

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. B. BORCHERT, 2828 WEST)
KIOWA, COLORADO SPRINGS, COLO.)
)
)
-----)

PERMIT NO. C-22642

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
J. B. Borchert,-----
requesting that Permit No. C-22642 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-22642, heretofore issued to-----
J. B. Borchert,-----be,
and the same is hereby, declared cancelled effective November 19, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Nathaniel C. Horton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MARK RELICH, ET 1 BOX 39,)
CANON CITY, COLORADO)
)
)
)
)

PERMIT NO. C-22775

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Mark Relich,-----
requesting that Permit No. C-22775 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-22775, heretofore issued to-----
Mark Relich,-----be,
and the same is hereby, declared cancelled effective December 9, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Reginald C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES CHAPMAN, JR., BOX 451,)
VICTOR, COLORADO.)
)
)
)
)

PERMIT NO. C-22965

December 28, 1949

S T A T E M E N T

By the Commission:

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

Charles Chapman, Jr.,-----

requesting that Permit No. C-22965 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-22965, heretofore issued to-----

Charles Chapman, Jr.,-----be,

and the same is hereby, declared cancelled effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Horton

John H. Barry

Joseph W. Hardy

Commissioners

Dated at Denver, Colorado,

this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALLEN ROGERS, 1316 REED STREET,)
GLOVIS, NEW MEXICO)
)
)
)

PERMIT NO. C-23441.

December 28, 1949

S T A T E M E N T

By the Commission:

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

Allen Rogers,-----

requesting that Permit No. C-23441 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-23441, heretofore issued to-----

Allen Rogers,----- be,

and the same is hereby, declared cancelled effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

John W. Barry
Joseph W. Harty

Commissioners

Dated at Denver, Colorado,

this 28th day of Dec., 1949.
sa

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE D. CORDOVA, BOX 559,)
WALSENBURG, COLORADO.)
)
)
)
)
)

PERMIT NO. C-23921

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Joe D. Cordova,.....
requesting that Permit No. C-23921.....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-23921....., heretofore issued to.....
Joe D. Cordova,.....be,
and the same is hereby, declared cancelled effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Harrison Norton

John H. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR D. ALEXANDER, 620 WEST)
5th, ADA, OKLAHOMA.)
)
)
)

PERMIT NO. C-24043

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Arthur D. Alexander
requesting that Permit No. C-24043 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-24043-----, heretofore issued to-----
Arthur D. Alexander-----be,
and the same is hereby, declared cancelled effective November 12, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO
Robert H. Brown
John D. Barry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 194 9.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. H. TUCKER, 407 SO. 2nd,)
LAMAR, COLORADO.)
)
)
)
)

PERMIT NO. C-20833.

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
C. H. Tucker,.....
requesting that Permit No. C-20833.....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-20833....., heretofore issued to.....
C. H. Tucker,.....be,
and the same is hereby, declared cancelled effective December 2, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 28th day of Dec., 1949.
sa

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MIKE J. & THOMAS J. VINDUSKA,)
STRATTON, COLORADO.)
)
)
)

PERMIT NO. C-20938

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Mike J. & Thomas J. Vinduska,-----
requesting that Permit No. C-20938 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-20938, heretofore issued to-----
Mike J. & Thomas J. Vinduska,-----be,
and the same is hereby, declared cancelled effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John H. Brown
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
RAYMOND E. BAKER, BOX 215,)
AULT, COLORADO.) PERMIT NO. C-20963
)
)
)

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Raymond E. Baker,.....
requesting that Permit No. C-20963 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-20963, heretofore issued to.....
Raymond E. Baker,..... be,
and the same is hereby, declared cancelled effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

John W. Hawley

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
D. A. JOHNSON, BOX 2, CAHONE,)
COLORADO.)
)
)
)
)

PERMIT NO. C-21861

December 28, 1949

S T A T E M E N T

By the Commission:

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

D. A. Johnson,.....

requesting that Permit No. C-21861 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-21861....., heretofore issued to.....

D. A. Johnson,.....be,

and the same is hereby, declared cancelled effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph S. Norton
John B. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ELMA M. BUNKER, 1045 BANNOCK ST.,)
DENVER, COLORADO.) PERMIT NO. C-21886.
)
)
)

December 28, 1949

S T A T E M E N T

By the Commission:
The Commission is in receipt of a communication from-----
Elma M. Bunker,-----
requesting that Permit No. C-21886 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-21886-----, heretofore issued to-----
Elma M. Bunker,-----be,
and the same is hereby, declared cancelled effective **December 15, 1949.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Horton
John W. Barry
Joseph W. H. H.

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 194 9.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT MILLER, ROUTE 1,)
FLORENCE, COLORADO.)
)
)
)
)

PERMIT NO. C-22451

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Robert Miller,-----
requesting that Permit No. C-22451 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-22451 -----, heretofore issued to-----
Robert Miller,-----be,
and the same is hereby, declared cancelled effective **December 15, 1949.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

John W. Barry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VERNON McCLAREN, PRITCHETT,)
COLORADO.)
)
)
)

PERMIT NO. C-15499

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Vernon McClaren,-----
requesting that Permit No. C-15499----- 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-15499-----, heretofore issued to.
Vernon McClaren,-----be,
and the same is hereby, declared cancelled effective **December 15, 1949.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
S. J. COMER, 1225 MAIN STREET,)
MONTROSE, COLORADO.)
)
)
)
)

PERMIT NO. C-16981

December 28, 1949

S T A T E M E N T

By the Commission:

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

S. J. Comer,.....

requesting that Permit No. C-16981..... 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-16981....., heretofore issued to.....

S. J. Comer,..... be,

and the same is hereby, declared cancelled effective **December 15, 1949.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Hutton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LINDAS LUMBER COMPANY, PO BOX)
145, WICHITA, KANSAS.)
)
)
)

PERMIT NO. C-18410

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Lindas Lumber Company,.....
requesting that Permit No. C-18410..... 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-18410....., heretofore issued to.....
Lindas Lumber Company,..... be,
and the same is hereby, declared cancelled effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Holton
John H. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PAUL E. BROUWER, RT 3, BOX 207,)
GOLDEN, COLORADO.)
)
)
)

PERMIT NO. C-20050

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Paul E. Brouwer,.....
requesting that Permit No. C-20050.....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-20050....., heretofore issued to.....
Paul E. Brouwer,.....be,
and the same is hereby, declared cancelled effective **December 15, 1949.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

John S. B. ...

George W. ...
Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 194 9.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLINTON HENRY BURGER, 1023 -)
9th AVENUE, GREELEY, COLORADO.)
)
)
)

PERMIT NO. C-20207

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Clinton Henry Burger,.....
requesting that Permit No. C-20207.....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-20207....., heretofore issued to.....
Clinton Henry Burger,.....be,
and the same is hereby, declared cancelled effective **December 15, 1949.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Horton
John P. Barry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
WM. SHADE, 1502 EAST 11th,)
PUEBLO, COLORADO.)
)
)
)
-----)

PERMIT NO. C-20292

December 28, 1949

S T A T E M E N T

By the Commission:

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

Wm. Shade,.....

requesting that Permit No. C-20292..... 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-20292....., heretofore issued to.....

Wm. Shade,..... be,

and the same is hereby, declared cancelled effective **October 18, 1949.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Brown

John H. Barry

J. L. Hawley
Commissioners

Dated at Denver, Colorado,

this 28th day of Dec., 1949.
ee

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EUGENE D. LAMB, SHARON SPRINGS,)
KANSAS.)
)
)
)

PERMIT NO. C-20796

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Eugene D. Lamb,.....
requesting that Permit No. C-20796.....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-20796....., heretofore issued to.....
Eugene D. Lamb,.....be,
and the same is hereby, declared cancelled effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL CALVERT, 819 SOUTH 7th ST.,)
CANON CITY, COLORADO)
)
)
)

PERMIT NO. C-7997.

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Earl Calvert,
requesting that Permit No. C-7997 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-7997, heretofore issued to
Earl Calvert,
be,
and the same is hereby, declared cancelled effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

John A. Berry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JUAN I. GONZALES, BOX 226,)
CHAMA, NEW MEXICO.)
-----)

PERMIT NO. C-9177

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Juan I. Gonzales,.....
requesting that Permit No. C-9177..... 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-9177....., heretofore issued to.....
Juan I. Gonzales,..... be,
and the same is hereby, declared cancelled effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Stanton
John W. Berry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN HAY, RR 4, GRAND JUNCTION,)
COLORADO.)
)
)
)

PERMIT NO. C-21272

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
John Hay,.....
requesting that Permit No. C-21272.....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-21272....., heretofore issued to.....
John Hay,.....be,
and the same is hereby, declared cancelled effective **December 15, 1949.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Horton
John B. Berry
Paul W. Hawley
Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949 .
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. M. METCALF, ROUTE 3 BOX 194,)
AMARILLO, TEXAS.)
)
)
)

PERMIT NO. C-21516

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
J. M. Metcalf,,.....
requesting that Permit No. C-21516.....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-21516....., heretofore issued to.....
J. M. Metcalf,.....be,
and the same is hereby, declared cancelled effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. ...
Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
D. L. BURKE, 726 - 4th STREET,)
TRINIDAD, COLORADO.)
)
)
)

PERMIT NO. C-21526

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
D. L. Burke,.....
requesting that Permit No. C-21526.....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-21526....., heretofore issued to.....
D. L. Burke,.....be,
and the same is hereby, declared cancelled effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO
Russell C. Anderson

John W. ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ca

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LORRIN BARFOOT, PURCELL,)
COLORADO.) PERMIT NO. C-22652.
-----)

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Lorria Barfoot,.....
requesting that Permit No. C-22652 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-22652 , heretofore issued to.....
Lorria Barfoot,..... be,
and the same is hereby, declared cancelled effective **December 15, 1949.**

THE PUBLIC UTILITIES COMMISSION

~~OF THE STATE OF COLORADO~~
[Signature]
Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
O. J. ADCOCK, 125 WEST 7th ST.)
WALSENBURG, COLORADO.)
)
)
)

PERMIT NO. C-7266.

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
O. J. Adcock,
requesting that Permit No. C-7266 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-7266, heretofore issued to
O. J. Adcock,
be,
and the same is hereby, declared cancelled effective December 9, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ANDREW VENHUISEN, 1770 SOUTH)
WASHINGTON, DENVER, COLORADO.)
)
)
)

PERMIT NO. C-7350

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
...Andrew Venhuisen,.....
requesting that Permit No. C-7350.....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-7350....., heretofore issued to.....
...Andrew Venhuisen,.....be,
and the same is hereby, declared cancelled effective December 16, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

John W. Harty
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
ROY E. HOSCHOUER, BOX 338,
HAXTUN, COLORADO. } PUC-1964.
----- }

December 28, 1949

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Roy E. Hoschouer, requesting that Certificate of Public Convenience and Necessity No. 1964 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Certificate No. 1964, heretofore issued to Roy E. Hoschouer, Box 338, Haxtun, Colorado, be, and the same is hereby, declared cancelled, effective December 15, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
Ralph C. Norton
John C. Berry
Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 28th day of December, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN WILSON, 265 EAST 6th ST.,)
SPRINGFIELD, COLORADO) PERMIT NO. C-15508
)
)
)

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
John Wilson,.....
requesting that Permit No. C-15508 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-15508, heretofore issued to.....
John Wilson,.....be,
and the same is hereby, declared cancelled effective **December 19, 1949.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 194 9.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
N. F. PEASE, 1579 CLAY STREET,)
DENVER 4, COLORADO.)
)
)
)

PERMIT NO. C-19564

December 28, 1949

S T A T E M E N T

By the Commission:

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

N. F. Pease,-----

requesting that Permit No. C-19564 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-19564, heretofore issued to-----

N. F. Pease,-----be,

and the same is hereby, declared cancelled effective **December 10, 1949.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Horton

John C. Avery

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 25th day of Dec., 194 9.
ee

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BILL BLAND FUEL & FEED, 2737½)
SOUTH LINCOLN, ENGLEWOOD,)
COLORADO.)
)
)
)
)

PERMIT NO. C-24252

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Bill Bland Fuel & Feed,.....
requesting that Permit No. C-24252 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-24252, heretofore issued to.....
Bill Bland Fuel & Feed,.....be,
and the same is hereby, declared cancelled effective **December 19, 1949.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John P. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 28th day of Dec., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE ARVADA ELECTRIC COMPANY, A COR-
PORATION ORGANIZED AND EXISTING UNDER
THE LAWS OF THE STATE OF COLORADO,
FOR AUTHORITY TO ISSUE \$200,000 PRIN-
CIPAL AMOUNT OF ITS PROMISSORY NOTES.

APPLICATION NO. 10326.

December 20, 1949

Appearances: Lee, Bryans, Kelly and
Stansfield, Esqs., Denver,
Colorado, for The Arvada
Electric Company;
W. Geo. Denny, Jr., Denver,
Colorado, for the Commission.

S T A T E M E N T

By the Commission:

The instant application was filed December 2, 1949, by
The Arvada Electric Company, a Colorado corporation, pursuant to Sub-
section (c) of Section 3, Chapter 137, 1935 Colorado Statutes Annotated,
for an order authorizing it to issue and sell at private sale, under the
terms of the proposed loan agreement, copy of which was filed as "Exhibit
G" by amendment to said application, of \$200,000.00 principal amount of
its promissory notes, to be known as "Series A" notes, to bear interest
at the rate of 3-3/4% per annum and to mature twenty years after the
date thereof.

By Decision No. 33805, of date December 2, 1949, this Com-
mission ordered a public hearing to be held December 13, 1949, at ten
o'clock A. M., at 330 State Office Building, Denver, Colorado, at which
time and place, after appropriate notice, the matter was heard and taken
under advisement.

No petitions of intervention were received by the Commission,
nor did anyone appear at the hearing in opposition to the application.

Applicant is a corporation organized and existing under the laws of the State of Colorado, and is engaged principally in the purchase, distribution, and sale of electricity.

The Company's operations are wholly within the State of Colorado, the principal center of distribution and sale of electricity being in the City of Arvada, Colorado, and the Town of Westminster, Colorado, and the territory adjacent thereto.

For the calendar year ended December 31, 1948, applicant reported operating revenues of \$237,095.23, and net income — that is, the amount available for dividends and surpluses — of \$36,040.28. During the year 1948, the amount of \$13,000.00 was appropriated for preferred stock dividends at the rate of \$7.00 per share. Earnings and dividends in prior years have been satisfactory.

As of December 1, 1948, applicant reported its assets and liabilities as follows:

ASSETS

Property, Plant, Equipment, Investments, etc.	\$515,517.90
Current and Accrued Assets	57,602.93
Deferred Charges	<u>111.45</u>
Total Assets	\$573,232.28

LIABILITIES

Capital Stock	192,000.00
Current and Accrued Liabilities	184,280.68
Reserves	107,642.70
Contribution in aid of Construction	200.00
Earned Surplus	<u>89,108.90</u>
Total Liabilities	\$573,232.28

The authorized capital stock of applicant consists of 2,000 shares of preferred stock with a par value of \$100.00 each, of which 1900 shares are issued and outstanding; and 2,000 shares of common stock without nominal or par value, of which 2,000 shares are issued and outstanding.

Applicant has issued and outstanding short-term notes in the aggregate amount of \$145,000.00, bearing interest at the rate of 4% per annum, payable at various maturities, the last maturity of any of said notes being May 31, 1950, said notes being specifically described in "Exhibit C", attached to the application.

The proceeds of the proposed sale and issuance of \$200,000.00 in principal amount of its "Series A" notes, bearing interest at the rate of 3-3/4% per annum, will be used by applicant to retire the existing short-term promissory notes in the aggregate principal sum of \$145,000.00, and the balance of such proceeds will be used to replace treasury funds used for plant additions during 1949, and to provide capital funds for future plant additions, extensions, and improvements scheduled to be made during the remaining portion of 1949 and the year 1950.

After giving effect to the issuance and sale of the \$200,000.00 principal amount "Series A" notes for which authority herein is sought, the pro forma capital structure of applicant, as of October 31, 1949, will be as follows, with the debt ratio percentage being set forth in the right-hand column:

Promissory Notes	\$200,000.00	38.97
Preferred Stock	190,000.00	37.01
Common Stock	2,000.00	
Earned Surplus	<u>121,315.93</u>	
Total Common Stock and Earned Surplus	123,315.93	24.02
	<hr/>	<hr/>
Total Capital Structure	\$513,315.93	100.00

The Commission's staff has examined the application and found that the ratio of Equity Capital and that of the Long Term Debt is a favorable ratio for this type of utility, and recommends that the authority sought in the application should be granted.

Because of the relatively small size of the proposed issue, and in order to save expense, applicant is interested in having this transaction handled as a private sale without a public offering.

FINDINGS

THE COMMISSION FINDS:

That applicant, The Arvada Electric Company, a Colorado corporation, is a public utility, as defined by Section 3, Chapter 137,

1935 Colorado Statutes Annotated.

That the Commission has jurisdiction of said applicant and the subject-matter of the application herein.

That the Commission is fully advised in the premises.

That the issuance by applicant of the securities proposed to be issued, as hereinabove set forth, is reasonably required and necessary for its proper corporate financing.

That the proposed securities transaction is not inconsistent with the public interest, and that the purpose or purposes thereof are permitted by, and are consistent with, the provisions of Chapter 137, 1935 Colorado Statutes Annotated, as amended by the Session Laws of 1947; that the order sought should issue and should be made effective forthwith.

That applicant should be permitted to sell these securities at private sale, and the Commission hereby waives public offering or competitive bidding with respect to the issuance of these securities.

ORDER

THE COMMISSION ORDERS:

That The Arvada Electric Company, a Colorado corporation, be, and it hereby is, authorized and empowered to issue and sell at private sale \$200,000.00 in aggregate principal amount of its promissory notes, to be designated as "Series A" notes, to bear interest at the rate of 3-3/4% per annum, to be dated December 15, 1949, and to mature December 15, 1969, such notes to be issued pursuant to and in accordance with the terms and provisions of a loan agreement substantially in the form of "Exhibit G", filed as an exhibit to the application herein.

That The Arvada Electric Company be, and it hereby is, authorized to use the proceeds to be derived from the issuance and sale of these securities for the retirement of the existing short-term promissory notes listed in "Exhibit C" aforesaid in the aggregate principal sum of \$145,000.00, and the balance of such proceeds to replace treasury funds used for plant additions during 1949 and to provide capital funds for

plant additions, extensions, and improvements scheduled to be made during the remaining portion of the year 1949 and the year 1950.

That the securities authorized to be issued hereunder shall bear on the face thereof a serial number for proper and easy identification thereof; that within sixty (60) days from the issuance and delivery of said securities, The Arvada Electric Company shall make verified report to the Commission of such serial numbers placed on such securities as are issued.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, the new \$200,000.00 principal amount of "Series A" promissory notes of applicant to be issued pursuant to this Order, on the part of the State of Colorado.

That within ninety (90) days from the date of the sale of said securities authorized herein to be sold at private sale and without public offering, The Arvada Electric Company shall make verified report to this Commission of the issue and disposition of the new securities herein authorized, the consideration for which such securities were sold, and commissions and expenses incident to such sale, pursuant to the terms and conditions of this Order, accompanying the same with a new balance sheet of the Company reflecting the issuance and sale of said securities.

That the right shall be reserved to applicant to reopen the proceedings herein, upon good cause shown after hearing, upon notice to all interested parties.

That the Commission retains jurisdiction of these proceedings to the end that it may make such further orders in the premises as to it may seem to be proper and 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

Joseph C. Hobbs
John R. Barry
John R. Barry
Commissioners.

Dated at Denver, Colorado,
this 20th day of December, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PETER N. HARKALIS, LYONS, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PERMIT NO. B-3672.)

APPLICATION NO. 10324-PP
EXTENSION

December 22, 1949

Appearances: Peter N. Harkalis, Lyons,
Colorado, pro se;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado,
Marion F. Jones, Esq., Denver,
Colorado, and
John T. Lewis, Esq., Denver,
Colorado, for Britt
Truck Service.

S T A T E M E N T

By the Commission:

On September 27, 1949, Peter N. Harkalis, Lyons, Colorado, applicant herein, filed his application for authority to extend operations under Permit No. B-3672 to include the right to transport stone from quarries within a radius of 10 miles of Lyons, Colorado; to points within a radius of 50 miles of Lyons, Colorado; forest and sawmill products from forest and sawmills within a 25-mile radius of Lyons to points within a 50-mile radius of Lyons; cinder blocks from Hygiene, Colorado, to points within a 25-mile radius of Lyons; coal from the northern Colorado coal fields to Lyons; no town to town service except from Lyons or from Hygiene.

The matter was set for hearing, and heard, December 15, 1949, at 330 State Office Building, Denver, Colorado, and at the conclusion of the hearing the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is presently the holder of Private Carrier Permit No. B-3672, which authorizes:

Transportation of horses between points within a twenty-five-mile radius of Estes Park, Colorado, and from and to points within said radius, to and from other points in the State of Colorado.

Applicant stated that he now has requests from his customers to increase his authority; that he has been called upon by present and prospective customers to haul stone, timber products, cinder blocks, and coal, and has had to refuse his customers this service due to his limited authority, and at their request he is now asking for extended authority.

Theodore J. Bottger, who operates a tourist court and wayside stand in Lyons, stated he would need the service of applicant in hauling stone from quarry and lumber from sawmills; that he was acquainted with applicant and knew him to be a high-type man and well qualified — both by experience and financially — to carry on his proposed operation.

Clarence Archzilger, of Lyons, Colorado, stated that he, in conjunction with his father-in-law, operated a sawmill near Lyons, Colorado; that he needed applicant's service, and would furnish two loads of lumber and one load of props each week; that a part of his haul was over private roads, and that he had experienced considerable difficulty in getting truckers to take care of his hauling needs.

John Smith, Jr., of Lyons, Colorado, stated he needed and would use applicant's services for lumber and stone during the present winter and next spring; that he planned on making improvements which would require this transportation service.

No evidence was introduced on behalf of protestants.

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 with which applicant will compete.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted, for the reasons heretofore set forth in the Statement preceding, which by reference is made a part of these Findings.

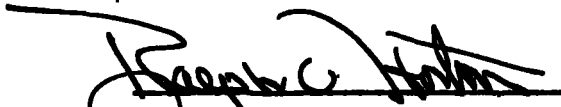


O R D E R

THE COMMISSION ORDERS:

That Peter N. Harkalis, Lyons, Colorado, should be, and he hereby is, authorized to extend his operations under Permit No. B-3672 to include the right to transport stone from quarries within a radius of ten miles of Lyons, Colorado, to points within a radius of fifty miles of Lyons, Colorado; forest and sawmill products from forest and sawmills within a twenty-five-mile radius of Lyons to points within a fifty-mile radius of Lyons, Colorado; cinder blocks from Hygiene, Colorado, to points within a twenty-five-mile radius of Lyons, Colorado; coal from Northern Colorado coal fields to Lyons; no town to town service except from Lyons or from Hygiene.

That 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




Commissioners

DATED at Denver, Colorado,
this 22nd day of December, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

APPLICATION NO. 8074-PP

December 22, 1949

Appearances: C. R. Bryant, Evergreen,
Colorado, pro se;
Benjamin E. Sweet, Esq.,
Denver, Colorado, pro se,
and for E. M. Stage Trans-
portation Company;

A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company.

S T A T E M E N T

By the Commission:

On November 16, 1946, applicant herein filed his application for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock between points in Colorado and the Colorado-Kansas State Boundary Line, where U. S. Highway No. 50 crosses the same, in interstate commerce, only, and in intrastate commerce between and from points within a fifteen-mile radius of Evergreen to Denver; new and used building materials from Denver to Evergreen and points within a ten-mile radius thereof.

Said application was set for hearing at Denver, Colorado, December 17, 1946, and shortly thereafter applicant asked to have the hearing vacated. Thereupon, said hearing was vacated (Decision No. 27308.)

On October 29, 1949, applicant, by formal request, asked that the above-styled application be reset for hearing, and stated that he

would like to have eliminated from said application the request for transportation of livestock.

The matter was reset for hearing December 1, 1949, at 330 State Office Building, Denver, Colorado, and at the conclusion of the hearing the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of a 1941 GMC one and one-half-ton truck, and desires to haul new and used building materials from Denver to Evergreen and points within a ten-mile radius of Evergreen. He stated that his present net worth is \$8,000.00, and it appears from the evidence that he is well qualified by experience to carry on his proposed operation.

Mr. Paul Hammond, a hardware merchant residing at Evergreen, stated he would use applicant's proposed service for hauling cement; that he had experienced considerable difficulty in the past, through dealings with motor carriers in hauling cement, due to the excessive number of broken sacks.

Mr. Kenneth Fowler, manager of Evergreen Lumber Company, also complained as to the service in hauling cement, as he, too, had a number of broken sacks.

Mr. A. C. Clark, a building contractor, stated he also would like the applicant's proposed service.

All of the above witnesses stated that they would use applicant's proposed service if he is granted a permit.

E. M. Stage, who operates under PUC No. 287, vigorously protested the granting of the permit. He stated his present operation -- which operates from Denver to Evergreen -- is barely breaking even; that the granting of authority to haul building materials would, in his opinion, force him to curtail his present scheduled service.

Witnesses for applicant, when cross-examined, all admitted that the scheduled service was important to their business and that they did not wish the scheduled service curtailed.

The statutes of the State of Colorado provide:

"No application for permit, nor for any extension, or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

It appears to the Commission that the granting of the instant application will impair common carrier services, so the Commission has no other alternative than to deny the instant application.

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 our Statement preceding, which by reference is made a part hereof.

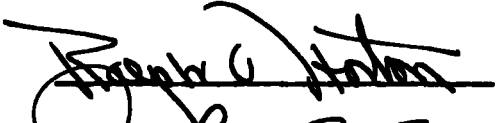
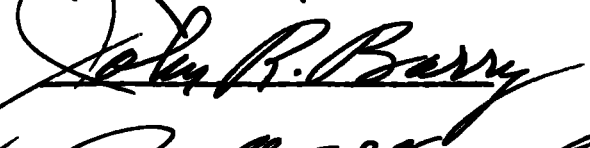

O R D E R

THE COMMISSION ORDERS:

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

That this order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners 2

DATED at Denver, Colorado,
this 22nd day of December, 1949.

EHC

original

(Decision No. 33970)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

LOUIS T. MILLER,

Complainant,

vs.

RIO GRANDE MOTOR WAY, INC.,

Defendant.

CASE NO. 4998.

December 22, 1949

Appearances: Alfred Heinicke, Esq.,
Colorado Springs, Colo-
rado, for Complainant;
T. A. White, Esq., Denver,
Colorado, for Defendant.

STATEMENT

By the Commission:

On June 28, 1949, Louis T. Miller, Complainant herein, lodged a complaint against Rio Grande Motor Way, Inc., wherein he alleged that defendant, Rio Grande Motor Way, Inc., has violated rules and regulations governing motor vehicle carriers, as promulgated by The Public Utilities Commission of the State of Colorado, and because of said violations, Complainant asked that the certificate of public convenience and necessity now held by Defendant be revoked.

Defendant, in its Answer, denied violation of Rule 14 of the rules and regulations of the Commission and alleged that pursuant to Rule 15 of said rules and regulations concerning emergency equipment, Defendant, on July 13, 1948, entered into a lease agreement with one Charles F. Crosby, for a single trip from Denver, Colorado, to Salida, Colorado, and return; that a full, true, and correct copy of said lease agreement is attached thereto and marked "Exhibit A."

The matter was formally set for hearing, and heard, at the Council Chambers, City Hall, Colorado Springs, Colorado, on September 23, 1949, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, it appeared that Complainant contends that he has suffered property damage and personal injuries as a result of a collision occurring on or about July 16, 1948, in El Paso County, on a public highway, known as the "Colorado Springs-Pueblo Road," wherein an automobile driven by him was struck by a tractor driven and owned by Charles F. Crosby and Andrew Crosby, hauling a trailer belonging to the defendant company.

It appears from the complaint that Complainant has filed an action in the District Court of El Paso County, Colorado, to recover his damages arising out of said collision, and that Defendant, Rio Grande Motor Way, Inc., in its Answer and Cross-Complaint, denies all liability arising out of said collision.

The instant case, in the judgment of the Commission, resolves itself to one issue: Complainant alleges that Defendant violated Rule 14. Defendant denies the violation. Complainant offered no testimony. True, the Commission can investigate any situation on its own motion. This we have done, and after said investigation, it appears that the practice employed by Defendant in leasing equipment is somewhat loose, and not in full compliance with the Commission's rules. We cannot say, however, that it is such a violation that would justify the cancellation of its certificate of public convenience and necessity -- especially when Complainant offers no evidence as to the violation.

F I N D I N G S

THE COMMISSION FINDS:

That on the instant record, the Complainant has failed to sustain the burden of proof or make a prima facie case, and the Commission's investigation does not, in itself, justify any further action.

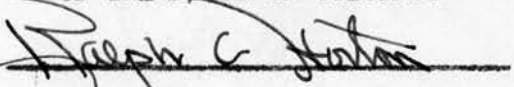
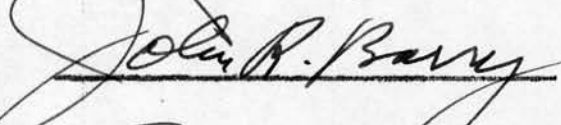
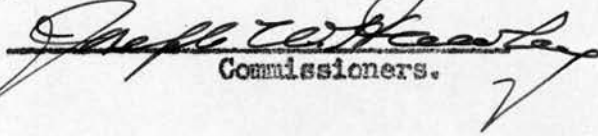
ORDER

THE COMMISSION ORDERS:

That the instant case, No. 4998, should be, and the same is hereby, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners. 2

Dated at Denver, Colorado,
this 22nd day of December, 1949.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

HENRY LECHLEITER, A. L. GAILLEY, J. H.
HUTSON, ROY E. HAUSER, ROGER C.
GLEASON, FRED PASCHALL, FRANK BOND,
HOWARD HUTSON, MINNIE SHAWVER, I. J.
BARKS, NORVAL SHIDE, SAM SHAWVER,
CARL WILSON, BEN WOODS, JOHN B.
ALLIES, ROSS HAYNES, TED COOPER,
H. A. STONE, C. V. MERCER, MRS. T. C.
VEIRS, T. R. MOUNT, E. J. HILL, MRS.
OLETUS V. SILVER, JAY BENSON, EARL
SHEETS, H. A. HOSKINS, ROY SMITH,
M. L. SHEETS, H. B. COFFMAN, ROBERT
SHEETS, MRS. LAURA M. FOSTER, MRS.
MAXINE VOLPE, STACY J. EADES, DELLA
EADES, KATHERINE VEIRS, CECIL STEVENS,
CARLYLE MOORE, AND BART ZANON,

Complainants,

vs.

CASE NO. 4996.

TOWN OF OLATHE AND ITS MUNICIPALLY-
OPERATED WATER PLANT,

Defendants.

December 22, 1949

Appearances: Bryant and Petrie, Esqs.,
Montrose, Colorado, and
William G. Waldeck, Esq.,
Montrose, Colorado, for
Complainants;
Nicholas E. Darrow, Esq.,
Delta, Colorado, for
Defendants;
C. L. Flower, Denver, Colo-
rado, 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:

On June 16, 1949, a petition was filed with this Com-
mission by thirty-nine water users of the Town of Olathe, Colorado,
residing outside the corporate limits of said Town of Olathe, alleging,
in substance, among other things:

First: That the Commission determine the fairness of the water rate for water service outside the corporate limits of the Town of Olathe, Colorado, as shown by rate schedule, being Colorado PUC No. 1, First Revised Sheet No. 5, issued April 19, 1949, and effective June 1, 1949, said water rate being as follows:

"WATER SERVICE OUTSIDE CORPORATE LIMITS

"AVAILABILITY:

Available to customers supplied by the municipal water system residing outside the corporate limits of the Town of Olathe.

"RATE (Net):

First 9,000 gallons or less used per quarter ..	\$12.00
Next 6,000 gallons used per quarter, per M.....	1.00
Next 15,000 gallons used per quarter, per M....	.50
All additional used, per M.....	.30

"MINIMUM:

Net minimum charge per quarter 12.00

"SPECIAL PROVISIONS:

The above rate is applicable only for the winter season, October 1 to April 1 of the following year. For the season, April 1 through September 30, the last step of the rate is to be disregarded and all quarterly use in excess of 15,000 gallons per quarter is to be billed, per M, at50

The town reserves the right to curtail the uses of water at any time deemed necessary."

Second: The Complainants, in Paragraph 3 of their Complaint, allege:

"That the town of Olathe has for many years been engaged in the operation of a public utility outside of its municipal boundaries by supplying water to persons living along the line of the pipe line which supplies water to the said town; that in building said pipe line and acquiring its rights of way therefor said town has entered into contracts and has been granted deeds by many of the complainants herein or by their predecessors in title, and that by the terms of said deeds and agreements, the town of Olathe has agreed and is obligated to supply water to said complainants at certain specified rates. In some cases this rate is fixed at one and one half times the rates charged within the town of Olathe, in other cases the rate is set at the same as charged within said town, and in still other cases the town has agreed to supply water free of charge; that the rates which have been set and which are now being charged by defendants are in direct violation of the contractual obligations contained in said deeds and contracts."

Third: That Complainants have been forced to pay for the installation of meters, and have been denied the right to water for lawns and gardens, while there is no restriction on users within the Town of Olathe.

On June 27, 1949, the Town of Olathe, Defendant herein, filed its Answer, in which it also asked that the Commission determine the fairness of the rate as hereinbefore set forth, and that the Commission determine the affect of the right-of-way deeds and contracts, if any there be. They affirmatively allege that they have found it necessary to meter all outside users to conserve and regulate their use of water, and to maintain an adequate pressure in the system for fire protection and general use within its own corporate limits.

While other matters were alleged in the Complaint, the evidence was confined to the above issues.

After due notice to all parties in interest, the matter was set for hearing, and heard, on August 15, 1949, at the District Court Room, Court House, Montrose, Colorado, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that in the Month of April, 1949, the Town of Olathe made application for an increase in rates charged to consumers residing outside the municipal limits of the town. It appears that in 1911, the Town of Olathe constructed a wood stave pipe line from Dry Creek and Moffit Springs, located about twenty-three miles west and south of Olathe, to Olathe, at a cost, as near as can be determined by the evidence, of \$65,000.00; that immediately after the construction of said line, the town not only served residents of the town, but also persons living outside the town, and particularly those persons living outside the town along the transmission main of the system. In the original construction of the system, the Town of Olathe acquired right-of-way deeds and contracts across private lands for its mains,

some of which, it is alleged, obligated the town to deliver water for domestic use to land owners under conditions more particularly set forth in the right-of-way deeds or contracts. The terrain over which the pipe line runs is exceedingly rough, the major portion of the line being built below the ground at a depth of 18 inches to 3 feet in a rock and earth soil. However, a portion of the line is above ground on trestles four or five feet above the surface. The wood stave line's life was short, due to unfavorable soil and other conditions, making it necessary to replace the major portion of the system with cast iron and steel pipe. The evidence indicates that the system is now in a fair state of repair, and is presently giving a satisfactory service to the residents of the Town of Olathe and the customers served outside its corporate limits.

The Commission, as we view the issues, is called upon to consider three problems:

First: "Is the rate filed by the Town of Olathe, under date of April 29, 1949, with the Commission fair and reasonable and non-discriminatory as to users of the town and users outside the town?"

Second: "Is the requirement for installation of meters to users outside the town reasonable and non-discriminatory?"

Third: "What effect do the contracts or right-of-way deeds have on the rate or the charges assessed for water?"

The Commission has studied the Annual Reports of the Town of Olathe that are presently on file with the Commission. We have also carefully reviewed the evidence as to the cost of the plant and the operating expenses. Unfortunately, as in the case of many of our small municipalities, the Town of Olathe has not kept adequate records as to costs or maintenance charges throughout the years. It therefore becomes a difficult, if not a Herculean or impossible task, without a large investment on behalf of the town or the Commission to determine the original cost of the Olathe Water System. This obviously the town cannot afford -- neither can the Commission.

Attorneys for Complainant and Attorneys for the Town of Olathe filed excellent briefs which have been of great assistance to the Commission and helpful in solving this most intricate and difficult problem.

Mr. C. L. Flower, Associate Engineer for the Commission, in his testimony at the hearing, stated:

"Early in the month of April, 1949, Mr. N. E. Darrow, attorney for the Town of Olathe, called at the office and recited that it was the town's desire to obtain a suitable and equitable rate for the water service rendered particularly as it pertained to the users served outside the municipal boundaries. Information given Mr. Darrow was that in order to assist, the department would require information in detail. This information was furnished by Mr. Hoadley, Town Clerk, under date of April 11, and in a very complete form including an annual report on the forms provided by the Commission.

"In the Year 1911, the town started the construction of a water system which consisted of a reservoir 21 miles southwest of Olathe and a pipe line from this reservoir to the town. This transmission pipe line was wood staved and during the period of years it deteriorated so that in the Year 1946, it was in critical condition.

"At that time the town had a bonded debt of \$59,000.00 and the immediate needs for funds for repairs made it necessary for them to refund this issue in the amount of \$100,000.00, \$41,000.00 of this issue being used for replacement of the wood staved line with steel pipe. The \$41,000.00 did not provide sufficient funds so that warrants were issued in the amount of \$5,000.00. The town is still faced with necessary repairs estimated to amount to \$20,000.00.

"The town, as is the general practice of municipalities, does not maintain its records in accordance with utility accounting and does not keep records as to depreciation and property retirement, but relies on bond issues to maintain it, therefore, to obtain a value for rate making, it is necessary to build up a depreciation reserve based on the experienced life of like property.

"The tabulation following discloses the procedure as well as showing the earning requirements. The operating expenses in the earning requirements are taken from the town's annual report. The total earning requirements as shown is divided by the customer months and disclosing that there is a need of an average of \$4.69 per customer month.

"The residents of Olathe are obligated to meet the bonded debt in the way of taxes as well as in the way of the use of water and as the users outside are not faced with this tax burden, it is only fair for them to pay a higher average rate than those inside. Three per cent was determined to be a fair amount based on the tax levy in Olathe and increased the average requirement from the

outside users from:

\$4.69 to \$4.83, as shown in the tabulation as follows:

The total property by report	\$159,297.00
Assumed condition, 60%	95,578.00
Apparent depreciation	63,719.00
Annual rate, 1.11%	1,770.00
Earning requirements -	
Operating expense	8,608.00
Depreciation	1,770.00
Total direct -	10,378.00
6% on net property, \$95,578.00	5,735.00
Total requirements -	\$16,113.00
286 customers average per customer month -	
3432 customer months	4.69
Add to outside users in lieu of taxes, 3%	0.14
	\$4.83

"The clerk's letter recited that until January 1, 1949, the outside users were charged a flat rate of \$4.00 per month and, further, that, in order to provide a fair rate among the outside users and to control the excessive use of water, the town had installed meters and set a tentative rate effective January 1, 1949. This recitation indicated that all users were aware and in fact notified that meters were to be installed and suitable charges made. The letter further recited that they had set the tentative rate for this service as follows:

\$4.00 for the first 3,000 gallons or fraction thereof,
1.60 for each 1,000 gallons in excess of the first 3,000 gals.

"The clerk furnished, also, a list of outside users, there being 36 of them, who had been served by meters for the period of January 1 through March 31. This usage was broken down to obtain a fair and equitable return based on the \$4.83 average heretofore mentioned. It was found that the rate proposed by the city was much in excess of the requirements and it was also determined that a rate use, at a minimum of \$4.00 per month, could be used and that the charges to 17 of the present users would not be increased thereby as their usage was not such that it would exceed this minimum. The lower steps of the rate were then designed so that users of excess amounts would make an adequate rate to the town based upon the figures obtained in the rate analysis.

"The rate further provided a seasonal provision for the protection of the town of the excess use of water during the periods in which the supply was limited. This rate was submitted to the town for their approval and was immediately returned properly signed for the official filing.

"In the letter of transmittal to the town, it was brought to their attention that there was additional needed revenue from the users inside so that there would be no discrimination as between the inside users and the outside users.

"As shown herein the revenue needed from all service is \$16,113.00 and when the amount of revenue derived from the proposed schedule of \$2,279.00 is deducted, it shows the needed revenue from the inside users to be \$13,834.00. The annual report of the town to the Commission discloses that the actual revenue from inside users is \$11,915.00 leaving an amount of \$1,919.00 additional revenue required from the inside users. The Commission, not having jurisdiction over this question, advised the town that it would be privileged to raise this either by a rate increase inside or from its general taxes."

Mr. Flower, in conclusion, stated that he believed the proposed rate is fair, equitable, and non-discriminatory as it pertains to the users individually, and those especially outside the corporate boundaries of the Town of Olathe.

The Commission, in reviewing the record, was impressed with this one fact -- that the pure mountain domestic water in this territory is virtually a luxury item. In fact, without domestic water, residents of Olathe and those outside who received water would find themselves hauling water for domestic uses long distances in trucks and at prohibitive costs. To receive water fit for human consumption costs money and as a result someone has to pay.

We might ask the question, "What is the present situation of the water users of this system?" The system is bonded, and in answer thereto, we might say, "Their system is bonded in the sum of \$90,000.00. All the money received from the sale of bonds by the Town of Olathe, it appears, was used in the water department. In addition, the town has an additional \$5,000.00 in warrants, making a total of \$95,000.00 indebtedness against their water system. The \$90,000.00 bonds are payable at an annual rate of \$5,000.00, the last bonds being due in 1967, at an interest rate of 3% per annum. The average interest charge on these bonds over the nineteen-year period, per year, would be \$1,350.00. The \$5,000.00 warrant indebtedness bears interest at 6% per annum, and is payable \$1,000.00 a year for five years. The interest charged on this item alone averages \$180.00 per year, so that the town's obligation on the bonded debt would be \$6,000.00 per year for retirement of debt, and \$1,530.00 for interest charges, making a total of fixed charges of \$7,530.00."

The only figures available to the Commission to be used for operating expenses are those given in the Annual Report for 1948, in the amount of \$8,608.00, making a total requirement in earnings of \$16,138.00. A comparison with Mr. Flower's analysis discloses that this figure is within \$25.00 of the amount he developed from his analysis of the Property Account.

In determining the needs of the Town of Olathe, in the operation of its water system, the Commission, as we have stated before, finds itself with a difficult problem. Records are not complete or adequate, and the evidence would indicate that the efficiency usually found in the operation of private utilities is not present in this operation. Rules governing private utilities as to costs of plant, rate bases, and return on investment are difficult to apply to small communities who have built water systems to supply their needs and who, through the goodness of their hearts, have extended service to residents residing outside their corporate limits.

It therefore appears to the Commission, after a careful study of the evidence, and a perusal of the briefs filed by the parties hereto, that the rates filed by the Town of Olathe are fair and reasonable, and due to the heavy bonded indebtedness assumed by the resident users and taxpayers of the town, are non-discriminatory.

In the second question, the Commission, on numerous occasions, has felt that metered water is a proper method of determining the amount to be paid for water service — especially when the system, at times, may face a shortage of water, thereby reducing pressure, and we might say that we cannot see from our examination of the record where the metering requirements, as proposed by the Town of Olathe, are unfair, unjust, or discriminatory.

The Commission, in considering the third question, has carefully considered the briefs of the complainants, and also those of the town, and has arrived at the conclusion that the matter there presented is a matter of contract, over which we are inclined to feel we do not have jurisdiction. The evidence is clear that the town, when it constructed its system, made agreements with owners of the land for the acquirements of rights-of-way, and in doing so, possibly fixed amounts for the payment of water service. The Commission, in its judgment, is not permitted to fix rates based on contract between parties. In fact, many cities and towns are endeavoring to evade the jurisdiction of this Commission, relying upon the fact that they are presently offering service to the public by private

contract other than as a public utility. In other words, it appears to us that in the making of rates, we should make no exception on account of private contracts. If protestants have a just claim for a reduced charge, it is based on a private contract, rather than the service offered by a public utility.

F I N D I N G S

THE COMMISSION FINDS:

That the water rate for water service to customers who reside outside the corporate limits of the Town of Olathe, Colorado, as shown by Colorado PUC No. 1, First Revised Sheet No. 5, issued April 19, 1949, and effective June 1, 1949, said water rate being as follows:

"WATER SERVICE OUTSIDE CORPORATE LIMITS

"AVAILABILITY:

Available to customers supplied by the municipal water system residing outside the corporate limits of the Town of Olathe.

"RATE: (Net):

First 9,000 gallons or less used per quarter	\$12.00
Next 6,000 gallons used per quarter, per M	1.00
Next 15,000 gallons used per quarter, per M	.50
All additional used, per M	.30

"MINIMUM:

Net minimum charge per quarter	12.00
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"SPECIAL PROVISIONS:

The above rate is applicable only for the winter season, October 1 to April 1 of the following year. For the season, April 1 through September 30, the last step of the rate is to be disregarded and all quarterly use in excess of 15,000 gallons per quarter is to be billed, per M, at .50

The town reserves the right to curtail the uses of water at any time deemed necessary."

is fair, just and non-discriminatory, and that the instant complaint should be dismissed for the reasons heretofore set forth in our Statement, which by reference is incorporated as a part of these Findings.

O R D E R

THE COMMISSION ORDERS:

That the instant complaint be, and the same is hereby, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton
John B. Barry
Joseph W. Hawley
Commissioners. 7

Dated at Denver, Colorado,
this 22nd day of December, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM L. WRIGHT, 2700 TENNYSON)
STREET, DENVER, COLORADO, FOR AU-)
THORITY TO TRANSFER PERMIT NO.)
B-3857 TO GLADYS L. MARKLE, BOX 13,)
ADAMS CITY, COLORADO.)

APPLICATION NO. 10378-PP
TRANSFER

December 22, 1949

S T A T E M E N T

By the Commission:

By Decision No. 30533, of date May 21, 1948, William L. Wright, Denver, Colorado, was 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 within 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,

said operating rights being designated "Permit No. B-3857."

By the instant application, said permit-holder seeks authority to transfer Permit No. B-3857 to Gladys L. Markle, Adams City, 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, willing, 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 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:

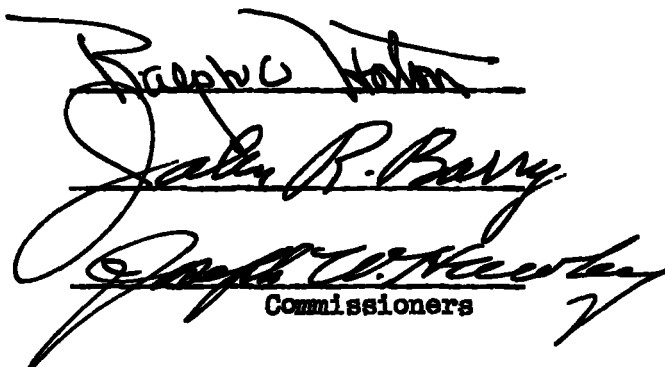
That William L. Wright, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3857 — being the operating rights granted by Decision No. 30533 — to Gladys L. Markle, Adams City, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That right of transferee to operate under this Order shall depend upon her 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 his operations under said permit up to the time of transfer of said permit, and the payment by him, or by transferor, of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor shall be transferred and credited 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


Commissioners

DATED at Denver, Colorado,
this 22d day of December, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY SPAYD, HUDSON, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
B-3594 TO VERNON SPAYD AND LOYD)
GOEHRI, HUDSON, COLORADO.)

APPLICATION NO. 10377-PP
TRANSFER

December 22, 1949

S T A T E M E N T

By the Commission:

By Decision No. 27623, of date February 24, 1947, Harry Spayd, Hudson, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

Hay (loose, baled or ground) between points within a forty-mile radius of Hudson, Colorado, and from and to points in said area, to and from Denver, Colorado.

By the instant application, said permit-holder seeks authority to transfer said operating rights (Permit No. B-3594) to Vernon Spayd and Loyd Goehri, Hudson, 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, willing, 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:

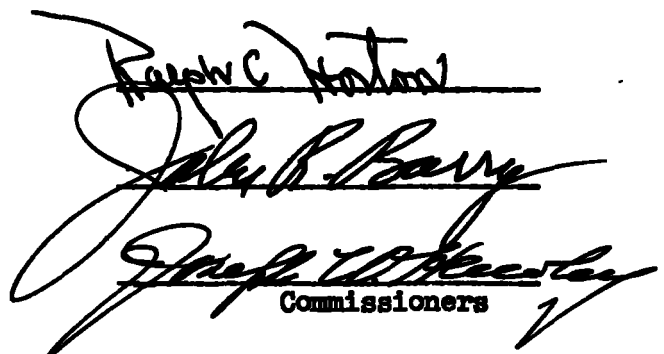
That Harry Spayd, Hudson, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3594 -- being the authority granted by Decision No. 27623 -- to Vernon Spayd and Loyd Goehri, co-partners, Hudson, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That right of transferees to operate under this Order shall depend upon their 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 his operations under said permit up to the time of transfer of said permit, and the payment by him, or by transferees, of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor shall be transferred and credited to account of transferees.

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 22d day of December, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RATE ON PEAT MOSS FROM POINTS)
IN CHAFFEE AND LAKE COUNTIES TO)
GRAND JUNCTION, IN CONNECTION)
WITH THE RIO GRANDE MOTOR WAY,)
INC. AND EVEREADY FREIGHT SERVICE,)
ALSO RATES ON POTATOES FROM POINTS)
IN THE SAN LUIS VALLEY TO DENVER,)
COLORADO SPRINGS AND PUEBLO IN)
CONNECTION WITH THE RIO GRANDE)
MOTOR WAY, INC.)

CASE NO. 1535

December 21, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a petition from the Motor Truck Common Carriers' Association, as agent, for and on behalf of the Rio Grande Motor Way, Inc. and the Eveready Freight Service, requesting authority to establish a rate of 47¢ per 100 pounds on peat moss in bags and 50¢ per 100 pounds, loose, minimum weight 20,000 pounds, from points in Chaffee and Lake Counties, Colorado, to Grand Junction, Colorado; also a petition from the Rio Grande Motor Way, Inc. by R. E. Turano, its traffic manager, requesting authority to establish the following rates in cents per 100 pounds on potatoes in bags, minimum weight 15,000 pounds.

<u>FROM</u>	<u>To</u> <u>DENVER</u>	<u>To</u> <u>PUEBLO</u>	<u>To</u> <u>COLO. SPGS.</u>
Center, Colo.	35	27	31
Alamosa, Colo.	35	27	31
La Jara, Colo.	35	27	31
Monte Vista, Colo.	35	27	31
Del Norte, Colo.	35	27	31
Sargents School, Colo.	35	27	31

In support of the motor carriers' association request, the petition sets forth the following reasons.

On peat moss, the present effective rating is first class. This is a low value commodity which moves in truck load quantities and the first class rate is too high to attract this traffic to motor vehicle carriers; that under the proposed rate, sufficient revenue will be produced to cover the cost of rendering the service plus a fair profit to them. The present

first class rates, subject to a minimum weight of 10,000 pounds, from Salida, Buena Vista and Leadville, representative points in the two counties, are 128, 133 and 111 per 100 pounds, respectively.

In connection with the petition for the rates on potatoes, the following reasons are set forth, viz:

"The Rio Grande Motor Way, Inc., has had requests from shippers in the San Luis Valley for a rate based on the 15,000 pound minimum, due to the fact that these shippers have requests for orders that are under the carload minimum and these shippers would be penalized if such orders moved at a carload minimum. Also, these small orders are now, in some instances, moving by private truck and since this traffic is a backhaul for the Rio Grande Motor Way, Inc., we feel it would be compensatory to have same move by a certificated carrier.

"The proposed rates are based on an 8% over the present rail rates, plus 5¢ per cwt. (rail carload rates)".

FINDINGS

THE COMMISSION FINDS:

That, the requests should be granted.

ORDER

THE COMMISSION ORDERS:

That, the statement and findings be made a part hereof; that this order shall become effective forthwith; that the rates set forth in the statement shall be published to become effective December 30, 1949, on notice to this Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act and Section 10, Chapter 120, Session Laws of 1931 as amended; that on and after December 30, 1949, the Rio Grande Motor Way, Inc., and the Eveready Freight Service shall cease and desist from demanding, charging and collecting rates and charges which shall be greater or less than the rates herein prescribed; that on and after December 30, 1949, all private carriers by motor vehicle, to the extent they are affected, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than the rates herein prescribed; that this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws or liability applicable to a motor vehicle common carrier; that the order entered in Case

No. 1585 on February 5, 1936, as since amended, shall continue in force until the further order of the Commission; that jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(S E A L)

ATTEST: A true copy.

J. J. MAHONEY
J. J. Mahoney, Secretary

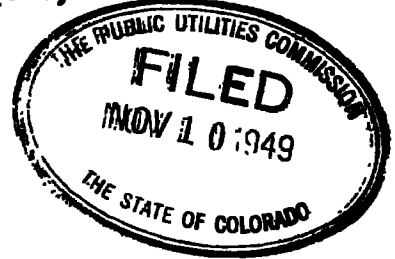
R. C. HORTON
JOHN P. BARRY
JOSEPH W. HAWLEY
Commissioners

Dated at Denver, Colorado
this 21st day of December, 1949.

hn

407 Denham Building,
Denver 2, Colorado.

November 9, 1949



To the Public Utilities Commission,
State Office Building,
Denver 2, Colorado.

APPLICATION NO. 167

The Motor Truck Common Carriers' Association, as agent, for and on behalf of the Eveready Freight Service and the Rio Grande Motor Way, Inc., does hereby petition the Public Utilities Commission of the State of Colorado that it be permitted to publish the following tariff changes to become effective one day after the filing thereof with the Public Utilities Commission:

Publish the following specific commodity rates:

Peat Moss, minimum weight 20,000 pounds, from points in Chaffee and Lake Counties, Colorado, to Grand Junction, Colorado:

In bags, 47¢ per 100 pounds
Loose, 50¢ per 100 pounds

Your petitioner represents that the proposed rates will be published in Local and Joint Freight Tariff No. 12, Colo. P.U.C. No. 6, issued by The Motor Truck Common Carriers' Association, agent.

Your petitioner bases this application upon the following facts which present certain special circumstances and conditions justifying the request herein made:

Presently effective classification rating to use in connection with these shipments is 1st class, in bags, as listed under the heading of Moss, N.O.I.

Carriers represent that this is a low-value commodity which moves in truckload quantities and that the first class rate is too high to attract this traffic to motor vehicle carriers.

Carriers further represent that the proposed rates will produce revenue sufficient to cover the cost of rendering the service plus a fair profit to them.

Wherefore, your petitioner prays that this Commission issue its Order granting the authority herein requested.

Respectfully submitted,

THE MOTOR TRUCK COMMON CARRIERS' ASS'N.

J. R. Smith
J. R. SMITH, Chief of Tariff Bureau

Original

(Decision No. 33975)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
CHARLES HENSLEY, RAMAH, COLORADO, FOR
AUTHORITY TO TRANSFER PUC NO. 1368
TO RALPH KINKADE, SIMLA, COLORADO.

APPLICATION NO. 10375
TRANSFER

December 22, 1949

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 the 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, who thereafter (Decision No. 31695, of date December 9, 1948),

transferred said PUC No. 1368 to Charles Hensley, Ramah, Colorado.

By the instant application, said Charles Hensley seeks authority to transfer PUC No. 1368 to Ralph Kinkade, Simla, 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 able, willing, 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 Charles Hensley, 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 acquired by him pursuant to authority contained in Decision No. 31695 -- to Ralph Kinkade, Simla, 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 this 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 of transferor shall be credited and transferred to account of transferee.

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


Ralph C. Holm
John R. Barry
Joseph W. Barclay
Commissioners

DATED at Denver, Colorado,
this 22d day of December, 1949.

EHC

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
R. T. SMITH, DOING BUSINESS AS
"R. T. SMITH TRUCK LINES," CORTEZ,
COLORADO, FOR AUTHORITY TO TRANSFER
PUC NO. 1038 TO H. F. LLOYD, DOING
BUSINESS AS "BLUE MOUNTAIN TRUCKING
COMPANY," CORTEZ, COLORADO.

APPLICATION NO. 10374-Transfer.

December 27, 1949

Appearances: James B. Garrison, Esq.,
Cortez, Colorado,
for applicants.

S T A T E M E N T

By the Commission:

On October 5, 1949, the Commission, by Decision No. 33542,
as amended by Decision No. 33687, authorized the transfer of PUC No. 1038
from Tibbetts & Bowling, Mancos, Colorado, to R. T. Smith, Cortez, Colo-
rado, said PUC No. 1038 being the authority to operate as a common carrier
by motor vehicle for hire for the transportation of:

general freight and livestock, not on schedule,
from point to point in Montezuma County, and
the transportation of livestock, farm machinery,
farm products and farm supplies, used furniture
and household goods (specifically excluding mer-
chandise), from and to points within said area
to and from points within the State, the Colorado-
New Mexico state line and the Colorado-Utah state
line; provided that applicants shall not establish
a line haul carrier service under this certificate
and shall not transport merchandise or other com-
modities ordinarily handled by line haul carrier
services in competition with the line haul service
of Wood and Morgan, M. F. Moore or other motor
vehicle common carriers operating on schedule
between points in Montezuma County or from and to
points in Montezuma County or from and to points
in Montezuma County to and from points within
the State.

By the instant application, said certificate-holder seeks
authority to transfer said PUC No. 1038 to H. F. Lloyd, doing business
as "Blue Mountain Trucking Company," Cortez, 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, peculiarly and otherwise, is able, willing, 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.

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 R. T. Smith, doing business as "R. T. Smith Truck Lines," Cortez, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1038 -- being the operating rights set forth in Decision No. 7423, as amended and restricted by Decision No. 13267 -- to H. F. Lloyd, doing business as "Blue Mountain Trucking Company," Cortez, 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 of transferor shall be transferred and credited 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 T. Hawley
Commissioners. 7

Dated at Denver, Colorado,
this 27th day of December, 1949.

es

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

At a General Session of the
Public Utilities Commission of
the State of Colorado, held at
its office in Denver, Colorado,
on December 22, 1949.

INVESTIGATION AND SUSPENSION DOCKET NO. 296.

IT APPEARING, That on July 15, 1949, the Town of Berthoud, by Viola Barrowman, Town Clerk, filed a proposed rate schedule to become effective September 1, 1949, for water service to customers residing outside the town boundary, the proposed rate schedule increasing the rates for domestic use and for irrigation, varying from 25% to 50%, depending on the extent and type of service; and

IT FURTHER APPEARING, That on July 14, 1949, the Town of Berthoud, in compliance with the Commission's General Order No. 33, notified all of the out-of-town users of water service that it had filed with the Commission the proposed rate increase to become effective September 1, 1949, unless suspended in accordance with the provisions of the Public Utilities Act of Colorado; and

IT FURTHER APPEARING, That upon receipt of said notice, the out-of-town users filed a complaint with this Commission, asking the Commission to make a complete investigation to determine whether or not said increase is justified, and if an increase is justified, to determine the amount of said increase, said petition being signed by approximately 68 users of water service outside of the town limits; and

IT FURTHER APPEARING, That on August 15, 1949, this Commission suspended the effective date of the proposed rate schedule for a period of one hundred and twenty (120) days from September 1, 1949, or until December 29, 1949; and

IT FURTHER APPEARING, That the said suspension date will have expired before final action can be had in the matter, and the

effective date should be further suspended and a hearing held in the matter.

FINDINGS

THE COMMISSION FINDS:

That the effective date of the said proposed rate increase should be further suspended and a hearing held.

ORDER

THE COMMISSION ORDERS:

That the effective date of the proposed rate schedule be further suspended for a period of one hundred and twenty (120) days from December 29, 1949, or until April 29, 1950, unless otherwise ordered.

That the instant matter be set down for hearing at the Community Hall in Berthoud, Colorado, on Thursday, January 12, 1950, at eleven o'clock a. m.

That a copy of this order be filed with the proposed rate schedule and complaints filed therewith, and a copy hereof be forthwith served on Viola Harrowman, Town Clerk, Town of Berthoud, Colorado, and Mr. I. E. Adams, Route 1, Box 142, Berthoud, Colorado, for the protestants herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Raymond C. Hutton
John R. Barry
Joseph W. Hooten
Commissioners.

Dated at Denver, Colorado,
this 22nd day of December, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
R. R. SMITH, WRAY, COLORADO.) PERMIT NO. B-1496.
-----)

December 27, 1949

S T A T E M E N T

By the Commission:

On April 1, 1949, the Commission authorized R. R. Smith to suspend operations under his Permit No. B-1496 until October 2, 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-1496 should be, and the same hereby is, reinstated as of October 1, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Richard C. Norton
John R. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 27th day of December, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN V. EHLERS, ELBERT, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT)
NO. A-1273 TO EARL B. ENGEL, CASTLE)
ROCK, COLORADO.)

APPLICATION NO. 10337-PP-TRANSFER
SUPPLEMENTAL ORDER

December 22, 1949

S T A T E M E N T

By the Commission:

By Decision No. 33848, of date December 16, 1949, John V. Ehlers was authorized to transfer Permit No. A-1273 to Earl B. Engel, Castle Rock, Colorado.

Said operating rights were set forth in said Decision No. 33848 as being authority granted by Decision No. 7170, and inadvertently operating rights granted by Decision No. 20953, of date May 27, 1943, were omitted therefrom.

The records and files of the Commission show that pursuant to authority contained in Decision No. 20953, Permit No. A-1273 was extended by transfer from F. Teel Adair and Son of a portion of Permit No. A-529, which authorized transportation of:

Milk and cream from milk producers residing along and within three miles of U. S. Highway No. 85, beginning at a point four miles south of Larkspur, and extending south along said highway a distance of twenty-one miles, to the creamery at Larkspur, Colorado,

said transferred operating rights being consolidated with Permit No. A-1273.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 33848 should be amended to conform to the facts, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 33848, of date December 16, 1949, should be, and it hereby is, amended, *nunc pro tunc*, as of said 16th day of December, 1949, in the following particulars:

1. By inserting the following paragraph, immediately after the name "V. S. Perrine", appearing at the end of the first paragraph of the Statement on Page 1 of said Decision:

"Pursuant to authority contained in Decision No. 20953, of date May 27, 1943, said Permit No. A-1273 was extended by transfer from F. Teel Adair and Son of a portion of Permit No. A-529 which authorized transportation of:

"milk and cream from milk producers residing along and within three miles of U. S. Highway No. 85, beginning at a point four miles south of Larkspur, and extending south along said highway a distance of twenty-one miles, to the creamery at Larkspur, Colorado,

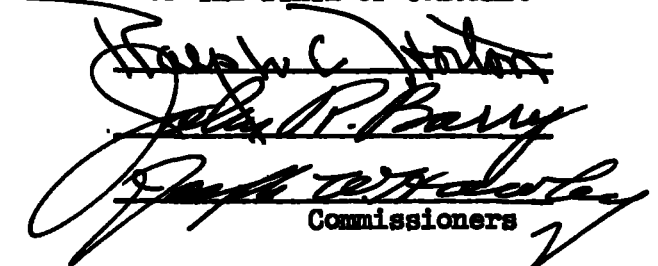
"said transferred operating rights being consolidated with Permit No. A-1273."

2. By inserting the words and figure "and Decision No. 20953," immediately following the figure "7170," appearing in the fifth line of the first paragraph of the Order contained in said Decision No. 33848, so that said first paragraph of said Order, as amended, shall read:

"That John V. Ehlers, Elbert, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. A-1273 — being the operating rights granted by Decision No. 7170 and Decision No. 20953 — to Earl B. Engel, Castle Rock, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured."

That said Decision No. 33848, except as amended herein, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

DATED at Denver, Colorado,
this 22nd day of December, 1949.

EHC

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ARTHUR A. REHFELD AND VINCENT P. DOYLE,
4895 VALLEJO STREET, DENVER, COLORADO,
FOR CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY TO OPERATE A MOTOR VEHIC-
LE SERVICE FOR THE TRANSPORTATION OF
BUILDINGS, HOUSES, AND USED BOX CARS
FROM POINT TO POINT WITHIN A RADIUS
OF 35 MILES FROM BOULDER, COLORADO.

APPLICATION NO. 10267

December 23, 1949

Appearances: Louis G. Isaacson, Esq., Denver,
Colorado, for applicants;
Harold D. Torgan, Esq., Denver,
Colorado, for The Duffy
Storage and Moving Company;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Marion F. Jones, Esq., Denver,
Colorado, for Sorenson Truck
Service.

S T A T E M E N T

By the Commission:

By this application, Arthur A. Rehfeld and Vincent P. Doyle, Denver, Colorado, seek a certificate of public convenience and necessity for the transportation of buildings, houses, and used box cars (set up or knocked down), from point to point within a radius of thirty-five miles of Boulder, Colorado.

The application was set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, for November 9, 1949, and after appropriate notice to all interested parties was there heard and taken under advisement.

It appears from the application and the evidence that applicants have contracted to purchase from one Oliver F. Clyncke a fully equipped

outfit for use in transporting houses, buildings, and used box cars.

By Decision No. 8011, said Oliver F. Clyncke was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

"hay and grain from farms within a radius of 8 miles of his farm (located about 18 miles southwest of Longmont) to Longmont, Lafayette, Louisville, and Boulder, and the transportation of livestock from said farms to sales yard at Longmont and to Denver."

Permit No. B-1569 was assigned to the operation.

By Decision No. 13372, the authority of said Oliver F. Clyncke under said Permit No. B-1569 was extended to include the transportation of buildings, houses, and used box cars from point to point within a radius of 30 miles of Boulder, Colorado, eliminating, however, from this radius the City of Longmont, Colorado.

Said Oliver F. Clyncke testified that he has been using all his authority under his permit, and has been handling the movement of buildings, houses, and used box cars personally, but because of ill health cannot continue to handle such commodities. His house-moving equipment consists of a 10-wheel truck, a 50-foot trailer for use in hauling large buildings, and a 30-foot trailer for small houses and box cars. This equipment is not used for hauling his other commodities and is being sold to applicant. In the event applicant is granted the authority sought, Clyncke agrees that Permit No. B-1569 will be amended by eliminating the authority to haul buildings, houses, and used box cars, granted under Decision No. 13372, but wishes to retain the authority granted under Decision No. 8011. Witness is the only trucker now moving large houses in his territory. He has never seen equipment of Duffy Storage and Moving Company, Gallagher Transportation Company, or Union Delivery Company in the territory. Golden Transfer and Taxi Company, of Longmont, has hauled a few small buildings, but has no equipment to haul anything larger than a two-room house. Witness has moved used box cars, sometimes singly and sometimes in connection with houses, from coal

camps to farms and to and from farms. He has been operating for the past fifteen years, during which time he has hauled no more than from four to six box cars from Denver, and none during the past year. During the year, he has hauled about a half-dozen houses and box cars at the same time, and a like number singly, from point to point within a radius of ten miles of Boulder. He has no permit to haul in Denver. Sorenson Truck Service hauls many used box cars in the area outside a radius of ten miles of Boulder, and there is a definite need of authority to some one to haul them from point to point within that radius.

Arthur A. Rehfeld and Vincent P. Doyle, applicants, testified that both had past experience in the transportation field, having been employed by Hutchens, Inc. They had contracted to purchase the Clyncke equipment referred to; they were financially able to properly serve the area applied for; there was a need for their proposed service; and they knew of no one else serving the area. They agreed that the application should be amended to cover only the territory described in Permit B-1569. They knew that Sorenson had authority to haul box cars and gave good service, and had heard that Duffy moved one house in Boulder fifteen or eighteen years ago.

Chris Sorenson, owner of PUC-337 and PUC-489, testified that he had no objection to the granting of the house-moving authority sought, or to the granting of authority to haul used box cars from point to point within a ten-mile radius of Boulder, but did object to the grant of the latter authority beyond said radius. His own investment for such hauling is approximately \$12,000.; he has been hauling box cars as a substantial part of his business since 1937; and has the proper heavy equipment. He has hauled from 75 to 500 per year, primarily from Denver to other points in the State, and from point to point within the State, and a substantial part of this hauling has been within a radius of 30 miles of Boulder. Box car movements constitute about 15% of his business, but only about one-third of these movements are within the 30-mile radius. He has turned over house-moving business to Clyncke, because of his good

equipment and experience. The latter can handle larger buildings than anyone else operating in the territory and has served the needs of the area. Again, as to box cars, witness, in the first ten months of 1949, had moved from 60 to 75 within the 30-mile radius described, but only four or five were moved within a radius of ten miles of Boulder. Grant of authority to applicants to haul box cars beyond the ten-mile radius would materially decrease the volume of Sorenson's own business and impair the service he now gives the public.

L. H. Galloway, manager of Duffy Storage and Moving Company, owner of PUC-333, with state-wide authority, testified that his company has seven sets of equipment for handling houses, etc., an investment of from \$33,000. to \$35,000. in the equipment, operated by three full crews, and offers 24-hour service. All of its equipment is not kept busy. Within the radius of 30 miles of Boulder, in 1949, the company had received calls for service at Boulder; had moved one or two houses at Brighton and two to Estes Park, had moved box cars at Louisville or Lafayette, without complaint, and did not know of Clyncke's operations. It can handle all available business with its present equipment, and the grant of additional authority would split up the business, possibly causing Duffy to lay off experienced men and idle more equipment.

