminating at Glenwood Springs, Colorado, to points within a radius of fifty miles of Glenwood Springs, Colorado, and

to Leadville, Colorado, via Tennessee Pass, with side trips to Climax and Kokomo, Colorado, and return via Vail Pass; thence to Twin Lakes, Independence Pass, Aspen, Carbondale, and return to Glenwood Springs, with transportation over said route in either direction; transportation in sightseeing service originating and terminating in Glenwood Springs, Colorado, to the Grand Mesa Lakes area, and to Rangely, Colorado.

2. Transportation of passengers and their baggage in his taxicab operation to include one-way service from Glenwood Springs to Denver, Grand Junction, Rangely, Wolcott, Edwards, Avon, Eagle, Minturn, Gilman, Redcliff, Pando, Leadville, Meeker, Buford, Trappers Lake, oil shale operations near Rifle, Redstone, Placita, Marble, Crystal, Colorado; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

Applicant shall file tariffs of rates, rules, and regulations and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

Applicant shall operate his carrier system in accordance with the order of this Commission except when prevented by Act of God, the public enemy, or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of this Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 18th day of November, 1948.

EHC

(Decision No. 31551)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS IN THE TOWN OF BERTHOUD, COUNTY OF LARIMER, STATE OF COLORADO, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRICITY AND GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, IN THE TOWN OF BERTHOUD; FOR THE DISTRIBUTION AND SALE OF SAID GAS IN THE AREA IMMEDIATELY ADJACENT TO SAID TOWN AND ALONG THE GAS TRANSMISSION LINE SUPPLYING GAS TO SAID TOWN; AND FOR THE TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRICITY IN THE AREA CONTIGUOUS TO SAID TOWN.	APPLICATION NO. 9513

November 19, 1948

Appearances: Lee, Bryans and Kelly, Esqs., by Charles J. Kelly, Esq., Denver, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by applicant of certain franchise rights granted by the Board of Trustees of the Town of Berthoud, Larimer County, Colorado.

On July 13, 1948, Ordinance No. 225 was passed by the Board of Trustees of said Town of Berthoud and approved by its Mayor, granting to applicant, its successors and assigns, a franchise, with the right, privilege, and authority to locate, build, construct, acquire, purchase, extend, maintain, and operate into, within, and through the Town of Berthoud, Larimer County, Colorado, a plant or plants, and works, for the purchase, manufacture, generation, transmission, and distribution of electrical energy and gas, either natural, artificial, or mixed, with the right and privilege

for the period, and upon the terms and conditions, hereinafter specified, to furnish, sell, and distribute said electric energy and gas to the Town and the inhabitants thereof, for light, heat, and power, or other purposes, by means of pipes, mains, conduits, cables, poles with wires strung thereon, or otherwise, on, over, under, along, across, and through any and all streets, alleys, viaducts, bridges, roads, lanes, public ways and places, in said Town, and on, over, under, along, across, and through any extension, connection with, or continuation of, the same, and/or on, over, under, along, across, and through any and all such new streets, alleys, viaducts, bridges, roads, lanes, and public ways and places as may be hereafter laid out, opened, located, and constructed within the territory now or hereafter included in the boundaries of said Town, said franchise to be for a period of twenty-five years from and after its passage and approval.

At the hearing, which was held in Denver, Colorado, on September 15, 1948, it was developed that the applicant is a corporation, duly organized under the laws of the State of Colorado and doing business as a public utility; and that its principal office and Post Office address is in the City and County of Denver, Colorado; and that, generally, it is authorized and empowered, under its certificate of incorporation, to engage in the business of generating, transmitting, and distributing electrical energy, and the purchase, manufacture, distribution, and sale of gas to numerous cities, towns, and communities in diverse counties of the State of Colorado for heat, light, power, and other purposes; that a certified copy of its Articles of Incorporation is on file with this Commission; that it is the only public utility engaged in furnishing electric power and gas in the said Town of Berthoud, County of Larimer, Colorado.

It also appeared that Public Service Company of Colorado has been serving the Town of Berthoud under franchise, and a certificate of public convenience and necessity was granted by this Commission for electric service by Decision No. 6689, under date of September 24, 1935.

The Public Service Company of Colorado has been serving the Town of Berthoud with gas under franchise, and a certificate of public convenience and necessity granted by this Commission by Decision No. 2367, under date of November 21, 1929.

Applicant prays that, in addition to certificate of public convenience and necessity to exercise franchise rights in the Town of Berthoud, it be given authority to serve the territory in the area immediately around and adjacent to said Town, and along the gas transmission lines supplying gas to said Town, and for the transmission, distribution, and sale of electricity in the area contiguous to said Town.

At this time, the applicant wishes to delete from the application the words "and for the transmission, distribution and sale of electricity in the area contiguous to said Town." It represents that the exercise of rights in the adjacent or contiguous territory (as applied to electricity, only), will be the subject matter contained in its application for clarification of its rights under presently existing certificates, such application to be filed at a future date.

No other utility has been serving gas in the area, and no other utility is serving electricity in the Town of Berthoud.

Applicant, on July 16, 1948, formally accepted Ordinance No. 225 of the Town of Berthoud, Colorado.

Existing facilities are to be used for the service authorized by the new franchise.

No one appeared in opposition to the certificate sought.

F I N D I N G S

THE COMMISSION FINDS:

That present and future public convenience and necessity require the exercise by applicant of franchise rights granted to it by the Board of Trustees of the Town of Berthoud, Larimer County, Colorado, in Ordinance No. 225; that the application of applicant be amended by deleting the words "and for the transmission, distribution, and sale of electricity in the area contiguous to said Town."

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require, and will require, the exercise by applicant of franchise rights granted to

it by the Board of Trustees of the Town of Berthoud, Larimer County, Colorado, in and by Ordinance No. 225, copy of which is attached to the application herein and which, by reference, is made a part hereof; and for the distribution and sale of gas in the area immediately adjacent to said Town of Berthoud and along the gas transmission lines supplying gas to said Town; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall install, operate, and maintain its gas and electrical distribution system and supply service in the area heretofore designated in accordance with rate schedules, rules, and regulations, and service connection and main extension policy as are now or hereafter may be in effect and on file with the Commission; its books and accounts shall be maintained in agreement with the Uniform Classification of Accounts; its practices as to testing, consumers' deposits and operations, records of meters, and complaints, shall be in compliance with the Commission's requirements.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 19th day of November, 1948.

EHC

(Decision No. 31552)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE PUEBLO GAS AND FUEL COMPANY, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF COLORADO FOR AUTHORITY TO ISSUE 35,000 SHARES OF CAPITAL STOCK WITHOUT NOMINAL OR PAR VALUE IN LIEU OF THE 3,500 SHARES OF THE PRESENTLY OUTSTANDING COMMON STOCK OF THE PAR VALUE OF $100 EACH UPON AMENDMENT OF THE CERTIFICATE OF INCORPORATION CHANGING THE AUTHORIZED CAPITAL FROM $1,500,000 PAR VALUE DIVIDED INTO 10,000 SHARES COMMON STOCK OF THE PAR VALUE OF $100 EACH, AND 5,000 SHARES OF PREFERRED STOCK OF THE PAR VALUE OF $100 EACH INTO 100,000 SHARES OF CAPITAL STOCK WITHOUT NOMINAL OR PAR VALUE.	APPLICATION NO. 9676

November 15, 1948

S T A T E M E N T

By the Commission:

Upon consideration of the application filed on November 12, 1948, by The Pueblo Gas and Fuel Company, a Colorado Corporation, in the above-styled matter:

O R D E R

THE COMMISSION FINDS:

That a public hearing be held, commencing on November 26, 1948, at 10:00 o'clock A. M., 330 State Office Building, Denver, Colorado, respecting the matters involved and the issues presented in this proceeding. Any interested municipality or any representative of interested consumers or security holders of applicant corporation, and any other person whose participation herein is in the public interest may intervene in said proceedings. Intervention petitions should be filed with the Commission

on or before Monday, November 22, 1948, and should set forth the grounds of the proposed intervention, and the position and interest of the petitioners in the proceeding, and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Carlson
John R. Barry
Joseph O. Hinderlider
Commissioners

Dated at Denver, Colorado,
this 15th day of November, 1948

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(Decision No. 31553)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS IN THE TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION, DISTRIBUTION AND SALE OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, IN THE TOWN OF JOHNSTOWN, AND TO SUPPLY SAID SERVICES IN THE AREA IMMEDIATELY ADJACENT TO SAID TOWN AND ALONG THE GAS TRANSMISSION LINE SUPPLYING GAS TO THE TOWN OF JOHNSTOWN.	APPLICATION NO. 9514

November 19, 1948

Appearances: Lee, Bryans and Kelly, Esqs., by Charles J. Kelly, Esq., Denver, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by applicant of certain franchise rights granted by the Board of Trustees of the Town of Johnstown, Weld County, Colorado.

On the 6th day of July, 1948, Ordinance No. 88 was passed by the Board of Trustees of said Town of Johnstown and approved by its Mayor, granting to applicant, its successors and assigns, a franchise, with the right, privilege, and authority to locate, build, construct, acquire, purchase, extend, maintain and operate into, within and through said Town, a plant or plants and works, for the purchase, manufacture, transmission and distribution of gas, either natural, artificial or mixed, with the right and privilege, for the period and upon the terms and conditions hereinafter

specified, to furnish, sell, and distribute said gas to the Town and the inhabitants thereof, for heating, cooking, or other purposes, by means of pipes, mains, or otherwise, over, under, along, across, and through any and all streets, alleys, viaducts, bridges, roads, lanes, and public ways and places in said Town, and over, under, along, across, and through any extension, connection with, or continuation of the same, and/or over, under, along, across, and through any and all such new streets, alleys, viaducts, bridges, roads, lanes, and public ways and places as may be hereafter laid out, opened, located, or constructed within the territory now or hereafter included in the boundaries of said Town.

At the hearing, which was held in Denver, Colorado, on the 15th day of September, 1948, it was developed that applicant is a corporation, duly organized and existing under the laws of the State of Colorado, and doing business as a public utility; that its principal office and Post Office address is in the City and County of Denver, Colorado; that, generally, it is authorized and empowered under its certificate of incorporation to engage in the business of the purchase, manufacture, distribution, and sale of gas to numerous cities, towns, and communities in diverse counties of the State, for heating, cooking, or other purposes; that a certified copy of its Articles of Incorporation is on file with this Commission; that it is the only public utility engaged in furnishing gas in said Town of Johnstown, Weld County, Colorado.

It also appeared that the Public Service Company of Colorado has been serving the Town of Johnstown and adjoining territory, under franchise in effect in Johnstown, said franchise having been granted by Ordinance No. 69, passed and approved on the 2nd day of December, 1929, and under certificate of convenience and necessity granted by this Commission in Decision No. 2882, under date of May 8, 1930, pertaining to exercise of franchise rights granted by the above-mentioned Ordinance. No other utility has been serving the area with gas.

Applicant, on the 8th day of July, 1948, formally accepted Ordinance No. 88 of the Town of Johnstown, Colorado.

Existing facilities are to be used for service under the new franchise.

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

F I N D I N G S

THE COMMISSION FINDS:

That the present and future public convenience and necessity require, and will require, the exercise by applicant of franchise rights granted to it by the Board of Trustees of the Town of Johnstown, Weld County, Colorado, in and by Ordinance No. 88 of said Town; and to supply said gas service in the area immediately adjacent to said Town and along gas transmission lines supplying gas to the Town of Johnstown, Colorado.

O R D E R

THE COMMISSION ORDERS:

That the present and future public convenience and necessity require, and will require, the exercise by applicant of franchise rights granted to it by the Board of Trustees of the Town of Johnstown, Weld County, Colorado, in and by Ordinance No. 88, copy of which is attached to the application herein and which, by reference, is made a part hereof; and to supply said gas service in the area immediately adjacent to said Town and along gas transmission lines supplying gas to the Town of Johnstown; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall install, operate, and maintain its gas distribution system and supply service in the area heretofore designated in accordance with rate schedules, rules, and regulations, and service connection and main extension policy as are now or hereafter may be in effect and on file with the Commission; its books and accounts shall be maintained in agreement with the Uniform Classification of Accounts; its practices as to testing, consumers' deposits, and operations, records of meters and complaints, shall be in compliance with the Commission's requirements.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 19th day of November, 1948.

EHC

(Decision No. 31554)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS IN THE CITY OF ENGLEWOOD, COUNTY OF ARAPAHOE, STATE OF COLORADO, FOR THE PURCHASE, MANUFACTURE, TRANSMISSION, DISTRIBUTION AND SALE OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, IN THE CITY OF ENGLEWOOD, AND TO SUPPLY SAID SERVICE IN THE AREA IMMEDIATELY ADJACENT TO SAID CITY AND ALONG THE GAS TRANSMISSION LINE SUPPLYING GAS TO THE CITY OF ENGLEWOOD.	APPLICATION NO. 9515

November 19, 1948

Appearances: Lee, Bryans and Kelly, Esqs., by Charles J. Kelly, Esq., Denver, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by applicant of certain franchise rights granted by the City Council of the City of Englewood, Arapahoe County, Colorado.

On the 12th day of July, 1948, Ordinance No. 10 was passed by the City Council of said City of Englewood and approved by its Mayor, granting to applicant, its successors and assigns, a franchise, with the right, privilege and authority to locate, build, construct, acquire, purchase, extend, maintain, and operate into, within, and through said City a plant or plants and works, for the purchase, manufacture, transmission, and distribution of gas, either natural, artificial, or mixed, with the right and privilege, for the period and upon the terms and conditions hereinafter specified, to furnish, sell, and distribute said gas to the

City and the inhabitants thereof, for heating, cooking, or other purposes, by means of pipes, mains, or otherwise, over, under, along, across, and through any and all streets, alleys, viaducts, bridges, roads, lanes, and public ways and places in said City, and over, under, along, across, and through any extension, connection with, or continuation of, the same, and/or over, under, along, across, and through any and all such new streets, alleys, viaducts, bridges, roads, lanes, and public ways and places as may be hereafter laid out, opened, located, or constructed within the territory now or hereafter included in the boundaries of said City.

At the hearing, which was held in Denver, Colorado, on the 15th day of September, 1948, it was developed that applicant is a corporation, duly organized and existing under the laws of the State of Colorado, and doing business as a public utility; that its principal office and Post Office address is in the City and County of Denver, Colorado; that, generally, it is authorized and empowered, under its certificate of incorporation, to engage in the business of the purchase, manufacture, distribution, and sale of gas to numerous cities, towns, and communities in diverse counties of the State, for heating, cooking, or other purposes; that a certified copy of its Articles of Incorporation is on file with this Commission; that it is the only public utility engaged in furnishing gas in said City of Englewood, Arapahoe County, Colorado.

It also appeared that the Public Service Company of Colorado has been serving the City of Englewood and adjoining territory under franchise in effect in said City of Englewood, said franchise having been given by Ordinance No. 6, passed and approved on the 2nd day of April, 1929, and under certificate of convenience and necessity granted by this Commission by its Decision No. 2141 under date of April 19, 1929, pertaining to the exercise of franchise rights granted by the above-mentioned ordinance. No other utility has been serving the area with gas.

Applicant, on the 16th day of July, 1948, formally accepted said Ordinance No. 10 of said City of Englewood.

Existing facilities are to be used for service under the new franchise.

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

F I N D I N G S

THE COMMISSION FINDS:

That present and future public convenience and necessity require, and will require, the exercise by applicant of franchise rights granted to it by the City Council of the City of Englewood, Arapahoe County, Colorado, in and by Ordinance No. 10 of date July 12, 1948; and to supply said gas service in the area immediately adjacent to said City and along gas transmission lines supplying gas to the City of Englewood.

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require, and will require, the exercise by applicant of franchise rights granted to it by the City Council of the City of Englewood, Arapahoe County, Colorado, in and by Ordinance No. 10 of date July 12, 1948, copy of which is attached to the application herein and which, by reference, is made a part hereof; and to supply said gas service in area immediately adjacent to said City and along gas transmission lines supplying gas to said City of Englewood; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall install, operate, and maintain its gas distribution system and supply service in the area heretofore designated in accordance with rate schedules, rules, and regulations, and service connection and main extension policy as are now or hereafter may be in effect and on file with the Commission; its accounts and books shall be maintained in agreement with the Uniform Classification of Accounts; its practices as to testing, consumers' deposits, and operations, records of meters, and complaints shall be in compliance with the Commission's requirements.

This order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 19th day of November, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

EHC

Original

(Decision No. 31555)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RATES AND PRACTICES OF THE HAXTUN TELEPHONE COMPANY, HAXTUN, COLORADO.	INVESTIGATION AND SUSPENSION DOCKET NO. 281.

November 22, 1948

Appearances: Charles W. Kreager, Esq., Sterling, Colorado, for Applicant; J. W. Hawley, Esq., Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On November 25, 1947, J. A. Brooks, doing business as "Haxtun Telephone Company," by his manager, Ivan W. Brooks, filed a proposed rate schedule, to become effective on January 1, 1948, effective and proposed rate schedules being as follows:

	Effective Rates	Proposed Rates
Single Party Business Telephone	$ 2.50	$ 3.50
Two Party Business Telephone	2.00	3.00
Single Party Residence	2.00	2.50
Two to Four Party Residence	1.50	2.00
Rural Grounded Lines owned by Company, Subscriber Own Telephone	1.25	1.50
Rural Grounded Lines Owned by Company, Company Furnishes Telephone	1.50	1.75
Rural Metallic Lines Owned by Company, Subscriber Own Telephone	1.50	2.00
Rural Metallic Lines Owned by Company, Company Furnishes Telephone	2.00	2.50
Rural Lines Owned and Maintained by Subscribers to City Limits, Subscribers Own Telephones and Batteries	.50	.75
Lines Owned and Maintained by The Dailey Telephone Company:		
Business Telephone Rates	1.00	1.25
Residence on Same Lines by Same Company	.50	.75
Telephones Rented to Subscriber on Subscriber's Lines	.50	.75
Giving General Alarm on Rural Lines for Advertising a Charge of 10 Cents per Line.		

	Present Rates	Proposed Rates
Moving Telephone from One Place to Another	$ 1.00	$ 2.00
Installing Telephone and Making Necessary Connections	2.00	3.00
Calls Made by All Non-Subscribers from 10 pm to 6 am.	.10	.10
PAOLI TO HAXTUN METALLIC		
Business Telephones On Party Lines, Company Furnishes Telephone	3.00	4.00
Business Telephones On Party Lines, Subscribers Own Telephones	2.50	3.50
Residents On Party Lines, Company Furnishes Telephones	2.00	2.50
Residents On Party Lines, Subscribers Own Telephones	1.50	2.00

On April 28, 1948, by reason of complaints made by H. D. Anderson, Haxtun; Earl W. Scott, Haxtun; Lewis Hart, Sedgwick; George K. Anderson, manager, Foster Lumber Company, Paoli; Charles E. Edwards, Haxtun, Colorado; and others, the Commission issued its Investigation and Suspension Order, being Decision No. 30384, suspending the effective date of the proposed schedule for a period of one hundred and twenty days, and further ordered that the proposed rate increase, the financial status, and the physical condition of the property of the Haxtun Telephone Company be made a subject of investigation by the Commission.

The above decision provided that the matter be set for hearing at Sterling, Colorado, on Thursday, the 13th day of May, 1948, at 11:00 o'clock A. M. Pursuant to said order, the above matter was heard, and, at the conclusion of the hearing, the matter was taken under advisement.

At the hearing on above date, the evidence disclosed that the reason given by the Company for the proposed increase was the interference from the Rural Electrification Association's power lines paralleling practically all of the rural lines of applicant's system.

Applicant contends that he will be required to metallicize and rebuild all his lines now using a one-wire grounded circuit. Mr. Ivan W. Brooks, Manager, stated that, since the installation of power lines by the R. E. A., they have experienced considerable trouble with interference, and, in the witness's judgment, it will require the discontinuance of all one-wire grounded circuit service, and the installation of an additional

wire so that all rural lines will be metallicized; that it will be necessary to metallicize approximately 231 miles of rural lines, and he estimates it will require an expenditure of approximately $16,838.11, as submitted in their Exhibit No. 2, where they have computed the cost of rebuilding 231 miles of telephone lines:

Wire @ $9.50 per hundred pounds---170 pounds to the mile	$ 3,730.65
Poles, two carloads	2,607.20
Brackets, 4,630 @ $6.18 per hundred	287.13
Insulators, 4,630 @ $6.00 per hundred	277.13
Total cost of material	$ 6,902.11

Two linemen and two general laborers, working eight hours a day, metallicizing five miles of line per week, would take 46 working weeks to metallicize 231 miles of lines.

Labor, two linemen, 8 hours a day at $1.25 per hour for each man for 46 weeks	$ 5,520.00
Labor, two general laborers, 8 hours a day at $1.00 an hour for each man for 46 weeks	4,416.00
Total cost of labor	$ 9,936.00
Total cost of material and labor	$16,838.11

Applicant's plan and proposal to take care of this cost is by increased rates, and contends that it will take the additional revenue asked for in this application to make this improvement. In his Exhibit No. 6, he has attempted to forecast the additional revenue he expects to gain by his proposed rates:

HAXTUN AND PAOLI

Present Rates	Number Phones	Proposed Rates
$1.50	123	$2.00
2.00	18	2.50
2.50	59	3.50
3.00	7	4.00

RURAL PHONES

.50	83	.75
1.00	4	1.25
1.25	126	1.50
1.50	67	2.00

Gross Income with Present Rates.			Gross Income with Proposed Rates.		
123	x $1.50	$184.50	123	x $2.00	$246.00
18	x 2.00	36.00	18	x 2.50	45.00
59	x 2.50	147.50	59	x 3.50	206.50
7	x 3.00	21.00	7	x 4.00	28.00
83	x .50	41.50	83	x ,75	62.25
4	x 1.00	4.00	126	x 1.50	189.00
126	x 1.25	157.50	67	x 2.00	134.00
67	x 1.50	100.50	4	x 1.25	5.00
Total for month		$692.50	Total for month		$915.75

12 months' income at present rates — $8,310.00

12 months' income at proposed rates $10,989.00

Additional revenue from proposed rates, $2,679.00.

If we understand applicant's plans, he will spend for improvement of the system the first year, after the rate goes into effect, the sum of $2,769.00, and the same amount, approximately, each year thereafter for five years, when metallicization will be complete.

Considerable time at the hearing was devoted to the present financial condition of applicant. It appears from the evidence and the record before us that one J. A. Brooks, doing business as the "Haxtun Telephone Company," is the owner of a telephone system serving the western part of Phillips County, the eastern part of Logan County, the southern part of Sedgwick County, and the northwestern part of Yuma County; that, in 1911, he acquired some 26 miles of telephone lines, and during his ownership the system has been extended and at present he is operating a line 390 miles in length, serving 497 customers; that, in 1943, Mr. J. A. Brooks, due to his advanced age, purported to give a bill of sale to his son, Ivan W. Brooks, retaining unto himself a lifetime interest in the balance of income from the Haxtun Telephone Company's operation after paying necessary operating costs and paying a salary of $2700.00 per year to his son to manage the operation. No provision is made for depreciation or obsolescence account. All other moneys received, after payment of necessary operating costs, is to be paid to the father during his lifetime.

W. Geo. Denny, Jr., the auditor for the Commission, testified he had examined the annual reports filed by the Company with the Commis-

sion from 1940 to 1946, inclusive, and found from said reports that the Company had made a net profit each year. He also testified that percentage of actual return on its net rate base, as disclosed by its reports, was as follows:

	Net Profit	Rate Base	Percentage Return Actual
1943	$ 1,663.70	$ 11,199.29	20.8
1944	2,729.63	11,324.46	30.1
1945	3,906.83	10,936.35	41.7
1946	1,015.85	11,544.76	14.8

No report was filed with the Commission for the year 1947, but an audit for the year 1947 and the first four months of 1948 was made by a registered accountant, his report being marked Exhibit No. 12 at the hearing. In this report, the accountant increases the plant and equipment account in the amount of $2,419.69. This increase was made on account of purchase of additional equipment in 1948. The audit also discloses a net profit for 1947 in the amount of $2,460.62.

The Company has failed to set up its books in accordance with the Uniform System of Accounts adopted by the F. C. C. and by this Commission. It has followed the system of deducting allowances for depreciation from the assets during each of the years 1942-1946, inclusive, instead of setting up depreciation as a reserve independent of the plant account. The accounts receivable are not shown in its annual reports to the Commission, nor is there shown an inventory of materials and supplies. There is no breakdown of operating expenses and of liabilities. Neither the books of the Company nor the evidence at the hearing affords the proper data upon which to establish a proper rate base. The annual report for 1947, due March 31, 1948, had not been filed with the Commission at the time of the hearing.

At the close of the year 1941, the total plant account was $8,671.80, and, at the beginning of the year 1942, the annual report for that year shows the account to be $10,461.00, showing an increase overnight of $1,789.20, which is not accounted for in the report or by the evidence.

The annual reports of the Company from 1942 to 1946, inclusive, show an increase of but $1162.23 in the plant account. This is not a true picture because of the practice of the Company of deducting allowances for depreciation from the assets. This item from 1942 to 1945, inclusive, amounted to $1215.39, which should be added to the increase of $1162.23 shown, making the addition to the plant account $2377.62, or 28.35%.

During the period used, the annual reports show an increase in line mileage of 41 miles. Mr. Denny, in analyzing the report uses a minimum cost of $200.00 per mile actually charged to operating expense, which properly should be added to the plant account, making an addition of $8,200.00. During the same period, 77 new customers were added, the estimated cost of each installation being $25.00, or a total of $1925.00. This amount should have been added to the plant account and, of course, both items — $8,200.00 and $1,925.00 — or a total of $10,125.00, should be added to the net income. Mr. Brooks testified that the State Tax Commission had fixed a value of $16,000.00 on the plant, but there are no figures on the annual reports that would indicate this valuation. No application has been filed for, and the Commission has not made, a revaluation. Mr. Denny has used the figures shown in the annual report. However, for the time being, he has used a valuation of $12,000.00 as a tentative rate base, and recommends that the increase requested be disallowed. If and when a revaluation is had, and if it then appears that Company's valuation is too low, a different conclusion may be reached.

The net income for the period used, as shown by the annual report, indicates a continued growth until the year 1946. The net income for the year 1945 was $4,563.01 and for 1946, $1,708.53, or a decrease of $2,854.48. This is accounted for by the fact that, for the year 1946, the payroll was increased some $4,500.00, although there was no increase in the personnel. The operating expenses had continued approximately the same over the period until 1946, when this arbitrary amount was added to the payroll. No satisfactory explanation has been given, either in the annual reports or at the hearing. It would seem that, at this time, addition to salary account cannot be approved.

One of the questions we are called upon to answer in this matter is whether we endorse the plan of Haxtun Telephone Company -- that is, increased rates giving the Company funds to be used for the rehabilitation of its lines and improvements to its system. It appears that, during the war years, Haxtun Telephone Company did not make the necessary improvements to system, and did not perform proper maintenance work. True, telephone supplies were not available, and conditions were such that the Company could not properly take care of this work. The owner of the Company, however, without approval of the Commission, did retain all the receipts for himself except "out of pocket costs," without making any provision for deferred maintenance, depreciation, or improvements. As a result, the system and plant have deteriorated, and service has become unsatisfactory, as testified to by the customers appearing at the hearing. The present construction plans of applicant do not appear to be desirable inasmuch as patrons will not have dependable service for several years -- that is, until the time when the entire telephone system will be rebuilt -- while, on the other hand, customers will be paying increased costs for services which they will not receive.

J. A. Brooks, the owner of the Company, has drawn from the treasury the cash balance on hand on December 31 of each year, a total of $15,710.13 for the seven-year period, although he has not been active in the management of the Company since 1942. This, in addition to the salary paid his son as manager. The Commission is of the opinion that these profits were excessive, and should have been reduced materially and a proper reserve set up which would have made it unnecessary to apply for increased rates.

Many witnesses testified at the hearing as to the unsatisfactory service given by this Company, and we feel that our order should be in line with orders entered in other jurisdictions in similar cases.

In Re Middle States Utilities Co., 72 P. U. R. 17, the Missouri Commission denied approval of a new rate schedule because of the utility's record of poor maintenance, inadequate service, and subscriber dissatisfaction. The rates proposed in said hearing would yield a return of

approximately 8% on the rate base which the Commission described as "entirely too high for the type of service rendered." The Company reasoned that its poor financial condition and need for extensive rehabilitation justified the increase. However, the Commission held:

> "To follow this reasoning would result in a company having a bad financial history and inefficient plant being entitled to higher rates than a high-financed and well-maintained company. We are not in accord with this reasoning. On the contrary, we feel that failure to maintain a telephone plant in a high state of efficiency and to make additions and betterments to the extent necessary to keep pace with the modern standards of service results in subscribers receiving inadequate and unsatisfactory service, and companies providing such a service should not expect a rate of return which would compensate them at the same rate of return as is allowed companies which maintain a good standard of service."

The Florida Commission, in an order dated May 28, 1948, denied rate increases requested by Southeastern Telephone Company, largely on the ground that the present service is inefficient, inadequate, and insufficient, and held that the application should be denied "until such time as the applicant has substantially improved its service." The Commission held:

> "Failure to maintain a telephone plant in a reasonable state of efficiency, regardless of the type or age of equipment, results in subscribers receiving inadequate and unsatisfactory service; and companies providing such service should not expect to be compensated at the same rate of return as is allowed companies which maintain a good standard of service. To hold otherwise would be to penalize efficient operations and adequate service and place a premium on inefficiency and inadequate service. Generally the service rendered by the applicant utility is below the standard that should be required by the Commission and to which the public is entitled. In making reasonable and just rates, we must give consideration to these factors."

It appears to this Commission that applicant should properly set its house in order, - that is, should properly value its plant, set up a proper system of accounts, improve its system so that satisfactory service is given to its patrons. After this is done, applicant can then appear before the Commissinn asking for fair and just rates which will take care of the operation of the system and pay a fair and equitable return on actual investment less depreciation.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed rate increase filed November 25, 1947, by Hartun Telephone Company should be denied, for the reasons heretofore set forth in the foregoing Statement, said Statement being made a part of these Findings.

O R D E R

THE COMMISSION ORDERS:

That the proposed rate increase filed November 25, 1947, by Hartun Telephone Company be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Hatton

John R. Barry

Commissioners

DATED at Denver, Colorado,
this 22d day of November, 1948.

EHC

(Decision No. 31556)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CLAUDE ROBINSON, SILVERTON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE, FOR THE TRANSPORTATION OF FREIGHT BETWEEN POINTS WITHIN A FIFTY-MILE RADIUS OF SILVERTON.	APPLICATION NO. 7275-PP-Amended

November 22, 1948

Appearances: R. M. Eakes, Esq., Durango, Colorado, for applicant;
T. A. White, Esq., Denver, Colorado, and
A. J. Tait, Denver, Colorado, for Rio Grande Motorway, Inc.

S T A T E M E N T

By the Commission:

Applicant filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of freight between points within a fifty-mile radius of Silverton, Colorado.

The matter was set for hearing, and heard, on March 4, 1947, and there taken under advisement.

For some reason the files in the instant matter were lost or misplaced and were only recently found. Since the hearing, the Court Reporter who took the hearing has passed away and the record in the instant application is not now available. We have searched the records and can find no correspondence indicating that applicant is now interested in the application. The Commission is, indeed, sorry that this mix-up has arisen. We feel, however, that the best solution for disposing of this matter is to deny the application, and if applicant still desires the authority asked for in the application, he may ask for a rehearing and the matter can be heard de novo.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be denied for the reasons set forth.

O R D E R

THE COMMISSION ORDERS:

That the application in the instant matter be, and the same is hereby, denied.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Horton

John R. Barry

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1948.

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(Decision No. 31557)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF OTTO M. JACOBSEN AND WESLEY PETERSON, CO-PARTNERS, DOING BUSINESS AS "W. PETERSON COMPANY," BOX 709, GREELEY, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS PRIVATE CARRIERS BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9520-PP.

November 22, 1948

Appearances: Otto M. Jacobsen, Greeley, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Co.;
M. S. Weber, Greeley, Colorado, for Union Delivery Company.

S T A T E M E N T

By the Commission:

On August 5, 1948, Wesley Peterson and Otto M. Jacobsen, doing business as "W. Peterson Company," a co-partnership, Box 409, Greeley, Colorado, filed their application for a Class "B" permit to operate as private carriers by motor vehicle for hire for the transportation of farm produce between points within a radius of 100 miles of Greeley, Colorado, to Greeley, for Safeway Stores, only.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on October 26, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that applicants have a net worth of approximately $30,000.00, own 4 pieces of equipment, and have one customer, viz: the Safeway Stores, of Greeley, Colorado. Witness for applicants states that they desire to haul for the Safeway Stores only.

A. J. Fregeau, of Weicker Transfer and Storage Company, objected very strenuously to any town-to-town movement along U. S. Highway #85, in competition with their regular line-haul operation.

The Commission, after reviewing the evidence, cannot see that the intent of the proposed operation would conflict with the Weicker Transfer and Storage Company authority, however, the Commission does feel that Weicker's line-haul operation along U. S. Highway #85 should be protected, as we feel that any business taken from that scheduled operation would tend to impair its service, and would not be in the public interest. This, we feel, is clearly disclosed by the record in the instant matter.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that the instant application, with the restriction heretofore indicated, should be granted.

O R D E R

THE COMMISSION ORDERS:

That Otto M. Jacobsen and Wesley Peterson, co-partners, doing business as "W. Peterson Company, " Box 709, Greeley, Colorado, should be, and they hereby are, authorized to operate as private carriers by motor vehicle for hire for the transportation of farm produce between points within a 100-mile radius of Greeley, Colorado, for the Safeway Stores, of Greeley, Colorado, only, provided that applicants shall not be permitted to haul between towns on U. S. Highway #85 in competition with Weicker Transfer and Storage Company.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and have secured identification cards.

That the right of applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1948.

ea

(Decision No. 31558)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF C. R. VANCIL, 509 E. CIMMARRON ST., COLORADO SPRINGS, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 7526.

November 22, 1948

Appearances: Louis M. Pope, Esq., Colorado Springs, Colorado, for applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Clarence A. Warren, Colorado Springs, Colorado, for Smith Transfer & Storage Company.

S T A T E M E N T

By the Commission:

On May 15, 1946, the applicant herein filed his application for a certificate of public convenience and necessity authorizing the transfer of light moving and baggage from Colorado Springs to districts outside the City Limits of Colorado Springs.

The matter was set for hearing, and heard, at the City Hall in Colorado Springs, on May 28, 1946, at 10:00 o'clock A. M.

At the hearing, C. R. Vancil, the applicant herein, stated he had been in the transfer business in Colorado Springs for the past two years; that he has had numerous calls to go out of the city; that he did not intend to give a heavy hauling service, but his service would be more in the nature of a delivery service similar to that he is now rendering in the City of Colorado Springs. He asks for a 50-mile radius of Colorado Springs, and states that if this authority is granted he will purchase a new 1½-ton truck which he will add to his present equipment to take care of the additional business he will acquire. He also represents that he is presently licensed in the City of Colorado Springs and the Town of Manitou Springs.

Most of his outside calls have been for service to Peterson Field, Broadmoor, Ivywild, Pikeview, and other communities located in what is commonly called"The Pikes Peak Region."

Mr. L. A. McCann, who operates a transfer and storage business in Colorado Springs, Colorado, under Certificate of Public Convenience and Necessity 416, stated his company was operating six trucks and a van, but was only able to keep his equipment busy approximately 70% of the time. To the best of his knowledge, his company had no complaints on their service, and he expressed the opinion that his company, in conjunction with other carriers, was giving adequate service to the area immediately surrounding Colorado Springs.

Mr. C. A. Warren, who also operates a storage and transfer business, under Certificate of Public Convenience and Necessity No. 343, testified his company was operating 5 pieces of equipment; that he has idle equipment on hand at all times. He also feels that the carriers authorized by this Commission are now giving an adequate service in the territory asked for in this application.

William J. Reinhardt, local manager of the Weicker Transfer and Storage Company, testified as to the service his company is rendering in the Colorado Springs area.

Upon the record here made, it appears that the common carrier service rendered in Colorado Springs and surrounding area is adequate, or can be made so under the direction of this Commission. The Commission, further, is of the opinion that the granting of the instant application would tend to impair the services of the legally authorized carriers, and therefore, would not be in the public interest. In view of the conclusion above reached, and inasmuch as the Commission is of the opinion that the presently authorized service is adequate, or can be made adequate, the Commission believes that the instant application should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be denied for the reasons heretofore given.

O R D E R

THE COMMISSION ORDERS:

That the above application should be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1948.

ea

(Decision No. 31559)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OMER REED, OF LA JARA, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 9592-PP.
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-)

- - - - - - - - -
November 22, 1948
- - - - - - - - -

Appearances: Omer Reed, La Jara,
Colorado, pro se;
Conour and Conour, Esqs.,
Del Norte, Colorado,
for Fred Gibson and
Lute Vance.

S T A T E M E N T

By the Commission:

On August 3, 1948, the applicant herein filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of farm produce (no livestock) between points within a fifty-mile radius of La Jara, Colorado.

The matter was set for hearing, and heard, at the County Court Room in Alamosa, Colorado, on November 1, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of 3 trucks, and according to his statement has been hauling farm produce for hire in the San Luis Valley for years. He states he was told by the State Patrol to continue the hauling and he has many customers who desire his services in hauling farm produce.

Protestants maintained he had been conducting an illegal operation, and therefore, was not entitled to a permit.

Applicant, at the hearing, produced no shipper-witnesses, neither has he filed a list of customers, as provided by our Rules and Regulations. The Commission cannot, and will not, grant permits on the showing of applicant alone where it appears he is asking for territory now

served by common carriers who protest the granting of the authority he asks for. We might say, however, if applicant has confined his application to a territory not now adequately served by common carriers, and had customers who would use and who need his service, our findings might be different. In the instant case, applicant asks for a large territory. He has no customers, and complaint has been made that he has unlawfully operated in the past.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that the instant application should be denied for the reasons heretofore set forth.

O R D E R

THE COMMISSION ORDERS:

That the instant application be, and the same is hereby, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1948.

ea

(Decision No. 31560)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BAIRD TRANSFER & STORAGE COMPANY, INC., PUEBLO, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 551 TO JAMES QUALTERI, 3936 TEJON STREET, DENVER, COLORADO.	APPLICATION NO. 1695-AA.

November 22, 1948

S T A T E M E N T

By the Commission:

For some reason unknown to the present members of the Commission, the order hereinafter set out was not mailed or entered in the minutes of the Commission.

After a careful review of the files, the Commission deems it for the best interest of the public that the following order be published and made effective as of this date:

"(Decision No. 21579)

"BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO"

* * *

"IN THE MATTER OF THE APPLICATION OF BAIRD TRANSFER & STORAGE COMPANY, INC., PUEBLO, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 551 TO JAMES QUALTERI, 1531 WYNKOOP STREET, DENVER, COLORADO.	"APPLICATION NO. 1659-AA"

November 6, 1943

"Appearances: James Qualteri, Denver, Colorado, for applicants;
T. A. Stockton, Jr., Esq., Denver, Colorado, for The 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:

"On March 10, 1931, in Application No. 1695, Decision No. 3283, Otto Baird was granted a certificate of public convenience and necessity, authorizing:

> "The transportation in both interstate and intrastate commerce of household goods between Pueblo and all points within the State of Colorado, subject to the following conditions:
>
> (a) The applicant shall not operate on schedule between any points.
>
> (b) The applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Pueblo for the purpose of developing business."

"Thereafter, on April 10, 1940, in Application No. 1695-A, Decision No. 15215, authority was granted to said Otto Baird to transfer said certificate, which had been designated No. 551, to Baird Transfer and Storage Company, a Colorado corporation. The instant application seeks authority to transfer said Certificate No. 551 from said Baird Transfer and Storage Company, Inc., to James Qualteri."

"Hearing was held on said application in Denver, Colorado, on May 15, 1942. At said hearing, it developed that transferee desired to enlarge operations authorized under said certificate. He stated that he desired to serve the territory now authorized to be served under Certificate No. 1281-I, which authorizes the transportation of freight in interstate commerce only,-

> 'between Pueblo and Ault, via US 85; Denver and Fort Collins via US 87; Greeley and Loveland via Colo. 16, and Fort Collins and Ault via Colo. 14, and between all intermediate points, except between Pueblo and Denver, where the intermediate point of Colorado Springs may be served on northbound movements, and between all intermediate points on southbound movements.' "

"It is impossible for the Commission to enlarge operations under this certificate without proper application being filed and hearing held thereon after notice to interested parties."

"So far as the transfer of said certificate is concerned, no protests were interposed, and it affirmatively appeared at the hearing that no debts existed against the operations of transferor, and that transferee is financially able and has the experience and ability to carry on operations under said certificate."

"After careful consideration of the record, the Commission is of the opinion, and so finds, that the authority to transfer should be granted."

"O R D E R"

"IT IS ORDERED:

"That Baird Transfer and Storage Company, Inc., be, and it is hereby, authorized to transfer all of its right, title and interest in and to certificate of public convenience and necessity No. 551 to James Qualteri."

"The tariff of rates, rules and regulations of the transferor shall become and remain those of the transferee until changed according to law and the rules and regulations of this Commission.

"This order shall become effective twenty days from date."

"THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO"

HENRY S. SHERMAN

EDWARD E. WHEELER

MALCOM ERICKSON
Commissioners."

(S E A L)

Dated at Denver, Colorado,
this 6th day of November, 1943."

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 21579 should be issued as of this date.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 21579 be, and the same is hereby, issued as of this date.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 22nd day of November, 1948.

ea

(Decision No. 31561)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF DEAN RESLER, DOING BUSINESS AS PLATTE VALLEY TRUCK COMPANY, SIDNEY, NEBRASKA.	CASE NO. 43127-D PUC NO. 407.

November 30, 1948

S T A T E M E N T

By the Commission:

On September 8, 1948, the Commission entered an order revoking the above-numbered certificate for failure of respondent to file an additional tax deposit in the amount of $190.00.

The Commission is now in receipt of said additional deposit in the amount of $190.00, with a request that PUC No. 407 be reinstated.

F I N D I N G S

After careful consideration of the record and the request, the Commission is of the opinion, and finds, that Certificate No. PUC-407 should be reinstated.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. PUC-407 of Dean Resler, doing business as Platte Valley Truck Company, Sidney, Nebraska, should be, and the same hereby is, reinstated, as of September 8, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoburn

John K. Barnes

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1948.

ea

(Decision No. 31562)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF DEAN RESLER, DOING BUSINESS AS PLATTE VALLEY TRUCK COMPANY, SIDNEY, NEBRASKA	)	CASE NO. 43331-D Permit No. A-505

November 30, 1948

S T A T E M E N T

By the Commission:

On September 8, 1948, the Commission entered an order revoking the above-numbered permit for failure of respondent to file additional cash deposit in the amount of $50.00.

The Commission is now in receipt of said additional tax deposit in the amount of $50.00, with a request that Permit No. A-505 be reinstated.

F I N D I N G S

After careful consideration of the record and the request, the Commission is of the opinion, and finds, that Permit No. A-505 should be reinstated.

O R D E R

THE COMMISSION ORDERS:

That Permit No. A-505, of Dean Resler, doing business as Platte Valley Truck Company, Sidney, Nebraska, should be, and the same hereby is, reinstated as of September 8, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton

John C. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1948.

ea

(Decision No. 31563)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE WALLACE, 1950 CLAY ST.,) PERMIT NO. B-3819.
DENVER 20, COLORADO)
- - - - - - - - - - - - - - - - - - -)

- - - - - - - - - -
November 30, 1948
- - - - - - - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3819 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Clarence Wallace be, and he is hereby, authorized to suspend his operations under Permit No. B-3819 until May 17, 1949.

That unless said Clarence Wallace shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John H. Bowie, Jr.
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1948.

ea

(Decision No. 31564)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MARCE CORDAVO, 1603 EAST MAIN ST.,) PERMIT NO. B-3308
TRINIDAD, COLORADO.)
-)

- - - - - - - - - -
November 30, 1948
- - - - - - - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3308 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Marce Cordavo be, and he is hereby, authorized to suspend his operations under Permit No. B-3308 until February 24, 1949.

That unless said Marce Cordavo shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John A. Brown
Joseph W Hawley
Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1948.

ea

(Decision No. 31565)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN LEACH, ROUTE 2, SILOAM)
SPRINGS, ARKANSAS.) PERMIT NO. B-1048.
- - - - - - - - - - - - - - - - - - -)

- - - - - - - - - -
November 30, 1948
- - - - - - - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-1048 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That John Leach be, and he is hereby, authorized to suspend his operations under Permit No. B-1048 until May 1, 1949.

That unless said John Leach shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Bar...

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1948.

ea

(Decision No. 31566)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LOUIS LUCERO, CENTER, COLORADO.) PERMIT NO. B-3860.
- - - - - - - - - - - - - - - - - - -)

- - - - - - - - - -
November 30, 1948
- - - - - - - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3860 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Louis Lucero be, and he is hereby, authorized to suspend his operations under Permit No. B-3860, until April 22, 1949.

