(Decision No. 51810)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DALE WOODARD)
)
LA PORTE, COLORADO.) PERMIT NO. M-10576
)
)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dale Woodard, LaPorte, Colorado requesting that Permit No. M-10576 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10576, heretofore issued to Dale Woodard, LaPorte, Colorado be, and the same is hereby, declared cancelled effective February 23, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 2nd day of March, 195 9.

ds

(Decision No. 51811)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
DALE WOODARD)
LA PORTE, COLORADO.) PERMIT NO. B-5178
)

March 2, 1959

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-5178 be suspended for six months from February 23, 1959.

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 Dale Woodard, LaPorte, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5178 until August 23, 1959.

That unless said permit-holder 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

Joseph F. Nigro
Jacob C. Horton
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 2nd day of March 1959.

ds

(Decision No. 51812)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD EARL BOWLING, DOING BUSINESS)
AS, "VALLEY SEWING CENTER")
225 MAIN, MONTROSE, COLORADO.) PERMIT NO. M-14273
)
)

March 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Floyd Earl Bowling, Dba Valley Sewing Center, Montrose, Colorado requesting that Permit No. M-14273 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14273, heretofore issued to Floyd Earl Bowling, Dba Valley Sewing Center, Montrose, Colorado be, and the same is hereby, declared cancelled effective January 27, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 2nd day of March, 195 9.

ds

(Decision No. 51813)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS C. DE LANEY, DOING BUSINESS)
AS, "CONTRACTORS SERVICE COMPANY") PERMIT NO. B-5298
1995 SOUTH NEWPORT STREET,)
DENVER, COLORADO.)

March 2, 1959

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-5298 be suspended for six months from February 26, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Thomas C. DeLaney, Dba Contractors Service Company, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5298 until August 26, 1959.

That unless said permit-holder 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

Joseph F. Negro

Jason C. Horton

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 2nd day of March 1959.

ds

original

(Decision No. 51814)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRED HAUBERT, DOING BUSINESS AS "FAST EXPRESS," 1129 SEVENTEENTH STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16837-PP

February 27, 1959

Appearances: Raymond B. Danks, Esq., Denver, Colorado, for Colorado Transfer and Warehousemens' Association;
Howard Hicks, Denver, Colorado, for Centennial Truck Lines, Inc.

STATEMENT

By the Commission:

After having once been set for hearing and the setting being vacated at Applicant's request, the above-styled matter was regularly re-set for hearing at Room 330, State Office Building, Denver, Colorado, at 2:30 o'clock P. M., February 26, 1959, due notice of the time and place of hearing being forwarded to all parties of interest.

When the matter was called for hearing, a party representing the Applicant moved that the hearing on said application be continued, due to the fact that the Applicant had an emergency operation and was unable to appear, and the matter re-set for hearing at some future time convenient to the Commission.

There was no protest.

FINDINGS

THE COMMISSION FINDS:

That the instant matter should be continued, to be heard at

some future date, at the convenience of the Commission.

O R D E R

THE COMMISSION ORDERS:

That hearing on Application No. 16837-PP should be, and it hereby is, continued, to be heard at some future date convenient to the Commission, with due notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F Noyes

Ralph C Hoskins

Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1959.

mls

Original

(Decision No. 51815)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
AMERICAN BUS LINE, INC., 1314)
P. STREET, LINCOLN, NEBRASKA,) CASE NO. 5155
RESPONDENT.)
- - - - - - - - - - - - - - - - -)

- - - - - - - - - -
February 27, 1959
- - - - - - - - - -

Appearances: E. R. Lundborg, Esq.,
Denver, Colorado, for
the Staff of the
Commission;
John R. Barry, Esq.,
Denver, Colorado,
for American Bus
Line, Inc.

S T A T E M E N T

By the Commission:

This matter came on for hearing on the 16th day of February, 1959, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, pursuant to a "Show Cause" order of this Commission, directed to the Respondent American Bus Line, Inc., as to why its certificate of public convenience and necessity should not be revoked for failure to render service.

By stipulation, it was agreed that the Respondent was a common carrier authorized to carry passengers and express for hire under the jurisdiction of this Commission, between Denver, Colorado, and the Colorado-Nebraska State Line, and intermediate points, along U. S. Highways Nos. 6 and 34, and Colorado State Highway No. 113. It was further stipulated that the American Bus Line, Inc. has not been operating or rendering service of any nature along its authorized routes due to a strike of its drivers affiliated with the

Amalgamated Association of Street, Electric Railway, and Motor Coach Employees of America, since July 1, 1958.

The evidence disclosed that there were numerous meetings between the representatives of management and the Union representing the drivers between July of 1958 and November of 1958, but that since that time there have been no further meetings to attempt to settle the strike. It was disclosed also that the Federal Mediation Service has participated in the attempted settlements.

Some evidence was also introduced as to the financial condition of the Respondent who recently was discharged from a Chapter 10 proceedings of the Bankruptcy Court, and as to the difference in wage demands and offers made by the respective parties. We do not deem this evidence pertinent to the issues before the Commission.

By virtue of Certificate No. 36 & I, the American Bus Line is charged with the duty of rendering motor bus and express service between Denver and Peetz, Colorado, in Logan County; between Denver and Holyoke, Colorado, and between Denver and Wray, including service to numerous intermediate towns such as Hudson, Keensburg, Wiggins, Brush, Akron, Platner, Otis, Yuma, Hillrose, Merino, Atwood, Sterling, Fleming and Haxtun. This duty on the part of the Respondent is a public duty arising out of the grant to it of special privilege to serve by the State of Colorado. The consciousness of the Respondent of its special duties was clearly recognized by its counsel in his opening statement. The duty to serve carries with it the correlative duty to render reasonably efficient and satisfactory service. Re E. N. Winscom, et al, Colorado P. U. C. Decision No. 28999; 71 P.U.R. (NS) 519 (1947). It is admitted by all parties that this duty has not been discharged.

The excuse for the failure to perform this duty is the strike of its drivers. This Commission has kept in constant touch with the situation, has received numerous complaints from the public affected, and the lack of service in the areas outlined above has been

the subject of a resolution by the House of Representatives and the Senate of the State of Colorado.

We need not dwell on the grave and serious damage to the commonweal, or on the public injury resulting from this distressing strike. A strike in a public transportation service cannot help but inflict irreparable harm if sustained over a long period. As in the instant case, many people who have no other means of transportation are deprived of all transportation whatsoever save for the charity and kindness of friends. This deplorable situation justifies, in fact, compels this Commission to exercise all of its lawful powers that may effectively result in a resumption of service.

Attention is immediately focused on what powers this Commission may have to accomplish this result. This Commission certainly cannot settle the strike. It is not the arbiter of labor disputes, and it has no Constitutional or statutory power to do so. Sworn as we are to uphold Constitutional government, we cannot by quasi-judicial or administrative fiat arrogate unto ourselves authority that the true sovereign power of this State -- the people themselves -- has withheld. To attempt to do so would be the hysterical action of morose and frantic men, not the legitimate exercise of sovereign powers. We comprehend that anything that would smack of strike-breaking would fall into such a category. This State, by its laws at the present time, is dedicated to a philosophy of free collective bargaining between management and labor. It is apparent that the people feel that the inconvenience that may result from a break-down of such a system is more desirable than the alternative of eliminating the right of a man's freedom to bargain for the value of his own services.

We may order the Respondent to perform its statutory duty to render service, and failing to do so, we could seek punitive action against it in the Courts or revoke its certificate. Certainly, the Respondent cannot operate its buses without its drivers unless it sought to break the strike with non-union personnel. For this Commission to do so would be a direct challenge by us of the expressed

public policy of this State, and beyond the authority of the laws governing this Commission. To revoke the certificate of the Respondent would not accomplish the desired result of resumed service. It must be remembered that this Commission's jurisdiction is limited to the intrastate rights of the Respondent. Such rights, standing alone without the interstate authority, are a money loser to the end that other carriers are not attracted by the prospect of gaining the authority so vacated if we did revoke. It is significant that to date this Commission has received no application to render this intrastate service from any other carrier. To indulge in either of these two alternatives then would be a useless gesture.

Elimination of these more drastic suggestions does not mean, however, that this Commission is indulging in a confession of impotence. We believe that we do have powers over the Respondent that are within the framework of Constitutional government that can be exercised.

The law imposes upon the Respondent the affirmative duty to furnish reasonable, adequate, and efficient service at all times, considering all facts and circumstances. In the present circumstances, Respondent is required by law to take every reasonable and lawful means available to it in an attempt to resume service to the public. We likewise feel that there is a duty upon the employees of the Respondent to exert every reasonable effort to bring this strike to an end. The Respondent and its employees are equally responsible to act in the public interest. Both enjoy the right of freedom to bargain collectively. Every right, however, possesses a correlative duty, that the right shall not be employed to damage another -- in this case, the public. To the end that we feel the Respondent has not lived up to its duties, we shall make appropriate orders. Over the employees we have no jurisdiction.

We note that no negotiations have taken place between Respondent and the Union since mid-November -- over $3\frac{1}{2}$ months. We do not deem such supine repose with grave public interest at stake is a

discharge of the responsibilities of either management or labor, nor do we feel that the parties have diligently pursued the reasonable and lawful means of collective bargaining to settle their dispute. This, we hold to be a violation of the affirmative public duty of the Respondent. In so doing, we do not seek to assess blame for that is not our purpose nor power since we have no jurisdiction over the employees.

The Respondent has offered to commence operations of a "stop gap" operation from Holyoke via Highway No. 6 to Hudson, thence via Highway No. 52 to Fort Lupton, to give passengers the opportunity to board the bus of another carrier for transportation to Denver. This operation would be conducted by supervisory personnel of the Company and would run once a day in each direction. No service is proposed for Wray or that segment of Respondent's route on Highway No. 34 to Brush. This Commission positively will not order this stop-gap service. If the Respondent is determined to discharge its affirmative duty and desires to render this proposed service as evidence of its good faith and reasonable efforts, this service will be accepted, and authority to travel over Highway No. 52 to Fort Lupton from Hudson as a temporary authority is hereby granted. The acceptance of this service, however, in nowise is construed by this Commission as a discharge of the duties of the Respondent. Resumption of full-scale service to all points on all routes authorized in PUC No. 36 & I is the minimum demand of this Commission and of the people to be served thereby. Less is not acceptable.

We shall make appropriate orders that we earnestly trust, if followed in good faith by both union and management, will result in the termination of this distressing lack of service to the people, and we further trust that our fellow regulators of our sister states who are likewise affected by this same strike of the Respondent's lines will give consideration to our action, to the end that service may be resumed between all States where Respondent operates.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement be incorporated herein and made a part hereof.

O R D E R

THE COMMISSION ORDERS:

That the Respondent American Bus Line, Inc., be, and it is hereby, ordered to take all lawful and reasonable means to resume service to the public in Colorado, and that the Respondent is further ordered to make reasonable efforts to resume negotiations to settle the strike between it and its employees insofar as said strike affects service to authorized points in Colorado, and the Respondent is further ordered to report, in writing, within one week from the date of this Order, and weekly thereafter, on its compliance with this Order and the measures taken to settle said dispute.

Temporary authority is hereby granted Respondent to traverse Highway No. 52 between Hudson and Fort Lupton, Colorado, for the purpose of transporting passengers, their baggage, and express, as authorized in PUC No. 36 & I, this authority to automatically terminate upon resumption of full-scale operations under the said Certificate.

Jurisdiction is hereby retained for such other action or orders as may be deemed appropriate.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Nigro

Roy E. Hudson

Commissioners.

Dated at Denver, Colorado,
this 27th day of February, 1959.

ea

original

(Decision No. 51816)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VERLE G. CLARK, 614 LYNN, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-5626.

APPLICATION NO. 16843-PP-Extension

March 3, 1959

Appearances: Verle G. Clark, Colorado Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Verl G. Clark, Colorado Springs, 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 used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road Jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, operations hereunder to be limited to the use of dump trucks, only,

said operating rights being known as "Permit No. B-5626."

By the above-styled application, said permit-holder seeks authority to extend operations under said Permit No. B-5626 to include the right to transport coal, from the vicinity of Canon City, Colorado, to points within the vicinity of Colorado Springs, Colorado, for dealers.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, February 13, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 29, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein testified he is the owner of Permit No. B-5626; that he is presently engaged in transportation of coal, under Tempoary Authority issued by this Commission; that he has received numerous requests for his proposed extended service; that he is the owner of a 1958 Chevrolet Dump Truck, and has a net worth of $10,000.

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

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

It does not appear that applicant's proposed extended operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that extended authority issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That applicant herein be authorized to extend operations under Permit No. B-5626, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and hereby is, approved.

That Verle G. Clark, Colorado Springs, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-5626, to include the right to transport coal, from coal fields in Fremont County, Colorado, to coal dealers and Army installations in Colorado Springs, Colorado, and a radius of ten miles thereof.

This Order is made a part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Ralph C. Nelson

Glenn E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 3rd day of March, 1959.

mls

(Decision No. 51817)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MARIE C. HORTON, DOING BUSINESS)
AS "NEVADA TOURS," BOX 1541,) PUC NO. 1360
COLORADO SPRINGS, COLORADO.)

March 3, 1959

S T A T E M E N T

By the Commission:

Heretofore, Marie C. Horton, doing business as "Nevada Tours," Colorado Springs, Colorado, was granted a certificate of public convenience and necessity, authorizing her to operate as a common carrier by motor vehicle for hire, said operating rights being known as "PUC No. 1360."

The Commission is now in receipt of a communication from said certificate-holder, requesting that the records of the Commission be changed to show "Marie C. Stokes, doing business as 'Nevada Tours,'" Colorado Springs, Colorado, rather than "Marie C. Horton, doing business as 'Nevada Tours,'" to be the owner and operator of said PUC No. 1360, due to her marriage.

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 request of the above-styled certificate-holder be granted, and the Secretary of the Commission should be, and hereby is, instructed to change the records of the Commission to show "Marie C. Stokes, doing business as 'Nevada Tours,'" Colorado

Springs, Colorado, to be the owner and operator of PUC No. 1360, in lieu of "Marie C. Horton, doing business as 'Nevada Tours.'"

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Negri

Ruth C. Horton

Helen E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 3rd day of March, 1959.

mls

original

(Decision No. 51818)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF MARIE C. HORTON, DOING BUSINESS AS "CADILLAC SIGHTSEEING COMPANY," BOX 1541, COLORADO SPRINGS, COLORADO.	PUC NO. 138

March 3, 1959

S T A T E M E N T

By the Commission:

Heretofore, Marie C. Horton, doing business as "Cadillac Sightseeing Company," Colorado Springs, Colorado, was granted a certificate of public convenience and necessity, authorizing her to operate as a common carrier by motor vehicle for hire, said operating rights being known as "PUC No. 138."

The Commission is now in receipt of a communication from said certificate-holder, requesting that the records of the Commission be changed to show "Marie C. Stokes, doing business as 'Cadillac Sightseeing Company,'" rather than "Marie C. Horton, doing business as 'Cadillac Sightseeing Company,'" to be the owner and operator of said PUC No. 138, due to her marriage.

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 request of the above-styled certificate-holder be granted, and the Secretary of the Commission should be, and hereby is, instructed to change the records of the Commission to show "Marie

C. Stokes, doing business as 'Cadillac Sightseeing Company,'" Colorado Springs, Colorado, to be the owner and operator of PUC No. 138, in lieu of "Marie C. Horton, doing business as 'Cadillac Sightseeing Company.'"

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Hogan

Ralph C. Horton

Henry E. Zuelzer

Commissioners.

Dated at Denver, Colorado,
this 3rd day of March, 1959.

mls

(Decision No. 51819)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF H & H TRUCK LINES, INC., MERINO, COLORADO.

PERMITS NOS. B-610
B-610-I

March 3, 1959

S T A T E M E N T

By the Commission:

Heretofore, H & H Truck Lines, Inc., Merino, Colorado, was granted authority to operate as a private carrier by motor vehicle for hire, in interstate and intrastate commerce, and Permits Nos. B-610 and B-610-I issued covering said authority.

The Commission is now in receipt of an Affidavit, signed by Eugene Hutt, stating he is President of said corporation, and requesting that the records of the Commission be changed to show that "H & H Truck Lines, Inc., doing business as 'Kope Trucking Company,'" is the owner and operator of said Permits Nos. B-610 and B-610-I, inasmuch as H & H Truck Lines, Inc. seeks authority to use the trade name of "Kope Trucking Company."