Applicants herein seek no more authority for heavy hauling than that now exercised by Clyncke, under Permit B-1569, except that they apply for common carrier authority rather than authority as private carriers. Clyncke's permit, so far as it conflicts with the authority herein applied for, will be cancelled by separate order. Duffy did not know of Clyncke's operations, and the evidence does not show that such operations have at any time in past years interfered with or decreased Duffy's business. Nor can it be said that applicants will interfere with Duffy's operations more than Clyncke has done in the past, as the territory granted will not be more extensive than that heretofore assigned to Clyncke, and it is the intention of applicants to continue the same operation, and with the same equipment. As to Sorenson, it is evident

that the granting of authority to haul used box cars beyond a ten-mile radius of Boulder will impair the efficiency of his existing adequate common carrier motor vehicle service now operating beyond the ten-mile radius in such service. Other than that, the Commission feels that the granting of the authority as hereinafter limited will not impair the efficiency of such existing adequate common carrier service.

FINDINGS

For the reasons assigned in the above and foregoing Statement, which by reference is made a part hereof, the Commission is of the opinion, and finds, that public convenience and necessity require the proposed operation of applicants, as limited in the Order following, and that certificate of public convenience and necessity should issue therefor.

ORDER

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of applicants, Arthur A. Rehfeld and Vincent P. Doyle, doing business as "Rehfeld and Doyle," for the transportation of buildings and houses from point to point within a radius of thirty miles of Boulder, Colorado, excluding, however, from this radius the City of Denver, Colorado, and the City of Longmont, Colorado; and the transportation of used box cars (set up or knocked down) from point to point within a radius of ten miles of Boulder, Colorado, only; 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.

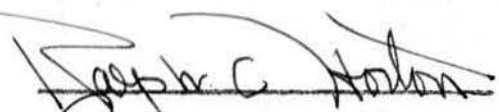
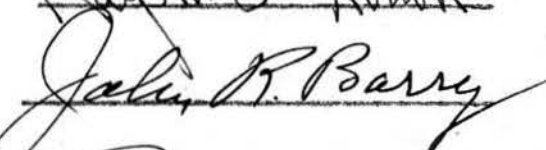

That applicants shall operate their carrier system in accordance with the order of this Commission, except when prevented by Act of

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 23d day of December, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELROY JAMES SHAFFER, 4451 SOUTH)
GRANT STREET, ENGLEWOOD, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-----)

APPLICATION NO. 10287-PP.

December 27, 1949

Appearances: Elroy James Shaffer, Englewood,
Colorado, DR2 22;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
Marion F. Jones, Esq., Denver,
Colorado, for Sorenson Truck
Service, Britt Truck Line.

S T A T E M E N T

By the Commission:

On October 4, 1949, Elroy James Shaffer, applicant herein, filed application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of building materials between points within a radius of ten miles of Englewood, Colorado; hay from points of North and South Park and from points within a radius of ten miles of Boulder, Colorado, to points within a radius of ten miles of Denver, Colorado; coal from mines in the Northern Colorado coal fields and from mines in the Florence-Cannon City Coal Fields, to points within a radius of twenty miles of Cheyenne Wells, Colorado.

The matter was set for hearing, and after appropriate notice, was heard at 330 State Office Building, Denver, Colorado, November 8, 1949, at ten o'clock A. M., and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of a 1946 one and one-half-ton Ford Truck, and has a net worth of approximately \$1,000.00.

Applicant produced no witnesses to testify as to the need for his service, or that the present common carrier service was inadequate.

A. J. Fregeau, for Weicker Transfer and Storage Company, vigorously protested the granting of the application, maintaining that his company had equipment which was presently idle, and that his company had expended large sums of money, making this equipment available to the public, and that the granting of the authority sought would tend to impair the service of his company.

The statutes of the State of Colorado provide:

"No application for permit, nor for any extension, or enlargement of an existing permit, shall be granted by the Commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof, be granted if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

The Commission cannot grant a permit on the unsupported evidence of applicant, where a common carrier appears, maintaining that the granting of said application would tend to impair its services. It clearly appears from the evidence 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 to applicant would impair the efficiency of presently-authorized common carriers now serving the area sought to be served by applicant.

In view of the above conclusions, it now appears to the Commission that the application should be denied.

F I N D I N G S

THE COMMISSION FINDS:

That applicant has failed to make the required proof, as the evidence offered at the hearing does not justify the granting of a permit

under our Private Carrier Statute.

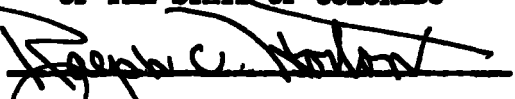


ORDER

THE COMMISSION ORDERS:

That the instant application should 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




Commissioners

Dated at Denver, Colorado,
this 27th day of December, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MARSHALL AUTO SUPPLY COMPANY,)
1530 BROADWAY, DENVER,)
COLORADO.)
-----)

PERMIT NO. C-19723.

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Marshall Auto Supply Company,.....
requesting that Permit No. C-19723..... 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-19723....., heretofore issued to.....
Marshall Auto Supply Company,..... be,
and the same is hereby, declared cancelled effective **November 29, 1949.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

John R. Barry
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. E. HAUN, 1020 "A" ST.,)
GREELEY, COLORADO.)
)
)
)

PERMIT NO. C-6510

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
C. E. Haun,
requesting that Permit No. C-6510 ..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-6510, heretofore issued to.....
C. E. Haun, ..be,
and the same is hereby, declared cancelled effective December 8, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

John W. Barry.
Joseph W. Hawley.

Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VERNE WYMORE, 1413 - 20th ST.,)
SANTA MONICA, CALIFORNIA)
-----)

PERMIT NO. C-23713

December 28, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Verne Wymore,.....
requesting that Permit No. C-23713 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-23713, heretofore issued to.....
Verne Wymore.....be,
and the same is hereby, declared cancelled effective December 21, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton
John E. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 28th day of Dec., 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGIE L. MONK AND HARRY B. MONK, CO-PARTNERS, DOING BUSINESS AS "FARMERS LUMBER AND SUPPLY COMPANY," 1530 VAN GORDEN STREET, BOX 164, ROUTE 4, GOLDEN, COLORADO, FOR AUTH- ORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-3702. -----	}	APPLICATION NO. 10135-PP-Extension.
--	---	-------------------------------------

December 28, 1949

Appearances: James Delaney, Esq.,
Denver, Colorado, for
applicant;
A. J. Fregeau, Denver,
Colorado, for Weicker
Transfer and Storage
Company.

S T A T E M E N T

By the Commission:

On June 21, 1949, applicants herein filed application for authority to extend operations under Permit No. B-3702 to include the right to transport treated forest and sawmill products from and to points within a radius of seventy-five miles of Winter Park, seventy-five miles of Meeker, and seventy-five miles of Pagosa Springs, to and from points within a radius of seventy-five miles of Akron, Colorado, and a radius of one hundred miles of La Junta, Colorado, with no town-to-town service.

Said matter was originally set for hearing August 16, 1949, at 330 State Office Building, Denver, Colorado, at ten o'clock A. M. When the matter was called for hearing, applicants, through their attorney, asked that the setting be vacated, to be reset at some future date. This request was granted by our Decision No. 33275.

The matter was again set for hearing before the Commission, and was again continued at the request of applicants.

Said matter was further set for hearing November 8, 1949, at the Hearing Room of the Commission, where the matter was heard, and at the conclusion of the evidence, the matter was taken under advisement.

At the Hearing, the evidence disclosed that applicants are presently the owners of Permit No. B-3702, which authorizes transportation of:

forest and sawmill products from forests and sawmills within a fifty-mile radius of Winter Park, Colorado, to points in said area (no town-to-town service); transportation of above-named commodities between all points within a radius of 75 miles of Winter Park, Colorado, and from and to points in said area, to and from points within a radius of 75 miles of Meeker, Colorado, and from and to points within said Winter Park area to and from points within a radius of 75 miles of Pagosa Springs, Colorado, with no town-to-town service in competition with line-haul motor vehicle common carriers operating on schedule.

The evidence indicates that applicants are presently engaged in taking forest products from forests, and delivering same to points above authorized. It appeared that many of applicants' customers desire that their forest products be treated, and applicants' customers asked to have these products treated in transit.

Weicker Transfer and Storage Company withdrew protest to movement of forest products after hearing testimony of applicant.

The authority sought, as amended, will grant authority to transport forest and sawmill products that are treated, and will permit applicants to have the products treated en route.

In view of the above, it does not appear that the granting of the authority sought will impair presently-authorized common carrier services, and it now appears to the Commission that the instant application should be granted.

FINDINGS

THE COMMISSION FINDS:

That the instant application should be granted, for the reasons heretofore given in the Statement preceding, which by reference is made a part hereof.

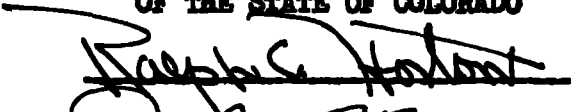
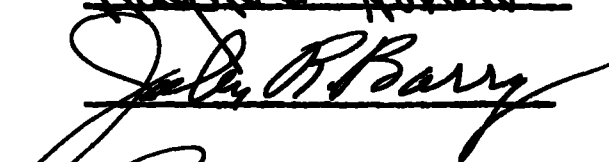

ORDER

THE COMMISSION ORDERS:

That Georgie L. Monk and Harry B. Monk, co-partners, doing business as "Farmers Lumber and Supply Company," Golden, Colorado, should be, and they hereby are, authorized to extend operations under Permit No. B-3702 to include the right to transport forest and sawmill products from and to points within a radius of seventy-five miles of Winter Park, seventy-five miles of Meeker, and seventy-five miles of Pagosa Springs, to and from points within a radius of seventy-five miles of Akron, Colorado, and a radius of one hundred miles of La Junta, Colorado, with no town-to-town service, said products to be treated en route.

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 28th day of December, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY RUSSELL, 2514 FRONT VIEW)
CRESCENT, DENVER, COLORADO, FOR AN)
EXTENSION OF PERMIT GRANTED IN)
APPLICATION NO. 7228-PP.)
-----)

APPLICATION NO. 7952-PP-Extension.

December 28, 1949

S T A T E M E N T

By the Commission:

On August 17, 1946, applicant herein filed application for authority to extend operations under permit granted to him in Application No. 7228-PP.

Said matter was set for hearing at 330 State Office Building, Denver, Colorado, October 25, 1946, at ten o'clock A. M.

On October 23, 1946, said applicant requested that hearing on said application be vacated, which was done.

It now appears that applicant herein does not desire to prosecute said application.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed.

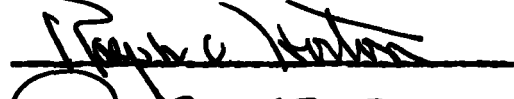


O R D E R

THE COMMISSION ORDERS:

That the above-styled application should 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 28th day of December, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
JAMES F. BURK AND MARIE G. BURK,
DOING BUSINESS AS "YELLOW CAB COM-
PANY," AND "BOULDER TAXI COMPANY,"
BOULDER, COLORADO, FOR AUTHORITY TO
TRANSFER PUC NO. 1358 TO HOWARD L.
SODERBERG AND WILLIAM A. WOOLFORD,
DOING BUSINESS AS "YELLOW CAB COM-
PANY," AND "BOULDER TAXI COMPANY,"
BOULDER, COLORADO.

APPLICATION NO. 8811-Transfer.

December 28, 1949

STATEMENT

By the Commission:

Inasmuch as PUC No. 1358, on September 1, 1948, was revoked,

FINDINGS

THE COMMISSION FINDS:

That the above-styled application to transfer said operating
rights should be dismissed.

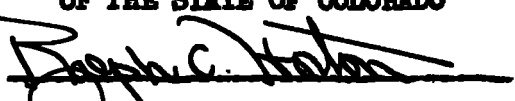


ORDER

THE COMMISSION ORDERS:

That the above-styled application should 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 28th day of December, 1949.

(Decision No. 33988)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F. A. GREEN, FOWLER, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 1655)
TO FRANK M. CADWELL, BOONE, COLORADO.)

APPLICATION NO. 10373
TRANSFER

December 28, 1949

S T A T E M E N T

By the Commission:

By Decision No. 25282, of date December 22, 1945, Forest A. Green, La Junta, Colorado, was granted a certificate of public convenience and necessity, for the transportation, on call and demand, of:

- "(a) Farm products, except hay and feed, from farms within a radius of five miles of La Junta to markets, shipping, loading and storage points in said area;
- "(b) Hay and livestock feeds from farms within a radius of twenty miles of La Junta to La Junta and points within a radius of five miles of La Junta;
- "(c) Livestock between points within the area extending north to the 'Third Correction Line, South,' east to the Range Line between Ranges 52-West and 53-West, south to Otero County-Las Animas County Line, extended, and west to the Otero County-Pueblo County Line, extended, and from and to points in said area, to and from points in the State of Colorado."

By the instant application, F. A. Green seeks authority to transfer said certificate (PUC No. 1655) to Frank M. Cadwell, Boone, 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 able, willing, 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 Forest A. Green, La Junta, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1655 — being the operating rights granted by Decision No. 25282 — to Frank M. Cadwell, Boone, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

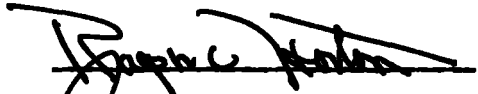
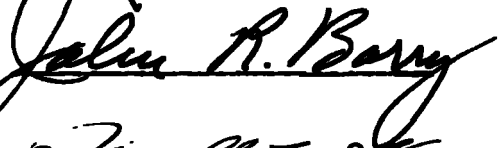

That the tariff of rates, rules, and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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 shall be transferred
and credited 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 7

DATED at Denver, Colorado,
this 28th day of December, 1949.

EHG

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
SKYLINES, INCORPORATED, 201 UTAH OIL
BUILDING, SALT LAKE CITY, UTAH, FOR
A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY.

APPLICATION NO. 10344.

December 28, 1949

STATEMENT

By the Commission:

On October 10, 1946, applicant herein filed its application
for a certificate of public convenience and necessity.

It now appearing to the Commission that applicant herein does
not desire to prosecute said application,

FINDINGS

THE COMMISSION FINDS:

That said application should be dismissed.

ORDER

THE COMMISSION ORDERS:

That the above-styled application should 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

Raymond G. Nelson

John B. Barry

James C. Hawley
Commissioners.

Dated at Denver, Colorado,
this 28th day of December, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PETITIONS OF THE MOTOR TRUCK)
COMMON CARRIERS' ASSOCIATION,)
AS AGENT, FOR AND ON BEHALF OF)
ORVILLE DUNLAP, ET AL, FOR)
VARIOUS CHANGES IN RATES.)

CASE NO. 1585

December 27, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of three different applications from The Motor Truck Common Carriers' Association, as agent, for and on behalf of Orville Dunlap (No. 165), Ed Tuxhorn, d/b/a Byers-Denver Truck Line, Floyd A. Henrikson, d/b/a Denver-Loveland Transportation and Ralph Yockey, d/b/a Yockey Trucking Company (No. 166); Denver-Laramie-Walden Truck Line and C. A. Foster, d/b/a Foster Truck Line (No. 168), petitioning the Commission for authority to publish the following changes in rates:

No. 165 - For account of Orville Dunlap.

To publish the following exception to the application of the distance scales of rates on livestock:

Between points within a 75 mile radius of Montrose, Colorado, and between points within said 75 mile radius and other points within the State of Colorado, (except Gunnison, Colorado, and points east thereof in the authorized territory of the Gunnison Truck Line), the rates on sheep will be 15% greater than those provided for application on cattle and hogs, subject to a minimum increase of $2\frac{1}{2}$ cents per 100 pounds. At the present time the rates on sheep are $2\frac{1}{2}$ cents per 100 pounds higher than the rates on cattle and hogs.

No. 166 - For account of Byers-Denver Truck Line.

To publish a minimum charge of \$1.00 per day from each shipper to apply on milk transported from Byers to Denver and from farms located 50 miles or less in distance from Denver (in the authorized territory of Byers-Denver Truck Line) to Denver.

For account of Denver-Loveland Transportation.

To publish the following specific commodity rates on fruit, fresh, cold pack, (frozen fresh fruit, either sweetened or not sweetened, minimum 10,000 pounds,) to Denver from:

Loveland, Colorado - - - - - 24¢ cwt.

A point 5 miles west of Loveland - - 25¢ cwt.

For account of Yockey Trucking Company.

To cancel the following exception to the application of livestock rates:

The following rates, in cents per 100 pounds, will apply on cattle and sheep between points located in Plains Territory in the authorized territory of Mark Yockey, d/b/a Yockey Bros., viz:

Beginning at the Colorado-Wyoming State Line, thence south along the east Larimer County line to a point which is directly east of the southern city limits of Fort Collins, thence east to the dividing line between ranges 67 and 66; thence south to a point which is directly east of a point 12 miles south of Loveland; thence west to Lyons; thence via an airline to the junction of U. S. Highway 34 and Colorado Highway 56; thence via U.S. Highway 34 and Colorado Highway 186 to Masonville; thence via an airline to a point on the Colorado-Wyoming State Line five miles west of U. S. Highway 287.

Subject to a minimum weight of 20,000 pounds per shipment. Rates to alternate with livestock rates that are subject to a minimum weight of 16,000 pounds.

<u>Distance</u>				<u>Cattle</u>	<u>Sheep</u>
1 mile and under				2½	4
3 miles and over	1 mile			3	4½
5 "	"	3 miles		4	5½
7 "	"	5 "		5	6½
10 "	"	7 "		6	7½
12 "	"	10 "		7	8½

No. 168 - For account of Denver-Laramie-Walden Truck Line.

To establish the following exceptions to the ratings of the classification on compressed gases as described in item No. 380 of M.T.C.C.A., Colo. P.U.C. No. 6 and petroleum liquified gas as described in item No. 390 of said tariff, a rating of 64½¢ of first class and a 4th class rating on tractors as described in item No. 600 of the above referred to tariff; also cancel a commodity rate of 51 cents per case on eggs in standard cases from Ft. Collins, Colorado to Walden, Colorado.

For account of Foster Truck Lines.

To publish a distance of 10 miles between Denver, Colorado and Aurora, Colorado to be used in determining the applicable rates applying between said points; also to cancel the following commodity rates:

Coal: From Denver to Strasburg and vicinity - \$2.91 per ton.

Cream: From Strasburg to Denver 22¢ cwt. net weight.

Flour, feed, farm machinery, tractors: From Denver to Aurora 15, Bennett 18, Strasburg 20, Watkins 17.

Fresh fruit: From Denver to Aurora 27, Bennett 36, Strasburg 33, Watkins 33.

Grain, feed and flour: (Minimum weight 10,000 pounds): Between Denver on the one hand and Bennett and Strasburg on the other hand 15.

Groceries and petroleum products: From Denver to Aurora 23, Bennett 27, Strasburg 28, Watkins 26.

Unless otherwise specified rates are in cents per 100 pounds.

F I N D I N G S

THE COMMISSION FINDS:

That, Case No. 1585 should be reopened for further hearing, relative to the proposed changes hereinbefore set forth.

O R D E R

THE COMMISSION ORDERS:

That Case No. 1585 be and the same is hereby reopened for further hearing before the Commission at 10 o'clock A. M. on the 23d day of January, 1950, in the hearing room of the Commission, 330 State Office Building, Denver, Colorado, for the taking of evidence relative to the matters and things hereinbefore set forth.

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

(S E A L)

ATTEST: A true copy.

J. J. Mahoney
J. J. Mahoney, Secretary

Ralph C. Norton
RALPH C. NORTON

John R. Barry
JOHN R. BARRY

Joseph W. Hawley
JOSEPH W. HAWLEY

Commissioners

Dated at Denver, Colorado
this 27th day of December, 1949.

hn

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE DISCONTINUANCE)
OF THE AGENCY STATION OF THE DENVER)
& RIO GRANDE WESTERN RAILROAD)
COMPANY AT SEDALIA, COLORADO.)
-----)

APPLICATION NO. 10203.

December 27, 1949

Appearances: T. A. White, Esq., Denver, ,
Colorado, for applicant;
Edward T. Fiske, Esq., Rt. 1,
Castle Rock, Colorado,
pro se, and for Sunflower
Grange No. 162 and Nelson
Mercantile Company;
J. M. McNulty, of The Public
Utilities Commission of the
State of Colorado, for the
Commission;
W. M. Epstein, Denver, Colorado,
for Order of Railroad
Telegraphers.

S T A T E M E N T

By the Commission:

By the instant application, The Denver and Rio Grande Western Railroad Company, pursuant to General Order No. 34 of this Commission, seeks authority from the Commission to close, as an agency station, its present station at Sedalia, Douglas County, Colorado, and to discontinue any agency and the maintenance of customary station and agency services at that point, effective September 30, 1949, business to and from Sedalia to be handled thereafter on the basis of a prepay station.

The effective date of the proposed discontinuance was suspended by Decision No. 33479, of date September 26, 1949, and said application was set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, for October 5, 1949. At the request of some of the protestants, the hearing was vacated and the application reset for hearing at the same place for October 17, 1949,

where, after due notice to all parties in interest, it was heard and taken under advisement.

The records and files of the Commission were made a part of the record. There have been filed herein the following communications from shippers and residents of the Sedalia area:

1. Letter from The Western Feldspar Milling Company of Denver, stating that all the feldspar loaded for the company at Sedalia is loaded in box cars, which can be handled without the service of an agent at Sedalia.

2. Letter from Ralph H. Magnuson, of the M & S, Inc., Denver, to the same effect.

3. Protest of W. M. Epstein, General Chairman, The Order of Railroad Telegraphers.

4. Protest of Mabel Brown and other residents of the Sedalia area.

5. Protest of Sunflower Grange No. 162, Sedalia.

E. F. Wilson, Assistant General Manager of applicant railroad, identified Exhibit No. 1, consisting of twelve pages, showing the operating revenues and expenses of the Sedalia station, and other pertinent data, for the years 1947, 1948, and the first five months of the year 1949, and testified as follows:

Sedalia is located on the main line of applicant railroad, 3.8 miles from the agency station at Louviers (open from 8:00 A. M. to 5:00 P. M.), and 7.6 miles from the agency station at Castle Rock (open from 6:00 A. M. to 3:00 P. M.), and on U. S. Highways 85 and 87. The population of the town is 202. There are two main tracks, and by joint agreement between the railroads, the Santa Fe, the Colorado and Southern, and the applicant use one track for northbound traffic, and all use the other track for southbound traffic. The automatic block system was installed in 1947, and the service of an agent is not required for the operation or safety of train movements. But one agent is on duty, from 8:00 A. M. to 5:00 P. M., and there is a definite shortage of telegraphers, so that this agent can easily be placed

elsewhere. Sedalia is a flag stop for the passenger trains, and is on the scheduled bus route of the Denver-Pueblo-Colorado Springs Motor Way, Inc.

No milk, cream, or express is handled at this station. Since May 1, 1948, express has been handled by the agent at Louviers. The passenger business is negligible. In 1947, there were but three passengers taking the train from Sedalia; in 1948, five passengers; and in the first five months of 1949, four passengers; with resultant revenue of \$8.44, \$17.01, and \$18.48 in the respective periods, or a total of \$43.93 in revenue for the 29-month period. All the passengers were outbound on long trips, none interested in local service. Under the proposal of applicant, there will be no change in train service, and any passengers may pay their fare to the conductor.

The l. c. l. business of the station has been equally negligible, the revenue being as follows:

	<u>Forwarded</u>	<u>Received</u>
1947	\$12.25	\$91.26
1948	17.49	62.36
1949	<u>7.14</u>	<u>3.97</u>
Total for 29-month period		\$194.47

The revenue from this business averages \$6.70 per month on twelve shipments during the entire period. L. c. l. shipments regularly move by truck, there being seven truck lines serving the town.

During the period July 1, 1948, to June 30, 1949 (prior records not being available), there were fifty-four messages sent by Western Union from Sedalia, and two hundred twenty-eight received, the total revenue received being \$41.46, of which applicant received \$3.12 as its share. Sedalia is on the Castle Rock telephone exchange, and in the future messages can be telephoned to or from Castle Rock and the charge paid to the Western Union agent or added to the telephone bill of the customer.

The total revenue received by applicant during the 29-month period (including the telegraph revenue for the 12-month period referred to), for l. c. l. and passenger service and telegrams, was \$241.52, an average of \$8.48 per month.

However, the net profit at the station during this period, excluding the revenue from l. c. l. and passenger service, was \$19,641.84, which is accounted for solely from carload freight. But 39 carloads were received, the total revenue being \$2,810.17 for the period, or less than \$100.00 per month. The principal revenue was derived from carload freight forwarded, the number of cars forwarded being 382. Of these, there was one carload of ties, five carloads of cattle, and 376 cars of feldspar, shipped by Ralph H. Magnuson from Sedalia to The Western Feldspar Milling Company at Denver. Both of these parties have advised the Commission that this traffic can be handled without the service of an agent. Under the proposal of applicant, freight on incoming carload shipments is to be prepaid unless the consignee shall first establish a credit rating with the railroad. Outgoing carload freight is to be handled through the agent at Louviers or Castle Rock. Orders for cars are to be placed with them, the cars spotted at Sedalia and loaded, moved to one of these agency stations on conductor's waybill, and thence by regular billing.

As above stated, all revenues of the station, aside from that derived from carload freight, which can be handled as well without an agency station, averaged but \$8.48 per month over the periods covered by the evidence.

The only evidence on behalf of protestants was given by Edward T. Fiske, their attorney, who resides on a farm near Castle Rock. He has made no freight shipment from the station since 1929, but has used the passenger service (the record shows 15 tickets sold in 29 months). He maintained, however, that the station serves a large area, and there are no grounds for its abandonment as an agency station.

Notice of the proposed closing of the agency station at Sedalia was duly posted in the station more than fifteen days before the effective date named in the application, and this Commission gave as much publicity as possible of the filing of the application and the date set for hearing thereon.

It appears from the record that the carload freight is practically the sole source of revenue at this station, and the shippers agree that the service of an agent is not necessary to handle this traffic satisfactorily. And the other sources of revenue are practically negligible. The service of an agent is not required for the operation or safety of train movements, and all the needs of the public can be met by the rail, bus, and truck service now available. In the opinion of the Commission, the abandonment of the station at Sedalia, as an agency station, would not materially inconvenience the traveling and the shipping public, and public convenience and necessity do not require its further operation as an agency station.

F I N D I N G S

After careful consideration of the record and the evidence submitted, and for the reasons given in the foregoing Statement, which by reference is made a part hereof, the Commission is of the opinion, and finds, that authority should be granted applicant to discontinue its agency station at Sedalia, Colorado.

O R D E R

THE COMMISSION ORDERS:

That applicant, The Denver and Rio Grande Western Railroad Company, be, and it is hereby, authorized to close, as an agency station, its present station at Sedalia, Douglas County, Colorado, and to discontinue any agency and the maintenance of customary station and agency service at that point, and this order shall be taken, deemed, and held to be, a certificate of public convenience and necessity therefor.

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. McCool
Commissioners.

Dated at Denver, Colorado,
this 27th day of December, 1949.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE PROPOSED DISCONTINUANCE BY
THE PURE SPRING WATER SUPPLY COM-
PANY AT FOWLER, COLORADO, OF SER-
VICE AND SALE OF WATER TO WHAT IS
KNOWN AS THE CROWLEY-ORDWAY LINE
OF SAID COMPANY.

} INVESTIGATION & SUSPENSION
} DOCKET NO. 259
} SUPPLEMENTAL ORDER

December 28, 1949

Appearances: Perry E. Williams, Esq.,
Rocky Ford, Colorado,
for applicant;
Harry E. Mast, Esq., Ordway,
Colorado, for protestants;
Paul M. Hupp, Esq., Denver,
Colorado, for the
Commission's Staff.

S T A T E M E N T

By the Commission:

On June 29, 1949, by Decision No. 33009, the Commission issued its order denying the application of The Pure Spring Water Supply Company to abandon that part of its system known as the Crowley-Ordway Line. The order was to become effective twenty (20) days from issue date. Prior to the effective date, namely, on July 14, 1949, The Pure Spring Water Supply Company, by its attorney, Perry E. Williams, petitioned the Commission for a rehearing, stating, in effect, that the Commission had erred in its Findings and Order.

The petition for rehearing was granted and the rehearing held in La Junta, Colorado, on November 17 and 18, 1949, and at the conclusion of said hearing, the Commission took the matter under advisement.

At the November hearing in La Junta, the Commission stated that the proceedings would be de novo. By stipulation and agreement of all interested parties, the files, records and exhibits of the previous hearings were made a part of the instant proceedings.

According to the evidence, The Pure Spring Water Supply Company built its present water supply system, beginning in 1906, excepting a part purchased from The Crystal Springs Pipe Line and Water Company in 1924. The source of water for distribution comes from springs located in the hills north of Fowler, Colorado. These springs have a natural flow of water and this flow has been augmented by laying tile and sand intakes into various small cisterns located in said hills. From these gathering cisterns the water is fed by gravity into a four-inch transmission line that runs from the hills easterly down the Arkansas River Valley about five miles to a point near the Olney Springs Cemetery where the line divides, one branch continuing down the river valley southeast to Rocky Ford about 18 miles distant, the other branch going north and east to the Towns of Crowley and Ordway, approximately 12 miles. In the instant matter the Company seeks to abandon about 5-1/2 miles of line between Crowley and Ordway.

There are about 300 customers on The Pure Spring Water Supply Company's system, 250 customers being on the line from the Olney Springs Cemetery Junction to Rocky Ford and about 50 customers from the Junction at Olney Springs to Crowley and Ordway. Twenty-five of these 50 customers are on the line between Crowley and Ordway, and it is these customers that would be affected if the line were to be abandoned in the instant matter.

The Pure Spring Water Supply Company was incorporated under the laws of the State of Colorado on October 5, 1906, with authorized capital stock of 1500 shares of \$100.00 par value, of which 1039 shares were issued and are still outstanding. In 1924 the Company authorized and issued 30-year first mortgage bonds in the amount of \$100,000.00, bearing interest at the rate of 6%. The Company retired \$5,000.00 worth of said bonds in 1936. In 1941, the Company sold part of its water system to the Town of Fowler, and with the proceeds from this sale retired \$63,000.00 more of its bonds. In order to make the sale of this portion of the property and to effect the retirement of said bonds, it was necessary for the Company to call in all the outstanding bonds, since they were secured by a lien on

all the property of the Company. After the sale, a new series of 6% bonds in the amount of \$32,000.00 was issued, and of this new series of bonds, \$10,000.00 was retired in 1946, leaving \$22,000.00 in bonds still outstanding as of this date. These bonds are due in 1954.

Mr. John A. McClaren testified at the hearing that he had been active manager of The Pure Spring Water Supply Company for 39 years, and during his tenure as manager, he has also been an officer of the Company, for about 20 years, serving as Secretary-Treasurer, and since 1944, as President of the Company. The Crowley-Ordway Line was built in 1913 under his management to serve water to the Town of Ordway. After the completion of the construction of that line, and until 1924, the Town of Ordway had complete charge of the line, connecting and billing customers, including those outside the town limits. The meter measuring the water for this Ordway Line was originally located near the Olney Springs Cemetery, but about 20 years ago the water meter supplying Ordway was moved to the west Ordway city limits, and from then on the Company itself billed and collected water rates on the water users outside the Ordway city limits. The company has added a few customers on the line since they took over its operation. The Bob Creek Labor Camp, east of Crowley, and a farmer west of Ordway, were recalled by the witness as having been added by the Company. The service to the Town of Ordway was under contract, the original contract expiring on January 1, 1925, and a subsequent contract expiring on January 1, 1945. The reasons given by the Town of Ordway for no longer wanting Company water was that the service was very poor and the quality of the water had deteriorated. The Town built its own water supply system and informed The Pure Spring Water Supply Company that at the termination of its contract on January 1, 1945, it would no longer take water from the Company.

The Town of Crowley became a customer of the Company in 1925, and ceased being a customer of the Company in August, 1949, Crowley also having constructed its own water supply system. By the loss of these two towns as customers, the Company's gross income has been reduced in the amount

of about \$7,000.00 per year, \$5,000.00 from the Town of Ordway and the balance of \$2,000.00 from Crowley. The instant proceeding is not a rate case and the question of rates per se is not at issue, yet the Commission, in determining whether or not any portion of the system should be abandoned, must look at all the factors having a bearing on the question. Notice is taken that on June 30, 1949, by order of this Commission, Decision No. 33010, The Pure Springs Water Supply Company was granted a 50% increase in rates to all metered customers on the system, the increase being effective as of July 1, 1949, and it is evident that this increase will compensate in some measure for the loss of the two towns as customers.

Exhibit No. 1, introduced by Mr. McClaren at the rehearing, lists the customers on the Crowley-Ordway Line from September 15, 1945, to October 1, 1949, and the amount of revenue derived from this line during said period. No expenses prorated to this part of the line were given for this period, the witness stating the Company did not keep a record of this item. Mr. McClaren stated that he or one of his employees would go over this line frequently, looking for leaks and reading the meters, but no record of the actual time spent was ever made. It is noted that the amount of revenue as shown for the first nine months of 1949 on Exhibit No. 1 is more than double the revenue for the Year 1948, as shown on the same exhibit. This, in part, reflects the 50% increase in the rates mentioned above. On this same exhibit is also shown the amount in gallons of water sold and the total gallons of water metered by the master meter at Crowley for the period from September 18, 1945, to October 28, 1949. The Company has totaled the meter readings of the customers for the same period and subtracted them from the master meter reading with the comment that the difference in gallons between the master meter and the customers meters is a loss of over 10,000,000 gallons. Testimony disclosed that in July, 1949, three of the customers' meters were out of order on this line and that these three customers were billed flat rate on a minimum bill as the actual amount of water used could not be determined. There is no doubt that there was water lost on this line

due to leakage, as will be noted later, but the loss stated by the Company as being over 10,000,000 gallons was not due to leakage, when the meters were not in working order.

The Commission requested additional information at the hearing regarding the number of meters out of order during this four year period, and the time said meters were out of order and a recess was announced to give the parties time to collect this information. The Company did not furnish the information, although witnesses stated it was available from meter books which were present at the hearing.

Much testimony was given by the Company as to the condition of the Crowley-Ordway Line. Mr. McClaren stated that in his opinion, the line needed complete replacement from Crowley to Ordway and estimated the cost of 2-inch galvanized pipe for use as replacement to be over \$13,000.00 for the pipe alone, exclusive of labor for installation. If a 4-inch steel pipe were to be used for replacement of this line, he stated it would cost \$25,000.00 for the pipe, exclusive of labor. The original cost of the line from Olney Springs Cemetery to Ordway was estimated at \$25,000.00.

Mr. J. C. Warren of Fowler, Colorado, testified he had worked for the Company intermittently as a laborer and repairman on the system for the last 30 years, except for the Years 1943 to 1946, and that he was fairly familiar with the system. He believed that the pipe was in bad condition where leaks had occurred, yet agreed that sections of pipe dug up for inspection by the Commission's Staff at various locations in September, 1949, for the purpose of examination, showed the pipe in good condition.

Mr. C. H. Boyles, of Fowler, Colorado, testified he had been employed by the Company since June 1947, as meter reader and repairman. He also thought that the line from Crowley to Ordway was in bad shape but could not give any accurate figures as to the number of times he worked on the line, stating it was a "good many repairs."

Mr. Wayne Bennett, who lives between Crowley and Ordway testified that he is a customer of The Pure Spring Water Supply Company,

and has been such for the past ten years. He stated that the water service is very poor at times, but the service had improved considerably since the repairs to the leaks in the line last September. He and other customers of the Company helped dig the area around said leaks so that the Company could make the repairs. The customers of the Company frequently donated their services to dig down to the leaks on the pipe line to expedite the repairs in times past, and are willing to do so in the future, if necessary. One additional leak had been fixed by the Company east of the leaks fixed in September, and since that time, to his knowledge, no leaks had appeared in the line from Crowley to the Numa School, the Numa School being two miles west of Ordway. There were some leaks on the last 1100 feet of the line serving a Mr. Shironaka, but the Company had not fixed these leaks. If the Crowley-Ordway Line were abandoned, he stated, he would have to haul water by tank to his residence.

Mr. M. C. Meyers, who lives 3-1/4 miles west of Ordway, testified he is a customer of The Pure Spring Water Supply Company, and has been since 1943. His house is 1/4 mile west of the Numa School. Service on the line has been very poor and the Company was notified in January, 1949, that there were two leaks on the pipe line west of his house. These leaks were not fixed until September, 1949. He and other customers on the line dug down to the pipe and helped the Company make the repairs. In times past the customers have dug down to the leaks without cost to the Company, and would probably be willing to do so in the future if necessary to help the Company. Since the repairs mentioned above, only one leak had appeared in the line west of the Numa School, and it had been fixed by the Company. In 1947, he installed a pump on his service line to suck the water out of the main into his house, but since the September repairs he has not had to use his pump to obtain water.

Mr. F. L. Merkord, who lives 3-1/2 miles west of Ordway, testified he has lived there nine years and is a customer of The Pure Spring Water Supply Company. During this nine years there have been no leaks in

the line to his knowledge for a distance of two miles west along the pipe line to the Bob Creek Labor Camp, and only three leaks in the line 1/2 mile east of his house during the same nine years.

Mr. Shironaka is the last customer on the line and lives just west of the Ordway city limits. He was unable to be present at the hearing, so, by agreement between all parties concerned, Mr. McNulty, the Commission's Engineer, stated for the record the substance of a conversation he had with Mr. Shironaka last September. In order to obtain water at his house, Mr. Shironaka has to open a valve on the water line that is about 1100 feet west of his residence. Because of leaks on this part of the line, (i.e. 1100 feet) much water is wasted when the valve is open, and service is impaired to the other users while he is obtaining water. To his knowledge there are two or three leaks in this part of the line that the Company has made no effort to fix in the last two years, and that prior to that time, when an attempt was made to repair one of these leaks, it immediately leaked again in the same place when the water was turned on. Mr. Shironaka felt that the Company was not giving this end of the line a fair trial to determine its physical condition. He thought that if the Company would make the necessary repairs to put this section of the line in working condition, and if the repaired pipe did not leak at the same location within a reasonable length of time, say six months, then it could be determined whether most of the line was in poor condition or just the same old leaks recurring. If, after repairs, the line leaked in new and different places after six or eight months, then he would be willing to have that portion of the line (1100 feet) abandoned and he would endeavor to get his water elsewhere.

The Pure Spring Water Supply Company has not kept its books and records in accordance with the Uniform System of Accounts for Water Utilities, as prescribed by this Commission. When the matter of abandonment was first before the Commission, the Auditor for the Commission had to assemble and compile a suitable set of books before he could make a report

on the financial condition of this Company to the Commission. The Auditor's report was introduced in evidence as Exhibit No. 1 at the hearing in LaJunta, Colorado, on May 21, 1948. At the time of the re-hearing in November, 1949, it was found, and Mr. McClaren testified, that not a single entry had been made in the books set up by the Commission's Auditor subsequent to the last entry made by him, and that no effort had been made to keep the accounts current in the form prescribed by the Commission. Mr. McClaren stated, on cross-examination, that neither he nor his wife, who usually kept the books, had made any ~~entries~~ in the books as set up by the Commission's Auditor because, "They were so pretty, we didn't want to spoil them!"

The Auditor found, from his first examination, that the Company had been taking a flat 5% rate of depreciation, and as of December 31, 1932, the reserve for depreciation amounted to 84% of the total value of depreciable property. This depreciation was not in accordance with the actual physical condition of the property, so it was necessary to readjust the depreciation reserve and adopt rates of depreciation more in line with actual conditions. As a result of this adjustment in the depreciation reserve, the Company is, in effect, being allowed to again write off, through depreciation expense, items that have already been depreciated 84%, and as a result, many items of property will, in effect, be depreciated over 100% before being replaced. The Auditor's report embraced the years 1933 to 1946, inclusive, in detail. The following tabulation is compiled from Exhibit No. 1:

Year	Net Income to Surplus	Dividends Paid	End of Year Balance in Surplus Account
1933	\$6,372.21	\$ -0-	\$3,874.09
1934	516.77	4,156.00	234.86
1935	1,185.97	4,156.00	2,735.17*
1936	723.16	-0-	2,012.01*
1937	186.56*	-0-	2,198.57*
1938	3,541.31	-0-	1,342.74
1939	685.22*	-0-	657.52
1940	601.46	-0-	1,258.98
1941	7,817.85 ¹	-0-	9,076.83
1942	1,822.27	5,709.00	5,190.10
1943	7,024.25	5,190.00	7,024.35
1944	918.39	9,342.00	1,399.26*
Totals -	\$29,649.86	\$28,553.00	

* Indicates Red Figure.

1 Includes profit of \$3,390.24 from sale of part of water system to Town of Fowler

The President of the Company testified that whenever he informed the directors that there was a cash surplus on hand, a directors' meeting was called and a dividend declared.

It is apparent that while dividends were being declared, this Company gave no consideration to the physical condition of the system even though the management knew it was in need of repairs and replacements. The fact, which the Commission accepts, that repair parts were difficult to obtain during the war years of 1942 to 1945, did not relieve management of the obligation to build a deferred maintenance reserve to rehabilitate the system when supplies were available. The bad snow mentioned by management in November, 1946, was only a temporary condition, ending the following spring, and according to customer witnesses, the pipe was in working condition during that period, so that repairs at that particular time were not vital.

The report of the Commission's Auditor previously referred to, discloses that in the Year 1945, the Company had a net loss, after taxes, of \$602.78, and for the Year 1946, after taxes, a net loss of \$1,273.05. The amount of income taxes, both Federal and State, paid by the Company for the above two years amounted to \$3,901.86. If proper books and records had been maintained by the Company, it would not have been necessary to pay this amount of taxes, and the Company would have shown a net profit for the two years mentioned.

The Company introduced Exhibit No. 2 at the hearing on November 17, 1949, being a balance sheet for the years 1947 and 1948, but no profit and loss statements for the same period were introduced to support the loss claimed for the two years shown on the balance sheet. Attached to this exhibit is a sheet that is, in effect, a bank reconciliation statement for the year 1948; but profit and loss statement would have been more appropriate. No financial statement of the Company as a whole is given for the ten months of 1949 prior to the time of the rehearing. A statement was made by the Manager that for the entire system in 1949, labor amounted to \$1,958.08 and repairs to \$968.29. This labor

is for making repairs only, and is not necessarily the total expended for all labor for the period. No breakdown was given, as stated previously, for the maintenance expense for the part of the line between Crowley and Ordway.

It is evident from the testimony that The Pure Spring Water Supply Company has failed to keep its books in a proper manner after the Commission's Auditor had set them up. Because of this, it is now impossible to determine whether the income and expense of the Crowley-Ordway Line would justify its abandonment.

Testimony of the customers and Company witnesses did not show that the Crowley-Ordway Line was in such shape, physically, that the line should be abandoned. In fact, it appears that if reasonable repairs and maintenance is performed, the line can continue to serve the customers.

It was very evident at the hearing that the Owners and Management of the Company have made little or no effort to render adequate and efficient water service to Company's customers. Cross-examination showed that the Towns of Crowley and Ordway built their own systems because the Company neglected to even try to give them reasonable service. The valve regulating the division of water between the Crowley-Ordway Line and the Rocky Ford Branch had to be set and sealed by the Commission's Engineers to provide an equitable distribution of water between the two branches.

It is unfortunate that the Company lost the two towns as customers, but that fact alone is not sufficient grounds for complete abandonment of the line. It was not shown that it will be unprofitable and an economic burden on the other customers of the Company to continue service.

We note from the testimony that Mr. McClaren plans to retire as President and Manager as of January 1, 1950, because, as he has stated, he is too old and his health would not permit him to take the time for proper management. This water system is too important to its customers and to the Arkansas Valley to be allowed to fall into a complete state of disrepair because of lack of attention, and the Commission will take steps

to see that upon Mr. McClaren's retirement, someone will be charged with the responsibility of operating this utility in the proper manner.

In regard to the 1100 feet of main line servicing Mr. Shironaka, it seems to the Commission that his offer to agree to abandonment of that part of the line if new leaks develop within a reasonable time after existing leaks are properly repaired, is eminently fair and the new Management should proceed to carry this plan into effect. In addition, the new Management will be expected to bring the books into proper order and to file correct annual reports with the Commission so that an intelligent appraisal of the financial status of the Company can be made.

The Commission cannot refrain from commenting on the fact that during the three years, 1942 through 1944, \$20,241.00 in dividends was paid out to the stockholders of this Company at a time when it would have been proper to build up a deferred maintenance reserve, and it is this lack of funds which is now assigned as one of the reasons which necessitates abandonment of the Crowley-Ordway Line. Even if the line were shown to be completely useless, it does not follow that abandonment would be the only solution, in view of this background. Perhaps the sale of additional stock to these stockholders would be in order.

In view of the fact that the Company has been operating only a short time under the new 50% rate increase, and the additional fact that it is impossible to allocate income and expense to this portion of the line because of the chaotic condition of its books, no action should be taken at this time to shut off the large group of customers on the present Crowley-Ordway Line.

FINDINGS

THE COMMISSION FINDS:

1. That the applicant, The Pure Spring Water Supply Company, has failed to show that the part of the water system known as the Crowley-Ordway Line is in such physical condition that it should be abandoned.
2. That the applicant, The Pure Spring Water Supply Company, has failed to show that the Crowley-Ordway Branch Line is not producing an adequate return.

3. That the applicant has failed to show that the expense of maintaining the Crowley-Ordway Line is placing an economic burden on the other customers of the water system.

4. That the applicant has failed to show that it is necessary to entirely rebuild the Crowley-Ordway Line in order to render adequate water service, nor that such action would preclude the Company from attaining a fair return on such new investment.

O R D E R

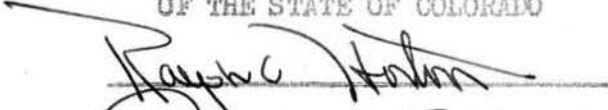
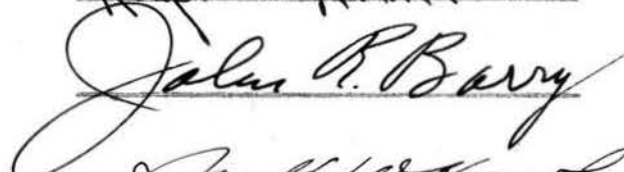

THE COMMISSION ORDERS:

That the application of The Pure Spring Water Supply Company to discontinue water service on the so-called Crowley-Ordway Line, be, and it hereby is, denied.

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 Spring Water Supply Company, Fowler, Colorado; Perry E. Williams, Esq., Attorney for The Pure Spring Water Supply Company, Rocky Ford, Colorado; and Harry E. Mast, Esq., Attorney for protestants, Ordway, Colorado.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 28th day of December, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PERRY WYSE, DOING BUSINESS AS)
"PERRY WYSE AUTO SALES," 306)
NORTH AVENUE, GRAND JUNCTION,) PERMIT NO. C-20849
COLORADO.)
-----)

December 29, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Perry Wyse, d/b/a Perry Wyse Auto Sales,-----
requesting that Permit No. C-20849----- 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-20849-----, heretofore issued to-----
Perry Wyse, d/b/a Perry Wyse Auto Sales,-----be,
and the same is hereby, declared cancelled effective **June 1, 1949.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 29th day of Dec., 194 9.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VIRGIL EDEN, PINE, COLORADO.)
)
)
)
)

PERMIT NO. C-20934.

December 29, 1949

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Virgil Eden,.....
requesting that Permit No. C-20934.....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-20934....., heretofore issued to.....
Virgil Eden,.....be,
and the same is hereby, declared cancelled effective **December 23, 1949.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 29th day of Dec., 1949.

ea

original

(Decision No. 33995)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
FRANK W. MILLER, DOING BUSINESS AS
"DENVER-LIMON-BURLINGTON TRANSFER
COMPANY," 1325 MARKET STREET, DENVER,
COLORADO, FOR AUTHORITY TO LEASE AND
TRANSFER CERTIFICATES OF PUBLIC CON-
VENIENCE AND NECESSITY NOS. 699 AND
699-I TO FRANK S. ROBBINS AND FALL S.
ROBBINS, DENVER, COLORADO, DOING
BUSINESS AS "ROBBINS AND SON."

APPLICATION NO. 10293-Transfer
SUPPLEMENTAL ORDER

December 28, 1949

Appearances: Worth Allen, Esq., Denver,
Colorado, for applicants;
T. J. Kuhlman, Esq., Denver,
Colorado, for Western Spring
Service Company;
A. J. Fregeau, Denver, Colorado,
for Weicker Transfer and
Storage Company;
E. B. Evans, Esq., Denver, Colo-
rado, for Airline Express, Inc.;
P. T. Hoffman, Denver, Colorado,
for Rocky Mountain Association
of Credit Men, et al.;
Parker Ward, Denver, Colorado, for
William Volker & Company;
David Silver, Denver, Colorado,
for Scientific Supply Company;
R. A. McKinstra, Yuma, Colorado,
for Yuma County Transportation
Company.

STATEMENT

By the Commission:

By Decision No. 33829, of date December 12, 1949, the Commission approved a proposed lease from Frank W. Miller, doing business as "Denver-Limon-Burlington Transfer Company," to Frank S. Robbins and Fall S. Robbins, doing business as "Robbins and Son," of Certificates of Public Convenience and Necessity Nos. 699 and 699-I, authorizing common carrier motor truck service as described in said decision, the approval of said lease being contingent upon the payment of the outstanding indebtedness against the operation, consisting of C. O. D. payments due, inter-line payables, and general claims.

Under the terms of said order, the down payment of \$10,000.00, as provided in the contract for lease, was made to Worth Allen, as Trustee, and in the event the Commission was satisfied that the indebtedness referred to against said operation was paid prior to said debt, the effective date of the lease was fixed as January 10, 1950.

The Commission is now in receipt of an application of transferor and transferees showing that all C. O. D. claims, all known interlines payable, and all known accounts payable have been paid, with the exception of claims aggregating \$650.57, which are disputed or subject to further investigation, and also excepting the highway compensation tax due for the months of November and December, 1949. Said application further shows that Worth Allen, as such Trustee, has in his hands or available the following amounts to be applied on the unpaid indebtedness, to-wit:

Cash in Bank	\$484.73
Checks of Riss & Company	152.28
Interline Receivables -	
Pacific Intermountain Express	105.85
Interline Receivables -	
Weicker Transfer & Storage Co.	128.25
Total	\$871.11

Inasmuch as the amounts still remaining in the hands of the Trustee are more than sufficient to pay the unpaid claims which are disputed or subject to further investigation, and the unpaid Highway Compensation Tax, the petitioners request an order making their lease effective as of January 2, 1950, instead of January 10, 1950, as provided in said Decision No. 33829.

FINDINGS

THE COMMISSION FINDS:

That the request made in the instant application is reasonable, and should be granted.

ORDER

THE COMMISSION ORDERS:

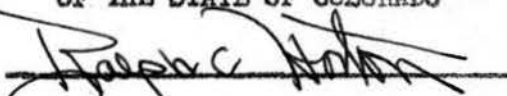
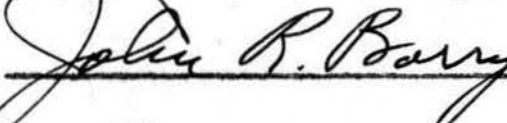
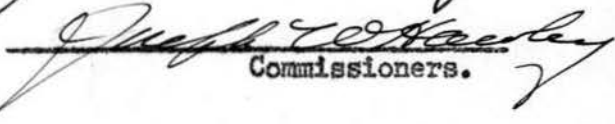
That the said Worth Allen shall continue to serve as such

Trustee until the balance of the unpaid accounts against the operation referred to are paid.

That the lease of the operating rights under said PUC-699 and 699-I shall be and become effective as of January 2, 1950, instead of January 10, 1950, as provided in said Decision No. 33829.

That this order shall become effective on January 2, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 28th day of December, 1949.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF	}	CASE NO. 49128-INS. (Permit No. C-12334)
HENRY PELTIER, ROUTT, COLORADO.		

December 29, 1949

S T A T E M E N T

By the Commission:

On January 22, 1949, in Case No. 49128-Ins., the Commission entered an order revoking Permit No. C-12334, for failure to keep on file effective insurance.

Insurance was in effect, however, but, through neglect of the agent, was not filed in time to stop the revocation of the permit. Proper filing has now been made and the insurance is in order without lapse.

F I N D I N G S

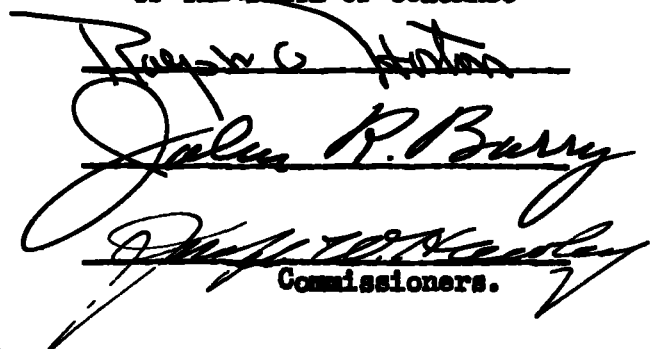
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 49128-Ins., should be cancelled and set aside, and said Permit No. C-12334 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 49128-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-12334 restored to its former status as of January 22, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 29th day of December, 1949.
ea

RE MOTOR VEHICLE OPERATIONS OF
L. D. WRIGHT, DOING BUSINESS AS
"WRIGHT SEWING MACHINE SERVICE,"
1016 DOWNING STREET, DENVER,
COLORADO.

PERMIT NO. C-23503.

December 30, 1949

STATEMENT

By the Commission:

On December 22, 1949, by Decision No. 33870, the Commission cancelled Permit No. C-23503 of L. D. Wright, doing business as "Wright Sewing Machine Service," through error.

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

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-23503 should be, and the same hereby is, reinstated as of December 22, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John E. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF . }
R. H. McGRUDER, 4979 SOUTH }
BROADWAY, DENVER, COLORADO. }
----- }

PERMIT NO. B-3951.

December 30, 1949

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-3951 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 R. H. McGruder be, and he is hereby, authorized to suspend his operations under Permit No. B-3951 until June 26, 1950.

That unless said R. H. McGruder 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 permit, 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. Houtant
John P. Barry
Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF }
GUY HODGES, 251 NEWTON STREET, } PERMIT NO. B-3520.
DENVER, COLORADO. }
----- }

December 30, 1949

STATEMENT

By the Commission:

The Commission is in receipt of a request from the above-named permittee, requesting that his Permit No. B-3520 be suspended for six months.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Guy Hodges be, and he is hereby, authorized to suspend his operations under Permit No. B-3520 until July 1, 1950.

That unless said Guy Hodges 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 P. Berry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 30th day of December, 1949.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
M. A. PACKARD, 1030 JAY ST.,)
DENVER 14, COLORADO.) PERMIT NO. C-19053.
)
)
)

January 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
M. A. Packard,.....
requesting that Permit No. C-19053.....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-19053....., heretofore issued to.....
M. A. Packard,.....be,
and the same is hereby, declared cancelled effective December 28, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. B...

Joseph W. ...
Commissioners

Dated at Denver, Colorado,
this 5th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
 PHILLIP RIVERA, 601 N. SELIG,)
 MONTROSE, COLORADO.)
)
)
)
 -----)

PERMIT NO. C-19297.

January 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Phillip Rivera,-----
requesting that Permit No. C-19297 ----- 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-19297 -----, heretofore issued to-----
Phillip Rivera,-----be,
and the same is hereby, declared cancelled effective **December 19, 1949.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

John J. ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of Jan., 1950
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GUY L. BILLINGS, BOX 596,)
CORTEZ, COLORADO.) PERMIT NO. C-19786
-----)

January 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Guy L. Billings,.....
requesting that Permit No. C-19786.....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-19786....., heretofore issued to.....
Guy L. Billings,.....be,
and the same is hereby, declared cancelled effective December 3, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John C. Brown

Joseph W. Hendley
Commissioners

Dated at Denver, Colorado,
this 5th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BERTHA AND ERNEST HAAS, BOX 287)
RIFLE, COLORADO.)
)
)
)

PERMIT NO. C-20237

January 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Bertha and Ernest Haas,-----
requesting that Permit No. C-20237 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-20237, heretofore issued to-----
Bertha and Ernest Haas,-----be,
and the same is hereby, declared cancelled effective December 6, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Winton

John H. ...

Joseph W. Newby
Commissioners

Dated at Denver, Colorado,
this 5th day of Jan, 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MAJOR DOOLITTLE, 1314 NORTH)
GRAND, ENID, OKLAHOMA.) PERMIT NO. C-20418
)
)
)
-----)

January 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Major Doolittle,.....
requesting that Permit No. C-20418 ..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-20418, heretofore issued to.....
Major Doolittle,.....be,
and the same is hereby, declared cancelled effective **December 28, 1949.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. E. LUTZ, ROUTE 3,)
GRAND JUNCTION, COLORADO.) PERMIT NO. C-20720
-----)

January 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
C. E. Lutz,.....
requesting that Permit No. C-20720..... 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-20720....., heretofore issued to
C. E. Lutz,.....be,
and the same is hereby, declared cancelled effective December 28, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Horton

John J. ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
H. KEITH & R. HARVEY CUNNINGHAM,
DOING BUSINESS AS "MRS. HARVEY'S
BAKERY, 954 - 11th ST., LONG-)
MONT, COLORADO.)

PERMIT NO. C-21691

January 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
H. Keith & R. Harvey Cunningham, d/b/a Mrs. Harvey's Bakery,
requesting that Permit No. C-21691 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-21691, heretofore issued to.....
H. Keith & R. Harvey Cunningham, d/b/a Mrs. Harvey's Bakery, be,
and the same is hereby, declared cancelled effective **December 10, 1949.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. ...

Joseph W. ...
Commissioners

Dated at Denver, Colorado,

this 5th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LUPE MARTINEZ, 628 WEST 8th ST.,)
WALSENBURG, COLORADO.)
)
)
)

PERMIT NO. C-22088

January 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Lupe Martinez,.....
requesting that Permit No. C-22088.....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-22088....., heretofore issued to.....
Lupe Martinez,.....be,
and the same is hereby, declared cancelled effective December 28, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hodson

John R. Barry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 5th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. P. GARRISON, ROUTE 3,)
MARLOW, OKLAHOMA) PERMIT NO. C-22309
)
)
)

January 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
W. P. Garrison,-----
requesting that Permit No. C-22309.....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:

C-22309
That Permit No., heretofore issued to-----
W. P. Garrison,-----be,
and the same is hereby, declared cancelled effective **December 28, 1949.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 5th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LEROY SAULMON, ROUTE 2,)
ROCKY FORD, COLORADO.)
)
)
)
)

PERMIT NO. C-22476

January 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
LeRoy Saulmon,.....
requesting that Permit No. C-22476be 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-22476, heretofore issued to.....
LeRoy Saulmon,.....be,
and the same is hereby, declared cancelled effective **December 28, 1949.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Horton

John ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 5th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PALMER MANUFACTURING CORP.,)
PHOENIX, ARIZONA) PERMIT NO. C-22617
)
)
)

January 5, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Palmer Manufacturing Corp.,
requesting that Permit No. C-22617 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-22617, heretofore issued to
Palmer Manufacturing Corp., be,
and the same is hereby, declared cancelled effective **December 28, 1949.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John F. Bess
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 5th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ROBERT WILLIAMS, BASALT, COLORADO,)	
FOR A CLASS "B" PERMIT TO OPERATE)	APPLICATION NO. 10311-PP.
AS A PRIVATE CARRIER BY MOTOR VE-)	
HICLE FOR HIRE.)	
-----)	

January 5, 1950

Appearances: Robert Williams, Basalt,
Colorado, PRO SE.

S T A T E M E N T

By the Commission:

On August 6, 1949, applicant herein filed application for a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of hay, grain, potatoes, lumber, and farm supplies, from point to point within a radius of twenty-five miles of Basalt, Colorado.

The matter was formally set for hearing, and heard, at the Court House, Leadville, Colorado, December 9, 1949, at ten o'clock A . M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of a 1946 one and one-half-ton Dodge Truck, and has a net worth of approximately \$2500.00. He has had considerable experience operating a truck.

It also appears that applicant has had numerous requests for hauling commodities asked for by residents of the twenty-five-mile radius of Basalt.

Inasmuch as no one appeared protesting the above application; it would appear that applicant's proposed operation is in the public interest, and it does not appear that the proposed operation of applicant will tend to impair the efficiency of any motor vehicle common carrier service with which applicant will compete.

FINDINGS

THE COMMISSION FINDS:

That the instant application should be granted.

ORDER

THE COMMISSION ORDERS:

That Robert Williams, Basalt, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay, grain, potatoes, lumber, and farm supplies, from point to point within a radius of twenty-five miles of Basalt, Colorado.


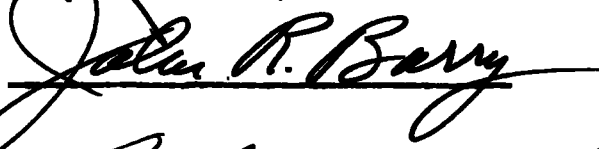

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 5th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
J. AMON MURLEY, JR., BOX 172, }
GILMAN, COLORADO, FOR A CERTIFICATE } APPLICATION NO. 10312.
OF PUBLIC CONVENIENCE AND NECESSITY. }
----- }

January 5, 1950

Appearances: J. Amon Murley, Gilman,
Colorado, pro se;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for Sky
Line Bus System, Leadville
Taxi, Continental Bus System.

S T A T E M E N T

By the Commission:

On May 13, 1949, J. Amon Murley, Jr., Gilman, Colorado, doing business as "Mt. Holy Cross Tours and Taxi Service," filed his application for a certificate of public convenience and necessity to operate a scenic tour and taxi service.

The matter was formally set for hearing, and heard, December 9, 1949, at Court House, Leadville, Colorado, and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant resides at Gilman, Colorado, and desires to operate a taxi service in Gilman and within a six-mile radius of Gilman. He stated that there is no bus common carrier at Gilman, and there is a demand for his service hauling passengers to meet the bus and to haul passengers between Minturn, Red Cliff and Camp Hale. It also appears that the population of the area that would be served by applicant in said taxi service is approximately 1500.

Applicant stated that he had a net worth of approximately \$7500.00, and plans on using in his proposed operation a 1946 Ford Sedan and a new 1947 Buick Sedan. He plans to charge twenty-five cents per mile in his taxi operation.

In addition, applicant also desires to operate a scenic tour service. In this service the Town of Minturn will be his headquarters, where all trips will originate and terminate. His proposed scenic tour will begin at Minturn, Colorado, via Red Cliff, Pando, Leadville, Climax, Vail Pass, and return to Minturn. He stated that in 1948, due to many requests to see Mt. of the Holy Cross and historical mining areas, applicant herein organized a Holy Cross Tour. Applicant stated that virtually all tourists are met at Minturn, where they arrive by trains, specifically to take this tour. He stated also that this tour was formulated in conjunction with and with the approval of Mr. Eno, the General Passenger Agent of The Denver and Rio Grande Western Railroad Company. Applicant stated that last summer people came from as far as California to make this tour. He stated that the plan of his operation was to meet the tourists, arrange their hotel accommodations in Minturn, take them over the tour asked for in the application, and place them on the train the following day; that the reason for the proposed service is that many visitors have experienced difficulty in visiting the Mt. of the Holy Cross, and there is no public service now available.

Harry E. Smith, of Leadville, (PUC No. 1586), stated he had a service out of Leadville, Colorado, but that the demand was not sufficient to justify maintaining the operation; that he felt there was a chance to develop this business, and that he had been unable to secure the necessary cooperation to make it a paying proposition.

The question that arises in the minds of the Commission is, "Can the operation be made economically feasible?" Applicant plans on operating a taxi and tour service, and possibly the combined operation can be made to pay. There is no question in the minds of the Commission that applicant's proposed service would be in the public interest, and is needed. The Commission is inclined to give applicant the opportunity to prove whether or not the operation is economically feasible, as we cannot see where any harm can inure to any of our already authorized carriers engaged in a like or similar service.

F I N D I N G S

THE COMMISSION FINDS:

That applicant's proposed service is a common carrier service, and as such is subject to the jurisdiction of the Commission.

That public convenience and necessity require the proposed operation of applicant, and that certificate of public convenience and necessity should issue therefor, for the reasons heretofore set forth in our Statement, which Statement, by reference, is made a part of these Findings.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle service of J. Amon Murley, Jr., doing business as "Mt. Holy Cross Tours and Taxi Service," Gilman, Colorado, for the conduct of a tour and taxi service, on call and demand, as follows:

1. Transportation of passengers and their baggage in a taxi service, on call and demand, only, between points within a radius of six miles of Gilman, Colorado.

2. Transportation of passengers and their baggage over the routes and in the manner as: departing from Minturn by motor vehicle — that is, bus or passenger automobile — and proceeding over U. S. Highway No. 24, via Red Cliff, Pando to Leadville, thence by Highway No. 91, via Climax, to intersection with U. S. Highway No. 6; thence over U. S. Highway No. 6 via Vail Pass to its intersection with U. S. Highway No. 24; thence over U. S. Highway No. 24 to Minturn, the place of beginning, where passengers will be discharged, said passengers to be picked up and discharged only in Minturn, Colorado, and said operation shall be in the nature of a sightseeing and tour operation, only, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

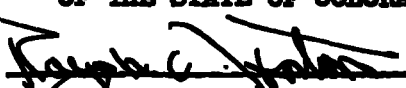
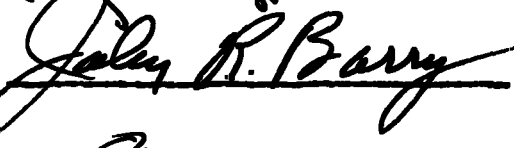

That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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 5th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PLAINS UTILITIES COMPANY, INC., A
CORPORATION, FOR AUTHORITY TO ISSUE
AND SELL \$115,000 PRINCIPAL AMOUNT
OF FIRST MORTGAGE 4-1/2% BONDS,
MATURING 25 YEARS AFTER DATE.

APPLICATION NO. 10342.

January 5, 1950

STATEMENT

By the Commission:

The above styled application was regularly set for hearing at Denver, Colorado, on December 30, 1949, due notice of the time and place of hearing being forwarded to parties in interest.

Prior to the hearing date, the attorney for the applicant filed a request, in writing, for dismissal of the application. Thereupon, the Commission vacated the hearing set for December 30, 1949, without formal notice.

FINDINGS

THE COMMISSION FINDS:

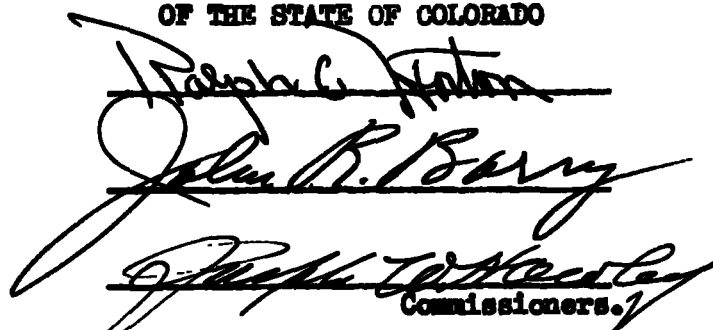
That the request for dismissal of the application should be granted.

ORDER

THE COMMISSION ORDERS:

That the above-styled matter should be, and the same hereby is, dismissed, as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1950.

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 PERMIT
NO. A-719 TO C. M. MOREY, DOING
BUSINESS AS "STAR MOTOR FREIGHT
LINES," COLORADO SPRINGS, COLORADO.

)
APPLICATION NO. 10385-PP.

IN THE MATTER OF THE APPLICATION OF
D. G. DALBY, DOING BUSINESS AS
"DENVER-AMARILLO EXPRESS," AMARILLO,
TEXAS, FOR AUTHORITY TO LEASE PUC
NO. 145 TO C. M. MOREY, DOING BUSI-
NESS AS "STAR MOTOR FREIGHT LINES,"
COLORADO SPRINGS, COLORADO.

)
APPLICATION NO. 10386.

January 5, 1950

S T A T E M E N T

By the Commission:

By the instant applications, D. G. Dalby, doing business as "Denver-Amarillo Express," Amarillo, Texas, seeks authority to lease Private Carrier Permit No. A-719 and PUC No. 145 to C. M. Morey, doing business as "Star Motor Freight Lines," Colorado Springs, Colorado.

It appears that lessee is an experienced operator of for-hire motor vehicle services, having had sixteen 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, he having been lessee of said operating rights for a considerable period of time; that he knows the rules and regulations of the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed lease contemplated is consistent with the public interest, and consummation thereof should be authorized.

O R D E R

THE COMMISSION ORDERS:

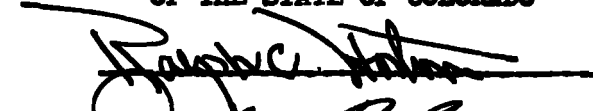
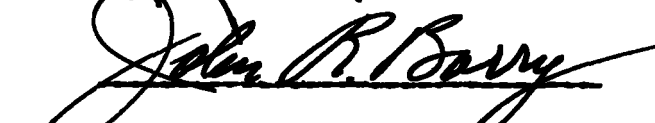

That D. G. Dalby, doing business as "Denver-Amarillo Express," Amarillo, Texas, be, and he hereby is, authorized to lease to C. M. Morey, doing business as "Star Motor Freight Lines," Colorado Springs, Colorado, PUC No. 145 and Private Carrier Permit No. A-719, upon the terms and conditions set forth in Contract and Agreement between said parties, of date August 22, 1949, the leasing of said operating rights to be for a period of three years from August 23, 1949, or until August 22, 1952, it being expressly required and provided, as a condition to approval of the Agreement, 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 as 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 tariff of rates, rules and regulations of lessor shall become and remain those of lessee until changed according to law and the rules and regulations of this Commission.