That unless said Louis Lucero shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John K. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1948.

ea

(Decision No. 31567)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LOUIS LUCERO, CENTER, COLORADO.)
) PERMIT NO. C-15375.
)
)

November 30, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Louis Lucero, requesting that Permit No. C-15375 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-15375, heretofore issued to Louis Lucero, be, and the same is hereby, declared cancelled effective October 22, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Morton
John P. Bell, Jr.
Joseph W. Hanley
Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1948.

ea

(Decision No. 31568)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CRYSTAL RIVER LODGE, INC.,)
REDSTONE, COLORADO.) PERMIT NO. A-3661.
- - - - - - - - - - - - - - - - - -)

November 30, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that its Permit No. A-3661 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Crystal River Lodge, Inc., be, and it is hereby, authorized to suspend its operations under Permit A-3661 until May 1, 1949.

That unless said Crystal River Lodge, Inc., shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwise comply with all rules and regulations of the Commission applicable private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Chase

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1948.

ea

Original.

(Decision No. 31569)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF H. G. RORABAUGH, OTIS, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1628 TO MARCUS AMICK AND WALLACE AMICK, ROUTE 1, OTIS, COLORADO.	)))))	APPLICATION NO. 9679 TRANSFER

November 22, 1948

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

S T A T E M E N T

By the Commission:

Pursuant to authority contained in Decision No. 24611, of date June 23, 1945, E. F. Anderson, Akron, Colorado, transferred to Harold G. Rorabaugh, Otis, Colorado, that portion of PUC No. 577 which said Anderson theretofore had acquired from George H. Turner and Glen Turner (Decision No. 20104,) which authorizes the following service:

> Transportation, on call and demand, of farm products and livestock, only, between points within the area surrounding, and including, Otis, Colorado, which extends thirty miles south, nine miles east, twenty-two miles north, and five miles west of Otis, and between points in said territory and Otis, on the one hand, and, on the other, Denver, Colorado; transportation, not on schedule, of farm products and livestock, between points within an area extending twenty miles north, twenty miles south, five miles west of Yuma, and a point five miles east of Eckley on the east, and from and to points in said area, to and from points in the State of Colorado.

By said Decision No. 24611, said Harold G. Rorabaugh, Otis, Colorado, was authorized to extend operations under said operating rights to include the right to transport:

> Farm equipment and supplies, household goods, livestock and poultry feeds, between points within the areas around Otis and Yuma described as: the area surrounding, and including, Otis, Colorado, which extends thirty miles south, nine miles east, twenty-

two miles north, and five miles west of Otis, and the area extending twenty miles north, twenty miles south, five miles west of Yuma, and a point five miles east of Eckley on the east; locally, only, without any service outside said areas.

By the instant application, Harold G. Rorabaugh seeks authority to transfer said operating rights (PUC No. 1628) to Marcus Amick and Wallace Amitk, Otis, Colorado.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said certificate; that the consideration for transfer of said operating rights, together with two trucks, is the sum of Six Thousand Two Hundred Dollars ($6,200.00), of which $1,000.00 has been paid, the balance of $5,200.00 to be paid in cash upon approval of The Public Utilities Commission of transfer of said certificate; that transferees, pecuniarily and otherwise, are qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said certificate, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Harold G. Rorabaugh, Otis, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1628 — being the operating rights acquired by him pursuant to au-

thority contained in Decision No. 24611, as extended by said Decision No. 24611 -- to Marcus Amick and Wallace Amick, Route 1, Otis, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the tariff of rates, rules, and regulations of transferor shall become and remain those of transferees until changed according to law and the rules and regulations of this Commission.

That the right of transferees to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate, and the payment by him, or by transferees, of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor be transferred to account of transferees.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley
Commissioners

DATED at Denver, Colorado,
this 22nd day of November, 1948.

EHC

Original

(Decision No. 31570)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF BOB HEEL, 639 STRUTHERS AVENUE, GRAND JUNCTION, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2726 TO WILLIAM SCHOENTHALER, ROUTE 3, GRAND JUNCTION, COLORADO.	APPLICATION NO. 9678-PP TRANSFER

November 22, 1948

Appearances: Amos L. Raso, Esq., Grand Junction, Colorado, for applicants.

S T A T E M E N T

By the Commission:

By Decision No. 17984, of date December 5, 1941, Howard M. Shultz was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> Livestock (including sheep) from point to point within a radius of twenty miles of Grand Junction, and from and to points within said radius, to and from all points in the State of Colorado, except no service shall be rendered in competition with line-haul operations of G. W. Hawthorne, —

said operating rights being designated "Permit No. B-2726."

Pursuant to authority contained in Decision No. 20809, of date April 17, 1943, said permit-holder transferred said operating rights to Bob Heel, who, by Decision No. 26362, of date August 13, 1946, was authorized to extend operations thereunder to include the right to transport:

> Livestock from ranches within a twenty-five-mile radius of Naturita, Colorado, to sales ring at Naturita, and from sales ring to points and places in said area.

By the instant application, Bob Heel seeks authority to transfer Permit No. B-2627 to William Schoenthaler, Grand Junction, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said permit is in good standing; that road tax has

been paid; that ton-mile tax deposit is to be refunded to transferor; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is able and qualified to carry on the operation; and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Bob Heel, Grand Junction, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-2726 -- being the operating rights granted by Decisions Nos. 17984 and 26362 -- to William Schoenthaler, Grand Junction, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That the right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him, or by transferee, of all unpaid ton-mile tax.

That ton-mile tax deposit be refunded to transferor.

This order shall become effective as of the day and date hereof.

DATED at Denver, Colorado,
this 22nd day of November, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John B. Barry

Jas. H. McCoolery

Commissioners

(Decision No. 31571)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN F. DUFFY, WESTMINSTER,) PERMIT NO. B-3532.
COLORADO.)
* - - - - - - - - - - - - - - - - -)

November 30, 1948

S T A T E M E N T

By the Commission:

On July 9, 1948, the Commission entered an order authorizing John F. Duffy, Westminster, Colorado, to suspend operations under his permit No. B-3532 until December 1, 1948.

The Commission is now in receipt of a communication from the above-named permittee requesting that his permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-3532 of John F. Duffy, Westminster, Colorado, should be, and the same hereby is, reinstated as of November 19, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hurlbut

John K. Barnes

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1948.

ea

(Decision No. 31572)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALPHEUS A. SANDERS, BYERS,)
COLORADO.)
) PERMIT NO. B-3275.
)
)

November 30, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Alpheus A. Sanders, requesting that Permit No. B-3275 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-3275, heretofore issued to Alpheus A. Sanders, be, and the same is hereby, declared cancelled effective November 8, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newlon
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1948.

ea

(Decision No. 31573)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
STARK & TODD, INC., LA JUNTA,)
COLORADO.) PUC NO. 1612-I.
- - - - - - - - - - - - - - - - - - -)

- - - - - - - - -
November 30, 1948
- - - - - - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Stark & Todd, Inc., of La Junta, Colorado, requesting that their Certificate of Public Convenience and Necessity No. PUC-1612-I be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Certificate No. PUC-1612-I, heretofore issued to Stark & Todd, Inc., of La Junta, Colorado, be, and the same hereby is, declared cancelled effective November 12, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John K. Berry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1948.

ea

(Decision No. 31574)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
RAMONA JENKINS, BOX 546,) APPLICATION NO. 9455-PP.
BOULDER, COLORADO.)
- - - - - - - - - - - - - - - - - -)

- - - - - - - - - -
November 30, 1948
- - - - - - - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communic ation from Ramona Jenkins, Box 546, Boulder, Colorado, requesting that her Class "B" permit, granted in Appplication No. 9455-PP, Decision No. 31091, under date of August 24, 1948, be cancelled.

F I N D I N G S

THE COMMISSION FINDS;

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Class "B" permit, granted Ramona Jen ins in the above-numbered application, Decision No. 31091, under date of August 24, 1948, be, and the same hereby is, declared cancelled, effective as of the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry.
Joseph W Hawley
Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1948.

ea

(Decision No. 31575)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE WESTERN COLORADO POWER COMPANY, MONTROSE, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	)	APPLICATION NO. 9677.

November 23, 1948

Appearances: G. R. Corey, Esq.,
Kearns Building,
Salt Lake City,
Utah, for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity, authorizing the exercise by applicant of certain franchise rights granted by the Board of Trustees of the Town of Orchard City, County of Delta, State of Colorado.

On the 15th day of July, 1948, Ordinance No. 25 was passed by the Board of Trustees of said Town, and approved by its Mayor, granting to applicant, its successors, and assigns, a franchise to, and the right, privilege and authority to erect, construct, maintain, and operate in the present and future streets, alleys, and public places, in the Town of Orchard City, State of Colorado, and its successors, electric light and power lines, together with all necessary or desirable appurtenances, for the purpose of supplying electricity to said town, the inhabitants thereof, and to persons and corporations beyond the limits thereof, for light, heat, power, and other purposes, said franchise to be for a term of twenty years — that is, until August 1, 1968.

From the files and records in the instant application, it appears that applicant is a corporation, duly organized and existing under the laws of the State of Colorado, and doing business as a public utility;

that its present office and post office address is in the City of Montrose, County of Montrose, State of Colorado; that, generally, it is authorized and empowered under its Certificate of Incorporation to engage in the business of generating, transmitting, and distributing electric energy to numerous cities and towns in Western Colorado for heat, light, power, and other purposes; that a certified copy of its Articles of Incorporation is on file with this Commission; that it is the only utility engaged in furnishing electricity in said Town of Orchard City and vicinity.

The files also disclose that prior to the passage of said Ordinance No. 25, applicant operated in said town pursuant to a certificate of public convenience and necessity granted by this Commission.

Company, on July 15, 1948, formally accepted Ordinance No. 25.

No additional substantial investment is contemplated, except the usual additions to property to supply electric service to the public in Orchard City.

Inasmuch as the Town of Orchard City, through its duly elected town officials, has indicated approval of the instant application, and there being no competitor whose interests might be jeopardized, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That present and future public convenience and necessity require, and will require, the exercise by applicant of franchise rights granted to it by the Board of Trustees of the Town of Orchard City, County of Delta, State of Colorado, in and by Ordinance No. 25.

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require, and will require, the exercise by applicant of franchise rights granted to it by the Board of Trustees of the Town of Orchard City, Delta County, State of Colorado, in and by Ordinance No. 25, a copy of which is attached to the application herein, and which by reference is made a part hereof, and this order shall be taken, deemed, and held to be a certificate of public convenience

and necessity therefor.

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

Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Hutton

John R. Barry

Dated at Denver, Colorado,
this 23rd day of November, 1948.

ea

(Decision No. 31576)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GLEN PORTER AND ORANONA ALEXANDER, CO-PARTNERS, DOING BUSINESS AS "SPRINGFIELD TAXI," SPRINGFIELD, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 9322
IN THE MATTER OF THE APPLICATION OF PHILLIP DAVISON, SPRINGFIELD, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 9325

SUPPLEMENTAL ORDER

November 26, 1948

Appearances: Jones and Stauffer, Esqs., Denver, Colorado, for Springfield Taxi;
Phillip Davison, Springfield, Colorado, pro se;
C. J. Jordan, Springfield, Colorado, pro se.

S T A T E M E N T

By the Commission:

On August 19, 1948, the Commission entered its Decision No. 31053, wherein application of Glen Porter, being Application No. 9322, was denied.

On August 28, 1948, Glen Porter filed Petition for Rehearing, wherein he alleges that the Commission's Decision No. 31053 is illegal in the following respects:

"1. It is contrary to law.

"2. It is contrary to the evidence.

"3. It denies a certificate to an applicant supported by public witnesses.

"4. It grants a certificate to an applicant entirely unsupported by any public witnesses."

The Commission has carefully reviewed each and every alleged assignment of error, and is of the opinion that our Decision No. 31053 is correct, and that to grant a rehearing in the instant matter would not be in the public interest.

F I N D I N G S

THE COMMISSION FINDS:

That no error was committed, and that Application for Rehearing herein should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing filed herein by Applicant Glen Porter should be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Hilton

John P. Barry

Commissioners

Dated at Denver, Colorado,
this 26th day of November, 1948.

mw

(Decision No. 31577)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FULLER TRUCK LINE, INC., 509 EAST)
FOURTH AVENUE, BRIGHTON, COLORADO,) APPLICATION NO. 9343-Transfer
FOR AUTHORITY TO TRANSFER A PORTION) SUPPLEMENTAL ORDER
OF PUC NO. 23 TO ALEXANDER NAEB,)
BRIGHTON, COLORADO.)

November 26, 1948

Appearances: Jones and Stauffer, Esqs., Denver, Colorado, for applicants;
E. B. Evans, Esq., Denver, Colorado, for Fred Rein;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
T. A. White, Esq., Denver, Colorado, and
A. J. Tait, Denver, Colorado, for Rio Grande Motor Way, Inc.;
V. G. Garnett, Denver, Colorado, for Colorado Rapid Transit Company.

STATEMENT

By the Commission:

On August 20, 1948, by Decision No. 31059, Fuller Truck Line, Inc., Brighton, Colorado, was authorized to transfer to Alexander Naeb, Brighton, Colorado, all its right, title, and interest in and to that part of operating authority exercised under PUC No. 23 described as follows:

> "Transportation as a common carrier of milk and cream from producers in the territory described as: Beginning at a point on the Denver-Fort Lupton Highway immediately north of Riverside Cemetery, thence to and across the Platte River, thence north generally parallel thereto to a point situated some mile and three-quarters west of Brighton, thence north along the highway paralleling and at a distance of about a mile of said river to a point about a mile and three-quarters west of the northern limits of Fort Lupton, thence south on a line running approximately two miles east of the Fort Lupton-Brighton-Denver Highway to and across Sand Creek, thence west into the City of Denver, with back-haul of empty cans and dairy equipment to said producers."

On August 30, 1948, Fred Rein, Jr. filed Application for Rehearing, and as grounds for rehearing, stated:

I

"That the Commission did not regularly pursue its authority in making its findings and in entering the order contained in said decision 31059.

II

"That said findings and order contained in said decision 31059 are not just and reasonable when applied to this applicant and others similarly situated.

III

"That the conclusions contained in decision No. 31059 are not in accordance with the evidence herein.

IV

"That the findings and conclusions of the Commission are contrary to the law and the evidence.

V

"That said conclusions and order are contrary to the rules and regulations of this commission governing motor vehicle carriers.

VI

"That said conclusions and order constitute the granting of a new certificate or an extension of the present certificate held by the applicant, Alexander Naeb, without an application having been previously made therefore and a hearing held thereon and a finding that the public convenience and necessity require such extension contrary to the law governing motor vehicle carriers.

VII

"That said conclusions and order of the commission are contrary to the public interest in that the commission failed and neglected to take into consideration the effect of said transfer and order upon existing common carriers.

VIII

"That the applicant, Fuller Truck Line, has been engaged in the business of transporting milk for a great number of years in the territory involved herein in competition with this applicant for a rehearing; that the Foster Truck Line, in leasing said authority from the Fuller Truck Line, well knew that said authority included the transportation of milk from the territory involved herein and that said transportation of milk by the Foster Truck Line is a part and parcel of the whole transportation to be furnished by the Foster Truck Line to the territory involved herein and that is unjust and unreasonable to other common carriers competing

with the applicants, to permit the applicant Foster Truck Line, to segregate that part of its authority which authorizes the transportation of milk from its authority to transport commodities generally.

IX

"This commission has heretofore consistently refused to authorize the transfer of authority to haul specific commodities out of a certificate authorizing the hauling of commodities generally; that it is not to the best interests of the general public of the State of Colorado to permit a common carrier to so segregate certain specified commodities out of a certificate authorizing the transportation of commodities generally.

X

"That in the authority so transferred the commission has attempted to transfer to the transferee authority to transfer dairy equipment to producers in the territory described; that authority to transfer dairy equipment will be extended by the carriers involved and their producers so as to include any and all items which might be used by said producers on their respective farms and that said authority, if granted, should be limited only to the return of empty milk cans.

XI

"That contrary to the provisions of rule 14 of the rules and regulations governing motor vehicle carriers this commission has found that the Foster Truck Line has 'leased a truck from Naeb, with driver, for which he pays Naeb $250.00 monthly, to handle the milk.' That said rule provides that 'leasing of equipment shall not include the service of a truck driver or operator.' That information relative to said violation was not available to this applicant or any other competing carrier."

On September 4, 1948, applicants, through their attorney, filed Answer to Application for Rehearing, wherein they state:

"Come now the applicants herein, and in answer to the petition for rhearing, state that said petition presents no matters or facts not presented at the hearing and fully considered by the Commission. That the decision is fully responsive to the public interest, for the reasons set forth in this decision.

"That the Commission has not consistently refused to authorize transfer of a part of a certificate, but, on the contrary, has in numerous instances, where consonant with the public interest, permitted such to be done.

"That Paragraph X of the petition is pure theory, and accuses a responsible carrier of a future intent to violate the law, which could easily be controlled by the Commission."

The Commission has carefully reviewed the testimony offered herein, and has carefully read and considered each and every alleged assignment of error, and is of the opinion that our Decision No. 31059 is in the public interest, and in accordance with the evidence submitted.

The Commission, in the past, on numerous occasions, has permitted transfer of portions, or splitting, of certificates. We have frowned, however, upon that practice, but where the Commission is convinced that the dividing of certificates is in the public interest, we have permitted it.

F I N D I N G S

THE COMMISSION FINDS:

That no error was committed, and that said application for rehearing herein should be denied.

O R D E R

THE COMMISSION ORDERS:

That Application for Rehearing filed herein by Fred Rein, Jr., be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton

John R. Barry

Commissioners

Dated at Denver, Colorado,
this 26th day of November, 1948.

mw

(Decision No. 31578)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED C. TAYLOR, DOING BUSINESS AS)
"COLORADO SPRINGS-LIMON TRANSPORTA-) APPLICATION NO. 8880-Extension
TION COMPANY," 325 EAST COSTILLA) SUPPLEMENTAL ORDER
STREET, COLORADO SPRINGS, COLORADO,)
FOR AN EXTENSION OF PUC NO. 1678.)

November 26, 1948

Appearances: Mary Jane Williams, Esq., Colorado Springs, Colorado, for applicant;
E. G. Knowles, Esq., Denver, Colorado, for Union Pacific Railroad Company, Interstate Transit Lines.

STATEMENT

By the Commission:

On January 3, 1948, by Decision No. 29652, Fred C. Taylor, doing business as "Colorado Springs-Limon Transportation Company," Colorado Springs, Colorado, was granted an extension of his PUC No. 1678, authorizing, among other things:

> "transportation of passengers, on call and demand, in charter service, and not on schedule, from all points on his route between Colorado Springs, Colorado, and Limon, Colorado, and intermediate points over U. S. Highway No. 25, served by applicant under his certificate of public convenience and necessity, to points in the State of Colorado, and return, (except service from Colorado Springs to points other than points on his said route)."

On January 30, 1948, the Commission received a letter from Fred C. Taylor, wherein he asks us to reconsider our decision and order, said letter being as follows:

> "I have reviewed your Decision No. 29652, and am satisfied with your Order, except failure to allow Charter Service out of Colorado Springs to all points in the State of Colorado. The carriers presently authorized to serve will not furnish equipment for less than twenty passengers. I have frequent requests to haul twelve passengers.

"Will you please reconsider your decision and order, and grant authority to furnish such service, which will be non-competitive with service offered by now-certificated carriers."

This letter we have elected to consider as a Petition for Rehearing.

The Commission has carefully reviewed the testimony offered herein, together with the files in the above application, and is still of the opinion that the record, as made at the hearing, does not justify the granting of additional authority, and that there is ample service authorized by this Commission to take care of the public needs.

F I N D I N G S

THE COMMISSION FINDS:

That no error was committed in our Decision No. 29652, and that Petition for Rehearing herein should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing filed herein by Fred C. Taylor, be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Fred C. Taylor

John R. Barry

Commissioners

Dated at Denver, Colorado,
this 26th day of November, 1948.

mw

(Decision No. 31579)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WINFRED NOKES AND VERNON T. LAFFERTY,)
CO-PARTNERS, DOING BUSINESS AS)
"LAFFERTY & NOKES TRUCK LINE,")
MC COOK, NEBRASKA, FOR AUTHORITY TO) PERMIT NO. B-3361-I
TRANSFER INTERSTATE OPERATING RIGHTS)
TO VERNON T. LAFFERTY, MC COOK,)
NEBRASKA.)

November 26, 1948

STATEMENT

By the Commission:

Heretofore, Winfred Nokes and Vernon T. Lafferty, co-partners, doing business as "Lafferty & Nokes Truck Line," McCook, Nebraska, were authorized to operate as private carriers by motor vehicle for hire, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, and Permit No. B-3361-I issued to them.

Said permit-holders now seek authority to transfer said operating rights to Vernon T. Lafferty, McCook, Nebraska -- said Winfred Nokes desiring to withdraw from said partnership.

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

FINDINGS

THE COMMISSION FINDS:

That said transfer should be authorized.

ORDER

THE COMMISSION ORDERS:

That Winfred Nokes be, and he hereby is, authorized to withdraw from partnership of Winfred Nokes and Vernon T. Lafferty, doing business as "Lafferty & Nokes Truck Line," and said Winfred Nokes and Vernon T. Lafferty, co-partners, doing business as "Lafferty & Nokes

Truck Line," McCook, Nebraska, be, and they hereby are, authorized to transfer all right, title, and interest in and to Permit No. B-3361-I to Vernon T. Lafferty, McCook, Nebraska, subject to the provisions of the Federal Motor Carrier Act of 1935, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That ton-mile tax deposit be transferred to account of transferee.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C Horton

John R. Barry

Joseph W. Steele

Commissioners

Dated at Denver, Colorado,
this 26th day of November, 1948.

mw

(Decision No. 31580)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLIAM WAGNER, ROUTE 2, GRAND JUNCTION, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1136 TO W. E. DOWNEY, LOMA, COLORADO.

APPLICATION NO. 9662-Transfer

November 26, 1948

STATEMENT

By the Commission:

By Decision No. 9793, of date April 12, 1937, William Wagner was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of:

> farm products, including livestock and wool, on call and demand, from farms and ranches within a radius of twenty-five miles of Fruita, to shipping points, elevators, and storage warehouses in said area, and farm supplies, including used household goods and furnishings, from farm to farm, town to farm, and farm to town, in said area, with no town to town transportation of any commodities ordinarily handled by scheduled line-haul common carriers in competition therewith, and the transportation of electric light poles, fixtures, and power line supplies, generally, along the line of the proposed rural electrification project in Grand Valley,

said operating rights being designated "PUC No. 1136."

By the instant application, said certificate-holder seeks authority to transfer PUC No. 1136 to W. E. Downey, Loma, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said certificate; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would

desire to be heard in opposition to transfer of said certificate, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That William Wagner, Grand Junction, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1136 -- being the operating rights granted by Decision No. 9793 -- to W. E. Downey, Loma, Colorado, subject to payment of outstanding indebtedness, secured or unsecured, against said operation, if any there be.

The tariff of rates, rules and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate, and the payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit be transferred to account of transferee.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph E. Hawley

Commissioners

Dated at Denver, Colorado,
this 26th day of November, 1948.

mw

(Decision No. 31581)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY WOLFE, 415 TURNER STREET,)
BRUSH, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-3677 TO HENRY) APPLICATION NO. 9661-PP-Transfer
FRITZLER, JR., 415 TURNER STREET,)
BRUSH, COLORADO.)

November 26, 1948

STATEMENT

By the Commission:

By Decision No. 28002, of date April 10, 1947, Ernest Gabriel, Brush, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> milk to Brush from points in the area along within five miles of either side of Highway No. 6 between Brush and Roosevelt School, and milk from McLagan Brothers Creamery at Brush, Colorado, to Beatrice Creamery in Denver, with return of empties; bottled milk from Hillrose to Roosevelt School,

said operating rights being designated "Permit No. B-3677."

Pursuant to authority contained in Decision No. 29848, of date January 31, 1948, said operating rights were transferred to Henry Wolfe, who, by the instant application, seeks authority to transfer said Permit No. B-3677 to Henry Fritzler, Jr., Brush, Colorado.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is able and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files of the Commission disclose, who would desire to be heard in opposition to transfer of said permit,

the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Henry Wolfe, Brush, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3677 -- being the operating rights granted by Decision No. 28002 -- to Henry Fritzler, Jr., Brush, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferee to operate under this order shall depend upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

This order is made a part of the permit authorized to be transferred.

That ton-mile tax deposit be transferred to account of transferee.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 26th day of November, 1948.
mw

(Decision No. 31582)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MARION JOHNSTON AND R. L. JOHNSTON,)
CO-PARTNERS, DOING BSINESS AS "COPE)
TRUCK LINE," SEIBERT, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 9660-PP-Transfer
B-1712 TO C. J. SIMMONS AND R. P.)
HUMPHREY, CO-PARTNERS, DOING BUSI-)
NESS AS "COPE TRUCK LINE," SEIBERT,)
COLORADO.)

November 26, 1948

S T A T E M E N T

By the Commission:

By Decision No. 8410, of date September 21, 1936, W. H. McMullen was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> farm products, including livestock, from point to point within the following area: three miles east, five miles north, fourteen miles south, and fifteen miles west of Cope, Colorado, and from said area to and from other points in the State of Colorado,

said operating rights being designated "Permit No. B-1712."

Pursuant to authority contained in Decision No. 14957, of date February 29, 1940, said W. H. McMullen transferred said Permit No. B-1712 to E. E. Harper, who (Decision No. 25244, of date December 10, 1945) transferred said operating rights to Marion Johnston and R. L. Johnston, co-partners, doing business as "Cope Truck Line," Seibert, Colorado.

By the instant application, Marion Johnston and R. L. Johnston, co-partners, doing business as "Cope Truck Line," seek authority to transfer Permit No. B-1712 to C. J. Simmons and R. P. Humphrey, co-partners, doing business as "Cope Truck Line," Seibert, Colorado.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that road tax has been

paid; that ton-mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said permit; that transferees, pecuniarily and otherwise, are able and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said permit, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Marion Johnston and R. L. Johnston, co-partners, doing business as "Cope Truck Line," Seibert, Colorado, be, and they hereby are, authorized to transfer all right, title, and interest in and to Permit No. B-1712 -- being the operating rights granted by Decision No. 8410 -- to C. J. Simmons and R. P. Humphrey, co-partners, doing business as "Cope Truck Line," Seibert, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferees to operate under this order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit, and the payment by them or transferees of all unpaid ton-mile tax.

This order is made a part of the permit authorized to be transferred.

That ton-mile tax deposit of transferors be transferred to

account of transferees.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Horton

John R. Barry

Joseph E. Hackler

Commissioners

Dated at Denver, Colorado,
this 26th day of November, 1948.

mw

(Decision No. 31583)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. P. WIEDERKEHR AND CLYDE WIEDERKEHR, DOING BUSINESS AS "J. P. WIEDERKEHR AND SON," DEL NORTE, COLORADO, FOR EXTENSION AND AMENDMENT OF PUC NO. 1451.	APPLICATION NO. 5743-BB

November 26, 1948

S T A T E M E N T

By the Commission:

Upon consideration of the evidence before the Commission in the above-entitled application:

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 26th day of November, 1948.

Commissioners

EHC

(Decision No. 31584)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FLOYD WAGY, 3841 WEST VIRGINIA AVENUE, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9675-PP

November 26, 1948

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 other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Floyd Wagy, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for

hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 26th day of November, 1948.

EHC

(Decision No. 31585)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS IN THE TOWN OF CHERRY HILLS VILLAGE, COUNTY OF ARAPAHOE, STATE OF COLORADO.	APPLICATION NO. 9344 SUPPLEMENTAL ORDER

November 26, 1948

Appearances: Lee, Bryans, and Kelly, Esqs., Denver, Colorado, for applicant.

S T A T E M E N T

By the Commission:

On August 25, 1948, by Decision No. 31098, Public Service Company of Colorado was authorized to:

> exercise franchise rights granted to it by the Board of Trustees of the Town of Cherry Hills Village, Arapahoe County, State of Colorado, in and by Ordinance No. 2, Series of 1948.

It appears that, inadvertently, the Commission failed to include in its Order the right to applicant to serve territory immediately adjacent to said Town of Cherry Hills Village.

By said Decision No. 31098, applicant also was required to:

> "file its rate schedules, rules, and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring its practices as to testing, consumers' deposits, and operations, records of meters, transformers, and complaints, into compliance with the Commission's requirements, within twenty (20) days from date," -

it being further provided that:

> "Failure of applicant to comply as above ordered shall nullify and automatically revoke, at the end of said period, the authorization herein granted, but subject to any further action or modification the Commission may order."

It appears that Applicant Company was then, is now, and will:

"continue rendering gas service in the Town of Cherry Hills Village and in the fringe territory immediately adjacent thereto under its schedule of rates, rules and regulations on file with the Commission and has set up and maintains its books and accounts in agreement with the Uniform Classification of Accounts, and its practices as to testing, consumers' deposits, and operations, record of meters and complaints, in compliance with the Commission's requirements."

Applicant Company, by its counsel, now asks that said Decision No. 31098 be amended to conform to the facts.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 31098 should be amended, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 31098, of date August 25, 1948, should be, and hereby is, amended, nunc pro tunc, as of said 25th day of August, 1948, by striking the Order therein contained, and, in lieu thereof, inserting the following:

"That present and future public convenience and necessity require, and will require, the exercise by applicant of franchise rights granted to it by the Board of Trustees of the Town of Cherry Hills Village, Arapahoe County, State of Colorado, in and by Ordinance No. 2, Series of 1948, copy of which is attached to the application herein, and which by reference is made a part hereof, and for the transmission, distribution, and sale of gas, either natural, artificial, or mixed, in the territory immediately adjacent to the Town of Cherry Hills Village, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

"That applicant shall install, operate and maintain its gas distribution system and supply gas service in the area heretofore designated, in accordance with rate schedules, rules and regulations, and gas service connection and main extension policy as are now or hereafter in effect and on file with the Commission; its books and accounts shall be

maintained in agreement with the Uniform Classification of Accounts; its practices as to testing, consumers' deposits, and operations, records of meters and complaints, shall be in compliance with the Commission's requirements.

"This order shall become effective twenty (20) days from date."

That said Decision No. 31098, except as herein amended, 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 November, 1948.

EHC

(Decision No. 31586)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS IN THE CITY OF GOLDEN, COUNTY OF JEFFERSON, STATE OF COLORADO.

APPLICATION NO. 9345
SUPPLEMENTAL ORDER

November 26, 1948

Appearances: Lee, Bryans, and Kelly, Esqs., Denver, Colorado, for applicant.

S T A T E M E N T

By the Commission:

On August 25, 1948, by Decision No. 31096, Public Service Company of Colorado was authorized to:

> exercise franchise rights granted to it by the City Council of the City of Golden, Jefferson County, State of Colorado, ~~in~~ and by Ordinance No. 236.

It appears that, inadvertently, the Commission failed to include in its Order the right to applicant to serve territory immediately adjacent to said City of Golden, Colorado.

By said Decision No. 31096, applicant was also required to:

> "file its rate schedules, rules, and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring its practices as to testing, consumers' deposits, and operations, records of meters, transformers, and complaints, into compliance with the Commission's requirements, within twenty (20) days from date," -

it being further provided that:

> "Failure of applicant to comply as above ordered shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order."

It appears that Applicant Company was then, is now, and will:

> "Continue rendering gas service in the City of Golden and in the fringe territory immediately adjacent thereto and along the gas transmission line serving gas to the City of Golden under its schedule of rates, rules and regulations on file with the Commission and has set up and maintains its books and accounts in agreement with the Uniform Classification of Accounts, and its practices as to testing, consumers' deposits, and operations, record of meters and complaints, in compliance with the Commission's requirements."

Applicant Company, by its counsel, now asks that said Decision No. 31096 be amended to conform to the facts.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 31096 should be amended, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 31096, of date August 25, 1948, should be, and hereby is, amended, nunc pro tunc, as of said 25th day of August, 1948, by striking the Order therein contained, and, in lieu thereof, inserting the following:

> "That present and future public convenience and necessity require, and will require, the exercise by applicant of franchise rights granted to it by the City Council of the City of Golden, Jefferson County, State of Colorado, in and by Ordinance No. 236, copy of which is attached to the application herein, and which by reference is made a part hereof, and for the transmission, distribution, and sale of gas, either natural, artificial or mixed, in the territory immediately adjacent to the City of Golden and along the transmission line supplying gas to the City of Golden; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.
>
> "That applicant shall install, operate and maintain its gas distribution system and supply gas service in the area heretofore designated in accordance with rate schedules, rules and regulations, and gas service connection and main extension policy as are now or hereafter in effect and on file with the Commission; its books and accounts shall be

maintained in agreement with the Uniform Classification of Accounts; its practices as to testing, consumers' deposits and operations, records of meters and complaints, shall be in compliance with the Commission's requirements.

"This order shall become effective twenty (20) days from date."

That said Decision No. 31096, except as herein amended, 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 November, 1948.

EHC

(Decision No. 31097)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, A CORPORATION, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS IN THE TOWN OF LITTLETON, COUNTY OF ARAPAHOE, STATE OF COLORADO.	APPLICATION NO. 9346 SUPPLEMENTAL ORDER

November 26, 1948

Appearances: Lee, Bryans, and Kelly, Esqs., Denver, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

On August 25, 1948, by Decision No. 31097, Public Service Company of Colorado was authorized to:

> exercise franchise rights granted to it by the Board of Trustees of the Town of Littleton, Arapahoe County, State of Colorado, in and by Ordinance No. 341.

It appears that, inadvertently, the Commission failed to include in its Order the right to applicant to serve territory immediately adjacent to said Town of Littleton, Colorado.

By said Decision No. 31097, applicant also was required to:

> file its rate schedules, rules, and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and bring its practices as to testing, consumers' deposits, and operations, records of meters, transformers, and complaints, into compliance with the Commission's requirements, within twenty (20) days from date", -

it being further provided that:

> "Failure of applicant to comply as above ordered shall nullify and automatically revoke, at the end of said period, the authorization herein granted, but subject to any further action or modification the Commission may order."

It appears that Applicant was then, is now, and will:

"continue rendering gas service in the Town of Littleton and in the fringe territory immediately adjacent thereto and along the gas transmission line serving gas to the Town of Littleton under its schedule of rates, rules and regulations on file with the Commission and has set up and maintains its books and accounts in agreement with the Uniform Classification of Accounts, and its practices as to testing, consumers' deposits, and operations, records of meters and complaints, in compliance with the Commission's requirements."

Applicant Company, by its counsel, now asks that said Decision No. 31097 be amended to conform to the facts.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 31097 should be amended, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 31097, of date August 25, 1948, should be, and hereby is, amended, nunc pro tunc, as of said 25th day of August, 1948, by striking the Order therein contained, and, in lieu thereof, inserting the following:

"That present and future public convenience and necessity require, and will require, the exercise by applicant of franchise rights granted to it by the Board of Trustees of the Town of Littleton, Arapahoe County, State of Colorado, in and by Ordinance No. 341, copy of which is attached to the application herein, and which by reference is made a part hereof, and for the transmission, distribution and sale of gas, either natural, artificial, or mixed, in the territory immediately adjacent to the Town of Littleton and along the transmission line supplying gas to the Town of Littleton; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

"That applicant shall install, operate, and maintain its gas distribution system and supply gas service in the area heretofore designated in accordance with rate schedules, rules, and regulations, and

gas service connection and main extension policy as are now or hereafter in effect and on file with the Commission; its books and accounts shall be maintained in agreement with the Uniform Classification of Accounts; its practices as to testing, consumers' deposits and operations, records of meters and complaints, shall be in compliance with the Commission's requirements.

"This order shall become effective twenty (20) days from date."

That said Decision No. 31097, except as herein amended, 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 November, 1948.

EHC

(Decision No. 31588)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAWRENCE BENDER, PONCHA SPRINGS,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 9655-PP
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

November 30, 1948

Appearances: Lawrence Bender, Poncha Springs, Colorado, pro se;
Otis Gibson, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On September 17, 1948, applicant herein filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of mine and milled ore, mining machinery and supplies, between points within a radius of twenty miles of Bonanza, Colorado, and to and from said area, from and to Salida, Leadville, and Denver, Colorado.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on November 19, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that applicant has net worth of approximately $25,000, and presently owns three pieces of equipment -- one 1942 Chevrolet one and one-half-ton truck, one 1942 Ford one and one-half-ton truck, and one 1938 GMC two-ton truck -- which he plans to use if permit is granted.

It appears that applicant desires to haul ore and concentrates for only one customer -- W. E. Burlson and his brother, who operate mines

in the Bonanza District.

W. E. Burlson testified he needed the services of applicant in his mining operation; that the major portion of the service he required would be for the transportation of ore and concentrates. He stated, however, that occasionally he would need rush orders for mining machinery and supplies that could not be satisfactorily handled by the line-haul authorized common carriers; that, at times, he would use applicants' service in moving machinery from one mine to another within the district, and might, on occasions, desire to send mining machinery to Salida or Denver for repair. He stated he desired a carrier for this service who would transport this machinery into Salida and Denver, and upon its repair, immediately return the said machinery to the mine.

Protestants appeared to have no particular objection, if applicant's proposed service is confined to the Burlson operation.

The Commission cannot see from the record made at the hearing where the granting of this permit would impair the efficiency of the operation of common or line-haul carriers who may be authorized to serve. This is especially true in the instant application if the mines are located near the Continental Divide of the Rocky Mountains and are located on mining roads which require special equipment to keep open for year-round operation.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that limited authority, as hereinafter set forth, should be granted.

O R D E R

THE COMMISSION ORDERS:

That Lawrence Bender, Poncha Springs, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ores and concentrates, mining machinery and mining supplies, between points within a radius of twenty miles of Bonanza, Colorado, and to and from said area, from and to Salida, mills and smelters located at or near Leadville, and Denver, Colorado,

for one customer only, that is, Burlson Mining Operations, who operate within the twenty-mile radius of Bonanza.

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, and the required insurance, and has secured identification cards.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Nelson

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1948.

mw

(Decision No. 31589)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. L. GARDNER AND MAURICE GARDNER,)
GLENWOOD SPRINGS, COLORADO, FOR A) APPLICATION NO. 8706-PP
PERMIT TO OPERATE AS PRIVATE) SUPPLEMENTAL ORDER
CARRIERS BY MOTOR VEHICLE FOR HIRE.)

November 30, 1948

Appearances: Frank Delaney, Esq., Glenwood Springs, Colorado, for applicants;
T. A. Stockton, Jr., Esq., Denver, Colorado, for Watson Truck Line, Comet Motor Express;
M. F. Jones, Esq., Denver, Colorado, for R. B. "Dick" Wilson, M & M Truck Company, Nelson Transportation Company, Dawson and Corbett, William Nelson;
Walter Utzinger, Craig, Colorado, for J. J. Stanton Transportation Company.

STATEMENT

By the Commission:

On July 28, 1948, the Commission, by Decision No. 30916, denied application of H. L. Gardner and Maurice Gardner, Glenwood Springs, Colorado, for a permit to operate as private carriers by motor vehicle for hire.

On September 21, 1948, Application for Rehearing herein was filed, alleging:

"1. The evidence shows without contradiction that the L. and P. Gas and Appliance Company is willing and anxious to employ the applicants to transport, under private contract from the Rangely Field, liquid petroleum products which will soon be produced at said Field; that the evidence is also uncontradicted that a large plant is now being erected in said Field for the manufacture, sale and distribution of such products.

"2. That at the present time there are no persons who are carriers for hire or otherwise

of said proposed liquid gas production at the Rangely plant. That none of the protestants are engaged in said business or had Certificates of Necessity granted to them, based in any way upon said new activities and increased demand.

"3. That the applicants have shown ample financial abaility to transport such liquid products and stand willing and ready to limit their activities to the Western Slope of Colorado and to the one line of commodity, namely, LPG. That the uncontradicted evidence shows that there will be, in the very near future, a demand for said product, and that carriers now operating over all parts of the state are not in a position, without acquisition of new equipment, to transport said products. That at least one large distributor stands ready to contract with the applicants.

"4. That the finding of the Commission to the effect that said requested service as herein limited, will adversely affect the service rendered by common carriers, is contrary to the evidence and is not supported by the evidence.

"5. That the finding of the Commission in effect creates a monopoly and is contrary to business policy, and the laws and Constitution of the State of Colorado.

"6. That the Commission has exceeded its jurisdiction on the grounds and in the respects above set forth.

"7. That the Commission has abused its discretion and has not legally pursued its authority for the reasons above set forth. That the decision of the Commission is contrary to law."

The Commission has read and carefully considered each and every alleged assignment of error, and is of the opinion that no error was committed in denying the application.

We have reviewed the record, and it appears that the application must be denied because applicants herein seek to serve the public, generally. This service they cannot perform under a contract carrier permit, where they must limit service to a few individuals, under special contract. If they contract with anyone and everyone who desires service, they would be common carriers, and must procure common carrier authority before so doing.

Further, the granting of authority sought would tend to impair the efficiency of public service of now-adequate common carriers with which applicants would compete.

FINDINGS

THE COMMISSION FINDS:

That Application for Rehearing should be denied.

ORDER

THE COMMISSION ORDERS:

That Application for Rehearing filed herein by Frank Delaney, in behalf of H. L. Gardner and Maurice Gardner, should be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Taylor C. Hutton

John R. Barry

Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1948.

mw

(Decision No. 31590)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RONALD J. REICHWEIN, WILLIAM REICHWEIN AND MELVIN REICHWEIN, DOING BUSINESS AS "REICHWEIN BROTHERS," GEORGETOWN, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 8732
SUPPLEMENTAL ORDER

November 30, 1948

Appearances: E. J. Trenberth, Idaho Springs, Colorado, for Curnow Livery and Transfer Company;
George A. Sumner, Idaho Springs, Colorado, for Clear Creek Motor Freight Lines.

STATEMENT

By the Commission:

By Decision No. 29486, of date December 12, 1947, applicants herein were granted a certificate of public convenience and necessity for:

> "the conduct of a general cartage and transfer business, on call and demand, within the town of Georgetown, Colorado, and between points within a two-mile radius of, and including, the corporate limits of Georgetown, Colorado."

Applicants have directed the attention of the Commission to the fact that they requested authority to operate within the Town of Georgetown and within a five-mile area of Georgetown, and from said town and area to points in Clear Creek County, limited to shipments of less than one thousand pounds, and stated that now-authorized carriers do not object to the granting of this authority.

An investigation by the Commission's staff substantiates applicants' statements.

FINDINGS

THE COMMISSION FINDS:

That Decision No. 29486 should be amended, as set forth in the

Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 29486, of date December 12, 1947, be, and the same hereby is, amended, nunc pro tunc, as of said 12th day of December, 1947, by striking the first paragraph of the Order therein contained, on Page 2, and inserting in lieu thereof the following:

"THE COMMISSION ORDERS:

"That the public convenience and necessity require the common carrier motor vehicle operations of Ronald J. Reichwein, William Reichwein, and Melvin Reichwein, co-partners, doing business as 'Reichwein Brothers,' for the conduct of a transfer business, on call and demand, within the Town of Georgetown, Colorado, and a five-mile area thereof, and from said town and area to points in Clear Creek County, Colorado, limited to shipments of less than one thousand pounds, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor."

That said Decision No. 29486, except as herein amended, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C Nation

John P. Barry

Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1948.

mw

(Decision No. 31591)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PAUL A. ROYAL, DOING BUSINESS AS "LAKEWOOD DELIVERY AND EXPRESS SERVICE," 8601 WEST TENTH, LAKEWOOD, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 8487

November 30, 1948

Appearances: Robinson and Priest, Esqs., Lakewood, Colorado, for applicant;
Harold D. Torgan, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association;
A. C. Martella, 3535½ Zuni Street, Denver, Colorado, pro se;
Harold Swena, Golden, Colorado, pro se.

STATEMENT

By the Commission:

On May 5, 1947, applicant herein filed application for a certificate of public convenience and necessity to operate as a motor vehicle carrier under the provisions of Chapter 134, Session Laws of 1927, as amended.

The matter was set for hearing, and heard, June 12, 1947, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and there taken under advisement.

At the hearing, evidence was introduced on behalf of applicant.

Also, evidence was introduced on behalf of protestants.

Applicant's evidence disclosed that he is qualified by experience and is financially responsible. However, it appears to the Commission that applicant failed to establish that there is not adequate common carrier service now authorized to be performed for the transportation of property and chattels by means of pick-up and delivery freight and express service in that portion of Jefferson County commonly known as

"Lakewood, Colorado," to care for the demands of the public.

In re Fort Morgan-Brush Transportation Company, 8 Colo. PUC 1704, we said:

> "On application for certificate of public convenience and necessity, a clear and affirmative showing must be made that existing transportation facilities are inadequate or unsatisfactory."

In Lahs, Application No. 2621, Decision No. 6846, we held:

> "The Commission on a number of occasions has held that an applicant, in order to secure a certificate of public convenience and necessity, must affirmatively show that the public convenience and necessity, as distinguished from his personal desires, requires his proposed operation, and that before a certificate of public convenience and necessity will issue for an operation which will virtually parallel existing common carrier service, a clear and affirmative showing must be made that the existing transportation facilities are inadequate or unsatisfactory, and that there is no prospect of such service being made better under the orders of the Commission."