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 request of the above-styled permit-holder be granted, and the Secretary of the Commission should be, and hereby is, instructed to change the records of the Commission to show that "H & H Truck Lines, Inc., doing business as 'Kope Trucking Company,'" Merino,

Colorado, is the owner and operator of Permits Nos. B-610 and B-610-I, in lieu of "H & H Truck Lines, Inc."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Ralph C. Norton

Henry E. Gallegos

Commissioners.

Dated at Denver, Colorado,
this 3rd day of March, 1959.

mls

(Decision No. 51820)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF A. A. MORRIS, DOING BUSINESS AS "MORRIS CHEVROLET COMPANY," 889 MAIN, SPRINGFIELD, COLORADO.	PERMIT NO. M-7598 CASE NO. 88826-INS.

March 3, 1959

S T A T E M E N T

By the Commission:

On February 25, 1959, in Case No. 88826-Ins., the Commission entered its Order, revoking Permit No. M-7598 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-7598 should be, and the same hereby is, reinstated, as of February 25, 1959, revocation order entered by the Commission in Case No. 88826-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Ralph C. Hoskins

Alvin J. Gallegos

Commissioners.

Dated at Denver, Colorado,
this 3rd day of March, 1959.

mls

(Decision No. 51821)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EASTERN SLOPE RURAL TELEPHONE ASSOCIATION, INC., 500 EXCHANGE NATIONAL BANK BUILDING, COLORADO SPRINGS, COLORADO, FOR AN INCREASE IN RATES IN THE AREA SERVED BY APPLICANT IN THE COUNTIES OF EL-BERT, EL PASO, DOUGLAS, WASHINGTON, LINCOLN, AND ARAPAHOE, STATE OF COLORADO.	APPLICATION NO. 16736

March 3, 1959

Appearances: Leon H. Snyder, Esq., Colorado Springs, Colorado, for Applicant;
George Elsner, Esq., Kiowa, Colorado, for the Town of Kiowa and the County of Elbert;
J. M. McNulty, Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

On November 24, 1958, the Eastern Slope Rural Telephone Association, Inc., by its President, filed an application with this Commission, seeking an increase in telephone rates in its presently-existing dial exchanges, and is also requesting that the Commission set the initial rate in its Peyton Exchange to be effective at such time as the Peyton Exchange is cut to dial operation.

The matter was set for hearing after due notice to all interested parties, on Tuesday, February 3, 1959, at ten o'clock A. M., in the District Court House, at Kiowa, Colorado. The matter was duly heard at said time and place, and at the conclusion of the hearing, the Commission took the matter under advisement.

Applicant is a Colorado corporation, engaged in the business of rendering telephone service to its members and subscribers within its duly certificated area. Its Articles of Incorporation have previously been filed with the Commission.

Applicant has obtained loans from the Rural Electrification Administration in Washington, D. C. to finance the construction of its telephone system. One of the loans designated the "A" project was for the purpose of installing a dial telephone system in the Towns of Arriba and Genoa and the surrounding territory. Another loan designated "B" project, was for the purpose of installing a new dial telephone system to serve the Towns of Elbert, Kiowa and Parker and surrounding territory. The third loan designated as "C" project, is presently being negotiated for the purpose of rendering dial service in Peyton and the surrounding area.

Applicant notified all of its customers of the proposed change in rates and, as a result, the Commission has received letters of protest from various customers objecting to the increase. At the hearing, a Petition was presented, bearing the signatures of many of the customers of said Company protesting the increase in rates. A signed copy of a Resolution of the County Commissioners of Elbert County, protesting the increase in rates,was also filed at the hearing. Three customer-witnesses testified at the hearing, and while they objected to an increase in rates, the bulk of their testimony was in regard to poor service. One prospective customer testified that he was still awaiting telephone service although he had applied several months previously. The complaints not answered at the hearing were referred to the Staff of the Commission for further investigation on an informal basis.

Applicant has purchased an existing manual telephone system that is presently supplying Peyton, and pending a re-building of all the telephone lines and the installation of a new dial telephone system, Applicant has an Operator's Agreement with the former owner under which this system will continue as a manual system. When the

installation of the dial equipment and lines has been completed, it will be cut over to dial and integrated with the balance of Applicant's system. At the time of the cut-over to dial, Applicant proposes to place into effect the same rates that will be applicable on the rest of its system.

The present application is for the purpose of increasing the rates for telephone service to all subscribers on the Eastern Slope Rural Telephone Association system. By the instant application, Applicant proposes to change the rates for telephone service for individual, two-party service, four-party service, and multi-party rural service, but not to increase its charges for extension stations. Applicant proposes a straight $1.00 per month increase on each type of service. This increase includes business, residential, urban and rural service.

Exhibits submitted at the hearing, together with the testimony in support thereof, reveal that for the year ending December 31, 1958, Applicant had a net operating loss of $7,202. Other income deductions, including interest on long-term debt, brought the loss for the year to $21,128. By the proposed increase in rates, Applicant estimates that it will have an additional operating revenue of $10,000 per year, which should leave it with a net operating revenue in the black.

The staff also presented exhibits and testimony, and these exhibits confirm the Company loss for the year 1958, and also show, on a pro forma basis, the earnings of the Company if the proposed rates are permitted to become effective. On a pro forma basis, based on the test year, had the new rates been in effect for the period, the Company would have had an operating income of $3,669, or a rate of return of .67% on the rate base. A cash flow statement prepared by the staff reveals that if the rate increase is not granted, Applicant will not be able to pay all of its out-of-pocket operating expenses and fixed charges. The exhibit shows that Applicant's cash position will become progressively worse and that by 1963, the

Applicant would be short of cash by nearly $34,000. If the rate increase is granted, however, Applicant will be able to maintain its cash position to where it can meet its out-of-pocket expenses and fixed charges and maintain a cash balance of approximately $14,000 for the next five-year period.

It is apparent from the evidence presented at the hearing that Applicant is in need of a rate increase; however, we would caution Applicant that the granting of a rate increase does not appear to be the full answer for the future. While we will grant the increase as requested based on the evidence at the hearing, Applicant should be looking to the future and endeavoring to economize wherever possible. From the tone of the complaints received by the Commission, many of which contained the implied threat to discontinue phone service if the rates continue to increase, it is a distinct possibility that Applicant may price itself out of the market if its only solution is to be rate increases. Management should carefully scrutinize all of its expenses in an endeavor to cut its operating cost.

We realize that Applicant is operating a far-flung system geographically. The addition of the Peyton Exchange still leaves this system widespread. It is hoped that some benefit in operations can be effected with the addition of the Peyton Exchange, and that some economies can be realized. In view of the financial condition of Application, we will also approve the proposed rates for the Peyton Exchange to become effective at such time as it is cut to dial operations.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of the Eastern Slope Rural Telephone Association, Inc., and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

That the above Statement be made a part of these Findings by reference.

That the new rates proposed to be charged by the Eastern Slope Rural Telephone Association, Inc., as set forth on Exhibit No. 2, are just and reasonable and should be permitted to become effective on March 10, 1959, on not less than one (1) day's notice, by filing with the Commission a revised tariff setting forth said rates for all customers of the Elbert, Genoa, Arriba, Parker and Kiowa Exchanges.

Applicant should also be permitted to amend its tariffs to include the Peyton Exchange at the same rates as set forth on Exhibit No. 2, by filing with the Commission on not less than one (1) day's notice a revised tariff to become effective on the dial cut-over date of the Peyton Exchange.

O R D E R

THE COMMISSION ORDERS:

That the proposed rates by the Eastern Slope Rural Telephone Association, Inc., as set forth herein, are hereby permitted to become effective on March 10, 1959, by filing said rates with the Commission on the forms prescribed, on not less than one (1) day's notice.

That at such time as Applicant shall change its Peyton Exchange to dial service it be permitted to file with the Commission on not less than one (1) day's notice, the same rate as set forth herein for its other exchanges, the rates for the Peyton Exchange to become effective on the cut-over to dial operation.

That the rates for dial telephone service approved herein are as follows:

A. Within the Base Rate Areas:

CLASS OF SERVICE
MAIN STATIONS

	Individual Line	Two Party	Four Party	Extension Stations
Business	$9.25	$8.25	$7.00	$1.50
Residence	6.00	5.25	4.50	1.00
Pay Stations	9.25			

B. Outside the Base Rate Areas but With the Exchange Areas:

CLASS OF SERVICE

	Main Stations	Extensions	Rural Multi-Party	Ext.
Business	Same rate as in Par.A. above Plus Excess Mileage	Same as in Par. A. above	$7.00	$1.50
Residence	Same rate as in Par.A. above Plus Excess Mileage	Same as in Par. A. above	5.25	1.00

That the Commission shall retain jurisdiction of this matter to make such further order or orders as may be necessary in the premises.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Roy W. Horton

Commissioners.

Dated at Denver, Colorado,
this 3rd day of March, 1959.

ea

(Decision No. 51822)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., BRIGHTON, COLORADO, FOR AUTHORITY TO EXTEND FACILITIES IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 3-NORTH, RANGE 66-WEST.	APPLICATION NO. 16866-Extension

March 3, 1959

S T A T E M E N T

By the Commission:

On February 13, 1959, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities to serve a house owned by Wayne Sarchet, located in the Northeast Quarter of Section 23, Township 3-North, Range 66-West. The extension will consist of approximately 465 feet of primary line and 160 feet of secondary line, and the estimated cost of the construction is $434.00.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein, and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter, will issue its Order granting the construction as requested. The Commission has received a letter from Public Service Company of Colorado, dated February 13, 1959, stating that they had no objection to the granting

of the authority. No reply to this application has been received from the Colorado Central Power Company.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074, previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to serve the house owned by Wayne Sarchet, located in the Northeast Quarter of Section 23, Township 3-North, Range 66-West, and that Union Rural Electric Association, Inc., should be authorized to render said service.

O R D E R

THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve a house owned by Wayne Sarchet, located in the Northeast Quarter of Section 23, Township 3-North, Range 66-West, all in accordance with the application for electric aservice signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hagus

Taylor C. Hoskat

Mary E. Gallagher

Commissioners.

Dated at Denver, Colorado,
this 3rd day of March, 1959.

ea

(Decision No. 51823)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE ASSOCIATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., BRIGHTON, COLORADO, FOR AUTHORITY TO EXTEND FACILITIES IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1-NORTH, RANGE 66-WEST.

APPLICATION NO. 16885-Extension

March 3, 1959

S T A T E M E N T

By the Commission:

On February 24, 1959, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities to serve a house and pump upon land owned by Ross Herrera, located in the Northeast Quarter of Section 5, Township 1-North, Range 66-West. The extension will consist of 600 feet of primary line and the estimated cost of construction is $230.00.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter, will issue its Order granting the construction as requested. The Commission has received a letter from the Colorado Central Power Company, dated February 23, 1959, and a letter from Public Service Company of Colorado, dated February 23, 1959, both of said letters, stating, in effect,

that the respective companies have no objection to the granting of the authority sought by the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074, previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to serve a house and pump owned by Ross Herrera, located in the Northeast Quarter of Section 5, Township 1-North, Range 66-West, and that Union Rural Electric Association, Inc., should be authorized to render said service.

O R D E R

THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to extend its facilities to serve a house and pump upon land owned by Ross Herrera, located in the Northeast Quarter of Section 5, Township 1-North, Range 66-West, all in accordance with the application for electric service signed by and between the parties, a copy of which was filed with the Commission in the instant matter and, which, by reference, is made a part hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Klyce

Commissioners.

Dated at Denver, Colorado,
this 3rd day of March, 1959.

ea

original

(Decision No. 51824)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE MOON LAKE ELECTRIC ASSOCIATION, INC., A CORPORATION, VERNAL, UTAH, FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.) APPLICATION NO. 16639-Extension

March 4, 1959

Appearances: George E. Stewart, Esq., Roosevelt, Utah, and Ron C. Harrison, Vernal, Utah, for Applicant; Lee, Bryans, Kelly and Stansfield, Esqs., Denver, Colorado, by Bryant O'Donnell, Esq., Denver, Colorado, for Public Service Company of Colorado; Eugene Mast, Esq., Grand Junction, Colorado, and A. J. Letey, Grand Junction, Colorado, for Grand Valley Rural Power Lines, Inc., as their interests may appear; Edwin R. Lundborg, Esq., Denver, Colorado, for the staff of the Commission.

S T A T E M E N T

By the Commission:

This is an application by Moon Lake Electric Association, Inc., Vernal, Utah, hereinafter referred to as "Applicant," for an extension of its certificate of public convenience and necessity in Moffat, Rio Blanco and Garfield Counties, Colorado.

The matter was set for hearing, after due notice to all interested parties, on January 23, 1959, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

No petitions of intervention were filed with the Commission prior to the hearing. A protest was filed at the hearing by the Public Service Company of Colorado, primarily because of an overlap of part of the area sought by Applicant with territory heretofore certificated by the Commission to Public Service Company of Colorado.

Counsel for Applicant in the opening statements indicated it was through inadvertence that the boundary sought in this application included territory heretofore certificated to Public Service Company of Colorado and also to Yampa Valley Electric Association, Inc., and indicated that Applicant would amend its boundary so as to eliminate any conflicts with other territories. A recess was thereupon declared by the presiding Commissioner for the purpose of reaching agreement upon the boundary sought by Applicant. Upon reconvening the hearing, it was learned agreement had been reached as to the boundaries sought by Applicant and that the appearance of the Attorneys for Public Service Company and Grand Valley Rural Power Lines, Inc., was to be styled "as their interests may appear."

Applicant is a Utah corporation, organized under the cooperative section of the Statutesof the State of Utah, qualified to do business in the State of Colorado, and is engaged, primarily, in the business of generating, purchasing, transmitting, distributing and selling electricity in portions of Moffat, Rio Blanco and Garfield Counties in Colorado and in other areas in the State of Utah.

Certified copies of Applicant's Articles of Incorporation, as amended to date, are on file with this Commission. Operations of Applicant are financed through loans obtained from the Rural Electrification Administration of the United States of America. Applicant submitted copies of its December Operating Statements and Balance sheet to show its financial position and operating results for the year 1958.

In 1951, Applicant obtained, by purchase, the electric distribution system and generating facilities of the Rangely Light and Power Company, as approved by this Commission in Decisions Nos. 36530 and 36531, dated April 19, 1951. In 1958, it acquired, through purchase, the distribution system of the Artesia Light and Power Company, as approved by the Commission in Decision No. 50562, dated July 7, 1958. Certificates of convenience and necessity then held by these companies were included in the transfer. Approximately 125 customers are presently served in non-certificated areas. Applicant anticipates, within the area sought, commercial development of natural resources, primarily oil wells and oil shale.

No other utility is within the area sought by Applicant, nor do any conflicts exist with other utilities relative to the area sought by Applicant herein.

Applicant has three generating plants, two of which are located in Utah and one at Rangely in Colorado. 1500 kilowatts are installed in Utah generating plants. Upon completion of 3000 kilowatts now being installed, Applicant will have 10,034 kilowatts of generating capacity in its Rangely plant. Also under study is the feasibility of inter-connections with Utah Power & Light Company and Southern Wyoming Utilities Company.

F I N D I N G S

THE COMMISSION FINDS:

That this Commission has jurisdiction of the subject matter of the instant application, and is fully advised in the premises.

That the above Statement, by reference, should be made a part of these Findings.

That the Commission has jurisdiction of Applicant herein.

That the issuance of a certificate of public convenience and necessity is consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1953.

That applicant is and will be performing the functions of a public utility in providing electric servie, and it should be granted a certificate of public convenience and necessity therefor in the area more fully described in the order to follow.

That Applicant should continue to maintain its books and accounts in accordance with the Uniform System of Accounts as prescribed by this Commission.

That Applicant should continue its rates, rules and regulations as now on file with this Commission and as they may be hereafter amended in accordance with the law and the rules and regulations of this Commission and should within sixty (60) days of the effective date hereof amend its tariff, Colorado P.U.C. No. 2, to include all territory as set forth in the order to follow and to make such further amendments in its tariff, if required, to make the tariff effective throughout the entire territory granted herein.