The right of lessee to operate under this order shall depend upon the prior filing by lessor of delinquent reports, if any, covering his operations under said certificate up to the time of the lease of said certificate, and the payment by him or lessee 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 5th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
DONALD R. WHISSEN, 835 SOUTH
RACE STREET, DENVER, COLORADO.

PERMIT NO. B-3964.

January 5, 1950

S T A T E M E N T

By the Commission:

On July 30, 1949, by Decision No. 33139, Permit No. B-3964, of Donald R. Whissen, 835 South Race Street, Denver, Colorado, was suspended for six months, or until January 1, 1950.

The Commission is in receipt of a request from the above-named permittee, requesting this his Permit No. B-3964 be further 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 Donald R. Whissen be, and he is hereby, authorized to suspend his operations under Permit No. B-3964 until July 1, 1950.

That unless said Donald R. Whissen 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. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

BE MOTOR VEHICLE OPERATIONS OF)	
OLIVER F. CLYNCKE, ROUTE #1,	)	PERMIT NO. B-1569.
BOX 236A, BOULDER, COLORADO.)	
-----)	

IN THE MATTER OF THE APPLICATION OF)	
ARTHUR A. REHFELD AND VINCENT P. DOYLE,)	
4895 VALLEJO STREET, DENVER, COLORADO,	)	APPLICATION NO. 10267.
FOR CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY.)	
-----)	

January 5, 1950

S T A T E M E N T

By the Commission:

By Decision No. 8011, of date July 17, 1936, Oliver F. Clyncke, of Boulder, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of hay and grain from farms within a radius of 8 miles of his farm (located about 18 miles southwest of Longmont), to Longmont, Lafayette, Louisville, and Boulder, Colorado, and the transportation of livestock from said farms to sales yard at Longmont, and to Denver, Colorado, and Permit No. B-1569 was assigned to the operation.

By Decision No. 13372, of date April 18, 1939, said Permit No. B-1569 was extended to include the transportation of buildings, houses, and used box cars from point to point within a radius of 30 miles of Boulder, Colorado, however, eliminating from this radius the City of Longmont.

By Application No. 10267, Arthur A. Rehfeld and Vincent P. Doyle, of Denver, Colorado, sought a certificate of public convenience and necessity for the transportation of buildings, houses, and used box cars from point to point within a radius of 35 miles of Boulder, Colorado.

Hearing thereon was set for November 9, 1949, on which date the said Oliver F. Clyncke appeared as a witness in support of the application, and stated that he had sold to said applicants all of his house

moving equipment, and in the event said application was granted, he agreed that Permit No. B-1569 should be amended by eliminating the authority to haul buildings, houses and used box cars, granted under Decision No. 13372, but he wished to retain the authority granted under Decision No. 8011.

Application No. 10267 was granted by Decision No. 33980 of date December 23, 1949.

F I N D I N G S

THE COMMISSION FINDS:

That, in view of the facts set forth in the above Statement, which by reference is made a part hereof, Permit No. B-1569 should be altered and amended, as provided in the Order following.

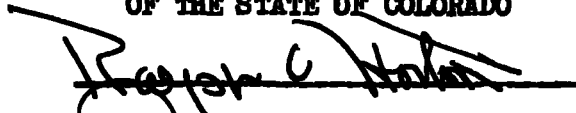


O R D E R

THE COMMISSION ORDERS:

That the authority granted to the said Oliver F. Clyncke, of Boulder, Colorado, under Decision No. 13372, supra, to haul buildings, houses, and used box cars, be, and it is hereby, cancelled and revoked, and that the said Oliver F. Clyncke shall retain only the authority granted him under Decision No. 8011.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners. 2

Dated at Denver, Colorado,
this 5th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
JOSEPH FREILLINGER, DOING BUSINESS AS
"PREMIER SIGHTSEEING COMPANY," 406
17TH STREET, DENVER, COLORADO, TO
TRANSFER CERTIFICATE OF PUBLIC CON-
VENIENCE AND NECESSITY ORIGINALLY
GRANTED IN APPLICATION NO. 1649, ET
AL, DECISION NO. 4230, TO GILBERT
H. HARKNESS, 1874 SOUTH SHERMAN
STREET, DENVER, COLORADO: FOR CLAR-
IFICATION OF AUTHORITY OF GILBERT
H. HARKNESS UNDER CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
NO. 191; AND FOR ANY OTHER PROPER
RELIEF IN THE PREMISES WITH RESPECT
TO THE MATTER OF THE TRANSPORTATION
OF PASSENGERS AND THEIR PERSONAL
BAGGAGE TO AND FROM THE CITY AND
COUNTY OF DENVER, COLORADO, FROM
AND TO ANY AND ALL OTHER POINTS
WITHIN THE STATE OF COLORADO.

APPLICATION NO. 10289.

January 5, 1950

Appearances: Worth Allen, Esq., Denver,
Colorado, for applicant;
Ralph Sargent, Esq., Denver,
Colorado, of 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 March 18, 1949, by Decision No. 32328, the Commission authorized the transfer of PUC No. 191 from Milton F. Nicholson and Robert G. Menger, co-partners, doing business as "Premier Sightseeing Company," Denver, Colorado, to Gilbert H. Harkness, doing business as "Premier Sightseeing Company," Denver, Colorado.

On October 18, 1949, Gilbert H. Harkness, applicant herein, filed an application for the clarification of his rights, and for an order authorizing transfer, and for any other proper relief in the premises with respect to the matter of the transportation of passengers

and their baggage to and from the City and County of Denver, from and to any and all other points within the State of Colorado.

The above matter was set down for hearing, and heard, at 330 State Office Building, Denver, Colorado, November 10, 1949, and at the conclusion of the evidence, the matter was taken under advisement.

The evidence disclosed that on March 18, 1949, the Commission issued its Decision No. 32328, wherein it purported to transfer all operating rights under PUC No. 191 from Milton F. Nicholson and Robert G. Menger, co-partners, doing business as "Premier Sightseeing Company," Denver, Colorado, to applicant herein. In said decision, No. 32328, the Commission endeavored to describe the operating authority conveyed, as follows:

transportation of passengers in sightseeing round-trip one-day operations, only, to Pikes Peak, by way of State Highway No. 1 (now No. 85), and from Denver, via Denver Mountain Parks System, to Silver Plume, Echo Lake, and Mount Evans, making use of State Highways Nos. 2, 8, 68, 73, 74, 91, and 103, without the right to serve intermediate points, he, in performing said service, to be limited to the use of two cars, only; round-trip one-day sightseeing service over the following routes:

- (1) Denver to Pikes Peak; (2) Denver to Silver Plume;
- (3) Denver to Mountain Parks; (4) Denver to Echo Lake;
- (5) Denver to Mount Evans; (6) Denver to Estes Park;

without the right to serve intermediate points; three cars in one-day round-trip sightseeing operations; from Denver, as follows: (1) "Gold Patch Trip," reaching Nederland, Central City, and Idaho Springs; (2) "Jarvis Canyon Trip;" (3) Denver to Mount Evans, Leadville and Fairplay, through Denver Mountain Parks; (4) "Peak to Peak Trip;" (5) "Mesa Verde Trip;" (6) "Denver to Colorado Springs Trip," via Sedalia, Cascade, Pikes Peak, and return through Colorado Springs and Region to Denver.

It now appears that a portion of this authority was omitted -- that is, authority granted by virtue of Application No. 1649, in our Decision No. 4320, which authorized:

transportation of passengers and their baggage to and from the City and County of Denver, from and to any and all other points within the State of Colorado, in the nature of special motor car and bus service.

Applicant now desires and asks in his application that the operating rights included in said Decision No. 4320 be included in and made a part of the authority of PUC No. 191.

Rocky Mountain Motor Company filed formal protest, asking that the instant petition be denied, and that the authority granted under our Decision No. 4320 be declared abandoned, and that said authority be cancelled and revoked.

After hearing the evidence, attorney for applicant and attorney for protestant agreed that the authority granted by Decision No. 4320 be limited to motor cars and busses of a capacity not to exceed eight passengers, of the type of motor car or bus now used in said operation, and further limited to the number of cars allowed applicant in sightseeing service.

Inasmuch as it appears that the Commission inadvertently omitted a portion of the operating authority under PUC No. 191 in its Decision No. 32328, and further that applicant agrees to the restriction as set forth above, the Commission is of the opinion that the application of applicant should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That in our Decision No. 32328, that portion of authority granted by Decision No. 4320 was inadvertently omitted, and that the authority as amended by the agreement above set forth, should be included in the authority under PUC No. 191; that it was the intention of Joseph Freiling to transfer said authority.

O R D E R

THE COMMISSION ORDERS:

That the authority granted by the Commission in Decision No. 4320 be included in the authority under PUC No. 191, which authority, with restriction agreed to in the instant matter, included is as follows:

transportation of passengers and their personal baggage to and from the City and County of Denver, from and to any and all other points within the State of Colorado, in the nature of special motor car and bus service, provided said service be

limited to motor cars and busses of a capacity not to exceed eight passengers, of the type of motor vehicle used by Joseph Frellinger in his operation, and limited to the number of cars allowed applicant in sightseeing service.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Nolan
John P. Barry
Joseph W. Hawley
Commissioners. ✓

Dated at Denver, Colorado,
this 5th day of January, 1950.

ca

original

(Decision No. 34019)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HENRY RUPPLE, 4529 ELIZABETH STREET,
DENVER, COLORADO, FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY.

} APPLICATION NO. 10326.
}

January 5, 1950

Appearances: Henry Ruppel, Denver,
Colorado, pro se;
Harry Dalton, Aurora,
Colorado, pro se;
Floyd J. Fahey, Aurora,
Colorado, pro se;
Jake Schlagel, Aurora,
Colorado, pro se;
Dick Akeman, Englewood,
Colorado, pro se;
Clyde Persinger, Englewood,
Colorado, pro se;
Roy Cook, Englewood, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Henry Ruppel, Denver,
Colorado, seeks a certificate of public convenience and necessity to
haul trash in the Cities of Aurora, Colorado, and Englewood, Colorado.

Said application, pursuant to prior setting, after approp-
riate notice to all parties in interest, was heard at 330 State Office
Building, Denver, Colorado, December 22, 1949, and at the conclusion of
the evidence, was taken under advisement.

At the hearing, applicant testified that his equipment
consists of a one-ton GMC Truck, 1937, his net worth is \$800.00, and he
is presently hauling trash within the City Limits of Denver, Colorado,
under license or permit from the city authorities.

He has been asked to make this application by "Hesteds,"
a chain store system which has recently opened branch stores at Aurora,

Englewood, and Denver, and wishes to haul for said company, only. He hauled trash for this company for a week at Englewood and a few days at Aurora, when the stores at said points were first opened, but ceased operations when advised that he would not be allowed to operate without a license or permit from the local authorities. He has made no application for license or permit at either point.

Applicant produced no witnesses, except his brother-in-law, George Schneider, of Denver, who testified that he owns a Model A Ford Truck, 1931, one and one-half-ton capacity, and is a mechanic by trade, but had hauled some trash in Denver last year, and would help applicant if the authority requested is granted.

The application was vigorously protested by Harry Dalton, PUC No. 1823, Floyd J. Fahey, PUC No. 1996, and Jake Schlagel, PUC No. 1820, all operating in Aurora under proper licenses or permits from local authorities; also by Dick Akeman, PUC No. 2042, Clyde Persinger, PUC No. 2302, and Roy Cook, PUC No. 1966, all operating in Englewood under local licenses or permits. All testified that they had ample equipment and time to haul all the trash in their respective communities, and that there is no need for additional service. Schlagel stated he has been hauling for Hesteds at Aurora under oral contract ever since the store opened at said point, except for the first few days, when applicant hauled without local authority. The hauling for Hesteds at Englewood is being done by Fred Schroeder, Jr., under Permit No. B-4017, satisfactorily. At present, there are thirty-two carriers -- private and common -- hauling ashes, trash, etc., at Englewood under proper licenses, and Akeman stated that he was authorized by the Mayor, City Clerk, and Chief of Police at Englewood to advise the Commission that but five licenses would be granted in 1950, as there is no need for more than that number of carriers there. Akeman, Persinger, and Cook, his competitors, all agreed that Schroeder is doing a good job for Hesteds at Englewood.

It is the policy of the Commission to grant no authority for service in a municipality to an applicant who has no permit or license from local authorities to operate within that municipality. Applicant has no such authority, either in Aurora or Englewood. Moreover, the evidence

shows that there are at present a sufficient number of certificated carriers in each city to handle all the trash hauling available, and no customer witnesses were produced by applicant at the hearing.

FINDINGS

Therefore, the Commission is of the opinion, and finds, that public convenience and necessity do not require the proposed operation of applicant, and that said application should be denied.

ORDER

THE COMMISSION ORDERS:

That the instant application should 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

Joseph C. Hutton
John R. Barry
Joseph C. Hawley
Commissioners. ✓

Dated at Denver, Colorado,
this 5th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. K. SELBE, STEAMBOAT SPRINGS,)
COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 6914-PP.

January 6, 1950

S T A T E M E N T

By the Commission:

On November 29, 1944, applicant herein filed an application seeking authority to operate as a private carrier by motor vehicle for hire. The matter was formally set for hearing on April 11, 1945, at Craig, Colorado. Prior to the date of hearing, however, the applicant advised the Commission, in writing, that he did not desire to prosecute the application. Hearing was thereupon vacated, but formal order dismissing the application was never entered.

F I N D I N G S

THE COMMISSION FINDS:

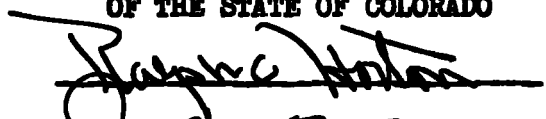
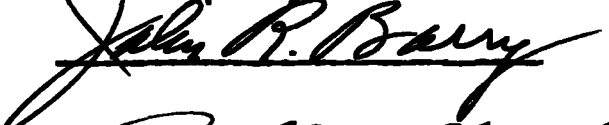

That an order of dismissal should issue.

O R D E R

THE COMMISSION ORDERS:

That the above numbered application should be, and hereby is, dismissed as of April 5, 1945, the date on which the hearing was vacated at the request of the applicant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners. 2

Dated at Denver, Colorado,
this 6th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
RUEBEN JACOBY, BOX 132, JOHNSTOWN,
COLORADO, FOR A CLASS "B" PERMIT TO
OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE FOR HIRE. } APPLICATION NO. 10346-PP.
----- }

January 7, 1950

Appearances: Rueben Jacoby, Johnstown,
Colorado, pro se.

S T A T E M E N T

By the Commission:

The instant application was filed September 22, 1949,
set for hearing, and heard, January 3, 1950, at the Court House in
Greeley, Colorado, after appropriate notice to all parties in interest.

At the time this matter was called for hearing, Mr. Jacoby
stated that due to the weather and other unforeseen circumstances,
neither his attorney nor some of his witnesses were able to appear. He
therefore asked that the matter be continued to a later date, which
request was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

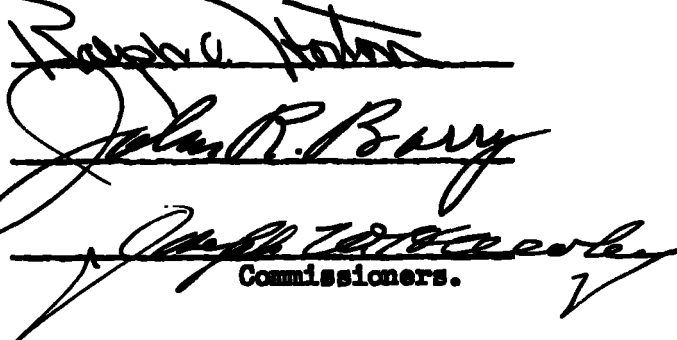
That the request of applicant should be granted.

O R D E R

THE COMMISSION ORDERS:

That the instant application should be, and hereby is, con-
tinued, to be set at some future date at the convenience of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 7th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE LEBACK AND ALSON W. STEELE,)
MASONVILLE ROUTE, BOX 22, LOVELAND,)
COLORADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 10347-PP.
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

January 7, 1950

Appearances: Alson W. Steele, Loveland,
Colorado, pro se;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for
Ralph Yockey.

S T A T E M E N T

By the Commission:

The instant application was filed December 12, 1949,
set for hearing, and heard, January 3, 1950, at the Court House in
Greeley, Colorado, after appropriate notice to all parties in interest,
and then taken under advisement.

By the instant application, Joe Leback and Alson W. Steele,
of Loveland, Colorado, seek a Class "B" private carrier permit to operate
as private carriers by motor vehicle for hire for the transportation of
livestock feeds of all types, from farm and feed sales establishments
within a radius of 25 miles of Loveland, Colorado, to feed lots and
farms in said area.

At the hearing, the evidence disclosed that the partnership
owns a GMC 1½-ton Truck, and a Dodge 1½-ton Truck; that the net worth
of the partnership will exceed \$20,000.00, and that they now have a
C-permit which does not afford them the versatility required for hauling
feeds in this area to feeders and farmers.

Bill H. Simpson, livestock feeder of Loveland, Colorado,
testified in support of the application. He stated he feeds from 2500 to
3500 head of cattle each year, and that he needs the proposed service and
will use it if this permit issues.

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

That Joe Lebsack and Alson W. Steele, of Loveland, Colorado, operating as a partnership, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of livestock feeds of all types, from farms and feed sales establishments within a 25-mile radius of Loveland on the one hand, to feed lots and farms within the same 25-mile radius on the other hand, provided that they shall operate as a partnership, and not as individuals, under one permit.

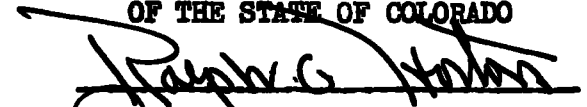


That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

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 January, 1950.

Upon stipulation with counsel for Britt Truck Service, it was agreed that applicants were not to render any service in Boulder County, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Bert Duncan, Jack R. Duncan, and Ace B. Duncan, doing business as "Duncan Construction Company," Fort Collins, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt and other road surfacing materials from pits and supply points in the State of Colorado, to road and building construction jobs within the State of Colorado on the one hand, and to road and building construction jobs within a radius of 50 miles of said pits and supply points on the other hand, excluding any service in the County of Boulder, State of Colorado.

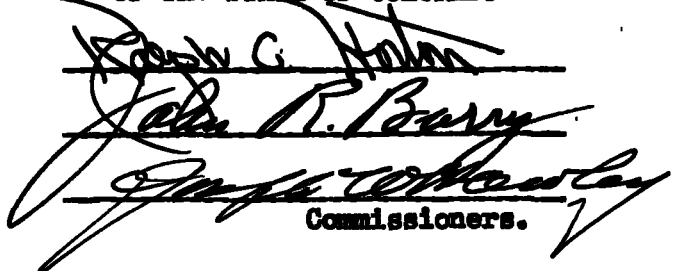
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until 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 regulations of the 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 7th day of January, 1950.
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF }
CHICAGO, BURLINGTON & QUINCY RAIL- }
ROAD COMPANY FOR AN ORDER AUTHOR- }
IZING IT TO DISCONTINUE OPERATION }
OF ITS PASSENGER TRAINS NOS. 151 }
AND 152 BETWEEN STERLING, COLORADO, }
AND THE COLORADO-NEBRASKA STATE LINE. }
----- }

APPLICATION NO. 10097.

January 5, 1950

Appearances: J. L. Rice, Esq., Denver,
Colorado,
J. C. Street, Esq., Denver,
Colorado, and
Raymond Sandhouse, Esq.,
Sterling, Colorado, for
applicant;
Maurice W. Konkel, Esq.,
Sterling, Colorado, for
City of Sterling, Colorado;
Ben D. Sublett, Esq., Sterling
Colorado, and
C. W. Kreager, Esq., Sterling,
Colorado, for Chamber of
Commerce of Sterling, Colorado,
and the Towns of Fleming, Dailey,
Hartun, Paoli, Holyoke, and
Amherst, Colorado.

S T A T E M E N T

By the Commission:

By the instant application, Chicago, Burlington and
Quincy Railroad Company, a corporation, asks for an order authorizing
it to discontinue operation of its Passenger Trains Nos. 151 and 152
between Sterling, Colorado, and the Colorado-Nebraska State Line.

Said application, pursuant to appropriate notice to all
parties in interest, was set for hearing, and heard, at Sterling,
Colorado, August 29, 30, and 31, 1949, and taken under advisement.

APPLICANT'S TESTIMONY

Witness J. J. Alms

J. J. Alms, General Passenger Agent of applicant railroad, testified and identified the following exhibits:

EXHIBIT NO. 1 - Maps showing a route over which train in question operates in Colorado.

EXHIBIT NO. 2 - Statement showing population at points along the line of the C. B. & Q. Railway Company between Sterling and Amherst, Colorado, also Logan and Phillips Counties.

EXHIBIT NO. 3 - Current train schedules of C. B. & Q. Railroad Company between Sterling, Colorado, and Amherst, Colorado.

EXHIBIT NO. 4 - Current schedules of American Bus Lines between Denver, Colorado, and Omaha, Nebraska, via Sterling-Holyoke.

EXHIBIT NO. 5 - Picture showing exterior of American Bus Lines coach, operated between Denver and Omaha.

EXHIBIT NO. 6 - Statement showing year of surfacing several of the highways along or intersecting the line of the C. B. & Q. Railway Company between Sterling, Colorado, and Amherst, Colorado.

EXHIBIT NO. 7 - Average number of persons per automobile in counties of Colorado through which Trains 151 and 152 operate -- years 1920, 1930, 1940, 1948; also in the State of Colorado and the United States of America.

EXHIBIT NO. 8 - Number of revenue passengers on and off trains 151 and 152 at each station between Nebraska-Colorado State Line and Sterling, Colorado, for the months of September, 1947 to June, 1949, inclusive, except January, 1949.

EXHIBIT NO. 9 - Number of intrastate revenue passengers who used trains 151 and 152 between Sterling, Colorado and the Nebraska-Colorado State Line, for the Months of September, 1947 to June, 1949, inclusive, except January, 1949.

EXHIBIT NO. 10 - Origin and destination of local Colorado passengers handled on trains 151 and 152 between Amherst and Sterling, Colorado, for each day October 22 to November 21, 1948.

EXHIBIT NO. 11 - Origin and destination of local Colorado passengers handled on trains 151 and 152 between Amherst and Sterling, Colorado, for each day during June, 1949.

EXHIBIT NO. 12 - Origin and destination of local Colorado passengers handled on Trains 151 and 152 between Amherst and Sterling for each day during July, 1949.

EXHIBIT NO. 13 - Origin and destination of local Colorado passengers handled on trains 151 and 152 between Amherst and Sterling for each day during the first ten days of August, 1949.

EXHIBIT NO. 14 - Revenue passengers per train-mile on Trains 151 and 152 between Holdredge, Nebraska and Sterling, Colorado, for the Years 1923 to 1948, inclusive, and February to June, 1949, inclusive.

EXHIBIT NO. 15 - C. B. and Q. revenue from ticket sales for all trains at stations on Nebraska-Colorado State Line and Sterling, Colorado, for the calendar years 1920 to 1948, inclusive.

EXHIBIT NO. 16 - Examples of railroad lines in Colorado and adjoining states served only by freight or tri-weekly mixed trains.

From the testimony of Mr. Alma and these exhibits, it appears that the segment of the railroad over which this Commission has jurisdiction extends from the Colorado-Nebraska State Line at a point near Venango, Nebraska, thence southwestward to Holyoke and thence westward through Paoli, Haxtun, Daily, and Fleming, into Sterling. It is commonly known as the "Highline," and will be so referred to in this Statement.

Exhibit 1 is a map of the territory, showing the numerous highways that parallel or intersect the line, together with the rail and highway mileages from Sterling to the various communities on the line. The main highways are well surfaced. U. S. Highway No. 6 (a paved road) parallels the railroad from Sterling to Holyoke, and State Highway No. 176 (graveled) parallels the railroad from Holyoke to Venango.

Trains Nos. 151 and 152 herein involved are commonly referred to as "Motor Passenger Trains." In 1922, they were local passenger steam trains, daily, except Sunday, carrying very little, if any, long-haul traffic, but providing a local passenger service between Sterling and Amherst. The traffic could be accommodated in one coach, except in emergencies. No. 151, westbound, has always been an afternoon train into Sterling, and No. 152, eastbound, a morning train out of Sterling.

In 1932, the trains were reclassified as "Mixed Trains," and in 1939 were again reclassified as "Passenger Trains." On September 29, 1940, because of lack of patronage and for more economic operation, they were changed from steam locomotive to motor car trains, and have since been so operated. The motor car is a unit that can move on rails, and is propelled by a gas electric engine, the gas engine generating the electricity that operates the train. Such a unit is referred to as a "400 Motor Power Gas Electric," and one of such units is used on each train. Each of these units houses a railway post office. One "light-weight trailer" is attached to each motor unit, one of the trailers having thirty-two seats for passengers and thirty-four feet of baggage space, the other twenty-four seats and forty feet of baggage space. The operation of the motor unit is more economical than the operation of a steam engine, and saves the service of one employee. It is operated at a saving of repair expense and fuel. In addition to the motor passenger trains, applicant operates a tri-weekly mixed train each way.

The American Bus Lines operates a service over U. S. Highway No. 6 between Sterling and Holyoke, as a part of their through operations between Denver and Omaha, with three schedules daily in each direction. The bus time between the two points is one hour and ten minutes one way, and one hour and eight minutes the other way, while the motor train requires one hour forty-three minutes one way, and one hour and forty-eight minutes the other way. From Holyoke the busses continue to and from Holdredge, Nebraska and eastern points. The bus service is more expeditious. The schedules are more flexible, and the service more economical than is true with the motor trains. New air-conditioned busses are in use -- each with forty-one-passenger capacity -- known as "Diesel Liners," with modern deluxe reclining seats and adjustable foot rests. As a rule, the busses carry capacity loads, sometimes requiring a second section, much of the traffic being through traffic, but plenty of seats are available for local passengers. These busses also handle small express packages and newspapers.

Phillips County includes the communities of Haxtun, Holyoke, Paoli, and Amherst. In this county auto registrations were 1667 in 1920, 2026 in 1930, 1522 in 1940, and 1692 in 1948. On a population basis, there were an average of 3.3 persons for each passenger vehicle in 1920, 2.9 persons in 1930, 3.3 persons in 1940, and 2.6 persons in 1948, indicating a passenger vehicle for practically every family in the county. The population has decreased from 5499 in 1920 to 4400 in 1948.

Logan County includes the communities of Dailey, Fleming, and Sterling, and the auto registrations have increased from 3418 in 1920, to 5264 in 1948, while the population has remained practically stationary (18,427 in 1920, and 18,400 in 1948). The present average of persons per vehicle is 3.5. The average number of persons per family in Colorado was 3.6 in 1948, and in the United States, as a whole, 3.8. The population of the points along the line has changed as follows:

	<u>1940</u>	<u>1948</u>
Sterling	7411	9500
Fleming	400	400
Dailey	50	60
Haxtun	985	1350
Paoli	85	100
Holyoke	1150	1500
Amherst	102	120

Exhibit No. 8 shows the number of revenue passengers on and off Motor Trains Nos. 151 and 152 at each station on the Highline from September 1, 1947 to June 30, 1949, inclusive (except January, 1949, when trains were annulled because of record storm). The record is as follows:

	<u>No. 151</u>	<u>No. 152</u>
Number of trips	536	539
Train miles	36,448	36,598
Average number of passengers per trip, both interstate and intrastate	2.4	2.5
Average number of passengers per train mile	1.5	1.5

Alms testified that the average passengers per train mile is the only sound basis for determining the use and the revenue of a train.

The revenue per passenger mile on these trains is 2.39¢ per mile. Total passenger revenue on 1.5 passengers from the State Line to Sterling (68 miles) is \$2.44, while the operating expense is \$19.18. The wages of the three-man crew amount to 28¢ per mile, as contrasted with the passenger revenue of 2.39¢ per mile.

Exhibit No. 9 is a statement of the number of intrastate revenue passengers on the same trains over the same period. Train No. 151 carried an average of 21 passengers per month, while Train No. 152 carried an average of 23 passengers per month. The average number of such passengers on Train No. 151 was .8 per trip, or .3 per train mile, while on Train No. 152, the averages were .9 and .3. A spot-check for the month from October 22, 1948, to November 21, 1948 (Exhibit No. 10) shows that No. 151 carried 29 passengers from points on the segment to Sterling, and No. 152 carried 20 such passengers from one point to another, an average of less than one passenger per day each way.

Exhibit No. 11 shows the same data for the Month of June, 1949, with 21 such passengers on No. 151, and 28 on No. 152.

Exhibit No. 12 shows a similar spot-check for July, 1949, showing 19 such passengers on No. 151, and 28 on No. 152.

Exhibit No. 13 shows a similar spot-check for the first ten days of August, 1949, with 7 such passengers on No. 151, and 8 on No. 152.

Exhibit No. 14 shows the revenue passengers per train mile on the two trains between Sterling, Colorado, and Holdredge, Nebraska, for the Years 1923 to 1948, inclusive, and the Months of February to June, 1949. This shows a gradual decrease from 18 passengers per train mile in 1923 on No. 151 and 16 on No. 152, to 1.8 and 1.5 passengers per train mile, respectively, in 1949.

Exhibit No. 15 is a break-down of all revenue from ticket sales, interstate and intrastate, on both trains, at the stations on the Highline, from 1920 to 1948, inclusive. Eliminating the intervening

years, the decrease shown is as follows:

	<u>Amherst</u>	<u>Holyoke</u>	<u>Paoli</u>	<u>Haxtun</u>	<u>Fleming</u>	<u>Sterling</u>	<u>Total</u>
1920	\$1,612	\$20,806	\$2,278	\$15,895	\$4,755	\$91,540	\$136,886
1948	37	232	61	205	46	3,710	4,291
Percent 1948 of 1920	2.30%	1.12%	2.68%	1.29%	.96%	4.05%	3.13%

Mr. Alms further testified that the trend in the use made of the trains has been continually downward; that there is no hope for an upward trend, as local passenger trains are obsolete and out-moded. Costs of operation have doubled over the past twenty-five years. Wages have doubled, and the cost of materials and supplies greatly increased. He sees no possibility of these trains ever earning their way, and honest, efficient and economical management will not permit of their future operation.

These trains, in addition to passengers, handle what is called "head end traffic," such as mail, express, cream, newspapers, and checked baggage. In the event of discontinuance, it is the plan of applicant to continue the operation of its tri-weekly mixed train, with combination baggage car and coach to provide the head end facilities. The Railroad Mail Service has indicated that it will provide Star Routes and better service to the public than is now furnished by the train, and there is ample truck service over the parallel highways to take care of the freight.

Mr. Alms also identified Exhibit No. 16, a statement of railroad lines in Colorado and adjacent states served only by freight or tri-weekly mixed trains, with mail service by Star Routes.

Witness Fred W. Lehman

Fred W. Lehman, Engineer-Photographer of applicant, identified Exhibit No. 18, being photographs of the highways in the area bounded by State Highway No. 63 on the west, the Union Pacific Mainline on the north, the Colorado-Nebraska State Line on the east, and the Mainline of the Burlington Railroad on the south, showing the location, surfacing, and character of each highway, and a part of the Towns of Fleming, Dailey, Haxtun, Paoli, Holyoke, Amherst, and Galien.

Witness R. O. Wise

R. O. Wise, Assistant Manager of the head-end traffic of applicant, on the lines west of the Missouri River, with supervision over the trains in question, stated that the mail is presently handled in a fifteen-foot R. P. O. compartment, manned by a Government Mail Clerk, and on Train No. 152 there is an additional small storage unit for mail, the mail compartment being in the motor car unit, not in the trailer. He identified Exhibit No. 19, a photostatic copy of a letter, of date April 25, 1949, from the Post Office Department in Washington, addressed to all railroad companies, advising that, effective December 31, 1949, gas electric motor cars will not be accepted as railway post office cars. The Post Office Department decides which carriers are to handle the mail, and if by railroad, on what trains it is to be handled. The evening westbound bus of American Bus Lines carries a few pouches of first-class mail between Holyoke and Sterling. On July 11, 1949, in reply to a letter of witness (Exhibit No. 20), the General Superintendent of the Railway Mail Service at Omaha advised that in the event these trains are discontinued, Star Route service will be recommended from Sterling to Grant, Nebraska, supplying all intermediate Colorado Post Offices located on the Holdrege-Sterling Line; that eastbound route would leave Sterling at 6 o'clock A. M., arriving at Amherst at 8:48 o'clock A. M., and on the return trip, leaving Amherst at 6:32 o'clock P. M., and arriving at Sterling at 9:10 o'clock P. M., in ample time to connect with the Denver-Alliance (Nebraska) Trains Nos. 301 and 302, and that in the opinion of his office, such a Star Route would provide mail service superior to that now afforded by Trains Nos. 151 and 152. (Exhibit No. 21). Star Route service accepts all mail and parcel post packages shipped and handled by regular post offices.

Witness Wise identified Exhibit No. 22, a record of the express, intrastate and interstate, carried on Trains Nos. 151 and 152

between Sterling and the State Line, showing the number of express shipments received and forwarded at each station for each month, February, 1948 to July 1949, inclusive. The shipments received far exceed in number the shipments forwarded at each station. The express business in 1949 was far lighter than in 1948. During the period covered, the shipments received at Amherst varied from 5 to 27 per month. Average shipments per train trip varied from .19 to 1., and the average weight varied from 23.8 pounds to 102 pounds. The shipments forwarded varied from none to 9. Average shipments per train trip varied from none to .34 and average weight varied from none to 260 pounds. At Holyoke, incoming shipments varied from 128 to 354; average shipments per train trip, 4.92 to 27.4; average weight, 34 pounds to 63.9 pounds; out-going shipments varied from 16 to 56; average shipments per train trip, from .76 to 3.04, and average weights, from 19 pounds to 71.9 pounds. At Paoli, the number of incoming shipments varied from 1 to 15; average shipments per train trip, .03 to .55; average weight, 7.7 pounds to 64.8 pounds; out-going shipments varied from none to 4; average shipments per train trip, none to .15; average weight, none to 122.5 pounds. At Haxtun, the number of in-coming shipments varied from 52 to 131; average shipments per train trip, 2 to 11.2; average weight 28.1 to 51.7 pounds; out-going shipments varied in number from 4 to 27; average shipments per train trip, .15 to 1.6, and average weight, 20.2 to 90.3 pounds. At Dailey, the number of incoming shipments varied from none to 7; average shipments per train trip, none to .29; average weight, none to 137.3; on out-going shipments there was but one, averaging .03 per train trip, weight, 16 pounds. At Fleming, the number of incoming shipments varied from 9 to 56; average shipments per train trip, .76 to 2.15; average weight, 18.7 to 81.9 pounds; out-going shipments varied from none to 11; average shipments per train trip, .03 to .42, and average weight, none to 225 pounds.

If the trains are discontinued, the express will move on the tri-weekly mixed train by parcel post, by bus under package tariff, or by truck. The larger part of express traffic formerly carried by the road now moves by parcel post or bus or truck, which is one of the main

factors in the loss of business formerly enjoyed by the railroads. The conversion from express to parcel post is largely due to increases in express rates, the last of which was effective in January, 1949.

Witness Wise also identified Exhibit No. 23, a record of cream shipped by these trains from August, 1947, to July, 1949, inclusive. On Train No. 151, the number of cans of all sizes per train trip varied from 8.7 to 20.8, and on Train No. 152, the number varied from 6.6 to 31.3. All the movement eastward is interstate. Practically all movement westward is intrastate. The trains furnish no refrigerated service. The amount of cream handled by the railroad is rapidly decreasing, an increasing volume being handled by truck. The farmers in the area are giving less attention to cream production -- more to wheat and stock raising. If the trains are discontinued, practically all cream will be handled by truck.

As to newspapers, Train No. 152 carries only The Denver Post to Amherst; the Rocky Mountain News to Haxtun and Holyoke.

Witness E. A. White

E. A. White, Accounting Office of applicant, identified Exhibit No. 24, a statement of revenues, out-of-pocket expense, and net loss from operation of the two trains from Sterling to the State Line, (1) for the twelve-months period, June, 1948, to June, 1949, inclusive (except January, 1949), and (2) the same data for the period September, 1947, to May, 1948, inclusive. The "out-of-pocket expense" is that expense which would be saved if the trains were discontinued, and includes no over-head charges, maintenance of way, supervisory expense, accounting, or general expense. The revenues are broken down into freight, passenger, mail, express, milk and cream and newspapers. For the first period named, the total revenue was \$13,557.00, and the total out-of-pocket expense was \$31,778.00, or a net loss of \$18,221.00 on 41,222 train miles. For the second period, revenue was \$11,140.00,

expense, \$22,370.00, or net loss of \$11,230.00 on 31,824 train miles. Net loss for the two periods was \$29,451.00. Revenue from mail for the two periods aggregated \$15,823.00 of the \$24,697.00 total, which will be an additional loss in coming years, should the government persist in taking mail service from gas electric motor trains.

Witness White also identified Exhibit No. 25, a computation of the number of additional passengers who would have to travel on these trains each mile they operated in Colorado to make up the net loss sustained in their operation between Sterling and the State Line, such data being given monthly over the period September, 1947, to June, 1949, inclusive. The percentage of increase needed varied from 475% to 4,788%. For the period of twelve months, June, 1948, to June, 1949, inclusive (except January), the additional passenger miles needed to make up the loss was 762,385; the additional average passengers per train mile needed was 18.5, and the percentage of increase needed was 1233 $\frac{1}{2}$ %.

Exhibit No. 26 shows the proportion of expense borne by each classification of revenues earned over the period June, 1948, to June, 1949, inclusive (except January), and the proportion subsidized by other traffic of applicant, as follows:

(1)	(2)	(3)	(4)
Classification of Revenues	Revenues earned by Trains 151 and 152	Total Out-of-Pocket Expenses	Percentage of Expenses Borne by Revenues - (2+3)
Freight	\$ 561.00	\$31,778	1.76%
Passenger	1,446.00	"	4.55%
Mail	9,042.00	"	28.45%
Express	1,109.00	"	3.53%
Milk	1,279.00	"	4.02%
Newspapers	120.00	"	0.37%
Total Revenues	\$13,557.00		42.68%

Percentage of Expense of Operating Trains Paid For
by Other Trains and Other Traffic on CB&Q.....57.32%

Over the objection of applicant, the Commission admitted in evidence Exhibit No. 27, offered by protestants during cross-examination of Witness White, being entitled "Estimated Results from Operation of the

Line between Nebraska-Colorado State Line and Sterling, Colorado, for the Year 1948." The exhibit was prepared by taking all revenue from freight, express, passengers and every type of traffic which moves over the tracks between Sterling and the State Line, and then deducting the proportion of expense attributable to this portion of the line. The result shows that the railroad is making a profit on the 68 miles of track over which these two trains run, but in our view of this case, profit or loss on this segment of the line from an over-all standpoint is immaterial. If these two trains were carrying a considerable number of passengers, or if no other service were available to serve the needs of a substantial number of citizens, the public convenience and necessity might well require that an operating loss be absorbed by other traffic over the line or by the system as a whole. Here, as will be shown later in this order, so few people ride this train that public convenience and necessity do not require its continued operation, especially in view of the very large losses.

Witness K. W. Elson

K. W. Elson, Transportation Inspector of applicant, identified Exhibit No. 28, taken from the records of this Commission, being a list of six common carriers by truck authorized to serve the territory along the line involved in the hearing; also Exhibit No. 29, a detailed description of transportation facilities used by the seven cream stations on the line. Of these stations, only the Farmers Produce, at Holyoke, and Thornhill Produce, at Haxtun, ship by rail, and the latter ships by truck on Saturdays. The other shipments by truck are handled by Brooks Transportation Company, which has authority to handle all freight and express between Sterling and Amherst.

Witness also identified Exhibit No. 30, of 24 pages, being a list of the business houses at the various points on the line, the commodities handled by each, and the transportation agencies used, the information having been obtained by personally interviewing the proprietors and managers of the business establishments listed. The list of establishments

at each point is followed by a list of the common and private carriers by truck authorized to serve the area in which the establishment is located. This exhibit shows that a very large percentage of the establishments are served by truck only, with rare l. c. l. shipments by express or rail and some carload shipments.

Witness G. B. Andrews

G. B. Andrews, Assistant Superintendent of applicant at Sterling, described the territory served by the line as follows:

"Starting out from Sterling east we go through sand-hill range country for approximately fourteen or fifteen miles, then we break through the hills to more level country where it is farming, and practically all farming from there eastward to the Nebraska-Colorado State Line. Wheat is the principal crop, some corn, with considerable cattle raising in the sand hills between Sterling and Fleming. There is very little dairy business; no sugar beets raised, no manufacturing, and no truck gardening." He described the condition and location of the highways. The north and south highways furnish access to the Union Pacific on the north, and the Burlington Line from Brush to Wray and eastward on the south. Frequently there are no passengers on Trains Nos. 151 and 152. Head-end traffic is very light, being purely a matter of accommodation or for railroad convenience, and carload shipments are attached to the trains on very rare occasions as an accommodation. A heavy load would burn out the generators on the motor unit. Operation of the trains by steam engine or diesel would be more expensive than at present.

Witness W. F. Giles

W. F. Giles, Superintendent of the Alliance and Sterling Division of applicant, stated that, in his opinion, honest, efficient and economical management of the Division requires elimination of the two trains in question.

Applicant also introduced in evidence the following exhibits:

EXHIBIT NO. 31 - Certified copy of highway statistics, summary to 1945, of the Public Roads Administration, Federal Works Agency, Pages 1763 and 1779, showing the ratio of population, the motor vehicle registrations throughout the United States and by states, and summary of mileages of State Highway Department for Colorado.

EXHIBIT NO. 32 - Certified copy of State Motor Vehicle Registrations for 1947.

EXHIBIT NO. 33 - Certified copy of State Motor Vehicle Registrations for 1948.

EXHIBIT NO. 34 - Certified copy of publication, "Civilian War Transport," published by The Office of Defense Transportation, Pages 293, 296, and 298, showing the reduction in the amount of inter-city passenger traffic handled by the railroads and the increase in the amount handled by automobiles over the period shown.

EXHIBIT NO. 35 - Certified copy of the 61st Annual Report of the Interstate Commerce Commission, Page 7, showing the decrease in passenger miles carried by the railroads from the Year 1945 to the Year 1946.

EXHIBIT NO. 36 - Certified copy of the 62nd Annual Report of the Interstate Commerce Commission, Page 15, showing the same data from the Year 1946 to the Year 1947.

Witness Harry Brooks

Harry Brooks, doing business as "Brooks Transportation Company," (PUC No. 33 and I.C.C. 73639), serves as a common carrier of freight from Sterling east to the State Line, and interlines with Northeastern Motor Freight at Sterling. His interstate authority extends beyond Amherst to Grant and Ogallala, Nebraska. His equipment consists of two Chevrolet one and one-half-ton trucks, one a van type with capacity of 13,000 pounds, the other an open freight box to haul heavy, rough freight. He operates a regular schedule between Sterling and Amherst. The first truck east-bound leaves Sterling at 6:30 o'clock A. M., carrying heavy freight and also perishables to Holyoke. The second truck leaves at 8:00 o'clock A. M., carrying machinery and other dead freight. One of the trucks proceeds to Amherst and leaves that point on the return trip at 2:00 o'clock P. M., with regular stops at all points, and pick-up and delivery service. Cream is usually handled in ten-gallon cans up to fifty cans per day, mostly from cream-buying stations along the route. He stated that he had never attempted to obtain shipment of smaller cans, as such traffic

is very light and is usually handled by express, but would, and could, handle it if offered; that on Sunday he runs a light service for mail (under Star Contract), newspapers, ice cream, and flowers, as far as Holyoke, serving all points except Amherst and Paoli, where the post offices are not open on Sunday, but carrying pouches for Dailey, Haxtun, and Holyoke. He operates under through rates, interlines with Northeastern Motor Freight on traffic both ways. The freight received from Northeastern eastbound in July, 1949, averaged about 11,500 pounds per day. He also handles smaller packages of not more than one hundred pounds, and regularly handles shipments of accessories, parts, etc., from local dealers and jobbers at Sterling for delivery along the line. He uses an additional semi-trailer if the business justifies, and handles promptly all freight offered to him.

Platte Valley Transportation Company also operates on schedule each day, Sterling to Grant, Nebraska, and return, and there are other carriers serving the territory.

PROTESTANT'S TESTIMONY

Counsel for protestants introduced in evidence Exhibit No. 17, a photostatic copy of the Findings of the Nebraska State Railway Commission in regard to the abandonment of the segment of the line between Venango and Holdredge, Nebraska, appeal now pending before the Supreme Court of the State of Nebraska, and interposed a motion asking for a delay of decision in this case until final decision in the Nebraska Case. The motion was taken under advisement.

M. E. Koontz, Manager of Amherst Co-op Elevators, Inc., at Amherst, Colorado, operates a large grain elevator, and ships approximately 600 cars of wheat per annum, mostly destined to terminal markets at Kansas City and Omaha. He has shipped some express by the two trains involved, and is now installing new equipment, the operation nearing completion. The express service on the new equipment will save him time and money, as such service has been used for shipping in repairs and

merchandise needed on short notice by his customers, particularly during the summer months. His banking is done at Holyoke and by mail satisfactorily. He stated, "We use the trains every day, and we would like very much to see them stay." On cross-examination, he stated that during the two-week period prior to the hearing, he had received but eight or ten shipments by express, some in connection with the installation of the new equipment and some consisting of compounds for treating grain in seed time. His express shipments might move by truck, and he has shipped some commodities by truck. He has not traveled by either train in the past two years, and presumed that all Amherst residents travel by auto, as he does.

C. H. Williams, Secretary of the Sterling Chamber of Commerce, had talked with people at the various points on the line, and they all objected to the discontinuance of the two trains. Several Sterling merchants joined in the objection, and all contacted thought the trains were a necessity. He did not know how many of those contacted shipped by the two trains, and he, himself, had not used either one of the trains for the past ten years.

Earl E. Hoffman, Jr., of Holyoke, owner and operator of the Hoffman Implement Company, uses the trains for mail, express, and parcel post, averaging \$9.00 per week for express, usually from Sidney, Nebraska, to Holyoke, the year around, but particularly in the harvest season. Tri-weekly service would not be satisfactory. Express shipments consist largely of repair parts. Service by truck is irregular. He rode the train once in 1945, but was not satisfied with the accommodations, and introduced in evidence Exhibit No. 37, a photograph of the interior of the passenger compartment. He has lived in Holyoke only six months, and prior thereto lived in Grant, Nebraska, and has traveled by train twice in the six-months period. The seven implement dealers at Holyoke all use the trains for express business.

C. R. Smythe, Manager of the J. C. Penney Store at Holyoke, uses the trains for express and parcel post shipments, mostly the latter, since express rates were increased early in 1949. He has received about one shipment per week by express since that time. The present service by train, if improved, would be preferable to a tri-weekly service. Ninety percent of his express shipments come from the east, while ten percent come from Denver by truck. He rode the train once from Holyoke to Sterling in November, 1948, because of a storm, but at no other time in the past ten years.

Clarence L. Smith, Bookkeeper for Holyoke Co-op Association, operating a grain elevator, feed mill, and service station, testified that his Association had over eight hundred members. It uses the express and parcel post service -- mostly for the shipment of repair parts -- and tri-weekly service would not be satisfactory. He had not ridden one of the trains for the past seven years. The Association hauled its own gas and fuel by tank truck, and receives other shipments by truck from Denver. Nearly all its in-coming small shipments come by parcel post.

F. B. Flanagan, Postmaster at Holyoke, testified that there are four Star Routes serving Holyoke -- two out and two in -- but the carrier does not sort the mail, and the service is not as satisfactory as that of an R. P. O. with clerk in charge. Registered mail shipments of money and valuables can be handled by parcel post at high insurance rates. Shipment of baby chicks in cold weather could not be handled by truck without provision for heating. Mail on Train No. 152 for Holyoke averages thirty-five to thirty-seven sacks per day. Holyoke has a population of approximately 1500. Witness had been on the train once, about eight or ten months prior to the hearing.

L. L. Kunkel, a druggist of Holyoke, receives a dozen packages or more per day -- nearly always by parcel post -- which shipments could be handled successfully by Star Route, if it were dependable.

Bulky shipments are handled by truck and freight. He has ridden trains an average of once every other month during the past several years.

Fred R. Peterson, Sales Manager of Colver Brothers Hardware and Furniture Store at Holyoke, and Mayor of the town, receives machinery repair parts in harvest time by express and shipments by parcel post, which could not be handled as speedily by truck as by train. He uses both Brooks and Platte Valley on freight shipments. He averages thirty express shipments per month, and more by parcel post. He has not traveled on the train for twenty years. The town authorities ship in about three shipments per week -- motor parts, etc. -- for the municipal utility plant, which could be handled by truck, although the time element is important.

J. G. Scholl, operator of the Scholl Implement Company at Holyoke, corroborated Witness Hoffman, and thought truck service would not be satisfactory. He had received only five or six express shipments by train in August, which is about the average, being mostly repair parts, and about two shipments per day by parcel post.

Robert Meredith, Manager of the Safeway Store at Holyoke, formerly received three shipments of bread per week by train, but since January, 1949, receives them by Safeway or Platte Valley Trucks. He prefers the train service. There is a local baker at Holyoke, and a bakery at Sterling, serving the area with its own delivery trucks. Aside from the bread, Safeway uses its own equipment for the delivery of merchandise from Denver.

Paul Reiner, of the Reiner-Smith Grain Company, of Holyoke, receives from 75 to 100 express shipments per year -- mostly repair parts -- and more by parcel post, and does not feel that truck service would be satisfactory. He has not been on the train for more than a year.

R. E. Ozman, a retired farmer and lawyer of Holyoke, and President of the combined Lions and Commerce Club, objects to the discontinuance of the trains because of the fact that, replying to inquiries as to prospective investors in Phillips County, he would be forced to say,

"No passenger train service." He rode Train No. 151 on a trip to Denver, about 1922.

R. E. Gleason, an automobile salesman and service man for Gleason Motors, at Holyoke, is in favor of improvement of the service by rail, but stated people prefer the use of their own automobiles. His merchandise is shipped in by freight.

Otto C. Nearman, rural mail carrier at Amherst, thought that a Star Mail Route from Sterling east, in lieu of train mail service, would not be practical, basing his testimony only on his experience in carrying mail by truck in January, 1949, when an unprecedented storm blocked rail traffic.

Bert Lewis, operator of a theater and funeral home at Holyoke, receives seven to ten shipments of film per week for the theater by express, and also special caskets on occasion four or five times a year, and the service is more efficient than by truck. Service by mail is at high rate -- 79¢ by parcel post and 33¢ by express per pound -- and is not as certain as train service.

Verne E. Miller, Manager of Farmers' Cooperative Elevator at Paoli, stated that there were three large grain elevators at Paoli; his company makes large currency, check, and bill of lading shipments by mail to the bank at Haxtun, eight miles west, and would feel unsafe in using a Star Route. Evidently, he does not use the train for any other purpose, but stated, "We watch for it to come and go, anyhow."

J. G. Beasley, engaged in farming, ranching, and grain business at Dailey, rides the train, "Once in a while," and on a few occasions -- the last time two years ago -- hooked on two or three carloads of cattle. He rode to Haxtun one day in a snow storm, and made a trip or two to Sterling when the roads were in bad condition.

J. M. Lamb, Railway Postal Clerk working on the two trains, runs an official test quarterly. Train No. 152 carries an average of 125 sacks of mail per day, about 30 of which must be opened and worked either in advance at Sterling or on the road. Both trains make excellent

connections with other trains or busses, and the discontinuance of the two trains would result in delays in the transportation of mail. A large part of the mail consists of parcel post packages. If delivered by Star Route, the mail would be processed in Sterling. Pouch mail containing first-class and special delivery mail are made up in advance, and could be carried and delivered by truck. Referring to Exhibit No. 19, he stated that an effort was being made to have the mail carried by diesel equipment, on account of the fire hazard in working it over a gasoline engine. There have been several fires in such equipment, in which the clerk, the mail, and other property, has been burned up.

L. C. Crist, Postmaster at Haxtun,* testified that, including perishable matter, his office received six bags and shipped 12 on August 25, 1949; received 38 and shipped 13 on August 26, 1949; received 52 and shipped 7 on August 27, and received 42 and shipped 14 on August 29; received 19 and shipped 7 on the morning of August 30, 1949, or an average of 40 to 50 bags incoming, and 10 to 15 out-going, per day. In addition, three pouches per day move in and out by bus. Any operation by Star Route, with which he is familiar, would not be satisfactory. Bank shipments move by locked registered pouch, which is presently allowed on Train No. 152. He is not acquainted with the manner of handling registered mail at post offices where there is no rail service.

Mrs. Belle Bergen, who, with her husband, manages the Sullivan Department Store at Haxtun, testified that they received from six to eight packages per day by parcel post or express. They have another store at Grant, Nebraska, with which they exchange merchandise — sometimes as often as once per day. These trains are very convenient in making the exchanges. She is satisfied with present service, and any change would result in delays which, however, would make very little difference to her. Sometimes they use truck service. Neither she nor her husband has ever ridden these trains.

Dr. Victor Daniel, Administrator of the Haxtun Hospital, stated that the hospital was not yet open, except for its clinical facilities. He and his brother operate a hospital at Farmington, New Mexico, and from his experience there, where there is but weekly rail service, in ordering medicine, drugs, and equipment, such service and service by truck is not satisfactory, so they have resorted to air transportation. As to the Haxtun Hospital, arrangements have been made with the medical houses in Denver to ship orders by express and parcel post. He prefers train service over truck service. Standard drugs will be kept in stock, but special drugs must be ordered, as required.

O. E. Kasparek operates the J. M. Crow Implement Company at Haxtun. He uses the train for express and parcel post shipments, averaging ten shipments per month by express and from one to six each day by parcel post, the shipments usually consisting of repair parts -- some in emergencies in the harvest season. Present rail service is adequate. He uses Brooks and Platte Valley for the transportation of heavier articles. He has ridden the train but once in the past eight years.

A. J. Petrie, of the Petrie Implement Company at Haxtun, receives his merchandise from Cheyenne, Wyoming, either by rail or by truck, and also uses these trains for parcel post and express, which could be handled by tri-weekly trains, except in emergencies. He rode the train only once in the past seven and one-half years. Usually farmers have their own cars and drive into supply points such as Sterling for parts needed in an emergency.

L. E. Taylor, publisher of the "Haxtun Harvest" at Haxtun, thought the discontinuance would not tend to build up his community. He identified Exhibit No. 38 and No. 39, being records of carload freight shipments in and out of Haxtun for the Years 1943 and 1944, and Exhibit No. 40, a compilation of the record of carload shipments for the Years 1945, 1946, 1947 and 1948. Witness rode the train to the hearing, but had not ridden the same prior thereto for the past ten or fifteen years.

J. W. Miller, of the Miller-Johnson Implement Company of Haxtun, uses the trains once or twice per week for emergency shipments, and most of his inbound small shipments come by parcel post and express -- about half and half. He also uses the service of Brooks and Platte Valley, but prefers the train service, and its continuance would be to his advantage. He had never ridden the train except on the date of hearing, and then only because his wife wished to use his private automobile.

L. L. Baker, owner of Baker's Red and White Store at Haxtun, and a former Town Councilman, stated that the municipal light plant had shipped in about twelve packages last year by express or parcel post. In his own business, he had received light shipments -- especially buns for a farmers' sale or Ladies Aid "doings," and truck service would not deliver the buns on time. Most of the merchandise for the store comes in by truck.

Mrs. R. Strahlow, Postmistress at Paoli, testified that she receives approximately three parcel post sacks per day, and all the post office customers want the rail service continued.

R. L. Sweetland, President of the bank at Fleming, uses the Registered Mail service or express in handling currency, checks, etc., and he thought that his customers wanted the train service continued. He has ridden the train but once -- several years ago.

Earl Cheaney, an automobile dealer at Fleming, uses the trains for emergency shipments of parts, six or eight times per month -- mostly parcel post -- shipment by express being about one in ten of the total shipments. He has not ridden the train in the past four or five years.

Hugh Boyd, owner of Boyd Implement Company at Fleming, gave similar testimony to that of the other implement dealers. Most of his repair parts are shipped by parcel post, small items by express, heavy stuff by truck. He has not ridden one of these trains for twenty-five years.

Meredith Crist, of the Crist Cream and Eggery, at Sterling, buys cream from customers residing on points on the Highline in question,

shipments moving on Train No. 151. He has seven customers at Holyoke, twelve at Haxtun, seventeen at Fleming, and seventeen at Amherst. He receives from these points and eight stations in Nebraska three or four cans, daily on the average, except Sunday, or approximately three thousand cans per year, and does not think he could hold the business if the train is discontinued. He has had no experience with trucks. The shipments from the Colorado points only average one can per week from Holyoke, one or two cans daily from Haxtun and the same from Fleming, and one every other day from Amherst. These shipments could be handled as tri-weekly freight.

Herman Schadeegg, operator of a cream station at Sterling, under the name of "Capitol Hill Creamery," receives less than one-half his cream by Train No. 151 from customers at Fleming, Dailey, Holyoke, and Nebraska points, or an average of two cans per day or six hundred per year. He does not ship by truck. Most of his shipments come from points on the railroad between Sterling and Cheyenne, Wyoming, on which line there is no passenger service and only tri-weekly freight service.

Max Marsau, who handles wholesale automotive parts at Sterling, serves all Colorado stations on the Highline, using Train No. 152 for parcel post and express shipments, and trucks for heavy equipment. The train service is more expeditious. Brooks and Platte Valley run east from Sterling every day. His express shipments amount to very little.

John Lantz, dealer in wholesale automotive parts at Sterling, and Manager of Stickney's, testified in effect as had Witness Marsau. His shipments by express are about three or four per day, because of the high express rates. Truck service is not as satisfactory as the present train service, but sometimes a trucker can give better service by delivery from door to door.

Mary M. Powzar, of the Powzar Flower Shop at Sterling, and operator of a green house there, has customers at the various points on

the Highline, using Train No. 152 for her express and parcel post, an average of one shipment or more per day in the winter months. Such shipments could not be handled by truck in cold weather. She admitted, however, that on Sundays the shipments are now being handled by Brooks.

L. G. Williamson, Sales Manager of ~~Ruminger~~ Jewelry Company, at Sterling, has customers at points on the Highline and ships mostly by parcel post and a very little by express. He made ninety-three shipments in the period July 1, 1948 to July 1, 1949, all by parcel post, and averaged one shipment in two weeks by express. His merchandise -- especially cut glass -- could not be handled by truck satisfactorily.

Norbert Hoffman, Manager of Waymire's Clothing Company at Sterling, has customers on the Highline, and averages a shipment per week by parcel post, and has never shipped by truck.

Earl Otzinberger, Manager of the Field Hardware Company at Sterling, has customers on the Highline, and uses the trains for parcel post shipments only, and registered first-class mail. Most of his shipments come by freight, the balance by parcel post.

Several of the witnesses above named, in reply to direct questions, testified that, in their opinion, public convenience and necessity require the continuance of service by the two trains here involved.

Counsel for protestants offered in evidence Exhibits Nos. 41 and 42, being abstracts prepared by the County Assessor of Phillips County, showing the assessed valuation of all property in the county for the Years 1941 and 1948, and then rested protestants' case.

Witness G. B. Andrews was re-called by applicant, and explained the operation of the tri-weekly freight service. Train No. 156, eastbound leaves Sterling on Tuesdays, Thursdays and Saturdays, runs to Holyoke, and connects with Train No. 153, westbound, from the east, and then returns to Sterling the same day as Train No. 155. It takes the locomotive, way car, and freight cars from Sterling to Holyoke, switches there and then turns and comes back to Sterling the same day, so there

is a train up and down the line between Sterling and Holyoke each day, three days per week. Under the proposed plan of applicant, the train will be provided with a car suitable for the carriage of cream and other express matter.

SUMMARY

The exhibits show that in 1916 the railroads of the United States furnished 90% of the total inter-city passenger miles. As a result of networks of improved highways and the transportation revolution brought about by the private automobile and the certificated bus, by the Year 1924 the motor vehicle inter-city passenger miles exceeded those by railroad. By the year 1941, the railroads were furnishing only 9.3% of the total inter-city passenger miles, and the disparity in favor of motor vehicle transportation has continued to increase up to the present time. In 1948, there were 3.8 persons per motor vehicle in the United States, 3.6 persons per vehicle in Colorado, 3.5 persons in Logan County -- in which the population has remained constant since 1920 -- and 2.6 persons in Phillips County -- in which the population has decreased by 1100 since 1920, or a passenger vehicle for practically every family in the two counties traversed by Trains Nos. 151 and 152. The length of the Colorado segment traversed is but 68 miles. The distance between the communities is but a few miles, and the distance from any of them to Sterling -- the supply point and distribution center for Northeastern Colorado -- is quickly and easily traversed by paved or graveled highway. The American Bus Lines provide convenient schedules over highways paralleling railroad, and applicant operates a mixed train each way tri-weekly. The result has been that over the period September 1, 1947 to June 30, 1949, inclusive (except January, 1949), Train No. 151 carried an average of but 2.4 passengers per trip, and 1.5 passengers per train mile, while Train No. 152 carried an average of 2.5 passengers per trip, and 1.5 passengers per train mile. The revenue per passenger

mile was 2.39¢. the wages alone of applicant's employees 28¢, and the total cost of operation was out of all proportion to passenger revenue. Revenue from passenger service from June, 1948 to June, 1949, inclusive (except January, 1949), was \$1446., or \$120.50 per month -- 4.55% of the total revenue from the two trains.

Aside from passenger traffic, the only source of revenue comes from the incidental head-end traffic, such as mail, express, cream, and newspapers. The mail traffic will be discontinued as of January 1, 1950, with a resultant loss based upon statistics for 1949 of approximately 28.45% of the revenue from the two trains. Mail service is the exclusive function of the United States Post Office Department, which will establish service for all classes of mail by Highway Star Routes. Since the last increase in express rates in January, 1949, shipments formerly carried by that agency have, to a great extent, been carried by parcel post, the total express revenue in the last June-to-June period being but 3.53% of the total revenue. The transportation of express is the obligation of the Railway Express Agency, Inc., not the railroad, and the Agency is required to furnish adequate service to its shippers, whether there are trains available or not. The cream -- accounting for but 4.02% of the revenue -- can be efficiently handled by the Brooks Transportation Company, and the newspapers by Brooks or by mail. The tri-weekly mixed trains and certificated truck operators will provide ample service to meet the occasional train service required for express, cream and newspapers.

There is no duty or obligation on the part of a railroad to operate passenger train service in the absence of public need therefor, and public need must be distinguished from the convenience of individuals. The passenger service offered has long since been abandoned by the general public. A large proportion of protestants' witnesses have ridden these trains not more than once -- some of them not at all -- due to the use of their own automobiles and the bus service. The direct out-of-pocket

loss from the operation of these trains in Colorado in the period covered by Exhibit 24 was \$29,451.00, and if the same proportionate loss can be expected in 1950, it will be approximately \$38,493.00 when the mail traffic is discontinued. Passenger trains are operated primarily for the carriage of passengers, and if the public has abandoned the trains for passenger travel, there is no duty or obligation to continue their operation at a substantial loss for the incidental purpose of carrying head-end traffic. These trains cannot successfully meet the competition for passenger traffic of the private automobile and the bus, or on head-end traffic, the competition of certificated motor carriers. The public should not expect railroad service to any greater extent than they are willing to use the service provided. From the evidence and exhibits, we are inclined to agree with the following finding of fact of a Statutory three-judge Federal Court, in the Case of Chicago, Burlington and Quincy Railroad Company vs. Illinois Commerce Commission, reported in 82 Fed. Supp. 368, at page 373:

"The passenger transportation revolution wrought by the private automobile and certificated bus in connection with a vast system of improved highways has not only resulted in transferring the radically larger proportion of the passenger transportation needs and services from the local railroad passenger train to the highway, but the convenience afforded by the private automobile in connection with said highways has so out-moded the local railroad passenger train (exclusive of railroad suburban service) as to cause said local train service to become an obsolete form of transportation."

Protestants have interposed a motion to suspend decision in this matter, pending the final disposition by the Supreme Court of Nebraska on a review of the decision of the Nebraska State Railway Commission in a case involving an application for abandonment of the service of these two trains between the Colorado-Nebraska State Line and Holdredge, Nebraska.

This Commission is not bound by the Nebraska decision, heard none of the evidence introduced at the hearing upon which the decision was based, and we can see no reason why decision should not be rendered in the instant matter, irrespective of any decision by the Nebraska Commission.

F I N D I N G S

THE COMMISSION FINDS:

1. That the motion of protestants for the suspension of action in this matter should be denied.
2. That the convenience and necessity of the general public, as distinguished from that of a few individuals, do not require the continued operation of the two trains referred to in view of the fact that the public, generally, has abandoned the service of said trains by voluntarily substituting therefor the use of the private automobile, plus certificated motor carriers.
3. That the cost of operation of the two trains is out of all proportion to the revenue, and applicant should not be compelled to continue the operation at an out-of-pocket loss, where there is no public convenience and necessity for their continued operation.
4. That the above and foregoing Statement should be made a part of these Findings, by reference.
5. That a certificate of public convenience and necessity should issue to discontinue Trains Nos. 151 and 152.
6. That jurisdiction is hereby retained by the Commission to enter such further order or orders as it may deem necessary.

O R D E R

THE COMMISSION ORDERS:

That the motion of protestants for a delay of decision in this case be, and the same is hereby, denied;

That applicant, Chicago, Burlington and Quincy Railroad Company, be, and it hereby is, authorized to discontinue operation of its Passenger Trains Nos. 151 and 152, between Sterling, Colorado, and the Colorado-Nebraska State Line, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor;

That jurisdiction is hereby retained by the Commission to enter such further order or orders as it may deem necessary.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank C. Hutton
John P. Barry
Joseph C. Hawley
Commissioners.

Dated at Denver, Colorado,
this 5th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
REINHOLD KLINE, 1119 AKIN STREET,
FORT COLLINS, COLORADO, FOR A RE-
ISSUANCE OF PERMIT NO. B-2851.

} APPLICATION NO. 10345-Reissue.

January 11, 1950

Appearances: Reinhold Kline, Fort
Collins, Colorado, pro se;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for Britt
Truck Service and Denver-
Laramie-Walden Truck Line;
Guy Hart, Longmont, Colorado,
for Farm Hauling Service.

S T A T E M E N T

By the Commission:

The instant application was filed November 3, 1949,
set for hearing, after appropriate notice to all parties in interest,
heard January 3, 1950, at the Court House in Greeley, Colorado, and
then taken under advisement.

By the instant application, Reinhold Kline, of Fort
Collins, Colorado, seeks reinstatement of Permit No. B-2851, which
authorized the transportation of sand, gravel and other road surfacing
materials; rip rap rock from pits and supply points within a radius of
75 miles of said pits and supply points, to jobs within said area, ex-
cluding service in Boulder, Clear Creek and Gilpin Counties, and new
and used farm machinery from machinery dealers and farms within a 25-
mile radius of Fort Collins, Colorado, to points in said area; hay and
straw within a radius of 75 miles of Fort Collins, Colorado.

The evidence disclosed that applicant is now operating
under his C-permit; that he has a 2-ton GMC Truck, and that his net
worth is \$15,000.00. He stated he cancelled his B-permit out during
the war and now wishes to have it reinstated.

By stipulation with the protesting carriers, it was agreed that he should render no service on farm machinery south of U. S. Highway No. 34.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be granted as hereinafter limited.

O R D E R

THE COMMISSION ORDERS:

That Reinhold Kline, of Fort Collins, Colorado, be, and he hereby is, authorized to reinstate Permit No. B-2851, which authorizes the transportation of sand, gravel and other road surfacing materials; rip rap rock from pits and supply points within a radius of 75 miles of said pits and supply points to jobs within said area, excluding service in Boulder, Clear Creek and Gilpin Counties; and new and used farm machinery from machinery dealers and farms within a 25-mile radius of Fort Collins, Colorado, to points within said area, however, no service on farm machinery shall be rendered south of U. S. Highway 34; and hay and straw between points within a radius of 75 miles of Fort Collins, Colorado.

That Permit No. B-2851 is hereby reinstated and shall be designated by that number.