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that for the reasons above set forth, public convenience and necessity do not require the proposed service of applicant, and that the instant application should be denied.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application of Paul A. Royal, doing business as "Lakewood Delivery & Express," Lakewood, Colorado, for certificate of public convenience and necessity, be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C Hoton

John R. Barry

Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1948.

mw

(Decision No. 31592)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VERA M. LAMAR, DOING BUSINESS AS "FRANK LAMAR SERVICE," 1430 ROSEMARY STREET, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE TOWING OF MOTOR VEHICLES (NEW, USED OR WRECKED), BETWEEN DENVER, COLORADO, AND OTHER POINTS IN THE STATE OF COLORADO.	APPLICATION NO. 9560

November 27, 1948

Appearances: Henry S. Sherman, Esq., Denver, Colorado, for Master Towing Service, Inc.

S T A T E M E N T

By the Commission:

The above-styled application, after appropriate notice to all parties in interest, was set for hearing at ten o'clock A. M., October 7, 1948, at 330 State Office Building, Denver, Colorado.

At the time and place designated for hearing, applicant failed to appear.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed, and that this order shall become effective twenty days from date.

DATED at Denver, Colorado, this 27th day of November, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

EHC

(Decision No. 31593)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE A. SUMNER AND FRANK E. BROWN, DOING BUSINESS AS "NELSON TRUCK LINE," IDAHO SPRINGS, COLORADO, TO TRANSFER A PORTION OF PUC NO.1758 TO E. M. STAGE AND KENNETH TRENBERTH, DOING BUSINESS AS "BOB STAGE TRANSPORTATION COMPANY," IDAHO SPRINGS, COLORADO.	APPLICATION NO. 9472-Transfer
IN THE MATTER OF THE APPLICATION OF GEORGE A. SUMNER AND FRANK BROWN, DOING BUSINESS AS "NELSON TRUCK LINE," IDAHO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER A PORTION OF PUC NO. 1758 TO GEORGE E. SUMNER, IDAHO SPRINGS, COLORADO.	APPLICATION NO. 9473-Transfer
RE MOTOR VEHICLE OPERATIONS OF BOB STAGE TRANSPORTATION COMPANY, IDAHO SPRINGS, COLORADO.	PERMIT NO. A-122

November 30, 1948

SUPPLEMENTAL ORDER

Appearances: Jones and Stauffer, Esqs., Denver, Colorado, for applicants;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
J. A. Foley, 1601 Lawrence Street, Denver, Colorado, for American Furniture Company.

S T A T E M E N T

By the Commission:

By Decision No. 31359, of date October 5, 1948, George A. Sumner and Frank E. Brown, co-partners, doing business as "Nelson Truck Line," Idaho Springs, Colorado, were authorized to transfer all their right, title, and interest in and to that portion of PUC No. 1758 which authorizes

line-haul freight service on schedule:

> between Denver, Idaho Springs, Alice, Dumont, Larson, Empire, Georgetown, and Silver Plume; between Pioneer Store, located on U. S. Highways Nos. 6 and 40 at its junction with Colorado Highway No. 68 and Idaho Springs, Colorado, via U. S. Highway Nos. 6 and 40, and all points intermediate, and to the off-route point of Bergen Park, via Colorado Highway No. 74,

to E. M. Stage and Kenneth Trenberth, co-patners, doing business as "Bob Stage Transportation Company," Idaho Springs, Colorado.

Said George A. Sumner and Frank E. Brown, co-partners, doing business as "Nelson Truck Line," also were authorized to transfer all their right, title, and interest in and to that portion of PUC No. 1758 which authorizes call and demand service;

> commodities, generally, from point to point within a five-mile radius of Empire, Colorado, and between points and places in said area, on the one hand, and, on the other, points in the State of Colorado,

to George E. Sumner, Idaho Springs, Colorado.

Said Decision No. 31359 provided that upon consummation of transfers, Permit No. A-122 should be cancelled.

The Commission is now in receipt of a communication from Bob Stage Transportation Company, as follows:

> "In the matter of canceling Permit No. A-122, there are certain operating rights contained in this authority that should be included in the new permit. Permit A-122 calls for Echo Lake and intermediate points and Idaho Springs and intermediate points starting at the foot of Mt. Vernon Canyon, whereas, No. 1758 starts at the Pioneer Store which is approximately a mile further away from Denver.
>
> "I would greatly appreciate your consideration in this matter."

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 31359 should be amended, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 31359, of date October 5, 1948, be, and the same hereby is, amended, nunc pro tunc, as of said 5th day of October, 1948, by striking from the Order therein contained the provision that Permit No. A-122 should be cancelled upon completion of transfers authorized, and inserting in lieu thereof, the following:

> "That authority under Permit No. A-122 which duplicates authority acquired by E. M. Stage and Kenneth Trenberth, doing business as 'Bob Stage Transportation Company,' Idaho Springs, Colorado, under transfer herein authorized, be, and the same hereby is, cancelled."

That, except as herein amended, said Decision No. 31359 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Carlson
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 30th day of November, 1948.

mw

Original

(Decision No. 31594)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASE OF RATES OF THE LEADVILLE WATER COMPANY, LEADVILLE, COLORADO.	INVESTIGATION AND SUSPENSION DOCKET NO. 279

November 26, 1948

Appearances: E. G. Knowles, Esq., Denver, Colorado, for The Leadville Water Company;
Robert A. Theobald, Esq., Breckenridge, Colorado, for Residents of Leadville and Vicinity.

S T A T E M E N T

By the Commission:

On September 18, 1947, The Leadville Water Company, by Wilbur H. Dewey, Agent, filed with The Public Utilities Commission of the State of Colorado, its schedule, designated "PUC No. 3," of new rates, charges, rules, and regulations for water service in all territory served by it, being, generally, the City of Leadville and the business, mining, and industrial plants nearby, said schedule to become effective on and after November 1, 1947.

On November 1, 1947, upon request of The Leadville Water Company, by E. G. Knowles, Esq., its attorney, the effective day was postponed for sixty-one days from November 1, 1947, or until January 1, 1948, unless otherwise ordered.

On December 31, 1947, for good cause shown, as will more fully appear in Decision No. 29660, of date December 31, 1947, which by reference is made a part hereof, the Commission, by said decision and order therein contained, postponed the effective date of said schedule to April

30, 1948, unless otherwise ordered and directed, and set said matter for hearing at the District Court Room in the Lake County Court House at Leadville, on Monday, March 15, 1948, at 9:30 A. M., said matter being subsequently set for the taking of testimony in Denver on March 3, 1948, of witnesses for Company who would not be able to attend the Leadville hearing, at which time the testimony was taken, and certain exhibits were made a part of the record in behalf of the Leadville Water Company.

On March 9, 1948, the Leadville Water Company, by Wilbur H. Dewey, its Vice President and Agent, filed with The Public Utilities Commission of the State of Colorado its schedule designated "PUC No. 4," of new rates, charges, rules, and regulations for water service in all territory served by it, which schedule was an amendment of and substitution for its said Schedule No. 3, heretofore referred to, filed September 18, 1947, which was the subject of our Investigation and Suspension Order No. 29660, and asked that the said schedule be allowed to become effective on and after April 1, 1948, and that, if said rates were not allowed to go into effect on April 1, 1948, or were suspended, the hearing proceed on March 15, 1948, at Leadville, upon said substituted schedule, to-wit, PUC No. 4, instead of schedules suspended, being PUC No. 3.

The Commission contacted Robert A. Theobald, Esq., attorney for protestants, and he informed the Commission that his clients were opposed to and objected to the rates, rules, and regulations proposed (PUC No. 4) becoming effective on April 1, 1948, and asked that they be suspended and that said matter be set for hearing upon the suspension of PUC No. 4 at Leadville, Colorado, at the District Court Room, on Monday, March 15, 1948, at 9:30 o'clock A, M.

By Decision No. 30081, of March 10, 1948, the effective date of schedule, rates, rules, and regulations filed by The Leadville Water Company on March 9, 1948, being PUC No. 4, was suspended for a period of one hundred twenty (120) days from and after April 1, 1948, or until July 30, 1948, unless otherwise ordered.

The hearing, as ordered on March 10, 1948, being duly held at Leadville, attorneys were allowed time to file briefs. The applicant's brief, by E. G. Knowles, its attorney, was duly received on June 8, 1948. Under date of July 3, 1948, Robert A. Theobald, attorney for protestants, addressed a letter to E. G. Knowles, attorney for the Company, asking that he be permitted a thirty-day extension from July 12, 1948, within which to file his brief, and requesting that Mr. Knowles advise the Commission that he had no objection. Under date of July 6, 1948, Mr. Knowles, in a letter to the Commission, recited that he was willing to grant Mr. Theobald's request, with the understanding that the brief would be filed on or before August 12, 1948. This was agreed to by the Commission by letter to Mr. Theobald under date of July 8, 1948.

By Decision No. 30941, of July 28, 1948, the effective date of schedule, rates, rules, and regulations filed by the Leadville Water Company on March 9, 1948, being PUC No. 4, was further suspended for a period of one hundred twenty (120) days from and after July 30, 1948, - that is, until November 27, 1948, unless otherwise ordered.

IT NOW APPEARING, That said matter cannot be decided prior to November 27, 1948:

F I N D I N G S

THE COMMISSION FINDS:

That said schedule, PUC No. 4, and the rates, charges, rules, and regulations for water service of The Leadville Water Company therein proposed, should be further suspended for an additional period of one hundred twenty (120) days, or until March 26, 1949.

O R D E R

THE COMMISSION ORDERS:

That the effective date of schedule of rates, rules, and regulations filed by The Leadville Water Company on March 9, 1948, being PUC No. 4, should be, and hereby is, suspended for an additional period

of one hundred twenty (120) days from and after November 27, 1948,- that is, until March 26, 1949, unless otherwise ordered.

That copy of this order be filed with the aforesaid rate schedule and rules and regulations, and copy hereof be forthwith served on The Leadville Water Company, City of Leadville, Leadville Chamber of Commerce, and other persons complaining, as set forth in our Decision No. 29215,- that is, Wilbur H. Dewey, Agent of The Leadville Water Company, Leadville, Colorado, the Mayor and the City Attorney of Leadville, Colorado; Charles R. Casey, Secretary, Leadville Chamber of Commerce, Leadville, Colorado; and Joseph C. Weber, Superintendent of Schools, Leadville, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 26th day of November, 1948.

Original

(Decision No. 31595)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE OPERATIONS OF DEAN RESLER, STERLING, COLORADO, BY AIRPLANE, UNDER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY GRANTED BY DECISION NO. 27749.	)	CASE NO. 4986

November 29, 1948

Appearances: Joseph W. Hawley, Esq., Denver, Colorado, and Willard F. Bridgeman, Denver, Colorado, of The Public Utilities Commission of the State of Colorado, for the Commission; Marion F. Jones, Esq., Denver, Colorado, for Respondent.

S T A T E M E N T

By the Commission:

On August 25, 1948, the Commission issued its Order to Show Cause, directed to Dean Resler, who, by Decision No. 27749, dated March 15, 1947, was authorized to operate as a common carrier by airplane, in intrastate and interstate commerce, for the transportation of:

> passengers and their baggage and express not on schedule but on call and demand, between points within a radius of fifty miles of Sterling, Colorado, and from and to points in said area, to and from points in the State of Colorado, and the right to furnish occasional service between all points in the State of Colorado, -

to show cause, on or before September 15, 1948, why said certificate should not be cancelled and revoked, on account of failure of said Resler to establish and maintain service authorized by said certificate.

Said matter was set for hearing in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, on September 15, 1948, and continued by order of the Commission to October 26, 1948, at which time and place said matter was heard and taken under advisement.

At the hearing, it appeared from the testimony of Herbert Anderson, who holds a lease on Sterling Airport, that Resler has not maintained suitable equipment or furnished service under his certificate during the time the witness has managed the airport.

It also appeared that respondent has a plane which is not airworthy, and the Commission is not satisfied that he has qualified operators to carry on his operation.

Mr. Resler, who holds the certificate, was not present, and was represented by an employee, one T. J. Vickle, who stated he was solicitor for the Platte Valley Truck Line. He stated that Mr. Resler could not be present, and that Resler's plane was presently located at the airport. He did not know whether it had been recently inspected. In fact, it appeared to the Commission that witness was not too familiar with aircraft, or respondent's operation.

Mr. Willard F. Bridgeman, the Commission's Aeronautical Inspector, stated he had investigated the matter, and recommended that the certificate be cancelled, as it appeared to him, from his investigation, that the certificate has not been used.

F I N D I N G S

THE COMMISSION FINDS:

That said respondent has abandoned his certificate, and that the same should be cancelled.

O R D E R

THE COMMISSION ORDERS:

That certificate of public convenience and necessity granted to Dean Resler by our Decision No. 27749 be, and the same hereby is, cancelled and revoked.

That this order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 29th day of November, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Carlson
Julia P. Barry
Joseph C. O'Hara
Commissioners

EHC

(Decision No. 31696)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOHN G. RIEDESEL AND ERVIN L. RIEDESEL, CO-PARTNERS, DOING BUSINESS AS "RIEDESEL TRUCK LINE," KIRK, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 9612

November 29, 1948

Appearances: Worth Allen, Esq., Denver, Colorado, for applicants;
Jones and Stauffer, Esqs., Denver, Colorado, for Paul Hickman, M. K. McElfresh, Van Goodwin and Sons, Paul G. Zimmerman, Joe Intermill, A. C. Yenter and Sons, Thompson and Jones, Wiladel Truck Line;
E. B. Evans, Esq., Denver, Colorado, for Airline Express, Inc., Denver-Limon-Burlington Transportation Company.

S T A T E M E N T

By the Commission:

On September 8, 1948, John G. Riedesel and Ervin L. Riedesel, co-partners, doing business as "Riedesel Truck Line," Kirk, Colorado, filed an application with the Commission, asking for a certificate of public convenience and necessity authorizing the transportation of commodities, generally, on schedule, between the City and County of Denver and the Towns of Joes and Kirk, all in the State of Colorado, and on call and demand from point to point in a radius of twenty miles of Kirk, and between points in said radius and Denver, and other points in the State of Colorado.

The matter was set for hearing, and heard, at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, on October 27, 1948, at ten o'clock, A. M., and there taken under advisement.

John Riedesel, one of the applicants herein, stated that he and his brother are co-partners, and are presently engaged in the trucking business, operating under Permit No. A-691, which authorizes:

> transportation of freight between Denver and Colorado-Kansas Line and Colorado-Nebraska Line and intermediate points via U. S. Highway No. 36 and/or U. S. Highway No. 40 and 40-North between Yuma and Colorado-Nebraska Line, via Colorado Highway No. 54 and intermediate points and between Wray and Burlington and intermediate points via Colorado Highway No. 51 and between U. S. Highways Nos. 36 and 40-North and intermediate points, via Colorado Highway No. 57.

Applicant, in his testimony, stated that he would like to give a service twice a week between Denver and Kirk; that there is no common carrier based at Kirk, Colorado, giving that community a local service. Applicant stated they have many requests to perform a call and demand service from that area to Denver and other points in the State of Colorado; that, if certificate is granted, they are willing to forfeit any overlapping authority now held by them under private carrier permit.

Applicants have also agreed to certain restrictions if authority is granted — that is:

> "excepting those commodities, which, on account of their size or weight, require the use of special equipment for the transportation thereof, and especially restricted against the transportation of machinery, equipment, materials or supplies used in oil fields or pipe stringing, and also restricted against the transportation of liquid petroleum products in tank trucks, and restricted against the transportation of any articles in excess of 24,000 lbs. in weight."

The operating experience and pecuniary responsibility of applicants were established to the satisfaction of the Commission, as applicants are now operators and owners of Private Carrier Permit No. A-691, and have their equipment description and financial statement on file with the Commission.

Frank J. Hubbard, of Kirk, Colorado, who operates a farm co-op. at Kirk, said there was no common carrier service available in Kirk, and as the town was not served by a railroad, they needed the locally-based common carrier service of applicants to take care of the Town of Kirk and its trade area.

David Buthour, of Kirk, who owns and operates a drug store, also

testified as to the need for common carrier service for Kirk. He felt that the service of Airline Express was not adequate, or dependable, and also that the hours of delivery were not satisfactory, and that the business men of Kirk were entitled to a locally-based common carrier operator.

Fred M. Holten, a farmer who resides eleven miles northeast of Kirk, testified he needed the services of a common carrier for movement of farm produce and livestock. He also insisted that the community around Kirk needed a locally-based operator.

Three other farmers and stock raisers, viz., William J. Scherer, Mr. Geret, and Mr. Girsch, all testified as to the need of a locally-based common carrier to handle their farm produce and livestock, also farm machinery and farm supplies.

Several protestants, viz., Russell Goodwin, holder of PUC No. 759, Paul Zimmerman, holder of PUC No. 961, M. K. McElfresh, holder of PUC No. 912, testified as to the service they were giving, and can give, to the area served in the call and demand services for farm products, machinery, and livestock. Their testimony pertained largely to the area sought to be served in the instant application.

Fred Rein, Jr., the operator of Airline Express, and the holder of PUC No. 1324, testified that he had only recently taken over this operation, and outlined to the Commission the service he is now rendering.

Frank W. Miller, holder of PUC No. 699, testified as to the service he is rendering.

Commission, in the above application, is confronted with two problems: First, applicants are asking for line-haul service, or service on schedule, between the City and County of Denver and the Towns of Joes and Kirk. The record made at the hearing does not disclose any need for a service to Joes. However, on the other hand, there is considerable testimony concerning the need for service to Kirk. This service is not now handled by common carriers, but, in the main, is presently handled by applicants under their private carrier authority. Applicants now desire to handle this business under common carrier authority, and we agree that,

under the circumstances existing at Kirk, it would be a more satisfactory service to the general public. Second, applicants are asking for authority to perform call and demand service from point to point in a radius of twenty miles of Kirk, and between points in said radius and Denver and other points in the State of Colorado. Several witnesses appeared, testifying as to the need for this service.

The Commission, in the past, has followed the policy that a trade territory is entitled to a locally-based common carrier service, and patrons should not be compelled to call carriers located at distant points. While we have authorized, and no doubt will in the future authorize, certificate carriers to operate over large areas, we cannot forget that small trade territories are entitled to locally-based common carrier service.

However, it appears, as we interpret the evidence, that the Kirk trade area extends over a fifteen-mile radius.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed service of applicants, and that the authority, as hereinafter limited, should be granted; and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require, and will require, the motor vehicle common carrier service of applicants:

1. For the transportation of commodities, generally, on schedule, between the City and County of Denver, and Kirk, Colorado, over U. S. Highway No. 36 and Highway No. 57;

2. For the transportation of commodities, on call and demand, from point to point within a radius of fifteen miles of Kirk, and between points in said area and Denver and other points in the State of Colorado.

There are excepted from the above authority those commodities which, on account of their size or weight, require the use of special

equipment for the transportation thereof, and said authority is especially restricted against the transportation of machinery, equipment, materials, or supplies used in oil fields or in pipe stringing, and also restricted against the transportation of liquid petroleum products in tank trucks, and restricted against the transportation of any articles in excess of 24,000 pounds in weight; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicants shall file tariffs of rates, rules, and regulations and time and distance schedules, as required by the rules and regulations of this Commission, within twenty days from date.

That applicants shall operate their carrier system according to the schedule filed except when prevented by Act of God, the public enemy, or extreme conditions.

That this order is subject to compliance by applicants with all present and future laws and rules and regulations of the Commission.

That all authority under Permit No. A-691 conflicting with authority herein granted shall be cancelled and revoked, and, in no event, shall freight be commingled under the two authorities or hauled in the same motor vehicle.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Norton

John P. Berry

Commissioners

DATED at Denver, Colorado,
this 29th day of November, 1948.

EHC

Original

(Decision No. 31597)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LOY D. ANDES AND M. D. BUTTERFIELD,)
CO-PARTNERS, BURLINGTON, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.)
B-3710 TO MARVIN D. BUTTERFIELD AND) APPLICATION NO. 9693-PP-Transfer
MELVIN D. BUTTERFIELD, CO-PARTNERS,)
DOING BUSINESS AS "BUTTERFIELD)
BROTHERS," BURLINGTON, COLORADO.)

December 1, 1948

S T A T E M E N T

By the Commission:

By Decision No. 29010, of date September 15, 1947, Loy D. Andes and M. D. Butterfield, co-partners, Burlington, Colorado, were authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of:

> grain from farms to elevators and loading points in the following-described area: State Line on the east, and a radius of twenty-five miles of Burlington, Colorado, on the north, south, and west; sand, gravel, and other road surfacing materials within said area,

said operating rights being designated "Permit No. B-3710."

By the instant application, said permit-holders seek authority to transfer Permit No. B-3710 to Marvin D. Butterfield and Melvin D. Butterfield, co-partners, doing business as "Butterfield Brothers," Burlington, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferees; that there are no outstanding unpaid operating obligations against said permit; that transferees, pecuniarily and otherwise, are qualified and able to carry on the operation, and it

does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Loy D. Andes and M. D. Butterfield, co-partners, Burlington, Colorado, be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-3710 -- being the operating rights granted by Decision No. 29010 -- to Marvin D. Butterfield and Melvin D. Butterfield, co-partners, doing business as "Butterfield Brothers," Burlington, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferees to operate under this order shall depend upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferors of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit, and the payment by them or transferees of all unpaid ton-mile tax.

This order is made a part of the permit authorized to be transferred.

That ton-mile tax deposit shall be transferred to account of transferees.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of December, 1948.

MW

(Decision No. 31598)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. A. HUTCHENS, 2275 HARLAN BOULE-)
VARD, DENVER, COLORADO, FOR AUTHORITY)
TO TRANSFER PERMIT NO. B-2987 TO) APPLICATION NO. 9694-PP-Transfer
W. A. HUTCHENS, INC., A COLORADO)
CORPORATION, 2275 HARLAN BOULEVARD,)
DENVER, COLORADO.)

December 1, 1948

S T A T E M E N T

By the Commission:

By Decision No. 20213, of date December 21, 1942, as amended and extended by Decision No. 30036, of date March 6, 1948, W. A. Hutchens, Denver, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> erected or knocked down buildings, between all points in the State of Colorado, without limitation as to time or restriction upon transfer.

By the instant application, said permit-holder seeks authority to transfer said operating rights (Permit N . B-2987) to W. A. Hutchens, Inc., a Colorado corporation.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

5

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That W. A. Hutchens, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-2987 -- being the operating rights granted by Decision No. 20213, as amended and extended by Decision No. 30036 -- to W. A. Hutchens, Inc., a Colorado corporation, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferee to operate under this order shall depend upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

This order is made a part of the permit authorized to be transferred.

That ton-mile tax deposit of transferor be transferred to account of transferee.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton

John R. Barry

Joseph C. Shelby

Commissioners

Dated at Denver, Colorado,
this 1st day of December, 1948.

MW

Original

(Decision No. 31599)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TONY RAKICH, GLENWOOD SPRINGS, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PUC) APPLICATION NO. 9687-Transfer
NO. 782 TO RAY FULBRIGHT, GLENWOOD)
SPRINGS, COLORADO.)

December 1, 1948

S T A T E M E N T

By the Commission:

By Decision No. 6720, of date October 9, 1935, G. W. Dodge, Carbondale, Colorado, was granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation:

> not on schedule, of general freight and livestock from point to point within a radius of fifteen miles of Carbondale, and for the transportation of ties from sawmill about two miles from Redstone, to railroad loading point at Redstone; with the express provisos that applicant shall not transport freight or livestock on schedule or otherwise between Carbondale and Eagle or Grand Junction by way of Glenwood or otherwise and intermediate points, and shall limit his service between Carbondale and Aspen to irregular call and demand not on schedule service only,

said operating rights being designated "PUC No. 782."

Pursuant to authority contained in Decision No. 31007, of date August 10, 1948, G. W. Dodge transferred said operating rights to Tony Rakich, Glenwood Springs, Colorado, who, by the instant application, seeks authority to transfer PUC No. 782 to Ray Fulbright, Glenwood Springs, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations

against said certificate; that transferee, pecuniarily and otherwise, is able and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said certificate, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Tony Rakich, Glenwood Springs, Colorado, be, and he hereby is, authorized, to transfer all his right, title, and interest in and to PUC No. 782 -- being the operating rights granted by Decision No. 6720 -- to Ray Fulbright, Glenwood Sprigs, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The tariff of rates, rules and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of the Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate, and payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit be transferred to account of transferee.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hanley

Commissioners

Dated at Denver, Colorado,
this 1st day of December, 1948.
mw

(Decision No. 31600)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JULIUS BUSSARD, DOING BUSINESS AS)
"BUSSARD TAXI SERVICE," 3395 SOUTH)
LINCOLN STREET, ENGLEWOOD, COLORADO,) APPLICATION NO. 8085-Extension
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

December 1, 1948

Appearances: Cecil R. Ditsch, Esq., Littleton, Colorado, for applicant;
Earl J. Hower, Esq., Denver, Colorado, for Denver and South Platte Transportation Company;
J. W. Hawley, Esq., Denver, Colorado, of The Public Utilities Commission of the State of Colorado, for the Commission.

STATEMENT

By the Commission:

On September 11, 1948, Julius Bussard, doing business as "Bussard Taxi Service," filed application for a certificate of public convenience and necessity authorizing bus service between Englewood, Colorado, and the property known as "Arapahoe County Fair Association," located at the intersection of North Windermere Avenue and West Belview Avenues in the County of Arapahoe, State of Colorado.

The matter was set for hearing at 330 State Office Building, Denver, Colorado, on October 25, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that applicant's financial responsibility has been repeatedly shown in hearings before this Commission, and statement thereof is on file in the Commission's records; that there is no authorized bus service now serving between the Grounds of the Arapahoe County Fair Association, located at the intersection of North Windermere Avenue and West Belview Avenues, in the County of Arapahoe, State of Colorado, and Englewood, Colorado. The fares proposed to be

charged in the operation of said service, if authority is granted, will be as follows:

Adult fare	15¢ one way
Children, between ages 5 and 12.	10¢ " "
Children under age of 5 years, when accompanied by an adult	no charge.

This service is to be rendered when fair grounds are being used, and the plan of applicant is to run thirty-minute and hourly schedules.

The following stipulation was entered into the record:

"Mr. Ditsch: I might state at this time, if it please the Commission, that we have, on the part of the South Platte Transportation Company and Mr. Bussard, stipulated that we will not pick up any passengers from Englewood for discharge at any other point other than the fair grounds and that upon the return trip we will not take on any passengers between the fair grounds and any other point between there and Englewood; also, that our busses will be marked for the fairgrounds.

"Mr. Hower: Further that passengers that they pick up at the fair grounds for delivery between the fair grounds and points to Littleton may be discharged anywhere along the route as long as those passengers are picked up at the fair grounds."

Mr. Burke, of 2300 South Broadway, stated that he is Vice-President of the Fair Association, and is familiar with the activities conducted at the fair grounds; that he feels that a bus service is needed to and from the fair grounds during their fair, racing programs, and the show put on by the Short Horn Cattlemen's Association.

It appears to the Commission from the files and evidence that applicant's proposed service is needed. Protestants, recognizing this fact, have entered into the stipulation heretofore set forth.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed service of applicant, and that authority, as hereinafter limited, should be granted, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require,

and will require, the extension of PUC No. 1450, authorizing said petitioner to conduct bus service between Englewood, Colorado, and the property of the Arapahoe County Fair Association, located at the intersection of North Windermere Avenue and West Belview Avenue, in the County of Arapahoe, State of Colorado, provided applicant will not pick up any passengers from Englewood for discharge at any other point than the fair grounds; neither shall applicant, on his return trip, pick up any passengers between the fair grounds and any other point between there and Englewood; however, applicant shall have the right to discharge passengers picked up at the fair grounds at all points between the fair grounds and Englewood, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy, or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Nolan

John R. Barry

Commissioners

Dated at Denver, Colorado,
this 1st day of December, 1948.

mw

(Decision No. 31601)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JAY VERNON BLACKWELL, DOING BUSINESS AS "VERNON'S PICKUP & DELIVERY SERVICE," ROUTE 1, BOX 87, GOLDEN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 9530-PP

December 1, 1948

Appearances: Jay Vernon Blackwell, Golden, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Myron H. Burnett, Esq., Denver, Colorado, for Martella's Pickup and Delivery Service;
Clarence Baxter, Esq., Denver, Colorado, for Package Delivery Service.

STATEMENT

By the Commission:

On August 25, 1948, applicant herein filed application for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of packages and general delivery service for Denver merchants, from Denver, Colorado, to points within a fifteen-mile radius of Denver, Colorado.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, September 21, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of a 1947 one-half-ton truck, and has contacted the following Denver merchants — that is, West Disinfectant Company, George W. Pryor Company, and Wilson Gift Shop — who have agreed to give him some delivery work.

Applicant stated that he has a net worth of approximately

$4,000.00, and is qualified by experience to carry on his proposed operation.

No customer witnesses appeared as to their needs for applicant's service.

Several protestants appeared, among whom was Package Delivery Service, who maintained that present service was adequate, and that they were presently operating forty pieces of equipment, and the granting of any additional authority would impair their present service.

Rule 5 of the Rules and Regulations Governing Private Carriers by Motor Vehicle provides:

> "No application for authority to operate as a private carrier by motor vehicle in intrastate commerce or for authority to extend or enlarge an existing permit will be granted as a matter of course, nor will any such application be granted if the Commission shall be of the opinion, after hearing, that the proposed operation will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

The Commission cannot grant permits that impair common carrier service, and there is no evidence before the Commission that the present service is inadequate.

F I N D I N G S

Upon the record here made, it appears that the common carrier service is adequate, and that the proposed operation of applicant would tend to impair the efficiency of adequate common carrier service now authorized to serve the area sought to be served by applicant; that the evidence offered at the hearing does not justify the granting of the authority sought; that the instant application should be denied.

O R D E R

THE COMMISSION ORDERS:

That the instant application be, and the same hereby is, denied.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of December, 1948.

(Decision No. 31602)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. R. VANDAVEER AND DAVID ASHBURY VANDAVEER, CO-PARTNERS, DOING BUSINESS AS "J. R. VANDAVEER & SON," NEODESHA, KANSAS, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	)	APPLICATION NO. 9531

December 1, 1948

Appearances: Carl V. Kretsinger, Esq., Kansas City, Missouri, for applicant;
Marion F. Jones, Esq., Denver, Colorado, for Cornelius Transfer and Storage;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company, Bennett Motor Transport Company.

STATEMENT

By the Commission:

On August 30, 1948, J. R. Vandaveer and David Ashbury Vandaveer, co-partners, doing business as "J. R. Vandaveer & Son," Neodesha, Kansas, filed application for a certificate of public convenience and necessity to operate as common carriers by motor vehicle for hire for the transportation of pipe, pipe line material, machinery, and equipment incidental to and used in connection with the construction, maintenance, and dismantling of gas, gasoline, and oil pipe lines, over irregular routes, in intrastate and interstate commerce, between points and places in the State of Colorado.

Said application was set for hearing, and heard, September 21, 1948, at 330 State Office Building, Denver, Colorado, and there taken under advisement.

At the hearing, the evidence disclosed that J. R. Vandaveer and David Ashbury Vandaveer are partners, operating under the name and style of "J. R. Vandaveer & Son," and their principal office and place

of business is located at Neodesha, Wilson County, Kansas.

Applicants' Exhibit A is a complete statement of the equipment available for use in the proposed operation. Exhibit B is a financial statement, showing net worth of $121,189.00, as of July 30, 1948.

Mr. David Ashbury Vandaveer, in his testimony, explained the type of operation in which they propose to engage. He contended that they would offer a specialized service that requires special equipment and training; that they have had thirty years' experience in this type of work, and have the necessary equipment, as disclosed by their Exhibit A; that it give this specialized service, they retain eight employees, year round, upon their payroll; that these men are experienced and trained in the handling of the involved commodities.

Robert V. Bradley, of Stanolind Oil Company, who resides at Rangely, Colorado, stated his company had pipe lines in Colorado, and needed applicants' service in pipe stringing; that this is a specialized service, and that applicants are well qualified to render the service, and in his judgment, they should be qualified to operate in Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed service of applicants, and that the authority sought should be granted, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require, and will require, the proposed motor vehicle common carrier call and demand service of J. R. Vandaveer and David Ashbury Vandaveer, a partnership, doing business as "J. R. Vandaveer & Son," Neodesha, Kansas, for the transportation of pipe, pipe line material, machinery, and equipment incidental to and used in connection with the construction, maintenance, or dismantling of gas, gasoline, and oil pipe lines, over irregular routes, in intrastate and interstate commerce, between points

and places in the State of Colorado, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

The applicant shall file tariffs of rates, rules and regulations, as required by the rules and regulations of this Commission, within twenty (20) days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy, or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That interstate authority herein granted shall be subject to the provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Horton

John P. Barry

Commissioners

Dated at Denver, Colorado,
this 1st day of December, 1948.

mw

(Decision No. 31603)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF TED PAULSEN, 828 PINE STREET, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 9696-PP

December 1, 1948

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 other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Inasmuch as the motor carrier associations heretofore have indicated 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Ted Paulsen, Colorado Springs, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle

for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Carlson

John P. Barry

Jacob M. Arnold

Commissioners

DATED at Denver, Colorado,
this 1st day of December, 1948.

EHC

(Decision No. 31604)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CLARENCE JOHNSON, BLUFF, UTAH, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9695-PP

December 1, 1948

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 vanadium and uranium ores, and concentrates thereof, from mines, pot holes, claims, and stock piles in that part of the State of Colorado west of the Continental Divide, and from points where all highways intersect the Colorado-Utah and Colorado-New Mexico State Lines, to ore reduction plants, mills, and smelters in the States of Colorado, Utah, and New Mexico, in intrastate and interstate commerce, with back-haul of mining supplies, including hand tools, powder, etc., to said mines, pot holes, claims, and stock piles, from warehouse and mills of the U. S. Vanadium Corporation and Vanadium Corporation of America, or any agent or sub-agency of the United States Government; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to road construction jobs in the State of Colorado, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Inasmuch as the motor carrier associations heretofore have indicated 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Clarence Johnson, Bluff, Utah, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of vanadium and uranium ores, and concentrates thereof, from mines, pot holes, claims, and stock piles in that part of the State of Colorado west of the Continental Divide, and from points where all highways intersect the Colorado-Utah and Colorado-New Mexico State Lines, to ore reduction plants, mills, and smelters in the States of Colorado, Utah, and New Mexico, in intrastate and interstate commerce, with back-haul of mining supplies, including hand tools, powder, etc., to said mines, pot holes, claims, and stock piles, from warehouse and mills of the U. S. Vanadium Corporation and Vanadium Corporation of American or any agency or sub-agency of the United States Government; sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to road construction jobs in the State of Colorado, excluding service in Boulder, Clear Creek, and Gilpin Counties.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That interstate operating rights herein granted shall be subject to the provisions of the Federal Motor Carrier Act of 1935.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 1st day of December, 1948.

EHC

(Decision No. 31605)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WALTER L. CRAFT FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A WATER UTILITY IN FEDERAL-VIEW SUBDIVISION, ADAMS COUNTY, COLORADO.	)	APPLICATION NO. 9220

December 2, 1948

Appearances: Harold Taft King, Esq., Denver, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

The above-styled application was heard in Denver, Colorado, on July 7, 1948, and taken under advisement.

By this application, Walter L. Craft seeks a certificate of public convenience and necessity to operate a public utility to furnish water to the public, generally, in Federalview Subdivision, which is situated in the Northwest Quarter of Section 5, Township 3 South, Range 58 West of the 6th Principal Meridian, Adams County, Colorado.

At the hearing, it appeared that applicant has already installed the pipes and equipment necessary to render said water service in Federal-view Subdivision. The equipment consists of a well 683 feet deep, a ten-horsepower motor, and pump unit, a 2000-gallon underground pressure tank, 3000 feet of three-inch pipe, and 250 feet of 1¼" pipe. The installation is complete to serve present and future customers in said Subdivision. The cost of said System was approximately $15,000.00. Applicant has been assured by Mr. C. R. Koogle, who installed the pump, that the System is adequate to take care of the Subdivision now, but that, in the future, when all the lots are sold and all customers take water from the System, it may be necessary to add a second tank.

There are, at present, seven users on the water system. The Subdivision is plotted to accommodate sixty-two users. A map of the Subdivision, showing the lots and the layout of the pipe lines, is shown as Exhibit "A", made a part of the record.

Applicant, in his petition, asked to be allowed to charge $150.00 as a tap fee. When informed that this was contrary to the rules and regulations of this Commission, he stated he would waive permission for this tap fee and would not make a tap charge in the future to prospective customers.

No one appeared in opposition to the granting of the certificate. There are no other water utilities doing business in said Subdivision.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the granting of the application of Walter L. Craft for authority to operate as a public utility to furnish water as proposed, and that certificate of public convenience and necessity should issue therefor; that a valuation of $15,000.00 should be accepted as the basis for determining charge for issuance of certificate, the Commission, however, not to be bound by said valuation in any subsequent rate investigation.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed operation by applicant of a water system and distribution mains for the furnishing of water to residents of the Federalview Subdivision, situated in the Northwest Quarter of Section 5, Township 3 South, Range 58 West of the 6th Principal Meridian, Adams County, Colorado; and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall not make a charge to customers for tap connections to his water system.

That applicant shall file, within thirty days from date, his rate schedules, rules, and regulations, set up his books and accounts in accordance with the Uniform System of Accounts for Water Utilities adopted by this Commission, effective January 1, 1916, and revised to April 1, 1920, and any amendments thereto.

That applicant shall bring all his practices as to testing, consumers' deposits, and operations, records of meters, and complaints into compliance with the Commission's requirements within thirty days from date.

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

That this order shall become effective thirty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 2nd day of December, 1948.

EHC

(Decision No. 31606)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RAY E. DEAN, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 8735-PP SUPPLEMENTAL ORDER

December 2, 1948

Appearances: John J. Gibbons, Esq., Denver, Colorado, for Applicant;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Harold D. Torgan, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association.

S T A T E M E N T

By the Commission:

On December 6, 1947, the Commission entered its Order and Decision No. 29472 in the above-styled matter, denying a Class "B" private carrier permit to applicant herein.

On January 6, 1948, Petition for Rehearing was filed by John J. Gibbons, attorney-at-law, for applicant.

The Commission has read and carefully considered each and every alleged assignment of error, and is of the opinion, and finds, that no error was committed in denying the application in Decision No. 29472.

We have reviewed the record and are of the opinion that the granting of the instant application would impair the services of common carriers now authorized and serving the area.

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing should be denied.

O R D E R

THE COMMISSION ORDERS:

That the above-styled Petition for Rehearing be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 2nd day of December, 1948.

EHC

(Decision No. 31607)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CLIFFORD E. GRAVES, 2794 WEST DENVER PLACE, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-3533 TO ALEXIS H. RIGGOT, HAYDEN, COLORADO.

APPLICATION NO. 9686-PP
TRANSFER

December 2, 1948

S T A T E M E N T

By the Commission:

By Decision No. 26678, of date October 21, 1946, Hettie Reed and Roland Reed, Pueblo, Colorado, were authorized to operate as Class "B" private carriers by motor vehicle for hire for the transportation of:

> coal from Canon City, Florence Coal Fields to Pueblo; dirt between points within a radius of fifty miles of Pueblo, Colorado,

said operating rights being designated "Permit No. B-3533."

Pursuant to authority contained in Decision No. 27325, of date January 13, 1947, said permit-holders were authorized to transfer Permit No. B-3533 to Clifford E. Graves, Denver, Colorado, who, by Decision No. 27718, of date March 3, 1947, was authorized to extend operations thereunder to include the right to transport:

> sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Denver to jobs within said fifty-mile radius of Denver, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, and from Routt County coal mines to railroad loading points in said County.

By Decision No. 28308, of date June 5, 1947, Clifford E. Graves was authorized to further extend operations under Permit No. B-3533 to include the right to transport:

sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

By the instant application, Clifford E. Graves seeks authority to transfer Permit No. B-3533 to Alexis H. Riggot, Hayden, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said permit is in good standing; that ton-mile tax deposit is to be applied on road tax due and owing from transferor; that transferee, pecuniarily and otherwise, is able and qualified to carry on the operation; and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Clifford E. Graves, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3533 -- being the operating rights granted by Decision No. 26678, as extended by Decisions Nos. 27718 and 28308 -- to Alexis H. Riggot, Hayden, Colorado, subject to payment of outstanding indebtedness against said operations, whether secured or unsecured, and provided that transferee shall assume and pay ton-mile tax due and owing from transferor to the Commission on account of operations under said permit.

That ton-mile tax deposit of transferor shall be applied on ton-mile tax due and owing from him.

That the right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or by transferee of all unpaid ton-mile tax.

That this order is made a part of the permit authorized to be transferred, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 2nd day of December, 1948.

EHC

(Decision No. 31608)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF JAMES E. ALLEN, ANIMAS CITY, COLORADO.	CASE NO. 44194-INS. (PUC-1697)

December 2, 1948

S T A T E M E N T

By the Commission:

On October 29, 1948, in Case No. 44194-Ins., the Commission entered an order revoking Certificate of Public Convenience and Necessity No. PUC-1697, for failure to keep on file effective insurance.

Proper insurance was on file, but through oversight was not posted to the Kardex.

F I N D I N G S

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 44194-Ins., should be cancelled and set aside and said Certificate No. PUC-1697 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 44194-Ins., should be, and it hereby is, cancelled and set aside, and said Certificate No. PUC-1697 restored to its former status as of October 29, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawkey

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 1948.

ea

(Decision No. 31609)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL H. WHITEMAN, ROUTE 3, BOX 222,)
FORT COLLINS, COLORADO, FOR A CLASS) APPLICATION NO. 9666-PP.
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
- -)

- - - - - - - - -
December 2, 1948
- - - - - - - - -

S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing at Greeley, Colorado, on November 23, 1948, at 10:00 o'clock A. M., due notice of the time and place of hearing being forwarded to all parties in interest.

When the case was called for hearing, the applicant failed to appear, either in person or by counsel.

The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That the application should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and it hereby is, dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 1948.

ea

(Decision No. 31610)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT DILL, JOHNSTOWN, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS) APPLICATION NO. 9665-PP-Extension
UNDER PERMIT NO. A-707.)
- -)

- - - - - - - - -
December 2, 1948
- - - - - - - - -

Appearances: Albert Dill, Johnstown, Colorado, pro se.

S T A T E M E N T

By the Commission:

On October 16, 1948, the applicant herein filed his application for an extension of his Permit No. A-707 to include the transportation of freight and/or express within the city limits of Johnstown, Colorado, and down Highway No. 60 to the Great Western Sugar Company situated approximately one-quarter mile from the town of Johnstown.

The matter was set for hearing, and heard, at the Court House in Greeley, Colorado, at 10:00 A. M., November 23, 1948, after due notice to parties in interest.

At the hearing, the evidence disclosed that the applicant is the owner of Private Carrier Permit No. A-707, with authority as follows:

> Transportation of milk from Loveland to Masonville, back to Estes Park Road to Boedecker Lake, past Lone Tree Lake, and back to Loveland and to condenser.

By Decision No. 9787, said authority was clarified to be as follows:

> Commencing at Loveland with Highway 87 as the eastern boundary, thence to a point two miles south of Fort Collins, thence on Highway 86 via Stout to Masonville, thence southerly to Colorado Highway 16, thence via Highway 56 south to Highway 87, thence via Highway 87 to Loveland, and also to Johnstown.

Said authority was enlarged by Decision No. 20745, authorizing operations to include the right to transport milk to Johnstown for John Soderberg, George Graham, and Ben Whitesell, who reside in adjacent

to the territory described as:

> Bounded by the highway extending from the southeast corner of Section 27, thence north to the northeast corner of Section 22, thence west to the northwest corner of Section 21, thence south along the west side of Section 21 about three-quarters of a mile, thence west and south along the highway to its intersection with Highway 186; all in Township 7 North, Range 69 West; with back haul of empty cans.

Applicant is presently hauling freight and express under temporary authority in and around the town of Johnstown, and has been requested to continue this service. He is presently operating one 1939 Chevrolet truck, and states that his net worth is approximately $4,000.00. However, no witnesses appeared before the Commission stating that they would use applicant's service, or that the service in the Johnstown area was adequate.

Inasmuch as the common carriers have not objected to the hauling of freight and express in the past by applicant, the Commission cannot see where the granting of this additional authority to him would impair the service of common carriers now authorized to serve the area.

F I N D I N G S

After careful consideration of the record, the Commission is of the opinion, and finds, that the applicant, Albert Dill, Johnstown, Colorado, should be authorized to extend his operation under Permit No. A-707 as requested herein.

O R D E R

THE COMMISSION ORDERS:

That Albert Dill, of Johnstown, Colorado, be, and he hereby is, authorized to extend his operations under Private Carrier Permit No. A-707 to include the transportation of freight and express in the town of Johnstown, Colorado, and to the Great Western Sugar Company, approximately one-quarter of a mile from Johnstown, Colorado.

That this order is made part of the permit granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of December, 1948.

ea

(Decision No. 31611)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF WILSON JONES, 202 COLORADO BLVD., WOODWARD, OKLAHOMA.	CASE NO. 42765-INS. PUC NO. 1215-I

December 2, 1948

S T A T E M E N T

By the Commission:

On October 1, 1948, in Case No. 42765-Ins., the Commission entered an order revoking Certificate of Public Convenience and Necessity No. PUC 1215-I for failure to keep on file effective insurance.