That Applicant should maintain its operations as an electric public utility in accordance with the Rules Regulating the Service of Gas and Electric Utilities, as ordered by this Commission, now in effect and as they may hereafter be amended.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, Moon Lake Electric Association, Inc., Vernal, Utah. be declared a public utility, authorized to distribute electricity in the territory described as follows:

> Beginning at a point, which point lies on the common boundary of the States of Wyoming and Colorado, and is the point of intersection of the East boundary of Range 102 West, of the 6th P. M.; thence continuing Southerly a distance of 45 miles, more or less, to the Southeast corner of Township 5 North, Range 102 West; thence Easterly a distance of 10-3/4 miles, more or less, to the Northeast corner, Section 10, Township 4 North, Range 100 West;

thence Southerly a distance of 6 miles, more or less, to the Southeast corner of Section 3, Township 3 North, Range 100 West; thence Easterly a distance of 2 miles, more or less, to the Northeast corner, Section 12, Township 3 North, Range 100 West; thence Southerly a distance of 2 miles, more or less, to the Southeast corner, Section 13, Township 3 North, Range 100 West; thence Easterly a distance of 4 miles, more or less, to the Northeast corner, Section 22, Township 3 North, Range 99 West; thence Southerly a distance of 36 miles, more or less, to the Southeast corner Section 15, Township 4 South, Range 99 West; thence Westerly a distance of 4 miles, more or less, to the Southwest corner, Section 18, Township 4 South, Range 99 West; thence Southerly a distance of 1 mile, more or less, to the Southeast corner of Section 24, Township 4 South, Range 100 West; thence Westerly a distance of 4 miles, more or less, to the Southwest corner, Section 21, Township 4 South, Range 100 West; thence Southerly 1 mile, more or less, to the Southeast corner, Section 29, Township 4 South, Range 100 West; thence Westerly 2 miles, more or less, to the Southwest corner Section 30, Township 4 South, Range 100 West; thence Southerly a distance of 4½ miles, more or less, to the Southeast corner, Section 24, Township 5 South, Range 101 West; thence Westerly a distance of 20½ miles, more or less, to the intersection of the common boundary between Utah and Colorado by the Southern boundary of Section 22, Township 5 South, Range 104 West; thence Northerly 97 miles, more or less, along said Colorado-Utah boundary line to its point of intersection with the Southern boundary of Wyoming; thence Easterly along the common boundary to Colorado and Wyoming to its point of intersection with the East boundary of Range 102 West, the point of beginning,

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

That a consumer need not be a member of Applicant as a prerequisite to receiving service and Applicant shall treat members and non-members alike.

That Applicant shall set up and maintain its books and accounts in accordance with the Uniform System of Accounts as prescribed by this Commission and shall keep its records in such a manner that its operations, including revenues and expenses, plant, reserves, etc., in Colorado may be shown separately from its entire system and

will so record them in its annual reports to this Commission.

That within sixty (60) days of the effective date of this Order, Applicant shall make such amendments as may be required to its rates, rules and regulations as now on file with this Commission to show that service is available within the total area hereinabove described.

That it shall maintain its operations as a public electric utility in accordance with the Rules Regulating the Service of Gas and Electric Utilities as promulgated by this Commission now in effect and as hereafter amended.

That this Order shall become effective twenty-one days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Ralph C. Hanlon

Glenn E. Valdez

Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1959.

mls

(Decision No. 51825)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES A. UPP DOING BUSINESS AS)
"ELECTRONIC SPECIALISTS," 405 MAIN) PERMIT NO. M-15838
STREET, CANON CITY, COLORADO)
)

March 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles A. Upp dba Electronic Specialists requesting that Permit No. M-15838 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15838, heretofore issued to Charles A. Upp dba Electronic Specialists be, and the same is hereby, declared cancelled effective February 26, 1959

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 5th day of March, 1959

mc

(Decision No. 51826)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ROY L. WHEELER, 310 SOUTH MAIN STREET,)
ROCKY FORD, COLORADO)
) PERMIT NO. M-14727
)
)

March 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Roy L. Wheeler requesting that Permit No. M-14727 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14727, heretofore issued to Roy L. Wheeler be, and the same is hereby, declared cancelled effective January 1, 1959

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 5th day of March, 1959

mc

(Decision No. 51827)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE F. HUGHES AND FREDERIC C.)
HUGHES DOING BUSINESS AS "GEORGE F.)
HUGHES AND SONS," P. O. BOX 223,) PERMIT NO. M-15046
WALDEN, COLORADO)
)

March 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George F. Hughes and Frederic C. Hughes dba George F. Hughes and Sons requesting that Permit No. M-15046 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15046, heretofore issued to George F. Hughes and Frederic C. Hughes dba George F. Hughes and Sons be, and the same is hereby, declared cancelled effective February 26, 1959

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro

Joseph C. Horton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 5th day of March, 1959

mc

(Decision No. 51828)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
GLEN W. NELSON DOING BUSINESS AS)
"GLENN'S GREENHOUSE AND FLORAL SHOP,") PERMIT NO. M-14552
MANZANOLA, COLORADO)
)

March 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Glen W. Nelson dba Glenn's Greenhouse and Floral Shop requesting that Permit No. M-14552 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14552, heretofore issued to Glen W. Nelson dba Glenn's Greenhouse and Floral Shop be, and the same is hereby, declared cancelled effective February 25, 1959

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 5th day of March, 1959

mc

(Decision No. 51829)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
BEN BURMESTER, DOING BUSINESS AS)
"BURMESTER FRUITS," HAXTUN, COLORADO)
) PERMIT NO. M-11139
)
)

March 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ben Burmester dba Burmester Fruits requesting that Permit No. M-11139 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11139, heretofore issued to Ben Burmester dba Burmester Fruits be, and the same is hereby, declared cancelled effective February 4, 1959

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Hans E. Zaluga
Commissioners

Dated at Denver, Colorado,

this 5th day of March, 1959

mc

(Decision No. 51830)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ALBERT SIGNER, 339 FRANCIS STREET,)
LONGMONT, COLORADO)
) PERMIT NO. M-6138
)
)

March 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Albert Signer requesting that Permit No. M-6138 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6138, heretofore issued to Albert Signer be,

and the same is hereby, declared cancelled effective February 13, 1959

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 5th day of March, 195 9

(Decision No. 51831)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CIPRIANO LUJAN, P. O. BOX 32,)
SAGUACHE, COLORADO)
) PERMIT NO. M-13910
)
)

March 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Cipriano Lujan requesting that Permit No. M-13910 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13910, heretofore issued to Cipriano Lujan be, and the same is hereby, declared cancelled effective February 25, 1959

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Commissioners

Dated at Denver, Colorado,

this 5th day of March, 1959

mc

(Decision No. 51832)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FRANK GOMEZ AND HENRY GOSCH, DOING)
BUSINESS AS "G AND G FERTILIZER)
COMPANY," 2795 SOUTH BROADWAY,) PERMIT NO. M-4688
ENGLEWOOD, COLORADO)
----------)

March 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank Gomez and Henry Gosch dba G & G Fertilizer Company requesting that Permit No. M-4688 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4688, heretofore issued to Frank Gomez and Henry Gosch dba G & G Fertilizer Company be, and the same is hereby, declared cancelled effective March 2, 1959

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 5th day of March, 1959

(Decision No. 51833)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOHN H. WARFIELD, DOING BUSINESS)
AS "WARFIELD RADIO AND T V," 122)
WOODLAWN, LITTLETON, COLORADO) PERMIT NO. M-6614
)
)

March 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John H. Warfield dba Warfield Radio and T V requesting that Permit No. M-6614 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6614, heretofore issued to John H. Warfield dba Warfield Radio and T V be, and the same is hereby, declared cancelled effective February 26, 1959

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jacob C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 5th day of March, 1959

mc

(Decision No. 51834)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ARAPAHOE MINING AND URANIUM CORPOR-)
ATION, 1825 GILPIN STREET, DENVER)
18, COLORADO)
)
---------- PERMIT NO. M-12050

March 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arapahoe Mining and Uranium Corporation requesting that Permit No. M-12050 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12050, heretofore issued to Arapahoe Mining and Uranium Corporation be, and the same is hereby, declared cancelled effective February 27, 1959

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 5th day of March, 1959

mc

(Decision No. 51835)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
BYRON KNEFF, ROUTE 1, PALISADE,)
COLORADO)
) PERMIT NO. M-14729
)
)

March 5, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Byron Kneff requesting that Permit No. M-14729 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14729, heretofore issued to Byron Kneff be, and the same is hereby, declared cancelled effective February 24, 1959

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro

Joseph C. Horton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 5th day of March, 1959

mc

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 51836)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
DAVID WOLFE, 2105 SOUTH HOOKER)
STREET, DENVER 19, COLORADO) PERMIT NO. B-3742
)
)
)

March 5, 1959

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-3742 be suspended for six months from March 7th, 1959

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 David Wolfe
2105 South Hooker St., Denver 19, Colorado
be, and is hereby, authorized to suspend his operations under Permit No. B-3742 until September 7, 1959

That unless said permit-holder 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

Joseph F. Negro

Commissioners

Dated at Denver, Colorado,
this 5th day of March, 1959

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 51837)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM W. RICHARDS, 152 SOUTH)
DOWNING, DENVER 9, COLORADO) PERMIT NO. B-5629
)
)
)

March 5, 1959

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-5629 be suspended for six months from March 2, 1959

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 William W. Richards of 152 South Downing, Denver 9, Colorado be, and is hereby, authorized to suspend his operations under Permit No. B-5629 until September 2, 1959

That unless said permit-holder 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

Joseph F. Nigro
Frank C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 5th day of March, 1959
mc

Original

(Decision No. 51838)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF KENNETH R. EICHIN AND MERLE WENDT, DOING BUSINESS AS "SANITARY ASH AND TRASH REMOVAL," 2515 SOUTH KING STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3316 TO WILLIAM A. VENHUISEN AND SYLVIA J. VENHUISEN, DOINB BUSINESS AS "SANITARY ASH AND TRASH REMOVAL," 2154 SOUTH GILPIN, DENVER, COLORADO.

APPLICATION NO. 16871-Transfer

March 4, 1959

Appearances: Merle Wendt, Denver, Colorado, for Transferors;
William A. Venhuisen, Denver, Colorado, for Transferees.

S T A T E M E N T

By the Commission:

Kenneth R. Eichin and Merle Wendt, doing business as "Sanitary Ash and Trash Removal," Denver, Colorado, are the owners and operators of PUC No. 3316, authorizing:

> Transportation of ashes, trash, and other refuse, between points in the City and County of Denver, and from points in the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado.

By the instant application, said certificate-holders seek authority to transfer said PUC No. 3316 to William A. Venhuisen and Sylvia J. Venhuisen, doing business as "Sanitary Ash and Trash Removal," Denver, Colorado.

Said application was regularly set for hearing, and heard, at 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on March 2, 1949, and at the conclusion of the evidence, the matter was taken under advisement by the Commission.

At the hearing, the evidence disclosed that the consideration for the transfer of said certificate is $3,000; that there are no debts against the operation; that transferees will pay one-half of said purchase price down, the balance to be secured by chattel mortgage on certain equipment. Transferees have a net worth in excess of $2,000, and are well experienced in truck operations.

No one appeared at the hearing in opposition to the granting of the instant application.

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

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings by reference.

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Kenneth R. Eichin and Merle Wendt, doing business as "Sanitary Ash and Trash Removal," Denver, Colorado, be, and they hereby are, authorized to transfer all their right, title and interest in and to PUC No. 3316 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to William A. Venhuisen and Sylvia J. Venhuisen, doing business as "Sanitary Ash and Trash Removal," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with,

the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time sahll be extended by the Commission, upon proper application.

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, 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 transferors of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Hogan

Commissioners.

Dated at Denver, Colorado,
this 4th day fo March, 1959.

ea

(Decision No. 51839)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FERGUSON TRUCKING CO., INC., P. O. BOX 637, ARTESIA, NEW MEXICO, FOR AUTHORITY TO TRANSFER PUC NO. 1913 AND 1913-I, TO J. H. MARKS TRUCKING CO., INC., P. O. BOX 2192, ODESSA, TEXAS.	APPLICATION NO. 16872-Transfer

March 4, 1959

Appearances: Jones and Meiklejohn, Esqs., Denver, Colorado, for Transferor;
Carll V. Kretsinger, Esq., Kansas City 6, Missouri, for J. L. Cox & Son, Inc., J. O. "Red" Willett Pipeline Stringing Corporation;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Transferee B. F. Walker, Inc.

S T A T E M E N T

By the Commission:

Ferguson Trucking Co., Inc., Artesia, New Mexico, is the owner and operator of PUC No. 1913 and PUC No. 1913-I, authorizing:

> Transportation, on call and demand, over irregular routes, between points in the State of Colorado, of the following commodities: (1) Machinery, equipment, materials and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) Machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, service, maintenance and dismantling of pipe lines, including the stringing and picking up thereof;
>
> between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

By the instant application, said certificate-holder seeks authority to transfer said PUC No. 1913 and PUC No. 1913-I, to J. H. Marks Trucking Co., Inc., Odessa, Texas.

Said application was regularly set for hearing, and heard, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., March 2, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that the consideration for the transfer of said operating rights is $12,500, and that there are no debts against said operation; that transferee presently holds interstate operating rights from the Interstate Commerce Commission, and will establish offices in the State of Colorado.

Considerable time was consumed in cross-examination as to the operation conducted by the transferor herein.

No evidence was produced in opposition to the granting of the instant application, and inasmuch as the equipment of transferee appears to be ample, and the operating experience and financial responsibility of transferee were established to the satisfaction of the Commission, it appears that the proposed transfer is in the public interest and should be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings by reference.

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Ferguson Trucking Co., Inc., Artesia, New Mexico, be, and it hereby is, authorized to transfer all its right, title and interest in and to PUC No. 1913 and PUC No. 1913-I -- being the operating rights set forth in the above and foregoing Statement,

which is made a part hereof by reference -- to J. H. Marks Trucking Co., Inc., Odessa, Texas, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

The transfer of interstate operating rights authorized herein is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

This Order shall become effective twenty-one days from date.

(S E A L)

ATTEST: A TRUE COPY

J. J. Mahoney
Secretary

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSEPH F. MIGRO
Joseph F. Migro

RALPH C. HORTON
Ralph C. Horton

HENRY E. ZARLENGO
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1959.
ea

(Decision No. 51840)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WALES TRUCKING COMPANY, 319 FOREST AVENUE, DALLAS, TEXAS, FOR AUTHORITY TO TRANSFER PUC NO. 1826 TO B. F. WALKER, INC., 100 WEST 7TH STREET, FORT WORTH, TEXAS.) APPLICATION NO. 16873-Transfer

March 4, 1959

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, for Transferor and Transferee;
Carll V. Kretsinger, Esq., Kansas City 6, Missouri, for J. L. Cox & Son, Inc., and J. O. "Red" Willett Pipeline Stringing Corporation, as his interest may appear;
Alvin J. Meiklejohn, Jr., Esq., Denver, Colorado, for Stanton Transportation Company.

S T A T E M E N T

By the Commission:

Wales Trucking Company, Dallas, Texas, is the owner and operator of PUC No. 1826, authorizing:

> Transportation in irregular service of machinery, materials, supplies and equipment incidental to or used in the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, oil and gas field equipment, materials, supplies and machinery, between all points in the State of Colorado.

By the instant application, said certificate-holder seeks authority to transfer said intrastate operating rights to B. F. Walker, Inc., Fort Worth, Texas.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado,

at ten o'clock A. M., March 2, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that the consideration for said transfer is the sum of $12,000; that there are no debts against the operation; that the transferee is an experienced truck operator and is financially responsible.

Mr. Utzinger, of Stanton Transportation Company, appeared protesting the granting of the above transfer, contending that he, Utzinger, was not familiar with any of the operations of the transferor herein for the past two years.

The Commission carefully listened to the evidence, and after consideration of the same, has determined that it is not warranted in denying the application.