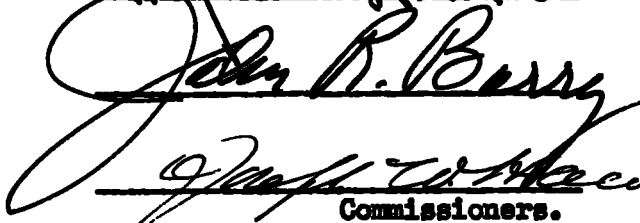

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 11th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) JOE L. HEINEN, 2015 ELMIRA STREET,) AURORA, COLORADO, FOR A CLASS "B") PERMIT TO OPERATE AS A PRIVATE) CARRIER BY MOTOR VEHICLE FOR HIRE.) -----)	APPLICATION NO. 10356-PP.
---	---------------------------

January 11, 1950

Appearances: Joe L. Heinen, Aurora,
Colorado, pro se;
Marion F. Jones, Esq.,
Denver, Colorado, and
John Lewis, Esq., Denver,
Colorado, for Britt
Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, 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; coal from the northern Colorado coal fields to Denver, Colorado, and to points within a radius of five miles of Denver, Colorado, and to Aurora, Colorado, and to points within a radius of five miles of Aurora, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, as heard and taken under advisement at 330 State Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M.

At the hearing, attorneys for Protestant Britt Truck Line, stated they had no objection to the granting of authority sought, if Boulder, Clear Creek, and Gilpin Counties would be excluded in connection with the transportation of sand, gravel, dirt, and other materials used in making up the surface of the roads.

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

F I N D I N G S

THE COMMISSION FINDS:

That application should be granted, as limited by the Order following.

O R D E R

THE COMMISSION ORDERS:

That Joe L. Heinen, Aurora, Colorado, be, and 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 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 points within a radius of five miles of Denver, Colorado, and to Aurora, Colorado, and to points within a radius of five miles of Aurora, 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.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Handwritten signatures]
Commissioners

Dated at Denver, Colorado,
this 11th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY F. POLHAMUS, JR., GRANBY, COLO-)
RADO, FOR A CLASS "B" PERMIT TO) APPLICATION NO. 10362-PP.
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)
-----)

January 11, 1950

Appearances: Roy F. Polhamus, Jr.,
Granby, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a
Class "B" private carrier by motor vehicle for hire for the trans-
portation of timber and sawmill products from point to point within
the County of Grand, Colorado.

Said application, pursuant to prior setting, after
appropriate notice to all parties in interest, was heard at 330 State
Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A.M.,
and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, applicant stated he is the owner of a
1941 GMC two-ton truck which he proposes to use in the conduct of his
operations.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That permit should issue, and should bear the number
"B-3459," being the number of a permit formerly held by applicant.

O R D E R

THE COMMISSION ORDERS:

That Roy F. Polhamus, Jr., Granby, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of timber and sawmill products from point to point within the County of Grand, 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.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 11th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. W. PETTICREW, 3930 CHASE STREET,)
DENVER, COLORADO, FOR AN EXTENSION)
OF PERMIT NO. B-2286.)
-----)

APPLICATION NO. 10361-PP-Extension.

January 11, 1950

Appearances: J. W. Petticrew, Denver,
Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-2286 to include the right to transport clay from pits and supply points within a radius of twenty-five miles of Denver, Colorado, to brick yards in Lakewood and Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

No one appeared to protest the granting of the authority sought.

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

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:

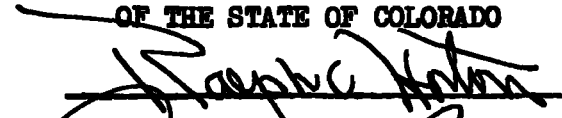
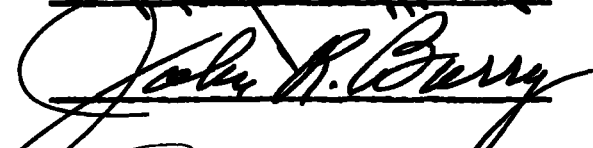

That J. W. Petticrew, Denver, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-2286 to include

the right to transport clay from pits and supply points within a radius of twenty-five miles of Denver, Colorado, to brick yards in Lakewood, Colorado, and Denver, Colorado.

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

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




Commissioners.

Dated at Denver, Colorado,
this 11th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
J. M. BLAYLOCK, DOING BUSINESS AS
"CADILLAC SIGHTSEEING COMPANY," BOX
321, MANITOU SPRINGS, COLORADO, FOR
AUTHORITY TO TRANSFER PUC NO. 138
TO C. W. HORTON AND MARIE C. HORTON,
CO-PARTNERS, 1006 SOUTH NEVADA
AVENUE, COLORADO SPRINGS, COLORADO,
DOING BUSINESS AS "CADILLAC SIGHT-
SEEING COMPANY."

APPLICATION NO. 10355-Transfer.

January 11, 1950

Appearances: Marion F. Jones, Esq.,
Denver, Colorado, and
John Lewis, Esq., Denver,
Colorado, for applicants;
C. B. Horn, Esq., Colorado
Springs, Colorado, for Colo-
rado Springs Transit Company.

S T A T E M E N T

By the Commission:

By the instant application, J. M. Blaylock, doing
business as "Cadillac Sightseeing Company," Manitou Springs, Colorado,
seeks authority to transfer PUC No. 138 to C. W. Horton and Marie C.
Horton, co-partners, doing business as "Cadillac Sightseeing Company,"
Colorado Springs, Colorado, as joint tenants, with right of survivorship.

Said application, pursuant to prior setting, after
appropriate notice to all parties in interest, was heard at 330 State
Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M.,
and at the conclusion of said hearing, the matter was taken under advisement.

At the hearing, it appeared that PUC No. 138 is in good
standing; that road tax has been paid; that road 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, qualified, and willing, to carry
on the operation.

No one interposed protest to transfer of said operating
rights.

FINDINGS

THE COMMISSION FINDS:

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

ORDER

THE COMMISSION ORDERS:

That J. M. Blaylock, doing business as "Cadillac Sight-seeing Company," Manitou Springs, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 138 to C. W. Horton and Marie C. Horton, co-partners, as joint tenants with right of survivorship, doing business as "Cadillac Sight-seeing Company," Colorado Springs, 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 transferees until changed according to law and the rules and regulations of this Commission.

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 up to the time of the transfer of said certificate, and the payment by him or transferees of all unpaid passenger-mile tax.

That road tax deposit of transferor shall be transferred to account of transferees.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Charles C. Horton

John P. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 11th day of January, 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
D. C. HANSEN, 1157 ELIZABETH STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 10351-PP.
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)
-----)

January 11, 1950

Appearances: Marion F. Jones, Esq.,
Denver, Colorado, and
John Lewis, Esq., Denver,
Colorado, for Britt
Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, 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; rip rap rock from quarries near Eldorado Springs, and Morrison, Colorado, to Platte River Project near Welby, Colorado, and to Cherry Creek Dam Site, near Sullivan, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M.

Attorneys appearing for Protestant Britt Truck Service objected to granting of authority for movement of rip rap rock from quarries near Eldorado Springs to Platte River Project, near Welby, Colorado, which objection was sustained.

Thereupon, the files were made a part of the record, and the matter taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should issue, as limited in the Order following.

O R D E R

THE COMMISSION ORDERS:

That D. C. Hansen, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, 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; rip rap rock from quarries near Morrison, Colorado, to Cherry Creek Dam Site, near Sullivan, Colorado.

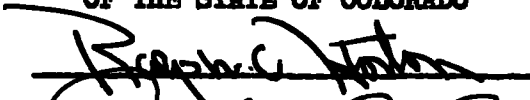
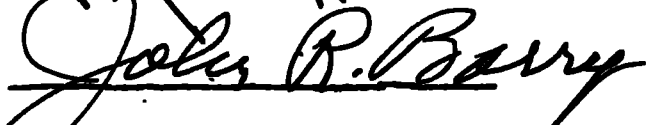

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, statement of his customers are filed by applicant and until he 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 twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 11th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAY GAMMEL AND VICTOR GAMMEL, CO-)
PARTNERS, DOING BUSINESS AS "GAMMEL)
BROTHERS," BROOMFIELD, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS UNDER)
PERMIT NO. B-3410.)

APPLICATION NO. 10349-PP-Extension

January 12, 1950

Appearances: Ray Gammel, Broomfield, Colo-
rado, pro se;
Victor Gammel, Broomfield,
Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, applicants herein seek authority to extend operations under Permit No. B-3410 to include the right to transport beet pulp from Great Western Sugar Company Plant, at Longmont, Colorado, to points within a radius of twenty-five miles of Longmont, Colorado; pea vines from Kumer-Empson Plants, at Johnstown, Mead and Fort Lupton, to plants within a radius of thirty-five miles of said plants; hay, grain, farm products (no livestock), between points within a radius of fifty miles of Broomfield, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M., and at the conclusion of the hearing, said matter was taken under advisement.

No one appeared to protest the granting of the authority sought.

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

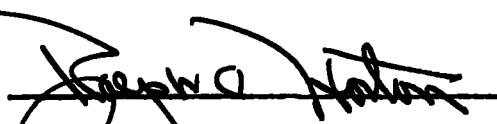
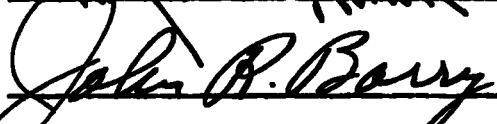
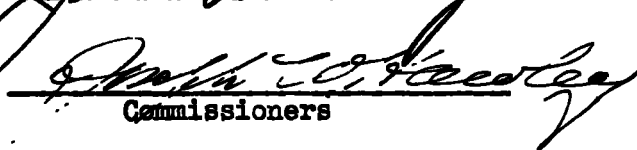
O R D E R

THE COMMISSION ORDERS:

That Ray Gammel and Victor Gammel, co-partners, doing business as "Gammel Brothers," Broomfield, Colorado, be, and they hereby are, authorized to extend operations under Permit No. B-3410 to include the right to transport beet pulp from Great Western Sugar Company Plant, at Longmont, Colorado, to points within a radius of twenty-five miles of Longmont, Colorado; pea vines from Kurer-Empson Plants, at Johnstown, Mead, and Fort Lupton, Colorado, to plants within a radius of thirty-five miles of said plants; hay, grain, and farm products, excluding livestock, between points within a radius of fifty miles of Broomfield, Colorado.

This order is made a part of the permit granted to applicant, and shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1950.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAZEL CULP, DOING BUSINESS AS "H.)
CULP HAULING SERVICE," 3339 CURTIS)
STREET, DENVER, COLORADO, FOR AUTH-)
ORITY TO OPERATE AS A CLASS "B" PRI-)
VATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 10360-PP

January 12, 1950

Appearances: Mrs. Hazel Culp, Denver, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, and other materials used in making up the surface of the roads, from pits and supply points in the State of Colorado, to 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.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted, permit, when issued, to bear the number "B-3215," being the number of a permit formerly held by applicant.

O R D E R

THE COMMISSION ORDERS:

That Hazel Culp, doing business as "H. Culp Hauling Service," Denver, Colorado, should be, and she 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 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.

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

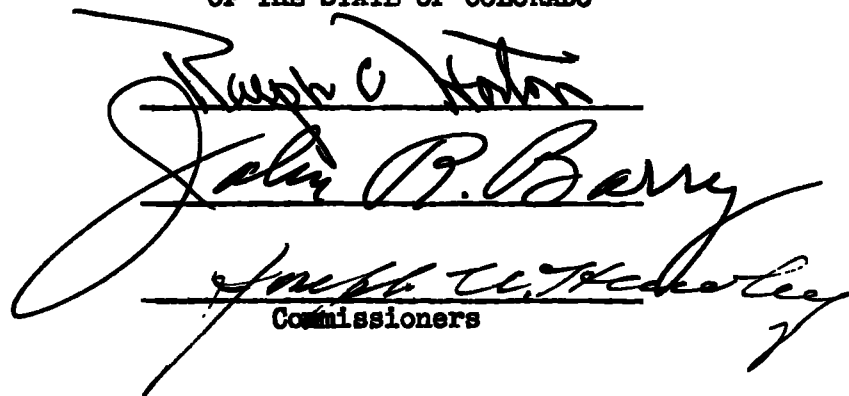
This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of her customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, and the required insurance, and has secured identification cards.

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

That permit herein granted shall bear the number "B-3215."

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 12th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAY MOON, 3831 WEST VIRGINIA STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER PERMIT NO.)
B-3538.)

APPLICATION NO. 10359-PP-Extension

January 12, 1950

Appearances: Jay Moon, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-3538 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.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That the authority sought should be granted.

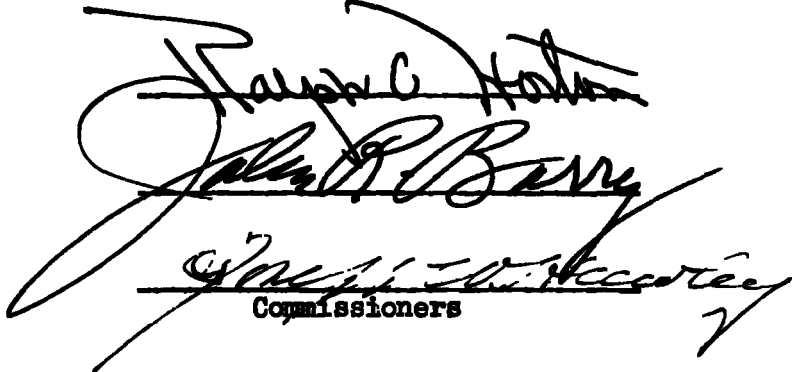
O R D E R

THE COMMISSION ORDERS:

That Jay Moon, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-3538 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.

This order is made a part of the permit granted to applicant, and shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1950.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT HEYVAERT, 2256 SOUTH CHEROKEE)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 10358-PF

January 12, 1950

Appearances: Albert Heyvaert, Denver, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

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

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

At the hearing, applicant stated he is the owner of a 1948 one and one-half-ton dump truck, with which he proposes to conduct his operations; that his net worth of \$10,000.00.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That said application should be granted.

O R D E R

THE COMMISSION ORDERS:

That Albert Heyvaert, 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.

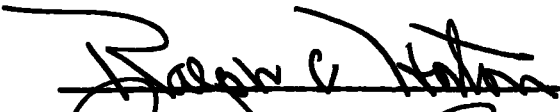


All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES E. EGGERING, 702 EAST 12TH)
AVENUE, DENVER, COLORADO, FOR AN)
EXTENSION OF AUTHORITY UNDER PERMIT)
NO. B-4035.)

APPLICATION NO. 10354-PR-Extension

January 12, 1950

Appearances: James E. Eggering, Denver, Colo-
rado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to extend operations under Permit No. B-4035 to include the right to transport coal from mines in the northern Colorado coal fields to Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

Applicant stated that he has been requested to render his proposed service for Cooper Coal Company.

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

F I N D I N G S

THE COMMISSION FINDS:

That said application should be granted.

O R D E R




THE COMMISSION ORDERS:

That James E. Eggering, Denver, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-4035 to

include the right to transport coal from mines in the northern Colorado coal fields to Denver, Colorado.

This order is made a part of the permit granted to applicant, and shall become effective twenty (20) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1950.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LOUIS J. SODIA, 3857 FEDERAL BOULE-)
VARD, DENVER, COLORADO, FOR A CLASS) APPLICATION NO. 10353-PP
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

January 12, 1950

Appearances: Mrs. Louis J. Sidia, Denver,
Colorado, for applicant.

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, rock, dirt, 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 construction jobs within a radius of fifty miles of said pits and supply points, excluding service in Boulder, Clear Creek, and Gilpin Counties.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M., and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, applicant's wife, appearing in his behalf, stated that applicant is the owner of a 1945 one and one-half-ton Ford Truck, and has a net worth of \$15,000.00.

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

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

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 Louis J. Sodia, 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, rock, dirt, 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.


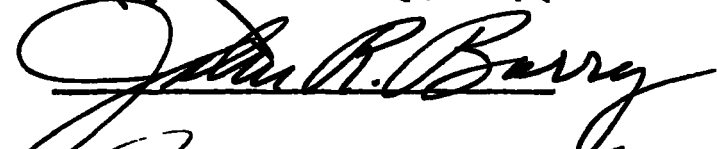

All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL MILLER, 4132 WEST BAYAUD)
STREET, DENVER, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A) APPLICATION NO. 10352-PP
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

January 12, 1950

Appearances: Carl Miller, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, 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.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M., and at the conclusion of said hearing, was taken under advisement.

At the hearing, applicant stated he is the owner of two 1945 GMC Trucks -- three and one-half and five-ton capacity -- which he proposes to use in the conduct of his operation; that his net worth is \$10,000.00.

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

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

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 Carl Miller, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, 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.

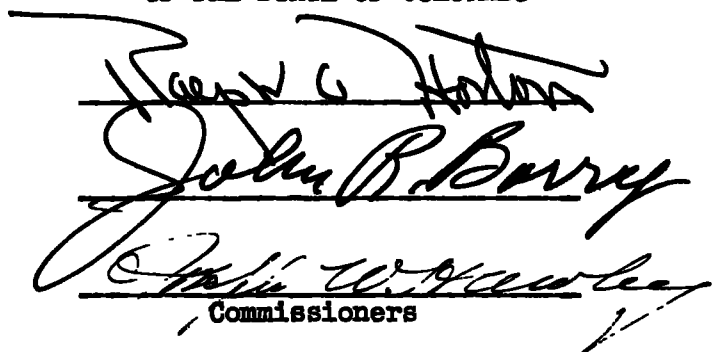
All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GUY B. AXTON, 3523 OSCEOLA STREET,)
DENVER, COLORADO, FOR A CLASS "B") APPLICATION NO. 10350-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

January 12, 1950

Appearances: Guy B. Axton, Denver, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, other materials used in making up the surface of the roads, and rip rap rock, 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; coal from mines in the northern Colorado coal fields to Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

At the hearing, applicant testified that he is the owner of a one and one-half-ton 1946 Chevrolet Truck, and has a net worth of \$15,000.00. He stated he wishes to amend his application by excluding request to perform service in Boulder, Clear Creek, and Gilpin Counties, in the transportation of all commodities but coal.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Guy B. Axton, 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, dirt, other materials used in making up the surface of the roads, and rip rap rock, 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.

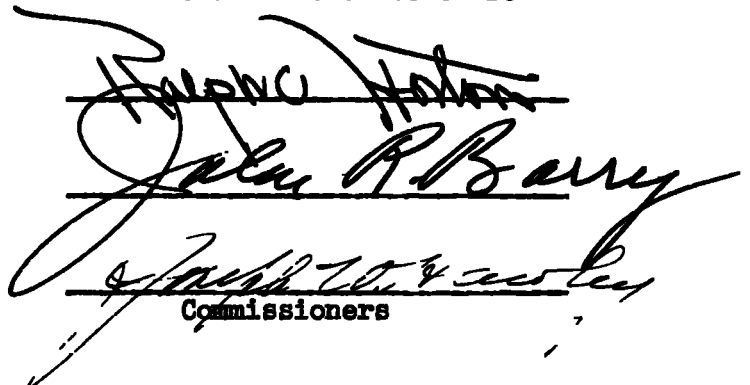
All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

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

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT WALL, 5900 FRANKLIN STREET,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 10357-PP

* * * * *
January 12, 1950
* * * * *

Appearances: Marion F. Jones, Esq., Denver,
Colorado, and
John Lewis, Esq., Denver, Colo-
rado, for Britt Truck Service.

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 in the State of Colorado, to road and building construction jobs within a radius of fifty miles of said pits and supply points; coal from mines in the northern Colorado coal fields to Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, January 5, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

Attorneys appearing in behalf of Britt Truck Service stated they had no objection to granting of the authority sought, if service in Boulder, Clear Creek, and Gilpin Counties was excluded in the transportation of sand, gravel, dirt, and other materials used in making up the surface of the roads.

Thereupon, the files were made a part of the record and the application taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That authority should issue to applicant herein, as limited in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Robert Wall, Denver, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel, dirt, 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.

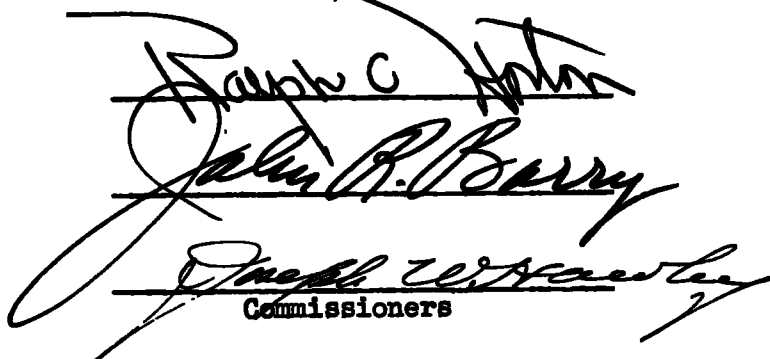
All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. M. LEATHERMAN, 624 WEST)
VIRGINIA, FLOYDADA, TEXAS.)
)
)
)

PERMIT NO. C-23058

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
C. M. Leatherman,.....
requesting that Permit No. C-23058..... 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-23058....., heretofore issued to.....
C. M. Leatherman,.....be,
and the same is hereby, declared cancelled effective December 10, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT T. & MARY CASADOS,)
723 - 31ST STREET, DENVER,)
COLORADO.)
PERMIT NO. C-22846
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Albert T. & Mary Casados,-----
requesting that Permit No. C-22846 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-22846, heretofore issued to-----
Albert T. & Mary Casados,-----be,
and the same is hereby, declared cancelled effective **December 29, 1949.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton
John P. B. J.
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WALTER A. PADGETT, KIT CARSON,)
COLORADO.)
)
)
)

PERMIT NO. C-18842.

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Walter A. Padgett,.....
requesting that Permit No. C-18842 ..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-18842 .., heretofore issued to.....
Walter A. Padgett,.....be,
and the same is hereby, declared cancelled effective December 30, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ABE & BENNIE ROSENBERG, DOING)
BUSINESS AS "HANDY GROCERY &)
MARKET, 2110 EVANS AVENUE,)
CHEYENNE, WYOMING.)

PERMIT NO. C-18943.

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Abe & Bennie Rosenberg, d/b/a Handy Grocery & Market,
requesting that Permit No. C-18943 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-18943, heretofore issued to.....
Abe & Bennie Rosenberg, d/b/a Handy Grocery & Market, be,
and the same is hereby, declared cancelled effective December 28, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

John P. Berry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. C. DALTON, 305 SOUTH 15th ST.,)
MINERAL WELLS, TEXAS.)
)
)
-----)

PERMIT NO. C-18525.

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
W. C. Dalton,.....
requesting that Permit No. C-18525..... 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-18525....., heretofore issued to.....
W. C. Dalton,.....be,
and the same is hereby, declared cancelled effective November 29, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
SAM BOLITHO, DOING BUSINESS AS)
BOLITHO'S FEED STORE & ICE)
STATION, 818 CHEYENNE ST.,) PERMIT NO. C-17970.
GOLDEN, COLORADO.)
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Sam Bolitho, d/b/a Bolitho's Feed Store & Ice Station,
requesting that Permit No. C-17970 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-17970, heretofore issued to.....
Sam Bolitho, d/b/a Bolitho's Feed Store & Ice Station, be,
and the same is hereby, declared cancelled effective December 28, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John H. Berry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. J. JENSEN, DOING BUSINESS AS)
"KEENESBURG IMPLEMENT COMPANY,")
1616 FAIRACRES DRIVE, GREELEY,)
COLORADO.)

PERMIT NO. C-15255

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
C. J. Jensen, d/b/a Keenesburg Implement Company,.....
requesting that Permit No. C-15255..... 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-15255....., heretofore issued to.....
C. J. Jensen, d/b/a Keenesburg Implement Company,.....be,
and the same is hereby, declared cancelled effective December 28, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION'
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEO. HEFFLEY, KIOWA, COLORADO.)
) PERMIT NO. C-10003
)
)
)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Geo. Heffley,.....
requesting that Permit No. C-10003 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-10003, heretofore issued to.....
Geo. Heffley,.....be,
and the same is hereby, declared cancelled effective December 28, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
E. M. BLAKE, c/o SIM JOHN MCQUINN,
BOX 60, ROANOKE, TEXAS.)
)
)
)

PERMIT NO. C-8048.

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
E. M. Blake,-----
requesting that Permit No. C-8048 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-8048, heretofore issued to-----
E. M. Blake,-----be,
and the same is hereby, declared cancelled effective December 28, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. L. THOMPSON, 2200 JACKSON,)
GOLDEN, COLORADO.)
PERMIT NO. C-12782
-----)
-----)
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
J. L. Thompson,.....
requesting that Permit No. C-12782.....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-12782....., heretofore issued to.....
J. L. Thompson,.....be,
and the same is hereby, declared cancelled effective January 1, 1950.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Hinton

John P. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL L. ISAAC, 2704 E. ROUTT,)
PUEBLO, COLORADO.)
)
)
-----)

PERMIT NO. C-24274

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Earl L. Isaac,.....
requesting that Permit No. C-24274 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-24274, heretofore issued to.....
Earl L. Isaac,.....be,
and the same is hereby, declared cancelled effective December 28, 1949.

THE PUBLIC UTILITIES COMMISSION

~~OF THE STATE OF COLORADO~~
Ralph C. Norton
John T. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 19450.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES BRITT, ADMINISTRATOR OF)
THE ESTATE OF R. E. BRITT,)
BOX 1367, STERLING, COLORADO.) PERMIT NO. C-14148.
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
James Britt, Admr. Estate of R. E. Britt,-----
requesting that Permit No. C-14148----- 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-14148-----, heretofore issued to-----
James Britt, Admr. Estate of R. E. Britt,----- be,
and the same is hereby, declared cancelled effective January 1, 1950.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES BRITT, ADMINISTRATOR OF)
THE ESTATE OF R. E. BRITT, BOX) P. U. C. NO. 1488-I.
1367, STERLING, COLORADO.)
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from James Britt, Administrator of the Estate of R. E. Britt, requesting that Certificate of Public Convenience and Necessity No. 1488-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. 1488-I, heretofore issued to R. E. Britt, be, and the same is hereby, declared cancelled effective January 1, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John B. Berry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE SANDOVAL, 602 ADAMS)
STREET, TRINIDAD, COLORADO.) P. U. C. NO. 1954.
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from George Sandoval, requesting that Certificate of Public Convenience and Necessity No. 1954, 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. 1954, heretofore issued to George Sandoval, be, and the same is hereby, declared cancelled, effective December 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Bering

Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD G. DAVIDSON, DOING)
BUSINESS AS "CORNWELL TOOLS)
SALES & SERVICE," PO BOX 1857,) PERMIT NO. C-22808
DENVER, COLORADO.)
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Harold G. Davidson, d/b/a Cornwell Tools Sales & Service,

requesting that Permit No. C-22808.....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-22808....., heretofore issued to.....
Harold G. Davidson, d/b/a Cornwell Tools Sales & Service,.....be,
and the same is hereby, declared cancelled effective December 16, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. M. HUGHES, PAGOSA SPRINGS,)
COLORADO.)
)
)
)

PERMIT NO. C-18850

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
C. M. Hughes,-----
requesting that Permit No. C-18850 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-18850, heretofore issued to-----
C. M. Hughes,-----be,
and the same is hereby, declared cancelled effective **January 4, 1950.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. C. DREWRY, DOING BUSINESS AS)
"J. C. DREWRY COMPANY," 347 NO.)
1st, MONTROSE, COLORADO.)
)
)

PERMIT NO. C-23235

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
J. C. Drewry, d/b/a "J. C. Drewry Company,".....
requesting that Permit No. C-23235 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-23235, heretofore issued to.....
J. C. Drewry, d/b/a J. C. Drewry Company,.....be,
and the same is hereby, declared cancelled effective December 12, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph G. Norton

John J. ...

Joseph W. ...
Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BYRON DONALD CASE, BOX 373,)
BUENA VISTA, COLORADO.)
) PERMIT NO. C-24011
)
)
)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Byron Donald Case,.....
requesting that Permit No. C-24011 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-24011, heretofore issued to.....
Byron Donald Case,.....be,
and the same is hereby, declared cancelled effective January 1, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. ...

George ...
Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BOB EDWARDS, PAONIA, COLORADO)
)
)
)
)

PERMIT NO. C-3750

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Bob Edwards,
requesting that Permit No. C-3750 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-3750, heretofore issued to
Bob Edwards, be,
and the same is hereby, declared cancelled effective January 6, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JONES WHOLESALE GROCERY, 10th &)
WATER STS., CANON CITY, COLORADO)
)
)

PERMIT NO. C-162

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Jones Wholesale Grocery,.....
requesting that Permit No. C-162.....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-162....., heretofore issued to.....
Jones Wholesale Grocery,.....be,
and the same is hereby, declared cancelled effective **November 27, 1949.**

THE PUBLIC UTILITIES COMMISSION

~~OF THE STATE OF COLORADO~~

Ralph C. Norton

John A. Boring

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE MELONAS, 539 WEST 8th St.,)
WALSENBURG, COLORADO.)
)
)
)

PERMIT NO. C-2133

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
George Melonas,.....
requesting that Permit No. C-2133.....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-2133....., heretofore issued to.....
George Melonas,.....be,
and the same is hereby, declared cancelled effective December 30, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Brown

Joseph W. Smith
Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. C. COLEMAN, 352 MAIN ST.,)
DELTA, COLORADO)
PERMIT NO. C-4399)
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
C. C. Coleman,-----
requesting that Permit No. C-4399-----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-4399-----, heretofore issued to-----
E. C. Coleman,-----be,
and the same is hereby, declared cancelled effective November 14, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

✿ ✿ ✿ ✿

RE MOTOR VEHICLE OPERATIONS OF)
EUGENE D. & ARDILLA B. PETERS,)
3916¹/₂ HURON AVE., CULVER CITY,)
CALIFORNIA.)

PERMIT NO. C-23408

January 16, 1950

STATEMENT

By the Commission:

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

Eugene D. & Ardilla B. Peters,

requesting that Permit No. C-23408 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-23408, heretofore issued to

Eugene D. & Ardilla B. Peters, _____ be,

and the same is hereby, declared cancelled effective January 6, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 16th day of Jan., 1940.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BERNIE RIVERA, 906 WEST 1st,)
FLORENCE, COLORADO) PERMIT NO. C-21128
)
)
)
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Bernie Rivera,
requesting that Permit No. C-21128 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-21128, heretofore issued to.....
Bernie Rivera, be,
and the same is hereby, declared cancelled effective January 5, 1950.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VICTOR MARTINEZ, RT 4, BOX 23,)
MONTROSE, COLORADO.)

PERMIT NO. C-21160

January 16, 1950

S T A T E M E N T

By the Commission:

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

Victor Martinez,

requesting that Permit No. C-21160 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-21160, heretofore issued to

Victor Martinez.

..be,

and the same is hereby, declared cancelled effective **January 5, 1950.**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

John F. B. ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 16th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
E. L. BELL, R. L. & F. T. MADDOX,)
CASCADE SPRINGS WATER COMPANY,)
AZTEC, NEW MEXICO.)
-----)

PERMIT NO. C-22752.

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
E. L. Bell, R. L. & F. T. Maddox,-----
requesting that Permit No. C-22752 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-22752, heretofore issued to-----
E. L. Bell, R. L. & F. T. Maddox,----- be,
and the same is hereby, declared cancelled effective December 3, 1949.

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

John R. Boring

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES COLLETTE, KIRK,)
COLORADO.) PERMIT NO. C-22994.
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
James Collette,-----
requesting that Permit No. C-22994 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-22994, heretofore issued to-----
James Collette,-----be,
and the same is hereby, declared cancelled effective January 6, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
)
ROBERT O. POTTS, RT. 1, BOX 188,)
FORT MORGAN, COLORADO.) PERMIT NO. C-24411
)
)
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Robert O. Potts,-----
requesting that Permit No. C-24411 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-24411, heretofore issued to-----
Robert O. Potts,-----be,
and the same is hereby, declared cancelled effective **January 6, 1950.**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

Charles C. Bragg

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.
eq

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
GLEN S. DOUTHIT, 2600 SO. GRANT }
DENVER 10, COLORADO.)
)
)
)

PERMIT NO. B-3536

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Glen S. Douthit,-----
requesting that Permit No. B-3536-----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-3536-----, heretofore issued to -----
Glen S. Douthit,-----be,
and the same is hereby, declared cancelled effective January 2, 1950.

THE PUBLIC UTILITIES COMMISSION

~~OF THE STATE OF COLORADO~~

Ralph C. Norton

John A. Bailey

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. J. MEYEN, SUTHERLAND, NEBR.)
)
)
)
)

PERMIT NO. C-15922

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
A. J. Meyen,
.....
requesting that Permit No. C-15922 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-15922....., heretofore issued to.....
A. J. Meyen,..... be,
and the same is hereby, declared cancelled effective December 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 16th day of Jan., 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. J. MEYEN, SUTHERLAND,)
NEBRASKA)
-----)

P. U. C. 1737-I.

January 16, 1950

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 his Certificate No. 1737-I 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 A. J. Meyen be, and he is hereby, authorized to suspend his operations under Certificate No. 1737-I until June 24, 1950.

That unless said A. J. Meyen 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 16th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. H. PHILLIPS, 629 TENTH STREET,)
ALAMOSA, COLORADO, FOR AN EXTENSION) APPLICATION NO. 10220-Extension
OF PUC NO. 1818.)
-----)

RE: MOTOR VEHICLE OPERATIONS OF)
C. H. PHILLIPS, ALAMOSA, COLORADO.) PERMIT NO. B-2955
-----)

January 13, 1950

Appearances: Merle M. Marshall, Esq.,
Alamosa, Colorado,
for applicant;
C. H. Allen, Esq., Alamosa,
Colorado, for Edward T.
Walker;
Tarbell and Tarbell, Esqs.,
Center, Colorado, for
McCormack Brothers.

S T A T E M E N T

By the Commission:

On September 3, 1949, C. H. Phillips, Alamosa, Colorado, applicant herein, filed his application for an extension of PUC No. 1818 to include the right to transport livestock to and from summer ranges or from home quarters to markets.

The matter was set formally for hearing at the Court House, Alamosa, Colorado, September 27, 1949, at two o'clock P. M., and at the conclusion of the hearing, the matter was taken under advisement.

At the hearing, the evidence disclosed that since April 28, 1943, C. H. Phillips, applicant herein, has operated under a private carrier permit issued to him, which, as extended, authorizes the transportation of:

farm machinery between points within a radius of six miles of Sanford, Colorado, and from and to points in said area, on the one hand, to and from points in the State of Colorado, on the other, and the transportation of farm products, including

livestock, between points within the area extending fifty miles north, fourteen miles west, ten miles east, and six miles south of Sanford, Colorado, without the right to transport commodities ordinarily handled by line-haul motor vehicle common carriers operating on schedule between points served by them singly, or in combination.

By Decision No. 28168, Phillips, applicant herein, acquired, by transfer, from Lute Vance, of La Jara, Colorado, a portion of PUC No. 441, which authorizes:

transportation of farm products, including livestock and wool in grease, farm equipment and supplies and emigrant moveables between points within a radius of fifteen miles of La Jara on the north, west, and east, and the State Line on the south, on the one hand, and, on the other, other points in the State of Colorado.

However, by said Decision No. 28168, it was provided:

"Said common carrier operations and private carrier operations of C. H. Phillips shall be separately conducted, and he shall not, directly or indirectly, combine the same."

Applicant now asks that his present common carrier authority be extended to a point fourteen miles west of the Town of Sanford, thence northward in a direct line to the south City Limits of the Town of Monte Vista, in Rio Grande County, Colorado, and from thence easterly along said south City Limits where the same intersects the County Line between the Counties of Rio Grande and Alamosa, and from thence north along said County Line to the northwest corner of Alamosa County, and along the northern County Line of said county easterly to the northeast corner of said county, and from thence southwesterly along said County Line of said Alamosa County to a point where same intersects the eastern boundary line of applicant's territory, which would be approximately the southeast corner of Section 1, in Township 36-North, Range 12-East, and from thence in a direct line south along the present boundary line of applicant's territory to a point approximately ten miles east of the Town of Sanford, Colorado.

At the hearing, applicant stated that he presently owns PUC No. 1818 and Private Carrier Permit No. B-2955, and because of said

authority he has had requests from persons for service which he presently does not have authority to furnish.

Owen Baldwin, County Commissioner of Alamosa County, who resides at Mosca, Colorado, testified that he is a farmer and livestock raiser; that he is acquainted with applicant, is familiar with his equipment, and has used applicant's service for delivery of livestock to and from Alamosa sales rings; that he needs a locally-domiciled carrier to haul livestock to markets either at Pueblo or Denver, Colorado, and to summer pastures in the mountains.

Henry Shay, a hog and sheep raiser, residing near Mosca, stated he had experienced considerable difficulty in the past getting truckers to haul his sheep and hogs, and stated that on one occasion he was delayed thirty days in shipping livestock, due to the inadequacy of common carrier services. This witness stated he was familiar with the applicant's equipment, and he felt his immediate territory needed additional service for hauling livestock, farm produce, and farm machinery.

George Phillips, a farmer residing three miles east of Monte Vista, stated he had endeavored to get service for livestock hauling, and it was necessary for him to call Yockey in Denver, to move his livestock at the time he desired.

R. F. McNitt stated that he had experienced some difficulty in getting carriers, and felt applicant's proposed service was needed.

Ernest Webber, a livestock and wool buyer residing at Montrose, Colorado, stated he had bought livestock and wool in the San Luis Valley for the past twenty years. He stated he had the services of applicant under his present authority, found him a capable operator who gave excellent service to his customers and to the territory he served. He also stated he has used nearly all the livestock carriers based in the valley at some time or other, and as a general rule, had received excellent service. However, he stated that on occasions he has been

delayed, and in his judgment, conditions would be improved if applicant's authority was extended.

Virgil Stahl, a farmer-livestock grower living near Mosca, stated he would use applicant's proposed service, if extended to include his farm; that he had been delayed in the past approximately two weeks making shipment; that he knows applicant, has used his services, from his farm to sales barns at Alamosa, and believes he is well fitted to carry on a farm products and livestock service by motor vehicle for hire.

Edward T. Walker, who holds PUC No. 1251, which authorizes transportation of farm products, including livestock and farm machinery in the territory asked for in the instant application, testified he has provided service in this area and maintains headquarters in Del Norte, and has been unable to keep all of his equipment busy; that he is in a position to give more service, and especially in the territory adjacent to Monte Vista, Colorado. He stated there is already ample authority issued by this Commission to take care of the needs for service.

Walter McCormack, who, in conjunction with his brother, operates under the name of "McCormack Brothers," with headquarters at Center, Colorado, and who holds PUC No. 1838, which authorizes the following:

transportation of farm products, including livestock, between points within the area extending 24 miles south, 35 miles east, 35 miles north, and 6 miles west of Center, Colorado,

also vigorously protested the granting of the instant application — especially in that territory that is known as the "Center area," maintaining that they are in a position to take care of the business in that area; that they had only recently gone into the livestock transportation business, and at present were not keeping their livestock equipment busy.

In considering the instant application, the Commission has not only examined ton-mile tax reports of applicant, but has also examined ton-mile tax reports of Protestants Walker and McCormack Brothers. We have also carefully reviewed authorities held by applicant — that is, his certificate of public convenience and necessity and his private carrier

permit. Applicant herein is asking for authority that overlaps territory now held by protestants. However, it does not appear to the Commission that Northern Alamosa County has been receiving the service that it is entitled to. This territory appears to have been neglected by the duly authorized carriers. The testimony of Commissioner Baldwin and Virgil Stahl clearly indicates this fact -- both having to wait an unreasonable length of time for service. The evidence also clearly indicates that the Mosca-Hooper territory is expanding in the livestock industry. On the other hand, the Commission cannot see from the record before it where additional service is needed in the Monte Vista or Center territories. True, Mr. George Phillips testified that he had some difficulty in securing local carriers, but was able to get Yockey Brothers to handle his shipment.

The Commission, in considering the instant application, has viewed with a great deal of concern the private carrier permit now held by applicant. It has been the policy of the Commission in the past, and we feel in the interest of proper regulation, to not permit a joint operation of common carrier operations and private carrier operations.

If the instant application is granted, limited to an extension of Alamosa County, only, we would be, in a sense, awarding duplicating authority to applicant, which, in our judgment, the public convenience and necessity, or interest, does not require.

A review of our Decision No. 25712, dated March 15, 1946, discloses this authority was granted largely to provide a service for the transportation of livestock to and from the sales barn at Alamosa. If applicant is granted an extension to include the balance of Alamosa County, in his certificate he will have this authority and will be able to take care of all of the needs of his present customers.

The duty of the Commission is clearly to establish the best possible service to an area. The holding of a permit and a certificate by one and the same person covering substantially the same territory and the same commodities makes an operation difficult to regulate and police, and definitely not in the public interest. However, the Commission is

inclined to the view that service can be improved in this area if the application, as hereinafter limited, is granted, providing Private Carrier Permit No. B-2955 is cancelled.

F I N D I N G S

THE COMMISSION FINDS:

That public convenience and necessity require the extended motor vehicle common carrier service of applicant, as hereinafter limited, and that certificate of public convenience and necessity should issue therefor, provided, however, that Private Carrier Permit No. B-2955 be cancelled, 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 public convenience and necessity require the proposed extended motor vehicle common carrier service of applicant under PUC No. 1818 to include the right to transport farm products, including livestock and wool in grease, farm equipment and supplies and emigrant moveables, between all points in Alamosa County, Colorado, not included in applicant's present certificate, PUC No. 1818, on the one hand, and, on the other, points in the State of Colorado, provided that Permit No. B-2955 be cancelled and revoked as a condition precedent. In the event applicant shall, within ten days from the date hereof, request, in writing, the cancellation and revocation of said Permit No. B-2955, a separate order will be entered cancelling and revoking said permit, and upon the entry thereof, the instant order shall then forthwith be taken, deemed, and held to be a certificate of public convenience and necessity for the extended service under PUC No. 1818. In the event no such request shall be filed by applicant within the time limited, the instant application shall be considered as denied.

That applicant shall file tariffs of rates, rules and regulations 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.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Horton
John R. Barry
Joseph C. McClellan
Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1950.

SA

final

(Decision No. 34072)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JULIUS BUSSARD, ENGLEWOOD, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY AUTHORIZING OP-)
ERATION OF CHARTER COACH SERVICE.)

APPLICATION NO. 5846-BB

January 13, 1950

Appearances: Worth Allen, Esq., Denver, Colo-
rado, for applicant;
T. A. White, Esq., Denver, Colo-
rado, for Denver-Salt Lake-
Pacific Stages, Denver-Colorado
Springs-Pueblo Motor Way, Inc.,
Burlington Transportation Com-
pany, Denver-Boulder Bus Company;
J. G. Hodges, Esq., Denver, Colo-
rado, for Rocky Mountain Motor
Way, Inc.;
E. G. Knowles, Esq., Denver, Colo-
rado, for Denver Tramway Cor-
poration, Southwestern Grey-
hound Lines, Inc., Interstate
Transit Lines;
Alfred Kreager, Esq., Dallas, Texas,
for Continental Bus System.

S T A T E M E N T

By the Commission:

On June 25, 1945, applicant herein filed application for a certificate of public convenience and necessity to operate a charter coach service. Hearing was held at 330 State Office Building, Denver, Colorado, on October 18, 1945, before Commissioner Malcom Erickson, and the matter taken under advisement. The matter was never formally disposed of, due to the death of Commissioner Erickson, and because of the death of Walter Clary, the official Reporter for the Commission, a transcript of the evidence could not be furnished the other members of the Commission.

By Decision No. 33014, of date July 5, 1949, applicant was permitted to file an amended application, which was duly filed on Sep-

tember 26, 1949. By this amended application, applicant asks for a certificate of public convenience and necessity authorizing the transportation of school and church groups by motor vehicle in chartered coaches from point to point within a radius of sixteen miles from Englewood, Colorado, and between points in said area and all other points in the State of Colorado, excluding the transportation of passengers between points between which there is available single-line scheduled service rendered by any other carriers.

Said amended application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, October 26, 1949, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

Vernon Heaston, Principal of Wheatridge High School, testified that applicant had hauled students of said school to basketball and football games in chartered buses frequently since 1940, and he had given satisfactory service with good equipment whenever called upon. Witness had also received good service from other bus lines, but objected to the rates charged by some and at times had experienced difficulty in getting service promptly when needed.

J. M. Kyffin, Principal of Lakewood High School, testified that his school has owned its own bus for the past two years, but prior to that time received satisfactory charter service from applicant. At times he used the charter service of other bus lines, which had been satisfactory.

Dale R. Brooks has been Boys' Advisor of Englewood High School for the past ten years. He stated that applicant has adequate equipment (thirty-passenger buses), for short trips for band students and athletic groups, but not for long trips, such as to Boulder, Fort Collins, and Fort Morgan. He had chartered a bus from applicant only once in 1949, for a trip from Englewood to Littleton. For long trips he has been using the service of Trailways (Continental Bus System), at the request of the students and because of its better equipment, the service being satisfactory except that he is required to give two or three days notice in advance

which is sometimes inconvenient. On emergencies, applicant sometimes fills in. He did not know of Rocky Mountain Motor Way, Inc., or other certificated bus carriers ever refusing service. His school has more need for the service than any other suburban school, as it encourages fair sports and musical activities, requiring three or four buses every Friday in season. If applicant will furnish better equipment to supply the demand, witness would prefer to charter his buses, as Englewood businessmen have often expressed the opinion that applicant should be given all their business, as he operates a local bus and taxi service, and his service -- even with his present equipment -- is desirable in emergencies when buses cannot be obtained on short notice from other bus operators.

Roberta Warner, Secretary of the Littleton Schools, and authorized to speak for the Superintendent of Schools, testified that the high school there is small, and applicant's buses of sufficient size to meet its needs, as it competes in athletic events only with other suburban schools and authorizes no long trips. It formerly used Trailway buses, but they are too large and expensive to use for the educational trips, trips of athletic teams, and pep clubs, or of students to Denver museums and parks. Since January, 1949, the school has used applicant's buses only, and needs the service applied for.

John J. Barnes, a senior of Arvada High School, was authorized to appear in support of the application by the Assistant Principal of the school. He stated that the school often chartered a bus from applicant, and the service was satisfactory. He thought that occasionally a bus was chartered from Trailways.

Mrs. Frank B. Kelley, house-mother at Loretta Heights College, stated that the school owns its own bus; that four or five times each school year this bus cannot handle the crowd, and applicant or Trailways is called. For skiing trips every February, a bus is chartered from Trailways, but applicant is often called because of his convenient location and the fact that he can furnish service on short notice; his buses are clean and his drivers courteous. The college needs his service in emergencies. Other bus companies are called on occasions.

Rene Hornbuckle, a pupil in the Petersburg School, was sent in by his Principal to testify. Applicant has served the school for the past five years satisfactorily, last year on trips to Lookout Mountain and Bergen Park, one or two trips to the mountains or to Denver. It was stipulated by counsel that Claudia Akers, another student of the Petersburg School, who was present at the hearing, would, if called as a witness, testify to the same effect.

Julius Bussard, applicant, testified as follows: A statement of his bus equipment, consisting of buses of twenty-three, twenty-five, and thirty-passenger capacity, one with forty-five-passenger capacity, is on file with the Commission. He presently operates a bus service in Englewood, and vicinity, with no charter service authorized. During the early part of the recent war, he received requests for charter service, and applicant applied for authority from The Office of Defense Transportation. He was advised that neither this Commission nor the O. D. T. had jurisdiction over school or church activities, so proceeded to furnish them charter service, although he was advised that O. D. T. Order No. 10 forbade such service. However, the Rationing Board and the O. D. T. allowed him the necessary gas for such service. Up to 1945, he limited his charter operations to schools and churches, but after filing application with this Commission for authority to perform charter service, on June 25, 1945, and receiving no decision thereon, decided to go ahead with his charter service, serving schools, churches, private clubs, army installations, etc. He admitted that since 1945 he has performed this service illegally because this Commission had not acted on his application. He claims that his school operations are not subject to the jurisdiction of this Commission. He charged the "old charter rate" originally, has filed no tariff, but T. S. Wood, Rate Expert for the Commission, has given him a rate schedule to follow, and he will charge any rate prescribed in the future. He thinks he can charge schools and churches whatever he pleases. On short trips, his rates are higher, on long trips, lower, than those charged by other bus operators. He has often leased a bus, with driver, to a school to avoid the payment of a Federal Transportation Tax.

Applicant uses city-type buses for charter, the same as used on his bus service at Englewood. He did not feel justified in purchasing larger buses unless he could obtain favorable action on the instant application. His revenue from charter operations has been as follows:

1946	\$5,548.56
1947	4,347.78
1948	5,115.00
1949	466.76 (to February 4).

Applicant stated that it would be an "awful blow" to his business if he is not authorized to charter his buses, as he is offered more charter business than he can handle.

Several protestants testified in opposition to the granting of the authority sought. A. K. Holmes, Vice-President and General Manager of Rocky Mountain Motor Way, Inc., testified that his company has been in general charter bus service for several years, with sixty-two buses available for the service, capacity of from fourteen to thirty-nine passengers each. Forty new buses have been purchased since 1947. There is an agreement between the protestants that the carrier in whose territory a trip originates has first call on the business. His company and the Denver-Colorado Springs-Pueblo Motor Way can handle all the charter business now handled by applicant, and there is not sufficient charter business available to justify authorization to another operator.

Henry E. Jobes, Superintendent of Transportation of Denver Tramway Corporation, stated that his company furnishes charter bus service every day in the year for church, school, and other groups, and has always been able to handle all such business offered except on one or two occasions. The company operates 135 regular bus schedules, and has thirty-five buses in reserve for charter service.

D. B. James, Vice-President and General Manager of Denver-Boulder Bus Company, testified that charter service is a substantial part of the company's business. It has ten buses available for such service, and protestants operate a pool of fifteen buses in Denver from which a bus can be taken when needed. On one occasion he used one bus from the pool when he furnished eleven buses in charter, Boulder to Red Rocks. His equipment, supplemented by equipment from the pool, is ample to take care of all the charter service available in his territory, and he has never

refused such service in the territory. If the business originates outside his territory, it is given to another certificated carrier serving the territory of destination. Service to churches and schools constitutes about two-thirds of his charter business. He has filed the same tariff as that filed by the other protestants. Witness also has an interest in the Greeley Transportation Company, which has never refused charter service by bus in its territory. Witness identified Exhibit No. 2, being a break-down of his charter operations out of Denver for 1947, 1948 and the first nine months of 1949. The data shown by the exhibit can be recapitulated as follows:

	<u>1947</u>	<u>1948</u>	<u>1949</u>
Passengers	3136	3846	2170
Miles	5953	10318	4470
Revenue	\$2,490.50	\$4,541.00	\$2,093.00

In 1947, forty-five charters out of fifty-seven were for school and church activities. In 1948, the proportion was sixty-two out of eighty, and in 1947, it was thirty-nine out of fifty. The total revenue from Denver charters for the period was \$9,124.50, of which the sum of \$6,472.00 was derived from church and school activities.

C. L. Kelley, Acting General Manager of Denver-Colorado Springs-Pueblo Motor Way, stated that his company has been handling charter parties since 1933, serving Englewood and Littleton and points south. It has twenty-eight pieces of equipment, of which eight to ten buses are available for charter service at all times. Charter service constitutes a substantial and profitable part of the company's business. It operates a garage in which from twenty-three to twenty-five Trailway buses are serviced. There are from sixty-to sixty-five buses available for the charter service in Denver offered by protestants, and no need for additional service exists. He identified Exhibit No. 3, showing the intra-state charters handled by his company during the period January 1, 1949, to October 20, 1949, the total number being 648, of which 323 were for church or school activities. Nine were handled from Littleton, twenty-nine from Englewood, four from Lakewood, and thirty-six from Denver; also Exhibit No. 4, showing the total charter revenue of the company, 1945 to 1949, inclusive, as \$132,927.10.

R. E. Sheehan, District Superintendent of Denver-Salt Lake-Pacific Stages and Burlington Transportation Company, testified that the

former has four to five and the latter eight to ten buses available for charter service and the revenue from charter business is very substantial. The revenue was \$7,226.00 in the first nine months of 1949, of which \$4,486.00 was derived from school and church activities. Neither company has refused charter service when requested, and there is no need for additional charter service.

Ralph Berndt, Assistant General Manager of Continental Bus System, Rocky Mountain Division, stated that his company operates seventy bus units, five of which are available in Denver for charter service at all times. Such service has never been refused, and there are a sufficient number of certificated carriers to handle all the charter business offered.

The Commission is satisfied from the evidence that the certificated bus operators, with charter rights, have sufficient equipment based in Denver to meet the public needs, at all points involved with the exception of Englewood and Littleton. Moreover, such equipment is of sufficient capacity to serve on trips of any length, while applicant is operating city-type buses which can be used satisfactorily only on short trips. Applicant admitted that he has been operating his charter bus service illegally for several years last past, and the Commission cannot condone such a practice. We do feel, however, from the evidence, that the citizens of Englewood and Littleton are entitled to a locally-based charter service, and that the need at said points more than counterbalances our reluctance to condone the past illegal practices of applicant in furnishing them charter service. His certificated bus operations are based at Englewood and the authorities there wish to use his charter service in emergencies and for their school and church activities. This is also true at the near-by City of Littleton, where the larger buses of protestants are not needed.

F I N D I N G S

THE COMMISSION FINDS:

That for the reasons assigned in the foregoing Statement, which by reference is made a part hereof, and from the evidence, the

Commission is of the opinion, and finds, that public convenience and necessity require the proposed operation of applicant, as limited in the Order following, and that certificate of public convenience and necessity should issue therefor, and that in all other respects the instant application should be denied.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed service of applicant, for the transportation of school and church groups by motor vehicle, on call and demand, in chartered coaches, between Englewood, Colorado, and Littleton, Colorado, and between either of said points, on the one hand, and all other points in the State of Colorado, on the other hand, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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 the 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.

(a) That applicant herein, in the handling of charter business, the point of origin of the same being within territory served by the holder of a certificate of public convenience and necessity for regular motor carrier passenger operations intrastate, shall give to such certificate-holder the first opportunity of rendering the charter service, if such local certificate-holder is authorized by the Commission to handle charter business, and also if such local certificate-holder is able to perform the service required; but if such certificate-

holder has no certificate for handling charter parties, or is unable to comply with the necessary requirements or specifications of the charter party, then applicant may solicit such charter business freely, and may render the service desired from the point of origin to destination, regardless of the fact that there may be other local certificate-holders operating in the territory into which the charter party is destined.

(b) That any controversy arising in connection with the provisions of this order shall be determined at once upon presentation by the carriers interested to this Commission.

(c) In performing said occasional charter coach service, applicant shall be, and hereby is, required to maintain and apply to and for the transportation of charter parties, the rules and regulations and fares and charges which shall not be greater or less than the fares and charges, and in accord with the rules and regulations fixed and prescribed by the Commission for occasional charter coach service in its Decision No. 9967, of date May 10, 1937, as amended by Decision No. 10634, of date September 27, 1937, as further amended by Decision No. 31450, of date October 29, 1948, and he is hereby ordered, directed, and required to establish said rules, regulations, fares and charges, and make the same effective upon notice to the Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act, said rules, regulations, fares, and charges being as follows:

RULES AND REGULATIONS

Rule No. 1.

APPLICATION OF RULES AND REGULATIONS:

- (a) Charges shown herein are in dollars and cents, and are payable in United States money.
- (b) No agent or other employee shall have the authority to change or deviate from, the charges or rules and regulations contained herein.

Rule No. 2.

APPLICATION OF CHARGES:

- (a) Charges shown herein apply on trips over first-class roads, such as paved, oiled, macadam or roads over which the equipment can be operated, at the time of charter, without undue wear.

- (b) All quotations are subject to carrier being able to supply equipment. Charges shown herein apply only when proper arrangements have been made for the furnishing of equipment.
- (c) If during trip, party or parties chartering coach desire to change routing or arrangements, additional charges will be assessed and collected therefor on the basis of rates and charges provided for in this tariff.

Rule No. 3. COMPUTING MILEAGE:

Mileage shall be computed from the current Official State Highway Map.

Rule No. 4. BAGGAGE:

Baggage will not be checked in charter coach service and will be handled only at passenger's own risk. The carrier assumes no responsibility for baggage or property transported on coaches in charter coach service.

Rule No. 5. EQUIPMENT AT CARRIERS' CONVENIENCE:

When carrier at his own convenience furnishes bus of larger capacity, or one in higher classification than requested or contracted for, charge will be based on capacity of coach ordered. This will be done only when carrier is unable to furnish coach of capacity ordered.

Rule No. 6. REFUND OF CHARGES:

If movement is curtailed, either by request of passengers, contractor with carrier, or carrier, the difference between the amount paid, or charged, and the amount assessable as shown herein, will be paid or credited by carrier. Such refund or credit will be made only through the General Office of the carrier.

Rule No. 7. PAYMENT:

- (a) All charges (less deposit) for charter movements are payable in advance unless credit is established with carrier.
- (b) On extended movements contracting party may make advance payment to cover movement for a specified period or number of miles. Payment in such case must be made to carrier at end of each period or trip before carrier will continue movement. When such arrangements are made, carrier may, at its option, demand deposit to cover deadhead mileage of coach back to originating point in case movement is discontinued before completion. If movement is completed, deposit will be applied on last payment.
- (c) All charges for a chartered trip must be assessed against and/or collected from the person or organization ordering the chartered coach, and will not be prorated and collected as fares from the individuals.

Rule No. 8. CLAIMS:

- (a) Carriers parties to this tariff will not be liable for delays caused by accidents, breakdowns, bad conditions of road, snow storms and other conditions beyond their control, and do not guarantee to arrive at or depart from any point at a specific time. Carrier will endeavor to maintain the schedule submitted by its agent or employees, but same is not guaranteed.
- (b) All claims for damages of whatever character must be filed in writing within nine months at the nearest office or agency of the carrier.

- (c) If conditions over which carrier has no control, such as weather, road conditions, or acts of God, make it, in the opinion of the carrier, inadvisable to operate charter, either from point of origin or at any point en route, the carriers party to this tariff shall not be liable therefor, or be caused to be held for damages for any reason whatsoever.

Rule No. 9. OBJECTIONABLE PERSONS:

Carriers parties to this tariff reserve the right to refuse to transport a person or persons under the influence of intoxicating liquor or drugs, or who is incapable of taking care of himself or herself, or show conduct which is such, or is likely to be such, as to make him or her objectionable to other passengers.

EXCEPTION: The above rule does not apply to persons who are ill and accompanied by an attendant or nurse.

Rule No. 10. ANIMALS:

Dogs, cats, and other animals or birds will, on charter movements, be carried at the option of carrier or understanding with contracting party or parties, carrier will not be responsible or liable for acts or actions of such animals.

RULE NO. 11. POINTS BETWEEN WHICH TARIFF APPLIES:
(To be set forth by carrier filing tariff).

Rule No. 12. DEFINITIONS:

Charter Coach:

A unit of motor passenger equipment assigned to the exclusive use of a party or persons for its or their transportation.

Charter Trip:

Transportation and incidental service furnished by carriers party to this tariff for traffic moving in a chartered coach between points authorized herein.

Day:

A twenty-four (24) hour period beginning at 12:01 A. M., constitutes a day as used herein.

Deadhead Mileage:

- (a) "Deadhead Mileage" as used herein means the mileage traversed in moving coach from a point at which available equipment is maintained, to the starting point of trip and from final destination of trip back to originating points of equipment and such other movements of equipment unoccupied by passengers as may be necessary to provide the kind of tour party desires.
- (b) Carriers shall file with Commission, as part of tariff, a list of stations or points where available equipment is kept for charter party movements, and no "deadhead mileage" charge shall be made for charter party movements originating at these points or within five miles thereof, charges for "deadhead mileage" as provided in sub-division (a) of Item 2 under heading "Charges," Page 8, our Decision No. 9967, however, to be applicable for all "deadhead mileage" except as indicated.

Section 2

Item No. 1. Subject to the provisions of Rules 1 to 12, inclusive, and Item 2, the following mileage rates will be applied in computing the charges for a charter trip as defined in this tariff:

<u>CAPACITY OF COACH</u>	<u>CHARGES PER MILE</u>
12 seats and less	15¢
20 " " over 12 seats	20¢
25 " " " 20 "	25¢
29 " " " 25 "	30¢
35 " " " 29 "	35¢
Over 35 seats	40¢

Item No. 2. In addition to charges provided for in Item 1, the following charges will apply:

- (a) Deadhead mileage in excess of five (5) miles will be assessed as follows:

<u>CAPACITY OF COACH</u>	<u>DEADHEAD CHARGES PER MILE</u>
12 seats and less	12 $\frac{1}{2}$ ¢
25 " " over 12 seats	15¢
29 " " " 25 "	17 $\frac{1}{2}$ ¢
Over 29 seats	20¢

- (b) Minimum charges:

1. Charter movements to a point outside of the corporate limits of a city or town are subject to a minimum charge of \$10.00 per coach furnished.
11. Charter movements for a period of 7 hours or less are subject to a minimum charge of \$3.50 per each hour or fraction thereof.
111. Charter movements for a period of more than 7 hours are subject to a minimum charge of \$24.50 for each day or fraction thereof exceeding 7 hours.

- (c) Overnight stopovers will be charged for at \$5.00 per night.

- (d) For each day chartered coach is retained for service and is not operated, there will be a charge of \$15.00.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Holton
John R. Barry
James W. [unclear]
Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
GLENN MARTIN, 803 PITKIN AVE-) APPLICATION NO. 10000-PP.
NUE, GLENWOOD SPRINGS, COLORADO.)
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Glenn Martin, requesting that his Class "B" permit, granted in Application No. 10000-PP, Decision No. 32839, under date of June 13, 1949, 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 Glenn Martin in the above-numbered application, Decision No. 32839, under date of June 13, 1949, be, and the same hereby is, declared cancelled, effective January 5, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John W. B. ...

Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
J. C. BEAVERS, SNYDER, TEXAS)	CASE NO. 49224-INS.
-----)	PERMIT NO. C-11893

January 13, 1950

S T A T E M E N T

By the Commission:

On November 22, 1949, in Case 49224-Ins., the Commission entered an order revoking Permit No. C-11893 for failure to keep on file effective insurance. However, proper insurance filing was made within the five-day period of grace allowed in the order, and under the circumstances, 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. 49224-Ins., should be cancelled and set aside, and said Permit No. C-11893 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 49224-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-11893 restored to its former status as of November 22, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton
John R. Barry
James C. [unclear]
Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED	}	INVESTIGATION AND SUSPENSION DOCKET NO. 259
INCREASE IN RATES OF THE		
HIGHWAY GAS COMPANY.		

January 13, 1950

Appearances: I. L. Quiat, Esq.,
Denver, Colorado,
for applicant;
Hatfield Chilson, Esq.,
Loveland, Colorado,
for protestants;
Paul M. Hupp, Esq.,
Denver, Colorado, for
the Commission's staff.

S T A T E M E N T

By the Commission:

On February 25, 1949, the Highway Gas Company, by its Secretary-Treasurer, Mr. J. M. Goodstein, filed a proposed rate schedule to become effective on March 26, 1949, said proposed rate schedule being an increase in all classes of service rendered by it, of 38.24%.

The customers having been notified by the Company of the proposed rate increase, in compliance with General Order No. 33, the Commission received a protest on March 15, 1949, signed by 67 customers of the Company protesting said increase in rates, and asking the Commission to investigate the reasonableness of the rates. Upon receipt of the protest, the Commission suspended the proposed rate schedule, as provided by law, for a period of one hundred and twenty (120) days, or from March 26, 1949 to July 23, 1949. The above entitled matter was set for hearing on July 19, 1949, at ten o'clock A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, and was there heard.

At the hearing, it developed that applicant did not have sufficient evidence at that time upon which to submit its case for final determination, and with the consent of all parties in interest, it was stipulated that the matter should be set down for further hearing at a later date, at which time applicant would furnish additional information.

By Decision No. 33111 of July 21, 1949, the Commission further suspended the effective date of the proposed rate increase until such time as a final hearing and order could be entered in the matter. The matter was set for final hearing on Tuesday, November 15, 1949, at ten o'clock A. M., at 330 State Office Building, Denver, Colorado, and was there heard and taken under advisement by the Commission.

At the conclusion of the final hearing, the protestants asked for an additional ten (10) days' time in which to determine whether or not they would request further hearing as they might wish to present additional testimony, and they also requested fifteen (15) days from date in which to file a brief in the event they did not request further hearing. The Commission granted these requests, and in addition, the applicant was allowed an additional five (5) days in which to reply to brief of protestants.

The protestants did not petition for further hearing but did file a brief in the form of a "Statement of Protestants." Applicant filed an answer to the "Statement" within the specified time thus completing the record. The filing of briefs and statements by counsel is always appreciated by the Commission, and those filed herein have aided the Commission in its consideration of the case.

SUMMARY OF THE EVIDENCE

The Highway Gas Company is a public utility under the law, selling gas to about 86 customers located, for the most part, along U. S. Highway No. 34 west of Loveland, Colorado. U. S. Highway No. 34 is the Big Thompson Canyon route to Estes Park, Colorado.

Prior to 1928, the Five Square Oil Corporation and the Standard Oil Company of Colorado drilled several gas producing wells west of Berthoud, Colorado, and shortly after the completion of the wells, a gas pipe line was constructed by the Berthoud Service Company, a subsidiary of the Five Square Oil Corporation, from the gas field west of Berthoud to a brick kiln west of Loveland, Colorado. The distance from Berthoud to Loveland is about eight miles. Additional gas customers were later added on the line in the area west of Loveland by the Berthoud Service Company which furnished gas for domestic use.

The Five Square Oil Corporation owed Mr. Myer Goodstein \$35,000.00, and to recover the money, Mr. Goodstein sued the Company in court and by foreclosure acquired the stock of said Five Square Oil Company, together with the assets of the Berthoud Service Company. Shortly after this, Mr. Goodstein formed the Kirwell Oil Company to take over and operate the gas producing wells formerly owned by the Five Square Oil Corporation, and the Highway Gas Company was organized to take over and operate the property of the Berthoud Service Company. Mr. Goodstein has been, and is now, the President of the Highway Gas Company, and he is also the principal stockholder of the Kirwell Oil Company.

About 1929, the Colorado-Wyoming Gas Company built a gas transmission line from Denver to Cheyenne, Wyoming, and after Mr. Goodstein had formed the Kirwell Oil Company, he made an agreement in 1933 with the Colorado-Wyoming, whereby the Kirwell Oil Company would sell all the gas produced by them to the Colorado-Wyoming at the wellhead for 10¢ per thousand cubic feet. The Highway Gas Company then entered into a contract with Colorado-Wyoming, whereby Highway would purchase from Colorado-Wyoming as much of the gas produced by Kirwell Oil as they needed for 13¢ per M.C.F., at a metering station one mile west of Loveland, Colorado. Any gas produced by Kirwell Oil, and not purchased by Highway from Colorado-Wyoming, would be paid for by Colorado-Wyoming to Kirwell at 10¢ per M.C.F. If Highway Gas purchases more gas than is

produced by Kirwell, then the purchase price is 40¢ per M. C. F., for all such excess gas. The contract between Colorado-Wyoming and Highway Gas Company expires in 1951. Under the above arrangement, the transmission line of the Highway Gas Company was no longer needed between Berthoud and Loveland, and was therefore abandoned and salvaged. The distribution system of the Highway Gas Company in the area west of Loveland was not materially affected by this change.

In 1933, the producing wells of Kirwell Oil delivered between 60 and 70 million cubic feet per year, or 5 to 6 million cubic feet per month. From that time, and until 1945 when the Company had only 25 customers, there was sufficient gas, both winter and summer, to supply the needs of the Highway Gas Company with 13¢ per M.C.F. gas. Since 1945, the production of the gas wells has fallen off to where they now produce about three million cubic feet per month, or about a 50% decrease in gas, while the Company's customers have increased to 87 in number. In addition to the changes noted above, there is an operational difficulty of putting the Kirwell gas into the Colorado-Wyoming mains during the winter months when the pressure in the transmission line is increased by Colorado-Wyoming, due to "packing" to supply Colorado-Wyoming customers.

Kirwell Oil Company had the Stearns-Rogers Engineering Company of Denver make a survey to determine if a compressor could be installed at the Berthoud wells to enable them to put gas into the Colorado-Wyoming line when it was packed. The compressor was actually installed and tried for a period of one year, but the cost of operation was more than the gas produced. To supplement the dwindling supply of gas being produced by the wells, two new wells were drilled in the field, but they were non-productive.

Because of the factors enumerated, the Highway Gas Company is now faced with the prospect of buying a portion of their gas from the Colorado-Wyoming at 40¢ per M.C.F., instead of meeting all their demands with 13¢ per M.C.F. gas.

At the second hearing, on November 15, 1949, two original cost estimates of the Highway Gas Company were submitted. Exhibit No. 1 was introduced by applicant, and Exhibit No. 2 by the Commission's Staff. Exhibit No. 1 of applicant, as amended at the hearing, shows the present net property value of the system, after deducting accrued depreciation, to be \$5,919.94. The comparable figure, as shown by Exhibit No. 2, is \$5,300.48, a difference of \$619.46. Nearly 50% of this difference is in an item of 800 feet of two-inch transmission line "Held for Future Use" as shown in applicant's exhibit but not shown by Exhibit No. 2. The Staff did not use this item in their inventory as being used and useful property, as there are no customers being served off the 800 feet of line, and the line has not been used since before the war, and there does not appear to be any use for it in the future.

The remaining 50% of the difference between the two original cost estimates is in the item of labor for digging the trench for the pipe. After due consideration of the testimony, we believe the figure in Exhibit No. 2 is fair and reasonable for labor, and we will accept this figure, reducing the labor charge as estimated by the Company by approximately \$300.00.