It appears from the correspondence and the files that the insurance certificate had been obtained by Mr. Jones and that his insurance in effect did not lapse, but rather, due to the negligence of his agent, same was not filed until September 10. 1948.

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 42765-Ins., should be cancelled and set aside, and said Certificate No. PUC-1215-I restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 42765-Ins., should be, and hereby is, cancelled and set aside and said Certificate No. PUC-1215-I restored to its former status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 2nd day of December, 1948.

Ralph C. Newton

John R. Barry

Joseph W. Hawley
Commissioners

EHC

(Decision No. 31612)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF THE VERNAL SAND AND GRAVEL COMPANY, 454 SOUTH FIRST NORTH, VERNAL, UTAH.	CASE NO. 43940-INS. PERMIT NO. C-19407.

December 2, 1948

S T A T E M E N T

By the Commission:

On October 29, 1948, in Case No. 43940-Ins., the Commission entered an order revoking Permit C-19407 for failure to keep on file effective insurance.

It appears from the correspondence and files that effective insurance has been filed with this Commission within the five-day period of grace allowed in said order.

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 43940-Ins., should be cancelled and set aside and said Permit C-19407 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 43940-Ins., should be, and it hereby is, cancelled and set aside and said Permit No. C-19407 restored to its former status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 2nd day of December, 1948

Commissioners

EHC

(Decision No. 31613)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF A. R. SPRAGUE, ROUTE L, LONGMONT, COLORADO.	CASE NO. 42581-INS. PERMIT NO. C-3618

December 2, 1948.

S T A T E M E N T

By the Commission:

On July 8, 1948, in Case No. 42581-Ins., the Commission entered an order revoking Permit No. C-3618, for failure to keep on file effective insurance.

It appears from the correspondence and the files that an insurance certificate had been filed prior to the date of the revocation order, but, due to the pressure of work in the Insurance Department, had not been properly recorded.

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 42581-Ins., should be cancelled and set aside, and said Permit C-3618 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 42581-Ins., should be, and hereby is, cancelled and set aside and said Permit No. C-3618 restored to its former status.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DATED at Denver, Colorado,
this 2nd day of December, 1948.

Ralph C. Hoban
John P. Barry
Joseph C. O'Hanley
Commissioners

EHC

(Decision No. 31614)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS JACOBSON, CENTRAL CITY,) PERMIT NO. A-1093.
COLORADO.)
- - - - - - - - - - - - - - - - - -)

- - - - - - - -
December 4, 1948
- - - - - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. A-1093 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Thomas Jacobson be, and he is hereby, authorized to suspend his operations under Permit No. A-1093 until May 1, 1949.

That unless said Thomas Jacobson shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit file insurance, and otherwise comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton

John C. Bell, Jr.

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1948.

ea

(Decision No. 31615)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
KENNETH ARCHER, 3525 W. CUSTER,) PERMIT NO. B-3774.
DENVER 9, COLORADO.)
- - - - - - - - - - - - - - - - - -)

- - - - - - - -
December 4, 1948
- - - - - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3774 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Kenneth Archer be, and he is hereby, authorized to suspend his operations under Permit No. B-3774 until April 21, 1949.

That unless said Kenneth Archer shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said permit, file insurance, and otherwsie comply with all rules and regulations of the Commission applicable to private carrier permits, said permit, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1948.

ea

(Decision No. 31616)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE R. & DESSIE D. MATHEWS,)
DOING BUSINESS AS EAGLE CAB) P. U. C. 1814.
COMPANY, EAGLE, COLORADO.)
- - - - - - - - - - - - - - - - - -)

- - - - - - - -
December 4, 1948
- - - - - - - -

S T A T E M E N T

By the Commission:

The Commission is in receipt of a request from the above-named certificate holder requesting that Certificate of Public Convenience and Necessity No. PUC-1814 be suspended for six months.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That George R. & Dessie D. Mathews, doing business as Eagle Cab Company, be, and they hereby are, authorized to suspend operations under PUC-1814 until May 14, 1949.

That unless said George R. & Dessie D. Mathews, doing business as Eagle Cab Company shall, prior to the expiration of said suspension period, make a request in writing for the reinstatement of said certificate, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall be revoked without the right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Barry.

Joseph W. Hawley.

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1948.

(Decision No. 31617)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANCIS B. PETRY, 702 SYLVANITA)
FLORENCE, COLORADO)
)
)
)
)

PERMIT NO. B-3780.

December 4, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Francis B. Petry,

requesting that Permit No. B-3780 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-3780, heretofore issued to Francis B. Petry, be,

and the same is hereby, declared cancelled effective November 15, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Newton
John R. Barry.
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 4th day of December, 1948.

ea

(Decision No. 31618)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE BOARD OF COUNTY COMMISSIONERS OF HUERFANO COUNTY, COLORADO, TO MOVE HIGHWAY CROSSING ON THE LOMA BRANCH OF THE DENVER & RIO GRANDE WESTERN RAILROAD COMPANY, NORTH OF WALSENBURG, HUERFANO COUNTY, COLORADO.	)	APPLICATION NO. 9338.

December 4, 1948

S T A T E M E N T

By the Commission:

On June 7, 1948, the Board of County Commissioners of Huerfano County filed an application with the Commission for authority to establish a new crossing over the Loma Park Branch Line of the Denver and Rio Grande Western Railroad about fifteen hundred (1500) feet north of the old Pictou crossing of Highway No. 69, and to abandon said old Pictou crossing.

The petition alleges that it is necessary to establish said new crossing by reason of a change in the location of Highway No. 69 because certain strip coal mining operations make it no longer feasible to use the old portion of Highway 69, which it is proposed to abandon.

The Commission has notified all parties in interest and no complaints have been received in regard to said application.

The Commission being sufficiently informed in the matter and there being no complaints, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the public convenience and necessity require, and will require, the opening of a new crossing about fifteen hundred (1500) feet north of the old Pictou crossing of Highway No. 69, said crossing being

over the Loma Park Branch of the Denver and Rio Grande Western Railroad Company's right-of-way northwest of Walsenburg, Huerfano County, Colorado.

That said old crossing should be closed and abandoned and a new crossing established.

O R D E R

THE COMMISSION ORDERS:

That the applicant, the Board of County Commissioners, Huerfano County, Colorado, be permitted to close and abandon the old Pictou crossing of Highway No. 69 over the Loma Park Branch of The Denver and Rio Grande Western Railroad Company's right-of-way northwest of Walsenburg, Huerfano County, Colorado.

That they establish a new crossing at about fifteen hundred (1500) feet north of said old crossing.

That the standard crossing protection signs now in place at the old crossing be reset, or that new crossing protection signs be installed at the new crossing, all construction and materials to be furnished by applicants.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1948.

ea

(Decision No. 31619)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY, COLORADO, TO ESTABLISH A HIGHWAY CROSSING OVER THE DENVER AND RIO GRANDE WESTERN RAILROAD NEAR VILLA GROVE, SAGUACHE COUNTY, COLORADO.	)	APPLICATION NO. 9698.

December 4, 1948

S T A T E M E N T

By the Commission:

On November 10, 1948, the Board of County Commissioners of Saguache County filed an application with the Commission for authority to establish a new highway crossing at grade over The Denver and Rio Grande Western Railroad at Mile Post 242 plus 1320 feet, near Villa Grove, in Saguache County, Colorado, and to abandon a crossing at Mile Post 241 plus 475 feet.

The petition alleges that it is necessary to establish said new crossing in order to better serve the ranches in adjacent territories on the east side of the San Luis Valley. The new crossing will make a more direct route for the users of said road; it will also straighten the approach across the tracks of The Denver and Rio Grande Western Railroad which, in turn, will lessen the hazard on said approach. Since the new crossing will better serve the public convenience and necessity, and there being no further need for the old crossing at Mile Post 241 plus 475 feet, this said crossing should be abandoned.

The Commission has notified all parties in interest in the matter, and no complaints have been received in regard to said application.

The Commission, being sufficiently informed in the matter, and there being no complaints, determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the public convenience and necessity require, and will require, the opening of a new crossing at grade over The Denver and Rio Grande Western Railroad at Mile Post 242 plus 1320 feet, near Villa Grove, Saguache County, Colorado.

That said old crossing at Mile Post 241 plus 475 feet should be closed and abandoned.

O R D E R

THE COMMISSION ORDERS:

That the applicant, the Board of County Commissioners, Saguache County, Colorado, be permitted to close and abandon the crossing of The Denver and Rio Grande Western Railroad at Mile Post 241 plus 475 feet, in the County of Saguache, Colorado.

That applicant establish a new crossing at grade over the tracks of The Denver and Rio Grande Western Railroad at Mile Post 242 plus 1320 feet, near Villa Grove, in Saguache County, Colorado.

That the standard crossing protection signs now in place at the old crossing be reset or that new crossing protection signs be installed at the new crossing, all construction and materials to be furnished by applicants.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John P. Barry

Joseph C. Macoles

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1948.

ea

(Decision No. 31620)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF COLORADO CENTRAL POWER COMPANY, A CORPORATION, 3721 SOUTH LINCOLN STREET, ENGLEWOOD, COLORADO, FOR AUTHORITY TO ISSUE $600,000.00 PRINCIPAL AMOUNT 3-7/8% SINKING FUND DEBENTURES MATURING NOVEMBER 1, 1963.

APPLICATION NO. 9625

November 30, 1948

Appearances: Worth Allen, Esq., Denver, Colorado, and James W. Cryder, Golden, Colorado, for applicant; W. Geo. Denny, Jr., Denver, Colorado, and Jos. M. McNulty, Denver, Colorado, of the Public Utilities Commission, for the Commission.

S T A T E M E N T

By the Commission:

By its application filed herein, Colorado Central Power Company, a Delaware corporation, hereinafter called "Company," which has been authorized to do business in the State of Colorado, seeks an order from the Commission, pursuant to Sub-section (c) of Section 3 of Chapter 137, 1935 Colorado Statutes Annotated, authorizing it to issue $600,000.00 principal amount of 3-7/8% Sinking Fund Debentures, to be dated November 1, 1948, maturing November 1, 1963, and bearing interest at the rate of 3-7/8% per annum, payable semi-annually on November 1 and May 1 in each year, which said Debentures it seeks authority to sell to The Northwestern Mutual Life Insurance Company of Milwaukee, Wisconsin, a corporation, pursuant to the terms and provisions of a Debenture Agreement to be dated as provided in said Agreement (which Debenture Agreement has been filed with the Commis-

sion), and to have such other terms and to be in such form as more fully to be set forth herein. The sale price is to be one hundred per cent (100%) of the principal amount, plus accrued interest from November 1, 1948, to date of sale.

Company has heretofore issued, and there are now outstanding, under and secured by an Indenture dated as of May 1, 1939, between Company and Guaranty Trust Company of New York, as Trustee, as supplemented and amended by a Supplemental Indenture dated as of October 1, 1941, between the same parties, and as supplemented and amended by a Second Supplemental Indenture dated as of July 1, 1946, between the same parties, and as supplemented and amended by a Third Supplemental Indenture dated as of August 1, 1946, entered into between Company and the United States National Bank of Denver as Successor-Trustee to Guaranty Trust Company of New York, $1,300,000.00 principal amount of the Company's 2-7/8% Bonds, "Series B", due August 1, 1976. There are also outstanding under, and secured by, the Original Indenture, as supplemented and amended by the three Supplemental Indentures referred to above, as further supplemented and amended by the Fourth Supplemental Indenture dated as of February 1, 1948, between Company and the United States National Bank of Denver, as Trustee, $600,000.00 principal amount of Company's First Mortgage 3-3/8% Bonds, "Series C", due August 1, 1976.

The Original Indenture and the said four Supplemental Indentures have heretofore been filed with the Commission in Applications Numbers 8535 and 9050, said Indenture and said four Supplemental Indentures hereby being made a part hereof by reference.

A public hearing was held at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, after appropriate notice, on Monday, November 1, 1948, and the matter was taken under advisement.

Applicant is a corporation existing under the laws of the State of Delaware, engaged principally in the purchase, transmission, distribution and sale of electricity.

Applicant is an electric public utility, subject to the jurisdiction of this Commission, owning and operating an electric system which is wholly within the State of Colorado, its office and principal center for distribution and sale of electricity being in Englewood, Colorado.

Company heretofore had its principal place of business at Golden, Colorado, but has recently moved to the aforementioned Englewood, Colorado.

Company also sells and services electrical appliances in conjunction with its other business, its purchase, transmission, distribution, and appliance sales being in the Counties of Arapahoe, Douglas, Jefferson, and Weld Counties, all in the State of Colorado.

For the year ended September 30, 1948, Company reports operating electric revenue of $1,371,050.63, and net income -- the total amount available for dividends and surplus, after provision for Federal and State income taxes -- of $154,086.02. Earnings in prior years have been satisfactory. During the years 1944, 1945, 1946, and 1947, dividends in the respective amounts of $70,000.00, $70,000.00, $76,562.50, and $83,093.85 were paid. During the year 1948, dividends paid have amounted to $72,170.55. Per share dividends in 1948, for three quarters, amounted to $1.35.

Company reports Assets and Liabilities as of September 30, 1948, as follows:

ASSETS

Property, plant, equipment, etc., less retirements	$3,465,597.42
Current and Accrued Assets	816,963.32
Deferred Debits	98,641.03
TOTAL ASSETS	$4,381,201.77

LIABILITIES

Capital Stock issued and outstanding	$ 534,680.00
Fund Debt, First Mortgage 2-7/8% Bonds, "Series B", due August 1, 1976	1,300,000.00
Fund Debt, First Mortgage 3-3/8% Bonds, "Series C", due August 1, 1976,	600,000.00
Current Liabilities	579,222.66
Other Liabilities, Deferred Cash Sales and Customers' Advances	28,772.73
Reserves	836,121.08
Surplus	502,405.30
TOTAL LIABILITIES	$4,381,201.77

Company, as of date October 21, 1948, had an authorized capital stock of $1,000,000, divided into 100,000 shares of common stock of the par value of $10.00 per share, of which 53,574 shares were outstanding.

Company further has issued and outstanding $1,300,000 principal amount of First Mortgage 2-7/8% Bonds, Series "B", due August 1, 1976, which were issued on September 6, 1946, under and pursuant to the terms and provisions of "Indenture" referred to. A specimen of First Mortgage 2-7/8% Bonds, Series "B", showing the terms and conditions of presently outstanding Bonds, is part of the record in Application No. 8535 heretofore referred to, and by reference made a part hereof.

A specimen of First Mortgage 3-3/8% Bonds, Series "C", showing the terms and conditions of the Bonds outstanding in the principal amount of $600,000.00, is a part of the record in Application No. 9050, and by reference is made a part hereof.

The financing for which authorization is here sought is to secure funds for the acquisition of property for the construction, completion, extension, and improvement of its facilities for the improvement and maintenance of its service, and for the reimbursement of moneys actually expended for said purposes from income and other moneys in the Company's treasury not secured by or obtained from the issuance of securities within five years next prior to the filing of application herein.

During the year 1947, Company expended for additions and extensions to its plant and properties, $660,469.01. Expenditures for the year 1948 are estimated to amount to more than $700,000.00; and, for the year 1949, to some $550,000.00. John Hancock Mutual Life Insurance Company, of Boston, Massachusetts, now holds, and at all times since the issue thereof has held, all outstanding bonds issued by Company, present total funded debt being the principal amount of $1,900,000.00. Company asks that the proposed sale of the 3-7/8% Sinking Fund Debentures be exempted from competitive bidding.

The yield to the proposed purchaser of the said Debentures, on

the basis proposed by this application, will be 3-7/8% per annum. Company has caused a careful study to be made of market prices of debentures similar in character to those which it proposes to issue, and, based upon its investigation, it believes that such debentures cannot be sold on a more advantageous basis than they set forth in the application herein. On the contrary, Company is convinced that, presently, it would be difficult to secure bids on a public invitation to bid for an issue of debentures of the size and character herein proposed, and, if any bids were to be received, they would be on a basis to yield an amount substantially in excess of 3-7/8% to maturity to whomsoever might be the purchaser. It was also represented that, if debentures were sold at private sale, it will not be necessary to register same with the Securities and Exchange Commission under the Securities Act of 1933, as amended; that expense of preparing prospectus, etc., will be avoided; that expense incident to proposed issue and sale of debentures will be approximately $20,000.00. Principal expense will be for counsel fees, printing, travel expense, and services of investment analysts.

The Commission's staff has examined the application, and, being of the opinion that the proposed transaction is compatible with the public interest, has recommended that the authority be granted.

While the Commission recognizes the desirability of competitive bidding, to date it has not concluded that public interest demands that this rule be adhered to in all instances, but that each case should be considered on the facts peculiar to the matter under consideration.

It here appeared that the public sale method would cost Company considerably more than if the debentures were sold privately, as contemplated. The market is now favorable, and neither this Commission nor the Company has any assurance that the debenture market will be as favorable in the future as it is today. Necessarily, preparation of documents, and time required for investigation by interested underwriters, would postpone the sale of the proposed debentures for a considerable period of time. Then,

there could be no definite assurance as to the price at which the debentures could be sold. The yield to the investor is not out of line with yields currently obtained from similar debentures recently sold.

F I N D I N G S

THE COMMISSION FINDS:

That the petitioner, Colorado Central Power Company, is a public utility, as defined in Section 3, Chapter 137, 1935 Colofado Statutes Annotated.

That this Commission has jurisdiction of said applicant and of the subject-matter of the petition herein.

That the Commission is fully advised in the premises.

That the issuance by Company of the securities proposed to be issued, as hereinabove set forth, is reasonably required and necessary for its proper corporate financing and of construction financing aforesaid, and the amount thereof added to outstanding bonds will not be in excess of the amount authorized to issue under the Indenture.

That the utility is able to service the additional debt.

That the proposed securities transaction is not inconsistent with the public interest, and the purpose or purposes therefor are permitted by and are consistent with the provisions of Chapter 137, 1935 Colorado Statutes Annotated, as amended by Session Laws of 1947, and that the order sought should issue and should be made effective forthwith.

That Debentures are to be issued and sold to The Northwestern Mutual Life Insurance Company of Milwaukee, Wisconsin, a corporation, and, for the proper and easy identification thereof, shall bear a serial number on the face thereof.

O R D E R

THE COMMISSION ORDERS:

That Colorado Central Power Company, a Delaware corporation, be and it hereby is, authorized and empowered to issue and sell to The Northwestern Mutual Life Insurance Company of Milwaukee, Wisconsin, a corpora-

tion, $600,000.00 principal amount of its 3-7/8% Sinking Fund Debentures, bearing interest at the rate of 3-7/8% per annum, to be dated as of November 1, 1948, and to mature on November 1, 1963, at and for the purchase price of One Hundred Per Cent (100%) of the principal amount thereof, plus accrued interest from November 1, 1948, to the date of sale.

That the public interest does not require that said Debentures be sold at competitive bidding, and competitive bidding should be, and hereby is, waived for the purpose of this proceeding.

That the Debentures to be issued hereunder shall bear on the face thereof a serial number for proper and easy identification; that, within sixty (60) days from the issuance and delivery of said Debentures, Colorado Central Power Company shall make verified report to the Commission of such serial numbers placed on such Debentures so issued.

That Colorado Central Power Company be, and it hereby is, authorized to use the proceeds received from the sale of said Debentures, together with cash from the general funds of Company, for the acquisition of property, for the construction, completion, extension, and improvement of its facilities, for the improvement and maintenance of its service, and for the reimbursement of moneys actually expended for said purposes from income and other moneys in Company's treasury not secured by or obtained from issuance of securities within five years next prior to the filing of this application, and to pay a bank loan in the principal amount of $200,000.00.

That Company be, and it hereby is, authorized to amortize, over the life of said Debentures, the expense incurred in connection with the issuance and sale thereof.

That Company shall make a verified report to the Commission, not later than three months after the sale of said Debentures, stating the moneys received therefrom and, in detail, expenses incident to such sale, accompanying the same with copies of the entries recorded on the books of Company as a result of the consummation of the financing as before provided.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said 3-7/8% Sinking Fund Debentures, maturing November 1, 1963, or the interest thereon, on the part of the State of Colorado.

That the Commission retains jurisdiction of this proceeding, to the end that it may make such further order in the premises as to it may seem to be proper and desirable.

That the authority herein granted shall be authorized from and after this date, this Order hereby being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hahn

John P. Barry

Joseph W. Hawley

Commissioners

DATED at Denver, Colorado,
this 30th day of November, 1948.

EHC

(Decision No. 31621)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE WITHDRAWAL BY THE COLORADO AND SOUTHERN RAILWAY COMPANY AND THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY OF THEIR AGENT FROM THE STATION AT MAYNE, IN HUERFANO COUNTY, COLORADO, AND THE ABANDONMENT AND CLOSING OF SAID STATION.	)	APPLICATION NO. 9572.

December 4, 1948

S T A T E M E N T

By the Commission:

The Colorado and Southern Railroad Company and The Denver and Rio Grande Western Railroad Company, pursuant to the provisions of General Order No. 34 of the Commission, filed with the Commission on September 22, 1948, their petition to withdraw their agent from the railroad station at Mayne, Huerfano County, Colorado, and to abandon and close said station.

The thirty days have elapsed as provided in the general order, and the fifteen days notice to the Commission of the filing as provided in the general order having been complied with, there being no complaints, the Commission knows of no reason why this should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That The Colorado and Southern Railroad Company and The Denver and Rio Grande Western Railroad Company, under the provisions of General Order No. 34 of the Commission, be allowed to withdraw their agent from the said station of Mayne, Huerfano County, Colorado, and to abandon and close said station.

O R D E R

IT IS ORDERED:

That The Colorado and Southern Railroad Company and The Denver and Rio Grande Western Railroad Company, having duly complied with

the provisions of General Order No. 34 of this Commission, be permitted to withdraw their agent at the station of Mayne, Huerfano County, Colorado, and abandon and close said station.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1948.

ea

(Decision No. 31622)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE PUEBLO GAS AND FUEL COMPANY, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF COLORADO, FOR AUTHORITY TO ISSUE 35,000 SHARES OF CAPITAL STOCK WITHOUT NOMINAL OR PAR VALUE IN LIEU OF THE 3,500 SHARES OF THE PRESENTLY OUTSTANDING COMMON STOCK OF THE PAR VALUE OF $100 EACH UPON AMENDMENT OF THE CERTIFICATE OF INCORPORATION CHANGING THE AUTHORIZED CAPITAL FROM $1,500,000 PAR VALUE DIVIDED INTO 10,000 SHARES COMMON STOCK OF THE PAR VALUE OF $100 EACH, AND 5,000 SHARES OF PREFERRED STOCK OF THE PAR VALUE OF $100 EACH INTO 100,000 SHARES OF CAPITAL STOCK WITHOUT NOMINAL OR PAR VALUE.	APPLICATION NO. 9676.

December 1, 1948

Appearances: Lee, Bryans, Kelly, and Stanfield, Esqs., Denver, Colorado, for applicant;
W. George Denny, Jr., Denver, Colorado, of the Public Utilities Commission for the Commission.

S T A T E M E N T

By the Commission:

The Pueblo Gas and Fuel Company, a Colorado corporation (hereinafter called "Company"), filed with this Commission a petition and application, pursuant to Sub-section (c) of Section 3 of Chapter 137 of the 1935 Colorado Statutes Annotated, as amended, in which it stated that it proposes to change its authorized capital by amending its Certificate of Incorporation, providing for 100,000 shares of Capital Stock without nominal or par value in lieu of the presently authorized capital of $1,500,000 divided into 10,000 shares of Common Stock of the par value of $100 each, and 5,000 shares of Preferred Stock of the par value of $100 each, and requesting an order authorizing it to issue 35,000 shares of new Capital Stock without nominal or par value in lieu of 3,500 shares of presently outstanding Common Stock of the par value of $100 each upon such amendment becoming effective.

A public hearing was held at the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, after appropriate notice, on November 26, 1948, and the matter was taken under advisement.

It appears that applicant is a corporation organized and existing under the laws of the State of Colorado, and is a public utility engaged in the purchase, distribution and sale of natural gas in the City of Pueblo, Colorado, and adjacent fringe territory. All of the capital stock of Company (except Directors' qualifying shares) is owned by Public Service Company of Colorado, a Colorado corporation, and all of Company's operations are wholly within the State of Colorado.

For the year ended December 31, 1947, Company reports Operating Revenues of $682,854.78, and Net Income of $119,505.19 -- that is, the amount available for Dividends and Surplus.

As of December 31, 1947, Company reports its assets and liabilities as follows:

ASSETS

Property, Plant and Equipment	$1,754,075.30
Cash on Deposit with Trustee	3,520.48
Current Assets	237,431.91
Deferred Charges	39,200.28
Total Assets	$2,034,227.97

LIABILITIES

Capital Common Stock	$ 350,000.00
Long Term Debt	310,626.98
Current Liabilities	349,381.04
Line Extension Deposits	59,397.79
Reserves	368,994.35
Capital Surplus	455,784.11
Earned Surplus	140,043.70
Total Liabilities	$2,034.227.97

It appeared that the authorized capital stock of the Company consists of $1,500,000 par value, divided into 10,000 shares of Common Stock with a par value of $100 each, and 5,000 shares of Preferred Stock of the par value of $100 each.

Company has issued and outstanding:

(a) $700,000 principal amount of First Mortgage Bonds, 3¼% Series due March 1, 1973, issued pursuant to Commission Decision 30091 of March 19, 1948 in Application No. 9051, secured by Indenture of Mortgage and Deed of Trust dated March 1, 1948, to the United States National Bank of Denver, as Trustee.

(b) 3,500 shares of Common Stock of the par value of $100 each.

It was represented that the Company proposes to issue 35,000 shares of the new Capital Stock without nominal or par value in lieu of 3,500 shares of presently outstanding Common Stock of the par value of $100 each.

At the time of hearing, applicant requested that the Articles of Incorporation and By-Laws, which are on file and part of the record in Application No. 9051, being Decision 30045, be made a part of this record. They are also incorporated into this order and made a part hereof by reference.

W. D. Virtue, Vice-President and Secretary of applicant Company, testified that the purpose for which the proposed change in the capital structure was made, is in conformance with recent trend of such utility companies to facilitate financing. He also testified that after the new capital structure is set up, the ratio of equity capital to long term debt will be that of 58% to 42%. He also testified that the proposed issue will be on a basis of 10 to 1, or 10 shares of the new capital stock without nominal or par value will be given in lieu of the present Common Stock of a par value of $100 per share.

F I N D I N G S

THE COMMISSION FINDS:

That the petitioner, The Pueblo Gas and Fuel Company, a corporation, is a public utility, as defined by Section 3 of Chapter 137 of the 1935 Colorado Statutes Annotated, as amended.

That this Commission has jurisdiction of the said applicant and the subject matter of the petition herein; that the Commission is fully informed in the premises; that the proposed securities transaction is not inconsistent with the public interest, and that the purpose or purposes

therefor are permitted by, and are consistent with, the provisions of Chapter 137, 1935 Colorado Statutes Annotated, as amended by Session Laws of 1947, and that the order sought should issue and should be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That The Pueblo Gas and Fuel Company be, and it hereby is, authorized and empowered, upon amendment of its Certificate of Incorporation, to issue 35,000 shares of its new Capital Stock without nominal or par value in lieu of 3,500 shares of presently outstanding Common Stock of the par value of $100 per share.

That nothing herein shall be construed to imply any recommendation or guarantee of, or any obligation with respect to said new Stock, on the part of the State of Colorado.

That within 30 days from the effective date of the proposed Certificate of Amendment, the Company shall file with the Commission a certified copy of said Amendment; and within 90 days from the effective date of said Amendment, the Company shall file with the Commission a new balance sheet, which will reflect the exercise of the authority herein granted, together with copies of the accounting entries recorded on the books of the Company as a result of the consummation of the exchange of capital stock as hereinabove provided.

That the stock certificates to be issued to the stockholders shall be numbered on the face thereof, consecutively, for the purposes of identification, and that within 90 days from the date of issue, the Commission be advised of the numbers which are to attach to said certificates.

That the right shall be reserved to applicant to reopen the proceedings herein upon good cause shown.

That the Commission retains jurisdiction of these proceedings to the end that it may make such further order or orders in the premises as it may deem to be proper or desirable.

That the authority herein granted shall be exercised from and after this date, this Order hereby being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 1st day of December, 1948.

ca

Original

(Decision No. 31623)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF C. W. FRANKLIN, DOING BUSINESS AS "ACE GARAGE," 333 EAST 19TH AVENUE, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	.ICATION NO. 9603

December 3, 1948

Appearances: Clarence Werthan, Esq., Denver, Colorado, for applicant;
Henry S. Sherman, Esq., Denver, Colorado, for Master Towing Service;
Worth Allen, Esq., Denver, Colorado, for Auto Dealers, Inc.;
Gorsuch and Kirgis, Esqs., Denver, Colorado, for Campbell Garage;
Leonard M. Campbell, Denver, Colorado, for Campbell Garage;
Creamer and Creamer, Esqs., Denver, Colorado, for Harris Auto and Parts Company.

S T A T E M E N T

By the Commission:

On October 4, 1948, C. W. Franklin, doing business as "Ace Garage," Denver, Colorado, filed application for certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation and towing, or otherwise transporting, of wrecked or disabled motor vehicles for hire, between all points within the State of Colorado and the City and County of Denver, and between points outside the City and County of Denver.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on October 21, 1948, and, at the conclusion of said hearing, the matter was taken under advisement.

At the hearing held on the above-named date, the evidence disclosed that applicant owns and operates the following-described equipment, and it is applicant's plan to operate said equipment in the proposed towing service:

One 1947 two-ton Ford Truck, with Holmes Wrecker Equipment,

One 1934 1½-ton Dodge Wrecker,

One 1933 Ford Panel Delivery,

One 1931 1½-ton Chevrolet Wrecker.

C. W. Franklin, manager and owner of Ace Garage, testified he has net assets in the amount of $19,000.00, and that he is now, and for eleven years last past had been, engaged in the business of towing and transporting wrecked or otherwise disabled motor vehicles for hire, and is also in the general automobile repair and storage business. He estimated that twenty-five per cent of his total business has been towing or transporting disabled motor vehicles, and he has charged for said service fifty cents per mile, one way.

It appears that applicant has maintained twenty-four-hour service, and, if granted the certificate sought, it is his plan to continue rendering a twenty-four-hour service. He stated that a substantial portion of his towing business is for hire, and, in many instances, his customers have been insurance companies who send the automobiles for repair to other garages; that, during the time he has operated a towing service, he has served within the City and County of Denver, and has, on occasions, been called to distant parts of the State.

Mr. Wesley R. Curtis, Manager of AAA Automobile Club, who has been associated with this association for the past twenty-one years, testified that his organization has thousands of members in Colorado, and that they have given the Ace Garage a major portion of their towing business, and that they have found said service to be dependable and available at all times, and very satisfactory. He stated that applicant's service is necessary and needed by the members of the association with which he is connected.

Mr. Ozias, General Claims Attorney for AAA Club, corroborated the testimony of Mr. Curtis.

No evidence was introduced protesting the granting of the instant application.

The Commission, in Decision No. 30731, found that this Commission has jurisdiction of this type of operation.

The Commission, after considering the evidence presented at the hearing, can see no good reason why the authority herein sought should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed common carrier service of applicant, and that authority, as hereinafter limited, should be granted, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require, and will require, the proposed motor vehicle common carrier call and demand service of C. W. Franklin, doing business as "Ace Garage," Denver, Colorado, for the transportation and towing service of wrecked or otherwise disabled, repossessed, or stolen automotive (motor) vehicles, between points within a radius of one hundred miles of Denver, Colorado, and from and to points in said area to and from 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.

That applicant shall file tariffs of rates, rules, and regulations and distance schedules, as required by the rules and regulations of this Commission, within twenty days from date.

That applicant shall operate his carrier system in accordance

with the order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of this Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Carlson

John P. Barry

Commissioners

DATED at Denver, Colorado,
this 3d day of December, 1948.

EHC

Original

(Decision No. 31624)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EDMOND J. JUDD AND PASCHAL QUACKENBUSH, BOX 291, CENTRAL CITY, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 9171

December 3, 1948

Appearances: Clement R. Hackethal, Esq., Idaho Springs, Colorado, for applicants;
J. G. Hodges, Esq., Denver, Colorado, for Rocky Mountain Motor Company;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.;
Gomer Sterling, Blackhawk, Colorado, for Gilpin County Bus Company;
James B. Young, Denver, Colorado, for Denver Tramway Corporation;
Ed Dundon, 1415 Tremont Pl., Denver, Colorado, for Denver and Colorado Sightseers.

S T A T E M E N T

By the Commission:

On September 25, 1947, Edmond J. Judd and Paschal Quackenbush, Central City, Colorado, filed application for a certificate of public convenience and necessity to operate as common carriers by motor vehicle for hire for the transportation of passengers in sightseeing service from Central City, Colorado, to points within the State of Colorado, and special chartered hunting, fishing, and ski trips from points within El Paso, Denver, Gilpin, and Boulder Counties, to points within the State of Colorado, and taxicab service between points within a radius of thirty miles of Central City, Colorado.

The matter was set for hearing, and heard, at 330 State Office

Building, Denver, Colorado, on April 20, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that Edmond J. Judd and Paschal Quackenbush are a co-partnership, and plan to use two cars in their proposed operation. It further appeared that the net assets of the co-partnership are approximately $15,000.00.

The evidence disclosed that applicants desire to conduct tourists, in small parties, to the main scenic and vacation attractions in Colorado, and especially to scenic points adjacent to Gilpin County.

It also appeared that applicants desire to conduct a taxi business in Central City and the area adjacent thereto.

Several protestants appeared, protesting the granting of the authority sought, among whom were Rocky Mountain Motor Company and Pikes Peak Auto Livery. Their protests went to the sightseeing and charter service, all protesting witnesses maintaining that there was adequate service now available to take care of the needs of the general public -- that is, Gilpin County and the surrounding area.

The question of taxi service at Central City and a thirty-mile radius thereto was considered by this Commission. The Commission has authorized a taxi service for Central City and territory adjacent thereto to one Susan Hollearin, which certificate, we are informed, is now in good standing.

Applicants did not present any public witnesses to testify as to the need of their proposed service. The Commission held, in Re Fort Morgan-Brush Transportation Company, 8 P. U. C. 1701:

> "On applications for certificate of public convenience and necessity, a clear and affirmative showing must be made that existing transportation facilities are inadequate or unsatisfactory,"

and in Lahs, Application No. 2621, Decision No. 6846, we held:

> "It is elementary that before the Commission will issue a certificate authorizing rendition of any given service, public convenience and necessity must be proved. The rule is less elastic where the service proposed to be rendered is a duplica-

She further stated that her father had made a charge for the water in the amount of $10.00 per year per user, and that at the time she became interested in the system, it was $1.25 per month.

Her father died in May of 1928, leaving the water system to the heirs of his estate, his eight children; Mrs. Everitt and her brother, Earl Petticrew, obtained possession of the water system from the other heirs in August of 1946.

In September of 1946, she and her brother mailed the following letter:

"Golden, Colorado
September 20, 1946

"To the Water Users of the Petticrew Water System:

"As most of you already know, the water system started by our father, Frank Petticrew, is now owned by the under signed, Mary Willet Everitt and J. E. Petticrew.

"We are going to sell this water system, including pipe lines, spring, and one-half acre of land, on which the spring is located, and prefer to sell to an association formed by the water users, if they desire to organize to buy the system from us. For that purpose, we are mailing a copy of this letter, together with a list of the water users, to each of you. Please discuss this among yourselves and let our attorney, E. N. Freeman, 625 E & C Bldg., Denver, Colorado, (Phone Tabor 3688) know what you desire to do in this matter.

"May we hear from you before November 1, 1946, as we intend to sell this water system to someone else if you do not wish to buy it.

Very truly yours,

s/s Mary Willet Everitt

s/s J. E. Petticrew"

Neither Mrs. Everitt, her brother, nor their attorney, Mr. Freeman, were approached by the users of the system in regard to this letter.

Later, in October of 1947, a second letter was mailed to the users of the water system in which the Petticrews informed the users that the rental charge for the use of water from the Petticrew Water System would be $5.00 per month, payable quarterly in advance. The balance

of the letter read as follows:

> "The use of this water must be restricted to domestic use only, and the water can be furnished only as long as it is available and the pipe in the system continues to function.
>
> "More than a year ago, September 20, 1946, we directed letters to each water user, stating that we did not want to continue in the water business and inviting the users to form an association to buy the spring and pipe lines. We have never received any reply to our offer to date.
>
> "Past rental rates have been so low that no fund could be set up for repairs or replacements, if and when needed. You also know that we inherited the spring and pipe lines from our father's estate, just a year or two ago.
>
> "Any question that may arise among you, concerning this matter, should be referred to our attorney, E. N. Freeman, 625 E. & C. Bldg., Denver, Colorado, Tabor 3688."

No action was taken in regard to this letter.

At the time this letter was sent, there were sixteen users of water in the system, but as of this date, there are fifteen.

In 1946, there were 21 users on the system. There are sixteen users listed on Exhibit "A" of the application before the Commission. Amended Exhibit "A" in the application lists the users and the amounts due on their accounts.

Since receiving the letter of notice of the increase in rates, many of the users allowed their accounts to become delinquent, and the total delinquency, as shown on Amended Exhibit "A", based on the old rates of $1.25 per month, and up to June 1, 1948, is $272.50.

Mrs. Everitt further stated that her health and that of her brother, Earl, was not "vigorous" and that they were not able to take care of the system. It was also a nuisance as they would receive phone calls from the users complaining of lack of water, these calls being particularly numerous during July, August, and September. She stated they were not receiving enough revenue for a fair return, and that there was considerable expense in connection with the system, such as "Survey by Prouty Brothers," in the amount of $125.00 (copy of map of survey being filed in the case and of record); $66.00 for cleaning the system; legal expense, recording papers with the State of Colorado and Jefferson County, in the amount of $217.00; and that attorney fees would raise this figure to between $300.00 and $350.00.

(Decision No. 31625)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. E. PETTICREW, 1006 BRENTWOOD, LAKEWOOD, COLORADO, AND MARY WILLETT EVERITT, ROUTE 1, BOX 3, GOLDEN, COLORADO, CO-PARTNERS, DOING BUSINESS AS "PETTICREW WATER SYSTEM", TO ABANDON SAID PETTICREW WATER SYSTEM.	APPLICATION NO. 9388.

December 4, 1948

Appearances: E. N. Freeman, Esq., 625 E &C Building, Denver, Colorado, for applicants;
J. J. Jacobucci, Esq., 502 Midland Savings Building, Denver, Colorado, for protestants;
W. George Denny, Jr., Denver, Colorado,
C. L. Flower, Denver, Colorado, and
J. M. McNulty, Denver, Colorado, of The Public Utilities Commission, for the Commission.

STATEMENT

By the Commission:

On December 12, 1947, John E. Callahan, J. G. Maulding, Leo J. Reed, Elizabeth A. Delmarten, Richard S. Cooley, A. M. Schiller, W. R. Rackley, A. B. Morton, Mrs. J. C. Easler, P. T. Demming, G. B. Bloom, George E. Eller, Edward Sprier, Paul H. Sonntag, and Gordon Mitchell, filed a petition with the Commission, reciting that J. E. Petticrew and Mary Willett Everitt, owners and operators of the Petticrew Water System, a public utility, had notified said petitioners, who, individually, were customers of said Petticrew Water System, that rates for water would be increased from $1.25 per month to $5.00 per month, and alleged that said increase is, and would be, excessive; that said rates should be made a matter of investigation by the Commission, which should, thereafter, prescribe suitable rates for said service.

Said J. E. Petticrew and Mary Willett Everitt, upon being informed of the filing of said petition, filed a petition with the Commission, asking permission to discontinue its utility service, for the following reasons:

> "(a) That practically all of the said water users of said system can now obtain water from the mains of the Consolidated Mutual Water System, carrying Denver City Water, said mains being laid along West 38th Avenue, and along Kipling Street.
>
> "(b) That the said water users persist in using water from said system for irrigation of lawns and crops, during the latter part of the summer season, although they well know that they are not supposed to so do, with the result that the water users, during the months of July, August, and September, your petitioners are continually called and annoyed with complaints and reports of other water users making the pressure in said water tanks less.
>
> "(c) That the amount of income received from said water users in the past has been so small that it does not cover the bother and expense to which your petitioners are put in keeping the water system in service.
>
> "(d) That the water pipes in said system have been installed for many years and might, at any time, become unfit for use and that no funds have ever been, or could have been, set up, to replace and keep said line in good working order.
>
> "(e) That your petitioners received this water system by inheritance and are not equipped to continue the same.
>
> "(f) That your petitioners are not in good health and desire to be relieved of the worry and responsibility of continuing service under this system."

The matter was heard at Denver, Colorado, on July 20, 1948, in the Commission's Hearing Room, and taken under advisement.

Mrs. Mary Willett Everitt, nee Petticrew, testified at the hearing, that her father, having this spring on his land, had originally built the water system, more or less in pursuance of a "Good Neighbor" policy, so that the people in the area could have water. The exact date was not definitely established, as to just when the pipes were laid. The petition states 1912, and a map prepared by Prouty Brothers, and made a part of the record, has the date of the beginning of the survey as 1907. It probably was in operation about 1908.

tion of service already authorized, unless it is shown that said service is inadequate, and that the carrier is not in a position to, or will not, make it adequate."

F I N D I N G S

THE COMMISSION FINDS:

That applicants have failed to make sufficient showing justifying the Commission in granting the instant application for the reasons heretofore set forth, and that said application should be denied.

O R D E R

THE COMMISSION ORDERS:

That the instant application be, and the same hereby is, denied.

That this order become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 3d day of December, 1948.

EHC

She stated that as far as she knew there were no bad leaks in the system at present; that they were still willing to dispose of the system at a reasonable price.

Mr. Earl Petticrew was called to the stand and his testimony was substantially the same as that of his sister. Questioned as to the ownership of the pipe lines and laterals, he stated that the Petticrews owned all the mains from the spring to the end of the line on 38th Avenue; that they did not own the 3/4" pipe south on Kipling Street, as this was put in by the users. They did not own any of the laterals from the main to the houses.

He further stated that they had been offered $4500.00 for the spring and 1/2 acre of property, if and when the utility had ceased to do business. This offer was made by a party who wanted the water for his own use and did not want to serve as a utility.

Dr. Cooley was called to the stand and testified that he was a customer of the Petticrew system, and that to his knowledge, no sale price had ever been discussed between the users and the Petticrews; that since he heard that the system was petitioning for abandonment, he was endeavoring to secure water from another source. He also stated that the County Health Board would not approve a shallow well in the area for fear of contaminated water.

A. M. Schiller testified that he was a customer of the Petti-crew system, and that if the system was abandoned, he would not have another source of water. He stated that some of the users were in the Wheatridge Water District and could connect with Wheatridge; some of the users were in a position to receive water from the Consolidated Mutual Water Company, but that there were five users who were not in a position to receive service from either source. He stated the following were the five without water from either source: Callahan, Rodgers, Schiller, Cooley, and Eric Bloom.

Mrs. John Callahan testified that she was a customer of the Petticrew System; that her house was out of the Wheatridge water district, and that Mutual would not run its line up the hill to give her service. She also stated there had been a meeting at the school house in regard to the users taking over the system, but that nothing much was accomplished. She did

not know of any price quoted for the system.

Mr. Rackley testified that he had two taps from the Petticrew Water System; that he had attended the meeting at the school house and he thought the price wanted, or asked for the system, was around $5,000, although he could not say where this figure of $5,000 had come from.

On questioning if any estimates had been obtained for a deep well to supply water, he said he did not know how much such a well would cost.

Leo J. Reed, testified that he had been a customer of the Petticrew System for twelve years. He is in the Wheatridge Water District; and if a deep well had to be dug for individual service it would cost, in his opinion, about $3,000 for a 700 foot well.

A. B. Morton testified that he was a user of water on the system, and lived about 1000 yards north of the Prospect Valley School; that in order to get water from Consolidated Mutual, the cost would be considerable. He would have to replace about 600 feet of pipe if he used his present service line to tap the Consolidated Mutual Line.

Mrs. J. C. Easler testified that she was a water user on the Petticrew System and had been such for nine years; that she had contacted Consolidated Mutual and it was very reluctant to promise a tap as it was short of water.

Mr. Eric Bloom testified that he was located on West 38th Avenue & Kipling, between the Wheatridge Water District and the line on 38th and Kipling of Consolidated Mutual; that there was about 1300 feet between the two water companies which would be without water service, in case of abandonment of this system.

Mr. Edward Sprier testified that he was a water user from the Petticrew System and had contacted the Consolidated Mutual Company and it would cost him about $327.00 for a tap. He also testified that a neighbor had put down a well, 238 feet, and had obtained impure water at a cost of $1400.00.

Mrs. Sonntag testified that she was a water user on the Petticrew System and had contacted the Consolidated Mutual Company but because her faucet was outside the house she was refused service. She also stated that she intended to repipe the house so that the tap would be inside the house and that they would then give her the service for a $300.00 tap fee.

Mrs. Steinke testified that she was a user on the Petticrew Water System and was in the Wheatridge Water District, and that she could obtain a tap from Wheatridge for $225.00.