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

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Wales Trucking Company, Dallas, Texas, should be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 1826 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to B. F. Walker, Inc., Fort Worth, Texas, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing,

have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1959.

ea

original

(Decision No. 51841)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF E. L. POWELL, H. H. POWELL, AND B. L. POWELL, CO-PARTNERS, DOING BUSINESS AS "E. L. POWELL & SONS TRUCKING COMPANY," 405 NORTH ELWOOD, TULSA, OKLAHOMA, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO E. L. POWELL & SONS TRUCKING CO., INC., 405 NORTH ELWOOD, TULSA, OKLAHOMA.	PUC NO. 2277-I-Transfer

March 4, 1959

S T A T E M E N T

By the Commission:

Heretofore, E. L. Powell, H. H. Powell, and B. L. Powell, co-partners, doing business as "E. L. Powell & Sons Trucking Company," Tulsa, Oklahoma, were authorized to operate as a common carrier by motor vehicle for hire, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and PUC No. 2277-I issued to them.

Said certificate-holders now seek authority to transfer said operating rights to E. L. Powell & Sons Trucking Co., Inc., Tulsa, Oklahoma.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That E. L. Powell, H. H. Powell, and B. L. Powell, co-partners, doing business as "E. L. Powell & Sons Trucking Company," Tulsa, Oklahoma, should be, and hereby are, authorized to transfer all right, title, and interest in and to PUC No. 2277-I to E. L. Powell & Sons Trucking Co., Inc., Tulsa, Oklahoma, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hayes

Ralph C. Horton

Harry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1959.

mls

original

(Decision No. 51842)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DORSEY BONE, 1525 WEST BAYAUD STREET, DENVER, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-3405.

APPLICATION NO. 16817-PP-Extension

March 4, 1959

S T A T E M E N T

By the Commission:

By the above-styled application, Dorsey Bone, owner and operator of Permit No. B-3405, sought authority to extend operations under said Permit No. B-3405, to include the right to transport trash, from Denver Wood Products Yard, to regularly-approved dumps; sand, gravel and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, January 14, 1959, at 1:30 o'clock P. M., due notice thereof being forwarded to all parties in interest, and on

January 9, 1959, upon request of applicant, said hearing was vacated.

The Commission is now in receipt of a communication from Dorsey Bone, applicant herein, stating he no longer desires to prosecute said application, and requesting dismissal thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said application should be dismissed, as requested by applicant herein.

O R D E R

THE COMMISSION ORDERS:

That Application No. 16817-PP should be, and the same hereby is, dismissed, upon request of applicant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Rigo

Dwight C. Hobart

Lewis E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1959.

mls

(Decision No. 51843)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF O. C. TURNELL, ALSO KNOWN AS "ORBIE C. TURNELL," 215 FIFTH AVENUE, DURANGO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.) APPLICATION NO. 16850-PP

March 9, 1959

Appearances: LaVerne H. McKelvey, Esq.,
Durango, 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 logs, from point to point within a radius of fifty miles of the City of Durango, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, February 18, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 30, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of the Examiner states that at the hearing, applicant herein testified he has ample and suitable equipment with which to conduct his proposed operation; that he has a net worth of

approximately $81,000, as shown on Exhibit No. 1; that he is presently engaged in transportation of logs, under Temporary Authority issued by this Commission; that he has received numerous requests for his proposed services.

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

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That O. C. Turnell, Durango, 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 logs, from forests to sawmills, railroad loading points, and to storage points within a radius of fifty miles of the City of Durango, within the 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 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 authority sheets.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Hayes
Ralph C. Hoskins
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1959.

ea

Original

(Decision No. 51844)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLIAM E. POTTER, BOX 557, DOLORES, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16849-PP

March 9, 1959

Appearances: William E. Potter, Dolores, 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 logs, from point to point within a radius of two hundred miles of Cortez, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, February 18, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 30, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of the Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant testified he is presently engaged in transportation of logs, under Temporary Authority issued by this Commission; that he has

adequate equipment with which to conduct said operation; that he has a net worth of $5,000; that he has received many requests for his proposed operation.

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

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier operation serving the territory sought to be served by applicant herein.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That William E. Potter, Dolores, 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 logs, from forests to sawmills, railroad loading and storage points within a radius of two hundred miles of Cortez, Colorado, within the 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 applicant has filed a statement of his customers, copies of all special contracts or memoranda of their terms, the necessary tariffs, required insurnce, and has secured authority sheets.

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-one days from date.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Magnuson

Frances Horton

Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1959.

ea

Original

(Decision No. 51845)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DWIGHT G. KNOX, BAYFIELD, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16847-PP

March 9, 1959

Appearances: Dwight G. Knox, Bayfield, 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 logs, from Bayfield, Colorado, and from Chimney Rock, Colorado, to Pagosa Springs, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, February 18, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 30, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting said hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein testified he is presently engaged in the transportation of logs, under Temporary Authority issued by this Commission; that he has ample and suitable equipment to conduct said operation; that

he has received many requests for said services; that he is financially able to carry on said operation.

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

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier operation serving the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Dwight G. Knox, Bayfield, 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 logs, from forests near Bayfield, Colorado, and Chimney Rock, Colorado, to Pagosa Springs, Colorado, and points within a radius of ten miles thereof.

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 authority sheets.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1959.

ea

original

(Decision No. 51846)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MARION H. OWENS, DOING BUSINESS AS "OWENS FREIGHT LINE," PAGOSA SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16848-PP

March 9, 1959

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from point to point within a radius of seventy-five miles of Pagosa Springs, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, February 18, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 30, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

The Commission is in receipt of a communication from Lucille M. Owens, Bookkeeper for Owens Freight Lines, stating Mr. Owens is in Oregon, and requesting that said matter be continued, to be re-set for hearing at a later date.

Report of the Examiner recommends that said matter be continued, to be later re-set for hearing, with notice to all parties in interest.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the above-styled matter should be continued, to be later re-set for hearing.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above-styled Findings should be, and hereby is, approved.

That Application No. 16848-PP should be, and hereby is, continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nagle

Eugene C. Hotchkiss

Henry E. Harlow

Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1959.

mls

original

(Decision No. 51847)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MACK ROGERS, DOING BUSINESS AS "FOUR R'S CONSTRUCTION COMPANY," BOX 1611, CORTEZ, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16845-PP

March 9, 1959

Appearances: Marvin Ping, Esq., Cortez, 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 oil field supplies and equipment, with the exception of drilling rigs, from point to point within a radius of fifty miles of Cortez, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, February 18, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 30, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting said hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant testified he is sole owner of Four R's Construction Company;

that his company has a net worth of approximately $26,000, as shown in Exhibit No. 1; that his company has suitable and adequate equipment, as shown in Exhibit No. 2; that he has received many requests for said proposed operations.

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

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

It does not appear that applicant's proposed operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Mack Rogers, doing business as "Four R's Construction Company," Cortez, 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 oil field supplies and equipment, excluding drilling rigs, from point to point within the City of Cortez, Colorado, and within a radius of fifty miles of said City of Cortez, Colorado.

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

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

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Joseph C. Norton

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1959.

mls

original

(Decision No. 51848)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF H. L. BAUMGARDNER, DOING BUSINESS AS "BAUMGARDNER DELIVERY SERVICE," 305 NORTH SIXTEENTH STREET, CANON CITY, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 15982-Amended

March 9, 1959

Appearances: H. R. Harward, Esq., Canon City, Colorado, for Applicant;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the conduct of a package delivery service, transporting general commodities, from point to point within the City of Canon City, Colorado, and within a radius of five miles thereof.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, February 13, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 29, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conduct-

ing the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein testified he is presently engaged in taxicab service in the City of Canon City; that he has received numerous requests to render his proposed extended service; that he has ample and suitable equipment with which to conduct said proposed extended service; that he has a net worth of $10,000.

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

Two public witnesses appeared at the hearing and testified in support of the application.

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

Report of the Examiner recommends that certificate of public convenience and necessity issue to applicant herein.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That public convenience and necessity require applicant's proposed extended motor vehicle common carrier service, on call and demand, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of H.

L. Baumgardner, doing business as "Baumgardner Delivery Service," Canon City, Colorado, for the conduct of a package delivery service, transporting general commodities, individual shipments not to weigh in excess of sixty pounds, from point to point within the City of Canon City, Colorado, and points within a radius of five miles of the center of said City of Canon City, Colorado, deliveries to be effected by means of pick-up trucks, not to exceed one-half-ton net capacity, or passenger-car chassis, 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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hagus

Frank C. Horton

Ruth E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1959.

mls

Original

(Decision No. 51849)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DEAN D. ALEXANDER, DOING BUSINESS AS "GREELEY-LONGMONT MOTOR WAY, 1614 THIRTEENTH STREET, GREELEY, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING EXTENSION OF OPERATIONS UNDER PUC NO. 301.	APPLICATION NO. 16853-Extension

March 9, 1959

Appearances: John R. Barry, Esq., Denver, Colorado, for Applicant;
Charles D. Williams, Esq., Boulder, Colorado, for Boulder-Stage Lines, Inc., Denver-Boulder Bus Company;
I. B. James, Denver, Colorado, for Colorado Motor Way, Inc., Denver-Boulder Bus Company.

S T A T E M E N T

By the Commission:

Dean D. Alexander, doing business as "Greeley-Longmont Motor Way," Greeley, Colorado, the applicant herein, is the owner of Certificate of Public Convenience and Necessity No. 301, which authorizes:

> Transportation of passengers and their baggage, and express, between Greeley, Colorado, and Longmont, Co orado, and intermediate points via Milliken, Johnstown, and Mead, Colorado, on schedule.

On February 2, 1959, the applicant filed his application for a certificate of public convenience and necessity authorizing extension of operations under his PUC No. 301 for the transportation of passengers and their luggage and express from Longmont to Boulder via Niwot, on State Highway No. 119.

Pursuant to notice to interested parties, the above application was regularly set for hearing, and heard, at the Court House in Greeley, Colorado, on Friday, February 20, 1959, and at the conclusion of the hearing, the application was taken under advisement.

At the hearing, the evidence disclosed that the applicant presently holds a mail contract from the U. S. Postal Department, and delivers mail between Greeley and Longmont and intermediate points, via Johnstown, Milliken and Mead, Colorado, on schedule.

The applicant now holds authority to transport passengers and their baggage and express, in conjunction with said mail contract. Recently, applicant's mail contract was extended from Longmont to Boulder, via Niwot, on State Highway No. 119.

Applicant, testifying in support of his application, states that he has had numerous requests to extend his passenger and express service into Boulder. He presently operates a six-passenger Town Wagon and will use this equipment until a need is shown for larger equipment. He will haul passengers, and under his express authority had been called upon to haul flowers, small shipments of groceries, invoices, and auto parts.

Applicant further states that his principal riders at present are older people who do not drive their own automobiles and who go to the towns located on his route for medical service, and from his investigation he feels his future passengers will comprise the same type of people as now served, with possibly a few students.

Several witnesses appeared from the territory proposed to be served under applicant's proposed new operation, and testified in support of the application. We will attempt to briefly summarize their testimony:

Dale Smith, Greeley, Colorado, who operates the Ideal Food Market, and who has stores in Greeley and Boulder, stated

applicant's proposed service would be used by his stores for hauling invoices, etc., which would give them an expedited, needed service.

Otto Bliet, of Longmont, who has been Mayor of Longmont for the past eight years and only recently retired, testified as to the public need of a direct passenger and express service between Longmont and Boulder.

Bert VanZante, Greeley, Colorado, who is associated with Western Wholesale Produce Company, stated he had resided in Greeley since 1936 and was familiar with the service now rendered by the applicant and also was familiar with applicant's proposed extended service. The witness stated he felt there was a definite and public need for the proposed extension.

I. B. James, who is officially connected with Colorado Motor Way, Inc., and Denver-Boulder Bus Company, appeared protesting the granting of the applicant's proposed extension. He identified schedules and timetables of both Denver-Boulder Bus and Colorado Motor Way, disclosing the common carrier service now available. A late-filed exhibit revealed schedules for transfers at Denver, Heerline and Lafayette, especially as they pertain to service between Longmont and Boulder, wherein the passengers transfer from Colorado Motor Way to Denver-Boulder Bus, and vice versa.

Mr. James vigorously protested the granting of any additional passenger and express service between Boulder and Longmont, contending that the two companies he represents are giving adequate service.

The Commission realizes, in considering the above application, that the carriers hauling passengers are having trouble, and the loss of any business, possibly, could be harmful. On the other hand, the service by applicant would not be economically feasible if it were not for the mail contract. Applicant's proposed service is direct, while the service of protestant is a round-about service, the most direct being by transfer at Lafayette in which all passengers are required to transfer, from one common carrier to

another, either at Denver, Lafayette or Heerline.

Applicant has served the public for a substantial period, transporting passengers between Greeley and Longmont. He now offers extended service to Boulder, and we are convinced that this proposed extended service will be used by the public -- especially by older people and possibly students. We are further of the opinion, after hearing the evidence, that protestants will not suffer any appreciable loss of passengers. The competitive threat to motor carriers transporting passengers is the private automobile and not competitive carriers.

Applicant's proposed service, in our judgment, would offer an improved, direct service to the public between Greeley and Boulder, and after hearing it is our opinion that the service is needed by the public on the route he proposes to serve, bearing in mind that applicant is presently a common carrier of passengers who, in our judgment, by this application is offering an improved service. Therefore, the application should be granted.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is made a part of these Findings by reference.

That after careful consideration of the record, applicant's PUC No. 301 should be extended to include the right to transport passengers, and their baggage and express, between Longmont, Colorado and Boulder, Colorado, via Niwot, on State Highway No. 119.

O R D E R

THE COMMISSION ORDERS:

That Dean D. Alexander, doing business as "Greeley-Longmont Motor Way, " Greeley, Colorado, be, and he hereby is, authorized to extend his operations under PUC No. 301 to include the right to transport passengers, and their baggage and express, between Longmont, Colorado, and Boulder, Colorado, via Niwot, on State Highway No. 119, and this Order shall be taken, deemed, and held to be a certificate

of public convenience and necessity therefor.

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

That applicant shall operate his carrier system according to schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Rogers

Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1959.

ea

original

(Decision No. 51850)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LEROY D. McGUFFIN AND EFFIE L. McGUFFIN, CO-PARTNERS, DOING BUSINESS AS "A-ONE HOUSE MOVERS," 2420 WEST ILIFF AVENUE, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING EXTENSION OF OPERATIONS UNDER PUC NO. 3867.	APPLICATION NO. 16870-Extension

March 9, 1959

Appearances: John H. Lewis, Esq., Denver, Colorado, for Applicants;
T. J. Bigbee, Boulder, Colorado, pro se;
Robert Boyce, Pueblo, Colorado, for Boyce House Movers;
H. C. Ryberg, Denver, Colorado, for Ryberg Construction Company.

S T A T E M E N T

By the Commission:

Leroy D. McGuffin and Effie L. McGuffin, co-partners, doing business as "A-One House Movers," Denver, Colorado, are the owners of Certificate of Public Convenience and Necessity No. 3867, which authorizes the following authority:

> To transport over an irregular route, buildings, other than box cars and tramway cars, between points in that part of Colorado lying east of a line drawn parallel with U. S. Highway No. 87, and 35 miles westerly therefrom, and north of the southern boundaries of the Counties of Yuma, Washington, Elbert, Douglas and Jefferson, and excluding from any such service Morgan County, Colorado.

On February 11, 1959, the above named applicants filed their application for an extension of Certificate of Public Convenience and Necessity No. 3867 to authorize the transportation of buildings other than box cars and tramway cars between points in

Colorado, except Morgan County, Colorado.

The above application was regularly set for hearing, and heard, on March 2, 1959, 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 applicants are presently operating in a portion of the State of Colorado and have a net worth of approximately $45,000; that they have ample equipment to move all types of buildings and have been actively engaged in moving buildings in the area they are authorized to serve.

Applicant Leroy D. McGuffin states he has had numerous requests to move buildings outside his certificated area and because his authority is restricted, has been unable to take care of the demands for his service. The witness states that persons desirous of moving buildings generally contact house movers and ask them to submit bids; that because the Commission does not set or prescribe rates, the public desires competition and therefore requests bids; that he has been requested to make bids on property in territory he is not authorized to serve.

Several witnesses appeared in support of the application and we will here attempt to summarize their testimony:

Mr. L. Voss, of Haswell, Colorado, a school board member and garage owner, testified that he had used applicants' service in the past in moving a building from Denver; that the school board at present is negotiating for another building but that applicants do not have authority and he is here testifying in support of the instant application. He stated he needed additional carriers to bid on this movement because he was accountable to the taxpayers in this district and wanted the property moved at the lowest possible cost.