Counsel for protestants in his statement filed with the Commission, objected to the figure of the original cost being used as a rate base. He states that according to the books as set up by applicant, the Highway Gas Company was valued at \$1,600.00 in 1933, and that the annual report, as filed with this Commission for the fiscal year ending November 30, 1948, shows a net value of plant after deducting accrued depreciation, of \$219.93. Testimony of applicant discloses that the Five Square Oil Company and the Berthoud Service Company were acquired in payment of a \$35,000.00 debt, and that the \$1,600.00 value was placed on the Highway Gas Company's books for bookkeeping purposes only and represented the salvage value of the pipe at the time they acquired it.

Original cost is defined, when applied to utility plant, as the cost of such property to the person first devoting it to public service. One of the reasons for using original cost as the rate base is to eliminate a circumstance such as this, where the Company would be penalized if a rate base as suggested were used. The other extreme would be equally unfair to the customers if an exorbitant purchase price was allowed as a rate base. We believe that the original cost of the Highway Gas Company, as shown below and taken from Exhibit No. 2, is fair and reasonable and should be used in the rate base:

<u>Total Cost of System</u>	<u>Amount Depreciated</u>	<u>Remaining Value</u>
\$12,475.00	\$7,424.02	\$5,300.48

The following summary of expenses is taken from Exhibit No. 1 of applicant, and Exhibit No. 2 of the Commission's Staff:

	<u>Applicant</u>	<u>Staff</u>
Operation Supervision	\$370.00	\$370.00
Operation Labor	1800.00	1800.00
Auto Expense	420.00	420.00
Miscellaneous & Maintenance Expense	250.00	250.00
Manager House Rent	360.00	360.00
Gas Purchased	3275.00	3275.00
Taxes	117.00	117.00
Insurance	320.00	320.00
Management General Office	1020.00	1200.00
Rent & Administrative	1866.00	60.00
Legal	150.00	30.00
Miscellaneous, Postage, etc.	-0-	60.00
Depreciation	401.00 (Corrected)	354.00
Total -	\$10,349.00	\$8,616.00

The difference between the two tabulations is \$1,733.00.

It is noted that the discrepancy between the two exhibits is almost entirely in the "Rent & Administrative" item. Applicant stated that in times past the Highway Gas Company did not carry its fair share of the load in regard to bookkeeping, office rent, telephone, etc., and that the item shown in the amount of \$1,866.00 was a pro rata share to Highway Gas. Testimony disclosed that Highway Gas in times past has been nursed by Kirwell Oil and probably by the other Goodstein interests, but we also know that there is a limit to which general expenses can be justifiably prorated to a small company, that is, a member of a group

of operating companies. Highway Gas should carry its own fair share of the load. This is axiomatic: In the testimony as presented by the Staff, it was stated that all the expense items of the Company were checked, and for the most part were found to be fair and reasonable. The Staff testified that the amounts for Management and General Office Expense were increased from the Company's estimate of \$1,020.00 to \$1,200.00, after considering the amount of bookkeeping work involved in billing about 80 customers per month. An allowance of \$60.00 per year for Office Rent, based on a pro rata share to Highway, taking into account the amount of space required by Highway in a general office used by the Goodstein interests, although the Company made no specific allowance for this item. A fair allowance for Postage and Miscellaneous was determined to be \$60.00. The total of these expense items is \$1,320.00, while applicant lists these same expenses as \$2,886.00. Applicant stated that additional expense of Rent and Administrative, amounting to \$1,866.00 was necessary to pay for bookkeeping and additional administration. We fail to see where the duties of keeping books for 80 customers would warrant such an expense, and the evidence does not disclose an increase in administrative duties which would warrant additional salary other than the item of \$1,200.00 for Management and General Office Expense. We believe the amount of \$1,320.00 is sufficient to cover these overhead expenses when the size of the Company, the service performed, and the inter-relationship of the Goodstein interests are considered.

Applicant lists "Legal Expenses" of \$150.00, while Exhibit No. 2 lists \$30.00, representing a five-year write-off of what was thought to be the legal expense for this case. Testimony disclosed that Mr. Goodstein has counsel upon a yearly retainer basis for this Company and his many other interests as well. No evidence was introduced to show the total of these fees, but considering the size of this Company, \$150.00 per year appears a little high for the necessarily small amount of work to be done for it. We think \$75.00 per

year for ordinary legal expenses is a fair figure for this small company.

We realize that in a small company many expenses seem abnormally large when considered singly, such as in the case of Mr. Roeder, employed by the Highway Gas Company to read meters, deliver and collect bills and perform the duties of a general service and repairman. A breakdown of his remuneration as pro-rated between Kirwell and Highway shows that $7/8$ of his salary is charged to Highway, or \$148.75 of a total salary of \$170.00 per month. He also received car expenses of \$35.00 per month and a house rent allowance of \$30.00 per month. His total salary, car expenses and rent allowance is \$213.75. He is subject to call 24 hours a day and is the only full time employee in the field for the Company. We do not believe his expense to the Company to be out of line with the duties performed and the amount of time devoted to Highway Gas, as shown by the testimony.

Another item of expense to be commented on is line loss. Mr. Fusselman, applicant's witness, testified that the losses were about 30% in the past year, while normal line losses would be in the range of 3% to 20% per year. The line losses appear to be above normal for this Company, but might be explained somewhat by the fact that some of the distribution mains are unburied or shallowly buried and are subjected to extremely low temperatures, which would result in some apparent line loss, but, in reality, giving the customers more B.T.U. per cubic foot of gas. While we have not deducted excessive line losses from the gas purchased, as suggested by counsel for protestants, we feel that the Highway Gas Company should take immediate steps to correct this situation, so as to improve its efficiency of operations in the future.

The summary of expenses as heretofore listed in Exhibit No. 2 in the amount of \$8,616.00, increased by an additional \$45.00 for legal fees to \$8,661.00, are, we feel, just and reasonable, and will be used for rate making purposes in the instant matter.

Total original cost of the system has been previously found herein to be \$12,475.00. To this is added working capital in the

amount of \$1,443.00, being two months operating expense, or 1/6 of \$8,661.00, giving a gross rate base of \$13,918.00. From the gross rate base a depreciation reserve amounting to \$7,424.02 is deducted, leaving a net rate base of \$6,493.98. A 6% rate of return on a net rate base of \$6,493.98 is \$389.64, and is fair and compensatory in the instant matter.

A summation of the needed revenue for Highway Gas, to make a fair and adequate return based on the evidence, is as follows:

Total operational expense -	\$8,661.00
6% Rate of Return on \$6,493.98 -	<u>389.64</u>
Total needed Revenue -	\$9,050.64

The following rate has been calculated to produce a revenue of \$9,127.97, which is sufficient to meet the needs as heretofore determined:

RATE TO BE CHARGED

<u>Commodity Charge</u>	<u>Rate</u>
First 500 cubic feet or less used, per month	\$2.75
Next 2,000 cubic feet per month, per 100 C.F.	.045
Next 5,000 cubic feet per month, per 100 C.F.	.040
All over 7,500 cubic feet used per month, per 100 C.F.	.030
Minimum charge, per month	2.75

NOTE: All above charges are net.

The rate as set forth above was calculated on the cost of gas being 13¢ per M.C.F. to Highway Gas Company. If, as previously stated, Highway has to purchase 40¢ per M.C.F. gas, then the above rate shall be adjusted in accordance with the purchase price differential.

An example of how this rate shall be adjusted in the event Highway purchases 40¢ gas, is as follows:

A customer during any one month consumes 15,000 C.F. of gas as shown by his meter reading. The bill for the gas would be computed by using the schedule of rates as set forth above:

First 500 C.F. gas	\$2.75
Next 2,000 C.F. gas	.90
Next 5,000 C.F. gas	2.00
Next 7,500 C.F. gas	<u>2.25</u>
	\$7.90

If, in the particular month computed above, Highway purchased 70% of its gas at 40¢ per M.C.F., instead all of it at 13¢ per M.C.F., then an adjustment would be made on the above customer's bill, as follows:

15,000 C.F. of gas X 70%
10,500 C.F. of gas at 27¢ per M.C.F. differential
10.5 X 27 = \$2.84.

Therefore, \$2.84 would be added to the above customer's bill and he would pay \$10.74.

That this Company finds itself in a position of having to purchase 40¢ per M.C.F. gas is unfortunate for the consumers, but we believe the Company has made every effort to obtain additional gas at 13¢, and is faced with circumstances beyond its control.

FINDINGS

THE COMMISSION FINDS:

That for the reasons assigned in the foregoing Statement, which by reference is made a part hereof, and from the evidence adduced, the Commission is of the opinion, and finds:

(1) The Company's rate base, consisting of property used and useful in the gas system, together with an allowance for working capital less accrued depreciation, is found to be \$6,493.98, and a fair return on the rate base is found to be 6%.

(2) After the allowance for reasonable expenses to the Company in accordance with the preceding Statement, the rates which will yield an annual revenue sufficient to cover operating expenses, depreciation, taxes and other charges, plus a fair profit to the Company, are the rates set out in the preceding Statement.

ORDER

THE COMMISSION ORDERS:

(1) That the rate increase proposed by the Highway Gas Company is hereby denied.

(2) That the Highway Gas Company file with the Commission on Standard rate forms within 20 days the new rates shown in the preceding Statement to become effective when filed, and applying to all gas sold on the January, 1950 billing, and thereafter.

(3) That a note be appended on the above rate sheet when filed, stating as follows:

NOTE: The above rates are based on Company's cost of gas of 13¢ per M.C.F.; when Company is obligated to purchase gas under their present contract with the Colorado-Wyoming Gas Company at 40¢ per M.C.F., the above rate will be adjusted in accordance with the differential price.

(4) That an additional rate sheet be filed with the above rate schedule showing the sample calculation set forth in the preceding Statement, being a sample calculation of the adjustment to customers' bills when the Highway Gas Company purchases 40¢ per M.C.F. gas from the Colorado-Wyoming Gas Company.

(5) That this order shall become effective twenty days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Horton

John R. Barry

Joseph C. Hawley
Commissioners.

Dated at Denver, Colorado,
this 13th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PETITION OF MOTOR TRUCK
COMMON CARRIERS' ASSOCIATION, }
AS AGENT, FOR AND ON BEHALF OF }
LEONARD GRAY, D/B/A GRAY TRUCK }
LINE, CRAIG, COLORADO. }

CASE NO. 1585

January 11, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of an application from the Motor Truck Common Carriers' Association, as agent, for and on behalf of Leonard Gray, d/b/a Gray Truck Line, Craig, Colorado, (#169), requesting authority to publish the following rates in cents per one hundred pounds on feed, animal or poultry, other than hay.

Feed, animal or poultry, other than hay.			
Rates in cents per 100 pounds.			
Distance-miles	Minimum weight-pounds		
	2,000	5,000	10,000
15	34	24	14
20	34	26	16
25	38	27	18
30	38	28	18
35	40	29	18
40	42	30	19
45	42	31	20
50	47	33	21
55	50	36	25
60	50	38	26
65	52	38	26
70	54	40	27
75	54	41	29
80	58	44	30
85	61	45	31
90	62	45	31
95	62	45	31
100	64	47	33
110	66	51	36
120	69	52	38
130	72	54	40
140	73	56	41
150	76	58	42
160	78	61	47
170	79	62	48
180	80	64	49
190	84	66	51
200	85	68	51
210	87	71	58
220	89	72	58
230	90	73	59
240	92	74	60
250	93	78	61

Where exact distance is not shown, use next greater distance.

WILL NOT APPLY FROM DENVER, COLORADO.

By its Decision No. 33990, dated December 27, 1949, the Commission has assigned for hearing on January 23, 1950, various matters and the hearing on this petition should be included at the same time.

The proposed rates on 5,000 pound minimum at the 50 mile block represents an increase of 37 $\frac{1}{2}$ % and 12.37% at the 100 mile block, with an over-all increase for the first 100 miles of 35% and an over-all increase for the 250 miles of 13.67%. Under the proposed rates on the 10,000 pound minimum, the increase at 50 mile block represents a 40% increase, and at the 100 mile block 13.2% increase with an over-all increase for the first 100 miles of 42% and an over-all increase for the 250 miles of 30.69%.

FINDINGS

THE COMMISSION FINDS:

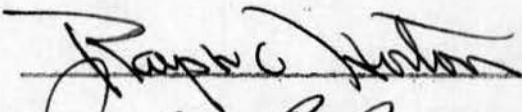
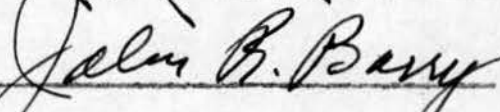
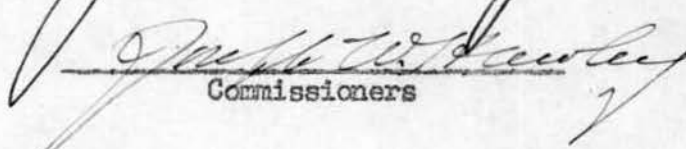
That the matters hereinbefore set forth should be assigned for hearing on the 23d day of January, 1950.

ORDER

THE COMMISSION ORDERS:

That Case No. 1585 be and same is hereby reopened for further hearing before the Commission at 10:00 o'clock A.M. on January 23, 1950 in the hearing room of the Commission, 330 State Office Building, Denver, Colorado, for the taking of evidence relative to the matters and things hereinbefore set forth.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado
this 11th day of January, 1950.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
AUSTIN L. MORSE, DOING BUSINESS AS)
"MORSE TRUCK LINE," STRASBURG, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PUC)
NO. 1564 TO CHAS. H. HELWING AND)
LLOYD W. HELWING, CO-PARTNERS, DOING)
BUSINESS AS "HELWING BROS. TRUCK)
LINE," STRASBURG, COLORADO.)

APPLICATION NO. 10396-Transfer

January 13, 1950

S T A T E M E N T

By the Commission:

Pursuant to authority contained in Decision No. 26636, of date September 7, 1946, Ronald P. Rogers, Strasburg, Colorado, transferred to Austin L. Morse, doing business as "Morse Truck Line," Strasburg, Colorado, PUC No. 1564, being the right to transport:

freight, except milk, cream, poultry, and eggs, on call and demand, between points in the territory described as: the territory bounded on the east by Bijou Creek, on the north by the north line of Adams County, on the west by the highways which run north and south from Bennett, Colorado, that is to say, by (a) the highway which runs north from Bennett to connect (in Weld County) with State Highway No. 52, and (b) the highway which runs south from Bennett to Kiowa (in Elbert County), and on the south by the east and west township line between Townships 6 and 7-South, which line lies six miles, more or less, south of the north line of Elbert County, and from and to points therein (except points on U. S. Highway No. 40), to and from Denver and points on U. S. Highway No. 40, Bennett to Denver; coal from Denver to Strasburg; cement and plaster from Boettcher and LaForte to Bennett and Strasburg; used farm machinery and equipment and used household goods, when moving a farmer, from and to points in the State of Colorado, to and from points in the afore-described territory.

By the instant application, Austin L. Morse, doing business as "Morse Truck Line," seeks authority to transfer said operating rights to

2
Chas. H. Helwing and Lloyd W. Helwing, co-partners, doing business as "Helwing Bros. Truck Line," Strasburg, 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 ten-mile tax deposit is to be refunded to transferor; that there are no outstanding unpaid operating obligations against said certificate; that transferees, pecuniarily and otherwise, are able, willing, 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.

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 Austin L. Morse, doing business as "Morse Truck Line," Strasburg, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1564 -- being the operating rights acquired by him pursuant to authority contained in Decision No. 26636 -- to Chas. H. Helwing and Lloyd W. Helwing, co-partners, doing business as "Helwing Bros. Truck Line," Strasburg, Colorado.

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.

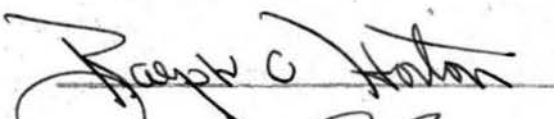
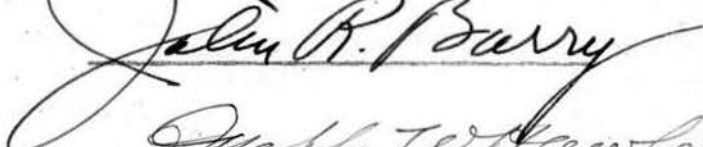

The right of transferees to operate under this order shall depend upon their compliance with all rules and regulations of the

Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate up to the time of transfer of said certificate, and the payment by him or transferees of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor shall be refunded to him.

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 13th day of January, 1950.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EARL B. MC LAGAN, FORT MORGAN, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PER-)
MIT NO. B-3094 TO DONALD JAPHET, 325)
GRANT STREET, FORT MORGAN, COLORADO.)

APPLICATION NO. 10397-PP-Transfer

January 13, 1950

S T A T E M E N T

By the Commission:

By Decision No. 22429, of date June 30, 1944, Keith Pease was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

milk to Fort Morgan from points along and within three miles of the route described as follows: commencing at Fort Morgan; thence west along U. S. Highway No. 6 to Wiggins; thence north along State Highway No. 39 to Goodrich; thence on State Highway No. 144 east through Weldona, and south on same highway to intersection with U. S. Highway No. 6, and thence east to Fort Morgan, with back-haul of empty cans.

Pursuant to authority contained in Decision No. 25425, of date January 24, 1946, said permit-holder transferred said operating rights (Permit No. B-3094) to Earl B. McLagan, Fort Morgan, Colorado, who, by the instant application, seeks authority to transfer said Permit No. B-3094 to Donald Japhet, Fort Morgan, 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, willing, and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said ap-

plication 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.

FINDINGS

THE COMMISSION FINDS:

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

ORDER

THE COMMISSION ORDERS:

That Earl B. McLagan, Fort Morgan, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3094 -- being the operating rights granted by Decision No. 22429 -- to Donald Japhet, Fort Morgan, 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 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 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

Dated at Denver, Colorado,
this 13th day of January, 1950.

EW

Ralph C. Anton
John R. Barry
Joseph W. Healey
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CAL G. HEISLER, DOING BUSINESS AS)
"STARLITE CAMPERS OF COLORADO," 921)
BLAKE AVENUE, GLENWOOD SPRINGS,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY.)
-----)

APPLICATION NO. 8492

January 16, 1950

S T A T E M E N T

By the Commission:

On April 30, 1947, the above-named applicant filed an application seeking authority to transport under a certificate of public convenience and necessity guests of the "Starlite Campers of Colorado" from Denver, through the towns of Broomfield, Lafayette, Boulder and Nederland, to the U. S. Forest Service Campground at Rainbow Lakes, north and west of Nederland, Colorado.

The matter was formally set for hearing at Denver on June 18, 1947, at which time the applicant requested that the hearing be vacated and not reset "until advised."

The Commission is now in receipt of a request from the applicant for dismissal of the application.

F I N D I N G S

THE COMMISSION FINDS:

That the request for dismissal of the application should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-styled matter should be, and the same hereby is, dismissed at the request of the applicant, as of the day and

date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton
John R. Barry
Joseph C. Keenley
Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE AND CLOWIS HAMILTON,)
DOING BUSINESS AS "HAMILTON) PERMIT NO. C-22179
BROTHERS CABINET SHOP," 8055)
WEST COLFAX, LAKEWOOD, COLORADO.)
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

On January 6, 1950, in Case No. 50452-R, the Commission entered an order cancelling the above-numbered permit for failure of respondent to file monthly road tax report for December, 1948.

Respondent has contacted the Commission and verified the fact that the required report was filed prior to the time of the revocation. He has requested that the revocation order be set aside and permit reinstated.

F I N D I N G S

THE COMMISSION FINDS:

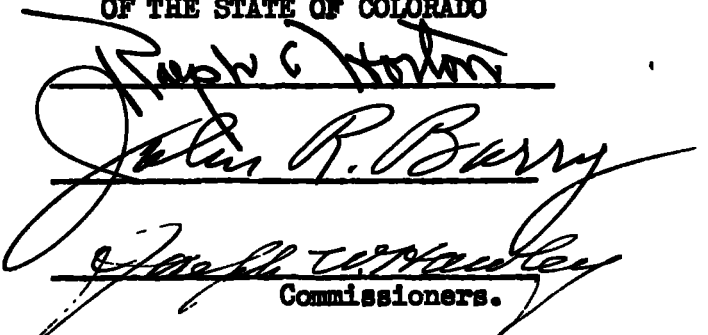
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That revocation order in Case No. 50452-R, of date January 6, 1950, be set aside and held for naught, and that Permit No. C-22179 should be, and hereby is, reinstated as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.
ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF	}	<u>PERMIT NO. C-20433.</u>
ORVILLE J. CUMMIN, ROUTE 1,		
BOX 33, BRUSH, COLORADO.		

January 16, 1950

S T A T E M E N T

By the Commission:

On January 6, 1950, in Case No. 50021-R, the Commission entered an order revoking the above-numbered permit for failure of the respondent to file monthly road tax report for the month of June, 1949.

The Commission, prior to the effective date of the revocation order, received the required report and a request from the respondent for reinstatement of said permit.

F I N D I N G S

THE COMMISSION FINDS:

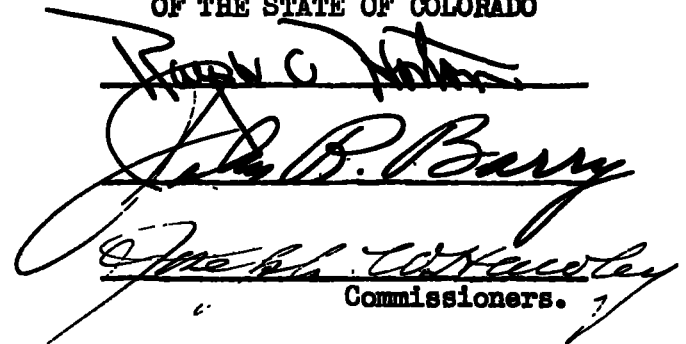
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20433 be, and the same hereby is, reinstated as of January 6, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
JAMES E. GLADNEY AND RALPH H.)	
SIMMONS, DOING BUSINESS AS	)	CASE NO. 50792-INS.
"PUEBLO MOTOR SERVICE," 110	)	(Permit No. C-22327)
EAST 11TH, PUEBLO, COLORADO.)	
-----)	

January 16, 1950

S T A T E M E N T

By the Commission:

On January 10, 1950, in Case No. 50792-Ins., the Commission entered an order revoking Permit No. C-22327, for failure to keep on file effective insurance. However, proper insurance has now been filed, and within the five-day period of grace allotted in the order, and the order of revocation should be set aside.

F I N D I N G S


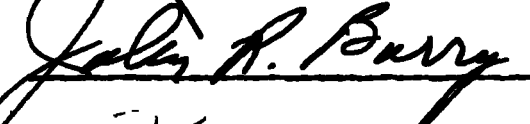

After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 50792-Ins., should be cancelled and set aside, and said Permit No. C-22327 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 50792-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-22327 restored to its former status as of January 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

Original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE INVESTIGATION OF COAL-BURNING)	
PASSENGER TRAIN SERVICE BY THE)	
DENVER AND RIO GRANDE WESTERN)	
RAILROAD COMPANY IN THE STATE OF	)	CASE NO. 5011
COLORADO.)	

January 13, 1950

S T A T E M E N T

By the Commission:

IT APPEARING TO THE COMMISSION that the Interstate Commerce Commission, on or about January 3, 1950, issued Service Order No. 845, ordering all railroads in the United States to reduce the mileage of coal-burning passenger trains by thirty-three and one-third percent, under certain conditions; and

IT FURTHER APPEARING TO THE COMMISSION that The Denver and Rio Grande Western Railroad Company, on or about January 8, 1950, made certain changes and curtailments in its passenger schedules throughout the State of Colorado; and

IT FURTHER APPEARING TO THE COMMISSION that complaints have been received by the Commission from a great many communities, individuals, and organizations in various parts of the State of Colorado, protesting the cancellation or curtailment of various passenger trains; and

IT FURTHER APPEARING TO THE COMMISSION that a formal complaint has been filed with this Commission, Case No. 5010, by various citizens and organizations of Durango, Colorado regarding the curtailment of passenger trains operating between Alamosa and Durango, Colorado, and that said complaint has been set for hearing at the Court House, Durango, Colorado, January 16, 1950, at 9:30 o'clock A. M.;

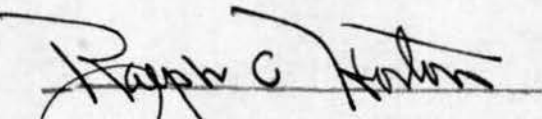
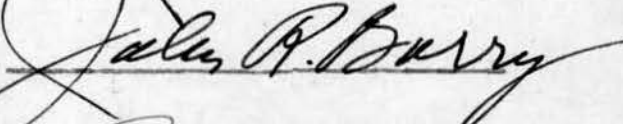
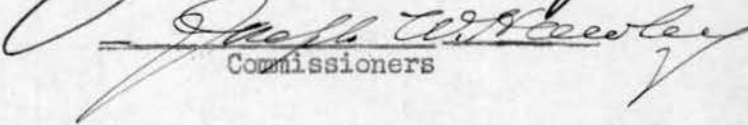
NOW, THEREFORE, IT IS ORDERED, That a general investigation

be instituted by this Commission as to the propriety of the deletions, curtailments, cancellations, and abandonments of coal-burning passenger train service instituted by The Denver and Rio Grande Western Railroad Company, under the authority of Interstate Commerce Commission Order No. 845, as aforesaid;

IT IS FURTHER ORDERED, That a hearing be had at the Court House, Durango, Colorado, on January 16, 1950, at 9:30 o'clock A. M., on the matters involved herein, at which time and place The Denver and Rio Grande Western Railroad Company shall produce witnesses and other evidence regarding the matters herein, and at which time and place any and all persons interested in these matters may appear and offer any evidence that they may have.

IT IS FURTHER ORDERED, That this matter be consolidated for hearing with Case No. 5010, at the time and place aforesaid.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1950.

nmw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
M. SHERMAN, DOING BUSINESS AS)	
"CITY AUTO PARTS COMPANY,")	CASE NO. 50777-INS.
2463 WALNUT STREET, DENVER,)	(Permit No. C-19688)
COLORADO.)	
- - - - -)	

- - - - -
January 16, 1950
- - - - -

S T A T E M E N T

By the Commission:

On January 10, 1950, in Case No. 50777-Ins., the Commission entered an order revoking Permit No. C-19688, for failure to keep on file effective insurance. However, proper filing, without lapse, has now been received within the five-day period of grace allowed in the order, and the 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. 50777-Ins., should be cancelled and set aside, and said Permit No. C-19688 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 50777-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-19688 restored to its former status as of January 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Watson
John B. Barry
Joseph C. Watson
Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK POTOKER, 1227 BEULAH)
AVENUE, PUEBLO, COLORADO.)
-----)

CASE NO. 50768-INS.
(Permit No. B-2028)

January 16, 1950

S T A T E M E N T

By the Commission:

On January 10, 1950, in Case No. 50768-Ins., the Commission entered an order revoking Permit No. B-2028, for failure to keep on file effective insurance. However, proper filings have now been made and within the five-day period of grace allowed in the order, and the order of revocation should be set aside.

F I N D I N G S

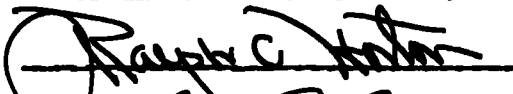


After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 50768-Ins., should be cancelled and set aside, and said Permit No. B-2028 restored to its former status as of January 10, 1950.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 50768-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. B-2028 restored to its former status as of January 10, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES O. PAULI, KIRK, COLORADO.) PERMIT NO. C-20375.
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

On January 9, 1950, in Case No. 50013-R, the Commission entered an order revoking the above-numbered permit for failure of the respondent to file monthly road tax reports for May, September, October, and November, 1949.

The Commission, prior to the effective date of the revocation order, received a written communication from respondent, stating that the required reports had been filed, and requesting reinstatement of said permit. Our records substantiate this fact.

F I N D I N G S

THE COMMISSION FINDS:

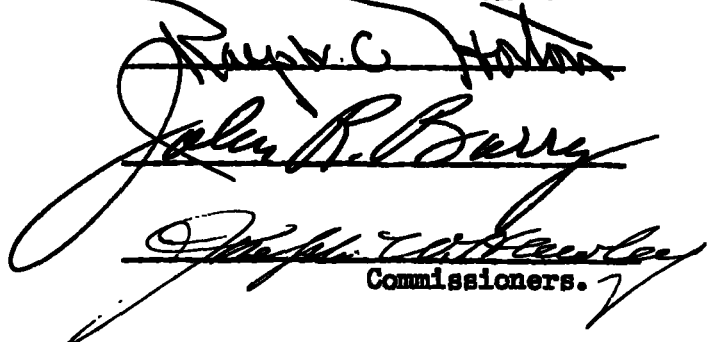
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20375 should be, and hereby is, reinstated as of January 9, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALEX GRAFF, 1210 FEDERAL,) PERMIT NO. C-19494.
DENVER, COLORADO.)
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

On January 6, 1950, in Case No. 49894-R, the Commission entered an order revoking the above-numbered permit for failure of the applicant to file monthly road tax reports for July and September, 1948.

The Commission, prior to the effective date of the revocation order, received a written communication from respondent, requesting reinstatement of said permit. A blanket report for July and September, 1948, showing "no hauling" during said period has been filed by respondent.

F I N D I N G S

THE COMMISSION FINDS:

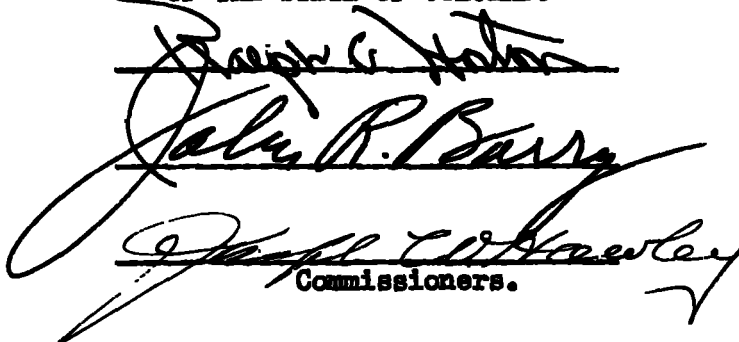
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-19494 should be, and hereby is, reinstated as of January 6, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF }
RONALD AND E. D. DAVIS, BOX } PERMIT NO. C-18246.
451, DOLORES, COLORADO. }
-----)

January 16, 1950

S T A T E M E N T

By the Commission:

On November 29, 1949, in Case No. 49416-R, the Commission entered an order cancelling the above-numbered permit for failure of respondent to file monthly road tax reports for July, August and September, 1949.

The Commission is now in receipt of a communication requesting reinstatement of said permit for the reason that the required reports had been filed during the period the case was pending. The Commission's records substantiate this fact.

F I N D I N G S

THE COMMISSION FINDS:

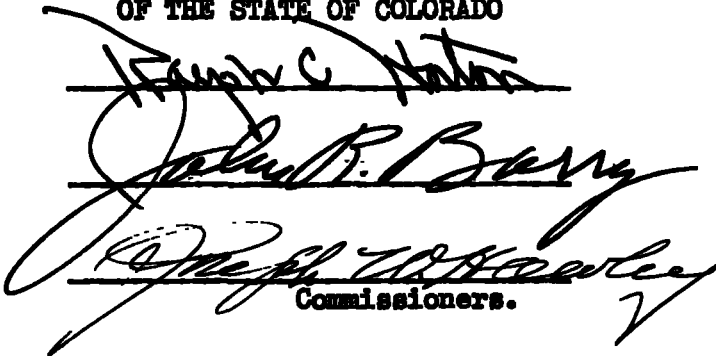
That the applicant's request for reinstatement should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-18246 be, and the same hereby is, reinstated as of November 25, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
BOTTLE GAS COMPANY OF PUEBLO,)	CASE NO. 49805-INS.
212 NORTH MAIN STREET, PUEBLO,)	(Permit No. C-23179)
COLORADO.)	
-----)	

January 16, 1950

S T A T E M E N T

By the Commission:

On December 24, 1949, in Case No. 49805-Ins., the Commission entered an order revoking Permit No. C-23179, for failure to keep on file effective insurance. However, it was through neglect of the insurance agent, and no fault of the assured, that insurance was not filed, although it was in effect. Under the circumstances, the permit should be reinstated.

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. 49805-Ins., should be cancelled and set aside and said Permit No. C-23179 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 49805-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-23179 restored to its former status as of December 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John B. Barry
Charles W. Gledhill
Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
MAR-GAS, INC., 620 MAIN STREET,)	CASE NO. 49806-INS.
ALAMOSA, COLORADO.)	(Permit No. C-23180)
-----)	

January 16, 1950

STATEMENT

By the Commission:

On December 24, 1949, in Case No. 49806-Ins., the Commission entered an order revoking Permit No.C-23180, for failure to keep on file effective insurance. However, it was through neglect of the insurance agent and no fault of the assured that insurance was not filed, although it was in effect. Under the circumstances, the permit should be reinstated.

FINDINGS

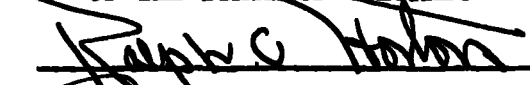

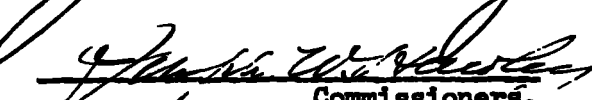
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 49806-Ins., should be cancelled and set aside, and said Permit No. C-23180 restored to its former status.

ORDER

THE COMMISSION ORDERS:

That Decision No. 49806-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-23180 restored to its former status as of December 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 16th day of January, 1950.

original

(Decision No. 34091)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE H. WATSON, ESTES PARK, COLO-)
RADO, FOR AN EXTENSION OF PERMIT)
NO. A-86.)
-----)

APPLICATION NO. 10248-PP.

January 17, 1950

Appearances: Worth Allen, Esq., Denver,
Colorado, for applicant;
A. J. Fregeau, Denver, Colo-
rado, for Weicker Transfer
and Storage Company;
Harold D. Torgan, Esq., Denver,
Colorado, for Colorado Transfer
and Warehousemen's Association;
Marion F. Jones, Esq., Denver,
Colorado, for Sorenson Truck
Service, Albert Schwilke.

S T A T E M E N T

By the Commission:

On May 1, 1949, George H. Watson, applicant herein, filed his application for an extension of Permit No. A-86 to include the right to transport building materials, hay, and oil from points within a seventy-five-mile radius of the Town of Estes Park, Colorado, to points within a radius of twenty-five miles of said town, and transportation of construction machinery and materials -- new and used -- from point to point in said area within a radius of twenty-five miles of said town (with a change in permit number assignment from an "A" permit to a "B" permit if the Commission decides that such change should be made.).

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at 330 State Office Building, Denver, Colorado, October 6, 1949, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of Private Carrier Permit No. A-86, which original issued July 25, 1931, and authorizes the transportation of:

freight between Denver and Estes Park, Colorado.

Applicant now asks for authority to perform an operation in the nature of a Class "B" private carrier -- that is, an operation which will not operate over substantially regular or established routes, or between substantially fixed termini.

In the application, applicant stated that he believes such a permit would be a Class "B" permit, but he seeks a private carrier authority -- whether Class "A" or Class "B", or both.

The statute defines private carriers as follows:

"(1) Class A Private Carriers shall embrace all private carriers by motor vehicle operating over substantially regular or established routes or between substantially fixed termini; or to a fixed terminus or termini;

"(2) Class B Private Carriers shall embrace all private carriers by motor vehicle who do not operate over substantially regular or established routes or between substantially fixed termini."

After considering the above statutory definition, it clearly appears to the Commission that applicant desires a Class "B" private carrier permit.

Applicant stated that he has been requested by his present customers to render the service asked for in his application.

D. E. Casey, manager of a lumber yard in Estes Park, Colorado, stated that he has operated the above lumber yard since 1918; that he is acquainted with applicant and his equipment and manner of doing business; that he especially desires applicant's service for hauling cement and brick, also flue linings, and has some shipments to points in the area sought to be served by the above application. The witness also stated that he is a member of the Board of Trustees of the Town of Estes Park, and that the town will, on occasions, use applicant's proposed

service. The reason witness appeared is that he has occasioned difficulty during the past year in securing common carrier service. He stated that he has been delayed three or four times during the past year.

Mr. Morris Cole, of Estes Park, stated he is Superintendent of the Electric Light and Power Company; that their special need for applicant's proposed service was to make special trips into the hills to secure native poles, and to exchange equipment with the Cities of Fort Collins, Greeley, and Loveland. He stated that he would also use applicant's proposed service hauling wire, etc.

Applicant is already rendering service in the Estes Park area under his Class "A" permit. It appears that his customers are continually asking for service that is beyond his present authority. It also appears that the present common carriers are not adequately taking care of the needs of these people.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed extended operation will not tend to impair the efficiency of any now-authorized common carrier service adequately serving the territory sought to be served by applicant; that the granting of the authority sought is consistent with the public interest, and that said authority is that of a Class "B" private carrier, and that the application, as hereinafter limited, should be granted.

O R D E R

THE COMMISSION ORDERS:

That George H. Watson, Estes Park, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of building materials, hay and oil from points within a radius of seventy-five miles of the Town of Estes Park, Colorado, to points within a radius of twenty-five miles of said town; construction machinery and materials (new and used) from point to point in said area within a radius of twenty-five miles of said Town of Estes Park, Colorado.

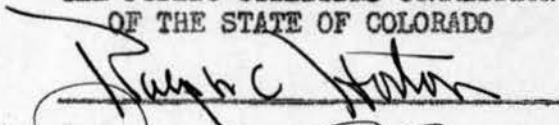
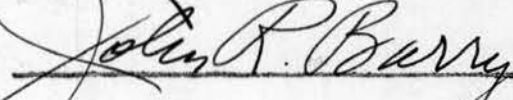

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

* 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 17th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

CONSOLIDATED MOTOR FREIGHT, INC.,
AND DENVER-LARAMIE-WALDEN TRUCK
LINE, INC.,

Complainants,

vs.

CASE NO. 4993

E. V. GARNETT AND V. G. GARNETT,
DOING BUSINESS AS "COLORADO RAPID
TRANSIT COMPANY,"

Defendants.

January 17, 1950

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for
Complainants;
Marion F. Jones, Esq., Denver,
Colorado, for Defendants;
Worth Allen, Esq., Denver,
Colorado, for Martin Truck
Line.

S T A T E M E N T

By the Commission:

On November 17, 1948, Complainant Consolidated Motor Freight filed petition for restriction of authority of defendants, in which Denver-Laramie-Walden Truck Line, Inc., was substituted as a Complainant, in which it was stated that petitioner is presently holder of PUC No. 51, and that respondents are the owners of Permit No. A-626; that on August 20, 1948, permit was transferred by one Charles W. Wilson to respondents; that immediately after acquiring the permit, respondents instituted a service to Fort Collins, Colorado. Complainants allege in Paragraphs 5, 7, 8, and 9, as follows:

"5. That since the date of said restriction, namely, in 1942, the said Charles W. Wilson has, to the best of the knowledge, information, and belief of your petitioner herein, operated within the scope of that permit as restricted, with the exception that there have been no movements under this permit further north than Loveland, Colorado, until July of 1948, when there was one movement to Ft. Collins from Denver, and again in August of 1948, when there was one movement to Ft. Collins from Denver.

"7. That reference to the road tax reports heretofore filed under Permit A-626 in the name of Charles W. Wilson, dba Wilson Truck Service, shows that there has never been a movement into or out of Ft. Collins during the years 1946, 1947, or 1948 until July and August of 1948, as hereinabove mentioned.

"8. That for at least 2-1/2 years prior to the transfer from Wilson to the Garnetts, the operations conducted by the said Wilson have been confined to towns and cities on U. S. Highway 87 between Denver and Loveland, Colorado, and points within 5 miles of said highway on the west thereof and points within 10 miles of said highway on the east thereof.

"9. That said operations as hereinabove set forth and reflected by the road tax reports filed under permit A-626 indicates that there has been an abandonment or non-use of said permit to all points north of Loveland, Colorado for a period of six or more consecutive months, and that in accordance with Rule 9 governing private carriers for hire by motor vehicle, this shall be deemed to be an abandonment of that part of the said permit which has not been used, in that such non-use was never authorized by order of the Commission, and was not due to the fact that transportation business was not available during the period mentioned."

Complainants, in their prayer, asked that the Commission enter its order to restrict the authority contained in Permit No. A-626 to operation between towns and cities on U. S. Highway No. 87 between Denver and Loveland, Colorado and points within five miles of said highway on the west and ten miles of said highway on the east.

Respondents, in their answer, denied the allegations in Paragraphs 5, 7, 8 and 9, and affirmatively allege that they and their predecessors have, at all times, operated within the entire scope of said permit to the extent that business has been available, and deny that they have ever abandoned said permit, or any part of it.

The matter was set down for hearing, and heard, at 330 State Office Building, Denver, Colorado, June 16, 1949, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that respondents acquired Private Carrier Permit No. A-626 on August 20, 1948, by Decision No. 31066, which authorizes the holder thereof to serve between Denver and Wellington, Colorado, via U. S. Highway No. 87 and intermediate points, including the right to serve not exceeding ten miles east of U. S. Highway

No. 87 and points not exceeding five miles west of said U. S. Highway No. 87 between Denver and Wellington, provided that all parts of said permit No A-626 which authorizes service in conflict with or which overlaps authority of said transferees under their common carrier authority (PUC No. 26) and the authority to be acquired by them under PUC No. 635 be cancelled.

Upon the acquisition of said permit, respondents immediately started serving Fort Collins, Colorado. The evidence further disclosed that prior to the acquisition of respondents of said permit, a few trips were made north of Loveland, which include a movement or two in 1946, and two movements in July, 1948, as disclosed by the ton-mile tax reports while witness Birch stated several shipments were made north of Loveland which were billed to Loveland. Complainants contend that this operates abandonment of all territory lying north of Loveland, and call our attention to Rule 9 governing private carriers by motor vehicle for hire, which reads as follows:

"Failure of any private carrier by motor vehicle to operate within the whole or any part of the area or over the route or any portion of a route authorized by said permit for a period of six (6) months, unless such non-use in whole or in part shall have been authorized by the Commission, shall be deemed an abandonment thereof, and the Commission may, after notice and hearing, revoke or suspend said permit in whole or in part."

The Commission, in its Decision No. 31066, dated August 20, 1948, when the matter of this transfer was before it, did not, at that time, feel that a portion of the territory should be abandoned for non-use. It appears that respondent is a more aggressive operator than was his predecessor and has acquired additional customers in the area lying north of Loveland, and is presently serving that area — especially Fort Collins. In serving this territory, of course, respondent must be guided by the authority given him by the Commission and from the evidence before us, we cannot see where he has gone beyond that authority or where he has abandoned any of the territory given him by our Decision No. 31066, dated August 20, 1948.

FINDINGS

THE COMMISSION FINDS:

That, for the reasons set forth in our Statement preceding, which by reference is made a part hereof, complainant has failed to show abandonment of any of the authority or territory under Private Carrier Permit No. A-626.

That the instant case should be dismissed.

ORDER

THE COMMISSION ORDERS:

That the above-styled complaint and case should be, and the same hereby are, dismissed.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Horton
John R. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

CARL A. BORGMANN AND WALTER M. BORGMANN,
CO-PARTNERS, DOING BUSINESS AS "BORGMANN
BROTHERS," AND MAXINE V. MARTIN AND
EDWARD D. MARTIN, CO-PARTNERS, DOING
BUSINESS AS "MARTIN TRUCK LINES,"

Complainants,

vs.

COLORADO RAPID TRANSIT COMPANY, A CO-
PARTNERSHIP,

Defendant.

CASE NO. 4992.

January 17, 1950

Appearances: Worth Allen, Esq., Denver,
Colorado, for Complainants;
Marion F. Jones, Esq., Denver,
Colorado, for Respondents;
Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for Consol-
idated Motor Freight, Denver-
Laramie-Walden Truck Line;
Willard T. Bullard, Boulder, Colo-
rado, for Pioneer Milk Line.

S T A T E M E N T

By the Commission:

On February 24, 1949, Carl A. Borgmann and Walter M. Borgmann, co-partners, doing business as "Borgmann Brothers," and Maxine V. Martin and Edward D. Martin, co-partners, doing business as "Martin Truck Line," filed complaint against E. V. Garnett and V. G. Garnett, co-partners, doing business as "Colorado Rapid Transit Company," who are the holders and owners of Private Carrier Permit No. A-626, wherein they allege that the above private carrier permit never authorized transportation of milk from farms in the area east of said highway, and if it ever contained such authorization, the same has been abandoned and forfeited for the reason that no milk has been transported from said area, and particularly from the farms therein, within the past six months, or at all.

Respondents filed Answer, wherein they deny that said authority does not authorize the transportation of milk and deny that said right has been abandoned or forfeited.

The matter was set for hearing, and heard, at 330 State Office Building, Denver, Colorado, June 16, 1949, and at the conclusion thereof, the matter was taken under advisement.

The evidence disclosed that Borgmann Brothers are the owners of PUC No. 1323 and Private Carrier Permit No. A-704; that on February 18, 1949, this Commission made an order, authorizing Borgmann Brothers to lease, and thereafter to transfer, the right held pursuant to PUC No. 1323 and Private Carrier Permit No. A-704, and it now appears that Maxine V. Martin and Edward D. Martin, doing business as "Martin Truck Lines," are the owners and operators of the above-named certificate and permit.

It further appears that E. V. Garnett and V. G. Garnett, doing business as "Colorado Rapid Transit Company," are the owners and holders of Private Carrier Permit No. A-626, which, as amended, authorizes the holders thereof to serve between:

Denver and Wellington, Colorado, via U. S. Highway No. 87 and intermediate points not exceeding 10 miles east of U. S. Highway No. 87 and points not exceeding 5 miles west of U. S. Highway No. 87 between Denver, Colorado, and Wellington, Colorado, provided that all authority under Permit No. A-626 which authorizes service in conflict with or overlaps authority of said transferees under their common carrier authority and authority to be acquired by them under PUC No. 635 be cancelled.

The evidence clearly indicates that prior to the time permit was acquired by Colorado Rapid Transit Company, very little, if any, milk was hauled under the permit, but the evidence would indicate that they have never turned down a milk haul. It also appears that Colorado Rapid Transit is now hauling milk from the territory lying east of U. S. Highway No. 87.

It appears that the Commission is called upon to answer two questions: First, "Does Private Carrier Permit No. A-626 authorize transportation of milk?" Second, "Has there been an abandonment of milk hauling from the authority authorized under Private Carrier Permit No. A-626 as provided in Rule 9 of our Rules and Regulations Governing

Private Carriers by Motor Vehicle."

An examination of the original authority granted by Permit No. A-626 discloses that it was issued in February, 1934, is one of the old authorities, and, it appears to the Commission, clearly authorizes transportation of milk.

The remaining question to be determined is whether there is an abandonment of transportation of milk. The evidence clearly indicates that the respondents have not abandoned their permit, nor the territory covered.

Mr. Floyd Birch, who was manager of Charles Wilson, the immediate predecessor of respondent herein, testified as to deliveries of general freight into the territory authorized under the permit. When asked as to the hauling of milk, he stated that he knew of no milk having been hauled from this area. In fact, none of their customers had requested that they haul milk.

At this point in the testimony, a stipulation was entered into between complainants and respondents, that no milk had been hauled under the permit prior to March 1, 1949.

It appears that complainants rely on Rule No. 9 of our Rules and Regulations Governing Private Carriers by Motor Vehicle, which reads as follows:

"Failure of any private carrier by motor vehicle to operate within the whole or any part of the area or over the route or any portion of a route authorized by said permit for a period of six (6) months, unless such non-use in whole or in part shall have been authorized by the Commission, shall be deemed an abandonment thereof, and the Commission may, after notice and hearing, revoke or suspend said permit in whole or in part."

It appeared, and was not contradicted by the evidence, that there has been movement by virtue of this permit during the past six months' period, and from the territory involved in the complaint.

Further, we have no evidence that for any six-months period permit has not been used unless authorized by this Commission.

Under the circumstances, as set forth by the evidence, we cannot conclude that the failure of Colorado Rapid Transit Company or its predecessors to haul milk can be construed as an abandonment of such right. Private carriers are not called upon to transport each and every commodity that they are authorized to transport, and to require a carrier so to do would destroy a carrier's flexibility of service. The flow of traffic is changeable. The demand for private carrier service varies with the requirements of customers, and its operation often depends to a great extent upon the particular commodities offered to them for transportation, so we cannot say, under our rule, that there has been an abandonment of any of their rights.

FINDINGS

THE COMMISSION FINDS:

That complainants have failed to sustain their complaint for the reasons set forth in our Statement preceding, which by reference is made a part hereof.

That the above-styled complaint and case should be dismissed.

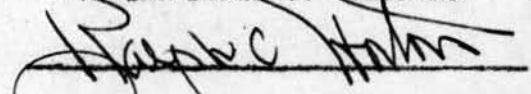

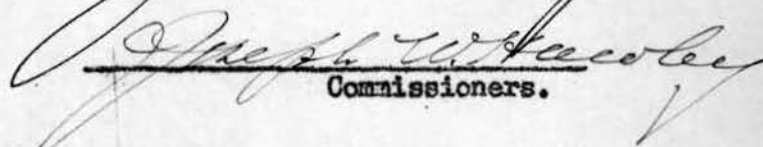
ORDER

THE COMMISSION ORDERS:

That the instant case should 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 17th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
W. L. LANG, LONGMONT, COLORADO, FOR
CLARIFICATION OF PUC NO. 913.

APPLICATION NO. 10310

IN THE MATTER OF THE APPLICATION OF
MARY ELLA LANG, LONGMONT, COLORADO,
FOR CLARIFICATION OF PERMIT NO. A-793.

APPLICATION NO. 10309-PP

January 17, 1950

Appearances: Marion F. Jones, Esq., Denver,
Colorado, for applicants;
E. B. Evans, Esq., Denver, Colo-
rado, for Rein Milk Transport;
George Garrett, Longmont, Colorado,
for McKie Transfer;
Fred Austin, Boulder, Colorado,
for Austin Brothers.

S T A T E M E N T

By the Commission:

On October 1, 1949, W. L. Lang and Mary Ella Lang filed
applications for clarification of PUC No. 913 and Permit No. A-793.

Applications Nos. 10310 and 10309-PP were regularly set for
hearing, and heard, December 1, 1949, at 330 State Office Building,
Denver, Colorado, and at the conclusion of the evidence, were taken
under advisement.

At the hearing, the evidence disclosed that W. L. Lang, by
virtue of Decision No. 7488, is the owner of PUC No. 913, which was
acquired by purchase from Austin Brothers, under date of April 14, 1936;
that the pertinent portion of the Order reads as follows:

"IT IS THEREFORE ORDERED, That authority be, and
the same hereby is, granted to L. C. Austin and
Fred Austin, co-partners, doing business as
Austin Brothers, to transfer to W. L. Lang all
that part of the certificate of public convenience
and necessity (and subject to the conditions thereof)
heretofore issued in Application No. 1382, and supple-
ments and amendments thereto, which authorized the
operation of a motor vehicle common carrier service
between, from and to points within the territory
described as:

"Beginning at the northeast corner of Section 1, Township 3 north, Range 67 west; thence south to the southeast corner of Section 36, Township 2 north, Range 67 west; thence west to the southwest corner of Section 35, Township 2 north, Range 68 west; thence north $2\frac{1}{2}$ miles; thence west to the Section lines between Sections 22 and 23 in Township 3 north, Range 69 west; thence north to the northwest corner of Section 2, Township 3 north, Range 69 west; thence east to the northeast corner of Section 1, Township 3 north, Range 67 west; being the place of beginning!"

"reserving the right, however, to continue their operations in all that part of said territory which lies in Boulder County, and limiting Mr. Lang's service in that part of said territory which lies in Boulder County to his present customers, without the right to solicit new customers in said territory;"

that Mary Ella Lang is the owner of Permit No. A-793, which reads as follows:

"Milk route running approximately 5 miles east of Longmont, thence 5 miles south, thence west to pavement, thence to Denver via U. S. 87.

"Decision 15807 extended to pick up milk and transport same to Denver from the area contained within the following description, to-wit:

"Commencing on U. S. 87 at the Boulder-Larimer County line, thence north to a point 2 miles north of the City of Loveland, thence west 5 miles, thence south to the Boulder-Laramie County line; thence east to the point of beginning."

Applicant contends, in Application No. 10910, that the language of said PUC No. 913 is vague and confusing in that it does not definitely describe the commodities to be transported, nor the destination points to be served, and applicant petitions the Commission to clarify the above authority so that it will call for the transportation of:

milk and cream from the area described in the certificate to Brighton and Denver and points within a five-mile radius of Denver, with return of empty containers and refused shipments.

Applicant further contends, in Application No. 10309-PP, that in Permit No. A-793 said permit authorizes service only to Denver, when in truth and in fact, said service should be to Denver and points within a five-mile radius of Denver.

To the above applications, Rein Milk Transport filed protest, wherein it is asked that the Commission issue an administrative ruling, providing substantially as follows:

"That all certificates of public convenience and necessity and private carrier permit, authorizing the transportation of milk, cream and dairy products to Denver, Colorado, shall be construed to include the transportation of such cream, milk and dairy products to points within a radius of five miles of Denver, Colorado."

The Commission has considered the matter of establishing a Metropolitan Area of Denver for milk and cream haulers, due to the fact that many creameries and milk stations serving the City of Denver are located just outside the City Limits. This matter is now under investigation by the staff of the Commission, and in due time the staff no doubt will make its recommendations to the Commission.

In the instant matter, we find no protestants here objecting to the above clarification or extension, and all agree that from a practical standpoint, the instant applications should be granted.

FINDINGS

THE COMMISSION FINDS:

That Applications Nos. 10309-PP and 10310 should be granted, for the reasons heretofore set forth in our Statement, which by reference is made a part of these Findings.

ORDER

THE COMMISSION ORDERS:

That public convenience and necessity require the clarification of PUC No. 913 as follows:

That PUC No. 913 shall authorize the transportation of:

milk and cream from the points described in the certificate to Brighton, to Denver, and to points within a five-mile radius of Denver, with return of empty containers and refused shipments,

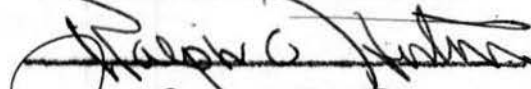
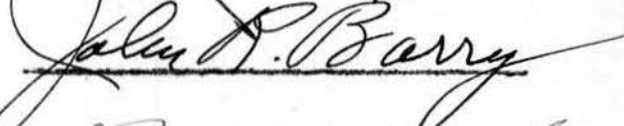
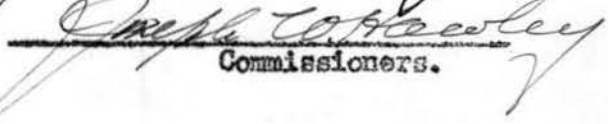
and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That Private Carriers Permit No. A-793 should be, and hereby is, clarified as follows:

transportation of milk and cream from points authorized in original territory to Denver and to points within a five-mile radius thereof.

This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BOB KLINE, 115—12th. Street,)
GREELEY, COLORADO)
)
)
)
)

PERMIT NO. C-24454

January 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Bob Kline,.....
requesting that Permit No. **C-24454**..... 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-24454**....., heretofore issued to
Bob Kline..... be,
and the same is hereby, declared cancelled effective **January 1, 1950**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Respectfully,

John W. Boring

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this **23rd** day of **January**, 19**50**

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
PETE L. RITKOUSKI, RT. 3, BOX)
54, DENVER, COLORADO)
)
)
)

PERMIT NO. C-23440

January 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Pete L. Ritkowski.....
requesting that Permit No. C-23440.....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-23440....., heretofore issued to.....
Pete L. Ritkowski.....be,
and the same is hereby, declared cancelled effective January 1, 1950

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Venton

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. E. GRIGGS, BIRD CITY)
KANSAS)
)
)
)
)

PERMIT NO. C-23083

January 23, 1950

S T A T E M E N T

By the Commission:

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

W. E. Griggs.....

requesting that Permit No. C-23083.....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-23083....., heretofore issued to.....

W. E. Griggs.....be,

and the same is hereby, declared cancelled effective **January 9, 1950**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John J. B. ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1950

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILBUR I. GRAHAM, RIFLE,)
COLORADO)

PERMIT NO. C-22750

January 23, 1950

STATEMENT

By the Commission:

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

Wilbur I. Graham

requesting that Permit No. C-22750 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. C-22750, heretofore issued to

Wilbur I. Graham

and the same is hereby, declared cancelled effective **January 1, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton
 John J. Boring
 Joseph W. Hawley
 Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1950

It

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. G. POWELL DOING BUSINESS AS)
"POWELL GARAGE", STRATTON,)
COLORADO) PERMIT NO. C-22680
)
)
)

January 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
C. G. Powell doing business as "Powell Garage"
requesting that Permit No. C-22680 ..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-22680 .., heretofore issued to ..
C. G. Powell doing business as "Powell Garage" ..be,
and the same is hereby, declared cancelled effective **December 22, 1949**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John B. ...

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HARVEY M. TIMMERMAN, HUDSON,)
COLORADO)
)
)
)

PERMIT NO. C-22379

January 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from...
Harvey M. Timmerman
requesting that Permit No. C-22379 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-22379, heretofore issued to...
Harvey M. Timmerman be,
and the same is hereby, declared cancelled effective **January 1, 1950**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton
John J. Bering
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950

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

✻ ✻ ✻ ✻

RE MOTOR VEHICLE OPERATIONS OF)
CHAS. LAMB, WINONA, KANSAS)

PERMIT NO. C-22319

January 23, 1950

STATEMENT

By the Commission:

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

Chas. Lamb

requesting that Permit No. C-22319.....be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No C-22319, heretofore issued to

Chas. Lamb

be,

and the same is hereby, declared cancelled effective **January 6, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
NEAL KORB, RT. 2, WHEATLAND,)
WYOMING)
)
)
)
)

PERMIT NO. C-21790

January 23, 1950

S T A T E M E N T

By the Commission:

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

Neal Korb-----

requesting that Permit No. C-21790.....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-21790....., heretofore issued to-----

Neal Korb-----be,

and the same is hereby, declared cancelled effective December 29, 1949

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

C. P. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 23rd day of January, 1950

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
F. A. BAKER, 2625 SO. Acoma)
DENVER 10, COLORADO)
)
)
)
)
)

PERMIT NO. C-21785

January 23, 1950

S T A T E M E N T

By the Commission:

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

F. A. Baker-----

requesting that Permit No. C-21785-----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-21785-----, heretofore issued to-----

F. A. Baker-----be,

and the same is hereby, declared cancelled effective **January 11, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

John H. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
IVAN J. & WILLIAM P. KLINGEN-)
SMITH DOING BUSINESS AS)
KLINGENSMITH'S TRUCK LINE) PERMIT NO. C-19363
ORDWAY, COLORADO)
-----)

January 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Ivan J. & William P. Klingensmith doing business as "Klingensmith's Truck Line"
requesting that Permit No. C-19363 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-19363, heretofore issued to-----
Ivan J. & William P. Klingensmith doing business as "Klingensmith's Truck Line",
and the same is hereby, declared cancelled effective January 2, 1950

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

Orlando B. ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DON TABOR, LYONS, COLORADO)
)
)
)
)
)

PERMIT NO. C-19187

January 23, 1950

S T A T E M E N T

By the Commission:

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

Don Tabor-----

requesting that Permit No. C-19187 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-19187, heretofore issued to-----

Don Tabor-----be,

and the same is hereby, declared cancelled effective **January 9, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Randolph C. Norton

John J. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD S. GOREHAM, P. O. BOX 123)
BASALT, COLORADO)
)
)
)
-----)

PERMIT NO. C-19160

January 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Floyd S. Goreham.....
requesting that Permit No. C-19160 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-19160, heretofore issued to
Floyd S. Goreham..... be,
and the same is hereby, declared cancelled effective **January 7, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

Charles S. Berry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ORVILLE D. AND ELBERT W. HENDERSON)
DOING BUSINESS AS "HENDERSON)
TIRE AND GAS SERVICE")
895 SOUTH HARLAN STREET)
DENVER 11, COLORADO)

PERMIT NO. C-15560

January 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Orville D. & Elbert W. Henderson doing business as "Henderson Tire & Gas Service"
requesting that Permit No. C-15560.....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-15560....., heretofore issued to.....
Orville D. & Elbert W. Henderson doing business as "Henderson Tire & Gas Ser/vice"
and the same is hereby, declared cancelled effective **January 7, 1950**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John R. Berry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
E. D. BRADFORD, 3510 EAST 28th)
AVENUE, DENVER 15, COLORADO)
)
)
)

PERMIT NO. C-13039

January 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
E. D. Bradford.....
requesting that Permit No. C-13039..... 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-13039, heretofore issued to
E. D. Bradford..... be,
and the same is hereby, declared cancelled effective **January 7, 1950**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John F. Berg

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
OSCAR F. LAUGHLIN, 1904 LOGAN)
STREET, DENVER 5, COLORADO)
)
)
)
)

PERMIT NO. C-10740

January 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Oscar F. Laughlin
requesting that Permit No. C-10740 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-10740, heretofore issued to.....
Oscar F. Laughlin, be,
and the same is hereby, declared cancelled effective **January 1, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

John P. B. J.

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. A. HOFFMAN DOING BUSINESS AS)
"HOFFMAN'S MARKET & GROCERY")
WESTCLIFFE, COLORADO)
PERMIT NO. C-7461
-----)

January 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
A. A. Hoffman doing business as "Hoffman's Market & Grocery"
requesting that Permit No. C-7461 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-7461, heretofore issued to
A. A. Hoffman doing business as "Hoffman's Market & Grocery" be,
and the same is hereby, declared cancelled effective January 1, 1950

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HENRY IRSIK, KEENESBURG,)
COLORADO)
)
)
)
)
-----)

PERMIT NO. C-23435

January 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Henry Irsik.....
requesting that Permit No. C-23435.....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-23435....., heretofore issued to.....
Henry Irsik.....be,
and the same is hereby, declared cancelled effective **January 1, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Barry

Joseph W. Hawley

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HARVEY M. TIMMERMAN, HUDSON,)
COLORADO)
)
) PERMIT NO. B-3945
)
)
)

January 23, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Harvey M. Timmerman
requesting that Permit No. B-3945 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-3945....., heretofore issued to.....
Harvey M. Timmerman..... be,
and the same is hereby, declared cancelled effective **January 1, 1950**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John F. ...

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ARCHIE G. PLANTE, JEFFERSON,)
COLORADO.)
-----)

CASE NO. 50641-R
PERMIT NO. C-22671

January 17, 1950

S T A T E M E N T

By the Commission:

On January 9, 1950, in Case No. 50641-R, the Commission entered an order cancelling the above-numbered permit for failure of the respondent to file monthly road tax reports for the period April, 1949, to November 30, 1949, and the month of December, 1948.

The Commission is now in receipt of a communication requesting reinstatement of said permit. The records of the Commission show that, prior to the effective date of the order, the required reports were filed and road tax covering the period in question was paid.

F I N D I N G S

THE COMMISSION FINDS:

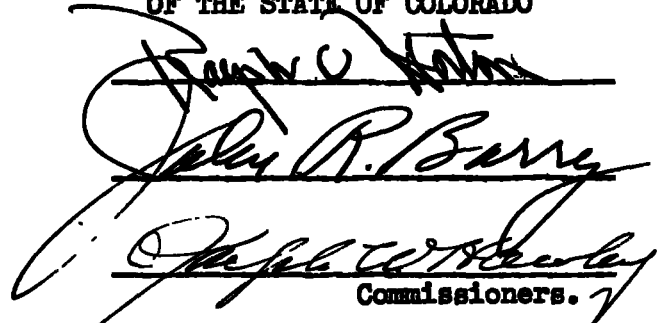
That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-22671 be, and the same hereby is, reinstated as of January 9, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF	}	CASE NO. 50406-R PERMIT NO. C-22023
ROBERT E. KELIM AND SAM K.		
BAYLIS, DOING BUSINESS AS "WALSEN-		
BURG FLOUR MILL," 303 WEST 9TH, WALSENBURG, COLORADO.		

January 17, 1950

S T A T E M E N T

By the Commission:

On January 6, 1950, in Case No. 50406-R, the Commission entered an order cancelling the above-numbered permit for failure of the respondent to file monthly road tax reports for July, August, September, and October 1948, and the month of December, 1949.

The Commission is now in receipt of a communication requesting reinstatement of said permit. The records of the Commission show that, prior to the effective date of the order, the required reports were filed.

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-22023 be, and the same hereby is, reinstated as of January 6, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hatan
John R. Barry
Frank W. Keckley
Commissioners.

Dated at Denver, Colorado,
this 17th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALLEN ROGERS, 1316 REID, CLOVIS,) PERMIT NO. C-23441.
NEW MEXICO.)
-----)

January 23, 1950

S T A T E M E N T

By the Commission:

On December 28, 1949, by Decision No. 33938, the Commission entered an order cancelling the above-numbered permit, through misunderstanding of a communication received from the permit-holder.

The Commission is now in receipt of a letter from the permit-holder requesting that his Permit No. C-23441 be reinstated.

F I N D I N G S

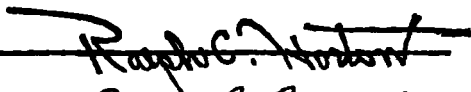
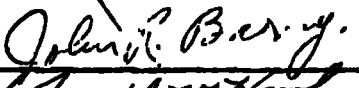
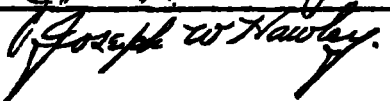
After careful consideration of the record and the request, the Commission is of the opinion, and finds, that Permit No. C-23441 should be reinstated.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-23441 of Allen Rogers, 1316 Reid Street, Clovis, New Mexico, be, and the same hereby is, reinstated as of December 15, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 23rd day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TED R. YOWELL, BOX 366, DOLORES,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY) APPLICATION NO. 10368-PP
MOTOR VEHICLE FOR HIRE.)
-----)

January 18, 1950

S T A T E M E N T

By the Commission:

On September 16, 1949, applicant herein filed his application for authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm produce (no livestock) and feed between points within a 75-mile radius of Dolores, with an occasional trip to Grand Junction and Monte Vista, with back-haul of feed from Monte Vista, Colorado.

Said application was duly set for hearing before the Commission at the Court House, Durango, Colorado, January 16, 1950, at ten o'clock A. M.

The Commission is now in receipt of the following communication from applicant:

"In connection with the notice of hearing returned herewith, in the case of Ted R. Yowell, Dolores, Colorado, please be advised that it is desired that you drop and discontinue this application, this due to Ted Yowell having enlisted in the Armed Forces."

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

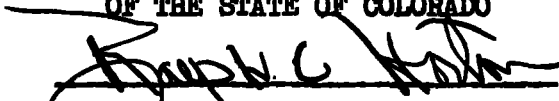
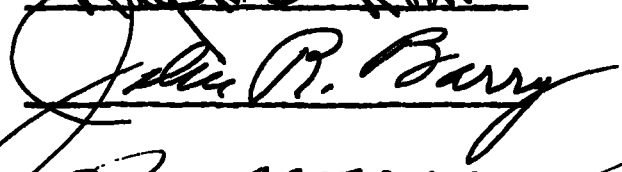

O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and the same hereby is, dismissed, at request of applicant.

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 18th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
R. H. LOLLAR, DOING BUSINESS AS)	
"LEADVILLE TAXI SERVICE," LEADVILLE,)	
COLORADO, FOR AUTHORITY TO LEASE)	<u>APPLICATION NO. 10398-Lease.</u>
PUC NO. 1185 TO WILLIAM MARTIN,)	
LEADVILLE, COLORADO.)	
-----)	

January 18, 1950

S T A T E M E N T

By the Commission:

By Decision No. 11283, H. M. Woods, Leadville, Colorado, was authorized to operate as a common carrier by motor vehicle for hire for the operation of:

a general taxicab business for the transportation of passengers and hand baggage in Leadville and between Leadville and points outside thereof, rates and fares for such service to be as follows: (1) city calls, one-half mile or less — 25¢ per passenger; city calls, all other points within the city — 50¢ per passenger; (2) for all points in the vicinity of Leadville, except between Leadville and Malta, the following basis is to apply: 10¢ per mile each way for one passenger, and 5¢ additional per mile for each additional passenger; (3) between Leadville and Malta, the following basis of rates shall apply: one passenger, \$1.00; two passengers, \$1.25; three passengers, \$1.50; four passengers, \$1.75; five passengers, \$2.00; six passengers, \$2.25. No change shall be made in said rates and fares except upon application therefor and authority of the Commission first had and obtained,

said operating rights being designated "PUC No. 1185."

H. M. Woods, pursuant to authority contained in Decision No. 15700, transferred said operating rights to E. D. Holmes, who, pursuant to authority contained in Decision No. 24868, transferred said PUC No. 1185 to Sam Hunnicutt.