There are fifteen signers of the petition before the Commission in this proceeding and the majority can obtain water from another source. Mr. Schiller testified that Callahan, Rodgers, Cooley, Eric Bloom and himself could not get water from either Consolidated Mutual or the Wheatridge Water District. However, the name of Rodgers does not appear in either the petition or on the list of users in Fhbitit "A", so we can only deduce that Rodgers is not a customer of the Petticrew System. Dr. Cooley testified that he was seeking another source of water and when it was obtained he would not be dependent on this system. This would leave only three customers, Callahan, Bloom and Schiller, who would have to seek another source of supply in the event the system were abandoned.

With fifteen customers and a rate of $1.25 per customer per month, the gross income per month is $18.75. This in our opinion, is clearly inadequate to properly take care of the maintenance and operation of this system. It also appears that in the future the number of customers will decrease, further limiting the amount of income.

The Commission has held, in one of its first decisions, that public utilities should not be required to operate at a financial loss.

In re F. F. Chambers, Application No. 110, Decision No. 40, the Commission held:

> "The Colorado Commission has no power to compel a utility company to invest additional money in an operation which experience has proven to result in financial loss, and such a utility should be permitted to abandon service, notwithstanding customers have invested money in fixtures, in reliance of its continuance, and will suffer loss by the abandonment."

Also, in Decision No. 264, the Commission held:

"The unprofitable operation of a utility cannot be required where it has been an unprofitable financial undertaking, notwithstanding a great many interests would be affected by the abandonment."

We do not feel that in the instant matter applicants should be compelled to render a service that the evidence clearly indicates is rendered at a loss.

The Commission, in considering the question here presented, has explored the possibility of increased rates. This, too, we have found impracticable, as the cost of rendering this service would be prohibitive to the customers. The customers, in the past, have objected to a five dollar monthly charge as being excessive. We agree with the customers.

The Commission recognizes the fact that the operators of the Petticrew Water System owe an obligation to customers, and that these customers should be given an opportunity to secure water service elsewhere, and should be allowed a reasonable time within which to make such arrangements.

F I N D I N G S

THE COMMISSION FINDS:

That the Petticrew System is a public utility owned and operated by J. E. Petticrew and Mary Willett Everitt.

That application for abandonment should be granted for the reasons heretofore set forth in the Statement preceding, which by reference is made a part hereof; that, in view of the fact that abrupt termination of the service heretofore, and now, furnished to the patrons, would be attended with extreme hardship and inconvenience, if such service should be apruptly terminated, the discontinuance of service prayed for shall not be permitted to take effect until September 1, 1949.

O R D E R

THE COMMISSION ORDERS:

That the petition of J. E. Petticrew and Mary Willett Everitt, owners and operators of the Petticrew Water System, a public utility, be, and the same hereby is granted, the date of said abandonment to be September 1, 1949, in order to give the present customers ample time to obtain water service

elsewhere; that bills for delinquent accounts be presented to customers whose accounts are in arrears, and if such accounts are not settled, they be permitted to follow the procedure outlined by the Rules and Regulations so provided by this Commission in such cases.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C Horton

John R. Barry

Joseph W Hawley

Commissioners.

Dated at Denver, Colorado,
this 4th day of December, 1948.

ea

(Decision No. 31626)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRED WACKER, SR., HAROLD ELLIOTT, AND FRED WACKER, JR., CO-PARTNERS, DOING BUSINESS AS "WACKER-ELLIOTT-WACKER," CULBERTSON, NEBRASKA, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO W-E-W TRUCK LINE, INC., A CORPORATION, CULBERTSON, NEBRASKA.	PERMIT NO. B-3400-I

December 4, 1948

S T A T E M E N T

By the Commission:

Heretofore, Fred Wacker, Sr., Harold Elliott, and Fred Wacker, Jr., co-partners, doing business as "Wacker-Elliott-Wacker," Culbertson, Nebraska, were authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as private carriers by motor vehicle for hire, in interstate commerce, and they are presently holders of Permit No. B-3400-I.

Said permit-holders now seek authority to transfer said operating rights to W-E-W Truck Line, Inc., a corporation, Culbertson, Nebraska.

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

F I N D I N G S

THE COMMISSION FINDS:

That the transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Fred Wacker, Sr., Harold Elliott, and Fred Wacker, Jr., co-partners, doing business as "Wacker-Elliott-Wacker," Culbertson,

Nebraska, be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-3400-I to W-E-W Truck Line, Inc., a corporation, Culbertson, Nebraska, subject to the provisions of the Federal Motor Carrier Act of 1935, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That ton-mile tax deposit be transferred to account of transferee.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoston

John R. Barry

Joseph W. Hawley

Commissioners

DATED at Denver, Colorado,
this 4th day of December, 1948.

EHC

(Decision No. 31627)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY ROSENBLOOM, 1386 TENNYSON,)
DENVER 4, COLORADO.)
) PERMIT NO. C-373.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Harry Rosenbloom, requesting that Permit No. C-373 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-373, heretofore issued to Harry Rosenbloom, be, and the same is hereby, declared cancelled effective November 1, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutson
Orlando R. Bradley
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31628)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ERV MALCOM, LIMON, COLORADO)
)
) PERMIT NO. C-4227
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Erv Malcom,

requesting that Permit No. C-4227 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-4227, heretofore issued to Erv Malcom, be,

and the same is hereby, declared cancelled effective October 6, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hardman
John C. Bell, Jr.
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1948.

ea

(Decision No. 31629)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY AND ANN LOUDEN, 75 SO. 10TH)
BRIGHTON, COLORADO)
) PERMIT NO. C-6420.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ray and Ann Louden, requesting that Permit No. C-6420 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-6420, heretofore issued to Ray and Ann Louden, be, and the same is hereby, declared cancelled effective November 17, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John C. Bell, Jr.
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31630)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
AGAPITA & O. C. CASIAS, 169 ELLSWORTH ST., SAN FRANCISCO, CALIFORNIA.) PERMIT NO. C-6801

December 10, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Agapita & O. C. Casias, requesting that Permit No. C-6801 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-6801, heretofore issued to Agapita & O. C. Casias, be, and the same is hereby, declared cancelled effective November 13, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John A. Carr
Joseph W. Hawkins
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31631)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EDGAR W. CHAFFIN, 10TH & STATE,)
PHILLIPSBURG, KANSAS.)
) PERMIT NO. C-14479.
)
)
- - - - - - - - - - - - - - - - - -

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Edgar W. Chaffin, requesting that Permit No. C-14479 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-14479, heretofore issued to Edgar W. Chaffin, be, and the same is hereby, declared cancelled effective November 2, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newland
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31632)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM R. CARMICKLE, 4920 QUITMAN STREET, DENVER 12, COLORADO) PERMIT NO. C-16424.

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from William Rl Carmickle,

requesting that Permit No. C-16424 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-16424, heretofore issued to William R. Carmickle, be,

and the same is hereby, declared cancelled effective October 19, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W Hawley
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1948.

ea

(Decision No. 31633)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. D. TALICH, LODGEPOLE, NEBR.)
)
) PERMIT NO. C-16790.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. D. Talich,

requesting that Permit No. C-16790 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-16790, heretofore issued to W. D. Talich, be,

and the same is hereby, declared cancelled effective October 8, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry Jr.

Joseph W Hawley

Commissioners

Dated at Denver, Colorado,

this 10th day of December, 194 8.

ea

(Decision No. 31634)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ORVILLE GRIFFIN WHOLESALE GROCERY)
501 E. FIRST STREET, TULSA,) PERMIT NO. C-17376.
OKLAHOMA.)
)
)

- - - - - - - - - - - - - - - - - -

- - - - - - - - - -

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Orville Griffin Wholesale Grocery, requesting that Permit No. C-17376 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-17376, heretofore issued to Orville Griffin Wholesale Grocery, be, and the same is hereby, declared cancelled effective October 14, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry.
Joseph W. Hawley.
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31635)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. E. SKINNER, BOX 47, CRAWFORD,)
COLORADO.)
) PERMIT NO. C-20553.
)
)
- - - - - - - - - - - - - - - - - -

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. E. Skinner, requesting that Permit No. C-20553 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20553, heretofore issued to W. E. Skinner, be, and the same is hereby, declared cancelled effective October 31, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John H. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31636)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL WOODROW WOOTEN, BOX 101,)
NORWOOD, COLORADO.)
) PERMIT NO. C-20871.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Carl Woodrow Wooten, requesting that Permit No. C-20871 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20871, heretofore issued to Carl Woodrow Wooten, be, and the same is hereby, declared cancelled effective October 2, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry.
Joseph W Hawley.
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 194 8.

ea

(Decision No. 31637)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE HESTER, 741 ASPEN ST.,)
GRAND JUNCTION, COLORADO.)
) PERMIT NO. C-21255.
)
)

December 10, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George Hester, requesting that Permit No. C-21255 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-21255, heretofore issued to George Hester, be, and the same is hereby, declared cancelled effective November 3, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31638)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
R. O. BURT, 510 - 3RD STREET,)
ALAMOSA, COLORADO.)
)
)
- - - - - - - - - - - - - - - - - -)

PERMIT NO. C-21344.

- - - - - - - - - - -

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. O. Burt,

requesting that Permit No. C-21344 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21344, heretofore issued to R. O. Burt, be,

and the same is hereby, declared cancelled effective October 19, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newland
John R. Barry.
Joseph W Hawley.
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31639)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID L. & TROY H. & DAVID W. &)
CLIFFORD W. PAINE, DOING BUSINESS) PERMIT NO. C-21906.
AS PAINE DISTRIBUTING COMPANY,)
2103 SO. FOX, ENGLEWOOD, COLORADO)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from David L. & Troy H. & David W. & Clifford W. Paine, d/b/a Paine Distributing Co., requesting that Permit No. C-21906 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21906, heretofore issued to David L. & Troy H. & David W. & Clifford W. Paine, d/b/a Paine Distributing Co., be, and the same is hereby, declared cancelled effective October 28, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newland

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1948.

ea

(Decision No. 31640)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MILLIKEN JOHNSTOWN TRUCK LINE, INC., JOHNSTOWN, COLORADO.) PERMIT NO. C-4026.

December 10, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Milliken Johnstown Truck Line, requesting that Permit No. C-4026 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-4026, heretofore issued to Milliken Johnstown Truck Line, be, and the same is hereby, declared cancelled effective October 25, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Bell
Joseph E. Mawby
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31641)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES W. CARNAHAN, DBA JAMES)
CARNAHAN COAL COMPANY, 1203)
DAYTON, AURORA 8, COLORADO.) PERMIT NO. C-2828.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James W. Carnahan, d/b/a James Carnahan Coal Company, requesting that Permit No. C-2828 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-2828, heretofore issued to James W. Carnahan, d/b/a James Carnahan Coal Company, be, and the same is hereby, declared cancelled effective November 17, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31642)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LEE TAGUE, SPRINGFIELD, COLORADO)
) PERMIT NO. C-2022.
)
)
- - - - - - - - - - - - - - - - - -

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lee Tague, requesting that Permit No. C-2022 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-2022, heretofore issued to Lee Tague, be, and the same is hereby, declared cancelled effective September 25, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Bell, Jr.
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31643)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. J. VAN DYKE, OVID, COLORADO)
)
) PERMIT NO. C-2845
)
)
- - - - - - - - - - - - - - - - - -

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from A. J. Van Dyke, requesting that Permit No. C-2845 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-2845, heretofore issued to A. J. Van Dyke, be, and the same is hereby, declared cancelled effective September 20, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948

ea

(Decision No. 31644)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HOMER DALE, 1101 NO. FIRST,)
GRAND JUNCTION, COLORADO.) PERMIT NO. C-3281
)
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Homer Dale, requesting that Permit No. C-3281 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-3281, heretofore issued to Homer Dale, be, and the same is hereby, declared cancelled effective October 19, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Randle C. Harlan
John R. Barry
Joseph W. Hawkins
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31645)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. O. BALLARD, DBA BOYS')
GROCERY & MARKET, SPRINGFIELD,) PERMIT NO. C-5021.
COLORADO.)
)
)

December 10, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. O. Ballard, d/b/a Boys' Grocery & Market, requesting that Permit No. C-5021 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-5021, heretofore issued to W. O. Ballard, d/b/a Boys' Grocery & Market, be, and the same is hereby, declared cancelled effective April 26, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry.
Joseph W. Hawley.
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31646)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GLEN SCRIBNER, 909 3RD AVENUE,)
LONGMONT, COLORADO)
) PERMIT NO. C-12294
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Glen Scribner, requesting that Permit No. C-12294 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-12294, heretofore issued to Glen Scribner, be, and the same is hereby, declared cancelled effective October 5, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31647)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT L. BOWER, DBA W. J. BOWER)
& SON, GOODLAND, KANSAS) PERMIT NO. C-15431.
)
)

December 10, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert L. Bower, d/b/a W. J. Bower & Son, requesting that Permit No. C-15431 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-15431, heretofore issued to Robert L. Bower, d/b/a W. J. Bower & Son, be, and the same is hereby, declared cancelled effective October 23, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31648)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ART CARNAHAN, 1203 DAYTON,)
AURORA 8, COLORADO.)
) PERMIT NO. C-15761.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Art Carnahan, requesting that Permit No. C-15761 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-15761, heretofore issued to Art Carnahan, be, and the same is hereby, declared cancelled effective November 15, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31649)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK M. PERRY, BOX 64,)
LA VETA, COLORADO.) PERMIT NO. C-16353.
)
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank M. Perry, requesting that Permit No. C-16353 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-16353, heretofore issued to Frank M. Perry, be, and the same is hereby, declared cancelled effective September 21, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newland
John C. Bell, Jr.
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31650)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
STEWART E. DODGE, 1845 SO.)
JOSEPHINE, DENVER 10, COLORADO.)
) PERMIT NO. C-17186.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Stewart E. Dodge, requesting that Permit No. C-17186 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-17186, heretofore issued to Stewart E. Dodge, be, and the same is hereby, declared cancelled effective October 4, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry.
Joseph W Hanley.
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948

ea

(Decision No. 31651)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
TONY CASIAS, 1127 ROBINSON,)
TRINIDAD, COLORADO.) PERMIT NO. C-17417.
)
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Tony Casias, requesting that Permit No. C-17417 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-17417, heretofore issued to Tony Casias, be, and the same is hereby, declared cancelled effective October 1, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Nolon
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31652)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HUGH O. PAXTON, THOMPSON, UTAH.)
) PERMIT NO. C-18029.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Hugh O. Paxton, requesting that Permit No. C-18029 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-18029, heretofore issued to Hugh O. Paxton, be, and the same is hereby, declared cancelled effective November 17, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31653)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SAM B. MEDFORD, 924 FIFTH AVENUE," DURANGO, COLORADO, FOR AUTHORITY TO ADD TO THE NUMBER OF HIS CUSTOMERS SERVED UNDER PERMIT NO. B-3926.	APPLICATION NO. 9699-PP EXTENSION

December 4, 1948

S T A T E M E N T

By the Commission:

By Decision No. 31093, of date August 25, 1948, Sam B. Medford was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> logs and rough lumber between points within a radius of fifty miles of Durango, Colorado, for La Plata Box Company, only,

said operating rights being designated "Permit No. B-3926."

By the instant application, said permit-holder seeks authority to add "Blackmore Bros., Durango, Colorado," and J. C. Weidman, Durango, Colorado," to the list of customers he is authorized to serve under said permit.

It does not appear from the files and records of the Commission that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as said files disclose, who would desire to be heard in opposition to the granting of the authority sought.

Therefore, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Sam B. Medford, Durango, Colorado, be, and he hereby is, authorized to add to the number of customers he is now authorized to serve under Permit No. B-3926 the following:

Blackmore Bros., Durango, Colorado,
J. C. Weidman, Durango, Colorado.

That interstate service performed under Permit No. B-3926 shall be subject to the provisions of the Federal Motor Carrier Act of 1935.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 4th day of December, 1948

EHC

(Decision No. 31654)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JAMES O. CLAYCOMB, JR., GENERAL DELIVERY, LA SALLE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9214-PP AMENDED

December 4, 1948

Appearances: Joseph E. Newman, Esq., Denver, Colorado, for applicant;
Harold D. Torgan, Esq., Denver, Colorado, for Duffy Storage and Moving Company.

S T A T E M E N T

By the Commission:

On May 12, 1948, applicant herein filed application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of buildings, including box cars, to be used for storage of grain, between points within Weld County, Colorado, mainly in the vicinity of Greeley and the west one-half of Weld County, from Denver, Colorado, and vicinity, to the aforementioned area.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, and there taken under advisement, on October 20, 1948.

At the hearing held on above date, James O. Claycomb, Jr., applicant herein, testified that he lives at LaSalle, Colorado; is the owner of a one and one-half-ton truck with two trailers; that he has chains, jacks, blocks, and other necessary equipment used in moving buildings; that he desires to perform this service in the Greeley area, and most of the service he will perform will be for farmers residing in the area and for the Western Realty Company.

Protestants withdrew their protests to the granting of the authority sought, provided applicant would limit his territory to that part of

Weld County lying north of Platteville and north of Highway No. 66, running from Platteville west to the Weld County Boundary Line,and eastward on a line which would be projected to Wiggins, and excluding Highway No. 6, running from Denver to Wiggins, permitting applicant to move box cars from Denver area to points in Weld County as above described, to which applicant agreed.

F I N D I N G S

In view of the above agreement between applicant and protestants, and upon the record as made, and after a careful consideration thereof, the Commission is of the opinion, and finds, that it did not appear from the evidence, as limited by agreement between applicant and protestants, that the granting of said permit will impair the efficiency of existing adequate common carrier motor vehicle services now operating in the area sought to be served by applicant, and that said permit should issue.

O R D E R

THE COMMISSION ORDERS:

That James O. Claycomb, Jr., LaSalle, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of buildings in that portion of Weld County lying north of Platteville, being north of Highway No. 6 in Weld County, and Highway No. 66, projected east to Wiggins, Colorado, and box cars from the Denver area to the above-described part of Weld County, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John M. Barry

Joseph T. Macaluso

Commissioners

DATED at Denver, Colorado,
this 4th day of December, 1948.

EHC

Original.

(Decision No. 31655)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LUCILLE TOLBERT, YUMA, COLORADO, TO TRANSFER PERMIT NO. B-821 TO HAROLD GUECK, DAILEY, COLORADO.	APPLICATION NO. 9608-PP TRANSFER

December 4, 1948

Appearances: Jones and Stauffer, Esqs., Denver, Colorado, for applicants;
T. A. Stockton, Jr., Esq., Denver, Colorado, for A. C. Ginter, Thompson and Jones, J. H. Hellbusch, William Blankenbeckler, John L. Hartway, William Schiermeyer, Lanear Frank;
Myron H. Burnett, Esq., Denver, Colorado, for Northeastern Motor Freight.

S T A T E M E N T

By the Commission:

On August 30, 1934, Private Carrier Permit No. B-821 was issued to Douglas G. Cressey, of Avondale, Colorado, which authorizes transportation of:

freight between points in the State of Colorado.

By Decision No. 9879, W. G. Cressey was authorized by this Commission to transfer said Permit No. B-821 to Lucille Tolbert, doing business as "Tolbert Truck Line," who now seeks authority to transfer said operating rights to Harold Gueck, Dailey, Colorado.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, October 22, 1948, and there taken under advisement.

The evidence disclosed that said operation is free and clear of liens; that there is no outstanding indebtedness; that the consideration for purchase of said permit is the sum of Six Thousand Dollars ($6,000.00), payable $2500.00 in cash, the balance of $3500.00 to be paid in installments of a minimum of $500.00 per each six-months period.

It further appeared that transferee is well qualified, financially and through experience, to immediately commence operations under said permit, and that ton-mile tax deposit is to be transferred to account of transferee.

Several common carriers appeared protesting the granting of the authority sought, stating that the permit had been abandoned by non-use.

FINDINGS

After careful examination of the testimony offered at the hearing, and an examination of the ton-mile tax reports filed with the Commission, it does not appear to the Commission that the above permit was abandoned; and that said application for authority to transfer should be granted.

ORDER

THE COMMISSION ORDERS:

That Lucille Tolbert, doing business as "Tolbert Truck Line," Yuma, Colorado, be, and she hereby is, authorized to transfer all her right, title, and interest in and to Permit No. B-821 to Harold Gueck, Dailey, Colorado, said transferor to secure payment of balance of purchase price by chattel mortgage on said permit, as more particularly set forth in Exhibit 1, being contract of sale, and Exhibit 2, being copy of the purported mortgage.

That the right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of this Commission, and the prior filing by transferor of delinquent reports, if any, covering her operations under said permit up to the time of transfer thereof, and the payment by her, or by transferee, of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor be transferred to account of transferee.

That this order be made a part of the permit authorized to be transferred and become effective twenty days from date.

DATED at Denver, Colorado,
this 4th day of December, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Horton

John P. Barry

Commissioners

(Decision No. 31656)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
O. W. DAVIS, 221 BROSS STREET,)
LONGMONT, COLORADO.)
) PERMIT NO. C-18659.
)
)
- - - - - - - - - - - - - - - - - -

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from

O. W. Davis,

requesting that Permit No. C-18659 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-18659, heretofore issued to

O. W. Davis, be,

and the same is hereby, declared cancelled effective August 29, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry.
Joseph W. Hanley.
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.
ea

(Decision No. 31657)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. C. & CARL HOLDER, RT. 1,)
BOX 177, CANON CITY, COLORADO)
) PERMIT NO. C-18804.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. C. & Carl Holder, requesting that Permit No. C-18804 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-18804, heretofore issued to W. C. & Carl Holder, be, and the same is hereby, declared cancelled effective January 31, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Rowan
John K. Barry.
Joseph W. Hawley.

Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31658)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LA JUNTA CONCRETE PRODUCTS CO.,)
600 WEST 5th STREET, LA JUNTA,) PERMIT NO. C-19531.
COLORADO.)
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from La Junta Concrete Products Co., requesting that Permit No. C-19531 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-19531, heretofore issued to La Junta Concrete Products Co., be, and the same is hereby, declared cancelled effective September 14, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry
Joseph E. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31659)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ELMER SHIELDS, CORTEZ, COLORADO)
)
) PERMIT NO. C-20018
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Elmer Shields, requesting that Permit No. C-20018 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20018, heretofore issued to Elmer Shields, be, and the same is hereby, declared cancelled effective October 21, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31660)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES R. COTTON, 660 SANTA FE)
DRIVE, DENVER 4, COLORADO.) PERMIT NO. C-20061
)
)
)

December 10, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles R. Cotton, requesting that Permit No. C-20061 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-20061, heretofore issued to C harles R. Cotton, be, and the same is hereby, declared cancelled effective January 1, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry.
Joseph W Hawley.
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31661)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
RAY TOMPKINS & JOE SANTANGELO,)
DBA DELTA WHOLESALE GROCERY CO.,) PERMIT NO. C-20204.
DELTA, COLORADO.)
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ray Tompkins & Joe Santangelo, d/b/a Delta Wholesale Grocery Co., requesting that Permit No. C-20204 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20204, heretofore issued to Ray Tompkins & Joe Santangelo, d/b/a Delta Wholesale Grocery Co., be, and the same is hereby, declared cancelled effective June 5, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton
John C. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31662)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HARRY V. WILLIAMS, WATHENA,)
KANSAS.)
) PERMIT NO. C-20230.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Harry V. Williams, requesting that Permit No. C-20230 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20230, heretofore issued to Harry V. Williams, be, and the same is hereby, declared cancelled effective November 17, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry.
Joseph W. Hawley.
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31663)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS CHAVEZ, PO BOX 304,)
WALSENBURG, COLORADO.) PERMIT NO. C-20365
)
)
)

December 10, 1948

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Thomas Chavez, requesting that Permit No. C-20365 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-20365, heretofore issued to Thomas Chavez, be, and the same is hereby, declared cancelled effective October 1, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Berry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31664)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
L. F. EHNES, DBA EHNES AUTO)
SUPPLY, SIMLA, COLORADO.)
) PERMIT NO. C-20413.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. F. Ehnes, d/b/a Ehnes Auto Supply, requesting that Permit No. C-20413 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20413, heretofore issued to L. F. Ehnes, d/b/a Ehnes Auto Supply, be, and the same is hereby, declared cancelled effective October 2, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Morlon
John C. Bracy
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31665)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
TOMAS C. GARCIA, RT 1, BOX 1238,)
FLORIN, CALIFORNIA.) PERMIT NO. C-20518
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Tomas C. Garcia, requesting that Permit No. C-20518 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20518, heretofore issued to Tomas C. Garcia, be, and the same is hereby, declared cancelled effective October 9, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry.
Joseph W. Hawley.
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31667)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LAWRENCE HURST GRAHAM, c/o JESS)
TRAILER CAMP, GREELEY, COLORADO.)
) PERMIT NO. C-20845
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lawrence Hurst Graham,

requesting that Permit No. C-20845 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20845, heretofore issued to Lawrence Hurst Graham, be,

and the same is hereby, declared cancelled effective November 4, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1948.

ea

(Decision No. 31668)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
L. CARL BROOKSHIRE, STEAMBOAT)
SPRINGS, COLORADO.)
) PERMIT NO. C-20951.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from L. Carl Brookshire, requesting that Permit No. C-20951 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20951, heretofore issued to L. Carl Brookshire, be, and the same is hereby, declared cancelled effective October 4, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry.
Joseph W. Hawley.
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31669)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
NICK A. TATE, DBA BROOK CANON)
COAL COMPANY, 1100 MAIN STREET,)
CANON CITY, COLORADO.) PERMIT NO. C-21002.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Nick A. Tate, d/b/a Brook Canon Coal Company, requesting that Permit No. C-21002 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21002, heretofore issued to Nick A. Tate, d/b/a Brook Canon Coal Co., be, and the same is hereby, declared cancelled effective October 5, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry.
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31670)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD W. PAGE, RT 6, BOX 485-B)
DENVER 14, COLORADO.)
) PERMIT NO. C-21053.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Floyd W. Page, requesting that Permit No. C-21053 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21053, heretofore issued to Floyd W. Page, be, and the same is hereby, declared cancelled effective October 21, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31671)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LEE FRANKLIN, KANORADO, KANSAS.)
)
) PERMIT NO. C-21114.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Lee Franklin, requesting that Permit No. C-21114 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21114, heretofore issued to Lee Franklin, be, and the same is hereby, declared cancelled effective October 11, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton
John C. Barry.
Joseph W. Hawley.
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31672)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RALPH C. RUTTER, RT. 1,)
BELTON, MO.)
) PERMIT NO. C-21199.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ralph C. Rutter, requesting that Permit No. C-21199 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21199, heretofore issued to Ralph C. Rutter, be, and the same is hereby, declared cancelled effective September 27, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hurtt
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31673)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CRUTCHER -ROLFS-CUMMINGS, INC.,)
612 NIELS ESPERSON BUILDING,)
HOUSTON, TEXAS.) PERMIT NO. C-21293.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Crutcher-Rolfs-Cummings, Inc., requesting that Permit No. C-21293 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21293, heretofore issued to Crutcher-Rolfs-Cummings, Inc., be, and the same is hereby, declared cancelled effective October 12, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31674)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PAUL J. BECKER, 1921 SHERMAN,)
DENVER 5, COLORADO.)
) PERMIT NO. C-21381.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Paul J. Becker, requesting that Permit No. C-21381 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21381, heretofore issued to Paul J. Becker, be, and the same is hereby, declared cancelled effective September 1, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoban
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31675)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT L. WILCOX & NEIL HARTMAN)
DBA NORTHERN HAY & FEED CO.,)
MASONVILLE RT., LOVELAND, COLO,)
)
)

PERMIT NO. C-21661.

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robert L. Wilcox & Neil Hartman, d/b/a Northern Hay & Feed Co., requesting that Permit No. C-21661 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21661, heretofore issued to Robert L. Wilcox & Neil Hartman, d/b/a Northern Hay & Feed Co., be, and the same is hereby, declared cancelled effective October 18, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948.

ea

(Decision No. 31676)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES V. RUGGIERI, DBA JAYBEE)
DISTRIBUTING CO., 409 SAN JUAN)
ST., APT.#8, LA JUNTA, COLORADO) PERMIT NO. C-21774.
)
)

December 10, 1948

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James V. Ruggieri, d/b/a Jaybee Distributing Co., requesting that Permit No. C-21774 be cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-21774, heretofore issued to James V. Ruggieri, d/b/a Jaybee Distributing Co., be, and the same is hereby, declared cancelled effective October 1, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 10th day of December, 1948

ea

(Decision No. 31677)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF M. B. NORTON, DOING BUSINESS AS "THE JOES BLACKSMITH SHOP," JOES, COLORADO, FOR AUTHORITY TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO ARVIL AXSOM, JOES, COLORADO.	APPLICATION NO. 9561 TRANSFER

December 4, 1948

Appearances: M. B. Norton, Joes, Colorado, pro se;
Arvil Axsom, Joes, Colorado, pro se.

S T A T E M E N T

By the Commission:

On September 10, 1948, application was filed for authority to transfer certificate of public convenience and necessity authorizing the furnishing of electrical energy for lighting, heating, and power purposes to commercial, industrial, and domestic users within the territory described as: Within the unincorporated Town of Joes, Colorado, and territory adjoining described as: Sections 5 and 6, Township 5-South, Sections 31 and 32, Township 4-South, Range 47-West, 6th P. M., and Section 1, Township 5-South, and Section 36, Township 4-South, Range 48-West, 6th P. M., from M. B. Norton, doing business as "The Joes Blacksmith Shop," Joes, Colorado, to Arvil Axsom, Joes, Colorado.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on October 8, 1948, and there taken under advisement.

The evidence disclosed that the electric lighting plant of M. B. Norton has failed, and he is unable to replace the plant, and, as a result of failure, he will be compelled to discontinue service; that he has

contacted Mr. Arvil Axsom, of Joes, Colorado, who desires to take over the operation; that he has purchased lines, meters, etc. Mr. Axsom has secured a 10-KW belt-driven generator, which he will use until he can obtain new equipment which he has presently under order.

It appears to the Commission that it is in the interest of the public that M. B. Norton be permitted to transfer his certificate of public convenience and necessity, together with his usable equipment.

F I N D I N G S

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

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the transfer and sale by M. B. Norton, doing business as "The Joes Blacksmith Shop," Joes, Colorado, to Arvil Axsom, Joes, Colorado, of the certificate of public convenience and necessity authorizing the furnishing of electrical energy for lighting, heating, and power purposes by him to commercial, industrial, and domestic users in the territory described in the Statement preceding, which by reference is made a part hereof, for the consideration arrived at between the parties, subject to the following restrictions:

That, upon completion and consummation of transfer herein authorized, transferee shall take over and acquire all right and privileges of M. B. Norton, doing business as "The Joes Blacksmith Shop," under said certificate, and shall furnish service -- that is, the sale of electrical energy -- to the area covered by this certificate of public convenience and necessity.

That transferee shall file rate schedules, rules, and regulations, or formally adopt rate schedules, rules, and regulations of transferor.

That transferee shall set up books and accounts and bring all practices as to testing, consumers' deposits, and operations, records of meters, transformers, and complaints, into compliance with the Commission's requirements, within thirty (30) days after the consummation of said transfer.

That this order shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Carlson

John P. Barry

Commissioners

DATED at Denver, Colorado,
this 4th day of December, 1948.

EHC

(Decision No. 31678)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE SHANTEAU AND E. E. HEROD, DOING BUSINESS AS "SHANTEAU AND HEROD," ELBERT, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS PRIVATE CARRIERS BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9072-PP

December 6, 1948

Appearances: George Shanteau, Elbert, Colorado, pro se;
E. E. Herod, Elbert, Colorado, pro se;
Myron H. Burnett, Esq., Denver, Colorado, for Elbert County Transfer, Forrest Woodard, Lavelett Truck Service, G. O. Anderson, Yale Chapin.

S T A T E M E N T

By the Commission:

On February 6, 1948, applicants herein filed application for a Class "B" permit to operate as private carriers by motor vehicle for hire for the transportation of livestock and farm produce, between points within a twenty-mile radius of Elbert, Colorado, and from and to said area, to and from other points in the State of Colorado; farm machinery and equipment and coal from points in the State of Colorado to points in said twenty-mile radius of Elbert, Colorado.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, and there taken under advisement.

At the hearing, the evidence disclosed that applicants are the owners of a 1947 Ford Tractor and Trailer, and the combined assets of the partnership are approximately $60,000.00.

Fred Steffins, of Bennett, Colorado, stated he feels the community needs the service of a carrier to haul farm produce, farm machinery, and livestock to the sales barn.

Jack Kissel, of Bennett, Colorado, complained about the service of Jessup and Woodard, stating that it takes a couple of days to get service in the hauling of his livestock, which he feels is an unreasonable delay.

Homer M. Jessup, who holds PUC No. 322, and operates under the name of "Elbert County Transfer," stated he had six pieces of equipment, and at present did not have sufficient business to keep his equipment busy; that, if business were taken away from his present operation, he would be forced to curtail service, which would necessitate selling part of his equipment, thereby impairing the service he is now offering.

Forrest Woodard, holder of PUC No. 459, G. Barnhill, holder of PUC No. 875, and Yale Chapin, who also holds a certificate of public convenience and necessity from this Commission, maintained that the present service is now adequate to take care of the needs of residents in the twenty-mile radius surrounding Elbert.

From the evidence, it appears to the Commission that the service of protestants is adequate, or can be made adequate under the direction of the Commission, and that the granting of permit to applicants would impair the efficiency of presently-authorized common carriers now serving the area sought to be served by applicants.

Rule 5 of our Rules and Regulations Governing Private Carriers for Hire by Motor Vehicle provides:

> "No application for authority to operate as a private carrier by motor vehicle in intrastate commerce or for authority to extend or enlarge an existing permit will be granted as a matter of course, nor will any such application be granted if the Commission shall be of the opinion, after hearing, that the proposed operation will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

F I N D I N G S

In view of the conclusions above reached, and inasmuch as the Commission is of the opinion that the presently-authorized service is

adequate, or can be made adequate, and that the granting of the application would impair common carrier service now authorized to serve, the Commission is of the opinion, and finds, that the application should be denied.

O R D E R

THE COMMISSION ORDERS:

That the instant application be, and the same hereby is, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 6th day of December, 1948.

EHC

(Decision No. 31679)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE COSTELLO MOTOR COMPANY, A CORPORATION, 2165 CURTIS STREET, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 9559

December 6, 1948

Appearances: Bernard B. Carraher, Esq., Denver, Colorado, for applicant;
Henry S. Sherman, Esq., Denver, Colorado, for Master Towing Service;
Worth Allen, Esq., Denver, Colorado, for Auto Dealers, Inc.;
Clarence Werthan, Esq., Denver, Colorado, for Ace Garage;
Gorsuch and Kirgis, Esqs., Denver, Colorado, for Campbell Garage;
Creamer and Creamer, Esqs., Denver, Colorado, for Harris Auto and Parts Company.

S T A T E M E N T

By the Commission:

On August 27, 1948, The Costello Motor Company, applicant herein, filed application for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for daily twenty-four-hour service in towing and otherwise transporting wrecked or otherwise disabled or stolen automotive vehicles for the transportation of passengers or freight from any point in the State of Colorado to Denver, Colorado, to or from any points within an air-line radius of one hundred miles of Denver, Colorado, to or from any other point within an air-line radius of one hundred miles of Denver, Colorado, and from any point within an air-line radius of one hundred miles of Denver, Colorado, to any other point in the State of Colorado.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, October 7, 1948, and, at the conclusion of

said hearing, was taken under advisement.

At the hearing, the evidence disclosed that applicant owns and operates the following described equipment, and it is applicant's plan to operate said equipment in the proposed towing service:

One 1936 Model 360 Diamond T 2½-ton truck
equipped with Holmes Heavy Duty Wrecker,

One 1947 Model 201 Diamond T 1-ton Truck,
equipped with Holmes Wrecker,

One 1948 Model 704 Diamond T 3-ton Truck,
equipped with Holmes Heavy Duty Wrecker.

James G. Costello, one of the officers of applicant corporation, stated his company had operated a towing service in conjunction with their other business; that he has many customers, including other garages, insurance companies, and line-haul common carriers that have used his service, and it is their desire that this company be certificated by this Commission.

The evidence disclosed that applicant company has special equipment, and has specialized in taking care of large trucks that have become disabled or wrecked on the road and operated by line-haul carriers operating in and through Colorado.

It further appears that applicant has ample equipment, has net worth of approximately $28,000.00, and is well qualified by experience to carry on the proposed operation.

The Commission, in Decision No. 30731, found that this Commission has jurisdiction of this type of operation.

No evidence was introduced protesting the granting of the proposed operation, and the Commission, after considering the evidence presented at the hearing, can see no good reason why the authority sought should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed service of applicant, a corporation, is that

of a common carrier by motor vehicle for hire in intrastate commerce, and as such is subject to the jurisdiction of this Commission; that public convenience and necessity require the proposed service of applicant; and that authority, as hereinafter limited, should be granted, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require, and will require, the proposed motor vehicle common carrier call and demand service of The Costello Motor Company, a corporation, Denver, Colorado, for the transportation and towing service of wrecked or otherwise disabled, repossessed, or stolen automotive (motor) vehicles, between points within a radius of one hundred miles of Denver, Colorado, and from and to points in said area, to and from 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.

That applicant shall file tariffs of rates, rules and regulations and distance schedules, as required by the rules and regulations of this Commission, within twenty days from date.

That applicant shall operate its carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy, or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of this Commission.

This order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 6th day of December, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

EHC

(Decision No. 31680)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF AUTO DEALERS, INC., A COLORADO CORPORATION, 505 WEST CEDAR AVENUE, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 9580

December 6, 1948

Appearances: Worth Allen, Esq., Denver, Colorado, for applicant;
Leonard M. Campbell, Denver, Colorado, for Campbell Garage;
Henry S. Sherman, Esq., Denver, Colorado, for Master Towing Service;
Bernard B. Carraher, Esq., Denver, Colorado, for The Costello Motor Company;
Creamer and Creamer, Esqs., Denver, Colorado, for Harris Auto & Parts Company;
Clarence Werthan, Esq., Denver, Colorado, for Ace Garage.

S T A T E M E N T

By the Commission:

On October 1, 1948, Auto Dealers, Inc., a Colorado corporation, filed its application for a certificate of public convenience and necessity, authorizing it to operate as a common carrier by motor vehicle (principally towing tru for hire, for the transportation of automobiles from point to point w n a radius of one hundred miles of the City and County of Denver, and between points in said area, and from all other points in the State of Colorado.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on October 21, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that applicant is a Colorado corporation, comprising some thirty-six new car dealers residing

within the City and County of Denver. Exhibit "A" is a financial statement of the applicant, and shows total assets in the amount of $204,091.25.

The equipment with which applicant would begin service consists of approximately twenty automobile units, now owned by the new car dealers in the City and County of Denver, who are stockholders of applicant corporation, and comprise the following:

One 1947 Dodge 1-ton Truck, equipped with Holmes Wrecker,

One 1941 Ford 1-ton Truck, equipped with Crane,

One 1947 2-ton Truck, equipped with Holmes Wrecker,

One 1947 2-ton Truck, equipped with Crane and Winch,

One 1937 Chevrolet 1½-ton Truck, equipped with Winch,

One 1947 Ford 1½-ton Truck equipped with Crane,

One 1946 Chevrolet 1½-ton Truck, equipped with Holmes Wrecker,

One 1947 Ford 1½-ton Truck, equipped with Crane.

The evidence further disclosed that applicant plans on operating twenty-four hours a day, and will specialize in serving the customers of the new-car dealers belonging to the corporation.

Mr. Edgar W. Rusk, one of the officers of the corporation, stated his company will only be interesting in towing, and would make no repairs, and their service in towing wrecked motor vehicles would be for hire.

James J. Marsh, one of the stockholders of the corporation and an automobile dealer, residing in Denver, testified concerning the need by dealers for applicant's proposed service. Witness stated that there was now only one, or possibly two, certificated carriers in the State, and, to take care of the towing required, it would take additional service. He stated that there should be sufficient carriers certificated to take care of all emergencies, inasmuch as efficient and available towing service should be available to remove wrecked vehicles from the road, as they are a hazard, and available equipment is needed as a safety measure.

Applicant had approximately one dozen public witnesses to testify as to the need for applicant's proposed service.

No testimony was introduced on behalf of protestants or interveners, so it appears to the Commission, from the record made in the instant application, that the authority sought should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed motor vehicle common carrier service of applicant, and that authority, as limited in the Order following, should issue, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require, and will require, the proposed motor vehicle common carrier call and demand service of Auto Dealers, Inc., Denver, Colorado, for the transportation and towing service of wrecked or otherwise disabled, repossessed, or stolen automotive (motor) vehicles, between points within a radius of one hundred miles of Denver, Colorado, and from and to points in said area, to and from 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.

That applicant shall file tariffs of rates, rules, and regulations and distance schedules, as required by the rules and regulations of this Commission, within twenty days from date.

That applicant shall operate its carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy, or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 6th day of December, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Hugh C. Watson

John R. Barry

Commissioners

EHC

(Decision No. 31681)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF A. J. HARRIS, DOING BUSINESS AS "HARRIS AUTO AND PARTS COMPANY," 1649 SOUTH BROADWAY, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	)	APPLICATION NO. 9558

December 6, 1948

Appearances: Creamer and Creamer, Esqs., Denver, Colorado, for applicant;
Henry S. Sherman, Esq., Denver, Colorado, for Masters Towing Service;
Worth Allen, Esq., Denver, Colorado, for Auto Dealers, Inc.;
Clarence Werthan, Esq., Denver, Colorado, for Ace Garage;
Bernard B. Carraher, Esq., Denver, Colorado, for Costello Motor Company;
Gorsuch and Kirgis, Esqs., Denver, Colorado, for Campbell Garage.

S T A T E M E N T

By the Commission:

On September 7, 1948, applicant, A. J. Harris, doing business a "Harris Auto and Parts Company," filed application for certificate of publi convenience and necessity to operate as a common carrier by motor vehicle for hire, to operate a daily twenty-four-hour service in towing and otherwise transporting wrecked or otherwise disabled or stolen automobiles for hire, between all points within the State of Colorado and the City and County of Denver, Colorado, and between and among points outside the City and County of Denver.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on October 7, 1948, and, at the conclusion of said hearing, was taken under advisement.

At the hearing, the evidence disclosed that applicant owns and operates the following-described equipment, and it is his plan to operate said equipment in the proposed towing service:

(a) One 1946 Chevrolet Wrecker Truck, Motor No. DEA 307856, Manufacturer's No. 5 PVK 2502,

(b) One 1946 International Wrecker Tractor, 3-ton capacity, Model K8, Motor No. RED 450-13975, Manufacturer's No. K8-3723,

(c) One 1941 Chevrolet Wrecker Truck, Motor No. AG 476854, Manufacturer's No. 5 YR 02-5907,

(d) One 1938 Ford Wrecker Truck, Motor No. 18-4506054, Manufacturer's Number being the same as the Motor Number on this make of truck,

(e) One Keystone Semi-Trailer, 1938 Model, Manufacturer's No. 9385.

A. J. Harris, the owner and operator of Harris Auto and Parts Company, stated that he has maintained a towing service for several years in conjunction with other business, and he estimates that twenty-five per cent of his towing work on the highways is for-hire service; that he has performed this service for insurance companies, individuals requesting service, and Denver garages; that he has numerous requests for service in the territory surrounding Denver, and, on several occasions has been requested to go to distant parts of the State.

D. J. Campbell, an insurance adjuster for the Hawkeye Casualty Company, with headquarters at Denver, Colorado, testified that he has used the services of applicant in towing wrecked and disabled cars; that he has found applicant's service satisfactory, and that, during the past year, he estimates his company has needed towing service for approximately one hundred fifty cars. Witness stated that, to properly take care of the wrecked cars on the road, it is necessary that they have qualified and well-equipped service to handle this need; that they have used applicant's service in the past and found it satisfactory, and that, in his judgment, applicant is well-qualified to furnish the proposed service.

J. F. Mills and Fred Henckel, insurance adjusters, corroborated the testimony of Witness Campbell as to the need for applicant's proposed service.

The Interstate Commerce Commission has held that a certificate of public convenience and necessity must be obtained by one engaged in indiscriminate for-hire towing service to comply with Part II of the Federal Motor Carrier Act. We have discussed this question in our Decision No. 30731 in detail, where we quoted from Corpus Juris as follows:

> "As commonly understood, one is transporting an article when he is conveying it from one place to another. 'Transporting' includes towing."

It appears to the Commission that the type of service asked for in the instant application is clearly within the jurisdiction of the Commission, and it also appears that service proposed by applicant is needed and in the public interest.

No evidence was introduced protesting the granting of the proposed application, and the Commission can see no good reason why authority should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed service of applicant is that of a common carrier by motor vehicle for hire in intrastate commerce, and, as such, is subject to the jurisdiction of this Commission.

That public convenience and necessity require the proposed service of applicants, and that authority, as hereinafter limited, should be granted, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require, and will require, the proposed motor vehicle common carrier call and demand service of A. J. Harris, doing business as "Harris Auto and Parts Company," 1649 South Broadway, Denver, Colorado, for the transportation and towing of wrecked or otherwise disabled, repossessed, or

Harris

stolen automotive (motor) vehicles between points within a radius of one hundred miles of Denver, Colorado, and from and to points in said radius to and from 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.