Arden Teach, of Monte Vista, Colorado, stated he had contacted several carriers to make bids on the movement of a building in Monte Vista, Colorado; that he was not satisfied with the bids

or was not impressed with the type of service offered. It appears that he has a large building to move and there are not too many carriers qualified in Colorado to make that move. The witness states that applicants' proposed service is needed in the San Luis Valley, and he feels that public convenience and necessity require the granting of the application.

Harry Thompson, of the Colorado State Highway Department, testified as to the need of house movers state-wide. He stated the Highway Department, on account of the road-building program, needs carriers to make bids for the movement of houses off the right-of-way of new construction in road-building; that the Highway Department has used applicants' service in parts of Colorado and they would like to have him bid on all their projects.

James Little, of Denver, Colorado, who is associated with his brother-in-law in the real estate business, stated they had used applicants' services in moving houses in the City and County of Denver; that at present they were planning to move a house in Aspen, Colorado, and desired applicants' service to make that move.

Protestants Ryberg, Boyce and Bigbee testified as to the service they offered in moving houses. It appears, however, that applicants, substantially, are now authorized to serve in protestants' certificated areas.

The Commission cannot say that the service under protestants' certificates would be impaired as none of the carriers protesting hold authority in either Monte Vista or Aspen. We are convinced that applicants are well qualified to move houses; that their equipment is suitable for moving large buildings, and that their service is needed by the general public.

After an investigation a few years ago, the Commission determined it was not advisable to prescribe rates for this type of hauling. It therefore follows that if the public can secure this service at a reasonable rate, we should authorize competing carriers.

This, we think, the public interest requires, so, after a careful consideration of the record before us, we are of the opinion that the application should be granted.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is made a part of these Findings by reference.

That the instant application for extension should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Leroy D. McGuffin and Effie L. McGuffin, co-partners, doing business as "A-One House Movers," Denver, Colorado, be, and they are hereby, authorized to extend their operations under PUC No. 3867 to authorize the transportation of buildings other than box cars and tramway cars, between points in Colorado, except in Morgan County, Colorado, 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 as required by the rules and regulations of this Commission within twenty days from date.

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

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

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hagus

Frederic Hanson

Harry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1959.

ea

(Decision No. 51851)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RAY BRAY, 505 WEST BROOKSIDE, COLORADO SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16842-PP

March 9, 1959

Appearances: Ray Bray, Colorado Springs, Colorado, pro se;
Leslie R. Kehl, Esq., Denver, Colorado, for copy of order.

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 road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, February 13, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 29, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein testified he is presently engaged in transportation of sand and gravel, under Temporary Authority issued by this Commission; that he is the owner of a 1951 White bob-tail dump truck; that he has a net worth of $10,000; that he has received many requests for his services; that in the event authority herein sought is granted, he will obey the rules and regulations of this Commission; that it is agreeable that transportation of road-surfacing materials be limited to the use of dump trucks.

No one appeared in opposition to the granting of authority herein sought, as limited by applicant's testimony.

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

It does not appear that applicant's operations, as hereinafter limited, will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That permit should issue to applicant herein, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Ray Bray, Colorado Springs, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

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 authority sheets.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1959.

ea

original

(Decision No. 51852)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF COLORADO AVIATION, INC., 7190 WEST 38TH AVENUE, WHEATRIDGE, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AUTHORIZING TRANSPORTATION, BY AIRPLANE, OF PASSENGERS AND PROPERTY, NOT ON SCHEDULE.

APPLICATION NO. 16868

March 9, 1959

Appearances: William C. Wilson, Wheatridge, Colorado, for Applicant;
Willard F. Bridgeman, Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

By the above-styled application, Colorado Aviation, Inc., Wheatridge, Colorado, seeks a certificate of public convenience and necessity, authorizing transportation, by airplane, of passengers and property, not on schedule, from Longmont, Colorado, to and between all points in the State of Colorado, with base of operations at Longmont, Colorado, and airports within a radius of ten miles thereof.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, February 27, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, William C. Wilson, President of applicant herein, testified there was a need for company's proposed operations; also as to experience and qualifications of flight and maintenance personnel.

Willard F. Bridgeman, Aeronautical Inspector for the Commission, stated applicant is qualified, in his opinion, to carry on the proposed operation, and recommended that authority herein sought be granted.

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 public convenience and necessity require applicant's proposed operations, by airplane, and that certificate of public convenience and necessity should issue therefor, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the transportation, by airplane, of passengers and property, not on schedule, by Colorado Aviation, Inc., Wheatridge, Colorado, from Longmont, Colorado, to and between all points in the State of Colorado, with base of operations at Longmont, Colorado, and airports within a radius of ten miles thereof, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That applicant herein shall not set up an office in any other town or city than Longmont, Colorado, for solicitation of business, without first having obtained permission from this Commission so to do.

Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by, this Commission, within thirty (30) days from date hereof, and such rates so filed for

transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith.

The applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger insurance, and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F Negri

Ralph C Norton

Dan E Gallagher

Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1959.

mls

original

(Decision No. 51853)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF HARVEY BRAGG, 503 EAST WILLIAMETTE, COLORADO SPRINGS, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-5632.

APPLICATION NO. 16740-PP-Extension

March 9, 1959

Appearances: Harvey Bragg, Colorado Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Harvey Bragg, Colorado Springs, 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-surfacting materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, all operations being restricted to the use of dump trucks, only,

said operating rights being designated "Permit No. B-5632."

By the above-styled application, said permit-holder seeks authority to extend operations under said Permit No. B-5632, to include the right to transport coal, from mines in Fremont County coal fields, to points within a radius of fifty miles of Colorado Springs, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, February 13, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 29, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, applicant herein testified he is the owner and operator of Permit No. B-5632; that he is presently engaged in transportation of coal, under Temporary Authority issued by this Commission; that he has ample and suitable equipment to carry on his proposed extended operations; that he has a net worth of $10,000; that he has received numerous requests for his proposed extended operations.

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

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

It does not appear that applicant's proposed extended operations will impair the efficiency of any common carrier service operating in the territory sought to be served by applicant.

Report of the Examiner recommends that authority herein sought be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner re-

ferred to therein should be approved.

That applicant herein be authorized to extend operations under Permit No. B-5632, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That Harvey Bragg, Colorado Springs, Colorado, should be, and he hereby is, authorized to extend operations under Permit No. B-5632, to include the right to transport coal, from mines in Fremont County coal fields, to Colorado Springs, Colorado, and to points within a radius of fifty miles thereof.

This Order is made a part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogue

Ralph C. Holland

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1959.

mls

original

(Decision No. 51854)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAKE R. FRAZIER, LEWIS, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.) APPLICATION NO. 16681-PP-Transfer
B-5197 TO AMOS FRAZIER, ROUTE 1,) SUPPLEMENTAL ORDER
BOX 125, CORTEZ, COLORADO.)

March 3, 1959

Appearances: Armstrong & Thompson, Esqs.,
Cortez, Colorado, for
Applicants.

S T A T E M E N T

By the Commission:

On November 7, 1958, the Commission entered its Decision No. 51217, authorizing Jake F. Frazier, Lewis, Colorado, to transfer all right, title, and interest in and to Permit No. B-5197 to his son, Amos Frazier, Cortez, Colorado, it being therein provided:

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

Inasmuch as said acceptance of transfer was not filed with the Commission during the time allowed by the Commission, said permit was restored to Jake R. Frazier on the records of the Commission.

The Commission is now in receipt of a Motion, filed herein by Armstrong & Thompson, Attorneys for Applicants, stating that

Acceptance of Transfer Forms were directed to Jake R. Frazier, transferor herein, but, due to the fact that he is a very elderly man, through oversight, he failed to sign said forms, or to give them to his son, Amos Frazier, transferee herein.

Applicants now request permission to consummate transfer authorized by Decision No. 51217.

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 Secretary of the Commission is hereby directed to change the records of the Commission to show that "Amos Frazier, Cortez, Colorado," rather than "Jake R. Frazier, Lewis, Colorado," is the owner and operator of Permit No. B-5197, inasmuch as requirements set forth in Decision No. 51217, of date November 7, 1958, authorizing transfer of said operating rights, have now been met.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Hogan

Frank C. Norton

Klaus E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 3rd day of March, 1959.

mls

Original

(Decision No. 51855)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JACOB SCHLAGEL, 7395 DECATUR STREET, WESTMINSTER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16828 SUPPLEMENTAL ORDER

March 4, 1959

Appearances: William Pehr, Esq., Westminster, Colorado, for Applicant;
Marjorie McLean, Esq., Denver, Colorado, for Harry Ellis, George M. Flint.

S T A T E M E N T

By the Commission:

On February 13, 1959, the Commission entered its Decision No. 51736 in the above-styled application, granting to applicant herein a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire.

On March 4, 1959, petition for rehearing was filed herein with the Commission by Harry Ellis, owner and operator of Ellis Disposal Company.

The Commission has carefully re-examined the record and evidence in said matter, and the allegations set forth in said petition for rehearing, and is unable to find anything therein to justify the granting of said petition for rehearing.

F I N D I N G S

THE COMMISSION FINDS:

That no error was committed in the entry of Decision No. 51736; that no useful purpose would be served by granting rehearing herein, and that said petition for rehearing should be denied.

O R D E R

THE COMMISSION ORDERS:

That petition for rehearing in the above-styled matter, filed with the Commission by Ellis Disposal Company on March 4, 1959, should be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hayes

Roger C. Hobbs

Allen E. Bulkley

Commissioners.

Dated at Denver, Colorado,
this 4th day of March, 1959.

ea

(Decision No. 51856)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
D. A. BANKS, DOING BUSINESS AS)
"AL'S TEXACO," FIFTH AND NORTH)
AVENUE, GRAND JUNCTION, COLORADO.)

PERMIT NO. M-9775
CASE NO. 88885-INS.

March 5, 1959

S T A T E M E N T

By the Commission:

On February 25, 1959, the Commission entered its Order in Case No. 88885-Ins., revoking Permit No. M-9775 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-9775 should be, and the same hereby is, reinstated, as of February 25, 1959, revocation order entered by the Commission on said date in Case No. 88885-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Commissioners

Dated at Denver, Colorado,
this 5th day of March, 1959.

mls

(Decision No. 51857)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF FRANK INMAN, 1011 EAST NINTH STREET, TRINIDAD, COLORADO.

PUC NO. 1401

March 5, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Frank Inman, Trinidad, Colorado, requesting authority to suspend operations under PUC No. 1401 for a period of six months from March 5, 1959.

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 Frank Inman should be, and he hereby is, authorized to suspend operations under PUC No. 1401 until September 5, 1959.

That unless said certificate-holder shall, prior to expiration of said suspension period, make a request, in writing, for 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 stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.
Dated at Denver, Colorado,
this 5th day of March, 1959.
ea

original

(Decision No. 51858)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ALFRED J. DI FERDINANDO AND SAMUEL DI FERDINANDO, CO-PARTNERS, DOING business as "City Taxi," 144 EAST EIGHT STREET, DURANGO, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 1169 TO CITY TAXI, INC., A COLORADO CORPORATION, 144 EAST EIGHTH STREET, DURANGO, COLORADO.

APPLICATION NO. 16863-Transfer.

March 6, 1959

Appearances: Irvin L. Mason, Esq., Durango, Colorado, for Applicants; McKelvey and McKelvey, Esqs., Durango, Colorado, for copy of Order.

S T A T E M E N T

By the Commission:

Heretofore, Alfred J. DiFerdinando and Samuel DiFerdinando, co-partners, doing business as "City Taxi," Durango, Colorado, were granted a certificate of public convenience and necessity, authorizing them to operate as a common carrier by motor vehicle for hire, for the transportation of:

> passengers, from point to point within a radius of twenty miles of Durango, Colorado, and from said area to other points in the State of Colorado, provided, however, that they shall maintain a rate of service of ten cents per mile, actual mileage, both ways for each car carrying from one to four passengers, and make no change in this rate without obtaining authority from the Commission so to do, after a hearing; passengers and their baggage, from point to point within the City of Durango, Colorado, a home-rule city,

said operating rights being designated "PUC No. 1169."

Said application was regularly set for hearing before the Commission, at the Court House, Durango, Colorado, February 18, 1959,

at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On January 30, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Edwin R. Lundborg, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Robert Chandler, President of City Taxi, Inc., transferee herein, appeared and testified in support of the application. After identifying transferee's Articles of Incorporation, his testimony disclosed that he has had experience in the taxicab business; that he has sufficient net worth to carry on said operations; that company has ample equipment; that the consideration for transfer is $25,000, $10,000 of which has been paid; that there is no outstanding indebtedness against said operation; that he is presently operating under Temporary Authority issued by this Commission; that neither transferee nor transferor has financial or proprietary interest in any other operating rights issued by this Commission.

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

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

Report of the Examiner recommends that authority herein sought be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner re-

ferred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Alfred J. DiFerdinando and Samuel DiFerdinando, co-partners, doing business as "City Taxi," Durango, Colorado, should be, and hereby are, authorized to transfer all their right, title and interest in and to PUC No. 1169 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to City Taxi, Inc., a Colorado corporation, Durango, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

The tariff of rates, rules and regulations of transferors shall, upon proper adoption notice, 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.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Noyes

Henry E. Zarlengo

Commissioners.

COMMISSIONER RALPH C. HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 6th day of March, 1959.

mls

(Decision No. 51859)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOHN D. BARTOW, DOING BUSINESS AS,)
"APPLIANCE SERVICE CENTER")
2417 ELIZABETH) PERMIT NO. M-2157
PUEBLO, COLORADO.)
)

March 10, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John D. Bartow, Dba Appliance Service Center, Pueblo, Colorado requesting that Permit No. M-2157 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2157, heretofore issued to John D. Bartow, Dba Appliance Service Center, Pueblo, Colorado be, and the same is hereby, declared cancelled effective March 5, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jacob C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1959.

ds

(Decision No. 51860)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MOORE RADIO SUPPLY, INC.)
234 SOUTH KALAMATH)
DENVER 23, COLORADO.) PERMIT NO. M-14867
)
)

March 10, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Moore Radio Supply, Inc., Denver, Colorado requesting that Permit No. M-14867 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14867, heretofore issued to Moore Radio Supply, Inc., Denver, Colorado be, and the same is hereby, declared cancelled effective March 6, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1959.

ds

(Decision No. 51861)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
C. R. CUTTS, DOING BUSINESS AS,)
"RAY'S TEXACO")
7801 EAST COLFAX AVENUE,) PERMIT NO. M-10263
DENVER 8, COLORADO.)
)

March 10, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. R. Cutts, Dba Ray's Texaco, Denver, Colorado requesting that Permit No. M-10263 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10263, heretofore issued to C. R. Cutts, Dba Ray's Texaco, Denver, Colorado be, and the same is hereby, declared cancelled effective January 31, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negri
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 10th day of March, 195 9.

ds

(Decision No. 51862)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CLARENCE OTTOSEN)
1594 SOUTH ACOMA)
DENVER 23, COLORADO.) PERMIT NO. M-15599
)
)

March 10, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clarence Ottosen, Denver, Colorado requesting that Permit No. M-15599 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15599, heretofore issued to Clarence Ottosen, Denver, Colorado be, and the same is hereby, declared cancelled effective February 17, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Owen C. Hodson
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1959.
ds

(Decision No. 51863)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
HARRY AND J. R. ALDRICH, DOING)
BUSINESS AS, "LAKEWOOD APPLIANCE)
COMPANY") PERMIT NO. M-6293
7342 WEST COLFAX AVENUE,)
LAKEWOOD 15, COLORADO)

March 10, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harry & J. R. Aldrich, Dba Lakewood Appliance Co., Lakewood, Colorado requesting that Permit No. M-6293 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6293, heretofore issued to Harry & J. R. Aldrich, Dba Lakewood Appliance Co., Lakewood, Colorado be, and the same is hereby, declared cancelled effective February 21, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jason C. Hotton
Hugh E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1959.

ds

(Decision No. 51864)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
GUY C. FREELAND, DOING BUSINESS AS,)
"BLACK FOREST STORE")
ROUTE 3, POST OFFICE BOX 300,) PERMIT NO. M-14171
COLORADO SPRINGS, COLORADO.)
)

March 10, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Guy C. Freeland, Dba Black Forest Store, Colorado Springs, Colorado requesting that Permit No. M-14171 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14171, heretofore issued to Guy C. Freeland, Dba Black Forest Store, Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective March 4, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Commissioners

Dated at Denver, Colorado,

this 10th day of March, 1959.

ds

(Decision No. 51865)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FARMINGTON OIL COMPANY)
LORENA AND CEDAR, POST OFFICE BOX)
486, FARMINGTON, NEW MEXICO.) PERMIT NO. M-14517
)
)

March 10, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Farmington Oil Company, Farmington, New Mexico requesting that Permit No. M-14517 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14517, heretofore issued to Farmington Oil Company, Farmington, New Mexico be, and the same is hereby, declared cancelled effective February 28, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Raymond C. Norton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 10th day of March, 1959.

ds

(Decision No. 51866)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ERNEST DEINES, DOING BUSINESS AS,)
"ERNIE'S EQUIPMENT COMPANY")
5TH. AND MAIN,) PERMIT NO. M-1245
FORT LUPTON, COLORADO.)
)

March 10, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ernest Deines, Dba Ernie's Equipment Co., Fort Lupton, Colorado requesting that Permit No. M-1245 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1245, heretofore issued to Ernest Deines, Dba Ernie's Equipment Co., Fort Lupton, Colorado be, and the same is hereby, declared cancelled effective January 3, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jacob C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 10th day of March, 1959.

ds

(Decision No. 51867)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOHN F. FOWLER)
985 FOREST STREET)
DENVER 20, COLORADO.) PERMIT NO. M-15052
)
)

March 10, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John F. Fowler, Denver, Colorado requesting that Permit No. M-15052 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15052, heretofore issued to John F. Fowler, Denver, Colorado be, and the same is hereby, declared cancelled effective March 2, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ramon C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1959.

ds

(Decision No. 51868)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN F. FOWLER)
985 FOREST)
DENVER 20, COLORADO.)