Pursuant to authority contained in Decision No. 27744, of date March 7, 1947, Sam Hunnicutt transferred PUC No. 1185 to Robert H. Lollar, doing business as "Leadville Taxi Service," Leadville, Colorado,

who, by the instant application, seeks authority to lease said PUC No. 1185 to William Martin, Leadville, 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 lessee; that there are no outstanding unpaid operating obligations against said certificate; that lessee, pecuniarily and otherwise, is able, willing, and qualified to carry on the operation; that lessor agrees to lease said operating rights to lessee for a period of two years from October 1, 1949, consideration therefor being ten percent of gross receipts of said 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 lease of said certificate, the Commission determined to hear, and has heard, said application, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That the proposed lease 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 R. H. Lollar, doing business as "Leadville Taxi Service," Leadville, Colorado, should be, and he hereby is, authorized to lease PUC No. 1185 -- being operating rights granted by Decision No. 11283 -- to William Martin, Leadville, Colorado, for a period of two years from October 1, 1949, subject to the terms and conditions set forth in "Agreement" between said parties, attached to the instant application, and by reference made a part hereof, and subject to payment

of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

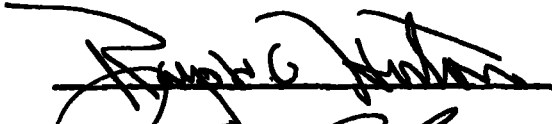
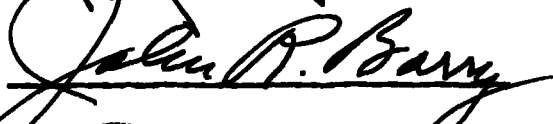

The tariff of rates, rules and regulations of lessor shall become and remain those of lessee until changed according to law and the rules and regulations of this Commission.

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

That passenger-mile tax deposit of lessor shall be transferred and credited to account of lessee.

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 18th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWARD BAUMGARTNER, WIGGINS, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PUC)
NO. 1847 TO GILBERT GRAFF, WIGGINS,)
COLORADO.)
-----)

APPLICATION NO. 10399-Transfer.

January 18, 1950

S T A T E M E N T

By the Commission:

By Decision No. 28850, of date August 14, 1947, Manfred
Martinson was authorized to operate as a common carrier by motor vehicle
for hire, on call and demand, for the transportation of:

farm products, including livestock (but excluding
dairy products) between points within the area ex-
tending six miles south, ten miles east, six
miles west, and fifteen miles north of Hoyt, Colo-
rado; farm products, including livestock (but ex-
cluding dairy products) from points in said area
to markets in Wiggins, Fort Morgan, Brush, Greeley,
and the City and County of Denver, with back-haul
of livestock, fence posts, poles, brick, cement,
plaster, cinder blocks, slabs, and similar building
material, to points in above-described area; coal
and stock feeds from supply points in the City and
County of Denver and the Counties of Boulder, Weld,
and Morgan, on the one hand, to points in the above-
described area, on the other; without the right to
haul commodities ordinarily hauled by line-haul
motor vehicle common carriers between points served
by such carriers on schedule,

said operating rights being designated "PUC No. 1847."

Pursuant to authority contained in Decision No. 31728, of date
December 22, 1948, said Manfred Martinson transferred said PUC No. 1847
to Edward Baumgartner, Wiggins, Colorado, who, by the instant application,
seeks authority to transfer PUC No. 1847 to Gilbert Graff, Wiggins, 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
able, willing, and qualified to carry on said 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 application, 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 payment of outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Edward Baumgartner, Wiggins, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1847 — being the operating rights granted by Decision No. 28850 — to Gilbert Graff, Wiggins, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

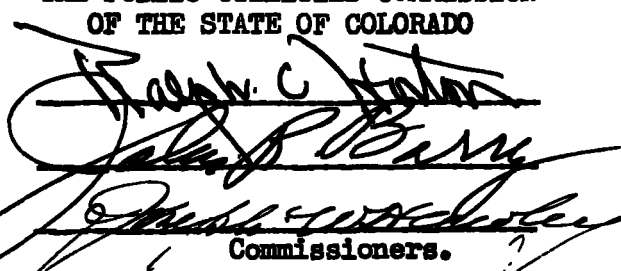
The tariff of rates, rules and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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 transfer of said certificate, and the payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor shall be transferred and credited 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


Commissioners.

Dated at Denver, Colorado,
this 18th day of January, 1950.

original

(Decision No. 34119)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
REGIS C. MC KAY, DILLON, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.) APPLICATION NO. 10400-Transfer
1484 TO ROY KOHL, DILLON, COLORADO,)

January 18, 1950

S T A T E M E N T

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 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; (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 FUC 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.

Pursuant to authority contained in Decision No. 31471, of date November 8, 1948, Roy Kohl transferred FUC No. 1484 to Regis McKay, doing business as "Summit County Transfer," Dillon, Colorado, who, by the instant application, seeks authority to transfer said operating rights to said Roy Kohl, 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 able, willing, 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 operating rights, 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 Regis C. McKay, doing business as "Summit County Transfer,"

Dillon, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to FUC No. 1484 -- being the operating rights granted by Decision No. 19398, as restricted by Decision No. 22359, and as extended by Decision No. 26507 -- to Roy Kohl, doing business as "Summit County Transfer," Dillon, Colorado, subject to payment of outstanding indebtedness against said operation, 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 certificate.

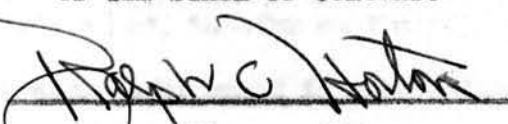

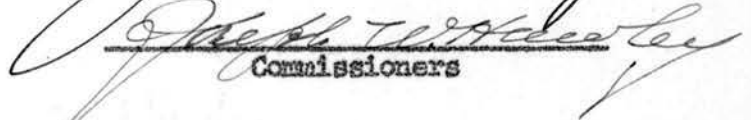
The tariff of rates, rules and regulations of transferor shall become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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, and the payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor shall be credited and 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




Commissioners

Dated at Denver, Colorado,
this 18th day of January, 1950.

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
VYRUS S. RULE, STEAMBOAT SPRINGS,)	
COLORADO.	)	<u>PERMIT NO. B-2502</u>
-----)	

January 18, 1950

S T A T E M E N T

By the Commission:

By Decision No. 14067, of date September 27, 1949, Cecil D. Stockburger was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

dairy products from and to farms and ranches located in that part of the Yampa Valley between Steamboat Springs and Cary Ranch and farms and ranches located in that part of the Elk River Valley lying between Clark and Steamboat Springs; also farms and ranches between Brookston and Mad Creek, to and from the Weeks Creamery at Steamboat Springs; empty milk cans from the Weeks Creamery to the milk producers residing within the areas described,

said operating rights being designated "Permit No. B-2502."

Pursuant to authority contained in Decision No. 17535, of date August 28, 1941, said Cecil D. Stockburger transferred said operating rights to O. G. Ralston, doing business as "Ralston Farm Supply."

By Decision No. 19422, of date August 15, 1942, said O. G. Ralston, doing business as "Ralston Farm Supply," was authorized to extend operations under Permit No. B-2502 to include the right to transport:

freight and express, consisting chiefly of groceries and merchandise, from Steamboat Springs, to his milk route customers, and to the Elk River Mercantile Company Store at Clark, Colorado, without the right to serve points on U. S. Highway No. 40.

Pursuant to authority contained in Decision No. 21267, of date August 17, 1943, O. G. Ralston transferred Permit No. B-2502 to Fred Foster, who (Decision No. 24393, of date April 23, 1945), sub-

sequently transferred said permit to D. L. Selbe, Steamboat Springs, Colorado, and pursuant to authority contained in Decision No. 25918, of date May 13, 1946, said D. L. Selbe transferred said Permit No. B-2502 to H. K. Selbe, Steamboat Springs, Colorado, who thereafter (Decision No. 26320, of date August 1, 1946) transferred said permit to Richard H. Blecha, Steamboat Springs, Colorado, who pursuant to authority contained in Decision No. 29602, of date December 20, 1947, transferred said Permit No. B-2502 to T. H. Long, who thereafter (Decision No. 33852, of date December 16, 1949), transferred said operating rights to Vyrus S. Rule, Steamboat Springs, Colorado.

The Commission is now in receipt of a communication from said Vyrus S. Rule, as follows:

****wish to inquire if it is possible to drop the freight and express haul to Clark as we have not transported anything but a box of bread a week and sometimes not that.****

F I N D I N G S

THE COMMISSION FINDS:

That Permit No. B-2502 should be amended and restricted, as requested by the owner thereof.

O R D E R

THE COMMISSION ORDERS:

That operating rights known as "Permit No. B-2502," owned and operated by Vyrus S. Rule, should be, and the same hereby are, amended and restricted, as requested by said Vyrus S. Rule, by deleting therefrom the right to transport:

freight and express, consisting chiefly of groceries and merchandise, from Steamboat Springs, to his milk route customers, and to the Elk River Mercantile Company Store at Clark, Colorado, without the right to serve points on U. S. Highway No. 40,

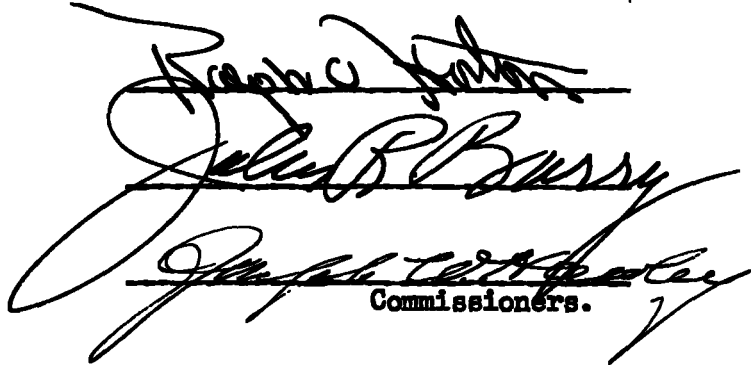
so that in the future, said Permit No. B-2502 shall authorize the transportation of:

dairy products from and to farms and ranches located in that part of the Yampa Valley between Steamboat Springs and Cary Ranch and farms and ranches located in that part of the Elk River Valley lying between Clark and Steamboat Springs; also farms and ranches between Brookston and Mad Creek, to and from the Weeks Creamery at Steamboat Springs; empty milk cans from the Weeks Creamery to the milk producers residing within the areas described,

said operating rights being the authority granted by Decision No. 14067, only.

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 18th day of January, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWARD CAHILL, DOING BUSINESS AS)
"CAHILL REFRIGERATED LINES," 400)
MEDIO STREET, SAN ANTONIO, TEXAS,)
FOR AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO ZERO REFRIGERATED)
LINES, A CORPORATION, P. O. BOX 4064,)
STATION A, SAN ANTONIO, TEXAS.)

PUC No. 1984-I

January 24, 1950

STATEMENT

By the Commission:

Heretofore, Edward Cahill, doing business as "Cahill Refrigerated Lines," San Antonio, Texas, 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. 1984-I issued to him.

By the instant application, said certificate-holder seeks authority to transfer said operating rights to Zero Refrigerated Lines, a corporation, San Antonio, Texas.

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

FINDINGS

THE COMMISSION FINDS:

That the authority sought should be granted.

ORDER

THE COMMISSION ORDERS:

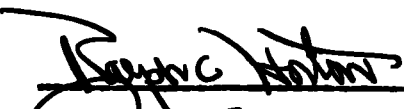


That Edward Cahill, doing business as "Cahill Refrigerated Lines," San Antonio, Texas, should be, and he hereby is, authorized to transfer all

his right, title, and interest in and to PUC No. 1984-I to Zero Refrigerated Lines," a corporation, San Antonio, Texas, 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 shall 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




Commissioners

Dated at Denver, Colorado,
this 24th day of January, 1950

jt

(Decision No. 34122)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BESSIE RUTH HAYES, ROUTE 3, BOX 361,)
GREENLAW, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 9619

January 24, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from applicant herein, as follows:

"I hereby request that this application for common carrier authority be dismissed."

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed, as requested by applicant.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application should 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
Robert R. Hickey
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 24th day of January, 1950.

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
CHICAGO, BURLINGTON & QUINCY RAIL-)
ROAD COMPANY FOR AN ORDER AUTHORIZ-)
ING IT TO DISCONTINUE OPERATION OF)
ITS PASSENGER TRAINS NOS. 151 AND)
152 BETWEEN STERLING, COLORADO, AND)
THE COLORADO-NEBRASKA STATE LINE.)

APPLICATION NO. 10097
SUPPLEMENTAL ORDER

January 24, 1950

Appearances: J. L. Rice, Esq., Denver,
Colorado,
J. C. Street, Esq., Denver,
Colorado, and
Raymond Sandhouse, Esq.,
Sterling, Colorado,
for applicant;
Maurice W. Konkel, Esq.,
Sterling, Colorado,
for City of Sterling,
Colorado;
Ben D. Sublett, Esq.,
Sterling, Colorado, and
C. W. Kreager, Esq., Sterling,
Colorado, for Chamber of
Commerce of Sterling, Colorado,
and Towns of Fleming, Dailey,
Haxtum, Paoli, Holyoke, and
Amherst, Colorado.

S T A T E M E N T

By the Commission:

By Decision No. 34024, of date January 5, 1950, Chicago, Burlington and Quincy Railroad Company was authorized to discontinue operation of its Passenger Trains Nos. 151 and 152, between Sterling, Colorado, and Colorado-Nebraska State Line.

On January 17, 1950, "Motion for Re-Hearing" was filed by the Cities of Sterling, Fleming, Dailey, Paoli, Holyoke, and Amherst, Colorado, and the Chamber of Commerce of Sterling, Colorado, by their attorneys, Munson, Kreager & Sublett, Sterling, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled Motion for Rehearing should be denied.

O R D E R

THE COMMISSION ORDERS:

That Motion for Rehearing filed in the above-styled application by the Cities of Sterling, Fleming, Dailey, Paoli, Holyoke, and Amherst, Colorado, and the Chamber of Commerce of Sterling, Colorado, should be, and it 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 24th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH A. MOLLERUP AND MARVIN J.)
MOLLERUP, CO-PARTNERS, DOING BUSI-)
NESS AS "MOLLERUP MOVING & STORAGE)
CO.," AND "MOLLERUP VAN LINES," 169)
SOUTH WEST TEMPLE STREET, SALT LAKE)
CITY, UTAH, FOR AUTHORITY TO TRANS-)
FER INTERSTATE OPERATING RIGHTS TO)
MOLLERUP VAN LINES, A CORPORATION,)
169 SOUTH WEST TEMPLE STREET, SALT)
LAKE CITY, UTAH;)

PUC No. 883-I

January 24, 1950

S T A T E M E N T

By the Commission:

Heretofore, Joseph A. Mollerup and Marvin J. Mollerup, co-partners, doing business as "Mollerup Moving & Storage Co.," and "Mollerup Van Lines," Salt Lake City, Utah, 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. 883-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to Mollerup Van Lines, a corporation, Salt Lake City, Utah.

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 proposed transfer is compatible with the public interest, and should be authorized.

O R D E R

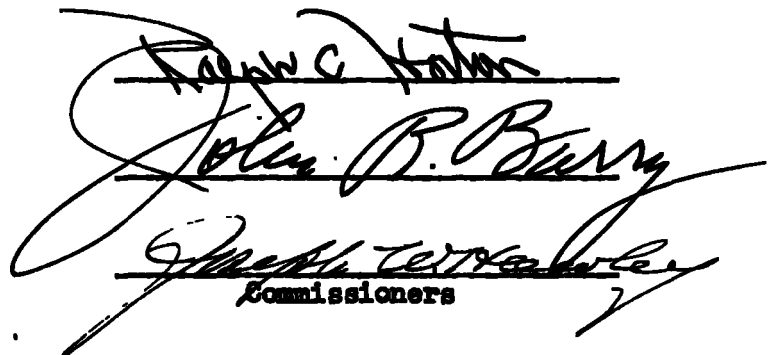
THE COMMISSION ORDERS

That Joseph A. Mollerup and Marvin J. Mollerup, co-partners, doing business as "Mollerup Moving & Storage Co.," and "Mollerup Van Lines," Salt Lake City, Utah, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 883-I to Mollerup Van Lines, a corporation, Salt Lake City, Utah, 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 shall 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


Commissioners

Dated at Denver, Colorado
this 24th day of January, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MELVIN P. BRADWICK, KIOWA, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
1832 TO R. A. GILBERT, KIOWA, COLO-)
RADO.)

APPLICATION NO. 10404-Transfer

January 25, 1950

S T A T E M E N T

By the Commission:

By Decision No. 28911, of date August 28, 1947, as amended by Decision No. 29031, of date September 20, 1947, Harold W. Erickson, Kiowa, Colorado, acquired from Clayton Beneke, Ralph Litherland, and W. G. Scott, Elizabeth, Colorado, that portion of PUC No. 378 authorizing the transportation of:

dairy products, including whole milk and cream, to Denver, from the territory around Kiowa described as: extending twenty-five miles east, six miles south, one mile west, and twenty-five miles north thereof; farm products (no livestock), between points in the above-described Kiowa area and Bennett and Castle Rock, Colorado, with back-haul of freight from Castle Rock; dairy products, only, from the area described as follows: beginning at the southwest corner of applicant's present territory, being the southwest corner of Section 17, Township 9-South, Range 63-West; thence west seven miles to the southwest corner of Section 18, Township 9-South, Range 64-West; thence north fifteen miles to the northwest corner of Section 6, Township 7-South, Range 64-West; thence east seven miles to the northeast corner of Section 6, Township 7-South, Range 63-West; thence south fifteen miles to the point of beginning, with back-haul of empty cans,

said operating rights being designated as "PUC No. 1832."

By Decision No. 32217, of date February 24, 1949, said PUC No. 1832 was extended by transfer to Harold W. Erickson by Bert Hall, doing business as "Hall Truck Company," Parker, Colorado, of a portion of PUC No. 491, authorizing the transportation of:

milk and cream on daily schedule to Denver and Englewood from points in an area bounded on the north by a line drawn east and west through a point on State Highway No. 83 located six miles south of Franktown; on the west and east by parallel lines, one drawn two miles west of, and the other drawn four miles east of, said State Highway No. 83; and on the south by a line drawn from east to west through a point on said State Highway No. 83, fifteen miles south of the Village of Franktown, and all of that portion of PUC No. 491 lying east of the Douglas-Elbert County Line, and being within a radius of six miles of said Village of Franktown, Colorado.

Pursuant to authority contained in Decision No. 32598, of date May 14, 1949, Harold W. Erickson transferred PUC No. 1832 to Melvin P. Bradrick, Kiowa, Colorado, who, by the instant application, seeks authority to transfer said PUC No. 1832 to R. A. Gilbert, Kiowa, 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 able, willing, and qualified to carry on the operation, his net worth being in excess of \$11,000.00, 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 application, 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 Melvin P. Bradrick, Kiowa, Colorado should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1832 -- being the operating rights acquired by him pursuant to Decision No. 32598 -- to R. A. Gilbert, Kiowa, 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.

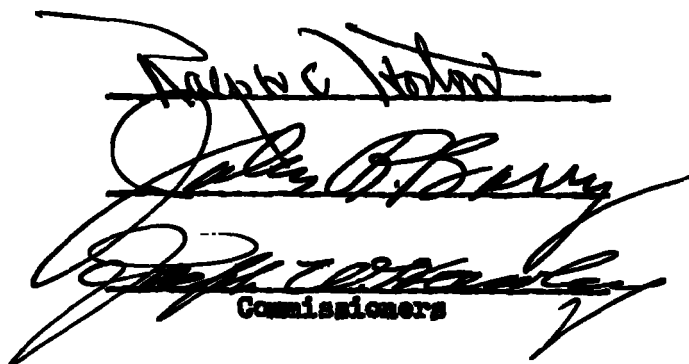
The right of transferee to operate under this order shall depend upon the prior filing by transferor of delinquent reports, if any, covering his operations under said certificate, and the payment by him or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit of transferor shall be transferred and credited to account of transferee.

That credit payment of road tax, if any, to date, shall be refunded to transferor.

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 25th day of January, 1950.--

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALTER R. HODGE, 250 PRATT STREET,)
LONGMONT, COLORADO, FOR AUTHORITY TO)
TRANSFER PERMIT NO. B-3212 TO W. D.)
CURRY, 934 VENICE STREET, LONGMONT,)
COLORADO.)

APPLICATION NO. 10405-PP-Transfer

January 25, 1950

S T A T E M E N T

By the Commission:

On February 26, 1945, Raymond J. Merickel, Longmont, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

(a) hay (baled and processed) and grain, from farms within a radius of twenty-five miles of Longmont, Colorado, to Longmont, Colorado, and to loading points in said area; (b) hay (baled and processed), grain and feed, from the elevator in Longmont to farms within a radius of twenty-five miles of Longmont, and to feed lots within a radius of fifty miles thereof, and to the Farmers' Elevator in Denver; (c) coal from mines within a radius of twenty-five miles of Longmont, and fire wood from points in the same area, to Longmont, and coal and fire wood from Longmont to points in said twenty-five-mile radial area,

said operating rights being designated "Permit No. B-3212."

Pursuant to authority contained in Decision No. 25209, of date December 1, 1945, said permit-holder transferred said operating rights to Walter R. Hodge, Longmont, Colorado, who, by Decision No. 26335, of date August 6, 1946, was authorized to extend operations under said Permit No. B-3212 to include the right to transport:

"feed from and to Longmont, to and from other points in the State of Colorado, and from fields to shipping points or storage points in Colorado, for the St. Vrain Valley Milling Company, only, and that he shall not be allowed to add to the number of his customers without authority of the Commission, first had and obtained on notice and after hearing, upon application filed therefor."

By the instant application, Walter R. Hodge seeks authority to transfer Permit No. B-3212 to W. D. Gurry, Longmont, Colorado.

Inasmuch as the files of the Commission and the application herein show that said permit is in good standing; that ten-mile tax deposit of transferor is to be transferred to account of transferee; that transferee, pecuniarily and otherwise, is qualified, able, and willing to carry on the operation; that there are no outstanding unpaid operating obligations against said permit, except road tax due and owing this Commission, 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.

FINDINGS

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, subject to payment of outstanding indebtedness, and specifically subject to payment of ten-mile tax due and owing this Commission.

ORDER

THE COMMISSION ORDERS:

That Walter R. Hodge, Longmont, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3212 — being the operating rights acquired by him pursuant to authority contained in Decision No. 25209, as extended by Decision No. 26335 — to W. D. Gurry, Longmont, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, provided, however, that transferee shall assume and pay ten-mile tax due and owing from transferor to the Commission on account of operations under said permit.

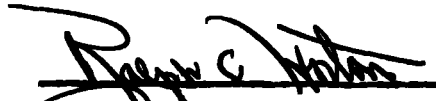


The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering his operations under said permit up to the time of transfer of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

This order is made a part of the permit authorized to be transferred.

That ten-mile tax deposit of transferor shall be transferred and credited 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




Commissioners

Dated at Denver, Colorado,
this 25th day of January, 1950.

(Decision No. 34127)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LARSON P. OAKLEY AND CLIFTON L.)
PERRY, DOING BUSINESS AS "PIED-)
MONT DAIRY," VERNAL, UTAH.)

PERMIT NO. C-20021
CASE NO. 49672-INS.

January 25, 1950

S T A T E M E N T

By the Commission:

On December 21, 1949, in Case No. 49672-Ins., the Commission entered an order cancelling the above-numbered permit for failure of respondent to keep on file the required certificate of insurance.

An examination of the files and records of the Commission shows that said revocation order was entered in error.

F I N D I N G S

THE COMMISSION FINDS:

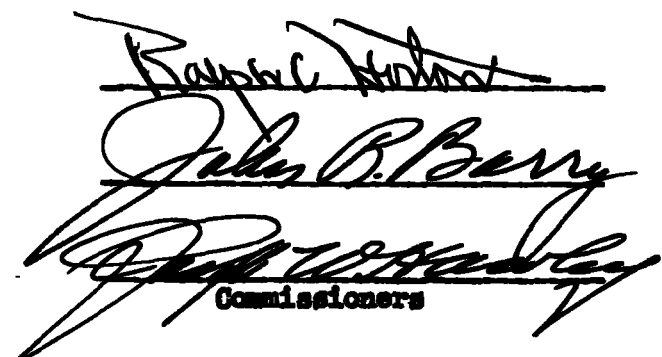
That revocation order should be set aside.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-20021 be, and the same hereby is, reinstated, as of December 21, 1949, revocation order entered in Case No. 49672-Ins. being hereby set aside, cancelled, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 25th day of January, 1950.

jt

(Decision No. 34128)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PLAINS UTILITIES COMPANY, INC., A)
CORPORATION, FOR AUTHORITY TO ISSUE)
AND SELL \$113,000.00 PRINCIPAL AMOUNT) APPLICATION NO. 10409
OF FIRST MORTGAGE 4-1/2% BONDS,)
MATURING 25 YEARS AFTER DATE.)

January 24, 1950

S T A T E M E N T

By the Commission:

Upon consideration of the application filed January 14, 1950,
by the Plains Utilities Company, a Corporation, in the above-entitled
matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on Saturday, Feb-
ruary 4, 1950, at ten 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 in-
terest, may intervene in said proceedings. Intervention petitions
should be filed with the Commission on or before January 31, 1950,
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

Dated at Denver, Colorado,
this 24th day of January, 1950.

Ralph C. Holm
John R. Berry
One of the Commissioners
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JULIUS BUSSARD, ENGLEWOOD, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY AUTHORIZING OP-)
ERATION OF CHARTER COACH SERVICE.)

APPLICATION NO. 5846-BB
SUPPLEMENTAL ORDER

January 28, 1950

Appearances: Worth Allen, Esq., Denver, Colo-
rado, for applicant;
T. A. White, Esq., Denver, Colo-
rado, for Denver-Salt Lake-
Pacific Stages, Denver-Colorado
Springs-Pueblo Motor Way, Inc.,
Burlington Transportation Com-
pany, Denver-Boulder Bus Company;
J. G. Hodges, Esq., Denver, Colo-
rado, for Rocky Mountain Motor
Way, Inc.;
E. G. Knowles, Esq., Denver, Colo-
rado, for Denver Tramway Cor-
poration, Southwestern Grey-
hound Lines, Inc., Interstate
Transit Lines;
Alfred Kreager, Esq., Dallas, Texas,
for Continental Bus System.

STATEMENT

By the Commission:

By Decision No. 34072, of date January 13, 1950, Julius Bussard, Englewood, Colorado, was granted a certificate of public convenience and necessity for operation of chartered coaches, as set forth in said Decision No. 34072.

Examination of the Order, as released, discloses that authority granted was erroneously set forth, applicant being authorized to operate as a common carrier by motor vehicle for hire for the transportation of:

"school and church groups by motor vehicle, on call and demand, in chartered coaches, between Englewood, Colorado, and Littleton, Colorado, and between either of said points, on the one hand, and all other points in the State of Colorado, on the other hand,"

whereas it was the intention of the Commission to set forth said authority as follows:

"transportation of school and church groups by motor vehicle, on call and demand, in chartered coaches, between Englewood, Colorado, and Littleton, Colorado, and between either of said points, on the one hand, and all other points in the State of Colorado, on the other hand, without the usual restriction as to the origin of the chartered service when the same originates at either Englewood or Littleton, Colorado."

Also, it appears that "Rules and Regulations" set forth in said Decision No. 34072, commencing on Page 9 of the Order contained in said decision, were not those most recently adopted by this Commission for Rules and Regulations governing chartered coach service.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 34072 should be amended, nunc pro tunc, to conform to the facts, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 34072, of date January 13, 1950, should be, and hereby is, amended, nunc pro tunc, as of said 13th day of January, 1950, by striking therefrom all of the Order contained in said decision, commencing on Page 8 thereof, and inserting in lieu thereof the following:

"THE COMMISSION ORDERS:

"That public convenience and necessity require the proposed service of applicant for the transportation of school and church groups by motor vehicle, on call and demand, in chartered coaches, between Englewood, Colorado, and Littleton, Colorado, and between either of said points, on the one hand, and all other points in the State of Colorado, on the other hand, without the usual restriction as to the origin of the chartered service when the same originates at either Englewood or Littleton, Colorado, and this order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

"That in all other respects, the instant application should be, and the same hereby is, denied.

"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 the 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.

"(a) That applicant herein, in the handling of charter business, the point of origin of the same being within territory served by the holder of a certificate of public convenience and necessity for regular motor carrier passenger operations intrastate, shall give to such certificate-holder the first opportunity of rendering the charter service, if such local certificate-holder is authorized by the Commission to handle charter business, and also if such local certificate-holder is able to perform the service required; but if such certificate-holder has no certificate for handling charter parties, or is unable to comply with the necessary requirements or specifications of the charter party, then applicant may solicit such charter business freely, and may render the service desired from the point of origin to destination, regardless of the fact that there may be other local certificate-holders operating in the territory into which the charter party is destined.

"(b) That any controversy arising in connection with the provisions of this order shall be determined at once upon presentation by the carriers interested to this Commission.

"(c) In performing said occasional charter coach service, applicant shall be, and hereby is, required to maintain and apply to and for the transportation of charter parties, the rules and regulations and fares and charges which shall not be greater or less than the fares and charges, and in accord with the rules and regulations fixed and prescribed by the Commission for occasional charter coach service in its Decision No. 9967, of date May 10, 1937, as amended by Decision No. 10634, of date September 27, 1937, as further amended by Decision No. 31450, of date October 29, 1948, and he is hereby ordered, directed, and required to establish said rules, regulations, fares and charges, and make the same effective upon notice to the Commission and the general public by not less than one day's filing and posting in the manner prescribed in Section 16 of the Public Utilities Act, said rules, regulations, fares, and charges being as follows:

"RULES AND REGULATIONS

"APPLICATION OF TARIFF:

- a. Charges shown herein are in dollars and are payable in lawful United States money.
- b. The rules and regulations contained herein apply to INTRASTATE charter trips as follows:

Intrastate charter trips will be handled by carriers as specifically shown in connection with each carrier in accordance with certificate of convenience and necessity of the individual carriers received from the State Commission.

"DEFINITIONS:

ACCOMMODATIONS:

'Accommodations' as used herein means either (1) additional seats which the charter party may desire in excess of the number necessary for the party for extra convenience or comfort of the party, or (2) additional number of seats (either left in the charter coaches or removed at the charter party's request) for the storing of baggage or other paraphernalia being carried in the custody of the party.

CHARTER COACH:

A unit of motor passenger equipment assigned to the exclusive use of a party or persons.

CHARTER PARTY:

The term 'Charter Party' as used herein means a person or a group of persons, who, pursuant to a common purpose and under a single contract, and at a fixed charge, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the charter party after having left the place of origin.

CHARTER TRIP:

Transportation and incidental service furnished by a carrier in a charter coach between points authorized herein, beginning at the time charter coach is ordered for occupancy by passengers at place of origin and ending with the final discharge of passengers at place of destination.

DAY:

Each twenty-four (24) hour period figured from the time charter coach is ordered for occupancy by passenger at place of origin constitutes a day as used herein, (as an example, from 8:00 A. M. Monday to and including 7:59 A. M. Tuesday).

DEADHEAD MILEAGE:

'Deadhead Mileage' as used in connection with rates published herein means the mileage

traversed in moving charter coach from the nearest point where equipment is held out to be available to the place of origin and from the place of destination back to originating point of the equipment; also such other movements of the charter coach, unoccupied by passengers and/or their personal effects, as may be necessary to provide the kind of trip the charter party desires.

After charter trip has departed from the place of origin, any mileage involved in servicing of equipment will not be included as deadhead mileage.

HOUR:

Each sixty (60) minute period (or additional fraction thereof) figured from the time charter coach is ordered for occupancy by passengers at place of origin constitutes an hour as used herein.

LIVE MILEAGE:

'Live Mileage' as used herein means the mileage traversed by charter coach in a charter trip when occupied by passengers and/or their personal effects.

PLACE OF DESTINATION:

The term 'Place of Destination' as used herein means the place where the charter coach is vacated and released by the charter party.

PLACE OF ORIGIN:

The term 'Place of Origin' as used herein means the place where the charter party orders the charter coach to be at the start of the charter trip for occupancy by passengers.

"DETERMINING MILEAGE:

Mileage will be determined from and in accordance with the provisions of: National Mileage Guide No. 250, Colo. P.U.C. No. 19 and Supplementary Mileage Guide No. A-251-A, Colo. P.U.C. No. 33, amendments thereto or reissues thereof, issued by National Bus Traffic Association, Inc., Agent.

"OBJECTIONABLE PERSONS:

The carrier reserves the right to refuse to transport a person or persons under the influence of intoxicating liquor or drugs, or who is incapable of taking care of himself or herself, or show conduct which is such or is likely to be such as to make him or her objectionable to other passengers.

EXCEPTION: The above rule does not apply to persons who are ill and accompanied by an attendant or nurse.

"BAGGAGE:

Baggage will not be checked. To the limit of the charter coach capacity, personal baggage, musical

instruments, athletic equipment and other paraphernalia necessary for the purpose of the charter trip will be transported in the custody of the charter party at no additional charges.

"ANIMALS OR BIRDS:

Animals or birds will not be carried on charter trips except with the specific permission of the carrier and then only in custody of the charter party. Where passengers bring animals or birds aboard charter coach, the carrier will not be responsible or liable for loss, damage or injury to such birds or animals nor for damage or injury caused by the acts or actions of such animals or birds.

"LIABILITY:

- (a) The carrier will not be liable for delays caused by the Act of God, public enemies, authority of law, quarantine, perils or navigation, riots, strikes, the hazards or dangers incident to a state of war, accidents, breakdowns, bad conditions of the road, snow storms, and other conditions beyond its control, and does not guarantee to arrive at or depart from any point at a specified time. The carrier will endeavor to maintain the schedule submitted by its agent or employee, but same is not guaranteed.
- (b) If an Act of God, public enemies, authority of law, quarantine, perils of navigation, riots, strikes, the hazards or dangers incident to a state of war, accidents, breakdowns, bad conditions of the road, snow storms, and other conditions beyond its control, make it, in the opinion of the carrier, inadvisable to operate charter coaches either from the place of origin or any point enroute, the carrier shall not be liable therefor, or be caused to be held for damages for any reason whatsoever.

"CLAIMS:

Except as might otherwise be prescribed by law, all claims of whatsoever character must be filed in writing within nine (9) months with the carrier.

"APPLICATION AND COLLECTION OF CHARGES:

"APPLICATION

- "(a) The charges published in this tariff are based on the total number of passengers in the charter party plus any additional accommodations ordered by the charter party.

When charter party and additional accommodations (if any) are of sufficient size to require two or more charter coaches, the charges shown herein will be applied separately for each charter coach used.

- "(b) Charges shown herein apply for charter trips over paved, oiled, macadam roads or roads over which the charter coach can be operated at the time of charter trip with safety and without undue wear.
- "(c) All quotations are subject to the carrier being able to supply equipment. Charges shown herein apply only when proper arrangements have been made for the furnishing of equipment and when the carrier can properly meet with all the requirements of the city, state, National or State Park, Monument or Reservation through which the charter coach must pass.
- "(d) When the carrier is unable to furnish a charter coach with the exact number of seats ordered and substitutes a charter coach containing more seats, the carrier will assess charges on the basis of the total number of passengers in the charter party plus the number of additional accommodations ordered by the charter party.
- "(e) When the charter party requests that carrier furnish a charter coach containing more seats than required for the number of persons in the charter party, charges will be assessed on the basis of the total number of persons in the charter party plus the number of additional accommodations ordered.
- "(f) If the charter coach furnished is of greater capacity than needed to accommodate the request of the charter party, and if prior to the time the charter trip is to start from the place of origin the number of persons or accommodations necessary for the charter party are increased, the carrier will assess charges on the actual number of persons in the party plus the increased accommodations required.
- "(g) If the number of persons and/or accommodations in the charter party is reduced prior to the time the charter trip is to start from the place of origin, and the carrier is not notified in sufficient time to permit a substitution with a charter coach of smaller capacity to accommodate the reduced number, carrier will assess charges on the basis of the total number of passengers in the charter party (and accommodations) originally ordered by the charter party.
- "(h) When the number of persons or accommodations for the charter party varies during the course of the charter trip, carrier will assess charges based on the maximum number of persons or accommodations required for the party at any time during the trip.
- "(i) When the charter trip is cancelled in whole or in part by the charter party and deadhead mileage or other incidental service for which charges are provided herein has been performed, the carrier will assess for such services.

"COLLECTION AND REFUND

- "(j) All charges for charter trips including deadhead mileage special charges and estimated minimum charges are payable in advance, unless credit is established with the carrier.
- "(k) Scrip, commutation or mileage books or coupons will not be accepted in payment for charges shown herein.
- "(l) All charges for a charter trip must be assessed against and/or collected from the person or organization ordering the charter coach, and will not be pro-rated and collected as fares from the individuals.
- "(m) On extended charter trips, the charter party may make payments in installments. These payments must be made in advance of each part of the charter trip for which they are applicable. When such arrangements are made the carrier may, at its option, demand deposit to cover return deadhead mileage of charter coach, if any, in case charter trip is discontinued before completion. If charter trip is completed, deposit will be applied on last payments.
- "(n) If the charter party during the charter trip desires to change routing, duration of the charter trip or other arrangements, charges for the revised charter trip will be assessed and collected on the basis of the rates and charges published herein.
 - 1. If the rates and charges as published herein for the revised charter trip exceed the amount first paid, the difference between that amount and the proper charges as published herein will be collected.
 - 2. If the rates and charges as published herein for the revised charter trip are less than the amount first paid, the difference between the rates and charges for the revised trip and the amount collected will be refunded.
- "(o) Refund or credit will be made to the charter party based on the difference between the payments collected and the charges assessed in accordance with the provisions of this tariff. Such refund or credit will be made only through the General Office of the carrier.

"SPECIAL CHARGES

"The special charges shown in this section when applicable are in addition to the transportation and/or minimum charges published in this or the following sections of this tariff.

- (a) All bridge, ferry, park fees or toll road charges, special taxes, licenses or other similar expenses incurred will be collected from the charter party.

- (b) All costs incurred by the carrier at the request of the charter party for the removal and replacement of bus seats, entrance fees to amusement parks, picnic grounds, or vacation areas or other similar incidentals will be collected from the charter party.

*MINIMUM CHARGES

"(a) Minimum Charges will be based on:

- (1) The total number of hours from the time the coach is ordered for occupancy by the charter party at the place of origin until the charter party is discharged at the place of destination.
- (2) The total number of passengers in the charter party plus any additional accommodations ordered by the charter party.

"(b) In no case will the minimum charges for any charter trip be less than an amount equal to the charge for 65 live miles at the rate applicable to the party.

"(c) The minimum charges as shown herein will be applicable only when they exceed the total live and deadhead mileage charges.

"(d) On charter trips (one-way or round-trip) of one full day or more, the minimum charge will be an amount equal to the charges for 175 live miles multiplied by the number of full days in the trip, plus the charges for mileages shown in the table below for any additional fractional part of a day.

"(e) The following table will be used for determining minimum charges (in excess of the minimum provided in paragraph (b)), for charter trips of:

1. Fractional parts of a day less than one (1) full day.
2. Additional fractional parts of a day in excess of one (1) or more full days.

WHEN THE TOTAL NUMBER OF HOURS IN THE CHARTER TRIP IS:		:	A minimum charge equal to the live
OR		:	mileage charge applicable to the
WHEN THE TOTAL NUMBER OF HOURS		:	charter party for the following
IN EXCESS OF ONE OR MORE FULL DAYS IS:		:	number of miles will be used.
		:	
1 hour or less		:	10
Over 1 hour to 2 hours, inclusive		:	20
" 2 hours "	" 3 "	:	30
" 3 "	" 4 "	:	40
" 4 "	" 5 "	:	50
" 5 "	" 6 "	:	60
" 6 "	" 7 "	:	65
" 7 "	" 8 "	:	70
" 8 "	" 9 "	:	75
" 9 "	" 10 "	:	80
" 10 "	" 11 "	:	85
" 11 "	" 12 "	:	90
" 12 "	" 13 "	:	98
" 13 "	" 14 "	:	105

WHEN THE TOTAL NUMBER OF HOURS		:	A minimum charge equal to the live	
IN THE CHARTER TRIP IS:		:	mileage charge applicable to the	
OR		:	charter party for the following	
WHEN THE TOTAL NUMBER OF HOURS		:	number of miles will be used.	
IN EXCESS OF ONE OR MORE FULL DAYS IS:		:		
Over 14 hours to 15 hours, inclusive		:	113	
" 15 "	" 16 "	:	120	
" 16 "	" 17 "	:	128	
" 17 "	" 18 "	:	135	
" 18 "	" 19 "	:	143	
" 19 "	" 20 "	:	150	
" 20 "	" 21 "	:	158	
" 21 "	" 22 "	:	165	
" 22 "	" 23 "	:	170	
" 23 "	" 24 "	:	175	

"LIVE AND DEADHEAD MILEAGE CHARGES

"LIVE MILEAGE CHARGES

The live mileage charges will be based on the total number of passengers in the charter party (plus any additional accommodations ordered) as shown in Column 1 and the rate shown in Column 2 will apply.

"DEADHEAD MILEAGE CHARGES

Deadhead mileage charges will be based on the total number of passengers in the charter party (plus any additional accommodations ordered) as shown in Column 1 and the rates shown in Column 3 will apply.

LIVE AND DEADHEAD MILEAGE RATES (per charter coach)

Column 1	Column 2	Column 3
CHARTER PARTY OF THE FOLLOWING SIZE:	Live Mileage Charges Per Mile	Deadhead Mileage Charges Per Mile
10 to 11, inclusive	\$.15	\$.11
12 " 14 "	.17	.12
15 " 19 "	.22	.16
20 " 21 "	.25	.17
22 " 25 "	.28	.20
26 " 29 "	.32	.22
30 " 33 "	.35	.23
34 " 37 "	.40	.25
38 " 41 "	.44	.25
42 " 45 "	.48	.25
46 " 47 "	.52	.31
48 "	.54	.32
49 to 50, inclusive	.56	.33

"This order shall become effective twenty (20) days from date."

That, except as herein amended, Decision No. 34072 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hutton
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 28th day of January, 1950.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COLORADO & SOUTHERN RAILWAY)
COMPANY TO ABANDON AND SALVAGE THE)
SPUR TRACK LOCATED IN THE SOUTHEAST)
ONE-QUARTER ($\frac{1}{4}$) OF SECTION FOUR (4))
AND THE NORTHEAST ONE-QUARTER ($\frac{1}{4}$))
SECTION NINE (9), TOWNSHIP ONE (1))
SOUTH, RANGE SIXTY-NINE (69) WEST)
OF THE 6TH P. M., BOULDER COUNTY,)
COLORADO.)

APPLICATION NO. 10401

January 28, 1950

S T A T E M E N T

By the Commission:

On January 12, 1950, The Colorado & Southern Railway Company, by J. D. Walker, Assistant Vice President and General Manager, filed, pursuant to General Order No. 15, of this Commission, its notice of intention to dismantle and abandon the spur track 399 $\frac{1}{2}$ feet in length located in the S.E. $\frac{1}{4}$ of Section 4 and the N.E. $\frac{1}{4}$ of Section 9, Township 1 South, Range 69 West of the 6th P.M., Boulder County, Colorado. The location of said trackage is shown in detail in yellow on the blueprint which is a part of and is attached to the instant application.

The application states that The Colorado & Southern Railway Company is desirous of salvaging perishable material in said trackage so that the same may be used elsewhere. The spur track in question has been used to supply coal to a power plant of The Public Service Company of Colorado and there have been no shipments on this track since February, 1948. The application further states that there are no other industries located on or adjacent to said trackage.

The Commission has notified The Public Service Company of Colorado of said abandonment and the Company has replied that they have no objection to the dismantling of said spur track.

There being no other interested parties who would desire to be

heard in opposition to the granting of the authority sought, 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.

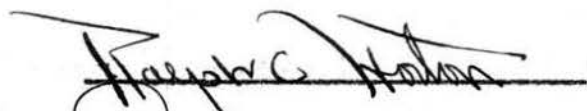
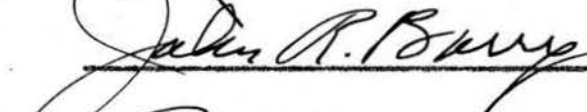

O R D E R

THE COMMISSION ORDERS:

That The Colorado & Southern Railway Company be, and it is hereby, authorized to abandon on or after February 12, 1950, the spur track, 3994 feet in length located in the SE $\frac{1}{4}$ of Section 4 and the NE $\frac{1}{4}$ of Section 9, Township 1 South, Range 69 West of the 6th P.M., Boulder County, Colorado, being more particularly shown by the yellow line on the blueprint attached to the instant application, 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.

This order shall become effective February 12, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of January, 1950.

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

A. N. DUNBAR, doing business as
"THE FLYING TELEPHONE EXCHANGE,"

Complainant,

vs.

THE HIGHLINE ELECTRIC ASSOCIATION,
a corporation,

Defendant.

CASE NO. 4964

January 27, 1950

STATEMENT

By the Commission:

On July 31, 1947, Mr. A. N. Dunbar, doing business as "The Flying Telephone Exchange", filed a complaint with this Commission against The Highline Electric Association, alleging that the Defendant is a corporation, engaged in maintaining and constructing electric lines, and in the distribution of electrical power within the area in which Complainant is authorized to render telephone service; that said electric lines interfered with Complainant's telephone service by grounding out the telephone lines where said electric lines cross over the telephone lines by sagging down into contact with the telephone wires, contacting them in such a manner that no communications can be had over or through Complainant's telephone system. Complainant contacted the officers of The Highline Electric Association and the contractor who builds the electric lines for said Association but was unable to reach an agreement with them regarding the matters in the complaint.

The Commission, on August 5, 1947, issued an Order to Satisfy or Answer the matter set forth in the complaint and The Highline Electric Association, by its attorneys, Austin and Konkell, filed an Answer denying the jurisdiction of this Commission in the instant matter but admitting

that they do or will render service in the area in which Complainant is authorized to render telephone service. The Association denies that it owns any electric lines that interfere with Complainant's business but admits that some electric lines have been constructed in that area. Defendant alleges that these electrical lines have been constructed by an independent contractor and are not the property of the Defendant until they are completed and ready for energizing and have been accepted by Defendant.

Defendant further alleges that upon receipt of the instant complaint Defendant's Manager accompanied the Complainant on an inspection trip covering part of the area involved and as a result of said trip Defendant instructed the construction engineer to make a study of all the crossings in question and that said crossings should be made to comply with code specifications before Defendant would accept the electric lines from the contractor. Since the construction work was still in progress, the Defendant asked the Commission to hold the instant Case in abeyance for a reasonable time so that the two systems, telephone and electric, might be coordinated.

The Commission received a letter from Mr. A. N. Dunbar on January 19, 1950, stating that the particular complaint in Case No. 4964 has been taken care of.

FINDINGS

THE COMMISSION FINDS:

That the complaint in the instant matter having been taken care of to the satisfaction of the Complainant, Case No. 4964 should be dismissed.


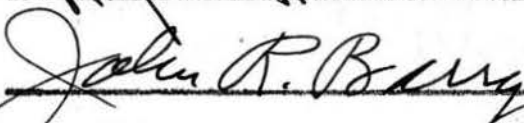
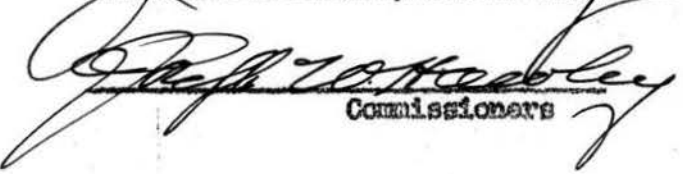
ORDER

THE COMMISSION ORDERS:

That the complaint of A. N. Dunbar, doing business as "The Fleming Telephone Exchange" against The Highline Electric Association be, and is hereby, dismissed.

That this Order shall become effective twenty (20) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 27th day of January, 1950.

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
SOUTHERN UNION GAS COMPANY, DALLAS,
TEXAS, FOR AUTHORITY TO ISSUE SECUR-
ITIES:

(a) To issue transferable stock
subscription rights in the form of
subscription Warrants, to issue and
sell, pursuant to exercise of such
rights of additional shares of its Com-
mon Stock, per value \$1 per share, in
an amount not exceeding one share for
each 12 shares of its Common Stock
issued and outstanding at the close of
business on January 30, 1950, for a
cash consideration of \$17.50 per share
as herein proposed, and of the applica-
tion of the proceeds from such sale to
the purposes specified in application;

(b) Issue and sell 30,000 shares of
preferred stock, par value \$100 per
share, such Preferred Stock to have a
dividend rate of not to exceed 5% per
annum and to be sold for cash at a
price of not less than par (before
deducting underwriting commissions of
not to exceed 5% of par) plus divi-
dends accrued from December 15, 1949,
and the application of the proceeds from
such sale to the purposes set forth
in application;

(c) Issue and sell \$18,000,000
principal amount of its First Mort-
gage Sinking Fund Bonds, 2-7/8% Series
due 1975, for cash at a price of not
less than par (before deducting under-
writing commissions of not to exceed
1% of par) plus interest accrued from
February 15, 1950, such bonds to be
secured by a mortgage lien upon sub-
stantially all of Applicant's fixed
properties, rights and interests, and
the application of the proceeds of such
sale to the purposes set forth in
application.

APPLICATION NO. 10410

January 26, 1950

STATEMENT

By the Commission:

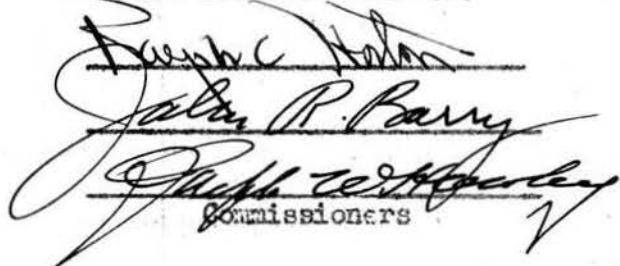
Upon consideration of the application filed January 26, 1950
by the Southern Union Gas Company, a Corporation, in the above-styled
matter:

ORDER

THE COMMISSION ORDERS:

That a public hearing be held, commencing on Monday, February 6, 1950, 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 February 2, 1950, 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


Commissioners

Dated at Denver, Colorado,
this 26th day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLEN D. RUST, CORTEZ, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO. }
B-1031 TO VAUGHN SMITH, DOLORES, }
COLORADO. }

APPLICATION NO. 10371-PP-Transfer

January 27, 1950

Appearances: Glen D. Rust, Cortez, Colorado,
 EXC SE:
 Vaughn Smith, Dolores, Colorado,
 EXC SE.

S T A T E M E N T

By the Commission:

On September 30, 1935, Stanley Talcott, Cortez, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

livestock, household goods, building material, farm supplies, farm machinery, and farm products, to and from points within a radius of fifty miles of Cortez, Colorado, with the understanding that no hauls will be made which will encroach upon present services of authorized common carriers as stipulated, now operating in this area, and in the case of emergency hauls over scheduled common carrier routes, a rate twenty per cent in excess of the scheduled carriers' rates will be charged by applicant,

said operating rights being designated "Permit No. B-1031."

Pursuant to authority contained in Decision No. 25177, of date November 24, 1945, said permit-holder transferred said operating rights to Glen D. Rust, Cortez, Colorado, who, by the instant application, seeks authority to transfer Permit No. B-1031 to Vaughn Smith, Dolores, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Durango, Colorado, January 16, 1950, at ten o'clock A. M., and at the conclusion

of the evidence, the matter was taken under advisement.

At the hearing, it appeared that there are outstanding indebtednesses against transferor, as follows:

Dennis & Jones, Cortez, Colorado. . .	\$1,100.00
Citizens State Bank, Cortez, Colorado	100.00
Durango Building and Savings, Durango, Colorado	2,500.00

Notices of Hearing were forwarded to each of the above creditors, but none appeared at the hearing on the instant application.

Transferor Rust testified that all of said obligations were secured, and Transferee Smith stated that in the event transfer of said operating rights was authorized, it was agreeable that the Order contain the provision that it would be subject to outstanding obligations of Glen D. Rust.

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

It also appeared that road tax has been paid, and that ton-mile tax deposit of transferor is to be transferred to transferee.

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.

O R D E R

THE COMMISSION ORDERS:

That Glen D. Rust, Cortez, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1031 -- being the operating rights acquired by him pursuant to authority contained in Decision No. 25177 -- to Vaughn Smith, Dolores, Colorado, subject to payment of outstanding indebtedness against said operation,

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

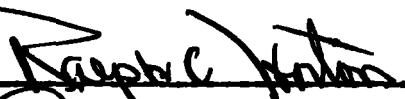
reports, if any, covering his operations under said permit up to the time of transfer of said permit, and the payment by him or transferee of all unpaid ton-mile tax.


This order is made a part of the permit authorized to be transferred.


That ton-mile tax deposit of transferor shall be transferred and credited to account of transferee.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 27th day of January, 1950.

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original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. W. STALDER, BOX 511, CORTEZ,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 10370-PP

January 30, 1950

Appearances: W. W. Stalder, Cortez, Colorado,
pro se;
T. A. Stockton, Jr., Esq., Denver,
Colorado, for The Denver and
Rio Grande Western Railroad
Company;
Otis Gibson, Esq., Denver, Colo-
rado, for The Denver and Rio
Grande Western Railroad Company;
Pierpont Fuller, Jr., Esq., Denver,
Colorado, for The Denver and
Rio Grande Western Railroad
Company, Rio Grande Southern
Railroad Company, Albert C.
Stampfel;
R. E. Turano, Denver, Colorado,
for Rio Grande Motor Way, Inc.,
Moab Garage Company;
R. Franklin McKelvey, Esq.,
Durango, Colorado, for Albert
C. Stampfel.

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
beans and wheat from Dove Creek east to Cortez, Colorado; thence east
to Monte Vista, Colorado, and from Cortez south to New Mexico-Colorado
State Line, with occasional trips to Denver, Colorado; vanadium ore
from Rico to Durango, Colorado, with no back-haul from Durango to
Rico, Colorado.

Said application, pursuant to prior setting, after appropriate
notice to all parties in interest, was heard at Court House, Durango,
Colorado, January 16, 1950, at ten o'clock A. M., and at the conclusion

of said hearing, the matter was taken under advisement.

Applicant, appearing in his own behalf, stated that he lives at Cortez, Colorado, and owns an International Dump Truck of a rated capacity of four tons; that he has been hauling vanadium ore from mines near Rico to Durango, Colorado, he having leased his truck to one Dale Waters; that he had received request for transportation service from a producer of beans; that he desired to transport beans and wheat into Texas and New Mexico, and that if authority were granted, he would purchase new equipment with which to perform said service.

Applicant was the only witness appearing in support of his application.

R.W. Clark, District Freight and Passenger Agent for The Denver and Rio Grande Western Railroad Company, and C. W. Braebning, Superintendent of the Rio Grande Southern Railroad Company, testified that their respective railroads paralleled, in part, routes sought to be served by applicant herein; that they have sufficient cars and rolling stock to adequately care for the transportation needs of said communities, and were able and willing to, and do, perform said service.

C. J. Moberly, Agent Supervisor for Rio Grande Motor Way, Inc., testified that Motor Way has sufficient equipment to render the services sought to be performed by applicant; that although Motor Way has authority to transport wheat and beans along the proposed routes of applicant, no requests had been received for such service.

Robert K. Schribner, Terminal Manager for Moab Garage Company, testified that his company had authority to render part of the service sought to be performed by applicant; that it had sufficient equipment to care for said transportation requirements, but had received no calls for such service.

From the record before the Commission, it appears that applicant desires to transport beans and wheat interstate, and vanadium ores from pits and mines located near Rico, Colorado, to Durango, Colorado; that there is no vanadium ore at Rico. Applicant named no prospective customers, and no shipper-witnesses appeared in support of his application.

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It appears that there are sufficient authorized common carriers to properly perform the service sought to be performed by applicant, and that the granting of the instant application would impair the efficiency of said common carrier services.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be denied, for the reasons set forth in the Statement preceding, which by reference is made a part hereof.

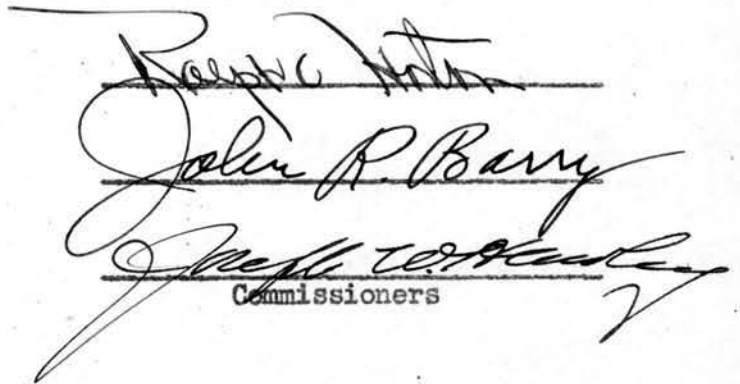
O R D E R

THE COMMISSION ORDERS:

That the instant application 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


Commissioners

Dated at Denver, Colorado,
this 30th day of January, 1950.

HW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
G. J. NIELSON, CHARLES J. NIELSON,)
ARTHUR L. NIELSON, DONALD L. NIEL-)
SON, WILLIAM K. NIELSON, AND LELAND)
D. NIELSON, CO-PARTNERS, DOING BUSI-)
NESS AS "G. J. NIELSON AND SONS,")
ROUTE 3, DOLORES, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS PRI-)
VATE CARRIERS BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 10369-PP

January 30, 1950

Appearances: G. J. Nielson, Dolores, Colorado,
for applicants;
Emigh and Emigh, Esqs., Durango,
Colorado, for Burnett Construc-
tion Company, Montezuma Truck
Line;
T. A. White, Esq., Denver, Colo-
rado, and
Otis Gibson, Esq., Denver, Colo-
rado, for The Denver and Rio
Grande Western Railroad Company;
Pierpont Fuller, Esq., Denver,
Colorado, for The Denver and
Rio Grande Western Railroad,
Rio Grande Southern Railroad
Company;
R. E. Turano, Denver, Colorado,
for Rio Grande Motor Way, Inc.,
Moab Garage Company, W. R.
Hall Transfer Company;
T. A. Stockton, Jr., Esq., Den-
ver, Colorado, for Watson Truck
Line.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as Class "B"
private carriers by motor vehicle for hire for the transportation of
heavy construction equipment within a radius of two hundred miles of
Dolores, Colorado, with an occasional trip to Eastern Colorado.

Said application, pursuant to prior setting, after appropriate
notice to all parties in interest, was heard at the Court House, Durango,

Colorado, January 16, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

At the hearing, G. J. Nielson, appearing in behalf of applicants, stated that his residence and business headquarters are located twelve miles north of Dolores; that he and his five sons are engaged in the construction business; that because of inability to obtain heavy-hauling service from duly authorized carriers in Southwestern Colorado, he and his sons had purchased, at a cost of \$9,000.00, equipment with which they had transported their construction equipment; that prior to purchase of said heavy-hauling equipment, applicants had, on occasions, waited for as many as fifteen days before service requested had been rendered by authorized carriers; that applicants had been requested by several contractors and other users of heavy equipment to furnish transportation service; that they have furnished some transportation service for other parties under lease arrangement.

Upon cross-examination, applicant admitted that he had not received requests for service in the Craig or Meeker areas, and stated he had not rendered any service in those districts; that most requests received had been from individuals within a radius of fifty miles of Dolores, and that he had received requests for transportation service for heavy equipment from Grand Junction, Colorado.

Applicant G. J. Nielson was the only witness appearing in support of said application.

Leslie D. Burnett, President of Burnett Construction Company, operating under PUC No. 466, testified that his company was authorized to perform all service herein sought to be performed by applicants -- both as to type of service and territory to be served; that it owns four pieces of equipment that would be comparable to equipment owned by applicants; that said equipment was sufficient to meet any reasonable demand for transportation service; that one of the chief phases of his company's business is the transportation of heavy equipment; that it had furnished service for some of the users of heavy equipment named by applicant as his prospective customers; that he had never refused service

to anyone; that applicants had never requested services of Burnett Construction Company; that if the authority here sought were granted, it would impair the efficiency of transportation service rendered the public by his company.

John Able, owner and operator of PUC Nos. 360, 848 and 889, testified that he had authority to furnish the services requested by applicants in part of the territory sought to be served; that he had sufficient equipment to furnish any reasonable demand for service; that he had transported heavy equipment for applicants and for many of the parties named by applicant as having requested transportation service.

G. J. Schuler, of Telluride Transfer Company, testified that his company was able to furnish service within its territorial authority, said service being similar to that sought to be performed by applicants.

R. W. Clark, District Freight and Passenger Agent for The Denver and Rio Grande Western Railroad Company, testified that his company can furnish a heavy-hauling service along the line of its railroad, and that C. W. Braebing, Superintendent of the Rio Grande Southern Railroad Company, could perform similar service along its line.

Upon the record before the Commission, it appears that applicants have purchased a piece of equipment known as a "low boy," for their own use in their construction business; that they have use for said equipment for a very limited time each month, and it is their desire to keep said equipment in use at all times by obtaining Private Carrier Authority. Applicant G. J. Nielson testified that several people had requested their services for transportation of heavy machinery, but no shipper-witnesses appeared at the hearing in support of the application, or to complain of the inadequacy of the services offered by authorized carriers in the territory sought to be served by applicants.

It further appears that the services, facilities, and equipment of protestants herein are sufficient to properly care for the transportation requirements in the territory sought to be served by applicants, and that the granting of the instant application would impair

the efficiency of said common carrier service.

F I N D I N G S

THE COMMISSION FINDS:

That the granting of the instant application would impair the efficiency of adequate common carrier services in territory sought to be served by applicants, and that said application should be denied.

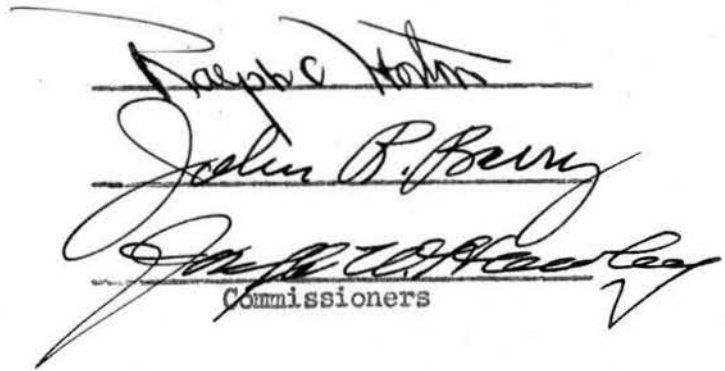
O R D E R

THE COMMISSION ORDERS:

That the above-styled application 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


Commissioners

Dated at Denver, Colorado,
this 30th day of January, 1950.

mw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM BOYD HALL, DOING BUSINESS)
AS "CORTEZ TRANSFER," CORTEZ, COLO-)
RADO, FOR AN EXTENSION OF PUC NO.)
1689.)

APPLICATION NO. 10372-Extension

January 30, 1950

Appearances: Robert M. Eakes, Esq., Durango,
Colorado, and
George Dilts, Esq., Cortez,
Colorado, for applicant;
Emigh and Emigh, Esqs., Durango,
Colorado, for Montezuma
Truck Line;
R. E. Turano, Denver, Colorado,
for Rio Grande Motor Way,
Inc., Moab Garage Company,
Vann Transfer and Storage
Company;
Pierpont Fuller, Jr., Esq.,
Denver, Colorado, for The
Denver and Rio Grande
Western Railroad Company,
Rio Grande Southern Railroad
Company, Albert C. Stampfel;
R. Franklin McKelvey, Esq.,
Durango, Colorado, for
Albert C. Stampfel;
C. J. Schuler, Telluride, Colo-
rado, for Telluride Transfer.

S T A T E M E N T

By the Commission:

Applicant herein is presently the owner and operator of PUC
No. 1689, authorizing transportation of:

passengers and their baggage, on call and demand,
and taxicab service, in Cortez, Colorado, and be-
tween points within (and including) a radius of
fifty miles of Cortez, Colorado, applicant's
equipment being limited to six-passenger automo-
biles, and for transportation of passengers be-
tween points served by line-haul motor vehicle
common carriers of passengers, rates are to be
on the basis of twenty-five cents per mile one
way, with fare and a half for round-trip for one
passenger, with one-half fare extra for each

passenger in addition to a single passenger -- either one way or round-trip -- and \$2.00 per hour waiting time, except that no charge shall be made for transportation of children under six years of age when accompanied by a paying passenger, and children between the ages of six and twelve years, when accompanied by a paying passenger, shall be charged one-half fare, only.

On call and demand, transfer and delivery business within the Town of Cortez, Colorado, and from Cortez to points within a radius of five miles of Cortez, Colorado, and from point to point within said radius, and from points within said radius to Cortez, Colorado.

By the instant application, said certificate-holder seeks to extend operations under PUC No. 1689 to include the right to transport freight between Cortez and a radius of five miles of Cortez, to points within a five-mile radius of Cortez, to points within a radius of fifty miles of Cortez, and between points within a radius of fifty miles of Cortez, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Durango, Colorado, January 16, 1950, at ten o'clock A. M., and at the conclusion of said hearing, the matter was taken under advisement.

Applicant, appearing in his own behalf, testified that he owns and operates a taxicab and transfer business in the Town of Cortez; that he has received many requests to transport furniture from and to points outside his present authority; that farmers have requested service beyond the scope of his authority for the transportation of grain, hay, cake, and other stock feeds from town to farms; that he has been requested to move furniture from town to farm, and from Cortez to Durango and other communities within a radius of fifty miles of Cortez; also for the transportation of hunters' and campers' equipment and supplies to Mesa Verde National Park. Applicant stipulated that he would limit his application to provide that no transportation under the proposed extended operation should originate in Durango, Colorado, but did not desire to further limit his request for extended authority.

Clare E. Broadfield, a farmer living within ten miles of Cortez, testified that some localized transportation was needed for farmers; that

service such as proposed by applicant herein would serve his transportation requirements.

Roy Wilson, a farmer living about seven miles north of Cortez, testified that local transportation service would be desirable to care for the transportation needs of farmers.

G. L. Veach, a farmer and stockman residing in the Cortez district, testified that he had need for small-truck service in his business, and that he thought a local transportation service should be available.

John Able, owner of Montezuma Truck Line, in opposition, testified that he is the owner and operator of PUC Nos. 360, 848, and 889; that under said operating rights, he can serve within a radius of fifty miles of Cortez and a radius of thirty-five miles of Pagosa Springs; that he has all types of equipment, from small pick-up trucks to low-boys and flat beds, and can serve all the territory sought to be served by applicant; that he has kept a truck at Cortez from time to time, but does not maintain an office there.

C. J. Schuler, appearing for Telluride Transfer, testified that his company can render service within part of the territory sought to be served by applicant, and has sufficient equipment to adequately care for transportation requirements in said area.

C. J. Moberly, Agent Supervisor for Rio Grande Motor Way, Inc., testified that Motor Way can serve within the territory sought to be served by applicant, and that it has equipment necessary to provide such service; that Motor Way back-haul to Durango of furniture and other commodities is needed from Cortez.

Catherine Johns, co-owner of Vann Transfer and Storage Company, of Durango, Colorado (PUC No. 1886), with authority to serve five counties in the Sixth Judicial District of Colorado, which territory overlaps the fifty-mile radius of Cortez sought to be served by applicant herein, stated that the chief business of Vann's Transfer and Storage was transportation of used household goods and furniture; that they had recently purchased PUC No. 1886, and that business was not what had been

expected; that Vann's Transfer and Storage Company has two furniture vans, and one pick-up truck; that any loss of business would materially impair the adequacy of its common carrier operations.

Robert K. Scribner, Terminal Manager of Moab Garage Company, (PUC No. 580), testified that his company had authority to serve one mile on each side of State Highway No. 160 between Durango and Dove Creek, Colorado; that Moab Garage Company maintains a truck at Cortez, but not the small equipment necessary for small hauling jobs.

From the record, it appears that applicant has had some demand for service from his presently-authorized area to points within a radius of ten miles for the transportation of hay, grain, seed, cake, and other articles needed by farmers, and a demand for transportation of used household goods and furniture from and to points along Highway No. 160 and within a radius of fifty miles of Cortez. It did appear that a demand exists for a quick and dependable service to farmers within a radius of ten miles of Cortez, but applicant did not desire to so limit his application.

It further appeared that most of the transportation in the territory sought to be served by applicant originates at or is destined to points on Highway No. 160; that Rio Grande Motor Way, Inc. maintains daily service along said highway from Durango to Dove Creek, and needs small shipments of household goods and furniture as back-haul from points along said highway to Durango; that Moab Garage renders service along Highway No. 160 and one mile on each side thereof.

The record further discloses that in addition to the line-haul competition offered by Rio Grande Motor Way, Inc. and Moab Garage Company, Telluride Transfer Company and Rio Grande Motor Way have call and demand service within the radius sought to be served by applicant, or a part thereof, and that they have sufficient equipment ready and available to care for the transportation needs in said area; that Vann Moving and Storage Company is engaged primarily in transportation of used household goods and furniture, and has obtained necessary vans and other equipment to handle such commodities; that the demand for such transportation is

limited by population, and any loss of business to other carriers would impair the efficiency of said duly authorized common carriers' operations.

The record further indicates that Montezuma Truck Line also serves on call and demand in the territory sought to be served by applicant; that it has sufficient equipment to adequately care for such transportation requirements.