That applicant shall file tariffs of rates, rules, and regulations, and distance schedules, as required by the rules and regulations of this Commission, within twenty days from date.

That applicant shall operate his carrier system in accordance with the order of the Commission, except when prevented by Act of God, the public enemy, or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 6th day of December, 1948.

(Decision No. 31682)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE CAMPBELL GARAGE CO., A CORPORATION, 1000 EAST ELEVENTH AVENUE, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 9576

December 6, 1948

Appearances: Gorsuch and Kirgis, Esqs., Denver, Colorado, and Leonard M. Campbell, Esq., Denver, Colorado, for applicant;
Henry S. Sherman, Esq., Denver, Colorado, for Master Towing Service;
Worth Allen, Esq., Denver, Colorado, for Auto Dealers, Inc.;
Bernard B. Carraher, Esq., Denver, Colorado, for Costello Motor Service;
Clarence Werthan, Esq., Denver, Colorado, for Ace Garage;
Creamer and Creamer, Esqs., Denver, Colorado, for Harris Auto and Parts Company.

S T A T E M E N T

By the Commission:

On September 23, 1948, The Campbell Garage Co., applicant herein, filed its application for a certificate of public convenience and necessity for daily twenty-four-hour service in towing, and otherwise transporting, wrecked, or otherwise disabled, repossessed, or stolen automotive vehicles, between the points and within the area described as follows: From any point in the State of Colorado to Denver, Colorado, to or from any point within an airline radius of one hundred miles of Denver, Colorado, to or from any other point within an airline radius of one hundred of Denver, Colorado, and from any point within an airline radius of one hundred miles of Denver to any other point in Colorado.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, October 27, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that applicant owns and operates the following-described equipment:

1942 Chevrolet Wrecker Truck, Colorado License No. 1T-4242, 1½-ton rated capacity, Motor No. BA598638,

1941 Diamond T Wrecker Truck, Colorado License No. 1T-4244, 1½-ton rated capacity, Motor No. C959567,

1946 Studebaker Wrecker Truck, Colorado License No. 1T-4241, 1½-ton rated capacity, Motor No. 3M14205,

1946 Dodge Wrecker Truck, Colorado License No. 1T-4240, 1½-ton rated capacity, Motor No. 81351889,

and it is applicant's plan to operate said equipment in the proposed towing service.

It appears that applicant's financial condition is satisfactory, and that applicant will add additional equipment if public convenience and necessity demand.

The evidence further discloses that Campbell Garage is a family corporation. Copy of Articles of Incorporation is filed with the Commission and marked "Exhibit 7."

The officers and stockholders of the above corporation are as follows:

J. J. Campbell,
Rita S. Campbell,
Joe S. Campbell,
R. J. Campbell.

Total assets, as disclosed by "Exhibit 4," is in the sum of $38,554.79.

Raymond J. Campbell, one of the officers of the corporation and in charge of towing service in the past, stated that the corporation had been taking care of this type of business for a number of years. He estimated they used ten employees in towing service, and made from eighty to one hundred calls per month. He stated that towing operations con-

sisted of about twenty-five per cent of total business.

John J. Campbell, Vice President of the corporation, corroborated the testimony of Raymond J. Campbell, and, in addition, stated they used factory-made equipment, and at present had a large investment in equipment, and specialized in heavy-duty towing service.

Applicant produced several public witnesses who testified as to the need of applicant's proposed service, among whom were James Goff, Fred Bailey, John E. Good, and Robert Barlow. These witnesses were the proprietors of other garages who use applicant's service, or were representatives of insurance companies who had used, or would use, applicant's service.

Mr. Adell, of Master Towing Service, stated that he held a certificate of public convenience and necessity authorizing towing service in the Denver area and to other parts of the State of Colorado. He stated he was not presently keeping his equipment busy, and indicated that customers were not using his service. He attributed this to the fact that he had posted rates and was certified by this Commission. He felt that there was a limit to the number of authorities for towing that should be granted in the Denver area, and felt that three or four certificated carriers were sufficient to take care of the public need.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed service of applicant, and that authority, as hereinafter limited, should be granted, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require, and will require, the proposed motor vehicle common carrier call and demand service of The Campbell Garage, a corporation, Denver, Colo-

rado, for the transportation and towing of wrecked or otherwise disabled, repossessed, or stolen automotive (motor vehicles) equipment, between points within a radius of one hundred miles of Denver, Colorado, and from and to points in said area, to and from 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.

That applicant shall file tariffs of rates, rules, and regulations, and distance schedules, as required by the rules and regulations of this Commission, within twenty days from date.

That applicant shall operate its carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 6th day of December, 1948.

EHC

(Decision No. 31683)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JOSEPH G. SHABOUH AND FRANK S. SNELL, JR., CO-PARTNERS, DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF "PIKES PEAK AUTO LIVERY," TO TRANSFER TO GEORGE B. McCLANAHAN AND VIRGINIA KLING, CO-PARTNERS, DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF "PIKES PEAK AUTO LIVERY OF DENVER," THE CERTIFICATES OF CONVENIENCE AND NECESSITY HERETOFORE ISSUED IN APPLICATIONS NOS. 885, 577, 1634, 1634-B, 555, 577AB and 552.	APPLICATION NO. 9401-Transfer.

December 7, 1948

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado,
for applicants.

S T A T E M E N T

By the Commission:

The Commission is informed that applicants desire to dismiss the instant application. The Commission can see no good reason why said request should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That the instant application be, and the same hereby is, dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of December, 1948.

ea

(Decision No. 31684)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES ROBBINS, ESTES PARK, COLORADO, TO TRANSFER PUC NO. 253 TO J. M. WALTON, BOX 1172, ESTES PARK, COLORADO.	APPLICATION NO. 7713 Transfer and Reinstate.

December 7, 1948

Appearances: Charles Robbins, Estes Park, Colorado, pro se;
J. M. Walton, Estes Park, Colorado, pro se;
Hodges, Vidal and Goree, Esqs., Denver, Colorado, for Rocky Mountain Motor Company.

S T A T E M E N T

By the Commission:

On September 6, 1946, petition was filed to reinstate Certificate of Public Convenience and Necessity No. PUC-253, and transfer same to J. M. Walton, Box 1172, Estes Park, Colorado.

The matter was set for hearing, and heard, on September 20, 1946, at 330 State Office Building, Denver, Colorado, and there taken under advisement.

At the hearing, evidence was presented which indicates that Certificate No. 253 was suspended and applicant is now asking that said certificate be reinstated, and after reinstatement that said certificate be transferred to J. M. Walton, of Estes Park, Colorado.

Protest was made by Rocky Mountain Motor Company whereby it was contended that said certificate should not be reinstated for the reason that said protestant company was giving adequate service, and that said certificate has been abandoned. Protestants also ask that passenger-mile reports of said operation be made a part of the record.

The Commission has considered the record and it does not appear to us, from an examination of said record, that said certificate should be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That Application No. 7713 should be denied.

O R D E R

THE COMMISSION ORDERS:

That Application No. 7713 be, and the same is hereby, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 7th day of December, 1948.

ea

(Decision No. 31685)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. T. WALKER, DOING BUSINESS AS "WALKER'S TRUCKING SERVICE," DEL NORTE, COLORADO, FOR APPROVAL OF ENCUMBRANCE OF OPERATING RIGHTS TO RECONSTRUCTION FINANCE CORPORATION.	)	PUC NOS. 1251, 1251-I.

December 7, 1948

S T A T E M E N T

By the Commission:

E. T. Walker, doing business as "Walker's Trucking Service," Del Norte, Colorado, owner and operator of PUC Nos. 1251 and 1251-I, herein seeks an order authorizing and approving the placing of an encumbrance on his certificate of public convenience and necessity, said mortgage being from E. T. Walker to Reconstruction Finance Corporation.

It appears that, heretofore, permission was given by this Commission to mortgage said certificate to Richard E. Conour and Elizabeth A. Conour (See Decision No. 26368), and that they, on July 28, 1947, assigned their mortgage to Reconstruction Finance Corporation, and that said mortgage has been released; that E. T. Walker, on November 5, 1948, executed chattel mortgage as security for a new loan from Reconstruction Finance Corporation, and now asks the Commission for an order authorizing the placing of an encumbrance on the above-numbered certificate, together with certain operating equipment, in the amount of Nineteen Thousand Dollars ($19,000.00).

F I N D I N G S

It appears from said application that no useful purpose would be served by setting said matter for formal hearing, and that said authority should be granted, and the Commission so finds.

O R D E R

THE COMMISSION ORDERS:

That E. T. Walker, doing business as "Walker's Trucking Service," Del Norte, Colorado, be, and he hereby is, authorized to mortgage his

operating rights known as "PUC No. 1251, 1251-I," to Reconstruction Finance Corporation, to secure payment of Nineteen Thousand Dollars ($19,000.00), and interest, as provided in Agreement of Mortgage, copy of which has been filed herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Horton

John R. Barry

Joseph T. O'Hearley
Commissioners.

Dated at Denver, Colorado,
this 7th day of December, 1948.

ea

(Decision No. 31686)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. H. HUTT, HAXTUN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 9657-PP.

December 7, 1948

S T A T E M E N T

By the Commission:

On August 31, 1948, the above-styled applicant filed application for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock from farm to salesring in Haxtun, and from salesring in Haxtun to said farms, all within a radius of twenty miles of Haxtun, Colorado, limited to a load not to exceed ten head, and limited to service to farmers in said area.

Said application, pursuant to appropriate notice to all parties in interest, was set for hearing in Sterling, Colorado, November 22, 1948.

The Commission is now in receipt of a communication from said applicant, as follows:

"Please cancel this application for this permit.

/s/ E H Hutt"

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoban

John R. Barry

Commissioners.

Dated at Denver, Colorado,
this 7th day of December, 1948.

(Decision No. 31687)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF AUGUST DEEPE, DOING BUSINESS AS CHERRY CREEK TELEPHONE COMPANY, PARKER, COLORADO, TO TRANSFER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY RENDERED IN APPLICATION NO. 7868.	APPLICATION NO. 9707 TRANSFER

December 8, 1948

S T A T E M E N T

By the Commission:

This is a joint application of August Deepe, doing business as Cherry Creek Telephone Company, to transfer the certificate of public convenience and necessity granted in Application No. 7868, Decision No. 26816, to Elvin R. Addison and Helen M. Addison, co-partners, doing business as Cherry Creek Telephone Company, the certificate covering the following described territory, to-wit:

> All of Township Six (6) South and all of Township Seven (7) South, Range Sixty-five (65) West of the Sixth (6th) Principal Meridian; all of Township Six (6) South, and Sections One (1) to Sixteen (16, inclusive, and Section Twenty-four (24), in Township Seven (7) South, Range Sixty-six (66) West of the Sixth (6th) Principal Meridian; all of Township Six (6) South except Sections Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), and Thirty-three (33), Range Sixty-seven (67), West of the Sixth Principal Meridian.

Inasmuch as the files of the Commission do not indicate that there is anyone who would desire to be heard in opposition to the granting of the authority sought, the Commission has determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

The record discloses that Elvin R. Addison and Helen M. Addison, transferees, are financially responsible, and that Elvin R. Addison has had considerable experience in telephone work and is well fitted to carry on telephone service.

The record contains a deed of trust dated the first day of October, 1948, between Elvin R. Addison and Helen M. Addison, of Parker, Colorado, parties of the first part, and the Public Trustee of Douglas County, Colorado, party of the second part; said deed of trust securing a note in the amount of $6,000.00, payable to the order of August Deepe, Parker, Colorado, at the rate of five per cent (5%) per annum, payable in equal semi-annual installments of $400.00, the first installment to become due and payable on the first day of October, 1949, the transferor thus being suitably protected in the transaction.

The system has a present-day value of approximately $10,000.00. However, the fixing of this value, and its adoption by the Commission for the purpose of determining the fee for transfer of the certificate herein, would not preclude the Commission from adopting other valuation should the question of valuation arise in a rate hearing or any subsequent proceeding where the question of valuation may be an issue.

No objection to the transfer has been made to the Commission, and it appears that no other telephone utility is serving in the territory sought to be served by transferees.

F I N D I N G S

THE COMMISSION FINDS:

That the authority shought should be granted, and August Deepe, doing business as "Cherry Creek Telephone Company," should be authorized to transfer his right to furnish telephone service in the area described in the Statement preceding, to Elvin R. Addison and Helen M. Addison, doing business as "Cherry Creek Telephone Company," Parker, Colorado; said transferees to secure payment of the balance due on the purchase price by a promissory note, secured by deed of trust on said certificate and telephone installation.

O R D E R

THE COMMISSION ORDERS:

That August Deepe, doing business as "Cherry Creek Telephone Company," Parker, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to his certificate of public convenience and necessity to furnish telephone service in the territory described in the Statement preceding and made a part hereof, to Elvin R. Addison and Helen M. Addison, doing business as "Cherry Creek Telephone Company," said transferees to secure payment of the balance of purchase price by promissory note, secured by deed of trust on said certificate and telephone installation; that transferees be, and hereby are, authorized to extend their lines and system within said area as the need of the residents thereof may require.

Transferees shall adopt the rate schedules, rules, and regulations presently on file by transferor in accordance with the Commission's General Order No. 22, and set up their books and accounts in agreement with the Uniform Classification of Accounts, and bring all their practices into compliance with the Commission's requirements, within twenty days from date.

Failure of transferees to comply as above ordered shall nullify and automatically revoke, at the end of said period, the authorization herein granted, and subject to any further action or modification the Commission may order.

This order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 8th day of December, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Horton

Julia P. Barry

Joseph C. Greenlee

Commissioners

EHC

(Decision No. 31688)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SUBURBAN WATER AND SANITATION COMPANY, 402 MIDLAND SAVINGS BUILDING, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.) APPLICATION NO. 8770.

December 6, 1948

Appearances: Charles R. Enos, Esq., and
Berniece M. Buchler, Esq.,
Attorneys for applicant,
Midland Savings Building,
Denver 2, Colorado.

S T A T E M E N T

By the Commission:

Suburban Water and Sanitation Company by this application seeks a certificate of public convenience and necessity to construct, maintain, and operate a water system or systems, with the necessary pipe lines and pumping plant to serve residential buildings and other buildings situated upon all or part of the following described property in Arapahoe County, Colorado, to-wit:

> Formerly known as Tracts or Plots numbered 315 to 328, South Denver Gardens, but to be platted as a part of Mission Hills, First Filing, and other and additional filings or plats covering other portions of Mission Hills adjacent to the above-described land covering the following described tracts of land:
>
> The Northwest Quarter of the Southeast Quarter of the Southwest Quarter ($NW\frac{1}{4}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$) and the North Half of the Southwest Quarter of the Southwest Quarter ($N\frac{1}{2}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$), Section 13, Township 5 South, Range 68 West of the 6th P. M., the same as Tracts 297 to 302, inclusive, South Denver Gardens, and
>
> The North Half of the Northwest Quarter ($N\frac{1}{2}$ $NW\frac{1}{4}$) of Section 24, Township 5 South, Range 68 West of the 6th P. M., and
>
> Beginning 3168 feet N. of the SE corner of the $SW\frac{1}{4}$ of Section 24, Twp. 5 S., R. 68 W., on the North and South center line of Section 24, thence West to West line of Section 24, thence North 792 feet to the Northwest corner of the $S\frac{1}{2}$ of the $NW\frac{1}{4}$ of said Section 24, thence East to North and South center of Section 24, thence South 792 feet to point of beginning; also

Beginning 792 feet South of the NW corner of the South Half ($S\frac{1}{2}$) of the $NW\frac{1}{4}$ of Section 24, Twp. 5 S., R. 68 W., thence South 792 feet, thence East to North and South center line of Section 24, thence North 792 feet, thence West to point of beginning.

The matter was set for hearing, and after appropriate notice, was heard in Denver, Colorado, on October 21, 1947, and taken under advisement.

It appeared that applicant is a corporation organized, existing and doing business by virtue of the laws of the State of Colorado; that under its Articles of Incorporation it is authorized to perform service for which authority is herein sought; that a certified copy of the Articles or Certificate of Incorporation of the applicant is on file with the Commission.

That there are in the near future to be constructed on lots, plots, or tracts, in the area applied for, various homes or residences under authority of the Federal Housing Administration, and otherwise, which homes, when completed and ready for sale to veterans in accordance with existing priority regulations, and to the public generally, will be so sold.

There is no water system now being operated by or near the above tracts of land to serve the houses so to be constructed as aforesaid, except the one being constructed by the applicant, and that because of the type of said houses so to be constructed, and the fact that said houses are to be so numerous, and so to be located that it is not practical, sanitary, or safe for all of said houses to have individual wells for each respective house.

At the time of hearing it developed that prior thereto the Tri-County Regional Planning Commission advised this Commission that the Certificate of Public Convenience and Necessity to operate a domestic water system was desirable, and had their approval. The Board of County Commissioners of Arapahoe County, under date of October 27, 1947, consented to the granting of the certificate. An exhibit was presented, the evidence prepared by the Volk Drilling Company, University Building, Denver, Colorado, showing results of the test on a well of the applicant in South Denver Gardens, made on August 1, 1947; that in their opinion, the well, then at the depth of one hundred feet, would furnish one hundred gallons of water per minute. However, it was recommended, to assure that capacity over a period of years, that the well be put down to from one hundred fifty to two hundred feet.

F I N D I N G S

THE COMMISSION FINDS:

That the public convenience and necessity require the construction, maintenance, and operation of the water system with the necessary pipe lines and pumping plant to serve residential buildings and other buildings situated upon all or part of the area applied for, and that the certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity requires the construction, maintenance, and operation of a water system with the necessary pipe lines, and pumping plant to serve residential buildings and other buildings situated upon all or part of the area applied for, to serve residences and inhabitants of the area set forth in the Statement preceding, and made a part hereof; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That applicant shall file, within twenty days from the date hereof, schedules of rates and rules and regulations governing its operations hereunder, to become effective after thirty days' notice to the Commission and the public.

That applicant shall set up, establish, and keep its accounts in accordance with the Uniform System of Accounts for Water Utilities, adopted by this Commission effective January 1, 1916, and revised to April 1, 1920, and any amendments thereto.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoyt

John P. Barry

Joseph C. Brooker

Commissioners.

Dated at Denver, Colorado,
this 6th day of December, 1948.

ea

(Decision No. 31689)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. J. NEWHOUSER AND LYDIA NEWHOUSER,)
DOING BUSINESS AS "SPHINX PARK WATER)
SYSTEM," BOX 10, PINE, COLORADO, FOR) APPLICATION NO. 8585.
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)
- -)

- - - - - - - -
December 7, 1948
- - - - - - - -

Appearances: F. Richard Hite, Esq.,
Denver, Colorado,
for applicants.

S T A T E M E N T

By the Commission:

On May 29, 1947, R. J. Newhouser and Lydia Newhouser, doing business as "Sphinx Park Water System," applicants herein, filed an application for a Certificate of Public Convenience and Necessity to operate a water system in Sphinx Park, in the area described as follows, to-wit:

> First Addition to Sphinx Park Lodge a subdivision of the East one-half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Twenty-two (22), and the West One-half ($W\frac{1}{2}$) of Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-three (23), Township 7 South, Range 71 W. of the 6th P. M., the Second Addition to Sphinx Park, a subdivision of the South one-third (S-1/3) of the East One-half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 22, Township 7 South, Range 71 West of the 6th P. M., and the Third Addition to Sphinx Park a subdivision of Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section 23, Township 7 South, Range 71 W. of the 6th P. M.

On August 20, 1947, a hearing was duly held in the matter at 330 State Office Building, Denver, Colorado, at which time the matter was taken under advisement.

The record shows that on or about April 12, 1947, the petitioners became the owners, and took possession of, the above-described property, and discovered that a gravity fed system of water supply had been installed by one of the petitioners' predecessors in title. That the source of the water for said water system is two springs which have been developed to store and preserve the water flowing therefrom. That said water system is connected

with, and supplies water to, fifty cabins, which are situated in the immediate vicinity of the two springs. Thirty-six of the said cabins are being served by the larger spring, and the remainder of said cabins are served by the other spring. Connected with, and adjacent to, each of the aforementioned springs are steel storage tanks of the approved type in which is kept a reserve supply of water.

For the reason that the pipes serving the cabins are not buried, the system must be drained in cold weather, therefore, service would only be available to the users from about May 15th of each year, to on or about September 1st of each year.

The petitioners allege that the present valuation of the water system is $4,000.00. This value, however, is only accepted by the Commission in fixing of the fee for the issuance of the certificate, and shall not preclude the Commission from adopting other and different valuation should the question of valuation arise in a rate hearing or any subsequent hearing, where the question of valuation may be an issue.

F I N D I N G S

THE COMMISSION FINDS:

That applicants R. J. Newhouser and Lydia Newhouser, doing business as "Sphinx Park Water System," are a public utility, and that a Certificate of Public Convenience and Necessity should issue therefor, for the area set forth in the Statement preceding.

O R D E R

THE COMMISSION ORDERS:

That R. J. Newhouser and Lydia Newhouser, doing business as "Sphinx Park Water System," are a public utility; that the public convenience and necessity require the proposed water service of applicants, and this order shall be taken, deemed, and held to be a Certificate of Public Convenience and Necessity therefor, for the area described in the Statement preceding, and by reference made a part hereof.

That applicants shall file, within forty-five days from the date hereof, schedules of rates and rules and regulations governing their operations hereunder, to become effective after thirty days' notice to the Commission, and the public.

That applicants shall, at all times, operate under and be governed by, the rules regulating the service of water utilities adopted by this Commission effective June 1, 1935, and amendments thereto, and shall set up, establish, and keep its accounts in accordance with the Uniform System of Accounts for Water Utilities, adopted by this Commission, effective January 1, 1916, and revised to April 1, 1920, and any amendments thereto.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of December, 1948.

ea

(Decision No. 31690)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BYRON BURNS, CARBONDALE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 9470-PP.
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-)

- - - - - - - - -
December 7, 1948
- - - - - - - - -

S T A T E M E N T

By the Commission:

On July 19, 1948, applicant herein filed application for authority to operate as a Class "B" private carrier by motor vehicle for hire.

The Commission is in receipt of the following communication from Byron Burns, applicant herein:

"Please cancel my request for a PUC (log-hauling)"

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application be, and the same hereby is, dismissed, upon request of applicant.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hatton

John B. Barry

Joseph W. Hawkins

Commissioners.

Dated at Denver, Colorado,
this 7th day of December, 1948.

ea

(Decision No. 31691)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRED WACKER, SR., HAROLD ELLIOTT, AND FRED WACKER, JR., CO-PARTNERS, DOING BUSINESS AS "WACKER-ELLIOTT-WACKER," CULBERTSON, NEBRASKA, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO W-E-W TRUCK LINE, INC., A CORPORATION, CULBERTSON, NEBRASKA.

PUC NO. 1052-I.

December 7, 1948

S T A T E M E N T

By the Commission:

Heretofore, Fred Wacker, Sr., Harold Elliott, and Fred Wacker, Jr., co-partners, doing business as "Wacker-Elliott-Wacker," Culbertson, Nebraska, were authorized to operate as common carriers by motor vehicle for hire in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, and PUC No. 1052-I issued to them.

By the instant application, said certificate-holders seek authority to transfer said operating rights to W-E-W Truck Line, Inc., a corporation, Culbertson, Nebraska.

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

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Fred Wacker, Sr., Harold Elliott, and Fred Wacker, Jr., co-partners, doing business as "Wacker-Elliott-Wacker," Culbertson, Nebraska, be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 1052-I to W-E-W Truck Line, Inc., a corporation,

Culbertson, Nebraska, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935.

That ton-mile tax deposit be transferred to account of transferee.

This order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 7th day of December, 1948.

ea

(Decision No. 31692)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JAMES A. SCHAEFFER, DOING BUSINESS AS "SCHAEFFER TRUCK LINE," 1420 MARKET STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER A PORTION OF PUC NO. 1195 TO NORMAN R. ASHLOCK, DILLON, COLORADO.	)	APPLICATION NO. 8216-Transfer SUPPLEMENTAL ORDER

December 7, 1948

Appearances: Robert A. Theobald, Esq., Breckenridge, Colorado, for transferee;
Marion F. Jones, Esq., Denver, Colorado, for transferor.

S T A T E M E N T

By the Commission:

By Decision No. 27956, of date April 7, 1947, James A. Schaeffer, doing business as "Schaeffer Truck Line," Denver, Colorado, was authorized to transfer to Norman R. Ashlock, Dillon, Colorado, certain operating rights, as set forth in said decision.

Subsequent thereto, transferee, through his attorney, filed application for amendment of said Decision No. 27956, attorney for transferor being agreeable thereto.

F I N D I N G S

The Commission has carefully reviewed the record and considered the petition filed herein, and is of the opinion, and finds, that Decision No. 27956 should be amended, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 27956, of date April 7, 1947, be, and the same hereby is, amended, nunc pro tunc, as of said 7th day of April, 1947, by striking the first paragraph of the Order therein contained, on Page 4,

and inserting in lieu thereof, the following:

> That James A. Schaeffer, doing business as "Schaeffer Truck Line," Denver, Colorado, be, and he hereby is, authorized to transfer to Norman R. Ashlock, the operating authority described as follows:
>
> (a) between Denver, on the one hand, and, on the other, points on U. S. Highway No. 6 and State Highway No. 9 between and including Dillon, Breckenridge, Frisco and Wheeler;
>
> (b) between Denver and points on U. S. Highway No. 6 adjacent to and within one mile of said highway on both the East and West sides of Loveland Pass as far west as Dillon, including the right to render a line haul service for transportation of general commodities to the off-route point of Montezuma, subject to the following restrictions, to-wit:
>
> 1. no service shall be rendered to towns on the east side of Loveland Pass, including Empire, Silver Plume, and Georgetown.
>
> 2. no heavy machinery shall be hauled under this extension which requires the use of special equipment in the nature of low beds, etc.
>
> (c) between Leadville and the Arkansas Valley Smelter, near Leadville, on the one hand, and on the other, Wheeler, Frisco, Dillon, Breckenridge, Montezuma, and Loveland Pass.

That hereafter, said James A. Schaeffer, doing business as "Schaeffer Truck Line," under his PUC No. 1195, shall have the right and authority to operate as a common carrier by motor vehicle for hire for the transportation of:

> general commodities, (a) between Denver, on the one hand, and on the other, Climax and Kokomo, and points within a radius of four miles of Kokomo, without the right to serve intermediate points, over U. S. Highways Nos. 285 and 204, and State Highways No. 91 (via Buena Vista and Leadville), or over U. S. Highway No. 285 and State Highways Nos. 9 or 91 (via Fairplay and Dillon); or over U. S. Highway No. 40 and State Highway No. 91 (via Empire and Dillon); and (b) between Leadville, on the one hand, and, on the other, Climax and Kokomo, and points within a radius of four miles of Kokomo, without the right to serve intermediate points; (c) between Leadville and the Arkansas Valley Smelter, near Leadville, on the one hand, and on the other, Kokomo, and points within a radius of four miles of Kokomo, Colorado.

That, except as herein amended, said Decision No. 27956 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

Julia P. Barry

Frank T. McCarthy

Commissioners.

Dated at Denver, Colorado,
this 7th day of December, 1948.

ea

(Decision No. 31693)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE DISCONTINUANCE BY THE PURE SPRINGS WATER COMPANY OF ALL WATER SERVICE AND SALES TO CUSTOMERS ON AND AFTER JANUARY 1, 1945, SINCE SAID TOWN OF ORDWAY HAS CONSTRUCTED ITS OWN MUNICIPAL WATER SYSTEM; ALSO, FOR THE REASON THAT THE COST OF MAINTENANCE AND OPERATION OF SAID LINES FOR SAID SERVICE IS PROHIBITIVE IN RELATION TO POSSIBLE INCOME THEREFROM.	INVESTIGATION AND SUSPENSION DOCKET NO. 259.

December 7, 1948

IT APPEARING, That, on December 19, 1944, the effective date of the proposed discontinuance of the Pure Springs Water Company service was suspended until May 1, 1945, and the suspension date was thereafter suspended for a period of one hundred and twenty (120) days by each decision as follows:

April 27, 1945, by Decision No. 24419,
August 21, 1945, by Decision No. 24863,
December 18, 1945, by Decision No. 25272,
April 24, 1946, by Decision No. 25885,
August 21, 1946, by Decision No. 26454,
December 14, 1946, by Decision No. 27255,
April 19, 1947, by Decision No. 28120,
August 8, 1947, by Decision No. 28824,
Dedember 15, 1947, by Decision No. 29573,
April 9, 1948, by Decision No. 30223;

and

IT FURTHER APPEARING, That on August 12, 1948, by Decision No. 31048, the date was again suspended until December 11, 1948;

IT NOW APPEARING, That final determination of the matter cannot be had before December 11, 1948:

F I N D I N G S

THE COMMISSION FINDS:

That the matter should be further suspended.

O R D E R

THE COMMISSION ORDERS:

That the effective date of the proposed discontinuance of service of the Pure Springs Water Company be further suspended for a period of one hundred and twenty (120) days from December 11, 1948, or until April 9, 1949, unless otherwise ordered by the Commission.

That a copy of this order be filed with the docket herein, and copies hereof be forthwith served on John A. McClaren, President of the Pure Springs Water Company, Fowler, Colorado; Perry Williams, Attorney for the Pure Springs Water Company, Rocky Ford, Colorado; and Harry E. Mast, Esq., Attorney for the protestants, Ordway, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 7th day of December, 1948.

EHC

(Decision No. 31694)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JUAN ARREGUIN, FORT LUPTON, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-3205 TO PAUL ARREGUIN, FORT LUPTON, COLORADO.	APPLICATION NO. 9700-PP-Transfer.

December 7, 1948

S T A T E M E N T

By the Commission:

By Decision No. 24398, of date April 25, 1945, Juan Arreguin, Fort Lupton, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> coal from mines in the northern Colorado coal fields to Fort Lupton and points within a radius of five miles thereof; used household goods and furniture from Fort Lupton to farms within a radius of fifty miles thereof, and from said farms to Fort Lupton, Colorado,

said operating rights being designated "Permit No. B-3205."

By the instant application, said permit-holder seeks authority to transfer Permit No. B-3205 to Paul Arreguin, Fort Lupton, Colorado.

Inasmuch as the files of the Commission and the verified application herein show that said permit is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said permit; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to granting authority to transfer, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Juan Arreguin, Fort Lupton, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest, in and to Permit No. B-3205 -- being the operating rights granted by Decision No. 24398 -- to Paul Arreguin, Fort Lupton, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit be transferred to account of transferee.

This order is made a part of the permit authorized to be transferred, and shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hunter

John R. Barry

Joseph E. Wheeler

Commissioners

Dated at Denver, Colorado,
this 7th day of December, 1948.

ea

(Decision No. 31695)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LEO KOSLEY, RAMAH, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1368 TO CHARLES HENSLEY, RAMAH, COLORADO.	APPLICATION NO. 9701 TRANSFER

December 9, 1948

S T A T E M E N T

By the Commission:

Pursuant to authority contained in Decision No. 23046, of date December 22, 1944, Thomas Pemberton and Lewis Pemberton, doing business as "Pemberton Brothers," Matheson, Colorado, acquired PUC No. 1368 from A. D. Garriott, which certificate authorizes transportation of:

> Farm products, including livestock, farm equipment and supplies, coal and timber, between points within a radius of twenty miles of Matheson, Colorado, and to and from points in said area, from and to Denver and Colorado Springs, with the proviso that applicant shall not render a town to town service except for the transportation of coal, timber, bulk farm products, and livestock; farm products, including livestock, farm equipment, and supplies, coal and timber, between points within a twenty-five-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. Highways Nos. 24, 40, and 85, and excluding all service in territory in Lincoln County lying east of State Highway No. 71.

Pursuant to authority contained in Decision No. 26226, Thomas Pemberton and Lewis Pemberton, doing business as "Pemberton Brothers," were authorized to transfer said operating rights to R. G. Atwell, Matheson, Colorado, who, subsequently (Decision No. 27621, of date February 24, 1947), transferred said PUC No. 1368 to Wayne Friddle, who, pursuant to authority contained in Decision No. 31121, of date September 4, 1948, transferred said operating rights to Leo Kosley, Ramah, Colorado.

By the instant application, Leo Kosley seeks authority to transfer PUC No. 1368 to Charles Hensley, Ramah, Colorado.

Inasmuch as the files of the Commission and the application herein show that said certificate is in good standing; that road tax has been paid; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said certificate; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Leo Kosley, Ramah, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1368 -- being the operating rights granted by Decision No. 23046 -- to Charles Hensley, Ramah, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

That the right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate, and the payment by him, or by transferee, of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor be transferred to account of transferee.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 9th day of December, 1948.

EHC

(Decision No. 31696)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF R. H. McGRUDER, 3341 SHOSHONE STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9702-PP

November 29, 1948

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 other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado, and to Valmont Plant of Public Service Company located near Boulder, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That R. H. McGruder, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado, and to Valmont Plant of Public Service Company, located near Boulder, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That permit shall bear the number "B-3951."

That this order shall become effective as of the day and date hereof.

DATED at Denver, Colorado,
this 29th day of November, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Norton

John R. Barry

Joseph W. Hawley

Commissioners.

EHC

(Decision No. 31697)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

L. O. LIGHT, Lamar, Colorado,

Complainant,

v.

EARL WILLIAMS, Lamar, Colorado,

Defendant.

CASE NO. 4973.

December 13, 1948

Appearances: Jones and Stauffer, Esqs., Denver, Colorado, for Complainant;
Wilkie Ham, Esq., Lamar, Colorado, for Defendant.

S T A T E M E N T

By the Commission:

L. O. Light is a motor vehicle carrier, operating under Certificate No. 1407, issued by this Commission, which authorizes the transportation of livestock in the following-described territory:

> Between points within that part of the State of Colorado which lies east of a line drawn north and south through Rocky Ford, without the right to pick up livestock in that part of Crowley County included in said area which lies west of a line drawn north and south through Sugar City, or within the area lying within a radius of thirty-five miles of Branson, Colorado, and from and to points in said area, to and from points in the State of Colorado.

Certificate No. 780, issued by this Commission to W. H. Oberwortman and Francis Roe. By Decision No. 11926, in Case No. 4682, the interest of W. H. Oberwortman in said certificate was cancelled by the Commission, leaving said Francis Roe as its sole owner. By Decision No. 28284, of date May 31, 1947, authority was granted said Francis Roe to transfer said certificate to Earl Williams, the defendant herein.

Said Certificate No. 780 authorizes the following service:

> Freight, not on schedule, other than furniture and household goods, but including livestock, between points within an area bounded by the Colorado-Kansas state line on the east, a line on the west running north and south through Las Animas, Colorado, Prowers County boundary lines on the north and south; livestock from all points in said area to markets at La Junta, Pueblo, and Denver; farm supplies and products, and coal, from and to points within said area to and from other points within the State.

Complaint was filed by Light to the effect that Oberwortman and Roe did not transport livestock under said certificate; that Roe did not transport livestock under said certificate after he became the sole owner thereof, although the terms of the certificate provided that the owner thereof should provide a reasonably adequate and continuous service for the transportation of authorized commodities, including livestock; that Light had no knowledge of the proposed transfer of the certificate from Roe to Williams, or any opportunity to appear before the Commission to protest the same; that, relying on the above situation, Light had acquired additional equipment to provide the necessary service in the community and has continued to provide adequate service; that, immediately upon acquiring Certificate No. 780, Williams commenced hauling livestock, which action has been detrimental to Light, whose facilities had been expanded to render a service which he understood was not in competition with the service furnished by Williams and his predecessors in interest; that, by the failure of Roe, during the time he owned the certificate, to provide a service for the transportation of livestock, that right has long since been abandoned and relinquished. Light seeks an order cancelling the commodity livestock from the authority contained in said Certificate No. 780.

Williams filed answer in the nature of a general denial, except for affirmative allegations to the effect that, on May 31, 1947, when he acquired Certificate No. 780 from Roe, the certificate was in full force and effect in all respects; that he and his predecessors in interest had always been ready, able, and willing to transport livestock at all times, never refused any request for such service, and had always provided reasonably adequate service for the transportation of livestock.

Hearing was set in La Junta, Colorado, for December 2, 1948, after notice to both parties, at which time and place evidence was given on behalf of both parties and the case taken under advisement.

LaVerne Light, a son of complainant, was the only witness called in support of the complaint. Since 1946, he has been acting as manager of his father's operations. The Light equipment, designed for the transportation of livestock, was described, and valued at $80,000.00, and witness stated that Light was able and willing to perform all service required under his certificate, no complaint having been registered except occasionally in the Fall when the trucking industry was unable to handle all the seasonal movements of livestock. He had never called upon Roe for assistance when the latter owned Certificate No. 780; had not known that Roe was authorized to transport livestock; had seen Roe's trucks but once in Lamar, Colorado (Light's headquarters), at which time he noticed a grain trailer; did not know whether or not Roe had a stock rack; never interchanged equipment with Roe, and "Francis Roe and his predecessors did not engage in the transportation of livestock to my knowledge." (Emphasis ours). Williams had engaged in the transportation of livestock since acquiring the certificate, but the service furnished by the other certificated carriers was adequate, without the service furnished by Roe.

Francis Roe testified that, during the time he owned the certificate, he operated a Chevrolet truck and 20-foot semi-trailer, with detachable stock rack, capable of handling from fifteen to eighteen head of cattle. He transported livestock for E. J. Wagner, Frank Ray, Tom Hoover, Addie Johnson, Bill Walker, Bill Hill, Bill Dawson, Ed Barton, William Henry, and many others. This livestock consisted of cattle, hogs, mules, horses, and sheep. He had hauled mules to Garden City, Kansas, for William Henry, and one load of cattle to Ogallala, Nebraska, for L. O. Light (complainant herein). He had never refused to haul livestock for anyone during the time he owned the certificate, was always ready, willing, and able to perform such service, and had received no complaints. He had hauled livestock from originating points in his territory to sales rings in Lamar and to Pueblo, La Junta, and Denver, and intended at no time to abandon his authority to haul livestock under the certificate. He had sold the truck, trailer, stock

rack, and certificate to Earl Williams for $4,000.00.

Earl Williams testified that he used the equipment purchased from Roe a very short time, and then acquired a combination stock and grain 28-foot trailer, with capacity of eighteen to twenty head of cattle, and had been kept "reasonably busy." He has hauled livestock to La Junta, Pueblo, Denver, and other points in the State, but mostly operated from point to point in Prowers County. He had often assisted Light in such transportation, and also in hauling livestock from Prowers County to points in Kansas. He had handled cattle, horses, sheep, and hogs, and had received no complaints on his service.

John W. Duncan, residing twenty-five miles southeast of Lamar, never called on Roe for service, but had seen his truck loaded with livestock at Lamar.

Thomas H. Heath, Lamar, Colorado, a farmer and sheep-raiser, had never called on Roe for service, except in the hauling of grain and farm products. He had been served by Williams in transporting fat lambs from the ranch of witness to the market at Pueblo, and native lambs from outside points to his ranch.

F I N D I N G S

THE COMMISSION FINDS:

That the evidence offered on behalf of complainant was wholly negative in character, and insufficient upon which to base an order for the cancellation of Certificate PUC-780.

That the defendant has produced sufficient evidence to establish the fact that he and his predecessors in interest have at all times provided a reasonably adequate and continuous service under said Certificate No. 780 for the transportation of livestock.

That the complaint of said L. O. Light should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That the complaint of L. O. Light herein be, and the same is hereby dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Carlson

John P. Barry

Joseph W. Bracewell

Commissioners.

Dated at Denver, Colorado,
this 13th day of December, 1948.

ea

(Decision No. 31698)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF G. H. RUSSMANN, HOLLY, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	)	APPLICATION NO. 9326.

December 13, 1948

Appearances: Arthur C. Gordon, Esq., and J. Woodson Railey, Esq., Lamar, Colorado, for applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, G. H. Russmann, Holly, Colorado, seeks a certificate of public convenience and necessity to operate a trucking service between points in the area extending to the Prowers County line on the north and south and to the Kansas State line on the east, and to Morse, Prowers County, Colorado, on the west.

Hearing on said application was set for December 3, 1948, at Lamar, Colorado, after proper notice to all parties in interest.

No protestants appeared, and counsel for applicant requested that the setting be vacated and the application reset for hearing at a later date.

F I N D I N G S

THE COMMISSION FINDS:

That the request of counsel for applicant should be granted.

O R D E R

THE COMMISSION ORDERS:

That the setting for hearing of Application No. 9326, of

G. H. Russmann, Holly, Colorado, be, and the same is hereby, vacated, and that said application be held open and reset for hearing at a future date, provided applicant shall notify this Commission of his desire for such hearing.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of December, 1948.

ea

(Decision No. 31699)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN M. BLAKNEY, ROUTE 3, LA JUNTA,)
COLORADO, FOR AUTHORITY TO EXTEND) APPLICATION NO. 9669-PP-Extension.
OPERATIONS UNDER PERMIT NO. B-3396.)
- -)

- - - - - - - - -
December 13, 1948
- - - - - - - - -

Appearances: Grant, Shafroth and Toll and
Charles H. Haines, Jr., Esq.,
Denver, Colorado, for the
Santa Fe Trail Transportation
Company and The Atchison, Topeka
& Santa Fe Railway Company;
Jones and Stauffer, Esqs., Denver,
Colorado, for George Wright,
doing business as Law Motor
Lines; Stark & Todd, Inc.;
John Green; and L. O. Light.

S T A T E M E N T

By the Commission:

By this application, John M. Blakney seeks an extension of Private Carrier Permit No. B-3396, and asks for authority to transport farm products, livestock, feed, and farm machinery, between points within a radius of twenty-five miles of La Junta, Colorado, and from and to points in said area to and from Eads, Lamar, Pueblo, Trinidad, and Denver, Colorado.

Said application was set for hearing in La Junta, Colorado, December 2, 1948, after due notice to all parties in interest.

Applicant did not appear, either in person or by counsel, and the protestants joined in a motion to dismiss the application for failure of applicant to appear and prosecute.

Later in the day set for the hearing, and after protestants had left the hearing room, applicant appeared and apologized for his delay in appearing with his witnesses at the hour set for the hearing, and asked that no default be entered and that the application be reset for hearing at a later date.

F I N D I N G S

THE COMMISSION FINDS:

That the motion of protestants for dismissal of the application for default of applicant should be denied, and that the application should be reset for hearing at a later date.

O R D E R

THE COMMISSION ORDERS:

That the motion of protestants for dismissal of the instant application for default of applicant be denied.

That the setting be vacated and the application be reset for hearing at some convenient later date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Newton

John R. Barry

Joseph W. Hawkes

Commissioners.

Dated at Denver, Colorado,
this 13th day of December, 1948.

ea

(Decision No. 31700)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES M. THOMAS AND TRUMAN K. NANCE, SPRINGFIELD, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.) APPLICATION NO. 9671.

December 13, 1948

Appearances: Phillip Davison, Springfield, Colorado, pro se.

S T A T E M E N T

By the Commission:

By this application, Charles M. Thomas and Truman K. Nance, Springfield, Colorado, seek a certificate of public convenience and necessity to own and operate a taxicab service in Springfield, Colorado, and to and from points within a radius of fifty miles of Springfield, save and except service to Lamar, Colorado, and Boise City, Oklahoma, which are serviced by a bus line.

The application was set for hearing in Lamar, Colorado, on December 3, 1948, at ten o'clock, A. M., after due notice to all parties in interest.

Applicants did not appear at the time and place set for hearing, either in person or by counsel.

The protestant, appearing in person, owns a certificate of public convenience and necessity, No. PUC-1933, authorizing him to operate a taxicab service in the town of Springfield, Colorado, and testified that he was operating said service under said certificate, and had heard no objection or complaint relative to his service. Protestant moved that the application herein be dismissed for failure of applicants to appear and offer evidence in support of their application.

F I N D I N G S

THE COMMISSION FINDS:

That the motion of protestant should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 9671 of Charles M. Thomas and Truman K. Nance be, and the same hereby is, dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of December, 1948.

ea

original

(Decision No. 31701)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLIAM R. WILDER, 515 EAST FIFTH STREET, LA JUNTA, COLORADO, FOR AUTHORITY TO REISSUE PERMIT B-3258.

APPLICATION NO. 9667-PP
REISSUE

December 13, 1948

Appearances: G. S. Cosand, Esq., Lamar, Colorado, for applicant;
Grant, Shafroth & Toll, Esqs., and Charles H. Haines, Esq., Denver, Colorado, for The Atchison, Topeka & Santa Fe Railway Co., and Santa Fe Trail Transportation Company;
Jones and Stauffer, Esqs., Denver, Colorado, for George Wright, doing business as Law Motor Lines; John Green; Stark & Todd, Inc., and L. O. Light;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer & Storage Company.

S T A T E M E N T

By the Commission:

By Decision No. 24382, of date April 5, 1945, applicant was granted a Class "B" private carrier permit, with authority as follows:

> Transportation of livestock from farms within a radius of twenty miles of La Junta, Colorado, to sales rings and markets in Pueblo, La Junta, Trinidad, Lamar, and Colorado Springs, and from the above-named towns to farms in the above-described area; and farm produce from farms within a radius of twenty miles of La Junta to railroad shipping points and packing sheds in the same area, during the harvest season, only, with no service between towns; all said authority herein granted to be for the duration of the national emergency and not to extend beyond January 1, 1946, unless otherwise ordered by the Commission.