PUC NO. 4153-I

March 10, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from John F. Fowler, Denver, Colorado, requesting that Certificate of Public Convenience and Necessity No. 4153-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. 4153-I, heretofore issued to John F. Fowler, Denver, Colorado, be, and the same is hereby declared cancelled effective March 2, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 10th day of March 1959.

ds

(Decision No. 51869)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
M. K. BRICKER)
POST OFFICE BOX 392,)
PALISADE, COLORADO.) PERMIT NO. M-3322
)
)

March 10, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from M. K. Bricker, P. O. Box 392, Palisade, Colorado requesting that Permit No. M-3322 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3322, heretofore issued to M. K. Bricker, P. O. Box 392, Palisade, Colorado be, and the same is hereby, declared cancelled effective March 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 10th day of March, 1959.

ds

(Decision No. 51870)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MERLE K. BRICKER)
POST OFFICE BOX 392)
PALISADE, COLORADO.)

PUC NO. 2701-I

March 10, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Merle K. Bricker, Palisade, Colorado, requesting that Certificate of Public Convenience and Necessity No. 2701-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. 2701-I, heretofore issued to Merle K. Bricker, Palisade, Colorado, be, and the same is hereby declared cancelled effective March 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro

Commissioners.

Dated at Denver, Colorado,
this 10th day of March 1959.

ds

(Decision No. 51871)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOHN O. PITTS)
268 WEST PARKVIEW,)
GRAND JUNCTION, COLORADO.) PERMIT NO. B-5423
)
)

March 10, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John O. Pitts, Grand Junction, Colorado requesting that Permit No. B-5423 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5423, heretofore issued to John O. Pitts, Grand Junction, Colorado be, and the same is hereby, declared cancelled effective February 9, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 10th day of March, 195 9.

ds

original

(Decision No. 51872)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO INTERSTATE GAS COMPANY FOR)
AN ORDER AUTHORIZING THE ISSUANCE) APPLICATION NO. 16874-Securities
OF FIRST MORTGAGE PIPE LINE BONDS)
AND CUMULATIVE PREFERRED STOCK.)
-)

- - - - - - -
March 9, 1959
- - - - - - -

Appearances: Holland and Hart, Esqs.,
Denver, Colorado, by
John Fleming Kelly, Esq.,
and
James T. Moran, Esq.,
for Applicant;
E. R. Lundborg, Esq.,
Denver, Colorado, and
E. R. Thompson, Denver,
Colorado, for the
Commission.

S T A T E M E N T

By the Commission:

By the above-captioned application, filed on February 18, 1959, Colorado Interstate Gas Company, a corporation (hereinafter referred to as "Colorado Interstate" or "Applicant"), authorized and doing business in Colorado, seeks an order from the Commission pursuant to Section 115-4-1, Colorado Revised Statutes, 1953, authorizing it (1) to issue and sell $33,000,000 principal amount of its First Mortgage Pipe Line Bonds, due in 1979, to bear interest at approximately 5% per annum (hereinafter referred to as "New Bonds"); (2) to issue and sell not to exceed 120,000 shares of its Cumulative Preferred Stock, par value $100 at an estimated dividend rate of approximately 6%, (hereinafter referred to as the "New Preferred Stock"); and (3) to create a lien on its property in Colorado by said New Preferred Bonds.

A public hearing was held at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, after appropriate notice, on March 5, 1959, at ten o'clock A. M., and at the

conclusion thereof, the matter was taken under advisement by the Commission.

No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition to the application.

Colorado Interstate is a natural gas company under the Federal Natural Gas Act and is subject to the jurisdiction of the Federal Power Commission. Since the year 1928, it has been engaged in the business of selling natural gas in interstate commerce to certain public utilities and municipal distribution systems in Colorado and to certain selected customers for industrial purposes under privately negotiated contracts. Applicant's gas supply is located principally in the West Panhandle Field in Texas; the Hugoton Field in Kansas; the Greenwood Area in Kansas and Colorado; the Keyes, Mocane and Laverne-Highland Areas in Oklahoma; the Julesburg Basin in Colorado; and the Table Rock Field in Wyoming. Its pipeline system extends in a northwesterly direction to Denver, Colorado, from its gas supply areas in the Texas Panhandle and in western Oklahoma and western Kansas. The system also extends southeasterly to Denver from an interconnection with the pipeline system of Pacific Northwest Pipeline Corporation, near Green River, Wyoming. The pipeline system includes 3,470 miles of pipeline (transmission mains, sales laterals, and gather lines), fourteen transmission line compressor stations and four field compressor stations with a total of 104,845 horsepower, and three natural gasoline extraction plants. Exhibit 7 indicates that as of December 31, 1958, 31% of Colorado Interstate's total gas plant is located in Colorado.

By Decision No. 51598, issued January 19, 1959, in Case No. 5075, this Commission found that Applicant is a public utility with respect to its direct sales within the State of Colorado that are not subject to the jurisdiction of the Federal Power Commission and ordered Applicant inter alia "forthwith to apply to this Commission

for a certificate of public convenience and necessity to operate as a public utility for the sale of gas not for resale to customers not under the jurisdiction of the Federal Power Commission." (Decision No. 51598, p. 21). On January 29, 1959, Applicant filed its Petition for Rehearing in Case No. 5075 and said Petition was denied by this Commission in Decision No. 51654, issued January 29, 1959. Applicant, also, on February 2, 1959, moved this Commission to suspend that portion of its Decision No. 51598 which orders Applicant forthwith to apply for a certificate of public convenience and necessity until such time as Case No. 5075 has been finally determined upon judicial review. The Commission heard said motion on February 26, 1959, and at the conclusion of said hearing took the matter under advisement. On February 27, 1959, Colorado Interstate filed in the District Court in and for the County of El Paso, State of Colorado, in Civil Action No. 37784, its Complaint and Petition for Review of said Decision No. 51598.

In its Application filed herein Colorado Interstate denies that this Commission has the jurisdiction over it which is asserted in Decision No. 51598, and further expressly denies that this Commission has jurisdiction over the contemplated issuance of the securities to which said application relates. Colorado Interstate further states that it has filed said application with full and complete reservation of all of its rights, contentions and positions asserted in its Petition for Rehearing in Case No. 5075 and without prejudice to it fully and completely to assert and maintain its rights asserted in said Petition and in the Application herein and in any complaint or petition for review thereafter filed. Colorado Interstate seeks an order for the approval of the issuance of said New Bonds and New Preferred Stock and the creation of a lien on its property with said reservations so that such approval shall have been obtained in the event that it is ultimately determined that the Commission has jurisdiction over Applicant.

There were introduced in evidence in these proceedings exhibits which include the following:

Exhibit 1. A copy of Applicant's Registration Statement, Form S-1, No. 2 filed with the Securities and Exchange Commission on February 17, 1959;

Exhibit 2. A copy of the Mortgage and Deed of Trust, dated July 1, 1954, between Applicant and Guaranty Trust Company of New York and K. R. Henrich, as Trustees. (Introduced by reference to the Commission's files in Securities Application No. 12973);

Exhibit 3. A conformed copy of the First Supplemental Indenture, dated as of July 1, 1958, to the Mortgage and Deed of Trust dated July 1, 1954, between Applicant and Guaranty Trust Company of New York and K. R. Henrich, as Trustees;

Exhibit 4. A proof of the proposed Second Supplemental Indenture, dated as of March 1, 1959, to Mortgage and Deed of Trust, dated July 1, 1954, between Applicant and Guaranty Trust Company of New York and K. R. Henrich, as Trustees;

Exhibit 5. A proof of the proposed certificate of designation, powers, preferences and rights of a series of preferred stock by resolution by the Board of Directors, authorizing the issuance of the New Preferred Stock;

Exhibit 6. Document entitled "Colorado Interstate Gas Company and Wholly Owned Subsidiary, Financial Statements, December 31, 1958", containing the following:

Consolidated Balance Sheets as of December 31, 1958 (Before and After Giving Effect to Proposed Financing)

Consolidated Statement of Income for the Year Ended December 31, 1958

Consolidated Statement of Retained Earnings for the Year Ended December 31, 1958

Statement of Capitalization as of December 31, 1958 (Before and After Giving Effect to Proposed Financing)

Statement of Gas Plant Investment, showing percentage located in the State of Colorado;

Exhibit 7. Proof copy of the Underwriting Agreement, the Agreement among Underwriters and the Selected Dealer Agreement, all relating to the New Bonds and New Preferred Stock.

The evidence shows that the Applicant has heretofore executed and delivered a certain Mortgage and Deed of Trust, dated July 1, 1954, to Guarantee Trust Company of New York and K. R. Henrich, as Trustees, and a First Supplemental Indenture thereto. Pursuant to the terms of said Mortgage as supplemented, Applicant proposes to issue the New Bonds in a total principal amount not to exceed $33,000,000. The New Bonds will be dated March 1, 1959, will mature March 1, 1979, and will rank equally and ratably with Applicant's presently outstanding Bonds of the 2-3/4% Series due 1964, the 3-1/8% Series due 1969, the 3-3/4% Series due 1969, and the 3.35% Series due 1974. Interest on the New Bonds will be payable semi-annually on September 1 and March 1.

Applicant's witness testified that the New Bonds are to be purchased from Applicant by a group of underwriters headed by Dillon, Read & Co. Inc. and Eastman Dillon, Union Securities & Co. of New York, New York. He further stated that the interest rate on the New Bonds and the price at which said New Bonds will be sold to said underwriters and the price at which they will be offered to the public will be determined by the Applicant and the underwriters in the light

of the then existing market conditions immediately prior to the date on which Applicant's Registration Statement pertaining to the New Bonds and New Preferred Stock becomes effective under the Federal Securities Act of 1933; and that the interest rate on said bonds will be approximately 5% per annum.

The New Bonds will be secured equally and ratably with all other bonds, including said presently outstanding bonds, issued under the Mortgage hereinabove referred to by a valid and direct first lien on Applicant's property, including such of Applicant's pipelines and other property as is located in the State of Colorado, with certain exceptions set forth in said Exhibit 1.

In addition to the New Bonds, Colorado Interstate proposes to issue and sell 120,000 shares of said New Preferred Stock to a group of underwriters also headed by said Dillon, Read & Co. Inc. and said Eastman Dillon, Union Securities & Co. With regard to the dividend rate of the New Preferred Stock, Applicant's witness testified that the price at which said securities will be sold to said underwriters and the price at which they will be offered to the public will be also determined by the Applicant and the underwriters in the light of the then existing market conditions immediately prior to the date on which said Registration Statement becomes effective under the Federal Securities Act of 1933; and that the dividend rate on the New Preferred Stock will be approximately 6%.

From the evidence, and in particular from Exhibit No. 6 and from one of Applicant's witnesses, it was established that Colorado Interstate estimates that all the expenses which will be incurred in connection with the issuance and sale of the New Bonds and New Preferred Stock, including any discounts which may result from the sale of said securities to the underwriters at prices below par, will be approximately $1,000,000, i. e., $580,000 on the New Bonds and $420,000 on the preferred stock issue.

According to the testimony, the net proceeds to Colorado Interstate from the sale of the New Bonds and New Preferred Stock

will be used to pay Colorado Interstate's outstanding bank loans of $40,000,000 and the interest thereon, and the balance will be added to the general funds of the Applicant. The outstanding bank loans were made during 1956 and 1957 primarily in connection with Colorado Interstate's construction program. The sale of the New Bonds is contingent upon the sale of the New Preferred Stock and the sale of the New Preferred Stock is contingent upon the sale of the New Bonds.

It further appears from the evidence that Colorado Interstate has entered into a Credit Agreement dated as of February 16, 1959, with Guaranty Trust Company of New York under which it has the right, subject to certain conditions, to borrow for periods not to exceed one year a maximum of $25,000,000. At the time of the sale of the New Bonds and New Preferred Stock, Colorado Interstate proposes to borrow under such Credit Agreement the sum of $16,000,000, which will be added to Colorado Interstate's general funds.

Colorado Interstate expects, as a result of the refunds which it will make to its resale customers, to secure a refund of approximately $13,500,000 on account of Federal income tax payments which it has made. It was testified that Colorado Interstate not only intends to apply any such tax refund to the payment of the borrowings to be made under the Credit Agreement, but also that Colorado Interstate is obligated under the Credit Agreement so to apply any such tax refunds.

The evidence also establishes that immediately following the sale of the New Bonds and New Preferred Stock, Colorado Interstate will refund to its customers who purchased gas for resale to others a portion of the revenues collected by it subject to refund from such customers. The amounts to be refunded will aggregate $33,326,526 plus interest at the rate of 6% per annum to the date of payment, the total being $38,540,768 as of December 31, 1958, and approximately $39,000,000 at the time the refunds are made. The

funds for said refunds will be provided from Colorado Interstate's general funds. These refunds are the result of the settlement of three rate increase filings covering the period from January 1, 1954, through February 4, 1958. Said settlement has been approved by the Federal Power Commission by order issued December 30, 1958, in its Dockets Nos. G-2260, G-2576 and G-11717.

From the evidence it further appears that after giving effect to the issuance of the New Bonds, the aggregate principal amount of long-term indebtedness of Colorado Interstate which will then be outstanding will be approximately 58% of Colorado Interstate's total capital structure.

In support of the company's ability to earn its bond interest and meet the provisions of its original and supplemental indentures after issuance of the New Bonds it offered in evidence its consolidated balance sheet, actual and pro forma, dated December 31, 1958, and its consolidated statement of income for the year ending December 31, 1958, Exhibit No. 6.

It further was established by the evidence that Colorado Interstate intends to amortize over the life of said New Bonds the expenses incurred in the issuance and sale thereof, in accordance with the accounting rules of the Federal Power Commission.

Applicant, through its attorney, stated essentially that the question of whether or not Colorado Interstate is a public utility as defined in Section 115-1-2, Colorado Revised Statutes, 1953, and the question of whether or not this Commission has jurisdiction over Colorado Interstate and over the subject matter of the application herein will be finally determined as a result of said Case No. 5075 and said Civil Action No. 37784 now pending in the District Court in and for the County of El Paso, State of Colorado. And that to the extent that the Commission does or may have jurisdiction over the issuance of securities by Colorado Interstate, jurisdiction should be exercised in this proceeding without prejudice

to the right of Colorado Interstate to question that jurisdiction in any other proceeding or in any respect, including said civil action.