F I N D I N G S

THE COMMISSION FINDS:

That the granting of the instant application would impair the efficiency of adequate service rendered by presently-authorized common carriers in the territory sought to be served by applicant, and that said application should be denied for the reasons set forth in the Statement preceding, which by reference is made a part hereof.

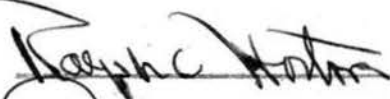


O R D E R

THE COMMISSION ORDERS:

That the above-styled application 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




Commissioners

Dated at Denver, Colorado,
this 30th day of January, 1950.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAM KLINE AND ALEX BEISEL, CO-)
PARTNERS, DOING BUSINESS AS "KLINE)
AND BEISEL MILK LINE," 211 SOUTH)
SEVENTH STREET, BRIGHTON, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.)
A-561 TO TOM T. YANAGA, ROUTE 1,)
BOX 135, FORT LUPTON, COLORADO.)

APPLICATION NO. 10406-PP-Transfer

IN THE MATTER OF THE APPLICATION OF)
SAM KLINE AND ALEX BEISEL, CO-)
PARTNERS, DOING BUSINESS AS "KLINE)
AND BEISEL MILK LINE," 211 SOUTH)
SEVENTH STREET, BRIGHTON, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
809 TO TOM T. YANAGA, ROUTE 1, BOX)
135, FORT LUPTON, COLORADO.)

APPLICATION NO. 10407-Transfer

January 30, 1950

S T A T E M E N T

By the Commission:

Heretofore, pursuant to authority contained in Decision No. 29430, of date December 12, 1947, Sam Kline and Alex Beisel, co-partners, doing business as "Kline and Beisel Milk Line," Brighton, Colorado, acquired Permit No. A-561 and PUC No. 809, said operating rights being set forth in Decision No. 26118, as amended by Decision No. 26387, which, by reference, are made a part hereof.

By the instant application, said Sam Kline and Alex Beisel seek authority to transfer said operating rights to Tom T. Yanaga, Fort Lupton, Colorado.

Inasmuch as the files of the Commission and the applications herein show that said operating rights are in good standing; that ton-mile tax deposits are to be transferred to account of transferee; that there are no outstanding unpaid operating obligations against said operating rights; that transferee, pecuniarily and otherwise, is able,

willing and qualified to carry on the operation, and it does not appear that any useful purpose would be served by setting said matters for formal hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said authorities, the Commission determined to hear, and has heard, said matters, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

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

O R D E R

THE COMMISSION ORDERS:

That Sam Kline and Alex Beisel, co-partners, doing business as "Kline and Beisel Milk Line," Brighton, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. A-561 to Tom T. Yanaga, Fort Lupton, Colorado, said permit authorizing transportation of:

milk and cream to Fort Lupton, Colorado, from territories described as: Beginning at a point $2\frac{1}{2}$ miles south of Longmont, Colorado, on U. S. Highway No. 87; thence east a distance of $6\frac{1}{2}$ miles of Highway No. 185; thence south $2\frac{1}{2}$ miles; thence west $6\frac{1}{2}$ miles to U. S. Highway No. 87; thence north to point of beginning. Beginning at the Rimm Church, located on Highway No. 185, being the northwest corner of Section 23, Township 2-North, Range 68-West; thence east 6 miles to the northeast corner of Section 22, Township 2-North, Range 67-West; thence south 8 miles; thence west 7 miles to the country road 1 mile west of Highway No. 185; thence north 6 miles; thence east 1 mile; thence north 2 miles to the point of beginning, with back-haul of empty cans.

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 transferors of delinquent reports, if any, covering their operations under said permit up to the time of transfer of said permit, and the payment by them 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 transferors shall be transferred to account of transferee.

That Sam Kline and Alex Beisel, co-partners, doing business as "Kline and Beisel Milk Line," Brighton, Colorado, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 809 to Tom T. Yanaga, Fort Lupton, Colorado, said certificate authorizing the transportation of:

milk and cream from the area described as follows: Beginning at a point on U. S. Highway No. 285 3 miles north of Longmont, Colorado; thence east to a point 2 miles west of U. S. Highway No. 85; thence south following a line which is 2 miles west of said Highway No. 85 to a point $2\frac{1}{2}$ miles north of the Fort Lupton-Dacona Highway; thence west along a line $2\frac{1}{2}$ miles north of the Fort Lupton-Dacona Highway to where such line intersects with Highway No. 285; thence north to the point of beginning, to Johnstown and Fort Lupton, Colorado, only, with back-haul of empty cans.

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

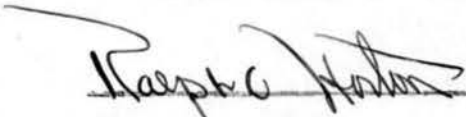

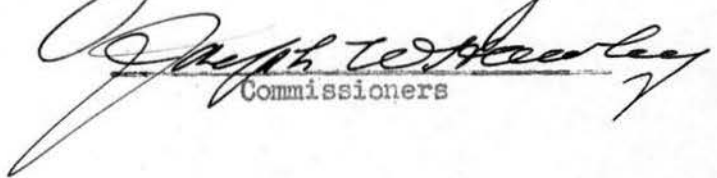
The right of transferee to operate under this order shall depend upon the prior filing by transferors of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate, and the payment by them or transferee of all unpaid ton-mile tax.

That ton-mile tax deposit of transferors shall be transferred and credited to account of transferee.

That said transferee shall not directly or indirectly consolidate the said common carrier and private carrier operations, and shall not, at the same time, with the same vehicle, operate as a common carrier and as a private carrier.

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 30th day of January, 1950.

mW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN LEACH, ROUTE 9, BOX 241, AURORA,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PERMIT NO. B-1048 TO L. N. WOODS,)
3420 BIRCH STREET, DENVER, COLORADO.)

APPLICATION NO. 10403-PP-Transfer

January 30, 1950

S T A T E M E N T

By the Commission:

By Decision No. 33524, of date October 5, 1949, John Leach, Aurora, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of:

sand, gravel, and other road surfacing materials 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,

said operating rights being designated "Permit No. B-1048."

By the instant application, said permit-holder seeks authority to transfer Permit No. B-1048 to L. N. Woods, Denver, 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 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 application, 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 John Leach, Aurora, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-1048 -- being the operating rights granted by Decision No. 33524 -- to L. N. Woods, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

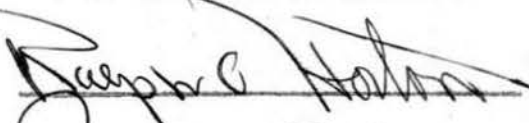
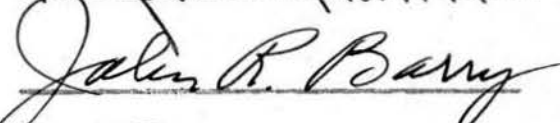

The right of transferee to operate under this order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to time of transfer of said permit,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




Commissioners

Dated at Denver, Colorado,
this 30th day of January, 1950.

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

✻ ✻ ✻ ✻

RE MOTOR VEHICLE OPERATIONS OF)
PAUL W. BERGLUND, EVERGREEN,)
COLORADO)

PERMIT NO. C-24025

February 1, 1950

S T A T E M E N T

By the Commission:

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

Paul W. Berglund

requesting that Permit No. C-24025 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Permit No. C-24025....., heretofore issued to.....

Paul W. Berglund.....be.

and the same is hereby, declared cancelled effective **January 20, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 1st day of February, 1940

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL OGREN, ROUTE 1, BOX 47-A)
BOULDER, COLORADO)
)
)
)
)

PERMIT NO. C-24072

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Carl Ogren.....
requesting that Permit No. C-24072 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-24072....., heretofore issued to.....
Carl Ogren..... be,
and the same is hereby, declared cancelled effective January 23, 1950

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hartman

John B. ...

Joseph W. Hainley

Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DONALD M. ARNOLD, 2619 SOUTH)
BANNOCK, DENVER 10, COLORADO)
)
)
)

PERMIT NO. C-24171

February 1, 1950

S T A T E M E N T

By the Commission:

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

Donald M. Arnold.....

requesting that Permit No. C-24171 ..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-24171 .., heretofore issued to.....

Donald M. Arnold.....be,

and the same is hereby, declared cancelled effective **January 23, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Richard C. Norton

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 1st day of February, 1950

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
BELLE M. SMITH, 1037 WEST 8TH)
AVENUE, DENVER 4, COLORADO)
)
)
)

PERMIT NO. C-24267

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Belle M. Smith.....
requesting that Permit No. C-24267.....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-24267....., heretofore issued to.....
Belle M. Smith.....be,
and the same is hereby, declared cancelled effective **December 31, 1949**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
MAX BUCKRIDGE, GENERAL DELIVERY)
GRANITE CANON, WYOMING)
)
)
)

PERMIT NO. C-22946

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Max Buckridge.....
requesting that Permit No. C-22946.....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-22946....., heretofore issued to
Max Buckridge.....be,
and the same is hereby, declared cancelled effective **January 23, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

J. P. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK LEE TRIPP, 617 DODGE)
STREET, DELTA, COLORADO)
)
)
)

PERMIT NO. C-22880

February 1, 1950

S T A T E M E N T

By the Commission:

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

Frank Lee Tripp.....

requesting that Permit No. C-22880..... 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-22880....., heretofore issued to.....

Frank Lee Tripp.....be,

and the same is hereby, declared cancelled effective **January 23, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

John E. ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 1st day of February, 1950

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
W. B. COSPER, 782 MONROE STREET)
DENVER 6, COLORADO)
)
)
)
)

PERMIT NO. 1870-I

February 1, 1950

S T A T E M E N T

By the Commission:

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

W. B. Cosper-----

requesting that Permit No. 1870-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 Permit No. 1870-I, heretofore issued to-----

W. B. Cosper-----be,

and the same is hereby, declared cancelled effective **January 19, 1950**

THE PUBLIC UTILITIES COMMISSION

~~OF THE STATE OF COLORADO~~

Roy C. Hinton

John J. J. J.

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 1st day of February, 1950

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROY CARRELL, ROUTE 1, MONTE)
VISTA, COLORADO)
)
)
)

PERMIT NO. C-23308

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Roy Carrell-----
requesting that Permit No. C-23308 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-23308, heretofore issued to-----
Roy Carrell-----be,
and the same is hereby, declared cancelled effective **January 23, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

John J. ...

Joseph W. ...
Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
J. C. TIDWELL, SALIDA, COLORADO)

PERMIT NO. C-22831

February 1, 1950

S T A T E M E N T

By the Commission:

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

J. C. Tidwell

requesting that Permit No. C-22831 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-22831, heretofore issued to.....

J. C. Tidwell be,

and the same is hereby, declared cancelled effective **January 23, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton
John C. ...
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,

this 1st day of February, 1950

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MONTE & VIRGINIA LUCERO, 208)
WEST RIO GRANDE, COLORADO)
SPRINGS, COLORADO)
)
)
-----)

PERMIT NO. C-22849

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Monte & Virginia Lucero.....
requesting that Permit No. C-22849..... 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-22849....., heretofore issued to.....
Monte & Virginia Lucero..... be,
and the same is hereby, declared cancelled effective **January 23, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton
John J. ...
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE C. NICHOLS (DECEASED))
ROUTE 1, BOX 90)
MONTROSE, COLORADO) PERMIT NO. C-23471
)
)
)

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Mrs. Joe C. Nichols.....
requesting that Permit No. C-23471..... 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-23471....., heretofore issued to.....
Mrs. Joe C. Nichols..... be,
and the same is hereby, declared cancelled effective **January 23, 1950**

THE PUBLIC UTILITIES COMMISSION

~~OF THE~~ STATE OF COLORADO

Ralph C. Thornton

John J. Bessie Jr.

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
TONY JOE MARTINEZ, 551 THIRD)
STREET, DURANGO, COLORADO)
)
)
)

PERMIT NO. C-23744

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from-----
Tony Joe Martinez-----
requesting that Permit No. C-23744----- 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-23744-----, heretofore issued to -----
Tony Joe Martinez-----be,
and the same is hereby, declared cancelled effective January 21, 1950

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
VIRGIL CLASSEN, RICHFIELD,)
KANSAS)
)
)
)
)
)

PERMIT NO. C-23951

February 1, 1950

S T A T E M E N T

By the Commission:

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

Virgil Classen-----

requesting that Permit No.----- 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-23951-----, heretofore issued to-----

Virgil Classen----- be,

and the same is hereby, declared cancelled effective January 23, 1950

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Hartman

John H. Boring

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 1st day of February, 1950

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE KOZMA, CRIPPLE CREEK,)
COLORADO)

PERMIT NO. C-870

February 1, 1950

S T A T E M E N T

By the Commission:

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

Joe Kozma.....

requesting that Permit No. C-870 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-870, heretofore issued to.....

Joe Kozma.....be,

and the same is hereby, declared cancelled effective **January 24, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Horton

John P. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 1st day of February, 1950

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. L. & ALBINA BROSH DOING)
BUSINESS AS "MONTROSE LUMBER)
COMPANY", MONTROSE, COLORADO) PERMIT NO. C-4046
)
)

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
C. L. & Albina Brosh doing business as "Montrose Lumber Company"
requesting that Permit No. C-4046.....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-4046....., heretofore issued to.....
C. L. & Albina Brosh doing business as "Montrose Lumber Company".....be,
and the same is hereby, declared cancelled effective January 24, 1950

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this.....1st.....day of February....., 1950
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRED J. & EDWARD BLECHA DOING)
BUSINESS AS "BLECHA BROS".)
516 EAST FIRST, LA JUNTA COLO-) PERMIT NO. C-3978
RADO)
)
)
-----)

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Fred J. & Edward Blecha doing business as "Blecha Bros."
requesting that Permit No. C-3978.....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-3978....., heretofore issued to.....
Fred J. & Edward Blecha doing business as "Blecha Bros.".....be,
and the same is hereby, declared cancelled effective January 24, 1950

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
OLIVER COAL COMPANY, PAONIA,)
COLORADO)
)
)
)
)
)

PERMIT NO. C-1305

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Oliver Coal Company.....
requesting that Permit No. C-1305..... 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-1305....., heretofore issued to.....
Oliver Coal Company..... be,
and the same is hereby, declared cancelled effective **November 1, 1949**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Newton

John J. Beatty

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. H. PHILLIPS, ALAMOSA,)
COLORADO.)
-----)

PERMIT NO. B-2955
PUC NO. 1818

February 1, 1950

S T A T E M E N T

By the Commission:

On January 13, 1950, by Decision No. 34071, C. H. Phillips was authorized to extend operations under PUC No. 1818, with the proviso:

****provided that Permit No. B-2955 be cancelled and revoked as a condition precedent."

The Commission is now in receipt of the following statement from Applicant C. H. Phillips:

"Pursuant to orders of the commission dated on the 13th day of January, 1950, wherein application No. 10220 for an extension of PUC No. 1818 was provisional and conditionally granted and under and by virtue of the terms of the said order now comes the said applicant and requests the cancelling and revoking of permit No. B-2955.

"WHEREFORE, applicant prays that his certificate in public convenience and necessity for the extended services granted by the Commission of PUC No. 1818 be entered on record."

F I N D I N G S

THE COMMISSION FINDS:

That Permit No. B-2955 should be cancelled, as provided in Decision No. 34071, and as requested by C. H. Phillips.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-2955 should be, and it hereby is, cancelled

and revoked, as requested by C. H. Phillips, owner of said permit.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Holm
John B. Barry
Joseph C. McClellan
Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. H. WALKER, 1115 SOUTH WEBBER,)
COLORADO SPRINGS, COLORADO.)
-----)

CASE NO. 49779-INS.
PERMIT NO. B-4033

February 1, 1950

S T A T E M E N T

By the Commission:

On December 21, 1949, in Case No. 49779-Ins., the Commission entered an order revoking Permit No. B-4033 for failure to keep on file effective insurance. However, the records now show that insurance has been filed, but Mr. Walker's address was given as Loyd, Colorado, instead of Colorado Springs, Colorado, without his knowledge, and, as a result of the error, the permit was revoked. Proper adjustment has now been made and insurance filed without lapse.

F I N D I N G S

THE COMMISSION FINDS:

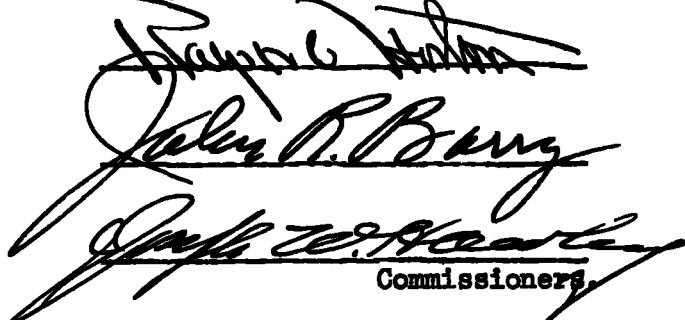
After careful consideration of the records and the files, the Commission is of the opinion, and finds, that order entered in Case No. 49779-Ins., cancelling said permit, should be revoked and set aside, and said Permit No. B-4033 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That the former order of this Commission, revoking said Permit No. B-4033, should be, and is hereby, cancelled and set aside, and said Permit No. B-4033 restored to its former status as of December 21, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
EDWARD L. VAN VLEET, 3420 SOUTH)
ELIOT, ENGLEWOOD, COLORADO)
)
)
)

PERMIT NO. C-16419

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Edward L. Van Vleet.....
requesting that Permit No. C-16419.....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-16419....., heretofore issued to.....
Edward L. Van Vleet.....be,
and the same is hereby, declared cancelled effective **January 25, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

John J. ...

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. RAYMOND SEAL, 2010 EAST 4th)
PUEBLO, COLORADO)
)
)
)
)

PERMIT NO. C-16081

February 1, 1950

S T A T E M E N T

By the Commission:

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

A. Raymond Seal-----

requesting that Permit No. C-16081..... 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-16081....., heretofore issued to-----

A. Raymond Seal-----be,

and the same is hereby, declared cancelled effective **January 25, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Norton

John J. Barry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 1st day of February, 1950

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LLOYD ANDERSON, OTIS, COLORADO)
)
)
)
)
)

PERMIT NO. C-20124

February 1, 1950

S T A T E M E N T

By the Commission:

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

Lloyd Anderson.....

requesting that Permit No. C-20124..... 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-20124....., heretofore issued to.....

Lloyd Anderson.....be,

and the same is hereby, declared cancelled effective **January 25, 1950**

THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

Ralph C. Horton
John C. Jones
Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 1st day of January, 1950

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
HUGO WHITTENBACH, DOING BUSI-)
NESS AS "HUGO'S RED AND WHITE")
128 GALLUP, LITTLETON, COLORADO)
)
)
-----)

PERMIT NO. C-19968

February 1, 1950

S T A T E M E N T

By the Commission:

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

Hugo Whittenbach-----

requesting that Permit No. C-19968 ..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-19968 ..heretofore issued to-----

Hugo Whittenbach-----be,

and the same is hereby, declared cancelled effective **January 25, 1950**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Berry

Joseph W. Hawley

Commissioners

Dated at Denver, Colorado,

this 1st day of February, 1950

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
LEEMAN AUTO COMPANY, 620 BROAD-)
WAY, DENVER 9, COLORADO)
)
)
)
)

PERMIT NO. C-18052

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from.....
Leeman Auto Company.....
requesting that Permit No. C-18052.....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-18052....., heretofore issued to.....
Leeman Auto Company.....be,
and the same is hereby, declared cancelled effective **January 25, 1950**

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John A. Berry

Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ALVIN HERBEL, 2388 SOUTH)
HUMBOLDT STREET, DENVER,)
COLORADO.)
-----)

PERMIT NO. B-3915.

February 1, 1950

S T A T E M E N T

By the Commission:

On June 28, 1949, the Commission authorized Alvin Herbel to suspend operations under his Permit No. B-3915 until December 4, 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-3915 should be, and the same hereby is, reinstated as of November 26, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Norton

John P. Barry

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEONARD SIMONSON, 502 SOUTH) PERMIT NO. A -3983.
FIRST STREET, MONTROSE, COLORADO.)
-----)

February 1, 1950

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-3983 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 Leonard Simonson be, and he is hereby, authorized to suspend his operations under Permit No. A-3983 until May 17, 1950.

That unless said Leonard Simonson 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

Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)	
CHARLES H. DUCOMMUN, 458 SANTA FE	)	<u>PERMIT NO. B-2937.</u>
DRIVE, DENVER 4, COLORADO.)	
-----)	

February 1, 1950

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-2937 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 Charles H. DuCommun be, and he is hereby, authorized to suspend his operations under Permit No. B-2937 until July 26, 1950.

That unless said Charles H. DuCommun 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 J. ...

Joseph W. ...

Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EARL B. ENGEL, CASTLE ROCK,)
COLORADO.)
-----)

PERMIT NO. A-1273.

February 1, 1950

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-1273 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 Earl B. Engel be, and he is hereby, authorized to suspend his operations under Permit No. A-1273 until July 25, 1950.

That unless said Earl B. Engel 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. Nelson

John B. Bar

Joseph W. Hawley

Commissioners.

Dated at Denver, Colorado,
this 1st day of February, 1950.

(Decision No. 34167)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. L. WALDEN, 7701 NORTH FEDERAL)
DENVER 11, COLORADO)

PERMIT NO. A-4016

February 1, 1950

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-4016 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 W. L. Walden be, and he is hereby, authorized to suspend his operations under Permit No. A-4016 until July 18, 1950.

That unless said W. L. Walden shall, prior to the expiration 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

Commissioner
John C. Barry

Joseph W. Hawley

Dated at Denver, Colorado,
this 1st day of February, 1950.

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED
INCREASE IN WATER RATES TO
USERS OUTSIDE THE TOWN OF
BERTHOUD, COLORADO.

}
INVESTIGATION AND SUSPENSION
DOCKET NO. 296.

January 31, 1950

Appearances: P. D. Nelson, Esq.,
Town Attorney, Berthoud,
Colorado, for applicant;
John Bunyan, Berthoud, Colo-
rado, for applicant;
I. E. Adams, Berthoud, Colo-
rado for protestants;
Paul M. Hupp, Esq., Denver,
Colorado, for the
Commission's Staff.

S T A T E M E N T

By the Commission:

On July 15, 1949, the Town of Berthoud, by Viola Barrow-
man, Town Clerk, filed a proposed rate schedule to become effective
September 1, 1949, for water service to customers residing outside the
town boundaries, said proposed rate schedule being an increase for domestic
use and irrigation, varying from 25 to 50% depending on the type of service.

Customers having been notified by the town of the proposed
rate increase in compliance with General Order No. 33, the Commission
received a protest on August 5, 1949, signed by 68 customers of the town
protesting said increase in rates and asking the Commission to investigate
the reasonableness of the rates. Upon receipt of the protest, the Commission
suspended the proposed rate schedule, as provided by law, for a period of
120 days, or from September 1, 1949 until December 29, 1949, unless other-
wise ordered. The period of suspension elapsing before the Commission
could take final action in the matter, the proposed rate was again suspended
on December 22, 1949 for a period of 120 days from December 29, 1949, or
until April 29, 1950, unless otherwise ordered, and the matter was set down

for hearing at the Community Hall at Berthoud, Colorado, on Thursday, January 12, 1950, at eleven o'clock A. M., and after due notice to all parties in interest, was there heard and taken under advisement by the Commission.

Summary of Evidence:

Mrs. Viola Barrowman, Town Clerk, was called and testified that she had been such clerk for ten years and had filed with the Commission the proposed rate schedule, which was identified as Exhibit No. 1; that prior to the filing of the schedule, the water rate for a modern house in town was \$7.00 per quarter, and was increased to \$9.00 per quarter, or an increase of 28.57%. Service out of town for a modern house under the old rate was \$11.10 and the proposed rate was \$14.00 per quarter, being an increase of 26.03%. The witness also identified Exhibit No. 2, being an annual statement of receipts and disbursements for the Town of Berthoud for the fiscal year ended March 31, 1949.

Mr. J. G. Bigan, Chairman of the Water Committee, was called and testified as to the cost of construction of a four-inch line from the town one mile east to the cemetery. He testified that this line served 19 users and that the cost of the pipe and installation was \$10,241.80; that there was one fire hydrant installed at the town's expense, and one hydrant installed at the expense of a farmer. He further testified that the figure of \$10,241.80 did not include lead for the sealing of the joints or crosses, nor tees needed for the installation of the hydrants. He further testified that there were six to ten customers on the main transmission line from the town to the reservoir.

Mr. John Bunyan was called and in his testimony gave a very complete story of the growth of the town and the water system. He, having lived in the town since 1892, was on the Board of Trustees in 1900 for four years, and was Mayor for ten years, being off the board in 1914. The original water system was constructed in 1887 by the Berthoud Water Company.

The town became incorporated in 1889, and took over the system by the issuance of \$12,000.00 in bonds. In 1905, the system being inadequate, a wood stave system was installed for \$20,000.00 in bonds. In 1906 a filter plant was installed at a cost of \$7,100.00, and \$10,000.00 additional bonds were issued for the installation and finishing of the system. Water was obtained from the Big Thompson River and was run through the Handy Ditch to fill a reservoir that was at that time privately owned. Due to the uncertainty of the water rights which provided for nine feet of water they obtained from the irrigation district the use of three feet of water. The supply still being unsatisfactory, in 1929 the town purchased a water right of 4.14 cubic feet per second at a cost of \$10,000.00 per second foot or \$41,400.00. At that time, \$40,000.00 in bonds were issued. In 1940 \$37,000.00 of bonds were refunded, and \$10,000.00 was used to buy the reservoir from a private owner, and, in addition, there were \$9,000.00 of registered warrants issued. In 1946, \$25,000.00 in 2½% refunding bonds, and \$8,000.00 in registered warrants were issued. Three thousand dollars of the \$150,000.00 having been paid off, the indebtedness as of January 1950 was \$23,500.00 of 2½% water refunding bonds, \$147,000.00 of 3%, 3½ and 3¾% bonds, and \$11,000.00 in registered warrants bearing interest at 4%, payable semi-annually, making a total indebtedness of \$181,500.00.

The witness further recited that on June 1, 1947, rates were raised 50% in town and out of town increase in rates began in September, 1948. He recited that the revenues for the fiscal year 1949 were \$16,357.23; the direct expenses, \$7,808.05, with the principal payment on the bonds of \$4,500.00, and interest payment of \$5,500.00, making a total of \$17,808.05, and creating a deficit over the earnings of \$1,450.82. In 1948, the town levied a six mill extra tax on all property for water purposes which produced \$3,274.11 (less a 2% fee). The regular tax levy is 14 mills for all purposes or a total mill levy in the town of 20 mills. The six mill extra levy was continued for the year 1949, and the taxable valuation of the town was \$616,180.00.

The witness went to considerable length to show that the one-mile pipe line to the cemetery serving 19 homes was not a paying service.

For example, during the last quarter of the town's fiscal year ending in 1949, the total revenues from the 19 users was \$196.60; the debt expense on this line was \$400.00 a year; and depreciation was \$200.00 per year. Bunyan further stated that there were 71 out of town users, of whom 19 were on the cemetery line and approximately ten were on the transmission line from the town to the reservoir; that the balance of them were located in properties that bordered on the town boundaries, and in many cases, were so located that city taxes could be avoided yet city services could be secured.

Mr. Bunyan gave an estimated figure as to the value of the physical property as being \$15,000.00 for two filters, \$10,000.00 for the settling basin, \$75,000.00 for reservoir and filter plant, \$10,000.00 for the reservoir, \$160,000.00 for the mains and services in the system, or a total of \$270,000.00 system value, and that when this figure was taken with 2% depreciation and 6% return on the property, the earning requirements, including operating expense, would be \$21,600.00. This compares closely with the bond retirement interest and operating expense of \$19,712.00.

Exhibit No. 3 was introduced which is a photostatic copy of a schedule of the bonds outstanding of the Town of Berthoud Water System for the year 1949 to date of retirement in 1961. Exhibit No. 4 was introduced which is a photostatic copy of an analysis of charges for the use of the water in the Town of Berthoud. Both of these exhibits were prepared by Mr. Bunyan.

P. D. Nelson, Town Attorney, testified as a witness that he did not live in the Town of Berthoud but that at his residence two miles out of town he had a private water system, consisting of reservoir, tank and pumps; that the equipment cost was \$500.00. His water supply was delivered by tanks each week and the water cost was \$72.00 per year. Electricity for pumping the water supply cost \$20.00 a year and, considering 4% interest on his investment as \$20.00 per year, his annual water cost would be \$112.00. He

stated that this would be the approximate annual cost of private water installations and the purpose was to show that the proposed rate of the Town of Berthoud to the outside users of \$56.00 a year was fair and equitable.

Mr. I. E. Adams as a witness testified that he was authorized to represent all of the 68 protestants, and that as of August 1, 1948, the users were notified of an increase in rates effective September 1, 1948, as shown on Exhibit No. 5. This increase is not involved in the present case and the users were in agreement with the rate there shown. The rate proposed therein was \$7.50 for house water with an additional charge of \$1.80 for toilet and \$1.80 for bath, making a modern house cost \$11.10 per quarter. This compares with the proposed modern house charge of \$14.00 per quarter; however, it developed in cross-examination of this witness that the Town had, by resolution, modified both the rates inside and the proposed rate outside by certain credits where there was no bath or no toilet. On inside service where there was no bath, \$1.00 a quarter is deducted from the bill, and where there is no toilet, an additional \$1.00 per quarter is deducted. This resolution also provided that the outside users would have a credit of \$2.00 per quarter if no bath, and where there was no toilet, an additional \$2.00 per quarter. When this was explained to Mr. Adams, it seemed that his objections to the rate were satisfied to a great extent. The town was advised that the resolution would have to be made a part of the schedule as filed with the Commission, and it was agreed that the revision would be made promptly. The deductions discussed have now been filed by the town and are a part of the Commission's record. Mr. Adams also had a complaint as to the service rendered to him as he could not get a sufficient water supply in his home at many periods of the day. It was then brought out by the Chairman of the Water Committee that Mr. Adams' residence was located immediately adjacent to the filter plant, and that the flow line from there to town did not provide sufficient pressure when the use of water through the line was at its maximum.

No other complaints were made as to service, although Mr. Adams stated that the signers of the original complaint uniformly would desire that

the town install meters for their service. This the town is reluctant to do because of the expense involved in the installation of a meter pit and meters. It was then brought out that the expense of the meter pit would be the user's cost and the expense of the meters would also be the expense of the users, providing the inside users were required to pay for their meters.

From the evidence and exhibits in the case, it is apparent that the town has been operating its Water Department at a loss for some time. To produce some of the needed income, the town raised the rates to both inside and outside users in the summer of 1947 by about 10%. However, the proper procedure for increasing rates to outside users, i. e., filing the proposed rates with this Commission, was not followed, and refunds were made to outside users of amounts collected under this particular increase. In May, 1948, the rate to all users was increased by 50%, and went into effect without protest to this Commission. Since September 1, 1949, the rate to inside users has been increased by 28.5%, but the 26.03% increase to outside users has been held in abeyance pending this case.

But even with the increase to outside users, this operation will be conducted at a loss or just slightly above the break-even point. The evidence showed that the water income for the calendar year 1949 was \$16,357.23, and expenses were \$17,808.05, leaving a deficit of \$1,450.82. Had the new rate to outside users been in effect during the last quarter of 1949, an additional revenue of \$126.87 would have been received, still leaving a deficit of \$1,263.95 for the year. On the basis of the average needed revenue for the next 13 years, based on bond and interest requirements and operating expenses, the town needs \$19,712.36 per year. Had the new rates been in effect for an entire year based on 1949 usage, the revenue would have been approximately \$20,000.00.

It is apparent that the town has been levying extra taxes to make up the loss in operating the water system, and calculations on the basis of number of users inside and outside compared with the average minimum needed from each user, shows that the people outside the town have not been bearing their fair share of the load.

The town does not attempt to operate the water system for a profit, and if this were a private utility, the Commission would be obliged to allow rates in excess of those requested here. It is easily apparent that the rates proposed for outside users are eminently fair to the outside users, and as mentioned above, the clarification of the new rate as to deductions, has apparently dissipated much of the opposition to the new rate. In view of the past history of rate increases, where outside users have been getting the benefit of delays in rate increases, it seems only fair that the rate approved herein should be made retroactive to September 1, 1949, the date when it became effective to inside users.

The Commission's Staff has found one technical error in the proposed meter rate however. The rate as submitted is in the form of a "step rate," which would allow the user by a slight increase in the use of water, to obtain a lower charge for the service. The staff has made a technical modification of the rate which gives the same net revenue results for total water used, but eliminates the discrepancy in the rate as proposed by the town. The Commission, therefore, will approve the rate schedule as modified and set forth as follows:

Quarterly:

One family (one or more members) in residence	
or other living quarters	\$14.00
Livestock - cows and horses, per head . . . . .	.75
Sheep, per head . . . . .	.07½

Annual Rate until meters are installed:

Irrigation: \$8.00 per 3500 square feet, payable annually on June 1st.

Complaints:

In case a person shall complain that his house is not equipped with a toilet or a bath, the water commissioner shall make an investigation of the premises and if it is found that either a toilet or a bath is lacking, a deduction of one dollar (\$1.00) shall be allowable for each utility which is lacking for residences in town and out of town two dollars (\$2.00) shall be allowable for each utility which is lacking.

Quarterly, upon installation of meters:

First 20,000 gallons used per quarter	\$9.00
Next 15,000 " " " " " per M . . . . .	.25
Next 25,000 " " " " " " " . . . . .	.20
Next 50,000 " " " " " " " . . . . .	.15
Next 100,000 " " " " " " "12
All additional use " " " " " " "10

Minimums:

Net minimum, per quarter	9.00
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Since there is no history of past usage on a metered basis, either inside or outside of town, the meter rate proposed above is necessarily an estimate, and the Commission will retain jurisdiction of this case in order to investigate the results of installing meters, after a sufficient time has elapsed to determine the effect on total revenues.

F I N D I N G S

THE COMMISSION FINDS:

- (1) That the above Statement is incorporated herein by reference;
- (2) That the rate set out in this order as it pertains to outside users is fair and equitable and should be allowed as of September 1, 1949.
- (3) That the Town of Berthoud should proceed, at customers' requests, in a reasonable manner to install metered service in accordance with the rules of the Commission.

O R D E R

THE COMMISSION ORDERS:

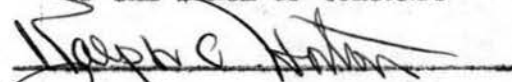
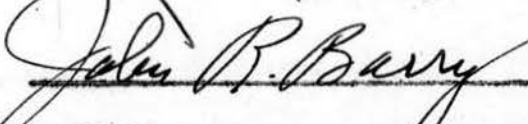

That the rate increase as set out in this Order should be, and it hereby is, approved, as of September 1, 1949.

That the Town of Berthoud install metered service at customers' request in accordance with the rules of the Commission, initially at the rates set out above, with jurisdiction retained to review such rate as aforesaid.

That the Town of Berthoud file an amended rate schedule incorporating the rates set out in this Order.

That this order shall become effective twenty (20) days from date hereof, and petition for rehearing in accordance with the law should be filed on or before 19 days from date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 31st day of January, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. H. BEARLY, HYGIENE, COLORADO,)
FOR REISSUANCE OF PERMIT NO. B-3206.)

APPLICATION NO. 10367-PP

February 2, 1950

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 hay from fields and farms in the State of Colorado, to near-by hay-grinding plants, and from said hay-grinding plants to railroad loading or storage points in said area.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at Berthoud, Colorado, January 12, 1950, at ten o'clock A. M.

No one appeared in opposition to the granting of authority sought, and it did not appear that the granting of said permit and operations by applicant thereunder will tend to impair the efficiency of any common carrier service with which he will compete.

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

F I N D I N G S

THE COMMISSION FINDS:

That said application should be granted.

O R D E R

THE COMMISSION ORDERS:

That J. H. Bearly, Hygiene, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle

for hire for the transportation of hay from fields and farms in the State of Colorado, to near-by hay-grinding plants, and from said hay-grinding plants to railroad loading or storage points in said area.

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

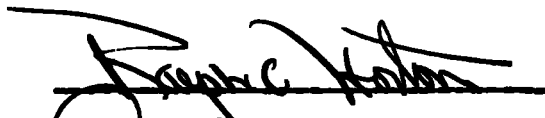
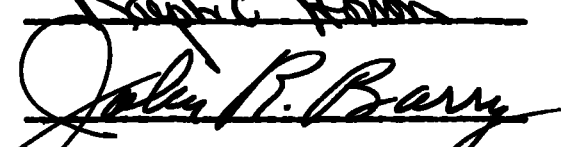

This order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, and the required insurance, and has secured identification cards.

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.

That permit, when issued, shall bear the number "B-3206," being the number of a permit formerly held by applicant.

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 2nd day of February, 1950.

ms

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
EUGENE GOETZ, 5200 SOUTH BROAD-)
WAY, LITTLETON, COLORADO.)

PERMIT NO. B-2870

February 2, 1950

S T A T E M E N T

By the Commission:

By Decision No. 24731, of date July 24, 1945, Eugene Goetz, Westminister, Colorado, owner and operator of Permit No. B-2870, was authorized to extend operations under said permit to include the right to transport:

livestock for Brookridge Dairy, only, between points within a radius of one hundred miles of Denver, Colorado.

The Commission is now in receipt of a communication from said permit-holder, as follows:

"Please change the radius of authority granted in Decision 24731 from 100 miles to 75 miles."

F I N D I N G S

THE COMMISSION FINDS:

That amendment to authority granted by Decision No. 24731 should be made, as requested by Eugene Goetz, holder of Permit No. B-2870.

O R D E R

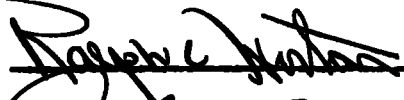
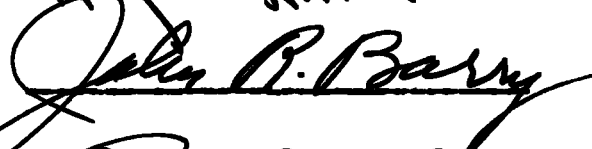

THE COMMISSION ORDERS:

That authority granted by Decision No. 24731 should be, and the same hereby is, amended and restricted to authorize transportation of livestock for Brookridge Dairy, only, between points within a radius

of seventy-five miles of Denver, Colorado, as requested by Eugene Goetz, owner of Permit No. B-2870.

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 2nd day of February, 1950.

EW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. E. LONG, 4845 DECATUR STREET,)
DENVER, COLORADO.)

PERMIT NO. B-3511

February 2, 1950

S T A T E M E N T

By the Commission:

Heretofore, E. E. Long, Denver, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, and Permit No. B-3511 issued to him.

The Commission is now in receipt of a communication from said permit-holder, requesting cancellation of said operating rights.

F I N D I N G S

THE COMMISSION FINDS:

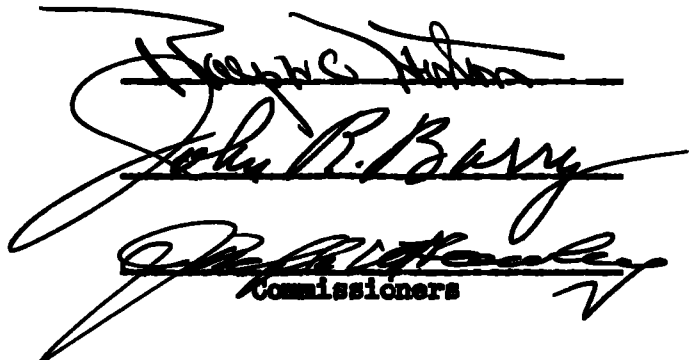
That Permit No. B-3511 should be cancelled, as requested by the owner thereof.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-3511 should be, and the same hereby is, cancelled and revoked, as of September 24, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 2nd day of February, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS OF)
BERNARD W. HAZELWOOD, BOX 31,) PERMIT NO. B-3948
RANGELY, COLORADO.)
-----)

February 2, 1950

S T A T E M E N T

By the Commission:

Heretofore, Bernard W. Hazelwood, Rangely, Colorado,
was authorized to operate as a Class "B" private carrier by motor vehicle
for hire, and Permit No. B-3948 issued to him.

The Commission is now in receipt of a communication from
said permit-holder, under date of December 24, 1949, requesting cancel-
lation of said operating rights.

F I N D I N G S

THE COMMISSION FINDS:

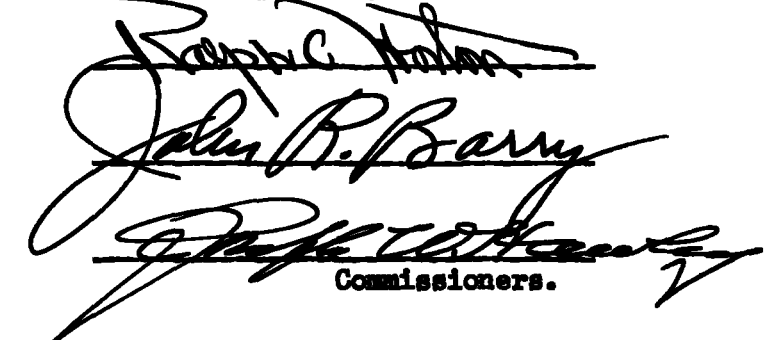
That Permit No. B-3948 should be cancelled, as requested
by the owner thereof.

O R D E R

THE COMMISSION ORDERS:

That Permit No. B-3948, heretofore issued to Bernard W.
Hazelwood, Rangely, Colorado, should be, and the same hereby is, cancelled
and revoked, as of December 29, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD ATCHISON, BOX 296, RATON,)
NEW MEXICO.)
-----)

PERMITS NOS. A-4024
C-21798

February 2, 1950

S T A T E M E N T

By the Commission:

Heretofore, Permits Nos. A-4024 and C-21798 issued to
Floyd Atchison, Raton, New Mexico.

Said permit-holder now advises the Commission that he no
longer is conducting operations under said permits, and requests that
the same be cancelled, as of January 13, 1950.

F I N D I N G S

THE COMMISSION FINDS:

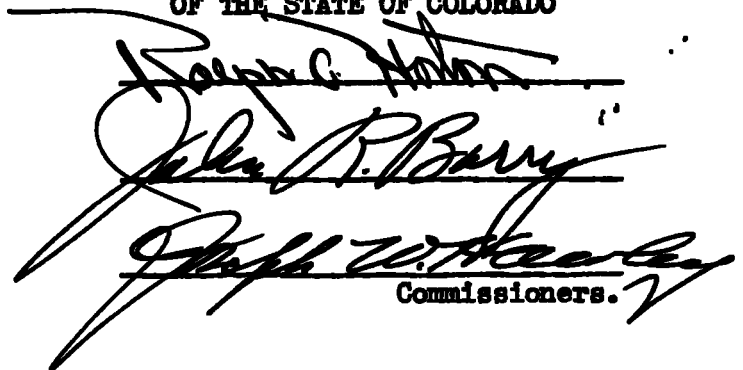
That said Permits Nos. A-4024 and C-21798 should be
cancelled and revoked, as of January 13, 1950.

O R D E R

THE COMMISSION ORDERS:

That Permits Nos. A-4024 and C-21798, heretofore issued to
Floyd Atchison, Raton, New Mexico, should be, and the same hereby are,
cancelled and revoked, as of January 13, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALEX BAUER, ROUTE 4, LONGMONT, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OP-)
ERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)
-----)

APPLICATION NO. 10366-PP.

February 2, 1950

Appearances: Alex Bauer, Longmont,
Colorado, pro se;
Marion F. Jones, Esq.,
Denver, Colorado, for
Sorenson Truck Service;
Guy Hart, Longmont, Colo-
rado, for Farm Hauling
Service.

S T A T E M E N T

By the Commission:

By the instant application, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of beet pulp from Great Western Plant at Longmont, Colorado, to points within a radius of twenty miles; live-stock and farm products between points within a radius of twenty miles of Longmont, Colorado.

Said application was regularly set for hearing at ten o'clock A. M., January 12, 1950, at the Community Hall, Berthoud, Colorado.

When said application was called for hearing, applicant requested that his application be dismissed.

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 should be, and the same hereby is, dismissed, at request of applicant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Watson
John P. Barry
Joseph A. Hawley
Commissioners.

22

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
E. A. FOLSOM, ROUTE 1, BOX 35,) APPLICATION NO. 8437-PP.
MORRISON, COLORADO.)
-----)

February 2, 1950

S T A T E M E N T

By the Commission:

By Decision No. 28212, of date May 22, 1947, E. A. Folsom, Morrison, Colorado, was granted a Class "B" permit to operate as a private carrier by motor vehicle for hire.

The Commission is now in receipt of a communication from said E. A. Folsom, stating he does not desire to conduct trucking operations under said permit, and requesting cancellation of said authority.

F I N D I N G S

THE COMMISSION FINDS:

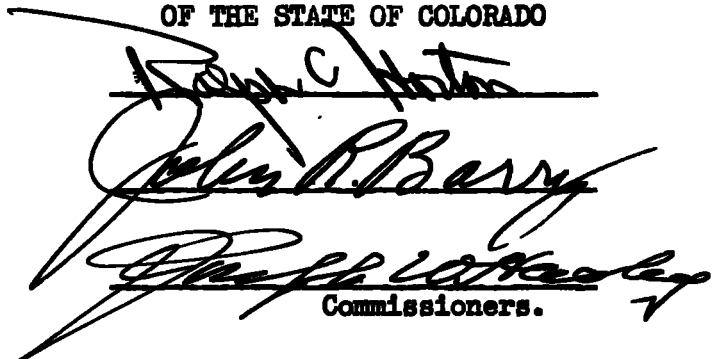
That permit granted to E. A. Folsom by Decision No. 28212 should be cancelled, as requested by said permit-holder.

O R D E R

THE COMMISSION ORDERS:

That Class "B" permit granted to E. A. Folsom by Decision No. 28212, of date May 22, 1947, should be, and the same hereby is, cancelled and revoked, effective January 23, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1950.

(Decision No. 34176)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO CENTRAL POWER COMPANY, A)
CORPORATION, FOR AUTHORITY TO ISSUE)
AND SELL ADDITIONAL SHARES OF ITS) APPLICATION NO. 10413
COMMON STOCK OF THE PAR VALUE OF TEN)
DOLLARS PER SHARE FOR A GROSS SALES)
PRICE NOT TO EXCEED \$300,000.)

January 31, 1950

STATEMENT

By the Commission:

Upon consideration of the application filed January 30, 1950,
by the Colorado Central Power Company, a Corporation, in the above-styled
matter:

ORDER

THE COMMISSION ORDERS:

That a public hearing be held, commencing on February 10, 1950,
at ten o'clock A. M., 330 State Office Building, Denver, Colorado, respect-
ing 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 February 6, 1950, 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 C. Horton
John B. Barry
Joseph C. McCauley
Commissioners

Dated at Denver, Colorado,
this 31st day of January, 1950
jh

(Decision No. 34177)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE MOTOR VEHICLE OPERATIONS OF)
PUEBLO BUS COMPANY, % T. A. WHITE,)
BOX 2040, DENVER, COLORADO)

PUC NO. 1698

February 1, 1950

S T A T E M E N T

By the Commission:

By Decision No. 27072 in Application No. 7576, the Pueblo Bus Company was authorized to operate a motor vehicle passenger service, on schedule,

between Pueblo, Colorado, and the Pueblo Ordnance Depot, located approximately fifteen miles east of the City of Pueblo on State Highway No. 96.

By Decision No. 28144, in Application No. 8371, said Company was authorized to transport

passengers for hire between the City of Pueblo and the so-called Pueblo Air Base, located near Baxter in Pueblo County, located about 7 miles east of Pueblo on State Highway No. 96.

By Decision No. 30395 in Application No. 9116, said authority was extended to include the transportation of passengers

between Pueblo and the Pueblo Air Base near Baxter, Colorado, to Devine, Colorado, a point located on Highway No. 96, 2 miles east of Baxter, for the purpose of transporting shift workers, only, employed by Colorado Interstate Gas Company, at Devine, Colorado, between Pueblo, and Devine, via Highway No. 96.

By Decision No. 32499, in Application No. 9844, said Company was granted the right to include in its operations under PUC No. 1698, to engage in the transportation of passengers, on schedule,

between Ordway, Crowley and Maunavola, Colorado, on the one hand, and the Pueblo Ordnance Depot on the other hand, via State Highways Nos. 96, 207 and 187, and U. S. Highway No. 50.

Applicant now seeks authority to temporarily suspend service to and from the Pueblo Ordnance Depot under Certificate No. 1698, retaining service, however, between Pueblo and Devine, and between Pueblo and the Air Base, and intermediate points, for a period beginning January 18, 1950, and ending February 18, 1950.

It is alleged in said petition that the Pueblo Bus Company's twelve White busses, purchased under chattel mortgage by the Company, were repossessed by the Colorado Springs Transit Company on January 18, 1950; that said Pueblo Bus Company is negotiating with the U. S. Army to lease Army equipment for its operations, and applicant requires the thirty-day suspension period to complete negotiations. In the meantime, applicant states, the Army has taken over operations to the Ordnance Depot.

FINDINGS

THE COMMISSION FINDS:

That applicant's request to suspend operations to and from the Pueblo Ordnance Depot should be granted without the necessity of a formal hearing, the Commission retaining jurisdiction, however, to make further order or orders as may be proper.

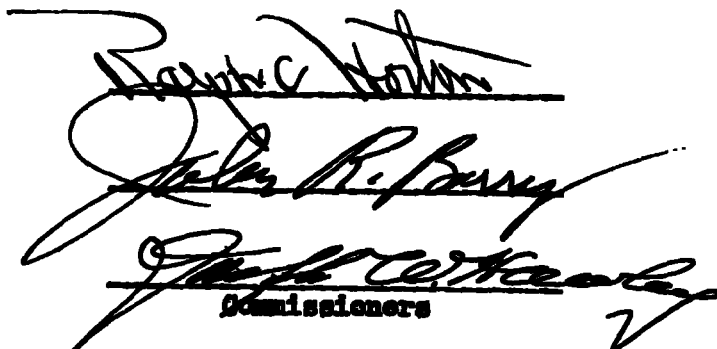
ORDER

THE COMMISSION ORDERS:

That the Pueblo Bus Company be, and it is hereby, authorized to temporarily suspend its passenger service between Pueblo and the Pueblo Ordnance Depot, effective January 18, 1950, to and including February 18, 1950.

That the Commission retain jurisdiction to make such further order or orders in this matter as it may deem proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado
this 1st day of February, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
CHARLES D. CONRADO, DOING BUSINESS
AS "BROOKSIDE COAL COMPANY," 116
WEST FRONT STREET, FLORENCE, COLO-
RADO, FOR A CLASS "B" PERMIT TO
OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 10216-PP.

February 1, 1950

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication dated
January 22, 1950, requesting that the instant application be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

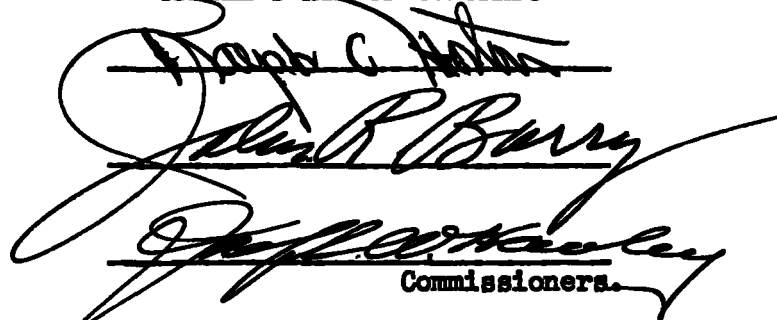
That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-styled application should be, and the same
hereby is, dismissed, 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 February, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. E. COX, MILLIKEN, COLORADO.) PERMIT NO. A-579.
-----)

February 2, 1950

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-579 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 H. E. Cox be, and he is hereby, authorized to suspend his operations under Permit No. A-579 until August 1, 1950.

That unless said H. E. Cox 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. Barry
Joseph W. Hawley
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE WESTERN COLORADO POWER COMPANY,)
MONTROSE, COLORADO, TO SELL STOCK AND) APPLICATION NO. 10412
TO ISSUE AND DELIVER TO UTAH POWER &)
LIGHT COMPANY ITS PROMISSORY NOTE.)

February 1, 1950

STATEMENT

By the Commission:

Upon consideration of the application filed January 28, 1950
by The Western Colorado Power Company, a Corporation, in the above-
styled matter:

ORDER

THE COMMISSION ORDERS:

That a public hearing, commencing on February 17, 1950, at
ten o'clock A. M., 330 State Office Building, Denver, Colorado, respect-
ing 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 inter-
vene in said proceedings. Intervention petitions should be filed with
the Commission on or before February 8, 1950, 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 inter-
veners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Hahn
John R. Barry
Joseph C. Hahn
Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE WESTERN COLORADO POWER COMPANY,)
MONTROSE, COLORADO, TO SELL STOCK AND) APPLICATION NO. 10411
TO ISSUE AND DELIVER TO UTAH POWER &)
LIGHT COMPANY ITS PROMISSORY NOTE.)

February 1, 1950

STATEMENT

By the Commission:

Upon consideration of the application filed January 28, 1950,
by The Western Colorado Power Company, a Corporation, in the above-
styled matter:

ORDER

THE COMMISSION ORDERS:

That a public hearing, commencing on February 17, 1950, at
ten o'clock A. M., 320 State Office Building, Denver, Colorado, respect-
ing 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 inter-
vene in said proceedings. Intervention petitions should be filed with
the Commission on or before February 8, 1950, and should set forth the
grounds of the proposed intervention, and the position and interest
of the petitioner in the proceeding, and must be subscribed by inter-
veners.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert C. Holm
John B. Barry
Joseph L. Keeney
Commissioners

Dated at Denver, Colorado,
this 1st day of February, 1950

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF	}	<u>CASE NO. 49694-INS.</u> (Permit No. C-8845)
GUY O'LOUGHLIN, 1416 COUNTRY CLUB		
DRIVE, TRINIDAD, COLORADO		

February 2, 1950

S T A T E M E N T

By the Commission:

On December 21, 1949, in Case No. 49694-Ins., the Commission entered an order revoking Permit No. C-8845 for failure to keep on file effective insurance.

It develops that permit-holder did have insurance in effect, but was filed with improper address and was not properly refiled until after the permit had been revoked. Since the insurance has now been filed without lapse, the order of revocation should be set aside.

F I N D I N G S

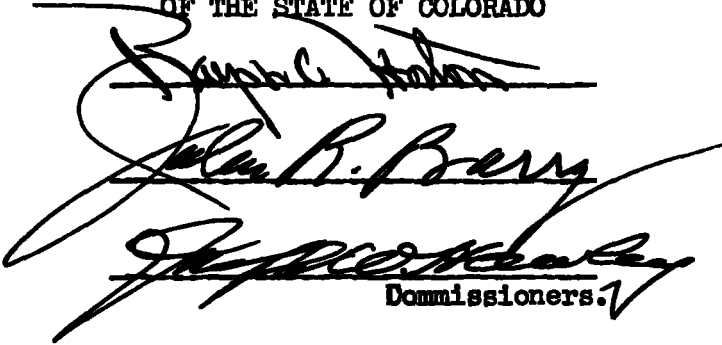
After careful consideration of the record and the files, the Commission is of the opinion, and finds, that our Decision No. 49694-Ins., should be cancelled and set aside, and said Permit No. C-8845 restored to its former status.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 49694-Ins., should be, and it hereby is, cancelled and set aside, and said Permit No. C-8845 restored to its former status as of December 21, 1949.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1950.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RALPH G. EDWARDS, BOX 183, AURORA,)
COLORADO, FOR A CERTIFICATE OF) APPLICATION NO. 10391.
PUBLIC CONVENIENCE AND NECESSITY.)
-----)

February 2, 1950

Appearances: Ralph G. Edwards, Aurora,
Colorado, pro se;
Richard Lee, Esq., Denver,
Colorado, for Harry A. Dalton,
Jake Schlagel, Jr., and
Floyd J. Fahey.

S T A T E M E N T

By the Commission:

By this application, Ralph G. Edwards, Box 183, Aurora,
Colorado, seeks a certificate of public convenience and necessity for
the transportation of ashes and trash within the City of Aurora, Colorado.

The application was set for hearing at the Hearing Room of the
Commission, 330 State Office Building, Denver, Colorado, January 30, 1950,
and after due notice to all parties in interest, was there heard and
taken under advisement.

Applicant testified that at present he is occupied in hauling
ashes within the limits of the City and County of Denver, Colorado, under
duly issued ash hauler's license. His equipment consists of a rented 1947
one-half-ton Dodge Pickup, and a 1933 Chevrolet one-half-ton Pickup belonging
to himself, and his net worth is \$50.00.

Witness produced a list of fifty proposed customers, but admitted
that some of these customers were already being served by the certificated
carriers in Aurora who appeared as protestants herein. He formerly worked
for Harry A. Dalton and Jake Schlagel, Jr., in the transportation of ashes,
but Dalton could not keep him busy and Schlagel worked him too hard. He
produced a map of Aurora, showing various sections of the city in which
many new homes are being constructed, and thought he could obtain sufficient

customers from this territory to keep him busy. He has no license from the City of Aurora, and at a recent meeting of the City Council, the vote for and against his application for license was about even, and the Council decided to await the outcome of the present hearing.

In support of the application, Mary L. Edwards, mother of applicant, and now employed at Lowry Air Field, testified that she would like to have her son obtain the certificate, and one Roy Stickney, of Aurora, testified that in his part of the city there was no service available, and all his neighbors are now hauling their own trash and ashes, and he thought there was a need for additional service.

For protestants, Harry A. Dalton, PUC 1823, with license from the City of Aurora, testified that his equipment consisted of a 1946 one-half-ton Pickup, and the business available kept the truck busy only four hours per day on the average. He had tried to build up his business by soliciting from house to house, posting cards and running advertisements in the papers and phone books, and if the business should ever justify, he was able to obtain additional equipment. Applicant formerly worked for him, but was not reliable and his services could not be obtained when needed.

Floyd J. Fahey, PUC 1996, doing business as "Aurora Removal Service," testified that he uses a one-ton Ford Dump Truck in the hauling of ashes and trash, and had tried to obtain additional business by solicitation and advertising. His service covers all parts of Aurora, and was originally set up on a six-week basis, but he now gives monthly service, and has initiated a post card campaign and will solicit every resident of Aurora. At the present time, his truck is kept busy only four hours per day, and during the balance of the time he is employed at Stapleton Air Field, but is anxious to devote more time to the business if additional customers can be obtained. He has never refused service to any customer.

Jake Schlagel, Jr., PUC-1820, stated that his equipment consists of a one and one-half-ton Chevrolet Truck, 1941, and he has solicited over all of Aurora. He employed applicant for four or five days but found him to be undependable, as he did not appear for work when he had promised to do so.

Witness serves all customers the day after he receives call for service. His truck is kept busy four or five hours per day, and the balance of the time he is engaged in soliciting new business.

Both of these protestants stated that there is no need for additional trash hauling operators in Aurora.

F I N D I N G S




The Commission is of the opinion, and finds, from the evidence, that public convenience and necessity do not require the proposed operations of applicant, and that the instant application should be denied.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
LEN R. GILBERT, ROUTE 2, BOX 77, }
ARVADA, COLORADO, FOR A CERTIFICATE }
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 10395

February 2, 1950

Appearances: Len R. Gilbert, Arvada, Colorado
 DEO SS;
 Richard Lee, Esq., Denver, Colo-
 rado, for Harry A. Dalton
 and Jake Schlagel, Jr.

S T A T E M E N T

By the Commission:

By this application, Len R. Gilbert, Route 2, Box 77, Arvada, Colorado, seeks a certificate of public convenience and necessity for the transportation of ashes and trash within the following area:

Beginning at the northern city limits of Denver, thence east to a point one mile east of 52nd. and Federal Blvd., thence north to a point one mile north of Westminster, Colorado, thence to a point one mile west of Westminster, thence south to a point directly west of the north city limits of Denver, thence east to the city limits of Denver.

The application was set for hearing, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on January 30, 1950, and after due notice to all parties in interest, was there heard and taken under advisement.

Applicant testified that he was formerly engaged in hauling trash with one C. M. Niblack, who had authority for such service, in a territory including the territory applicant now applies for. About two months ago, by agreement with Niblack, applicant decided to serve the territory applied for, and Niblack will continue to serve the balance of the territory originally awarded to him.

Applicant's equipment consists of a 1935 Ford Dump Truck, 1½ ton capacity, and his net worth is approximately \$500.00. At present

he serves 120 customers in the territory applied for, on a two-week schedule. F. M. Day, one of the customers served by applicant, testified that his service was satisfactory, and applicant filed a letter from said witness, who is the Mayor of the Town of Westminster, and speaks for the officials of said town, recommending that the application herein be granted.

Upon explanation as to the exact boundaries of the territory applied for by applicant, the protestants withdrew their protests.

F I N D I N G S

The Commission is of the opinion, and finds, that public convenience and necessity require the proposed common carrier motor vehicle call and demand service of applicant, as set forth in the Order following, and that certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the common carrier motor vehicle call and demand service of applicant, for the transportation of ashes and trash from point to point within the following described territory, to wit: Beginning at the northern city limits of Denver, thence east to a point one mile east of 52nd. and Federal Blvd., thence north to a point one mile north of Westminster, Colorado, thence to a point one mile west of Westminster, thence south to a point directly west of the north city limits of Denver, thence east to the city limits of Denver.

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 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 2nd day of February, 1950.

jt

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF }
HAROLD C. BARR, ROUTE 2, }
ALAMOSA, COLORADO. }

CASE NO. 49843-R
(Permit No. C-19056)

RE MOTOR VEHICLE OPERATIONS OF }
DANDEE MANUFACTURING COMPANY, }
INC., 1ST AND MAIN, GUYMON, }
OKLAHOMA. }

CASE NO. 49890-R
(Permit No. C-19444)

RE MOTOR VEHICLE OPERATIONS OF }
C. E. HOLLINGSWORTH, 1709 }
ROSITA, TRINIDAD, COLORADO. }

CASE NO. 49987-R
(Permit No. C-20216)

RE MOTOR VEHICLE OPERATIONS OF }
CHAS. AND CLIFF BEGHTEL, 906 }
BRADISH, LA JUNTA, COLORADO. }

CASE NO. 50001-R
(Permit No. C-20311)

RE MOTOR VEHICLE OPERATIONS OF }
LUTHER MULLINS, 26 JEFFERSON, }
MONTE VISTA, COLORADO. }

CASE NO. 50086-R
(Permit No. C-20734)

RE MOTOR VEHICLE OPERATIONS OF }
ELIAS TORRES, BOX 29, TERCIO, }
COLORADO. }

CASE NO. 50100-R
(Permit No. C-20800)

RE MOTOR VEHICLE OPERATIONS OF }
JOHN L. SCHWINDT, ROUTE 1, BOX }
104, FORT MORGAN, COLORADO. }

CASE NO. 50164-R
(Permit No. C-21108)

RE MOTOR VEHICLE OPERATIONS OF }
FIDEL AND DON GARCIA, EL PRADO, }
NEW MEXICO. }

CASE NO. 50315-R
(Permit No. C-21689)

RE MOTOR VEHICLE OPERATIONS OF }
HADLEY S. CORN, BOX 141, }
SPRINGFIELD, COLORADO. }

CASE NO. 50330-R
(Permit No. C-21735)

RE MOTOR VEHICLE OPERATIONS OF }
WEST 38TH AVENUE FRUIT COMPANY, }
38TH AND LIPAN, DENVER, COLO- }
RADO. }

CASE NO. 50414-R
(Permit No. C-22048)

RE MOTOR VEHICLE OPERATIONS OF
HENRY PETRIE AND JAKE GETTMAN,
417 - 10TH STREET, GREELEY,
COLORADO.

CASE NO. 50336-R
(Permit No. C-21749)

RE MOTOR VEHICLE OPERATIONS OF
SINGER PRODUCE COMPANY, 3427
WEST DOUGLAS, WICHITA, KANSAS.

CASE NO. 50355-R
(Permit No. C-21836)

RE MOTOR VEHICLE OPERATIONS OF
KARK FURNITURE AND APPLIANCE
COMPANY, 316 NORTH SANTA FE,
PUEBLO, COLORADO.

CASE NO. 50536-R
(Permit No. C-22465)

RE MOTOR VEHICLE OPERATIONS OF
ANDERSON COACH COMPANY, EAST
TOWAS, MICHIGAN.

CASE NO. 50572-R
(Permit No. C-22539)

RE MOTOR VEHICLE OPERATIONS OF
VALLEY FEED AND GRAIN COMPANY,
BOX 184, FORT SUMNER, NEW
MEXICO.

CASE NO. 50620-R
(Permit No. C-22627)

RE MOTOR VEHICLE OPERATIONS OF
AMALIA D. MARTINEZ, BOX 72,
ANTONITO, COLORADO.

CASE NO. 50663-R
(Permit No. C-22716)

RE MOTOR VEHICLE OPERATIONS OF
LEE GIESLER, 214 BAWCOM, SWEET-
WATER, TEXAS.

CASE NO. 50665-R
(Permit No. C-22719)

RE MOTOR VEHICLE OPERATIONS OF
EDWARD J. EISENMAN, 2441 - 10TH
AVENUE, GREELEY, COLORADO.

CASE NO. 50668-R
(Permit No. C-22731)

RE MOTOR VEHICLE OPERATIONS OF
EL PASO TRADING COMPANY, BOX
7, EL PASO, TEXAS.

CASE NO. 50669-R
(Permit No. C-22732)

RE MOTOR VEHICLE OPERATIONS OF
JOSEPH AND STEVE PROCKUP,
BUFORD, COLORADO.

CASE NO. 50753-R
(Permit No. C-22984)

RE MOTOR VEHICLE OPERATIONS OF
JEROME DEDISSE, EVERGREEN,
COLORADO.

CASE NO. 50758-R
(Permit No. C-22996)

February 2, 1950

S T A T E M E N T

By the Commission:

On January 9, 1950, the Commission entered orders revoking the above-numbered permits for failure of respondents to file monthly road tax reports covering various periods.

The Commission is now in receipt of said delinquent reports, with a request that each respective permit be reinstated.

F I N D I N G S

After careful consideration of the record and the requests, the Commission is of the opinion, and finds, that all the above-numbered permits be reinstated, and the case in each instance be dismissed.

O R D E R

THE COMMISSION ORDERS:

That the above-numbered permits should be, and they hereby are, reinstated as of January 9, 1950, and that the designated cases be dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hahn
John R. Barry
Joseph C. Hecox
Commissioners.

Dated at Denver, Colorado,
this 2nd day of February, 1950.

ea

original

(Decision No. 34186)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HENRY GRAFF AND VICTOR GRAFF, DENVER,
COLORADO, FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY.

}
} APPLICATION NO. 10392.
}

February 2, 1950

Appearances: Ralph E. Crandell, Esq.,
Denver, Colorado, for
applicants;
Clarence Werthen, Esq.,
Denver, Colorado, for
Richard Akeman, Roy A.
Cook and Clyde Persinger;
Richard Lee, Esq., Denver,
Colorado, for Floyd J.
Fahey, Harry A. Dalton and
Jake Schlagel, Jr.

S T A T E M E N T

By the Commission:

By this application, Henry Graff and Victor Graff, co-partners, doing business under the firm name and style of "Henry and Victor Graff," the former residing at 2733 Gaylord Street, and the latter at 3515 Elizabeth Street, Denver, Colorado, seek a certificate of public convenience and necessity, for the transportation of trash in the cities of Denver, Aurora and Englewood, Colorado.

The application was set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 30, 1950, and after due notice to all parties in interest, was there heard and taken under advisement.

At the outset of the hearing, Ralph E. Crandell, attorney for applicants, asked that the application be amended to show that applicants seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of trash within the cities of Aurora, Colorado, and Englewood, Colorado, for Miller's Groceteria Company at Aurora, Colorado, and King Soopers, Inc., at Englewood, Colorado, only, which amendment was allowed.

Henry Graff, one of the applicants, testified that he has been engaged in hauling trash within the city limits of Denver for the past sixteen years, and has hauled trash for Miller's Groceteria Company from all of its stores in Denver for the past seven years. He also hauled trash for the Miller's store in Aurora, without authority, until he was stopped by our Enforcement Division, and then filed this application. He expects to solicit no business and to serve only the two stores referred to in the amendment, and for those customers only. He holds License No. 88 in Denver; License No. 792 in Aurora, expiring December 31, 1950; and, License No. 6196 in Englewood, which expired December 31, 1949, but has been assured that if favorable action on his application is taken by this Commission, he will be issued a license by the city officials in Englewood. He serves the Miller's stores daily, and his other customers every other day. His equipment consists of two 2-ton Chevrolet Trucks, 1948 and 1949, and his net worth is \$25,000.00.

Marcus Davidson, Receiving Clerk of one of the Miller Stores, testified that he has known applicants for the past five years, and they serve all the Miller's stores except those in Englewood and Aurora, and the service is dependable and trustworthy. He recommended the granting of the authority to serve the Miller's store at Aurora.

Jack D. Saunders, an insurance salesman who writes the insurance of applicants, testified as to the good character and reliability of applicants.