By letter of date June 10, 1948, applicant was advised by this Commission that said Permit B-3258 had expired, and that any further

operation thereunder would be illegal.

By the instant application, applicant asks that said permit be reissued, and for authority to transport livestock and farm produce from points within a radius of twenty miles of La Junta to points within a radius of 150 miles of La Junta, and from points within a radius of 150 miles miles of La Junta to points within a radius of twenty miles of La Junta, Colorado.

The application was set for hearing at La Junta, Colorado, on December 2, 1948, at which time and place the attorney for applicant moved for an order dismissing the application.

F I N D I N G S

THE COMMISSION FINDS:

That the motion of attorney for applicant should be granted.

O R D E R

THE COMMISSION ORDERS:

That the instant application be, and the same is hereby, dismissed.

That this order become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Horton

John R. Barry

Joseph E. Whitehead

Commissioners

DATED at Denver, Colorado,
this 13th day of December, 1948.

original

(Decision No. 31702)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ARKANSAS VALLEY AVIATION COMPANY, INC., LAMAR, COLORADO, TO TRANSFER AUTHORITY GRANTED IN APPLICATION NO. 8874 TO VAL-AIR, INC., LAMAR, COLORADO.	APPLICATION NO. 9670

December 13, 1948

S T A T E M E N T

By the Commission:

By Decision No. 30446, of date May 10, 1948, this Commission found that Arkansas Valley Aviation Company, Inc., Lamar, Colorado, was a common carrier by airplane of passengers and freight, in intrastate commerce, and subject to the jurisdiction of this Commission.

The Commission also found that the present and future public convenience and necessity required, and will require, the non-scheduled operations of applicant, and authorized said applicant to operate as a common carrier by airplane in interstate and intrastate commerce, for the transportation of passengers and property, not on schedule, but on call and demand, in irregular service, between all points in the State of Colorado, and that the order should be taken, deemed, and held to be a certificate of public convenience and necessity therefor, subject to certain requirements and limitations set forth in said Decision No. 30446.

By the instant application, Arkansas Valley Aviation Company, Inc., seeks authority to transfer said operating rights to Val-Air, Inc., Lamar, Colorado, a Colorado corporation.

The application was set for hearing in Lamar, Colorado, on December 3, 1948, after due notice to all parties in interest.

No one appeared to object to the transfer requested.

Mr. John F. Robbennolt testified at the hearing that he is the president of Val-Air, Inc., a Colorado corporation, a copy of the Articles of Incorporation having been attached to the application. He stated that he had purchased all of the stock and equipment of Arkansas Valley Aviation Company, Inc., on February 16, 1948, and is now operating the municipal airport at Lamar, Colorado; that said airport is owned by the City of Lamar and is leased by the witness.

The equipment of said corporation consists of two Aeronca Planes, one Luscombe Plane, two Piper Planes, one Globe Plane, and one Vultee Plane, which are specifically described in the list of equipment filed July 30, 1948, attached to the application.

Since said list was filed, witness stated he has purchased an additional Aeronca 7-AC-N-81801, for the sum of $1100.00. He testified that his net worth is between $18,000.00 and $19,000.00, and that he was ready, able, and willing to furnish the service authorized under said Decision No. 30446.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any, and subject to the requirements and limitations contained in said Decision No. 30446.

O R D E R

THE COMMISSION ORDERS:

That Arkansas Valley Aviation Company, Inc., Lamar, Colorado, be, and it is hereby, authorized to transfer all its right, title, and interest in and to certificate of public convenience and necessity granted to it by Decision No. 30446 of this Commission, to Val-Air, Inc., a Colorado corporation, Lamar, Colorado, subject to the requirements and

limitations contained in said Decision No. 30446, of date May 10, 1948, in Application No. 8874.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Roger C. Norton

John R. Barry

Joseph W. Hanley

Commissioners

DATED at Denver, Colorado,
this 13th day of December, 1948.

EHC

(Decision No. 31703)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF D. G. DALBY, DOING BUSINESS AS "DENVER-AMARILLO EXPRESS," AMARILLO, TEXAS, FOR AUTHORITY TO LEASE AND SELL PERMIT NO. A-719 AND PUC NO. 145 TO C. M. MOREY, DOING BUSINESS AS "STAR MOTOR FREIGHT LINES," COLORADO SPRINGS, COLORADO.	APPLICATION NO. 9575 APPLICATION NO. 9574

December 13, 1948

Appearances: Jones and Stauffer, Esqs., Denver, Colorado, for applicants;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On August 25, 1948, petitioners herein filed application to lease Permit No. A-719 and Certificate No. 145 to C. M. Morey, doing business as "Star Motor Freight Lines," Colorado Springs, Colorado.

By Decision No. 30398, of date May 5, 1948, the Commission approved the leasing by D. G. Dalby, doing business as "Denver-Amarillo Express," to Emmett Rackley and C. M. Morey, doing business as "Star Motor Freight Lines," of Permit No. A-719 and PUC No. 145, with option to purchase, upon the terms and for the consideration set forth in written contract of lease and sale therein referred to.

By Decision No. 31114, dated August 30, 1948, the Commission cancelled all operating rights and purchase agreement granted and approved by Decision No. 30398.

Public hearing was had on the above-styled applications, pursuant to prior setting, after appropriate notice to all parties in interest, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on October 6, 1948, where said matters were taken under advisement.

At the hearing, it appeared that transferee is an experienced operator of for-hire motor vehicle services, having had fifteen years experience; that he is familiar with the operating rights under Permit No. A-719 and PUC No. 145, with the differences between the privileges and obligations of common carrier and private carrier motor vehicle operations; that he knows the rules and regulations of the Commission. He stated that in the event transfer is authorized, operations under the permit and certificate, at all times, will be conducted in strict compliance with the rules and regulations of the Commission and the laws of the State of Colorado applicable thereto.

No testimony was offered in opposition to the granting of the authority sought.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed lease and sale arrangement contemplated by transferor and transferee is consistent with the public interest, and consummation thereof should be authorized.

O R D E R

THE COMMISSION ORDERS:

That said C. M. Morey, doing business as "Star Motor Freight Lines," Colorado Springs, Colorado, be, and he hereby is, permitted to acquire from D. G. Dalby, doing business as "Denver-Amarillo Express," Amarillo, Texas, PUC No. 145 and Private Carrier Permit No. A-719, upon the terms and conditions set forth in Exhibit 1, attached to the applications herein, which by reference is made a part hereof, the leasing of said operating rights to be for a period of one year from August 23, 1948, purchase price, in the event sale is consummated, to be for the consideration therein expressed, it being expressly required and provided, as a condition to approval of the agreement of lease and purchase, that operations under said permit and said certificate shall not be combined in any manner, but shall be kept separate and distinct, to the end that transferee shall not, at the same time, with the same equipment, operate as a common and a private carrier, and said

operations shall not be, directly or indirectly, combined with operations under Permit No. B-2329, and that all operations under said private carrier permits shall be limited to service for contract customers after execution of proper contracts therefor.

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.

The tariff of rates, rules and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate up to the time of the transfer of said certificate, and the payment by him or transferee of all unpaid ton-mile tax.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 13th day of December, 1948.

ea

(Decision No. 31704)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EARL LAYTON, DOING BUSINESS AS "PARKER TRANSFER COMPANY," PARKER, COLORADO, (AS SUBSTITUTE APPLICANT FOR ROY WOODWARD, DOING BUSINESS AS "PARKER TRANSFER COMPANY,") FOR AN EXTENSION AND CLARIFICATION OF PUC NO. 37.	)	APPLICATION NO. 6583-Amended.

December 13, 1948

Appearances: Marion F. Jones, Esq., Denver, Colorado, for applicant;
Myron H. Burnett, Denver, Colorado, for Common Carrier Division of The Colorado Motor Carriers' Association, Castle Rock Transfer;
Bert Hall, Parker, Colorado, for Hall Truck Line;
M. Moldine, Parker, Colorado, for Hilltop-Denver Truck Line.

S T A T E M E N T

By the Commission:

On February 29, 1944, Roy E.Woodworth, of Parker, Colorado, filed application for extension and clarification of Certificate of Public Convenience and Necessity No. 37.

On February 26, 1946, the Commission, by Decision No. 25612, authorized Roy E. Woodworth, doing business as "Parker Transfer Company," to transfer PUC No. 37 to Earl Layton, Parker, Colorado.

In reviewing the above decision, it would appear that there is some confusion as to the exact territory authorized to be served under PUC No. 37.

In the instant application, permission was granted to change the name of applicant to conform to our Decision No. 25612.

After careful review of the files and the abstracting of PUC No. 37, it now appears to the Commission that the authority held by Earl Layton under PUC No. 37 is as follows:

> transportation of farm products, including livestock, but excluding milk and cream, in the following territory: beginning at the City Limits of the City and County of Denver at a point which intersects said City Limits one mile east of the Denver-Parker Highway; thence along the line paralleling said highway at a distance of one mile east thereof to a point where said line would intersect the north section line of Section 3, Township 6 South, Range 66-West; thence east to the northeast corner of Section 1, Township 6-South, Range 66-West; thence one mile south to the southeast corner of said Section 1; thence southwesterly to the southwest corner of Section 28, Township 6-South, Range 66-West; thence northwesterly to the northwest corner of Section 3, Township 6-South, Range 67-West; thence east one mile more or less to the southwest corner of Section 35, Township 5-South, Range 67-West; thence north five miles to the northwest corner of Section 11, Township 5-South, Range 67-West; thence west one mile; thence north one mile; thence west one mile to the southwest corner of Section 33, Township 4-South, Range 67-West; thence north two miles more or less to the channel of Cherry Creek; thence northwesterly along the channel of Cherry Creek to the City Limits of the City and County of Denver.

Earl Layton, applicant herein, testified that he is the present owner of PUC No. 37, and is operating three pieces of equipment; that he has had numerous requests for service in the fifteen-mile radius of Parker; that when he purchased the certificate from Roy F. Woodward, application was pending before this Commission for clarification and extension of authority; that his description of equipment, insurance, and financial statement are on file with the Commission.

Roy Woodward, of Parker, Colorado, testified that he acquired the above certificate in 1933 from Charles H. O'Brien; that at that time, they operated in all the territory within a fifteen-mile radius of Parker, and delivered from and to that territory, to and from all parts of the State of Colorado; that in 1935 or 1936, complaint was made as to hauls from Plum Creek, some twenty-five miles distant from Parker; that it was his opinion that no complaint was registered as to service performed within a fifteen-mile radius; that in his operation, he has transported livestock and feed.

George Chubb, a dairy farmer residing at Parker, Colorado, stated he used motor carrier service for transportation of livestock and feed between Parker and Denver; that applicant's service is satisfactory, and he feels the service is needed by the community; that he did not feel that the Hall Truck Line service was satisfactory or adequate, and on one occasion he had requested Hall's service and Hall was unable to perform.

Carl Gartrell, a farmer who resides seven miles east of Parker, and who has lived in that territory for the past seventeen years, stated that he also used the service of applicant, and had found same to be very satisfactory; that they need applicant's service, or rather a continuation of the present service; that he used principally the service of applicant for hauling cattle and feed, and that most of his cattle were shipped to Denver.

Mr. Carl Stroh, a farmer and rancher residing three miles south of Parker, stated he used motor carrier service for movement of livestock to various points in the state, and had used all available carriers; that he has experienced some trouble in getting carriers -- especially during the rush season, and he also felt that the community needed the continuation of applicant's service.

Ralph Goodwin, a rancher who lives fifteen miles south of Parker, stated that he had used applicant's service and had found same satisfactory; that he has also used services of other common carriers authorized to serve in the area, and as late as the day before the hearing, had experienced trouble in securing common carrier service, and in his judgment, the service of applicant was needed in the area he asked to serve by his application. Witness further stated that if it had not been for Layton's service last winter, he would have suffered considerable loss because of severe winter weather and shortage of feed.

Mr. Royal McKinstra, David Winkler, Roger Converse, Carl Ebbard, and Elbert Scott -- all farmers and stockmen living within a fifteen-mile radius of Parker, Colorado -- testified as to the present need for applicant's service within said fifteen-mile radius of Parker.

M. Moldine, of Parker, Colorado, who operates the Hilltop-Denver Truck Line, stated he operated out of Hilltop, and that he had not had to turn down business; that he felt there was presently adequate service in the territory.

G. O. Anderson, of Castle Rock, Colorado, who holds PUC No. 55, which authorizes service within fifteen miles of Castle Rock, stated he also had been able to handle all requests for service made upon his operation. It appears that he hauls very few cattle from the Parker district, and he feels that there is presently authorized service sufficient to take care of the needs of the territory, and protests the granting of additional authority.

Bert Hall, the owner of Hall Truck Line (PUC No. 491), testified he was presently operating six trucks under his certificate; that if additional equipment was needed, he was financially able to add the equipment; that there is presently a large group of authorized carriers serving the territory, and in his judgment, the granting of additional authority is not needed, and is not in the public interest. He stated he has not had to turn away business, and felt that the presently-authorized carriers were giving adequate service.

Forrest Woodard, of Kiowa, Colorado, who holds PUC No. 459, very vigorously protested the granting of any additional authority; also, Yale Chapin, of Elizabeth, Colorado, stated the granting of any additional authority would impair his service, both maintaining that the present service is adequate.

This is an application for clarification of a very old certificate, or an extension of said certificate to include an area within a fifteen-mile radius of Parker, Colorado. The Commission and its staff have spent hours in trying to determine the authority under the certificate, and it appears to us from said investigation that said authority is as hereinbefore described. If the above statement of authority is true and correct, applicant has been serving beyond the boundaries of his authority, and has brought before the Commission several witnesses who have clearly testified that applicant's proposed service -- that is, transportation of farm products, including livestock, but excluding milk and cream, between points within a fifteen-mile

radius of Parker, and from and to points in said area, to and from points in the State of Colorado -- is needed by the residents of this area. There was some evidence, however, that the carriers, in the past, have, by tacit agreement, permitted applicant to serve this area, due to the uncertainty of applicant's authority. It appears to the Commission that this service has been given in the past, and to deny the instant application would be, in effect, to curtail the present common carrier service.

It appears to the Commission, and we think it is substantiated by the evidence, that the present service, including the service of applicant, now given in the area surrounding Parker is needed by the residents of that area, and is in the public interest.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the service of applicant, for the transportation of farm products, including livestock, but excluding milk and cream, between points within a fifteen-mile radius of Parker, Colorado, and from and to points in said area, to and from points in the State of Colorado.

Further, in view of the above Finding, it is not necessary for the Commission to clarify the authority formerly authorized by PUC No. 37.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the service of applicant under PUC No. 37, for the transportation of farm products, including livestock, but excluding milk and cream, between points within a fifteen-mile radius of Parker, Colorado, and from and to points in said area, to and from points in the State of Colorado, and this order shall be taken, deemed, and heldlto be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system according to the schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Barry

Joseph C. Keeley
Commissioners.

Dated at Denver, Colorado,
this 13th day of December, 1948.

ea

(Decision No. 31705)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARVEY M. TIMMERMAN, HUDSON, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9706-PP

November 16, 1948

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, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Hudson, Colorado, to road and building construction jobs within said fifty-mile radius, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in northern Colorado coal fields to Denver, Colorado.

Inasmuch as the motor carrier associations heretofore have indicated 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted, permit, when issued, to bear the number "B-3945."

O R D E R

THE COMMISSION ORDERS:

That Harvey M. Timmerman, Hudson, Colorado, 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, and other materials used in making up the surface of the roads, from pits and supply points within a radius of fifty miles of Hudson, Colorado, to road and building construction jobs within said fifty-mile radius, excluding service in Boulder, Clear Creek, and Gilpin Counties; coal from mines in the northern Colorado coal fields to Denver, Colorado.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That Permit shall bear the number "B-3945."

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Morton

John R. Barry

Commissioners

DATED at Denver, Colorado
this 16th day of November, 1948

EHC

(Decision No. 31706)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF R. W. WOOD, FRASER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9709-PP

December 13, 1948

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 logs from forests within a radius of twenty-five miles of Fraser, Colorado, to sawmills within said twenty-five-mile radius of Fraser, Colorado, with no town-to-town service.

Inasmuch as the motor carrier associations heretofore have indicated 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That R. W. Wood, Fraser, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of logs from forests within a radius of twenty-five

miles of Fraser, Colorado, to sawmills within said twenty-five-mile radius of Fraser, Colorado, with no town-to-town service.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph W. Hawkins

Commissioners

DATED at Denver, Colorado,
this 13th day of December, 1948.

EHC

(Decision No. 31707)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DONALD R. WHISSEN, 835 SOUTH RACE STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9708-PP

December 14, 1948

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 other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Inasmuch as the motor carrier associations heretofore have indicated 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Donald R. Whissen, Denver, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for

hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank C. Norton
John P. Barry
Joseph T. Hawley
Commissioners

DATED at Denver, Colorado,
this 14th day of December, 1948.

EHC

(Decision No. 31708)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ROCKY R. PERRY, BOX 520, ROUTE) PERMIT NO. B-3152.
#2, ARVADA, COLORADO.)
- - - - - - - - - - - - - - - - - -)

- - - - - - - - -
December 16, 1948
- - - - - - - - -

S T A T E M E N T

By the Commission:

On October 30, 1948, the Commission authorized Rocky R. Perry to suspend operations under his Permit No. B-3152 until March 21, 1949.

The Commission is now in receipt of a communication from the above-named permittee, requesting that his permit be reinstated.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-3152 should be, and the same hereby is, reinstated as of this date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph V. C. Horton

John R. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1948.

ea

Original

(Decision No. 31709)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LEAMON RESLER AND JOE A. KING, JR., DOING BUSINESS AS "RESLER TRUCK LINE," FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	APPLICATION NO. 9221.

December 16, 1948

Appearances: Marion F. Jones, Esq., Denver, Colorado, and E. B. Evans, Esq., Denver, Colorado, for applicants;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc., and Denver and Rio Grande Western Railroad Company;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Shirley Avery, Buena Vista, Colorado, for Everready Freight Service.

S T A T E M E N T

By the Commission:

On April 15, 1948, Leamon Resler and Joe A. King, Jr., doing business as "Resler Truck Line," filed their application for a certificate of public convenience and necessity authorizing transportation of property for hire between Denver, Colorado Springs, and Pueblo, Colorado, to and from Salida, Colorado, to Grand Junction, Colorado, and intermediate points, excluding Salida on westbound shipments, and to and from Leadville, Colorado, to Grand Junction, Colorado, and intermediate points via highways U. S. 85, U. S. 50, U. S. 6, and U. S. 24, with service to and from all intermediate points.

The above matter was set for hearing, and heard, at the Court House in Grand Junction, Colorado, on May 25th, 26th, and 27th, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that Leamon Resler and Joe A. King, Jr., comprise a co-partnership, doing business as "Resler Truck Line," and are presently operating under private contract carrier authority, being Permit No. A-494, with authority as follows:

> Transportation of freight from and to Denver, Pueblo, and Colorado Springs, to and from Grand Junction via US Highways 85, 285, 24, 50, 40, and Colorado Highway 91, and from and to said points to and from intermediate points on said highways as follows: Leadville, Eagle, Gypsum, Glenwood Springs, New Castle, Silt, Rifle, Grand Valley, De Beque, Delta, Olathe, Montrose, and Gunnison.

Joe A. King, Jr., one of the co-partners, was applicants' first witness. King has been in the motor carrier business for many years and is presently managing the operation of the Resler Truck Line under Permit No. A-494. He states they are presently operating seven tractors and twelve trailers, together with two straight trucks; that they have terminal facilities in Denver, Minturn and Grand Junction; that they propose the following schedules to and from Denver, if certificate is granted:

"SCHEDULE OF THE RESLER TRUCK LINES"

"No. 1--Includes Sunday-Outbound READ DOWN			No. 2--Includes Sunday Return Trip READ UP	
LEAVES	7:00 P. M.	Denver	ARRIVES	9:00 A. M.
ARRIVES	1:00 A. M.	Minturn		5:45 A. M.
	5:30 A. M.	Gilman		12:00 P. M. Midnight
	6:00 A. M.	Red Cliff		11:50 P. M.
	7:00 A. M.	Leadville		11:30 P. M.
	1:30 A. M.	Avon		5:10 A. M.
	1:45 A. M.	Edwards		5:00 A. M.
	2:00 A. M.	Wolcott		4:40 A. M.
	2:15 A. M.	Eagle		4:20 A. M.
	2:30 A. M.	Gypsum		4:00 A. M.
	3:30 A. M.	Glenwood Springs		3:15 A. M.
	3:45 A. M.	New Castle		2:50 A. M.
	4:00 A. M.	Silt		2:30 A. M.
	4:30 A. M.	Rifle		2:10 A. M.
	5:00 A. M.	Grand Valley		1:50 A. M.
	5:20 A. M.	De Beque		1:30 A. M.
	6:00 A. M.	Palisade		12:50 A. M.
	6:10 A. M.	Clifton		12:20 A. M.
	6:30 A. M.	Grand Junction		12:00 Midnight
	7:20 A. M.	Whitewater		12:45 P. M.
	8:30 A. M.	Delta		12:00 Noon
	8:50 A. M.	Olathe		11:15 A. M.
	9:20 A. M.	Montrose	LEAVES	11:00 A. M."

He states that the only competition by common carriers with their proposed operation is Rio Grande Motor Way, and if the Commission grants a certificate of public convenience and necessity, they will be

willing to cancel out their private contract carrier authority, Permit No. A-494. The witness states he is familiar with, and has made a study of, the transportation needs for service from Denver, Colorado Springs, and Pueblo, to Leadville and Grand Junction, and intermediate points; also, from Denver to Grand Junction via Gunnison over U. S. Highways 285 and 50, and intermediate points, and from his study it is his opinion that additional common carrier service is needed. He states that there has been a substantial growth in population and the location of new industries in the above area, and that the presently authorized common carrier service now offered does not take care of the needs of the territory being served; that under their present operation they are not permitted, under the law, to interline freight with other carriers, and states they have had considerable demand to interline with other authorized carriers serving remote areas in western Colorado, especially Aspen and the western portion of Montrose County.

Exhibit No. 4 is a financial statement of the Resler Truck Line, which is as follows:

"ASSETS

Cash	$1446.83
Accounts Receivable	8081.11
Equipment	26727.36
Permit A-494	10600.00
	$46855.30

LIABILITIES

Accounts Payable	$1100.54
Notes Payable	11402.53
Federal Tax Payable	1412.17
	$13915.24

NET WORTH . . . . $32940.06"

Many shipper and public witnesses appeared on behalf of applicants, among whom was Cecil B. Wilson, the operator of a printing and stationery business in Grand Junction, Colorado. He states he is presently receiving regular shipments from Denver and is using the available service of the Resler Truck Line, the applicant herein, Ringsby Truck Line, and Rio Grande Motor Way, Inc.; That the present service offered is satisfactory to take care of his needs but states that in his judgment additional competition is needed, and especially that the Resler Truck Line should be placed on an equal footing with Rio Grande Motor Way.

Mr. Straight and Mr. Boggs, businessmen of Grand Junction, both testified similarly to Mr. Wilson. They, however, stated that for rush overnight service, they favored Resler Truck Line as they gave a faster and more dependable service.

Many other witnesses, including some from other towns which applicants desire to serve, testified on behalf of the proposed operation. All stated that the present service was good, but it was the opinion of the witnesses that competition in their area was needed, and that the public would be in a better position and would receive better service if the Resler Truck Line was given common carrier authority. The testimony of all witnesses followed, generally, the pattern as set by Witness Wilson. There was some complaint by a few of the witnesses that some of the shipments of Rio Grande Motor Way had been delayed, and others that they had had some trouble in having their claims adjusted. In a general way, applicants' witnesses covered the area they wished to serve, and also had three witnesses from the town of Ouray, who felt competitive service to Montrose would improve their service to Ouray.

Rio Grande Motor Way also had many witnesses who appeared from the towns which applicants desire to serve as common carriers, and they testified that the present service received was satisfactory and they could see no real need for the authorization of additional authority. These witnesses also appeared, not only from Grand Junction, but from virtually all points on the Western Slope. A summary of their testimony would be to the effect that present authorized service to their respective towns and communities is adequate and satisfactory.

The Commission does not feel it is necessary to review, individually, the testimony of the numerous public witnesses who testified, either on behalf of applicants, or protestants. Their testimony, in substance and effect, was the same. All testified that the present service given by the three carriers serving their area was satisfactory, that is, the service of Ringsby Truck Line, Resler Truck Line, and Rio Grande Motor Way.

The variance in the testimony as it appears to the Commission, was the apprehension on the part of applicants' witnesses, that their present satisfactory service would not continue in the future. They all stated, hardly without exception, that they felt competition made for better service, and that all carriers serving their area should be placed on an equal footing.

Applicants' proposed schedules under a certificate, would be similar to the schedules they are now giving under contract carrier authority, that is, freight leaves Denver at approximately seven o'clock in the evening and arrives in Grand Junction at around six-thirty in the morning, with deliveries in Montrose at around nine-thirty A. M. The schedule of Rio Grande Motor Way is approximately the same, with possibly later deliveries in Montrose, Olathe, and Delta. On the other hand, it would appear that Rio Grande Motor Way has more satisfactory schedules to points east of Grand Junction than applicants' proposed schedules. Some questions were raised by applicants on the service of Rio Grande Motor Way by rail, that is, the loading of freight for western Colorado in baggage cars and shipped by rail from Denver on the Mountaineer, a passenger train serving Western Colorado, leaving Denver at 8:05 P. M., and arriving at Grand Junction around 6:30 A. M. This freight is loaded in baggage cars destined to distributing points, and from there delivered by motor vehicle, that is, freight for Grand Junction and intermediate points, in a baggage car for Grand Junction is placed on the siding and sorted in Grand Junction, where it is distributed by motor vehicle. Freight for Delta and North Fork is dropped at Delta and delivered by truck from that point.

Counsel for applicants vigorously attacked this service on the ground it was not a motor vehicle common carrier service and not authorized by this Commission.

The Commission has not, by formal order, authorized this particular type of service, but it does appear to us, however, that this is a feasible and economical service, and one that is definitely in the public interest. By reason of this supplemental rail service, it is the opinion

of the Commission that the residents of western Colorado are receiving a faster and more dependable service than would be the operation by trucks over the mountain passes. Applicants also stressed the fact throughout the entire hearing that their future service under their private contract carrier authority might be curtailed for the reason that the rules governing private carriers might be changed. The Commission has authorized this service in the past, and in the future, if the Commission should modify their contract carrier rules to such an extent that the present service to western Colorado should not be maintained, or by virtue of said rules it eliminated some necessary service now being given, then, and at that time, applications for certificates of public convenience and necessity could be filed, and if additional common carrier service is needed, the Commission could take care of that need when the occasion requires.

The question raised by this application before the Commission is clearly whether or not the public convenience and necessity require applicants' proposed service, as heretofore set forth. Some 56 witnesses appeared before the Commission, testifying concerning applicants' proposed operation. Twenty-eight witnesses appeared for applicants and twenty-eight witnesses appeared for protestants.

The evidence, as we view it, discloses that the present transportation service is adequate and satisfactory, and meets the needs of the public residing in the area sought to be served by applicants under common carrier authority. We do not recall a single witness who testified that the present service was inadequate or that the needs of the shipping public were not being presently met. The Commission cannot say, from the record before us, that the present service is inadequate. True, the granting of a certificate of public convenience and necessity to applicants might improve their operating conditions, but the needs of applicants cannot be the controlling factor in determining whether or not a certificate of public convenience and necessity should issue, while, on the other hand, the question

we are called upon to determine is what is necessary so far as the public is concerned. It has been a long and established policy of the Commission to try to protect established line-haul common carrier service, so long as we feel that the public is receiving adequate and satisfactory service.

Upon the record made, and the unanimous testimony of virtually all the witnesses, it appears that the public is now receiving adequate service under the presently authorized carriers.

F I N D I N G S

THE COMMISSION FINDS:

That the public convenience and necessity do not require the motor vehicle common carrier service of applicants, for the reasons as more particularly set out in the Statement preceding, which Statement is made a part of these Findings, by reference.

O R D E R

THE COMMISSION ORDERS:

That the public convenience and necessity do not require the proposed common carrier service of the Resler Truck Line, and that Application No. 9221 be, and the same is hereby, denied.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Horton

John P. Barry

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1948.

ea

(Decision No. 31710)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COMET MOTOR EXPRESS CO.,
RIO GRANDE MOTOR WAY, INC.,
AND LARSON TRANSPORTATION
COMPANY,

Complainants,

vs.

CASE NO. 4966.

HARRY HARP, DOING BUSINESS AS
"HARP TRANSPORTATION COMPANY,"

Respondent.

December 16, 1948

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, and T. A. White, Esq., Denver, Colorado, for Complainants;
E. B. Evans, Esq., Denver, Colorado, for Respondent;
J. W. Hayden, Grand Junction, Colorado, for Uintah Stages.

STATEMENT

By the Commission:

On May 10, 1947, a complaint was filed by Comet Motor Express Company, Rio Grande Motor Way, Inc., and Larson Transportation Company, wherein they allege:

"1. That Complainants herein are common carriers by motor vehicle, operating under and by virtue of Certificates of Public Convenience and Necessity heretofore issued by this Commission; that all Complainants are certificated with respect to movements, both as regular route, regular schedule common carriers, and also as irregular route, irregular schedule common carriers; that under and by virtue of the said certificates, Comet Motor Express Co., hereinafter called Comet, operates its so-called line haul scheduled operation between Craig, Colorado, and the Colorado-Utah state line via U. S. Highway 40, together with all intermediate points, from Wiley's Resort, Colorado, to, but not including Meeker, Colorado, via Colorado Highway 64, serving all intermediate points, and from Craig, Colorado, to Grand Junction, Colorado, via Colorado Highway 13 from Craig to Rifle, and U. S. Highways 6-24 from Rifle to Grand Junction, with restricted intermediate points; that Complainant Larson Transportation Company hereinafter called Larson, operates a line haul schedule service between Denver, Colorado, and Craig, Colorado, together with restricted intermediate points, and that Complainant Rio Grande Motor Way, hereinafter called Motor Way, operates, inter alia, between Denver and Grand Junction, Colorado, with the intermediate point of Rifle, and others not material to this complaint.

"2. That Respondent Harp operates as a common carrier in intrastate commerce in Colorado under and by virtue of a Certificate of Public Convenience and Necessity heretofore issued by this Commission; that by virtue of said Certificate and decisions of this Commission pertaining thereto, the only Harp authority which is authorized as a scheduled operation is between Rifle, Colorado, and Meeker, Colorado, without restriction, and with all intermediate points, and from Grand Junction, Colorado, to Meeker, Colorado, with certain restrictions not material herein.

"3. That Respondent herein has violated the terms of his Certificate of Public Convenience and Necessity in that he has operated on regular schedules between Denver, Colorado, on the one hand, and Rangely, Colorado, and Meeker, Colorado, on the other hand; that such service has been offered as frequently as four times a week.

"4. That Respondent has further violated the rules and regulations of this Commission, and the terms of his Certificate, in that he has not applied a rate equal to 120% of the rate published by scheduled line haul carriers serving the above identified points, as is required by his published tariffs, wherein respondent is designated as an irregular route carrier; that said tariff, Motor Truck Common Carriers Association, No. 12, the only one to which respondent is a party, shows routing at all points where specific point to point rates are named; Route 100 shows Motor Way to Rifle, and Harp beyond; Route 107 shows Larson to Craig, Colorado, and Comet beyond; rates published to Meeker specifically show a routing by either Route 100 or 107, whereas rates published to Rangely show one routing only, namely, 107, and by virtue of the foregoing, Respondent has rates to either point only through item 970. There is one route shown as Harp direct in 122, and that route is referred to in but one item, which is a commodity rate between Rifle and Meeker on cement, namely, item 1790.

"5. That in Decision No. 24879 of this Commission, dated August 23, 1945, it was pointed out by the Commission, in the first paragraph, on page 16 of said Decision, that Complainant Comet had been interchanging freight at Meeker with Harp, and that Harp had been operating daily except Sunday service to Rangely from Meeker, on schedule, and the Commission stated, 'Examination of its (Harp's) certificate shows that it does not have such authority.'

"6. In Decision No. 28915 of this Commission, dated August 28, 1947, in the first paragraph, on page 6 of said Decision, the Commission pointed out that Mr. Harp, in protesting the application of Uintah Stage Line, states, "He (Harp) is operating the service from Meeker to Rangely and maintains six schedules a week; that his service leaves Grand Junction daily to Meeker; that loads are consolidated at Meeker for shipment and should be delivered from Grand Junction to Rangely in 24 hours;' and again, on page 7 of the Decision, at the close of the last paragraph of the Statement, and immediately preceding the Findings, the Commission again noted the lack of regular route authority in the Respondent Harp, and in that Decision said, 'Moreover, we again direct Mr. Harp's attention to the fact that he does not now have authority to operate on schedule between Meeker and Rangely.'

"7. That the services presently offered by Respondent Harp are in violation of the Commission's Rules and Regulations by virtue of the fact that he is operating regular schedules without authority between the points hereinabove named, and secondly, that he is not charging 120% of the published line haul carrier rates, as required by his tariffs."

On December 16, 1947, Respondent filed his Answer, wherein he alleges:

"1. Respondent admits the allegations of Paragraph 1 of said complaint and in this connection alleges that none of said carriers' authorities conflict with the authority of the respondent, and that therefore said complainants are not proper parties to bring and prosecute a complaint against this respondent.

"2. Respondent admits the allegations of Paragraph 2 of said complaint.

"3. As to the allegations of Paragraph 3 of said complaint respondent denies that he has operated on regular schedules as alleged in said paragraph and alleges that although said operation of respondent has consisted of several trips per week between the points involved herein, such operation was not in accordance with any schedule established by the respondent; that respondent does not have, and has not filed with the Public Utilities Commission of the State of Colorado, any schedule of operation.

"4. As to the allegations of Paragraph 4, respondent admits that he has not applied a rate equal to 120% of the combination rate adopted by the scheduled line haul carriers for transportation between the points mentioned in said complaint and in this connection alleges that none of said carriers have authority to conduct scheduled operations between the points mentioned therein, and therefore respondent as an irregular carrier is not required to charge 120% of said published rates.

"5. For answers to Paragraphs 5 and 6 of said complaint respondent states that the allegations thereof constitute mere conclusions and are therefore not binding upon this Commission and do not require answer thereto.

"6. Respondent denies the allegations of Paragraph 7 of said complaint.

"7. Respondent admits the allegations of Paragraph 8 of said complaint and in that connection alleges that said exhibit attached to said complaint shows specifically that said operation complained of does not constitute a scheduled line haul operation."

The above matter was set for hearing, and heard, on June 1, 1948, at the Court House in Meeker, Colorado, and there taken under advisement.

At the hearing, the evidence disclosed that Respondent is the owner of Certificate of Public Convenience and Necessity No. 152, which authorizes the following:

> Appl. 632, Dec. 1216 - April 14, 1927 - Transportation of express, and freight between the Town of Rifle and the Town of Meeker and intermediate and adjacent territory thereto by the firm of Harp Brothers.
> Appl. 1692, Dec. 3224 - Feb. 14, 1931 - Original authority issued to Harp Brothers for the transportation of freight to and from Grand Junction, and Glenwood Springs, only, from and to points in Rio Blanco County in truckloads of not less than four thousand (4,000) pounds.

Appl. 632-A, Dec. 7551 - Apr. 28, 1936 - Authority granted Harp Brothers to abandon the transportation of passengers between Meeker and Rifle and intermediate points, and the order contained in Dec. 1216 is hereby amended accordingly.
Appl. 632-A-B, Appl. 1692-B, Dec. 8215 - Aug. 5, 1936 - Authority issued to Harp Brothers for the transportation, not on schedule, of freight between points in Rio Blanco County and between points in Rio Blanco County and all other points in the State of Colorado.
Appls. 632-A-B-A, 1692-B-A, Dec. 11820 - May 5, 1938 - Transfers from Thaddeus Stevens Harp, deceased, to Harry H. Harp (d/b/a Harp Brothers) all right, title, and interest to the Estate of Thaddeus Stevens Harp, deceased, in and to Certif. 152, heretofore issued by the Commission Appls. 632 and 1692.
Appl. 2168, Dec. 5867 - Aug. 24, 1934 - Authority granted Henry C. Peterson (d/b/a Peterson Truck Line) for the transportation of passengers between Rifle and Meeker and for the transportation of express and freight, provided and only in the event that the applicant will charge rates as high as those being charged now or at any time later by Harp Brothers until and unless those rates have been found unreasonable by this Commission. The Certificate number issued hereunder was 718.
Appl. 2168-A, Dec. 7606 - May 11, 1936 - Transfers authority granted in Certif. 718, Appl. 2168 from Henry C. Peterson (d/b/a Peterson Truck Line) to Mildred R. Joy (d/b/a Joy Motor Company).
Appl. 2168-A, Dec. 8457 - Oct. 5, 1936 - Approves a lease between Mildred R. Joy (d/b/a Joy Motor Company) and Harp Brothers and authorizes the consolidation of the operation with the operation conducted under authority granted in Dec. 1216.
Appl. 2168-AA, Dec. 11815 - May 4, 1938 - Transfers Certif. 718 the authority granted in Appl. 2168, from Mildred R. Watson (nee Mildred R. Joy) to H. H. Harp.
Appl. 6916, Dec. 24884 - Aug. 28, 1945 - Transportation in Intrastate and Interstate Commerce of commodities, generally, except household goods and heavy machinery requiring special equipment (but not excluding emigrant moveables) between points in Rio Blanco County, and from and to points in said County, to and from points in the State of Colorado, without the right to furnish service under said certificate between towns on Colorado Highway No. 13, Rifle to Craig, both points inclusive, and without the right to transport machinery, materials, equipment, supplies and facilities used in or incidental to or in connection with the discovery, development, production, and preservation of natural gas and petroleum, including pipe-lines, storage facilities, refining plants, etc., from Craig to points in Rio Blanco County, said exception, however, not to apply to such commodities for water wells; The Interstate Certificate herein granted shall be subject to the provisions of the Federal Motor Carrier Act of 1935. Private Carrier Permit No. B-1540 upon acceptance of the Certificate herein granted shall be cancelled and revoked.
Appl. 8211 - Transfer - Dec. 27732 - Mar. 5, 1947 - Authorizing Herman Hilkey d/b/a Hilkey Bros., Meeker, Colorado, to transfer to Harry H. Harp, dba Harp Bros., Meeker, Colorado. Harry H. Harp shall combine operations under PUC Nos. 1661 & 1661-I herein authorized to be transferred with PUC No. 152, said operations, in the future, to be known as PUC No. 152 and 152-I. That transfer of interstate operating rights shall be subject to the provisions of the Federal Motor Carrier Act of 1935.

Complainants' Exhibit #1 discloses the days during the months of January, February, March, April, and May, that Respondent made trips from Denver to Rangely, and Meeker, Colorado. This exhibit discloses that during the month of January, Respondent made 12 trips from Denver to Rangely, and in May, he made 14 trips, while from Denver to Meeker in January he made 15 trips, and in May made 18 trips. An examination of the ton-mile tax reports which are filed with this Commission substantially confirm their Exhibit No. 1.

In the instant matter, the Commission has considered this complaint and answer, together with applicant's Application No. 9008 for an extension. The Commission has gone over the complaint and the exhibits, and after weighing the evidence now making up the record, feels that complainants have failed to make sufficient showing justifying this Commission in revoking and declaring Certificate of Public Convenience and Necessity No. 152 null and void.

F I N D I N G S

After careful consideration of the record, and the evidence submitted at the hearing, the Commission finds that the complaint in Case No. 4966 should be dismissed for the reasons heretofore set forth in the Statement.

O R D E R

THE COMMISSION ORDERS:

That Case No. 4966 should be, and the same hereby is, dismissed for the reasons heretofore given.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Nolan

John R. Barry

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1948.

ea

Original

(Decision No. 31711)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARRY HARP, DOING BUSINESS AS "HARP TRANSPORTATION COMPANY," MEEKER, COLORADO, FOR AN EXTENSION OF CERTIFICATE PUC NO. 152.

APPLICATION NO. 9008-Extension.

December 16, 1948

Appearances: E. B. Evans, Esq., Denver, Colorado, for applicant;
T. A. White, Esq., Denver, Colorado, for Rio Grande Motorway, Inc.;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Comet Motor Express.

STATEMENT

By the Commission:

On December 6, 1947, Harry Harp, doing business as "Harp Transportation Company," of Meeker, Colorado, the applicant herein, filed his application for an extension of his certificate of public convenience and necessity PUC 152, to authorize the transportation of freight on schedule between Denver, Colorado, and Rangely, Colorado, and the Rangely Oil Fields, and intermediate points between Rifle, Colorado, and Rangely, Colorado, via U. S. Highways Nos. 40, 6, 24, 13, and Colorado State Highway 64, in scheduled service.

The above matter was set for hearing, and heard, at the Court House in Meeker, Colorado, on June 1st and 2nd, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of PUC 152 and 152-I, and is conducting operations thereunder for the transportation of property of others, for hire; that applicant desires to extend his services under said certificate to include the transportation of property of others, for hire, between Denver, Colorado, and Rangely, Colorado, and the Rangely Oil Fields, and points intermediate, between Rifle, Colorado, and Rangely, Colorado.

Applicant proposes rates for this service, as will be set forth in the duly published tariffs of the Colorado Motor Carriers Association. Applicant proposes to operate in his proposed extended service 4 tractors, 4 trailers, 1 van-type truck, and 4 stake body trucks, and to operate 2 trips per week between Denver, Colorado, and Meeker, Colorado, and daily service between Meeker, Colorado, and the Town of Rangely and the Rangely Oil Fields; that on his proposed schedules, applicant will leave Denver in the evening and arrive in Meeker in the morning, and in Rangely, Colorado, before noon of the following day.

It also appears from the evidence that there is no carrier, either by truck or railroad, operating directly between Denver and Meeker, or between Meeker and Rangely.

Mr. Frank B. Kennedy, a Chevrolet dealer located at Meeker, Colorado, who also operates a garage and machine shop, stated he was in business fourteen years, and generally received 3 or 4 shipments daily. He felt a safe average would be 2 shipments per day, and stated that some of the shipments may be only 6 or 7 pounds, while others may go as high as 2 tons. Most of his shipments come from Denver. He has used the services of all carriers serving the territory, viz: Comet Motor Express, Larson Transportation Company, Rio Grande Motorway, and Harp Transportation Company. He states it is necessary that he get immediate delivery on some shipments as otherwise it ties up his customers, and they oftentimes are embarrassed by delays. He finds the service of the Larson Transportation Company and Comet Motor Express slow, and in his experience he finds it takes shipments out of Denver four or five days to reach Meeker by this service. Shipments by Rio Grande Motorway and Harp Transportation Company he finds takes from 2 to 3 days, and he maintains that the proposed service of applicant is definitely needed by him in his business because it gives an overnight service, and in his opinion, the service is needed by the residents of Meeker and surrounding area.

Hugh Caldwell, County Commissioner in Rio Blanco County, who operates a ranch and cattle business 30 miles west of Meeker, stated that

the County of Rio Blanco had used the services of the Harp Transportation Company for years, and he feels that a direct service to Denver is needed by the residents of Rio Blanco County; that he is acquainted with Mr. Harp, Manager of the Harp Transportation Company, and that the service he has rendered in the past in his call and demand service has been satisfactory. He feels Mr. Harp is a fit and proper person to conduct a direct scheduled service out of Denver.

Reginald Nichols, the International dealer in Rio Blanco County, who resides in Meeker, stated he gave the bulk of his present transportation business to the Harp Transportation Company, and had found applicant's service very satisfactory. He stated on the other hand, he had had considerable difficulty with shipments handled by other carriers. He attributed this difficulty to the transfer at Rifle and Craig, and he, too, felt that Harp's proposed direct service from Denver would be a fast and dependable service.

George LeFevre, a blacksmith, Howard Joy, the Ford dealer, Gordon Madden, manager of the Independent Lumber Company, Lee Leslie, manager of the Cold Storage Plant, and Tom Murray, a groceryman, all located in Meeker, Colorado, together with other witnesses, all testified on behalf of the application, verifying generally, the statement of the previous witnesses. All witnesses were in agreement, and so testified, that the Meeker area was entitled to, and needed, a direct scheduled service between Meeker and Denver.

Homer Dale, a merchant located at Rangely, Colorado, stated he had been in business 3 years and had found Harp's service very satisfactory. He stated Harp's daily service out of Meeker to Rangely was needed, and felt that the direct service of Harp to Meeker out of Denver would improve their service. It appears he had experienced considerable difficulties in his shipments in the past by other carriers, but felt Harp's proposed service would inure to his benefit, and to the benefit of all other residents of Rangely, Colorado.

Other witnesses from Rangely testified on behalf of applicant, and all felt applicant's proposed service would improve the service to Rangely.

R. M. Reed, of the Comet Motor Express, testified concerning equipment, schedules, etc., of his company in serving both the towns of Rangely and Meeker, and particularly testified as to the manner in which his company handled freight for the abofe destinations.