F I N D I N G S

THE COMMISSION FINDS:

That the question of jurisdiction of this Commission over Colorado Interstate in any degree is before the District Court in and for the County of El Paso, State of Colorado, Case No. 5075 and said Civil Action No. 37784.

That the Commission is fully advised in the premises.

That the foregoing Statement is made part of these Findings by reference.

That the proposed issue by Colorado Interstate of its First Mortgage Pipe Line Bonds, with interest rate of approximately 5% per annum, due 1979, in a principal amount not to exceed $33,000,000 and not to exceed 120,000 shares of its Cumulative Preferred Stock, with dividend rate of approximately 6%, Par Value $100 per Share, and the creation of a lien on its property by said New Bonds, the sale of said New Bonds and New Preferred Stock to groups of underwriters headed by said Dillon, Read & Co. Inc. and said Eastman Dillon, Union Securities & Co. at interest rate, dividend rate, prices to said underwriters and prices to the public to be determined as aforesaid, and the purposes for said issuance and sale of said securities, and for the creation of said lien are consistent with and permitted by the provisions of Chapter 115, Colorado Revised Statutes, 1953, and are not inconsistent with the public interest.

That the issuance by Colorado Interstate of said New Bonds and New Preferred Stock as hereinabove set forth is reasonably required and necessary for its corporate financing, for the repayment of outstanding bank loans, for the adding of funds to Applicant's general funds, and for the payment of rate refunds, as aforesaid.

O R D E R

THE COMMISSION ORDERS:

1. That the Applicant, Colorado Interstate Gas Company, be, and it hereby is, authorized and empowered to issue its First Mortgage Pipe Line Bonds, with interest rate of approximately 5% per annum, Series due 1979, in a total principal amount not to exceed $33,000,000 and to secure all of said Bonds by a Mortgage and Deed of Trust, dated July 1, 1954, as supplemented, on its property, including such of its property as is located in the State of Colorado.

2. That Colorado Interstate be, and it hereby is, authorized to sell said New Bonds to a group of underwriters headed by Dillon, Read & Co. Inc. and Eastman Dillon, Union Securities and Co. of New York, New York, at prices to said underwriters and the public and bearing interest at an exact rate to be determined by the Applicant and the underwriters in the light of the then existing market conditions immediately prior to the date on which Colorado Interstate's Registration Statement pertaining to the New Bonds and the New Preferred Stock becomes effective under the Federal Securities Act of 1933, which rate, however, shall be approximately 5%.

3. That Colorado Interstate Gas Company be, and it hereby is, authorized to issue not to exceed 120,000 shares of its Cumulative Preferred Stock, with dividend rate of approximately 6%, Par Value $100 per Share, and to sell said New Preferred Stock to a group of underwriters headed by said Dillon, Read & Co. Inc. and said Eastman Dillon, Union Securities and Co. at prices to said underwriters and the public and bearing an exact dividend rate to be determined by the Applicant and the underwriters in the light of the then existing market conditions immediately prior to the date on which the aforesaid Registration Statement becomes effective under the Federal Securities Act of 1933, which rate, however, shall be approximately 6%.

4. That the New Bonds and New Preferred Stock to be issued hereunder shall bear on the face thereof serial numbers for the purpose of easy identification.

5. That Colorado Interstate be, and it hereby is, authorized to amortize over the life of said New Bonds the expenses incurred in the issuance and sale thereof.

6. That Colorado Interstate be, and it hereby is, authorized to use and apply the proceeds derived from the issuance and sale of said New Bonds and New Preferred Stock to repay outstanding bank loans of $40,000,000 together with interest thereon and to add the balance to its general funds.

7. That Colorado Interstate be, and it hereby is, authorized to take such steps, actions and proceedings as may, in conformity with applicable laws and regulations, be necessary, incidental or appropriate to the full accomplishment of the transactions and each of them, hereinabove authorized.

8. That the Applicant shall make a verified report to this Commission not later than three months after the sale of the securities heretofore authorized, stating the interest rate of the New Bonds, the dividend rate of the New Preferred Stock, the prices at which said securities were sold to the underwriters and the public, the moneys received therefrom and the itemized expenses incident to such issuance and sale, and stating further the serial numbers placed on said securities. Applicant shall also file a copy of the final and effective Registration Statement and final copies of the supplemental indentures involved herein within said period.

9. That nothing herein shall be construed to imply any recommendation or guarantee of or any obligation with respect to said New Bonds and New Preferred Stock on the part of the State of Colorado, or any agency thereof.

10. That this order is made and entered without prejudice to the right of Colorado Interstate to deny and contest the jurisdiction asserted by this Commission in Decision No. 51598 and without

prejudice to Colorado Interstate fully and completely to assert and maintain its right, contentions and positions asserted in Case No. 5075, in the Application herein, and in said Civil Action No. 37784 or any appeal or other judicial review resulting from said action.

That the authority granted herein shall be authorized from and after this date, this Order hereby being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Hayes

Ralph C. Hoskins

Louis E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 9th day of March, 1959

ea

Original

(Decision No. 51873)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MARKET STREET TRANSFER & STORAGE CO., INC., 1615 MARKET STREET, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16880

March 10, 1959

Appearances: Stanford L. Hyman, Esq., and Wallace Vanderjagt, Esq., Denver, Colorado, for Applicant; R. B. Danks, Esq., Denver, Colorado, for Colorado Transfer & Warehousemen's Association and Weicker Transfer & Storage Company.

S T A T E M E N T

By the Commission:

On January 21, 1959, the applicant herein filed application for a certificate of public convenience and necessity for the transportation of general commodities, including, among other things, groceries, produce, liquors, foods of all kinds, clothing, household goods, machinery, equipment, and any and all other types of personal property within a ten-mile radius of the City and County of Denver, State of Colorado.

The matter was regularly set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., March 9, 1959, with due notice to all parties in interest.

When the matter was called for hearing, applicant introduced a telegram from his attorney, Stanford L. Hyman, wherein it was stated that said attorney could not be here on this date, and

and moved for a continuance of the matter to a later date, with notice to all parties in interest.

There being no objection to the motion, it was granted.

F I N D I N G S

THE COMMISSION FINDS:

That the instant matter should be continued to a future date convenient to the Commission.

O R D E R

THE COMMISSION ORDERS:

That hearing on the instant application should be, and it hereby is, continued, to be heard on a future date, at the convenience of the Commission, with due notice to all interested parties.

This Order shall become effective on the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Hogue

Joseph C. Horbert

Commissioners.

Dated at Denver, Colorado,
this 10th day of March, 1959.

ea

(Decision No. 51874)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LOUIE B. KNUDSEN, DOING BUSINESS AS,)
"KNUDSEN IMPLEMENT COMPANY")
1005 DENVER AVENUE,) PERMIT NO. M-4389
FORT LUPTON, COLORADO.)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Louie B. Knudsen, Dba Knudsen Implement Co., Fort Lupton, Colorado requesting that Permit No. M-4389 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4389, heretofore issued to Louie B. Knudsen, Dba Knudsen Implement Co., Fort Lupton, Colorado be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro

Ralph C. Horton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 16th day of March, 1959.

ds

(Decision No. 51875)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MR. AND MRS. CARL CALANTONIO)
BON CARBO, COLORADO.)
) PERMIT NO. M-11289
)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Mr. & Mrs. Carl Calantonio, Bon Carbo, Colorado requesting that Permit No. M-11289 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11289, heretofore issued to Mr. & Mrs. Carl Calantonio, Bon Carbo, Colorado be, and the same is hereby, declared cancelled effective March 7, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 16th day of March, 195 9.

ds

(Decision No. 51876)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE ALLEY, JR., DOING BUSINESS AS,)
ALLEY DISTRIBUTING COMPANY")
1838 MAIN) PERMIT NO. M-1718
DURANGO, COLORADO.)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George Alley, Jr., Dba Alley Distributing Co., Durango, Colorado requesting that Permit No. M-1718 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1718, heretofore issued to George Alley, Jr., Dba Alley Distributing Co., Durango, Colorado be, and the same is hereby, declared cancelled effective March 10, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jason C. Horton
Irene E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 16th day of March, 1959.

ds

(Decision No. 51877)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
RALPH A. POOL, DOING BUSINESS AS,)
"ALBUQUERQUE AUTO SALES")
6200 CENTRAL AVENUE, SOUTH EAST,) PERMIT NO. M-11399
ALBUQUERQUE, NEW MEXICO.)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ralph A. Pool, Dba Albuquerque Auto Sales, Albuquerque, New Mexico requesting that Permit No. M-11399 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11399, heretofore issued to Ralph A. Poolk Dba Albuquerque Auto Sales, Albuquerque, New Mexico be, and the same is hereby, declared cancelled effective February 28, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 16th day of March, 1959

ds

(Decision No. 51878)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LOUIS C. AND JOE E. MARTINEZ)
309 SPROUL,)
WALSENBURG, COLORADO.) PERMIT NO. M-12228
)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Louis C. & Joe E. Martinez, Walsenburg, Colorado requesting that Permit No. M-12228 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12228, heretofore issued to Louis C. & Joe E. Martinez, Walsenburg, Colorado be, and the same is hereby, declared cancelled effective February 16, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Raeph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 16th day of March, 195 9.

ds

(Decision No. 51879)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
N. N. AND MABEL M. BASINGER, DOING)
BUSINESS AS, "BASINGER FURNITURE")
969 ELM AVENUE,) PERMIT NO. M-14500
ROCKY FORD, COLORADO.)
_____)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from N. N. & Mabel M. Basinger, Dba Basinger Furniture, Rocky Ford, Colorado requesting that Permit No. M-14500 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14500, heretofore issued to N. N. & Mabel M. Basinger, Dba Basinger Furniture, Rocky Ford, Colorado be, and the same is hereby, declared cancelled effective March 12, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 16th day of March, 1959.

ds

(Decision No. 51880)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
PHILLIP C. AHLBERG, DOING BUSINESS)
AS, "A AND A VENDING")
2256 EMPORIA) PERMIT NO. M-15512
DENVER 8, COLORADO.)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Phillip C. Ahlberg, Dba A & A Vending, Denver, Colorado requesting that Permit No. M-15512 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15512, heretofore issued to Phillip C. Ahlberg, Dba A & A Vending, Denver, Colorado be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Raven C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 16th day of March, 1959.

ds

(Decision No. 51881)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
HOWARD J. WARGO AND SHELDON SEVERSON)
DOING BUSINESS AS, "WARGO AND SEVERSON")
40 KNOX STREET,) PERMIT NO. B-5118&I
LONGMONT, COLORADO.)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Howard J. Wargo & Sheldon Severson, Dba Wargo & Severson, Longmont, Colorado requesting that Permit No. B-5118&I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5118&I, heretofore issued to Howard J. Wargo & Sheldon Severson, Dba Wargo & Severson, Longmont, Colorado be, and the same is hereby, declared cancelled effective March 12, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Rigo
Jack C. Hodson
Commissioners

Dated at Denver, Colorado,
this 16th day of March, 1959.
ds

(Decision No. 51882)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM H. BARNES)
3367 "G" ROAD, ROUTE I,)
CLIFTON, COLORADO.) PERMIT NO. M-12851
)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William H. Barnes, Clifton, Colorado requesting that Permit No. M-12851 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12851, heretofore issued to William H. Barnes, Clifton, Colorado be, and the same is hereby, declared cancelled effective March 6, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 16th day of March, 1959.

ds

(Decision No. 51883)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
E. C. BAIRD, DOING BUSINESS AS,)
"O. K. RUBBER WELDERS")
889 FOREST,) PERMIT NO. M-8693
BOULDER, COLORADO.)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. C. Baird, Dba O. K. Rubber Welders, Boulder, Colorado requesting that Permit No. M-8693 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8693, heretofore issued to E. C. Baird, Dba O. K. Rubber Welders, Boulder, Colorado be, and the same is hereby, declared cancelled effective March 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 16th day of March, 1959.

ds

(Decision No. 51884)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JAMES WILLIS)
ROUTE 2,)
FORT MORGAN, COLORADO.) PERMIT NO. M-13784
)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from James Willis, Fort Morgan, Colorado requesting that Permit No. M-13784 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13784, heretofore issued to James Willis, Fort Morgan, Colorado be, and the same is hereby, declared cancelled effective February 24, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jacob C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 16th day of March, 195 9.

ds

(Decision No. 51885)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
HOLIDAY FOOD COMPANY, DIVISION OF)
SWIFT AND COMPANY)
601 KNOX AVENUE) PERMIT NO. M-8571
VAN BUREN, ARKANSAS.)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Holiday Food Co., Division of Swift and Co., Van Buren, Arkansas requesting that Permit No. M-8571 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8571, heretofore issued to Holiday Food Co., Division of Swift and Co., Van Buren, Arkansas be, and the same is hereby, declared cancelled effective March 5, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jacob C. Horton
Hugh E. Zallinger
Commissioners

Dated at Denver, Colorado,

this 16th day of March, 195 9.

ds

(Decision No. 51886)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT W. TRIMBLE)
ROUTE 4, POST OFFICE BOX 105)
GREELEY, COLORADO.) PERMIT NO. M-10416
)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert W. Trimble, Greeley, Colorado requesting that Permit No. M-10416 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10416, heretofore issued to Robert W. Trimble, Greeley, Colorado be, and the same is hereby, declared cancelled effective March 6, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 16th day of March, 1959.

ds

(Decision No. 51887)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT W. TRIMBLE)
ROUTE 4, POST OFFICE BOX 105,)
GREELEY, COLORADO.) PERMIT NO. B-4839
)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert W. Trimble, Greeley, Colorado requesting that Permit No. B-4839 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4839, heretofore issued to Robert W. Trimble, Greeley, Colorado be, and the same is hereby, declared cancelled effective March 6, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro

Commissioners

Dated at Denver, Colorado,

this 16th day of March, 1959.

ds

(Decision No. 51888)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS L. JOHNSTON)
513 WEST STREET)
FORT COLLINS, COLORADO.) PERMIT NO. M-12238
)
)

March 16, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Thomas L. Johnston, Fort Collins, Colorado requesting that Permit No. M-12238 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12238, heretofore issued to Thomas L. Johnston, Fort Collins, Colorado be, and the same is hereby, declared cancelled effective March 11, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Rizzo

Colin C. Tyson

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 16th day of March, 195 9.

ds

(Decision No. 51889)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS L. JOHNSTON)
513 WEST STREET)
FORT COLLINS, COLORADO.)

PUC NO. 3737

March 16, 1959

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 PUC No. 3737 be suspended for six months from March 11, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Thomas L. Johnston, Fort Collins, Colorado, be, and he is hereby, authorized to suspend his operations under PUC No. 3737 until September 11, 1959.

That unless said certificate-holder 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

Joseph F. Nigro
Jason C. Hurst
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 16th day of March 1959.

ds

original

(Decision No. 51890)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., BRIGHTON, COLORADO, FOR AUTHORITY TO EXTEND FACILITIES IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1-SOUTH, RANGE 68-WEST.

APPLICATION NO. 16884-Extension

March 16, 1959

S T A T E M E N T

By the Commission:

On February 24, 1959, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities to serve a pump owned by Paul Nordstrom, located in the Southeast Quarter of Section 5, Township 1-South, Range 68-West. The extension will involve the construction of approximately 3,000 feet of primary line and the estimated cost of the extension is $900.00.

This application was filed pursuant to the Commission's Order in Application No. 13576, Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing, if it so decides, and if there are no protests.

The Commission has examined the record and the files herein, and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter, will issue its Order granting the construction as requested. The Commission has received a letter from Public Service Company of Colorado, dated March

6, 1959, and a letter from Colorado Central Power Company, dated February 23, 1959, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074 previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to a pump owned by Paul Nordstrom, located in the Southeast Quarter of Section 5, Township 1-South, Range 68-West; and that Union Rural Electric Association, Inc., should be authorized to render said service.

O R D E R

THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity, to extend its facilities to serve a pump owned by Paul Nordstrom, located in the Southeast Quarter of Section 5, Township 1-South, Range 68-West, all in accordance with the application for electric service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which by reference, is made a part hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Commissioners..

Dated at Denver, Colorado,
this 16th day of March, 1959.

mls

(Decision No. 51891)

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 SECURITIES.