For protestants, Roy A. Cook, PUC-1966, Jake Schlagel, Jr., PUC-1820, and Fred A. Schroeder, Permit No. B-4710, objected to the granting of the application. Schroeder stated that he has served the King Sopers, Inc., at Englewood ever since the store opened. Cook stated that he had solicited the King Sopers business, but had been advised that the management was satisfied with the Schroeder service. Schlagel testified that he had solicited the Miller business at Aurora, but had been advised that applicants had been hauling for the other Miller stores

and their services were desired at the Aurora store.

On the record made, and after a careful consideration thereof, the Commission is of the opinion that it did not appear from the evidence, that the granting of the authority sought would impair the efficiency of existing adequate common carrier motor vehicle service now operating in the area sought to be served by applicant, and that said application should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That for the reasons assigned in the foregoing statement, which by reference is made a part hereof, the instant application should be granted, as hereinafter limited.

O R D E R

THE COMMISSION ORDERS:

That Henry Graff and Victor Graff, a co-partnership, doing business as "Henry and Victor Graff," be, and they are hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of trash from point to point within the cities of Aurora, Colorado, and Englewood, Colorado, their services to be limited to the stores of Miller's Groceteria Company at Aurora, Colorado, and King Soopers Inc., at Englewood, Colorado.

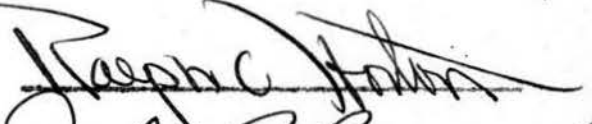
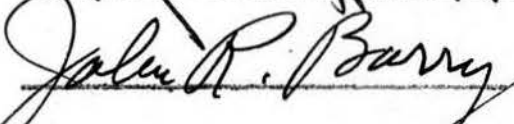
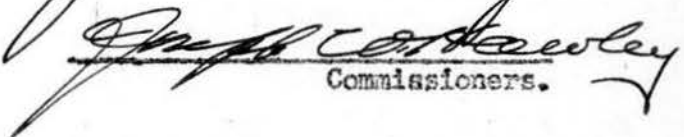
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this order is the permit herein provided for, but it shall not become effective until 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 2nd day of February, 1950.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
SCOTT TRUCK LINE, INC., 435) PUC NO. 1992-I.
OGDEN STREET, DENVER, COLORADO.)
-----)

February 3, 1950

Appearances: Truman A. Stockton, Jr., Esq.,
Denver, Colorado, for
applicant.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from
Truman A. Stockton, Jr., in behalf of Scott Truck Line, Inc., Denver,
Colorado, requesting that PUC No. 1992-I be cancelled and revoked,
effective January 24, 1950.

F I N D I N G S

THE COMMISSION FINDS:

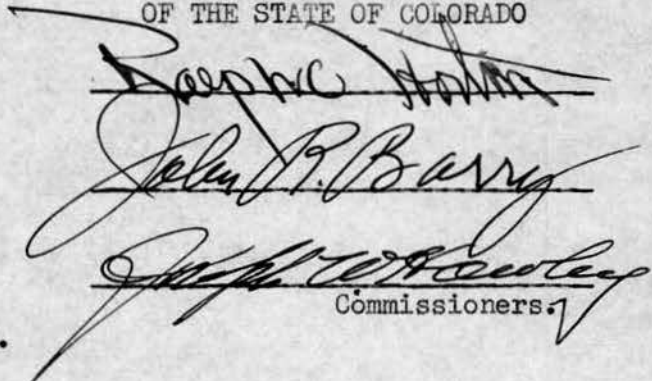
That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 1992-I, heretofore issued to Scott Truck
Line, Inc., Denver, Colorado, should be, and the same hereby is, cancelled
and revoked, as of January 24, 1950.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1950.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
CONTINENTAL BUS SYSTEM, INC., 315
CONTINENTAL AVENUE, DALLAS, TEXAS,
FOR AUTHORITY TO ABANDON SERVICE
BETWEEN ALAMOSA, COLORADO, AND
MINERAL HOT SPRINGS, COLORADO,
SERVICE PRESENTLY BEING PERFORMED
VIA COLORADO STATE HIGHWAY NO. 17.

APPLICATION NO. 10197.

February 3, 1950

Appearances: Alfred Crager, Esq.,
Dallas, Texas, for
applicant;
Moses and DeSouchet, Esqs.,
Alamosa, Colorado, for
Hooper-Mosca-Moffat
Service League;
George Lorton, Alamosa,
Colorado, for Alamosa
Chamber of Commerce.

S T A T E M E N T

By the Commission:

On August 20, 1949, Continental Bus System, Inc., filed its application with the Commission for permission to abandon and withdraw its bus service between Alamosa, Colorado, and Mineral Hot Springs, Colorado, via Colorado Highway No. 17.

The matter was set for hearing, and heard, at the Court House, Alamosa, Colorado, on September 27, 1949, at ten o'clock A. M., and at the conclusion of the hearing the matter was taken under advisement.

At the hearing, the evidence disclosed that the operation now under consideration between Alamosa and Mineral Hot Springs was instituted by Rio Grande Motor Way, as a substituted service for a passenger train service operated between Salida and Alamosa by The Denver and Rio Grande Western Railroad Company; that Rio Grande Motor Way was a corporation owned wholly by the above railroad company; that said service has been in operation for a number of years; that on October 1, 1948, Rio Grande Motor Way sold all its passenger rights to Continental Bus System, Inc., applicant herein.

It now appears that a contract was entered into between The Denver and Rio Grande Western Railroad Company and Continental Bus System, Inc., at the time of transfer of the certificates of public convenience and necessity by Rio Grande Motor Way, wherein the railroad company agreed to take care of or guarantee all operating costs of said operations, plus five percent; that under the above contract, the railroad company reserved the right to withdraw its subsidy on thirty days' notice; that the railroad company, under date of June 14, 1949, notified Continental Bus System, as follows:

"THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY
Denver 1, Colo.

June 14, 1949

"Continental Bus System, Inc.,
315 Continental Avenue
Dallas, Texas

Attention: Mr. T. S. Reece, Vice President
and General Manager

Gentlemen:

As a result of readvertisement for bids on various star mail routes, we have been advised by the Post Office Department that June 15, 1949 will be the final day for our operation of the star route between Alamosa and Villa Grove. Under the circumstances we no longer feel justified in continuing to subsidize the bus service which you are operating at our expense between these points.

Pursuant to Section 5 of the agreement between our companies dated March 31, 1948, please accept this letter as notice that The Denver and Rio Grande Western Railroad Company elects to terminate that portion of the substituted motor bus service operated by Continental Bus System between Alamosa and Villa Grove, Colorado, effective on completion of the last schedule on July 15, 1949.

Very truly yours,

/s/ E. A. West "

Applicant now states that it cannot afford to assume the burden of the operation, and asks the Commission to authorize the abandonment and discontinuance of its present service between Alamosa, Colorado, and Mineral Hot Springs, Colorado.

At the hearing, Ralph Berndt, of 352 Sherman Street, Denver, Colorado, stated he is presently Assistant Manager of Rocky Mountain Lines of Continental Bus System, Inc.; that prior to his employment with applicant company, he was employed by Rio Grande Motor Way in several capacities -- that is, Assistant General Manager, General Manager, and later, President; that upon the sale of the bus rights to applicant, he left the employment of Rio Grande Motor Way and accepted his present position with applicant company. He testified concerning the history of the operation under Rio Grande Motor Way, Inc., and under the present company. He stated that originally, in addition to the passenger service, Rio Grande Motor Way carried mail, together with express and light freight; that presently Rio Grande Motor Way is handling all freight and the mail contract has been awarded to another contractor, leaving only the passenger service and bus express to the applicant company.

In applicant's Exhibit A, it is disclosed that during the period from January 1, 1949, to June 30, 1949, company showed the following:

	<u>Revenue</u> <u>Passengers</u>	<u>Revenue per</u> <u>bus-mile</u>	<u>Revenue</u>	<u>Total</u> <u>Expense</u>	<u>Expense per</u> <u>bus-mile</u>	<u>Net loss per</u> <u>bus-mile</u>
January 1949	20	\$.0028	\$7.35	\$855.56	\$.3291	.3263
February 1949	15	.0023	6.51	574.40	.2051	.2028
March 1949	43	.0063	17.02	801.30	.2968	.2905
April 1949	50	.0062	16.20	980.14	.3770	.3708
May 1949	35	.0068	23.21	1141.65	.4324	.4236
June 1949	45	.0141	37.33	933.20	.3535	.3394
Total 6 mos.	208	.0067	107.62	5286.25	.3308	.3241

It will be noted that the average return per bus mile for the six-months period disclosed by the exhibit is .0067¢, and expense is .3308, leaving a net loss of .3241¢ per bus mile. Witness stated that during his connection with the operation, it has never paid, and attributes the cause to the fact that the territory is sparsely settled, and the people residing in the territory have their own private conveyances.

On cross-examination, Witness Berndt stated that his company would object to a passenger service running from Alamosa to Salida over Colorado Highway No. 17 and U. S. Highway No. 285, for the reason that his company furnishes service on U. S. Highway No. 85 from Mineral Hot Springs to Salida. Witness further admitted, on cross-examination, that the present service did not connect with their through schedules running over U. S. Highway No. 285; that south-bound passengers to points intermediate between Alamosa and Mineral Hot Springs would be compelled to wait over night.

Charles R. Daisher was next called as a witness for applicant. He stated he was presently Traffic Manager for Continental Bus System, and had occupied said position since Continental took over Rio Grande Motor Way bus operation. The witness, when asked the following questions, answered:

"Q. Have you been able to develop any traffic in connection with the operation of this particular line that would justify the continuance of the operation from traffic revenue point of view? A. No, sir. There is no potential. You can't get blood from a turnip.***"

"Q. Did you make a recent trip through these towns and down this route? A. Yes, sir, we have called in that area on an average of once every six weeks, and I made several trips through there myself, and we came down through there yesterday."

On cross-examination:

"Q. You say you have made calls several times at these towns along the route? A. Yes, sir. We used to have some agents up there and called on them quite frequently.

"Q. Have you ever called upon them personally? A. Yes, sir.

"Q. When was the last time you called on any of them? A. Well, it has been quite some time.

"Q. How long ago? A. I would judge eighteen months.

"Q. Prior to the acquisition of this line by Continental?

A. Yes."

In the cross-examination, witness stated his company had not attempted to change schedules so it would meet their scheduled operation on U. S. Highway No. 285.

George Lorton, a resident of Alamosa, Colorado, stated he was representing the Alamosa Chamber of Commerce; that his organization was protesting the discontinuance of this service; that the territory was improving and was entitled to some service. He stated that, in his judgment, applicant had a moral duty to serve where it had been given an exclusive franchise in the territory.

S. P. Owsley, of Mosca, testified concerning the service now given by applicant, stating, "They tore the schedule up until they haven't any." He also stated that Mosca territory was growing, and large investments were being made in that area.

Virgil Stahl, of Mosca, Colorado, President of Hooper-Mosca-Moffat Service League, testified concerning the territory served by applicant, and the inadequacy of the present schedules operated by Continental Bus System, Inc.

Other witnesses testified on behalf of protestants, all maintaining that the population of the area had increased and was more prosperous than it had been for years, however, all witnesses resented the statements of witnesses for applicant that it was service "ghost towns."

In summarizing the evidence of protestants, it appears to the Commission that most of the residents living in the area served by applicant own their own automobiles, and do not use public transportation service. True, it can be contended, and with a great deal of merit, that the schedules operated by applicant would tend to discourage traffic, rather than increase it. It appears to the Commission that applicant -- while the holder of a certificate of public convenience and necessity from this Commission -- was looking to The Denver and Rio Grande Western Railroad Company, rather than

to the public interest, and as soon as its subsidy stopped, its officials immediately threw up their hands and started crying, "Ghost Towns."

It is a known fact to the Commission and referred to numerous times in the evidence in the instant case, that the certificates of public convenience and necessity issued to Rio Grande Motor Way for transportation of passengers by motor vehicle over the highways of our state was to give a dependable transportation service to our remote and thinly-populated areas -- this service generally, in lieu of passenger-train service. Applicant purchased said certificates, well knowing its duty to the public. True, it improved its equipment, improved its station facilities in our metropolitan communities, and has established schedules to improve its interstate traffic -- perchance at the expense of its intrastate traffic.

Nevertheless, the Commission cannot force a company to operate where there is little or no business. Operating costs per mile in the instant operation are .3308\$, while its revenue is only .0067. Some schedules reflect less than one passenger per trip, while the average is approximately one. In order to prevent the entire system from going into bankruptcy, measures of economy must be enforced, and unfavorable operating conditions corrected. "A few must suffer for the ultimate benefit of the great number."

Company contends it has lost \$73,844.86 on its first six months of operation. The Commission cannot add further losses to its operation. The question, however, presents itself to the minds of the Commission, why a through service could not be established over Colorado Highway No. 17 from Alamosa, Colorado, north, wherein the mileage would be shortened from Alamosa some twenty miles to points north of Mineral Hot Springs, including Denver, Pueblo, and Colorado Springs. This we respectfully suggest the applicant company investigate.

FINDINGS

After careful consideration of the record herein, and the evidence submitted, and the arguments of counsel through their briefs, the Commission is of the opinion, and so finds, that the Continental Bus System, Inc., should be authorized to discontinue its motor bus service

operation over Colorado Highway No. 17 between Alamosa, Colorado, and Mineral Hot Springs, Colorado, for the reasons set out in the preceding Statement, which, by reference, is made a part of these Findings.

The Commission further finds that jurisdiction of the instant matter be retained to the end that such further order or orders may be entered as to the Commission may seem advisable.

ORDER

THE COMMISSION ORDERS:

That Continental Bus System, Inc., be, and it hereby is, authorized to discontinue its motor bus operation over Colorado Highway No. 17 between Alamosa, Colorado, and Mineral Hot Springs, Colorado, and points intermediate thereto.

Jurisdiction in the instant matter is hereby retained to the end that such further order, or orders, may be entered as to the Commission may seem advisable.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ralph C. Hahn
John R. Barry
John C. Hearn
Commissioners.

Dated at Denver, Colorado,
this 3rd day of February, 1950.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CONTINENTAL BUS SYSTEM, INC., 315)
CONTINENTAL AVENUE, DALLAS, TEXAS,)
FOR AUTHORITY TO ABANDON SERVICE)
BETWEEN SOUTH FORK, COLORADO, AND)
CREEDE, COLORADO, VIA COLORADO)
STATE HIGHWAY NO. 149.)
-----)

APPLICATION NO. 10198.

February 3, 1950

Appearances: Alfred Crager, Esq., Dallas,
Texas, for applicant;
Moses and DeSouchet, Esqs.,
Alamosa, Colorado, for
Town of Creede, Colorado,
and Empereur Mining Company;
John I. Green, Antonito,
Colorado, and
Wayne Tarbell, Esq., Center,
Colorado, for Board of
County Commissioners of
Mineral County, Colorado.

S T A T E M E N T

By the Commission:

On August 8, 1940, applicant, Continental Bus System, Inc.,
filed its application requesting authority to discontinue its service
over Colorado State Highway No. 149 between South Ford, Colorado, and
Creede, Colorado.

Formal protests were filed by the Board of County Commissioners
of Mineral County, Town of Creede, and the Empereur Mining Company.

Said application was regularly set for hearing, after notice
to all parties in interest, at the Elks' Hall, Creede, Colorado, on
September 28, 1949, at ten o'clock A. M., and at the conclusion of the
hearing, the matter was taken under advisement.

Ralph Berndt, Assistant General Manager of Rocky Mountain Lines
of Continental Bus System, Inc., was first called on behalf of applicant.
He stated that he had held this position since October 1, 1948, which
was the time Continental Bus System, Inc. acquired this property from

Rio Grande Motor Way, Inc.; that he had served Rio Grande Motor Way in several capacities -- first as Assistant General Manager from October 1, 1941 to October 1, 1946, and as General Manager from October 1, 1946 to time of sale by Rio Grande Motor Way to applicant herein; that in 1932, Rio Grande Motor Way instituted a substitute motor vehicle service in lieu of passenger train service of The Denver and Rio Grande Western Railroad Company between Alamosa, Colorado, and Creede, Colorado; that this service was a daily service, carrying passengers, mail, express and light freight; that this service was given for approximately seventeen years; that on October 1, 1948, Continental Bus System, Inc., purchased from Rio Grande Motor Way, Inc., all passenger rights held by Rio Grande Motor Way, including the service from South Fork to Creede, Colorado. It now appears that a contract was entered into, being Exhibit No. 2 at the hearing, between The Denver and Rio Grande Western Railroad Company and Continental Bus System, Inc., wherein the railroad company agreed to take care of or guarantee all operating costs of said operation, plus five percent under the above contract. The railroad company reserved the right to withdraw its subsidy on thirty days' notice. Witness stated that the railroad company, under date of June 14, 1949, served upon the applicant herein the following letter, which was Exhibit No. 3 at the hearing:

"Pursuant to Section 5 of the agreement between our companies covering substitution of bus service for rail service, dated March 31, 1948, this letter will constitute notice that The Denver and Rio Grande Western Railroad Company elects to terminate that portion of the substituted motor bus service operated by Continental Bus System between Alamosa and Creede, Colorado, effective upon completion of the last schedule August 13, 1949."

Witness Berndt stated that since the railroad company had withdrawn its subsidy, Continental Bus System, Inc., cannot afford the burden of the operation. In support of this statement, exhibits show that operation for the Months of January, 1949, to July 14, 1949, inclusive, over the South Fork-Creede segment, shows an expense per bus mile of .3356; revenue

per bus mile of .0220, leaving a net loss of .3136 per bus mile, while the Alamosa-Creede operation, being Exhibit No. 5, shows that for the Months of January, 1949 to July 1, 1949, revenue per bus mile was .0349 and expense per bus mile was .3355, leaving a net loss per bus mile of .3006. The witness stated that, in his judgment, the passenger operation cannot be made to pay.

C. A. Daven, of Creede, Colorado, was the first witness for protestants. He stated he was Treasurer of Esperius Mining Company, which employs eighty men in its mine and mill at Creede; that he felt lack of transportation to Creede would be detrimental, and as a result of the acquisition of passenger rights by applicant company, service to Creede for freight, express, and mail had been impaired, and finally that the community now found itself with no dependable transportation service.

J. Whitney, of Wagon Wheel Gap, Colorado, stated he was the Superintendent for Colorado Fuel and Iron Company, which operated a mine at Wagon Wheel Gap, employing twenty-five to fifty men; that both he and his employees use the bus service, and he protested withdrawal of passenger and bus service.

Arthur Sharp, who operates a dude ranch and fishing resort at Wagon Wheel Gap, stated that he would suffer inconvenience if the bus operation is discontinued, as he needs fresh provisions daily during the tourist season to operate his business.

Allen Hosselkus, of Creede, Colorado, stated he was a trout raiser, and in the course of his business he ships fish and trout eggs by express when asked: Question: What would you say your average express charges are for a period of the last three or four years? He answered: "Well, it would be about two thousand dollars a year."

Charley Wills, of Creede, Colorado, stated he was a dude rancher, and also raised trout; that he also shipped fish and fish eggs by express.

Vernon C. McAllister, of Del Norte, stated he operated a garage and was also County Commissioner of Rio Grande County. He stated that up until the bus line was taken over by Continental Bus System, there was an adequate service to Creede; that since that time he has

encountered considerable difficulty in making small shipments.

William Jackson, T. T. Biddle, and W. E. Leary, all testified as to the general economic conditions in Mineral County and the Town of Creede. Also, the witnesses complained of general service received by them since Continental Bus took over the passenger operation.

This testimony was corroborated by William F. Swinehart, County Commissioner of Mineral County, and R. I. Fisher, Mayor of Creede.

In summarizing the evidence before the Commission, it appears that the direct total expense of Creede-Alamosa service for the period from January 1, 1949 to July 1, 1949, is \$8,744.27, and the revenue derived from said operation is \$909.78, making a total loss during the six-months period of \$7,834.49. If we consider only the direct expense charged to the operation, we still have a loss of \$4,214.18. Applicant contends it has lost \$73,844.86 on its first six months operation in its Rocky Mountain Division. When a transportation company is losing money in its operation, it is the duty of said company to curtail expenses. The Commission cannot, in the face of evidence presented at this hearing, force Continental Bus System, Inc. to continue its operation in view of the excessive loss of the operation.

F I N D I N G S

After careful consideration of the record herein and the evidence submitted and the arguments of counsel through their briefs, the Commission is of the opinion, and so finds, that the Continental Bus System should be authorized to discontinue motor bus service over Colorado Highway No. 149 between South Fork, Colorado, and Creede, Colorado, for the reasons set out in the Statement preceding, which by reference is made a part of these Findings.

The Commission further finds that jurisdiction of the instant matter should be retained, to the end that such further order or orders may be entered as to the Commission may seem advisable.

O R D E R

THE COMMISSION ORDERS:

That Continental Bus System, Inc., be, and it hereby is.

authorized to discontinue its motor bus service over Colorado State Highway No. 149 between South Fork, Colorado, and Creede, Colorado, and points intermediate thereto.

That jurisdiction in the instant matter is hereby retained, to the end that such further order, or orders, may be entered as to the Commission may seem advisable.

This order shall become effective twenty days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph C. Johnson
John R. Barry
Joseph W. Hawley
Commissioners

Dated at Denver, Colorado,
this 3rd day of February, 1950.

ee

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM HARKALIS, LYONS, COLORADO,)	
FOR A CLASS "B" PERMIT TO OPERATE)	<u>APPLICATION NO. 10387-PP.</u>
AS A PRIVATE CARRIER BY MOTOR VE-)	
HICLE FOR HIRE.)	
-----)	

February 3, 1950

Appearances: William Harkalis, Lyons,
Colorado, pro se;
Marion F. Jones, Esq.,
Denver, Colorado, for
Sorenson Truck Service,
Golden Transfer.

S T A T E M E N T

By the Commission:

On December 12, 1949, 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 sand and gravel from pits located three miles west of Loveland, Colorado, to tunnel job, located about nine miles west of Loveland, Colorado; cement from LaPorte to said tunnel job; rock, dirt, steel, lumber, and pipe used on the job between points within a radius of three miles of said tunnel job.

The matter was set for hearing, and heard, after due notice to interested parties, on January 12, 1950, at the Community Hall, Berthoud, Colorado, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant is the owner of two trucks — one 1947 3-ton Dodge Truck, and a 1948 two-ton Truck; that he has a net worth of approximately \$8,000.00, and has had five or six years' experience working for contractors.

Applicant stated that he desired to contract with Tarlton Construction Company, and under his contract with said construction company,

he will be asked to haul cement from LaPorte to tunnel located nine miles west of Loveland; also, to haul sand and gravel from pits located three miles west of Loveland, Colorado, to the tunnel job, and sand, gravel, rock, dirt, steel, lumber, and pipe used on the job within a radius of three miles of said tunnel job.

Vane Golden, holder of PUC No. 510, operator of "Golden Transfer" at Longmont, Colorado, protested granting of authority to haul cement, contending that he has adequate equipment with which to care for the cement movement between LaPorte and the tunnel, and that the granting of the authority sought to haul cement would tend to impair the efficiency of his present operation.

Cris Sorenson, also of Longmont, Colorado, holder of PUC No. 49, also protested the granting of authority to haul cement, he also maintaining that said authority, if granted, would impair his common carrier services.

In considering an application of this nature, it appears it is necessary to consider the statutes governing private carriers, and the Commission's rules and regulations. Rule 5 of the 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."

Protestants, in their testimony, referred to the transportation of cement, only. The other commodities asked for in the application did not seem to bother them. In other words, we cannot see from the evidence before us where the granting of the application -- excluding transportation of cement -- would impair the common carrier operations of protestants.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application, as hereinafter limited, should be granted, as the evidence did not disclose that said operation, as limited, will tend to impair the efficiency of any motor vehicle common carrier service with which applicant will compete.

O R D E R

THE COMMISSION ORDERS:

That William Harkalis, Lyons, 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 and gravel from pits located three miles west of Loveland, Colorado, to tunnel job, located about nine miles west of Loveland, Colorado; rock, dirt, steel, lumber, and pipe used on the job between points within a radius of three miles of said tunnel job above referred to.

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


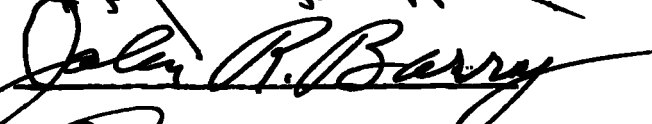

That this order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurance, and has secured identification cards.

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, in all other respects, said application should 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 3rd day of February, 1950.

(Decision No. 34191)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF
JOHN R. BEARD, DOING BUSINESS
AS THE "BEARD SIGHTSEEING COMPANY"
OF 1644 BROADWAY, DENVER, COLO-
RADO.

PUC NO. 193

February 6, 1950

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 his Certificate No. 193 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 R. Beard, doing business as the "Beard Sightseeing Company", be, and he is hereby, authorized to suspend his operations under Certificate No. 193 until August 2, 1950.

That unless said John R. Beard, doing business as the "Beard Sightseeing 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

[Handwritten signatures of Commissioners]
Commissioners.

Dated at Denver, Colorado,
this 6th day of February, 1950.
jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF }
RONALD B. HADDUCK, 524 COTTON WOOD }
AVENUE, CANON CITY, COLORADO, FOR A }
CLASS "B" PERMIT TO OPERATE AS A }
PRIVATE CARRIER BY MOTOR VEHICLE FOR }
HIRE. }

APPLICATION NO. 10364-PP

February 7, 1950

Appearances: Ronald B. Hadduck, Canon City,
Colorado, pro se;

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of milk between Canon City and Colorado Springs, Colorado and from points within five miles on each side of State Highway No. 115 between Canon City and Colorado Springs, Colorado to Colorado Springs dairies.

The application was set for hearing at the Council Chambers, City Hall, Colorado Springs, Colorado, for January 9, 1950 and after due notice to all parties in interest was there heard and taken under advisement.

Applicant testified that his equipment consists of a 1949 1/2 Ton Chevrolet truck and his net worth is \$1,250.00. He is now operating under a "C" Permit and has received requests for the proposed service from seven farmers along the proposed route, and others. He asked that his application be amended to include the transportation of empty milk cans on the return trip from Colorado Springs to Canon City, and the amendment was allowed.

Le Roy H. Jacobson, Supervisor of the Sinton dairy at Colorado Springs, testified that there is no present service over the proposed route; that applicant would be able to develop a business of approximately 500 gallons per trip, and offers a daily service not offered by others, which service the witness will use if the application

is granted.

No one appeared to protest the granting of the authority sought, and the operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

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 Ronald B. Hadduck, 524 Cotton Wood Avenue, Canon City, Colorado, be, and he hereby is, authorized to operate as a Class "B" Private Carrier by motor vehicle for hire for the transportation of milk from Canon City, Colorado and points within a distance of five miles on either side of State Highway No. 115, between Canon City and Colorado Springs, Colorado, to the dairies in Colorado Springs, Colorado with a backhaul of empty milk cans to points of origin of the shipments.

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

Ralph C. Hottel
John R. Barry
Robert T. Hawley
Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1950.

jt

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THE STATE HIGHWAY DEPARTMENT OF
COLORADO FOR AUTHORITY TO CONSTRUCT
A RAILROAD GRADE CROSSING ON STATE
HIGHWAY NO. 243 LOCATED IN THE N $\frac{1}{2}$
OF THE NW $\frac{1}{4}$ OF SECTION 30, T. 4 S.,
R. 67 W., of the SIXTH P. M., IN
THE COUNTY OF ARAPAHOE, STATE OF
COLORADO, AT MILE POST 7.87 OVER
THE DENVER-CONNORS BRANCH OF THE
COLORADO AND SOUTHERN RAILROAD IN
ARAPAHOE COUNTY, COLORADO.

APPLICATION NO. 10322.

February 7, 1950

Appearances: Vincent Cristiano, Denver,
Colorado, and
Sidney A. Johnson, Denver,
Colorado, Assistant Attorneys
General, for the State
Highway Department;
J. M. McNulty, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On November 22, 1949, the Colorado State Highway Department, by Mark U. Watrous, State Highway Engineer, filed an application with this Commission for authority to construct a railroad crossing at grade on State Highway No. 243 over The Colorado and Southern Railroad, Denver-Connors Branch, at Mile Post 7.87 located in the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 30, Township 4 South, Range 67 West of the 6th P. M., in the County of Arapahoe, State of Colorado.

The Commission notified the County Commissioners of Arapahoe County, the property owners adjacent to the proposed crossing, and The Colorado and Southern Railway Company of the proposed application, asking if there were any objections to the granting of the authority sought. The Colorado and Southern Railway Company stated, in writing, to the Commission that it has entered into a written Agreement with the State Highway Department and that it did not object to the granting of the application, provided it

is on the terms and conditions outlined in said Agreement. No one replied in opposition to the granting of the application as filed.

The matter was set for hearing on February 1, 1950, at ten o'clock A. M., in the Commission's Hearing Room, Denver, Colorado, and was there heard and taken under advisement.

Mr. John S. Marshall, Engineer of Surveys and Plans for the State Highway Department, testified at the hearing that the proposed crossing would be constructed according to an Agreement between the Highway Department and The Colorado and Southern Railway Company. A copy of said Agreement was identified by the witness as Exhibit "C" in the instant matter and was made a part of the record herein. The State Highway Department plans at the present time call for the construction of two outer lanes of the proposed highway and two easterly highway lanes of a four-lane main way. The outer two lanes are located on the easterly and westerly sides of the State Highway right-of-way, while the two other lanes are on the easterly side of the center line of the proposed four-lane main way lying between the two outer lanes previously mentioned. The witness further stated that the railroad traffic over this branch line was very light, being an average of about one train movement a day as he recalled.

The proposed crossing protection will consist of two reflectorized crossbuck signs, their exact location to be determined at a later date. Two additional reflectorized crossbuck signs will be provided if it is found that they are necessary to adequately protect this crossing. In addition to the reflectorized crossbuck signs, there shall also be installed advance warning signs on the approaches to the crossing, designated as W-32, in accordance with the "Manual of Uniform Traffic Control Devices" as prepared by the American Association of State Highway Officials. The "All Busses Stop" signs provided for in this Commission's General Order No. 36, being designated as W-4, shall also be installed. The reflectorized crossbuck signs installed shall be in conformance with Bulletin No. 3 of the American Association of Railroads, Joint Committee on Grade Crossing Protection, as adopted by this Commission.

FINDINGS

THE COMMISSION FINDS:

That public convenience and necessity require the construction, establishment, maintenance and operation of a state highway crossing at grade, over the right-of-way and tracks of The Colorado and Southern Railway Company, at the location described in the foregoing Statement.

ORDER

THE COMMISSION ORDERS:

That applicant, The State Highway Department of Colorado, be, and it hereby is, authorized to construct, establish, maintain and operate a highway crossing at grade, on and across The Colorado and Southern Railway Company's right-of-way and tracks where State Highway No. 243 intersects said The Colorado and Southern Railway Company's right-of-way at Mile Post 7.87 on the Denver-Connors Branch, located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, Township 4 South, Range 67 West of the 6th P. M., in the County of Arapahoe, State of Colorado.

The work to be done, maintenance, and provisions and method of payment for the work, shall be in accordance with the Agreement between the State Highway Department of Colorado and The Colorado and Southern Railway Company, marked Exhibit "C" in the instant matter, and by reference made a part hereof.

The crossing protection consisting of advance warning signs and the "All Busses Stop" signs shall be installed in accordance with the preceding Statement, which Statement, by reference, is made a part hereof. Two reflectorized crossbuck signs shall be installed according to final plans, as agreed upon by the parties, and the Commission will retain jurisdiction in the instant matter to determine the necessity for the installation of two additional reflectorized crossbuck signs.

This order shall become effective twenty days from date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

James C. Hutton
John R. Barry
James W. Hooten
Commissioners.

Dated at Denver, Colorado,
this 7th day of February, 1950.

original

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

A. M. CAMP, JACKSON CLARK, GEORGE
HUBBARD, TOM KIMBALL, EARL A.
BARKER, ROBERT S. AYERS, MORRIS
HIGLEY, AND DURANGO CHAMBER OF
COMMERCE,

Complainants,

vs.

THE DENVER AND RIO GRANDE WESTERN
RAILROAD COMPANY,

Defendant.

CASE NO. 5010

February 6, 1950

Appearances: R. Franklin McKelvey, Esq., Durango,
Colorado,
Truman A. Stockton, Jr., Esq., Denver,
Colorado, and
E. B. Evans, Esq., Denver, Colorado,
for Complainants;
William G. Waldeck, Esq., Montrose,
Colorado, for Delta Chamber of
Commerce, Montrose Chamber of
Commerce;
Raphael J. Moses, Esq., Alamosa,
Colorado, for Alamosa County
and City of Alamosa;
W. B. Cobb, Box 977, Durango, Colo-
rado, for Board of County Com-
missioners of La Plata County,
Allison Grange;
Walter Kegel, Santa Fe, New Mexico,
for Chama Valley Chamber of Com-
merce;
E. Ellison Hatfield, Esq., Durango,
Colorado, for City of Durango;
A. M. Emigh, Esq., Durango, Colorado,
for School District No. 9, La
Plata County;
James B. Cooney, Albuquerque, New
Mexico, for State of New Mexico;
Paul Pompero, Santa Fe, New Mexico,
for New Mexico Corporation Com-
mission;
Paul M. Hupp, Esq., Denver, Colorado,
for The Public Utilities Commis-
sion of the State of Colorado;
John G. Galbreath, Durango, Colorado,
for Board of County Commissioners
and Chamber of Commerce of Archuleta
County, Colorado, and the incorporated
Town of Pagosa Springs, Colorado;

T. A. White, Esq., Denver, Colorado, and
Otis Gibson, Esq., Denver, Colorado, for The Denver and Rio Grande Western Railroad Company.

S T A T E M E N T

By the Commission:

On January 3, 1950, the Interstate Commerce Commission issued Service Order No. 845, which reads as follows:

"RESTRICTIONS ON COAL-BURNING PASSENGER SERVICE LOCOMOTIVE MILEAGE

"At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of January, A. D., 1950.

"It appearing, That reserve stocks of railroad locomotive fuel coal have decreased; that some such reserves have reached a dangerously low level and are further decreasing; that the supply and movement of cars and trains and 'car service' generally is impeded and interrupted by the lack of locomotive fuel coal; that the present production of bituminous coal is insufficient to relieve these conditions and adequately supply such fuel, and the Commission being of the opinion that an emergency exists requiring immediate action in all sections of the country;

"It is ordered, That:

"Par. 95.845 Restrictions on coal-burning passenger service locomotive mileage.

"(a) Reduction in passenger locomotive mileage.

On and after the effective date of this order, any common carrier by railroad operating coal-burning steam locomotives and having 25 or less days supply of fuel coal for such locomotives and not having available a dependable source of supply of coal, shall reduce its coal-burning passenger locomotives miles to an amount of 33-1/3% less than it operated such coal-burning passenger locomotives on December 1, 1949.

"(b) Application. (1) The provisions of this order shall apply to intrastate commerce, as well as interstate and foreign commerce.

(2) The provisions of this order shall apply to coal-burning passenger locomotive operations commencing on and after the effective date hereof.

"(c) Effective date. This order shall become effective at 11:59 P. M., January 8, 1950.

"(d) Expiration date. This order shall continue in effect until 11:59 P. M., March 8, 1950, unless otherwise modified, changed, suspended or annulled by order of the Commission.

"(e) Rules, regulations, and practices suspended. The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this order, is hereby suspended.

"It is further ordered, That a copy of this order shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

"(40 Stat.101,Sec.402; 41 Stat.476,Sec.4; 54 Stat. 901; 49 U.S.C.1 (10)-(15)).

"By the Commission, division 3.

W. P. BARTEL,
Secretary."

Following the entry of this order, The Denver and Rio Grande Western Railroad Company forwarded to the Commission the following letter, bearing date of January 6, 1950, and received January 9, 1950:

"For your information, I wish to state that in compliance with Service Order No. 845 of the Interstate Commerce Commission requiring a 33-1/3% reduction in the mileage of coal burning passenger locomotives, the Railroad Company has directed reduction in coal burning passenger service, effective January 8th, as follows:

"Discontinue Trains 23 and 24 between Denver and Craig;

"Annul Trains 15 and 115 Denver to Pueblo and Pueblo to Alamosa, Saturdays and Sundays;

"Discontinue Trains 215 and 216 between Alamosa and Durango;

"Annul Train 116 between Alamosa and Pueblo, Saturdays and Sundays;

"Annul Train 16 between Pueblo and Denver, Sundays and Mondays;

"Discontinue Trains 319 and 320 between Grand Junction and Montrose;

"Annul Train 9 Denver to Craig on Saturdays and Sundays;

"Annul Train 10 Craig to Denver on Sundays and Mondays;

"Annul Trains 21 and 22 between Pueblo and Salida, Saturdays and Sundays;

"Annul Train 19 Denver to Grand Junction, Saturdays and Sundays;

"Annul Train 20 Grand Junction to Denver, Sundays and Mondays.

"The days referred to above with respect to annulment represent originating days of the trains.

"The foregoing reductions in service save a total of 1220 miles per day, which is somewhat less than the 1275 miles per day required to comply with the I.C.C. order. The above reduction in service will be in effect until further order of the Interstate Commerce Commission."

On January 11, 1950, A. M. Camp, Jackson Clark, George Hubbard, Tom Kimball, Earl A. Barker, Robert S. Ayers, Morris Higley, and the Durango Chamber of Commerce, caused to be filed with this Commission a complaint, alleging that the railroad was discriminating against Durango in the complete curtailment of passenger service on Trains Nos. 215 and 216; that there is an adequate supply of coal in the Durango area; that the action of the railroad was arbitrary, capricious, and discriminatory, and was taken, among other things, it is alleged, to influence this Commission in respect to the case now pending before the Commission relative to the permanent abandonment of passenger rail service between Alamosa, Colorado, and Durango, Colorado.

In this Complaint, complainants prayed that we enter a Show Cause Order against the railroad as to why Passenger Trains Nos. 215 and 216 should not be restored to service.

An Order to Satisfy or Answer was duly issued by the Commission, and on January 13, 1950, The Denver and Rio Grande Western Railroad Company filed its Answer with the Commission, denying that there was discrimination, and, relying on the order of the Interstate Commerce Commission, asked that the complaint against the Railroad be dismissed.

On January 11, 1950, the Commission set the matter for hearing at Durango, Colorado, to be heard Monday, January 16, 1950, at 9:30 A. M., in the County Court House, and the case was there heard and taken

under advisement.

The first witness called by complainants was Tom Pierce, who resides in Durango and operates the Peerless Coal Mine, six and one-half miles west of Durango. He stated that he sells coal to The Denver and Rio Grande Western Railroad Company, which coal is loaded at Durango; that at present he is selling it approximately two hundred tons per month, and that he could increase his supply another two hundred tons. On cross-examination, he stated that he has one truck with which he hauls the coal to the railroad siding, as well as delivering coal in the City of Durango. He stated that there had been some weeks that he had furnished only three cars of coal -- two of mine-run and one of slack -- instead of the four cars ordered by the railroad, but he further stated that the reason for this was that the railroad had not furnished him sufficient cars to supply all the coal it had ordered. He stated that this coal is loaded at a ramp where others load also; that he is presently employing three men; that his mine is a non-Union mine, and that there is an available labor supply in Durango which he could employ if he had the orders for additional coal; that he buys some slack from other mines with which he fills out his orders for slack from the railroad. He also stated that in the Month of December, his mine produced seventy-five tons to one hundred tons of slack which he sold to the railroad, and that he sold a like amount in Durango; that his son-in-law drives the truck which loads the coal cars, as well as making deliveries in Durango; that it had been quite some time since he had fallen short on orders to the railroad, and that the last occasion he recalled was when the railroad had ordered two cars and only sent one. He stated that the only time he had been unable to fill all the cars delivered to him was when he first started developing the mine some four or five years ago; that this coal he can furnish the railroad in addition to the coal which he is now supplying to the Durango School and commercial and industrial users in Durango. He also stated that after the expiration of a couple of months he could increase his production to four hundred additional tons or more per month. He fur-

ther stated that the reason he has not increased his production heretofore is because he has not received orders from the railroad to warrant it; that his production is geared to the demands he has, and until he receives orders for additional coal, he is not disposed to dislocate his operation.

Leslie Burnett, who lives in Durango and operates the Victory Coal Mine near there, was called, and testified that he, too, is presently producing and selling coal to The Denver and Rio Grande Western Railroad Company; that he could produce fifty more tons a day, if he were requested to do so; that during September, he sold one car of lump, 699 tons of mine-run, and 25 tons of slack to the railroad; in October, 132 tons of lump, 812 tons of mine-run, and 426 tons of slack; in November, 70 tons of lump, 456 tons of mine-run, and 496 tons of slack; in December, 64 tons of lump, 562 tons of mine-run, and 425 tons of slack. He also stated that he filled as much of the order received each week as he had cars made available to him for the coal; that, on some weeks he did not get coal cars until the latter part of the week, while the mine worked the fore-part of the week; that he was presently employing seven men; that he uses two or three trucks to haul the coal to load the cars -- depending upon the need; that his mine works four days a week; that his mine is a Union mine. He admitted, under cross-examination, that he had a standing order of sixteen cars of coal per week, but stated that he has not been able to fill these orders because of the lack of cars, and that he could easily supply the coal, were the cars made available to him. He also stated that there were Union coal miners available in Durango to work in these mines if he needed them.

Joe Caranta, of Monero, New Mexico, testified that he is engaged in coal-mining operations and sells coal to The Denver and Rio Grande Western Railroad Company. His mine is located adjacent to the narrow gauge line operating between Alamosa and Durango. He stated that between the Months of September and December, 1949, he had sold over one thousand tons per month to the railroad; that if he had some assurance of an order for more coal for two or three months, he could produce and

deliver another four hundred tons a month to be sold to the railroad.

Arthur Erler, who operates a coal mine three miles south of Monero, New Mexico, testified that he is presently selling coal to The Denver and Rio Grande Western Railroad Company; that in December he sold nine hundred tons to it, and that in November a little bit less was sold. He stated that the maximum present capacity of his mine was two cars a day, or fifteen hundred tons a month; that his mine is working five days a week; that he employs fifteen men besides himself, and could, by working an additional day, produce two more cars of coal per week.

Juan Tafuya, of Lumberton, New Mexico, testified that he operates the Amargo Nut Coal Mine; that it is located about one mile from The Denver and Rio Grande Western Railroad Company's tracks; that he has never sold coal to the railroad because he has been unable to get an order, but that he has coal which he could sell to it if it was requested. He stated that he could very well sell two hundred tons per month over and above his regular customers, and that he has a means of transporting this coal from his mine to the railroad.

Mr. Ed Cory, of Durango, Colorado, operating the Durango Ice and Produce Company, testified that he handles butter, eggs, ice, milk and cream, the cream being shipped in from Chama and Lumberton, New Mexico, and Ignacio and Allison, Colorado, on the baggage cars of the narrow gauge passenger train. The cream shipments varied from thirty-six cans in December to fifty-one cans in November. He also stated that he shipped butter and eggs into New Mexico on the train, with a "small percentage" of his shipments to points in Colorado. In the last six months he has averaged four cases of butter per month to all points, and in the last four months, about twenty cases of eggs per month to all points, again only a small percentage being to points in Colorado.

Malcolm Dayton, of Durango, Colorado, a funeral director, handles funerals from points in New Mexico and in Colorado, and in 1949 handled six to eight funerals during the year over the narrow gauge -- whether from Colorado or New Mexico does not appear. In addition, five

ambulance cases came into Durango on the train during 1949.

Ray Calloway, a funeral director in Durango, had one funeral in January of 1949 from Chama, New Mexico over the railroad.

Manuel Montoya, Tierra Amarilla, New Mexico, stated that he had to wait four days for a truck to bring his wife to Durango from Chama, New Mexico, in order for her to have an operation which his doctor told him should be performed "after New Year's."

Ervin Mergelman, of Durango, Colorado, testified that his transmittal of cash from the Burns National Bank in Durango to the Indian Agency at Dulce, New Mexico, by registered mail, was delayed from two to three days with the passenger service out.

Guy Hobgood, of Dulce, New Mexico, stated that there were very poor roads in and out of Dulce, New Mexico, from Colorado, and Emmet Hott, of Tiffany, Colorado, testified that the only common carrier between Durango and certain other points on the line to Tiffany, Allison, and Arboles, was The Rio Grande freight train, and that the roads were poor.

H. R. Jones, Durango, Colorado, testified that he shipped one hundred and fifty to two hundred loaves of bread a week to Allison, and one hundred twenty-five to one hundred fifty loaves a week to Arboles, and twenty-five loaves a week to Pagosa Junction on the passenger train, and twenty-five dollars a week in pastries. He stated that the Railway Express Agency at present had no service to those points.

Kenneth Lively, of Chama, New Mexico, stated that there was no other common carrier passenger service in and out of Chama, New Mexico, to Colorado, and gave the population of the New Mexico towns near Chama.

Max Read, Lumberton, New Mexico, stated that he had been unable to come from Lumberton, New Mexico, to Colorado on the passenger train and had to cancel a trip to Durango because there were no other common carriers on that run.

Richard Gallavan, of Durango, Colorado, who operates a wholesale produce house there, stated that his express shipments over the narrow gauge amounted to three hundred dollars to four hundred dollars a

month of fruit and vegetables, and one account at Lumberton, New Mexico, which runs from one hundred fifty dollars to three hundred dollars of his total shipments was now coming to Durango to pick up their merchandise, but that he had lost from one hundred dollars to two hundred dollars a month gross sales. He further stated that he used the Rio Grande Motor Way for points not on the railroad.

It will be noted that, with the exception of one or two of these witnesses, the express shipments on the train were their main concern. It also is apparent that the transportation of products from Durango to points in New Mexico constitutes the great bulk of the railroad service used by these shippers. No one of the complainants testified in the case, nor did anyone testify on behalf of the Durango Chamber of Commerce, so far as appears from the record. Nor was there any testimony from any witness who wanted or needed to ride the train from Durango to Alamosa, or to Denver.

The next witness was A. E. Perlman, of Denver, Colorado, General Manager of The Denver and Rio Grande Western Railroad Company, who was called by the complainants under the statute for cross-examination. Mr. Perlman stated his experience with Rio Grande, and stated he was familiar with other cases pending before the Commission, and is also familiar with Service Order No. 845. He stated how the railroad ascertained the mileage and the number of trains that were to be taken off and the persons and departments they represented who were consulted and participated in determining which trains were to be removed and which retained. He also stated which passenger trains the Rio Grande operates that are Diesel and which are coal, as well as the areas which they serve. He further stated which trains were interstate trains and which were intrastate trains. He recited other communities in the state which, due to the present curtailment of service, are without any transportation service. He also testified as to the communities which have other passenger train service operated by railroads, and bus service operated by various bus companies. Mr. Perlman further stated that the railroad had tried to evaluate as best it could, the effect and the

needs of the various parts of the system in regard to service. He stated that in complying with the Interstate Commerce Commission order, the railroad had treated their operation as a whole, and had curtailed approximately thirty-one per cent of their total coal-burning passenger train miles. He felt that the branch lines leading to the main system were not as vital as the main link, and that they felt that fewer people would be inconvenienced by the partial or complete curtailment of service on the branch lines.

On direct examination, Mr. Perlman stated that the basis for average daily mileage of the railroad is 4,017 miles. He further stated that the road had reduced mileage by 1,233 miles, or thirty-one per cent. He further stated that it was the opinion of the railroad that this thirty-one per cent constituted a substantial compliance with Service Order No. 845, which requires thirty-three and one-third per cent reduction. He further stated that as he saw it, the railroad was between two fires, in that it was required to comply with the Interstate Commerce Commission rulings and regulations, and for failure to do so was subject to fines and penalties, while, on the other hand, if we required the institution of service of Trains Nos. 215 and 216, it would then be faced with the problem of complying with our order or being subject to fines and penalties. He stated that the present curtailment of service was, in his judgment, the best that he and the other officials of company could work out at the present time. He stated that Trains Nos. 215 and 216 made up four hundred miles of the railroad's daily mileage. He testified as to the baggage, mail and express carried by other trains on the system, how they must inter-connect with connecting lines for the interlining of baggage, mail, express and perishable commodities, and the important service that other trains render to other communities in the state. He stated that the railroad had received complaints from other sections of the state because of the curtailment of the service, aside from those received from the people affected by the discontinuance of Trains Nos. 215 and 216. He also stated that the population considered by the railroad officials when the curtailment was determined

was that represented by the volume of passengers carried on the various trains, and that since the traffic on Trains Nos. 215 and 216 was the sparsest, less people would be harmed by removing them from service. He further stated that it was a difficult task to ascertain which trains were to be removed and on what days, in order to give some communities service on a partial or tri-weekly basis. Insofar as the narrow gauge between Alamosa and Durango is concerned, he said that this is one of the few roads where persons are permitted to ride on freight trains, and that they can now ride the caboose twice weekly on the freight trains still operating on the Alamosa-Durango line. He said that the railroad had made arrangements for the mail and express in the area served by Trains Nos. 215 and 216, and that the highways were good between Colorado points. He felt that the present curtailed service was the best that could be worked out under the Interstate Commerce Commission order. Mr. Perlman stated that it was his opinion that Interstate Commerce Commission Order No. 845 was strictly for management to determine as to which trains were to be curtailed and which retained. He also testified as to the passenger revenue per train-mile on the narrow gauge train and Trains Nos. 319 and 320 between Montrose and Grand Junction.

O. D. Teeter, Field Supervisor of The Denver and Rio Grande Western Railroad Company, was called by the railroad and testified that his job is to supervise the fuel requirements of the railroad company. He identified Exhibit No. 3, which is a statement of coal on hand purchased and used on the system between August 1, 1949, and January 1, 1950, which shows as of January 17, 1950, a 15.5 days supply on hand. He further stated how the requirements were ascertained; that each new month's requirements were ordered on a basis of the prior month's consumption, and that on January 8, the railroad supply was 16 or 16½ days supply. He identified Exhibit No. 4, which is a statement prepared by him of the cars of company coal ordered, received and short for a five-week period -- December 5, 1949, to January 7, 1950, when mines worked on a two and three-day week basis. He stated that the three-day operation of coal mines started December 5, and that so far as the entire system was con-

cerned, for the five-week period covered in Exhibit No. 4, the road ordered 522 cars of coal which had not been delivered by the mines. He further stated that the standard gauge cars will average between 50 and 55 and 58 and 60 tons per car, and that the narrow gauge cars will carry about 23 tons. He identified Exhibit No. 5, which is a statement prepared by him of the cars of company coal ordered for the six-weeks period, November 28, 1949, to January 7, 1950, from the Monero District and the Durango District, covering the Caranta, Erler, Victory and Peerless Mines. Mr. Teeter identified Exhibit No. 6, which is a statement prepared in his office of the company coal received from the Monero and Durango Districts, stating the date received, the number of tons, and where this coal was used. He stated, as the exhibit shows, that it was the practice to haul coal from the Durango and Monero Districts to Alamosa, to be used for the coaling of both narrow and broad gauge engines, as well as to operate the power plant at Alamosa. He further stated that for the operation of the railroad, coal is pooled for all the operation, and the coal obtained on the narrow gauge line is not designated entirely for narrow gauge operations. He went on to speak of some other labor difficulties which have caused coal shortages other than the strike. He stated it was his opinion that the railroad is not receiving a sufficient supply of coal at this time. He further stated that he could not forecast business in the future, and that the railroad did not want to bind itself to any agreement as to the purchase of coal in the event future service did not require it. He also stated he would take the 1400 tons per month which Mr. Caranta said he could produce. He said he had one letter from Mr. Tafoya, but that he had never investigated Mr. Tafoya's coal to ascertain whether or not it met the railroad's requirements, and that he could not state whether this coal would be satisfactory for the operation of a steam locomotive.

Mr. Teeter testified he was familiar with other serious coal shortages which affected the industry in prior years. He stated he was aware that the labor situation had been unsettled for some time, and

that as long as the mines run on a five-day-week basis, the railroad made no attempt to stock-pile coal. He also admitted that he had not become sufficiently alarmed over the unsettled situation to increase railroad purchases of coal until December, when the three-day work week was inaugurated. He also admitted that the railroad had not entertained the idea of using other types of fuel for stationary power plants because it was not necessary, so long as the mines were operating on a five-day week. He said that such conversion questions were matters of policy for those higher up in the railroad than he to determine. He further stated that the railroad had made efforts to get coal on its line, no matter where it was, when such coal was suitable for its purposes. He did admit, however, that he had never contacted Mr. Tafoya after April, when he received a letter from Mr. Tafoya, stating that he had slack which he wished to sell to the railroad. He further stated he had no control over the delivery of coal cars; that that is handled by the division people, and the traffic department, and that as far as the exhibits were concerned, they show only the number of cars ordered, number of cars received, the number of cars short, and that he had no information as to whether or not this shortage was due in part or in main to the fact that the mines were not supplied sufficient cars to fill the orders. He further stated the railroad makes no long-term contracts, but rather purchases the coal on a week-to-week order. In normal times, the orders placed by him with the various coal producers do not vary materially from week to week, so that they can have a general idea of what production will be required of them. He stated that mines numbered 31, 32, 33, and 34, on Exhibit No. 4, were the mines referred to in Exhibit No. 5. He also stated that during a five-day week he had not been interested in stock-piling coal for the maintenance of the railroad. He further stated that of the approximately two thousand tons used a day by the railroad, four hundred tons which could be received from Mr. Caranta per month, or two hundred tons from Mr. Tafoya, would not make an appreciable difference in the supply, and that he was not interested in entering into a contract for three months for the pro-

duction of this additional coal, since, should the emergency cease at once, the railroad would not want to stock-pile coal. He further stated that if he had all the extra coal which could be produced in Durango, it would not, in his opinion, be a dependable source of supply. He also stated that he had not made any investigation as to the possibility of acquiring additional coal from other mines in the Durango area. He stated that it takes approximately fifteen tons a day to run Trains Nos. 215 and 216 between Alamosa and Durango.

Mr. A. E. Perlman was called by the railroad for direct examination. He stated that the management had many problems relative to coal; that it could save money if it Dieselized its railroad, but this would shut down marginal mines who sell it the slack in order to operate these mines. He further stated that sixteen per cent of the Rio Grande revenues were derived from coal. He stated that the reason for the railroad's policy in not making contracts with certain mines was that it was desirous of spreading its business around and being fair to all mines.

Mr. Perlman stated that as far as stock-piling was concerned, some coal could, and some could not, be stock-piled, and there was always danger of spontaneous combustion. He said, however, that during slack periods, the railroad stock-piled coal in order to keep the mines running. He said that this fall, however, there was a tremendous demand for coal by industry and that the Rio Grande and other railroads east of the Mississippi were all drawing coal from west of the Mississippi, which made the supply short; that his road during that period did not want to accelerate this demand when they could do it at a future time when the demand was slack, and thereby keep the mines running. He was not of the opinion that the car shortages referred to by the mine operators were of a serious nature; that there may be occasional break-downs, but he was not aware of any actual car shortage. He stated that the narrow gauge system has 1296 coal cars. He further stated that the train did not run between Alamosa and Durango on January 8, because the road was desirous of having the crew at home when the order became effective at 11:59 on

that date. In conclusion, he stated it was his opinion that the failure of the mines in the Monero and Durango Districts to supply the coal ordered was due principally to their inability to produce coal, rather than the shortage of railroad cars on the part of the railroad.

On the basis of the foregoing summary of the evidence, we now consider the problems involved. First, it was urged by attorneys for complainants that Service Order No. 845 was made without authority of law. We cannot acquiesce in this. It seems clear to us that the Interstate Commerce Commission has the power, under Section 1, Sub-Section 15, Paragraph (d) of the Interstate Commerce Act, to issue such an order. Further, we are not the tribunal in which attack can be made on Service Order No. 845 even if it is illegal. That would have to be done in a Federal Court of competent jurisdiction. We, being an administrative body merely, cannot declare such order void.

Study of Service Order No. 845 indicates to us that it is a declaration of policy by the Interstate Commerce Commission for the nation's railroads to follow in this time of emergency, declared by it to exist. This may be proper. However, it does not take from this Commission, as a state regulatory body, any of our jurisdiction or powers in the regulation of service rendered by trains operating in our state, nor our power to implement such jurisdiction. We think the question of our jurisdiction on this point is so well known that citations are not necessary. Of course, the railroad has the right to exercise some degree of managerial discretion, and we cannot actively manage their road or property under the guise of regulation. Yet even though there is a wide range for management, within which no commission has authority to substitute its judgment for that of the railroad, there is no question that this Commission may review actions on emergency matters such as this, to ascertain whether managerial discretion has been abused, and whether the public convenience and necessity of all the people in Colorado has been adequately and fairly considered and provided for.

To say the least, the Rio Grande was remiss in not coming be-

fore us for approval of its plan to curtail and annul the trains now out of service in this state. The only thing it actually did was write us a letter informing us of the action taken by it, which letter was received the day following the effective date of the curtailment.

Since we have jurisdiction of service, and since, in our view, Service Order No. 845 is valid, we must now ascertain whether the railroad has properly complied with that order.

We will treat first the question of the availability of an adequate and dependable supply of coal, one of the prerequisites of curtailment under the order. The record discloses that the operation of Trains Nos. 215 and 216 require fifteen tons of coal per day, or four hundred fifty tons per month. The record discloses clearly that the mines in the Monero and Durango area would, in all probability, produce approximately 1700 tons of coal per month over and above the present production, if the railroad would make any kind of effort to obtain such coal, which effort includes supplying cars from the 1200 narrow gauge coal cars it has in stock. The railroad, even though there is an emergency, does not seem inclined to exert any more effort than it did in normal times to obtain a normal supply of coal. This attitude we do not condone. It seems rather odd that every time a national coal shortage develops, there is an immediate curtailment of passenger service by the Rio Grande, even though there are scores of coal mines tributary to its lines --- both in Colorado and in Utah. This gives us even more pause, when we consider that none of the other railroads in Colorado have, to our knowledge, curtailed or annulled passenger service in this state, even though they traverse, for the most part, the plains section of the state, and do not have the accessibility to coal that the Denver and Rio Grande has. This is borne out by Mr. Perlman when he says that the Burlington Railroad took large shipments of coal out of the state this fall, but to date the Burlington has not curtailed any passenger service in the state.

It may be that the Rio Grande engages in this hand-to-mouth coal purchasing policy, as disclosed in the record by Mr. Teeters, for

the very purpose of curtailing unprofitable passenger service during the periods of national coal shortage. We have no knowledge of this, but the comparison of the Rio Grande with other railroads in the state causes us to wonder.

Aside from speculations, we feel the record discloses that an available, dependable supply of coal -- sufficient to run Trains Nos. 215 and 216 -- can be obtained in the Durango and Monero areas.

Next, we must treat the question of whether the railroad, in curtailing and annulling the trains involved, exercised proper judgment or managerial discretion in so doing. This is the all-important question and must be considered with care. Put another way, the question is: "Does Service Order No. 845 apply to the railroad as a whole, or must each segment of the road be considered separately?" If the order applies to the whole line, the record is clear that there is not an adequate, available, dependable supply of coal for the total passenger-miles travelled by coal-burning locomotives. Nor does the railroad have a twenty-five days supply on hand.

The question then would be: "Was the railroad correct in curtailing the service as it did, or was there discrimination against the narrow gauge service, as alleged in the complaint?" If the railroad can be divided into segments for the purpose of determining the coal supply, the subtraction of Trains Nos. 215 and 216 from consideration leaves the present curtailment at a 23% reduction, and other trains must be removed in order to comply with Service Order No. 845. This conclusion results from the following calculations.

The railroad had a daily average of 4,017 coal-burning passenger-mile service on December 1, 1949. Thirty-three and one-third per cent of this is 1,275 miles, and 1,233 miles have been removed as being a substantial compliance with Service Order No. 845. If the 400 miles between Alamosa and Durango are taken out entirely, the result is a reduction of 833 miles of a total of 3,617, percentage-wise, a 23% reduction of the trains operated in this state. Another 400 miles a day of passenger miles must be curtailed, then, to reinstitute Trains

215 and 216 on this theory, and we would then be in the same position as if Service Order No. 845 applies to the system as a whole. We would have to consider the service of The Denver and Rio Grande as it applies to the whole state, the various communities served, the number of people in such communities, and the importance of the service rendered in mail, baggage, perishables and express, as well as passengers, and attempt to strike a balance between these conflicting interests.

We have gone over the record with great care. We are fully aware of the anxiety of the people in Alamosa and Durango over these trains, and we are distressed with the total absence of passenger service over the narrow gauge line. We are also aware that the Rio Grande has been shortsighted in its public relations while dealing with these people. However, when we consider all the factors involved, we fail to see how we can improve this critical situation at this time. The plain facts are that the railroad has curtailed the service on the branch lines where its service is least used, in order to preserve its main line service, which serves more people. If these trains are reinstated, others will have to be taken off to bring the road in compliance with Service Order No. 845. This curtailment order has affected every section of the state. It is the most drastic reduction ordered in recent railroad history. The railroad attempted by its curtailments to give the best service possible under the circumstances to the most people, and review of all the factors involved does not support the charge of discrimination in this case, when the number of people affected and the amount of freight and passengers involved all over the State of Colorado is considered. With New Mexico service we cannot be concerned, under the law, although we are sympathetic to their problems, and note that the Railroad Commission of that state is proceeding in this matter on their behalf. We do not condone, by any means, all that the railroad has done in this matter, but in respect to the actual curtailments effected under the present emergency, we have concluded, not without considerable reluctance and some dissent, that the present curtailed schedule affects the least number of people in the minimum respects

possible under all the circumstances.

F I N D I N G S

THE COMMISSION FINDS:

1. That the above and foregoing Statement should be incorporated herein, by reference.

2. That this Commission has no jurisdiction or power to declare void Service Order No. 845 of the Interstate Commerce Commission, of date January 4, 1950.

3. That this Commission has jurisdiction over passenger service on all the lines of The Denver and Rio Grande Western Railroad Company in this State, including the operation of its Trains Nos. 15, 16, 115, 116, 215 and 216.

4. All objections to the jurisdiction of either Commission raised at the hearing should be over-ruled.

5. That the intent and effect of said Service Order No. 845 was to leave to the discretion of the management of The Denver and Rio Grande Western Railroad Company the question as to what restrictions should be placed on its coal-burning passenger service locomotive mileage in order to substantially comply with the requirements of said Service Order.

6. That pursuant to our jurisdiction in the premises, and based upon the Complaint and Answer herein, and the evidence adduced at the hearing, we find that the curtailments and annulments of Trains Nos. 15, 16, 115, 116, 215, and 216, as effected by Defendant Railroad, do not result in discrimination as charged in the Complaint in Case No. 5010.

7. That the evidence herein does not show that The Denver and Rio Grande Western Railroad Company abused its managerial discretion, or that it was arbitrary or capricious in annulling and curtailing service on its coal-burning passenger trains, as shown by its report of such annulment and curtailment filed with this Commission on January 9, 1950.

8. That under the evidence, this Commission is not justified

at this time in attempting to substitute its judgment for that of the railroad management in determining which of its trains operated by coal-burning locomotives should be annulled or curtailed in order to substantially comply with said Service Order No. 845, as said action pertains to Trains Nos. 15, 16, 115, 116, 215, and 216.

9. That the Complaint in Case No. 5010 should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That all objections raised at the hearing herein to the jurisdiction of the Interstate Commerce Commission in issuing its Service Order No. 845, or the jurisdiction of this Commission in hearing the complaint in Case No. 5010, be, and the same are hereby, over-ruled.

That the Complaint in Case No. 5010 be, and the same is hereby-dismissed.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CHAIRMAN RALPH C. HORTON DISSENTING.

John R. Barry
Joseph C. Hawley
Commissioners

Dated at Denver, Colorado,
this 6th day of February, 1950.

mw

HORTON, Commissioner, dissenting:

I am dissenting in this opinion because I feel that the majority opinion and order fails to properly interpret the order of the Interstate Commerce Commission, being Service Order No. 845, as it applies to the curtailment and annulment of railroad passenger service, and briefly hereafter will set forth my reasons for so doing.

It appears that the Interstate Commerce Commission determined that there was a shortage of coal, and that the coal reserves of the nation had reached a dangerously low level; that an emergency existed requiring immediate action, so it issued Service Order No. 845. It also appears from the record, and in which I concur with my colleagues, that the defendant does not now have stored available the twenty-five days fuel supply for its steam locomotives covering its entire system. However, it also appears from the record that there is available a dependable source of supply of coal on the Alamosa-Durango Branch not now used by The Denver and Rio Grande Western Railroad Company, as set out in the majority opinion as 1700 additional tons of coal per month. In my analysis of the evidence, it would appear that the railroad company is, and was, cognizant of that fact when it issued its order curtailing and annulling passenger train service on the Alamosa-Durango Branch. The record, in my opinion, clearly shows the railroad management failed to accept, and is not now accepting, its outstanding orders of coal. All witnesses who supply coal to the railroad company stated that railroad company did not furnish them sufficient cars to supply all the coal the railroad company had ordered. Considering this fact, it therefore appears that the railroad company is presently using the maximum supply of coal which it can use for its system originating on the Alamosa-Durango Branch.

If this is not the case, why did not the railroad company further investigate the offer of Juan Tafuya, who offered to sell it coal? Why did it not negotiate with its present suppliers of coal for more coal? The answer is obvious -- it did not want more coal.

These facts, I believe the records disclose, were known by the railroad company at the time it received Service Order No. 845 from the Interstate Commerce Commission, and when, in its managerial discretion, it arbitrarily -- without consulting the Public Utilities Commission -- proceeded to curtail and annul passenger schedules.

The purpose of Service Order No. 845, in my judgment, is clear, and the Interstate Commerce Commission issued the order, I believe, for one purpose. The management of the railroad company therefore was ordered to curtail service so as to conserve coal, and for that purpose only.

Now, let us consider what passenger trains the railroad operates on its system -- both before and after its curtailment and annulment order:

Denver to Grand Junction and return:

Before: 56 trains per week.
After: 52 trains per week
(curtailed 4 schedules)

Denver to Pueblo and return:

Before: 42 trains per week
After: 38 trains per week
(Curtailed 4 schedules)

Denver to Salida and return:

Before: 28 trains per week
After: 24 trains per week
(Curtailed 4 schedules)

Denver to Craig and return:

Before: 20 trains per week
After: 10 trains per week
(Curtailed 10 schedules)

Denver to Montrose and return:

Before: 14 trains per week
After: No trains per week
(Annulled all service)

Denver to Durango and return:

Before: 14 trains per week
After: No trains per week
(Annulled all service)

Service Order No. 845, among other things, provides:

*That reserve stocks of railroad locomotive fuel coal have decreased; that some such reserves have reached a dangerously low level and are further decreasing; that the supply and movement of cars and trains and 'car service' generally is impeded and interrupted by the lack of locomotive fuel coal; * * * "

The management of the railroad apparently interpreted the order of the Commission to mean it was bound to cut its passenger locomotive mileage 33-1/3%, regardless of available coal supply. In my judgment, the officials of the railroad company failed to consider the full import of the Commission's order. The Interstate Commerce Commission, in preparing its order, realized that there was no necessity to have coal in storage, so it tempered its order with the phrase:

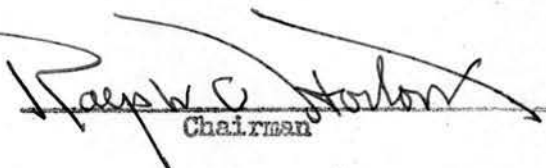
"not having available a dependable source of supply of coal."

What now is the condition on the Alamosa-Durango Branch, and what did the evidence in this hearing disclose? 1700 tons of additional coal available each month not being presently used. I might not be far amiss if I followed the theory of strict construction of Service Order No. 845, in contending that the discontinuance of any service on the Alamosa-Durango Branch for saving coal would be clearly contrary to the intent and purpose of the Interstate Commerce Commission's order, and the question could be asked, "Why eliminate a service entirely where coal is available, so that the railroad can run passenger train service where coal is not available?" To me, that does not make sense nor does it save coal for the dwindling coal supply of The Denver and Rio Grande Western Railroad Company system.

It is well to review what facts have transpired, and what results have been accomplished. The Interstate Commerce Commission has issued its coal-saving order. The railroad, in its managerial discretion, eliminated passenger service on the Alamosa-Durango Branch to meet that order. A hearing was held before the Public Utilities Commission, and it was clearly indicated, in my judgment, at that hearing, that the elimination of that service will not save a pound of coal for the stock pile of the system, thereby depriving thousands of people of rail passenger service. Something is obviously wrong. Either the railroad management has abused its discretion or the order of the Interstate Commerce Commission is unjust and discriminatory. In the latter case, we do not believe this to be true when order is interpreted as clearly intended by the Interstate Commerce Commission.

A reasonable interpretation of the order, taking into account the facts that peculiarly apply to this operation, should be made. In my judgment, we should give an interpretation taking into consideration all equities and its ultimate effect. The question again raises its ugly head, "Would the effect of this order even remotely affect the coal stock pile of the railroad system?" After reviewing the record the answer is, "No," so why deprive the residents of the Southern San Luis Valley and San Juan Basin of a rail passenger service to save coal when no coal is saved?

In my judgment, a limited service should be restored on the Alamosa-Durango Branch.


Chairman

Dated at Denver, Colorado,
this 6th day of February, 1950.

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