A. J. Tait, General Traffic Manager for the Rio Grande Motorway, and Larson Transportation Company, stated his companies had definitely improved their service beginning May 12, 1948; that they presently received shipments in Denver in the afternoon and made delivery in Meeker the following day. They deliver their freight to Rifle, where it is picked up by applicant for delivery to Meeker and Rangely. The witness feels, and so states, that the residents there are now receiving excellent service, and the granting of a certificate authorizing a scheduled service between Meeker and Denver is not warranted.

In summarizing the evidence, we find that Meeker and Rangely, Colorado are located in a territory not served by railroads; their nearest rail point on the south is Rifle, some 41 miles from Meeker, and on the north is Craig, approximately 50 miles distant, with Rangely still further distant.

Some evidence indicated that Harp's operation under his certificate is beyond the scope of his authority. However, as we stated In Re Reinhardt, Decision No. 19168:

> "Violation of law by a carrier does not necessarily mean that he is not a fit person to secure authority * * * *"

Harp Transportation Company holds one of the old certificates from this Commission and has served Rio Blanco County under authority from this Commission since 1927, and the evidence indicates that Harp is giving the residents of his territory a better and more complete service than his certificate authorizes. The Commission has grave misgivings as to the right of complainants to complain.

The Commission, in the past, has endeavored to give the isolated areas of the state the best possible service, consistent with the public interest. It is recognized that tranpportation is vital to the welfare of

any community or territory, and it clearly appears that the transportation facilities now serving this area have been criticised by the residents of the area, as the record in the instant case clearly discloses.

In the instant case, we have listened to the pleading of the two communities for better transportation service. The witnesses appearing on behalf of the communities felt that the instant application, if granted, will solve their transportation difficulties. We agree that from the showing made, applicant's proposed service should improve their transportation problems. Generally speaking, the service now rendered by the authorized carriers is good, when we consider the round-about way the freight is handled, but in the instant case, applicant promises an overnight service by a direct route, so it appears to us from the whole record that the service offered by protestants is not adequate, nor can it be made adequate by order of this Commission. We think it goes without saying that a community or territory is entitled to the best possible transportation service that is economically possible. Under the evidence in the instant case we feel that these people are not getting that service.

F I N D I N G S

THE COMMISSION FINDS:

That the public convenience and necessity require the proposed extension of certificate of public convenience and necessity PUC 152, authorizing the transportation of freight, on schedule, between Denver, Colorado, and Rangely, Colorado, and the Rangely Oil Fields, and points intermediate between Rifle, Colorado, and Rangely, Colorado, via U. S. Highways 40, 6, 24, 13, and Colorado State Highway 64, in scheduled service, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That the public convenience and necessity require the extension of certificate of public convenience and necessity PUC 152, authorizing the transportation of freight, on schedule, between Denver, Colorado, and Rangely, Colorado, and the Rangely Oil Fields, and points intermediate

between Rifle, Colorado, and Rangely, Colorado, via U. S. Highways 40, 6, 24, 13, and Colorado State Highway 64, in scheduled service, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty days from date.

That applicant shall operate his carrier system according to the schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

That this order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 16th day of December, 1948.

ea

(Decision No. 31712)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF A-ONE TRUCK LINE, 2903 NORTH TEJON STREET, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO J. MYRON HARRINGTON, 1724 WEST VERMIJO STREET, COLORADO SPRINGS, COLORADO.	PUC NO. 1341-I

December 17, 1948

S T A T E M E N T

By the Commission:

Heretofore, A-One Truck Line, Colorado Springs, Colorado, was authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a common carrier by motor vehicle for hire, and PUC No. 1341-I issued to it.

Said certificate-holder now seeks authority to transfer said operating rights to J. Myron Harrington, Colorado Springs, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized, subject to the provisions set forth in the Order following:

O R D E R

THE COMMISSION ORDERS:

That A-One Truck Line, Colorado Springs, Colorado, be, and it hereby is, authorized to transfer all right, title, and interest in and

to PUC No. 1341-I to J. Myrom Harrington, Colorado Springs, Colorado, subject to the provisions of the Federal Motor Carrier Act of 1935, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That transfer herein authorized is subject to assumption and payment by transferee of ton-mile tax due and owing from transferor to the Commission on account of operations under said certificate.

That ton-mile tax deposit of transferor be transferred to account of transferee.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 17th day of December, 1948.

EHC

(Decision No. 31713)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FLOYD SCHNEIDER, 1062 TWENTY-THIRD STREET, GREELEY, COLORADO, FOR AN EXTENSION OF PERMIT NO. B-3908.	APPLICATION NO. 9599-PP

December 17, 1948

Appearances: Floyd Schneider, Greeley, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company.

S T A T E M E N T

By the Commission:

On August 25, 1948, Floyd Schneider, Greeley, Colorado, by Decision No. 31072, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

> merchandise between the stores and warehouses of Montgomery Ward and Company within the City of Greeley, Colorado, and between said stores and warehouses on the one hand, and, on the other, points and places within a radius of twenty-five miles of Greeley, Colorado.

On September 16, 1948, applicant herein filed for authority to extend operations under said Permit No. B-3908 to include the right to transport merchandise for Montgomery Ward and Company, only, between their stores and warehouses in Greeley, Colorado, and points and places within a radius of fifty miles of Greeley, Colorado, with return of new and used merchandise to said stores and warehouses in Greeley, Colorado.

The matter was set for hearing, and heard, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on October 20, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that applicant presently holds Private Carrier Permit No. B-3908, and is desirous of extending

the territory served thereunder to properly serve his customers.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission. He presently has on file with the Commission certificate of insurance and financial statement.

A. R. Statt, of Montgomery Ward and Company store at Greeley, Colorado, appeared and testified that his stores need the services of applicant in the extended territory, and that the services of common carriers do not adequately take care of their needs.

No testimony was introduced on behalf of protestants.

The evidence did not disclose, nor did it appear, that the proposed extended operation of applicant will tend to impair the efficiency of any motor vehicle common carrier service with which applicant will compete.

F I N D I N G S

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

O R D E R

THE COMMISSION ORDERS:

That Floyd Schneider, Greeley, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-3908 to include the right to transport merchandise for Montgomery Ward and Company, only, between their stores and warehouses in Greeley, Colorado, and points within a radius of fifty miles of Greeley, Colorado, with return of new and used merchandise to stores and warehouses in Greeley, Colorado.

That this order is made a part of the permit granted to applicant and shall become effective twenty days from date.

DATED at Denver, Colorado,
this 17th day of December, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

EHC

Original

(Decision No. 31714)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FREDERIC A. BETHKE, ROSINA A. BETHKE, AND E. BONABEL BETHKE, CO-PARTNERS, DOING BUSINESS AS "BETHKE MILK LINES," GILCREST, COLORADO, FOR AN EXTENSION OF PUC No. 557.

APPLICATION NO. 9598
EXTENSION

December 17, 1948

Appearances: Jones and Stauffer, Esqs., Denver, Colorado, for applicant;
Fred Rein, Jr., 2921 Walnut St., Denver, Colorado, for Rein Transport;
V. G. Garnett, 1420 - 28th St., Denver, Colorado, for Colorado Rapid Transit;
L. C. Austin, 955 - 12th St., Boulder, Colorado, for Austin Brothers.

STATEMENT

By the Commission:

On August 10, 1948, applicants herein, Frederic A. Bethke, Rosina A. Bethke, and E. Bonabel Bethke, co-partners, doing business as "Bethke Milk Lines," Gilcrest, Colorado, filed application for an extension of PUC No. 557 to include the right to transport milk and cream, in tank trucks, in the following-described territory: Between all points and places in Colorado on and east of U. S. Highway No. 87, and on and north of U. S. Highway No. 36, including Golden, Colorado, and Boulder, Colorado, and between all points and places in said described area, on the one hand, and all points and places in Colorado, on the other hand.

The matter was set for hearing, and heard, October 20, 1948, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and there taken under advisement.

At the hearing, the evidence disclosed that applicants are presently operating a specially-equipped tank truck, insulated with cork, for transporting milk in bulk, and, if we interpret the evidence clearly, have been operating this truck under private carrier authority from and between points in Northeastern Colorado to Denver, Colorado.

Applicants now ask for authority to haul milk in the northeastern part of Colorado, together with certain specified points west of U. S. Highway No. 87. It would appear that applicants desire to haul for the Colorado Condensed Milk Company, Goodrich Dairy, and the Denver Milk Producers. The evidence as to service applicants will render is not clear. It appears that applicants desire to pick up milk in bulk and transport it between all points in the area they wish to serve. Applicant Frederic A. Bethke named the following hauls they have been requested to make, or anticipate they may be called upon to make in the State:

Brighton to Johnstown,
Pueblo to Denver,
Sterling to Denver,
Fort Lupton to Denver,
Brighton to Denver,

and stated they expect to haul for milk producers, milk stations, and dairies.

Mr. Moore, of the Denver Milk Producers, testified that applicants' service would be desirable, as milk would be transported in insulated trucks, and the dairies or receivers of milk would receive the milk in better condition.

Applicant Frederic A. Bethke stated, however, that they did not plan on picking up milk in small amounts from dairy farmers.

Many certificated carriers appeared at the hearing, protesting the granting of the proposed application, maintaining that the granting of the extension would not be in the public interest, as it would tend to disrupt the present system used in transporting milk.

The Commission, in the past, has experienced considerable difficulty in regulating transportation of milk for hire. We are impressed with the mode of transportation of milk offered by applicants, as it appears to us it might prove to be an improved service. However, applicants are asking

point to point authority in a large territory that is now served by at least thirty-five common carriers whose operations depend upon transportation of milk and cream. Likewise, we have an equal, if not greater, number of private carriers located within the same territory.

Applicants further ask for authority between this large territory and all points in the State of Colorado. If we are to believe the testimony of applicant and his witness, this, in the future, will be the recognized and proper method of transporting milk and cream. It therefore appears to the Commission that the application is too broad — too general in its terms — to justify the granting of the instant application. While it is desirable to foster and encourage the improvement of existing facilities for transporting milk and cream, it would, in our opinion, be decidedly unfair, unwise, and improper regulation to grant the extension sought upon the showing made. Perchance, certain clearly specified hauls should be authorized by this Commission, but we cannot see where we are justified, under the evidence, in granting authority covering so large a territory, where the evidence was confined to a small number of short hauls.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be denied, for the reasons heretofore set forth in the Statement preceding, which by reference is made a part of these Findings.

O R D E R

THE COMMISSION ORDERS:

That the instant application be, and the same hereby is, denied.

That this order become effective twenty days from date.

DATED at Denver, Colorado,
this 17th day of December, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Woodward

John R. Barry

Joseph W. Hawley

Commissioners

EHC

Original

(Decision No. 31715)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF WATER SERVICE FURNISHED BY ARTHUR D. QUAINTANCE AND MARY ROSS QUAINTANCE AND/OR ELLERY CLARK AT TINY TOWN, COLORADO.

CASE NO. 4979

December 15, 1948

Appearances: Arthur D. Quaintance, Denver, Colorado, pro se;
E. B. Evans, Esq., Denver, Colorado, for respondents, Arthur D. Quaintance and Mary Ross Quaintance;
L. T. Erickson, Esq., Denver, Colorado, for respondent, Ellery Clark;
Jackson M. Seawell, Esq., Denver, Colorado, for complainants.

S T A T E M E N T

By the Commission:

On January 20, 1948, a petition was filed with this Commission by six owners of homes in Tiny Town Subdivision, in Jefferson County, Colorado, asking that the water system supplying the residents of Tiny Town be declared a public utility, and that it be regulated by the Commission.

Tiny Town is in Turkey Creek Canon, in mountainous terrain, approximately twenty miles southwest of Denver, Colorado.

After due notice to all parties in interest, the matter was set for hearing on June 28, 1948, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and on that date reset for July 16, 1948. On the latter date, evidence was given on behalf of all parties and exhibits were introduced, and the hearing was then continued for further evidence to October 13, 1948. On the latter date, additional evidence

was given and additional exhibits introduced, and the matter was then continued for further hearing to October 22, 1948, and again to October 26, 1948, at which time the hearings were concluded and the matter taken under advisement by the Commission.

In August of 1927, Arthur D. Quaintance and Mary Ross Quaintance caused to be laid out, platted, and dedicated, certain lands in Jefferson County, Colorado, more particularly known as Tiny Town Subdivision, and fully described in Exhibit No. 4 of July 16, 1948.

The water system was built by one Harry B. Frazer in 1927 or 1928, to supply water to the summer residents of the Tiny Town Subdivision. The water system consists of a concrete reservoir located on Lot 1, Block 7, a dug well approximately seven feet deep near the Turkey Creek Streambed, and the necessary pipe, partly above ground, from the well to the reservoir and thence to the houses in said Subdivision.

Arthur D. Quaintance and Mary Ross Quaintance own said water system at Tiny Town, but have never personally conducted the business of selling water. Mr. Frazer, who built the system, managed it from its inception, and after he moved from Tiny Town the owners carried on the operation through a lessee.

Mr. G. H. Cannon was the lessee from and after August 31, 1946, as shown by Exhibit 1 of July 16, 1948, his lease being subsequently assigned to Ellery Clark, one of the respondents herein.

At the hearing on July 16, 1948, Mr. S. E. Kotz, engineer of the Sanitary Engineering Division of the State Department of Public Health, introduced Exhibit No. 3, being a report of "Sanitary Survey of Water Supply at Tiny Town," made by himself and Harry Steigman of the Tri County Health Department. In substance, this report recommended a new source of water supply instead of the continued use of the existing well, because of the possible contamination of water in the present well by surface water. The report suggested a new well of a greater depth, not depending upon surface water for its supply, and sealed off to eliminate surface water and the resultant possible contamination. Until such well is pro-

vided, the report recommended chlorination of the existing supply. To prevent the freezing of the distribution system, it recommended the rebuilding of the present system in part.

Several of the present users of water from this system testified as to the type of service rendered, and all complained of the long periods of time that service was interrupted for various reasons, the chief reason being the freezing of the mains during winter months.

The Commission's engineer testified as to a report he had prepared after an examination of the water system at Tiny Town. He estimated the original cost of this system at about $3572.81, as shown by Exhibit No. 2 of October 13, 1948. He also submitted at this hearing Exhibit No. 3 of October 13, being a revenue sheet showing income and expenses for the year 1947.

The expense account, together with a statement of income, was furnished by Ellery Clark, the present lessee, from what records he had kept. Using a rate base of $3572.31 from Exhibit No. 2 of October 13, and allowing a seven per cent return on the investment, a deficit of $251.02 is shown for the year 1947 on Exhibit No. 3 of October 13. In analyzing the expense items used in this exhibit, it is noted that $208.00, or 54 per cent of said expenses for the year 1947, was due to thawing of frozen water mains. Apparently, there will be a recurring expense for thawing the mains as long as water is furnished during the winter months from unprotected mains, due to the severity of the weather in this mountainous location.

It is shown by Exhibit No. 3 of October 13, that, with the existing rates for water, the system operates at a loss. The present rates are $22.50 per year for water during the summer months and $30.00 per year for water the year around.

There are eighteen users on the system, ten for summer water, only, and eight for the full year, or twelve months' service.

An estimate of the expense of rebuilding the system was made by engineers, and a bid submitted to Mr. Quaintance. The bid was on a sys-

tem to furnish winter and summer water, or twelve months' service, from a deep well, free from surface water contamination, and the rehabilitation of the distribution system. The figure for the work was approximately $7500.00, which would include the expense of burying the mains to a depth that would eliminate the danger of freezing.

The sum of $7500.00, added to the value of that portion of the already existing mains that would still be of use and useful in rendering proper service to eighteen customers, would be an exorbitant expense to impose upon the owners of this system. This Commission would not require an expenditure that would result in the investor expending that sum of money with but slight assurance of recovering a reasonable return. The Commission feels that, with a system as small as this, located in what is primarily a summer resort, the risk involved by this expenditure would be out of proportion to the expected return. The Commission feels that, because of the current housing shortage, people are now residing in mountain resorts which, under ordinary conditions, would still be used principally for summer homes. The fact that there is a definite housing shortage has forced people to live in localities that are not convenient to their needs, but it is necessary that they take what accommodation are available. Many summer resorts have had an influx of year-round residents, which is due in large part to this housing shortage. The Commission feels that, when the present condition is alleviated, there is no assurance that such people as are now living in mountain resorts will not move to homes nearer to their places of business, and especially during the winter months. This condition would have a definite bearing upon the number of customers of a limited system such as this, and would also affect the amount of income from the project in the future.

Exhibit No. 7 of July 16 is entitled "Tiny Town Summer Home Sites." This further indicates that Tiny Town is primarily intended as a summer residence area under normal conditions. All the evidence points to the fact that the owners, at the time they acquired the property, did not anticipate furnishing water service other than during the summer months.

Customers of the water utility are entitled to service commensurate with the rates they pay. In the instant matter, the question resolves itself into a decision as to how large an investment should be required without undue hazard to the investors, and what type of service should be provided. The Commission feels that, to require this utility to maintain year-round water service, and invest the additional amount necessary to provide such service, would not be in line with good, sound investment policy, nor is it required by the public convenience and necessity. The alternative is to require a shorter period of service, at a smaller capital outlay.

A deep well is one of the first requisites for this water system if it is to supply potable water during the summer months when shallow wells go dry or become contaminated. The Steigman-Kotz report, as well as the Commission engineer's testimony, recommends such a well, protected from shallow surface water contamination.

If the period of time the utility is required to serve its customers is shortened to include only the summer season, the expense of rebuilding or re-laying the mains at greater depth, to prevent freezing, will be eliminated.

The Commission has other water utilities under its jurisdiction where water service is restricted to certain months of the year for the same reasons outlined above. This period of service for water utilities in summer resorts is usually from May to the early part of October of each year.

The testimony presented at the several hearings in this case has consistently shown that one of the principal difficulties in rendering proper service is the freezing of the mains during the winter months, with the resultant thawing expense and interruption of service. If service were restricted to the summer months, this expense and interruption could be eliminated.

The reservoir in Lot 1, Block 7, Tiny Town, is also in need of some repair, according to the testimony offered. The main complaint is

that rodents can gain access to the reservoir in its present condition. However, if the door were repaired, and other needed maintenance furnished, the Commission feels that this reservoir can easily be restored to a proper operating condition.

FINDINGS

THE COMMISSION FINDS:

That Arthur D. Quaintance and Mary Ross Quaintance are the owners of the Tiny Town Water System, which is a public utility.

That said water system should be rehabilitated to furnish water to customers residing in Tiny Town Subdivision from May first to October fifteenth, inclusive, of each year.

That a new well should be dug or drilled to a source of water that is not dependent upon surface water for its supply, and that this well should be sealed off from the surface water so that the potable water will not be contaminated by the run-off of surface water.

That the present reservoir should be repaired so that rodents cannot gain access to the interior thereof.

That any of the existing mains that are broken or have developed leaks should be repaired or replaced, to provide water service during the period specified, and should be properly maintained thereafter.

ORDER

THE COMMISSION ORDERS:

That the Tiny Town Water System, owned by Arthur D. Quaintance and Mary Ross Quaintance, is a public utility, and that the future public convenience and necessity require, and will require, the operation of such system as a public utility; and that this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That said Arthur D. Quaintance and Mary Ross Quaintance be, and they are hereby, required to rehabilitate said Water System in accordance with the Findings above set forth, such Findings by reference being made a part hereof.

That said Arthur D. Quaintance and Mary Ross Quaintance, as owners of such public utility, be, and they are hereby, required to file rate schedules and otherwise comply with all the rules and regulations of this Commission and the laws of the State of Colorado relating to water utilities.

That this order shall become effective twenty days from and after the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

DATED at Denver, Colorado,
this 15th day of December, 1948.

EHC

Original

(Decision No. 31716)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAVID ELDER, 227 SOUTH GRANT STREET,)
DENVER, COLORADO, FOR A CERTIFICATE) APPLICATION NO. 7603.
OF PUBLIC CONVENIENCE AND NECESSITY.)

DECEMBER 17, 1948

Appearances: Arthur A. Brooks, Jr., Esq., Denver, Colorado, for applicant;
Jones and Stauffer, Esqs., Denver, Colorado, for Sorenson Truck Line:
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
Harold D. Torgan, Esq., Denver, Colorado, for Duffy Moving and Storage Company, Gallagher Transfer and Storage Company, and W. A. Hutchens.

S T A T E M E N T

By the Commission:

On April 22, 1948, the applicant herein filed his application for a certificate of public convenience and necessity, call and demand service, for the movement of houses and buildings between points and places within a 100-mile radius of Denver, Colorado.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on May 4, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that applicant at the present time is the owner of:

1 - 1936 1½-ton Marmon-Harrington, 4-wheel drive truck;
1 - 1934 2½-ton GMC truck;
1 - 1938 3-ton Dodge truck;
1 - 1931 5-ton Diamond T truck;

pole trailers, timbers, dollies and miscellaneous house moving equipment.

The evidence also disclosed that applicant has a net worth of approximately $21,750.00, and has had considerable experience moving buildings, and is presently carrying on the business of moving buildings within the City and County of Denver.

Applicant states he has had numerous calls to move buildings and the great majority of these calls are within a 20-mile radius of Denver, Colorado. He states he would be willing to limit his application to that radius; that at the present time he is very busy and would not be able to take care of business beyond that radius; that, due to the demand for his services in the territory adjoining and adjacent to Denver, he was prompted to make the within application.

Douglas Majors, of Brighton, Colorado, who buys and sells houses, states he is desirous of using applicant's service, and fells that said service is needed by men engaged in business similar to his; that in his judgment, additional carriers for moving houses are needed in the territory adjacent to Denver.

C. A. Bresnahan, of the Western Realty Company, stated he had need of applicant's service; that he had some 85 houses to move from Buckley Field, and would also use applicant's service in moving buildings in the Aurora territory.

T. M. Satchel, a real estate dealer, also testified as to his need for applicant's proposed service; that he presently has 18 to 20 buildings to move and he complained very bitterly relative to the cost of moving by the Denver authorized common carriers, stating their prices were exorbitant and "way out of reason."

George A. Dawson, of Duffy Moving and Storage Company, testified that his company maintained 5 sets of moving equipment, and generally had one or two sets of equipment on hand at all times; that they could do considerable more business, and from his company's experience, he felt there was no need for additional service in the territory tributary to Denver.

W. A. Hutchens, who holds a certificate from this Commission also very vigorously protested the granting of an additional certificate to serve the Denver area. He stated he maintained 6 complete sets of moving equipment, and from his observation there was adequate equipment in the Denver area, certificated by this Commission, to take care of all public needs.

The Commission, in the instant application, is faced with a difficult problem. We have some evidence before us that applicant's proposed service is needed and is in the public interest for an area immediately surrounding Denver. One witness complains that the authorized carriers' charges or prices are too high, and one of the witnesses for a carrier reported they did not want the witness' business.

The Commission has not found it practical or feasible to exercise complete control over the operations of house moving, and that is especially true as to rates and charges for services rendered. The Commission, approximately three years ago, entered into a formal investigation as to fixing rates and charges for moving buildings, and after said investigation, found that the fixing of rates by the Commission was not practical and any rates we might prescribe would be unsatisfactory and not equitable or just to either the public or the carrier.

It is elementary that common carriers, to be protected by regulatory power, sould maintain:

1. Reasonable and non-discriminatory rates;
2. Proper service; and
3. Financial stability.

Where the Commission does not fix the rates and charges, there may be a temptation for the carrier to assume an attitude of collecting "what the traffic will bear." It therefore appears to the Commission that to protect the public, it becomes necessary to control rates by limited competition, that is, to place sufficient competition into the field so that the rates, by reason of said competition, will be satisfactory.

F I N D I N G S

THE COMMISSION FINDS:

After careful consideration of the records, the Commission is of the opinion, and finds, that the instant application, as hereinafter limited, should be granted.

O R D E R

THE COMMISSION ORDERS:

That the public convenience and necessity require the proposed call and demand service of applicant for the movement of houses and buildings between points and places within a 20-mile radius of Denver, Colorado, and this order shall be taken, deemed, and held to be a cartificate of public convenience and necessity therefor.

The applicant shall file tariffs and rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

The applicant shall operate his carrier system in accordance with the order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank C. Hatton

John R. Barry

Joseph C. Crawford

Commissioners.

Dated at Denver, Colorado
this 17th day of December, 1948

bf

(Decision No. 31717)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK ALLEN, 626 EAST ST. VRAIN ST., COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9710-PP

December 17, 1948

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 other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Inasmuch as the motor carrier associations heretofore have indicated 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.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Frank Allen, Colorado Springs, Colorado, be, and he hereby

is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado to road and building construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of this Commission.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph C. Hawkins

Commissioners

DATED at Denver, Colorado,
this 17th day of December, 1948.

EHC

(Decision No. 31718)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RAY MOSHER, GENERAL DELIVERY, HOEHNE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 9668-PP

December 17, 1948

S T A T E M E N T

By the Commission:

By the above-styled application, Ray Mosher seeks a Class "B" private carrier permit authorizing him to transport milk between points within the area from Delagua to Trinidad, Colorado, on U. S. Highways 85 and 87, and Colorado Highway 236, and from points within a radius of three miles of Hoehne, Colorado, to Trinidad, Colorado, on U. S. Highway 350 and Colorado Highway 239.

The application was set for hearing in La Junta, Colorado, on December 2, 1948, at which time and place the applicant failed to appear, either in person or by counsel, and no protestants appeared.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That the instant application be, and the same is hereby, dismissed.

That this order shall become effective twenty days from date.

DATED at Denver, Colorado,
this 17th day of December, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hedrick

Commissioners

EHC
E

Original

Decision No. 31719)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
GLENN O. KELLOGG, DOING BUSINESS AS)
"EASTERN COLORADO EXPRESS," 801 WAL-) APPLICATION NO. 9585-PP-
NUT STREET, DENVER, COLORADO, FOR AN) Extension
EXTENSION OF PERMIT NO. A-711.)

December 18, 1948

Appearances: T. A. Stockton, Jr., Esq., Denver, Colorado, for applicant;
E. B. Evans, Esq., Denver, Colorado, for Airline Express, Inc.;
Jones and Stauffer, Esqs., Denver, Colorado, for M. K. McElfresh, Paul Zimmerman.

S T A T E M E N T

By the Commission:

On September 7, 1948, Glenn O. Kellogg, doing business as "Eastern Colorado Express," filed application for extension of Permit No. A-711 to include the right to transport freight from Burlington, Colorado, via Colorado Highway No. 51, to Bonny Dam, near Hale, Colorado, and from the junction of U. S. Highway No. 24 and Colorado Highway No. 53, to Hale, Colorado, and to Bonny Dam, near Hale, Colorado, together with all intermediate points on said routes, and the extension be consolidated with applicant's existing permit, to permit service between all points presently authorized to applicant and all points sought to be served by the instant extension application.

The matter was set for hearing, and heard, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado on October 19, 1948, and there taken under advisement.

At the hearing, the evidence disclosed that applicant presently is authorized, under Permit No. A-711, as set forth in Decision No. 30250, to transport:

> freight, generally, between Denver and Arena and all intermediate points, via U. S. Highway No. 40 (formerly U. S. Highway No. 40, Denver to Limon, U. S. Highway No. 40-South, Limon to Arena), and between Limon, Colorado, and the Kansas-Colorado State Line and intermediate points, via U. S. Highway No. 40 to the junction of U. S. Highway No. 40 with U.S. Highway No. 24, thence via U. S. Highway No. 24 to the State Line (said U. S. Highway No. 24 formerly being U. S. Highway No. 40-North), with the right to serve all points intermediate on said routes, Denver to Arena, Denver to Colorado-Kansas State Line at the point where it intersects U. S. Highway No. 24, and Arena to said point on said Kansas State Line, via Limon, without the right to serve points east of Arena on U. S. Highway No. 40, and without the right to operate over U. S. Highways Nos. 59 or 51, or U. S. Highway No. 40, east of Arena,

and by said Decision No. 30250, applicant was authorized to extend operations under Permit No. A-711 to include the right to transport:

> property over U. S. Highway No. 40, from Arena Colorado, to the Colorado-Kansas State Line, with the right to serve intermediate point of Cheyenne Wells, Colorado.

Applicant, testifying in his own behalf, stated that at the present time the U. S. Bureau of Reclamation is commencing construction of a dam on the Republican River, near Hale, Colorado, and that said construction period is expected to last for at least five years; that he has been requested by customers to obtain an extension of his permit to serve Hale, Colorado and said Bonny Dam, and he plans on extending his route by Colorado Highways Nos. 51 and 53, northward from the junction of those highways with U. S. Highway No. 24 at Burlington, Colorado. Applicant further stated that this proposed extension will conflict with no presently certificated regular route scheduled operations, insofar as U. S. Highway No. 24 and U. S. Highway No. 36 are concerned.

Mr. Paul Armstrong, Comptroller of the McCoy Company, stated his company is distributor for heavy road and construction equipment; that company anticipates heavy movement of repair parts from Denver to Bonny Dam, and also a return movement of parts to Denver for repair; that they are interested in a daily service between Denver and Bonny Dam, and it is company's plan to use applicant's proposed service.

On cross-examination, he stated he would also use the service of Airline Express, if it is authorized to serve, but company deems it necessary that applicant be authorized to serve, as they will need a prompt and efficient service.

Fred H. Nichols, of B. F. Goodrich Company, of Denver, stated his company sold tires, tubes, and batteries, and other accessories; that company maintained dealers at Burlington, Colorado, and will need the service of a carrier from Burlington to Bonny Dam. He estimated that his company will have a substantial movement of freight from Denver and Burlington to Bonny Dam, and he requested that authority be given applicant to serve.

Lars Prestud, of Cummins Diesel Sales Company, whose office is located in Denver, stated his company will need daily service; that a large amount of equipment that they sell will be used by the contractors, and they will need a service to transport repair parts between Denver and Bonny Dam.

J. F. Handy, of Construction Equipment Company, also testified that his company will need the service of applicant, and that their shipments to Bonny Dam will run from one hundred pounds to two tons.

Fred Rein, of Airline Express, testified that he is the owner of PUC No. 1324, which authorizes transportation of freight, intrastate, between Denver and the Colorado-Kansas State Line, via Highway No. 6, including all intermediate points between Denver and a point ten miles east of Byers to the Colorado-Kansas State Line; that he also is asking to extend his operations to include transportation of freight in both intrastate and interstate commerce, and to Hale, Colorado and the proposed dam site, via Highways Nos. 51 and 53, and via any access highways to be constructed in the future, and he plans on operating, if granted authority, a six-day scheduled service.

It appears that Bonny Dam is not now served by line-haul common carriers. True, we have before the Commission an application by a common carrier to render line-haul service. We do have, however, common carriers authorized to serve this territory, but they are call and demand carriers, with limited authority. Applicant seeks private carrier authority, and has presented customer witnesses who testified his service is needed by them, and

that at the present time there is not adequate service available to take care of their needs.

The evidence did not disclose, nor did it appear, that the proposed operation of applicant will tend to impair the efficiency of any motor vehicle common carrier service now serving the area.

F I N D I N G S

THE COMMISSION FINDS:

That, upon the record made, and after careful consideration thereof, applicant is fit, willing, and able to perform the transportation service asked for in the instant application, and that the granting of the instant application for an extension will not impair the efficiency of existing motor vehicle common carrier services now operating in the area sought to be served by applicant, and that the extension sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Glenn O. Kellogg, doing business as "Eastern Colorado Express," Denver, Colorado, be, and he hereby is, authorized to extend operations under Permit No. A-711 to include the right to transport freight from Burlington, Colorado, via Colorado Highway No. 51 to Bonny Dam, near Hale, Colorado, and from the junction of U. S. Highway No. 24 and Colorado Highway No. 53 to Hale, Colorado, and to Bonny Dam, near Hale, Colorado, together with all intermediate points on said routes, and it is understood that said extension herein authorized shall be consolidated with applicant's existing permit, to permit service between all points he is presently authorized to serve and points authorized to be served by this Order.

This order is made a part of the permit granted to applicant, and shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph L. Hardman

John R. Barry

Joseph W. Headley

Commissioners.

Dated at Denver, Colorado
this 18th day of December, 1948

bf

original

(Decision No. 31720)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

COLORADO SPRINGS TRANSIT COMPANY, Complainant, v. ANTLERS LIVERY & TAXI CAB COMPANY, ROY AND JEWELL BROWN, DOING BUSINESS AS "RAY BROWN TOURS," WALTER COLBURN, DOING BUSINESS AS "COLBURN TOURS," H. H. COOPER, DOING BUSINESS AS "COLORADO SIGHTSEEING COMPANY," CARY-STECK, JAMES R. HAYES AND ESTHER HAYES, DOING BUSINESS AS "CONSOLIDATED TOURS," W. S. FULLER, A. H. FULLER, CADILLAC SIGHTSEEING COMPANY, ED TARMAN AND MABEL TARMAN, RUSSELL PADGAN AND J. M. BLAYLOCK, PIKES PEAK AUTO LIVERY, COLORADO SPRINGS, COLORADO, Defendants.	CASE NO. 4949

December 18, 1948

Appearances: Strachan, Horn and Anderson, Esqs., Colorado Springs, Colorado, for Complainant;
J. A. Carruthers, Esq., Colorado Springs, Colorado, for Yellow Cab Company;
Marion F. Jones, Esq., Denver, Colorado, for Cleo Starks;
Worth Allen, Esq., Denver, Colorado, for Ray Brown Tours, Colorado Sightseeing Company, Bogren Brothers Tours, Colburn Motor Tours, Hiawatha Tours, Tarman Tours, Finney and Son, Charles Weiss and John Martin, Carey-Steck Auto Livery, Colorado Scenic Tours, Grand View Tours, Cadillac Sightseeing Company;
Concur and Concur, Esqs., Del Norte Colorado, for Pikes Peak Auto Livery.

S T A T E M E N T

By the Commission:

On December 14, 1946, Colorado Springs Transit Company filed complaint, seeking the cancellation of the so-called "taxi" certificates of public convenience and necessity heretofore issued by the Commission to "Victory Cab Service," and others, to transport passengers between the City of Colorado Springs, Camp Carson, and Peterson Field, alleging violation of their certificates.

On January 11, 1947, Yellow Cab Company of Colorado filed a petition, in which they join Colorado Springs Transit Company, seeking the cancellation of the above certificates.

On February 1, 1947, Worth Allen, Esq., attorney for the major portion of respondents named in the caption, filed Answer, denying that any substantial violations thereof have taken place, and further alleging that some respondents have certificates of public convenience and necessity authorizing them, without limitation of time, to render the service in question, and that others have such certificates authorizing them to render such service for the duration of the war and three months thereafter, and that "duration of the war" has not terminated.

On February 18, 1947, Pikes Peak Auto Livery filed Answer, asking that the Commission require complainant to furnish a bill of particulars of the alleged violations mentioned in Paragraph 8 of their Complaint, and, in the event the Commission shall determine that the war is ended and that the certificate issued to respondent in Decision No. 21053 has expired, or is about to expire, that a hearing be held upon the matter of further service to Camp Carson and Peterson Field under said certificate.

Public hearing was had on said Complaint, pursuant to prior setting, after appropriate notice to all parties in interest, at the City Hall, Colorado Springs, Colorado, on April 11, 1947, where the matter was taken under advisement.

At the hearing held on the above date, the Provost Marshal residing at Camp Carson testified there is need for taxicab service to Peterson Field and Camp Carson, and that the service will be needed in the future. He stated that, at time of hearing, there were some fifteen hundred Army personnel located at Camp Carson, and it then appeared that

additional Army personnel may be moved to Camp Carson in the future. He further stated that the Army would regulate taxies to fixed stations for pick-up.

After his testimony, a recess was taken, and after said recess it was agreed by all parties at the hearing that taxi service should be permitted to continue if each owner of a certificate of public convenience and necessity would limit service to one taxi vehicle.

In view of the above agreement, it would appear that the above case should be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That Case No. 4949 should be dismissed, for the reason heretofore given in the Statement preceding, which Statement is made a part hereof.

O R D E R

THE COMMISSION ORDERS:

That Case No. 4949 be, and the same hereby is, dismissed.

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C Horton

John R. Barry

Joseph W. Hamelton

Commissioners

DATED at Denver, Colorado,
this 18th day of December, 1948.

EHC

Original

Decision No. 31721)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF AIRLINE EXPRESS, INC., 4401 VINE STREET, DENVER, COLORADO , FOR AUTHORITY TO EXTEND OPERATIONS UNDER PUC NOS. 1324 AND 1324-I.	)	APPLICATION NO. 9584

December 18, 1948

Appearances: E. B. Evans, Esq., Denver, Colorado, for applicant;
Jones and Stauffer, Esqs., Denver, Colorado, for M. K. McElfresh, Paul Zimmerman;
T. A. Stockton, Jr., Esq., Denver, Colorado, for Eastern Colorado Express.

S T A T E M E N T

By the Commission:

On September 17, 1948, Applicant Airline Express, Inc., filed application for authority to extend operations under PUC Nos. 1324 and 1324-I to include the right to transport freight, in both intrastate and interstate commerce, into Hale, Colorado, and the proposed site of the Bonny Dam, via State Highways Nos. 51 and 53, and via any access highways to be constructed in the future.

The above application was set for hearing, and heard, October 19, 1948, at ten O'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and there taken under advisement.

At the hearing, the evidence disclosed that applicant is now the owner and operator of PUC Nos. 1324 and 1324-I, authorizing

the transportation of freight, intrastate, between Denver, Colorado, and the Colorado-Kansas State Line, via U. S. Highway No. 6, including intermediate points on said highway east of a point ten miles east of Byers, Colorado, but not including any service to intermediate points between Denver and a point ten miles east of Byers; that there are no common carriers presently authorized to transport freight to the site of said dam via any highway now constructed or hereafter to be constructed; that there will be considerable freight moved from Denver, Colorado, and other points served by applicant to said dam site.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission, said corporation having operated under PUC No. 1324 for more than a year, and also has on file financial statement and a list of equipment.

This is an application for the extension of a line-haul service to serve Hale, Colorado, and Bonny Dam. After hearing the evidence in the instant application, we think it goes without saying that Bonny Dam will be entitled to the best possible transportation service that is economically possible. The evidence discloses that we have no common carriers authorized to take care of line-haul scheduled transportation needs of the communities requested to be served by the instant application, and it further appears that Airline Express, Inc., by virtue of present line-haul operation, is well qualified to take care of this additional service.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the proposed extension of PUC No. 1324 and 1324-I, and that certificate of public convenience and necessity should issue therefor, for the reasons set forth in the foregoing Statement, which by reference is made of these Findings.

O R D E R

THE COMMISSION ORDERS:

That present and future public convenience and necessity require, and will require, the proposed extension of PUC Nos. 1324 and 1324-I, to include the right to transport freight, on schedule, in both intrastate and interstate commerce, to Hale, Colorado, and the proposed dam site of the Bonny Dam, via State Highways Nos. 51 and 53, and via any access highways to said dam to be constructed in the future, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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 within twenty days from date.

The applicant shall operate his carrier system according to the schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

This order is subject to compliance by applicant with all present and future laws and rules and regulations of the Commission.

The a u t h o r i t y granted herein is subject to the provisions of the Federal Motor Carrier Act of 1935.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Morton

John R. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado
this 18th day of December, 1948

bf

original

(Decision No. 31722)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE A. SUMNER AND FRANK E. BROWN, doing business as "NELSON TRUCK LINE," IDAHO SPRINGS, COLORADO, TO TRANSFER A PORTION OF PUC NO. 1758 TO E. M. STAGE AND KENNETH TRENBERTH, doing business as "BOB STAGE TRANSPORTATION COMPANY," IDAHO SPRINGS, COLORADO.	APPLICATION NO. 9472 TRANSFER
IN THE MATTER OF THE APPLICATION OF GEORGE A. SUMNER AND FRANK BROWN, doing business as "NELSON TRUCK LINE," IDAHO SPRINGS, COLORADO, FOR AUTHORITY TO TRANSFER A PORTION OF PUC NO. 1758 TO GEORGE E. SUMNER, IDAHO SPRINGS, COLORADO.	APPLICATION NO. 9473 TRANSFER
RE MOTOR VEHICLE OPERATIONS OF BOB STAGE TRANSPORTATION COMPANY, IDAHO SPRINGS, COLORADO.	PERMIT NO. A-122

December 20, 1948

SUPPLEMENTAL ORDER

Appearances: Jones and Stauffer, Esqs., Denver, Colorado, for applicants;
A. J. Fregeau, Denver, Colorado, for Weicker Transfer and Storage Company;
J. A. Foley, 1601 Lawrence Street, Denver, Colorado, for American Furniture Company.

S T A T E M E N T

By the Commission:

By Decision No. 31593, of date November 30, 1948, the Commission amended Decision No. 31359, of date October 5, 1948.

It now appears that said Decision No. 31359 should be further amended, to clarify operating rights under Permit No. A-122.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 31593 should be amended, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 31593, of date November 30, 1948, be, and the same hereby is, amended, nunc pro tunc, as of said 30th day of November, 1948, by striking from the Order therein contained, the sixth through the eleventh lines of the first paragraph, beginning with the words "That authority under Permit No. A-122" and ending with the words "be, and the same hereby is, cancelled," and inserting, in lieu thereof, the following:

> "That all of the authority contained in Permit No. A-122 shall be cancelled, except that portion thereof which permits the transportation of freight between the foot of Mt. Vernon Canyon and the Pioneer Store, situated in Mt. Vernon Canyon, and the transportation of freight between Idaho Springs and Echo Lake and intermediate points, and the authority retained be consolidated with PUC No. 1758."

That, except as herein amended, said Decision No. 31593 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton
John R. Barry
Joseph W. Hoobler
Commissioners

DATED at Denver, Colorado,
this 20th day of December, 1948.

EHC

(Decision No. 31723)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CONSOLIDATED MOTOR FREIGHT, INC., 2921 WALNUT STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NOS. 51 AND 51-I TO DENVER-LARAMIE-WALDEN TRUCK LINE, INC., 2921 WALNUT STREET, DENVER, COLORADO.

APPLICATION NO. 9714 - TRANSFER

December 20, 1948

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, for applicants.

S T A T E M E N T

By the Commission:

Heretofore, Consolidated Motor Freight, Inc., Denver, Colorado, was authorized to operate as a common carrier by motor vehicle for hire, in interstate and intrastate commerce, and PUC Nos. 51 and 51-I issued to it.

By the instant application, said certificate-holder seeks authority to transfer said operating rights to Denver-Laramie-Walden Truck Line, Inc., Denver, Colorado, which corporation requests that, in the event authority to transfer is granted, PUC Nos. 51 and 51-I be consolidated with PUC Nos. 1475 and 1475-I, now held by transferee corporation, and that said consolidated operation be known as "PUC Nos. 51 and 51-I," and that said transfer be made effective December 31, 1948.

Inasmuch as the files of the Commission and the verified application herein show that said certificate is in good standing; that ton-mile tax deposit is to be transferred to account of transferee; that there are no outstanding unpaid operating obligations

against said certificate; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said operating rights, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Consolidated Motor Freight, Inc., Denver, Colorado, be, and it hereby is, authorized to transfer all its right, title, and interest in and to PUC Nos. 51 and 51-I to Denver-Laramie-Walden Truck Line, Inc., Denver, Colorado.

The tariff of rates, rules and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering its operations under said certificate up to the time of the transfer of said certificate, and the payment by it or transferee of all unpaid ton-mile tax.

That transfer of interstate operating rights is subject to the provisions of the Federal Motor Carrier Act of 1935.

That the operating rights herein authorized to be transferred shall be consolidated with PUC Nos. 1475 and 1475-I, said consolidated

operation, in the future, to be known as "PUC Nos. 51 and 51-I."

That transfer herein authorized is made subject to assumption and payment by transferee of ton-mile tax due and owing from transferor to the Commission, on account of operations under said PUC Nos. 51 and 51-I.

That ton-mile tax deposit of transferor shall be transferred to account of transferee.

This order shall become effective as of December 31, 1948.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hoskins

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 20th day of December, 1948.

(Decision No. 31724)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JACK PALMER, GENERAL DELIVERY, TIFFANY, COLORADO, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO OTTIE REED, ARCHIE REED, AND JOHN PATTERSON, CO-PARTNERS, DOING BUSINESS AS "REED BROTHERS," GENERAL DELIVERY, BAYFIELD, COLORADO.	PERMIT NO. B-3761-I

December 20, 1948

S T A T E M E N T

By the Commission:

Heretofore, Jack Palmer, Tiffany, Colorado, acquired Permit No. B-3761-I, authorizing him to operate as a Class "B" private carrier by motor vehicle for hire in interstate commerce.

By the instant application, said permit-holder seeks authority to transfer said operating rights to Ottie Reed, Archie Reed, and John Patterson, co-partners, doing business as "Reed Brothers," Bayfield, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That said transfer should be authorized.

O R D E R

THE COMMISSION ORDERS:

That Jack Palmer, Tiffany, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3761-I to Ottie Reed, Archie Reed, and John Patterson,

co-partners, doing business as "Reed Brothers," Bayfield, Colorado, subject to the provisions of the Federal Motor Carrier Act of 1935, and subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That ton-mile tax deposit be transferred to account of transferees.

That this order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hanlon

John P. Barry

Joseph W. Hoover

Commissioners

DATED at Denver, Colorado,
this 20th day of December, 1948.

EHC