APPLICATION NO. 16914
Securities

STATEMENT

By the Commission:

Upon consideration of the application filed March 9, 1959, by Southern Union Gas Company, a Corporation, in the above-styled matter:

ORDER

THE COMMISSION ORDERS:

That a public hearing be held, commencing on March 25, 1959, at 9:00 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 March 19, 1959, 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

Joseph F. Hynes

Taylor C. Stafford

Commissioners

Dated at Denver, Colorado,
this 13th day of March, 1959.

(Decision No. 51892)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE ITEM NO. 535 (ANIMAL WATERING TANKS) AS PUBLISHED IN COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT, LOCAL AND JOINT FREIGHT TARIFF NO. 12-A, COLORADO P.U.C. NO. 11, TO BECOME EFFECTIVE MARCH 21, 1959.)	INVESTIGATION AND SUSPENSION DOCKET NO. 418

March 13, 1959

S T A T E M E N T

By the Commission:

There has been filed with The Public Utilities Commission of the State of Colorado by the Colorado Motor Carriers' Association, Agent, by Mr. J. R. Smith, Chief of Tariff Bureau, Denver, Colorado, a tariff containing schedules stating new exception ratings to the governing classification to become effective on the 21st day of March, 1959, designated as follows:

2nd Revised Page No. 74 to Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11:

Item No.	Exception to Ratings of the Governing Classification	Class Rating
535	Tanks, animal watering, iron or steel, plate or sheet, S.U., nested or not nested.	2 X 1

The said exception rating contained in said tariff will represent increases in certain instances depending upon the gauge of the metal in the tank. The information as submitted by the carriers to this Commission as justification for its publication does not sufficiently justify the exception rating as presented whereby the rights and interests of the public may be injuriously affected; therefore, it is the opinion of the Commission that the effective date of said schedule contained in said tariff should be postponed, pending a hearing and decision thereon.

F I N D I N G S

THE COMMISSION FINDS:

That it should enter upon a hearing concerning the lawfulness of the rates and charges which will result from the said exception to the Governing Classification and that the effective date of same be postponed pending said hearing and decision thereon.

O R D E R

THE COMMISSION ORDERS, That:

1. Upon its own motion, without formal pleading, it enter upon a hearing concerning the lawfulness of the rates and charges which will result from the publication of Item No. 535 to Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11, issued by Colorado Motor Carriers' Association, Agent, J. R. Smith, Chief of Tariff Bureau.

2. The said item be suspended and that the use of the item as stated in said tariff be deferred 120 days or until the 21st day of June, 1959, unless otherwise ordered by the Commission, and no changes shall be made in said item during said period of suspension or any extension thereof has expired.

3. A copy of this order be filed with said schedule in the office of the Commission and that copies hereof be forthwith served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, 4060 Elati Street, Denver 16, Colorado.

4. This Investigation and Suspension Docket No. 418 be and the same is hereby set for hearing before the Commission beginning April 13, 1959, at 10:00 O'clock A.M., in the hearing room of the Commission, 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Agnew

Frederic C. Hoehn

Commissioners

Dated at Denver, Colorado,
this 13th day of March, 1959.

mem

(Decision No. 51893)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRED A. CARROLL, DOING BUSINESS AS "CARROLL TRUCK LINE," BOX 288, HAYDEN, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16838-PP

March 18, 1959

Appearances: James H. Mosley, Esq., Craig, Colorado, for Applicant; Alvin J. Meiklejohn, Jr., Esq., Denver, Colorado, for copy of Order.

S T A T E M E N T

By the Commission:

By the instant application, applicant seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of coal, from mines within a radius of twenty-five miles of Hayden, Colorado, to points within said twenty-five mile radius of Hayden, Colorado; coal, from point to point within a radius of twenty-five miles of Craig, Colorado; sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of

fifty miles of said pits and supply points; rough lumber and poles, from sawmills within a radius of thirty miles of Hayden, Colorado, to planing mill at Hayden, Colorado.

Said application, after appropriate notice to all interested parties, was set for hearing, and heard, at the Court House in Craig, Colorado, at ten o'clock A. M., March 11, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has a net worth of $6,000; that he is well qualified by experience to carry on his proposed operations; that he has work lined up to do; and that he is familiar with the rules and regulations of the Commission and will abide by them if the authority sought is granted.

Applicant agreed that in the transportation of road-surfacing materials he would use only dump trucks.

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

It does not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

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:

The above and foregoing Statement is made a part of these Findings by reference.

That the authority sought should be granted, as limited in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Fred A. Carroll, doing business as "Carroll Truck Line,"

Box 288, Hayden, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; rough lumber and poles, from sawmills within a radius of thirty miles of Hayden, Colorado, to planing mill at Hayden, Colorado; coal, from mines within a radius of twenty-five miles of Hayden, Colorado to points within said twenty-five mile radius of Hayden, Colorado; coal, from point to point within a radius of twenty-five miles of Craig, Colorado, The transportation of road-surfacing materials authorized herein is limited to the use of dump trucks only.

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 authority sheets.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hayes

Frank C. Norton

James G. Hardesty

Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1959.

mls

original

(Decision No. 51894)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CECIL MURRAY, DOING BUSINESS AS "MURRAY'S TRUCKING & EXCAVATIONS," P. O. BOX 503, VERNAL, UTAH, FOR AUTHORITY TO TRANSFER PERMIT NO. B-3504 TO INTERMOUNTAIN CONCRETE COMPANY, 625 EAST MAIN STREET, (P. O. BOX 639), VERNAL, UTAH.	APPLICATION NO. 16839-PP-Transfer

March 18, 1959

Appearances: Cecil Murray, Vernal, Utah, pro se.

S T A T E M E N T

By the Commission:

Cecil Murray, doing business as "Murray's Trucking & Excavations," Vernal, Utah, is the owner and operator of Permit No. B-3504, authorizing:

> Transportation of gravel between points within a radius of 50 miles of Rangely, Colorado, excluding service in that part of said area in the State of Utah.

By the instant application, said permit-holder seeks authority to transfer his operating rights to Intermountain Concrete Company, a corporation, Vernal, Utah.

The application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House, Craig, Colorado, at ten o'clock A. M., March 11, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Cecil Murray, the transferor, appeared in support of the application, testifying that he wishes to transfer said Permit No. B-3504 to a corporation, of which he is the sole stockholder. He stated that he has had twelve years experience as a truck operator;

that he has ample equipment with which to carry on his operations, and has work lined up to do.

No one appeared in opposition to the granting of the application for transfer to the corporation.

The operating experience and financial responsibility of transferee corporation were established to the satisfaction of the Commission, and it appears that the transfer is compatible with the public interest and should be authorized.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is made a part of these Findings by reference.

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Cecil Murray, doing business as "Murray's Trucking & Excavations," P. O. Box 503, Vernal, Utah, should be, and he hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-3504 -- with authority as set forth in the above and foregoing Statement, which is made a part hereof by reference -- to Intermountain Concrete Company, a corporation, 625 East Main Street, Vernal, Utah, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The right of transferee to operate under this Order shall depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Eagin

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1959.

mls

original

(Decision No. 51895)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CLARENCE DALE SIMPSON AND GEORGE EARL SIMPSON, CO-PARTNERS, DOING BUSINESS AS "SIMPSON BROTHERS," 430 SCHOOL STREET, CRAIG, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16840-PP

March 18, 1959

Appearances: Clarence Dale Simpson,
Craig, Colorado, for
Applicants.

S T A T E M E N T

By the Commission:

By the instant application, Clarence Dale Simpson and George Earl Simpson, co-partners, doing business as "Simpson Brothers," Craig, Colorado, seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; coal, from mines within a radius of forty miles of Craig,

Colorado, to points within said forty-mile radius.

The application was regularly set for hearing, and heard, at the Court House in Craig, Colorado, at ten o'clock A. M., March 11, 1959, after due notice to all interested parties, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, Clarence Dale Simpson, one of the applicants, appeared and testified that George Earl Simpson and himself are operating under the name and style of "Simpson Brothers," as a co-partnership; that the net worth of the co-partnership is $10,000; that they are experienced truck operators, and that they have ample equipment with which to carry on their proposed operations. He agreed that they would be willing to limit their transportation of road-surfacing materials to the use of dump trucks only.

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

It does not appear that the proposed service of applicants will impair the efficiency of any common carrier service operating in the territory which applicants seek to serve.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is made a part of these Findings by reference.

That the instant application should be granted, as limited in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Clarence Dale Simpson and George Earl Simpson, co-partners, doing business as "Simpson Brothers," 430 School Street, Craig, Colorado, should 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, and other road-surfacing materials used in

the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; coal from mines within a radius of forty miles of Craig, Colorado, to points within said forty mile radius. The transportation of road-surfacing materials authorized herein is to be limited to the use of dump trucks, only.

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 authority sheets.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1959.

mls

Original

(Decision No. 51896)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MOON LAKE ELECTRIC ASSOCIATION, INC., VERNAL, UTAH, FOR AN EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.) APPLICATION NO. 16638-Extension

March 18, 1959

Appearances: George E. Stewart, Esq., Roosevelt, Utah, and Ron C. Harrison, Vernal, Utah, for Applicant; Eugene Mast, Esq., Grand Junction, Colorado, for Grand Valley Rural Power Lines, Inc.; Lee, Bryans, Kelly and Stansfield, Esqs., by Bryant O'Donnell, Esq., Denver, Colorado, for Public Service Company of Colorado, as their interests may appear; Edwin R. Lundborg, Esq., Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

This is an application by Moon Lake Electric Association, Inc., hereinafter referred to as "Applicant," for a certificate of public convenience and necessity to exercise franchise rights in the Town of Artesia, Moffat County, Colorado.

The matter was set for hearing after due notice to all interested parties, on January 23, 1959, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

No petitions of intervention were filed with the Commission prior to the hearing, and no one appeared at the hearing in opposition

to this application.

Applicant is a Utah corporation, organized under the co-operative section of the statutes of the State of Utah, qualified to do business in the State of Colorado, and is engaged, primarily, in the business of generating, purchasing, transmitting, distributing and selling electricity in portions of Moffat, Rio Blanco and Garfield Counties in Colorado, and other areas in the State of Utah.

Certified copies of Applicant's Articles of Incorporation, as amended to date, are on file with this Commission.

Applicant showed that this Commission, by its Decision No. 50562, dated July 7, 1958, approved the acquisition by Applicant of the Artesia Light and Power Company. It seeks in this application a certificate of convenience and necessity to exercise franchise rights granted by the Town of Artesia to Applicant's predecessor, Artesia Light and Power Company. Exhibit "A" in Application No. 16387 is a copy of the franchise ordinance. Applicant has submitted a late-filed certified copy of the ordinance granted by the Board of Trustees of the Town of Artesia, duly passed, adopted, and entitled as follows:

> AN ORDINANCE GRANTING TO I. W. COX, HIS SUCCESSORS AND ASSIGNS, AN ELECTRICAL FRANCHISE, AND THE RIGHT TO CONSTRUCT, INSTALL, OPERATE AND MAINTAIN AN ELECTRIC PLANT AND DISTRIBUTION SYSTEM IN THE TOWN OF ARTESIA, COLORADO, PRESCRIBING THE TERMS OF SAID GRANT AND RELATING THERETO.

The term of the franchise is for a period of twenty years from the date of its adoption in April, 1948. As above indicated, Applicant acquired this franchise from the Artesia Light and Power Company along with other assets of said corporation by assignment, which assignment was approved by this Commission, in Decision No. 50562, dated July 7, 1958.

Applicant seeks from this Commission a certificate of public convenience and necessity to exercise franchise rights granted to it by the Town of Artesia.

Witness for Applicant testified it has been serving the Town of Artesia since May 20, 1958, and in adjacent rural areas for a substantial period of time prior to that. There is no other public utility within the area engaged in the business of furnishing electricity. The total number of customers within the area for which the certificate is sought is 125. From the date of this application to the expiration of the franchise, Applicant anticipates a total expenditure for capital improvements of $30,000. This amount will be used as the basis for the fee to be charged for the issuance of the certificate sought herein, but will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

The Commission has reviewed this application and the evidence presented herein by Applicant in support thereof, and believes the public convenience and necessity requires, and will require, the exercise by Applicant of the franchise rights granted by the Town of Artesia.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Moon Lake Electric Association, Inc., Vernal, Utah, and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

That the above Statement be made a part of these Findings by reference.

That public convenience and necessity require, and will require, the exercise by Applicant of the franchise rights granted by the Town of Artesia, for the purchase, generation, transmission, distribution and sale of electricity in the said Town, and the authority sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise by Applicant, Moon Lake Electric Association,

Inc., of the franchise rights granted in and by Ordinance of the Town of Artesia, Colorado, dated April, 1948, identified herein as late-filed Exhibit "A"; which exhibit, by reference, is made a part hereof, for the purchase, generation, transmission, distribution and sale of electricty in said Town, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That Applicant shall continue the installation, operation and maintenance of its electric system and supply of service in the above-designated area in accordance with its schedules of rates, rules and regulations now on file with this Commission, or as the same may hereafter be amended or changed by law or the rules of this Commission.

Applicant shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts as prescribed by this Commission and shall continue to keep its practices in accordance with the "Rules Regulating the Service of Gas and Electric Utilities," as prescribed by this Commission now in effect and as they may hereafter be amended.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Hyra

Joseph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1959.

ea

original

(Decision No. 51897)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF D. I. THORNTON, BOX 241, CRAIG, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16841-PP

March 18, 1959

Appearances: D. I. Thornton, Craig, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, applicant seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of coal, from Red Wing Mine, located 30 miles south of Craig, Colorado, on Highway No. 13, to Craig, Colorado.

The application was regularly set for hearing, with due notice to all interested parties, at the Court House in Craig, Colorado, at ten o'clock A. M., March 11, 1959, where the matter was heard and taken under advisement.

At the hearing, the evidence disclosed that applicant has a net worth of $1,000, and has been operating a 1952 three-ton Ford truck and is experienced in the transportation of coal, which he wishes to continue.

The evidence further disclosed that applicant has work lined up to do; that he is familiar with the rules and regulations of the Commission and will abide by them if the authority sought is granted.

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

It does not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

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 herein should be granted.

O R D E R

THE COMMISSION ORDERS:

That D. I. Thornton, Craig, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal from Red Wing Mine located thirty miles south of Craig, Colorado, on Highway No. 13, to Craig, 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 authority sheets.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph E. Hogan

Ralph C. Norton

Glenn E. Sullenger

Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1959.
ea

Original

(Decision No. 51898)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF NORTHWEST UTILITIES COMPANY, 8826 NORTH WASHINGTON STREET, THORNTON, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AUTHORIZING EXTENSION OF FACILITIES TO SUPPLY WATER AND SEWAGE FACILITIES IN VALLEY VISTA DEVELOPMENT, ADAMS COUNTY, STATE OF COLORADO.

APPLICATION NO. 16779-Extension

March 18, 1959

Appearances: Barry and Dawkins, Esqs., 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 Barry and Dawkins, Attorneys for Applicant herein, stating applicants no longer desire to prosecute the above-styled application, and requesting dismissal thereof.

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 Application No. 16779 should be, and the same hereby is, dismissed, without prejudice, as requested by Attorneys for Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph E. Rogers
Eugene C. Hotard
Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1959.
ea

(Decision No. 51899)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WESTERN HILLS UTILITY COMPANY, 8826 NORTH WASHINGTON STREET, THORNTON, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO SUPPLY WATER AND SEWAGE SERVICE TO PARTS OF SECTIONS 27, 28, 33 AND 34, TOWNSHIP 2-SOUTH, RANGE 68-WEST, IN ADAMS COUNTY, STATE OF COLORADO.	APPLICATION NO. 16726

March 18, 1959

Appearances: Barry and Dawkins, Esqs.,
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 Barry and Dawkins, Attorneys for Applicant herein, stating applicants no longer desire to prosecute the above-styled application, and requesting dismissal thereof.

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 Application No. 16726 should be, and the same hereby is, dismissed, without prejudice, at request of Attorneys for Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Ralph C. Hoban

Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1959.
ea

(Decision No. 51900)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE PETITION OF NATIONAL BUS TRAFFIC ASSOCIATION, INC., AGENT, FOR AND ON BEHALF OF CERTAIN NAMED MOTOR CARRIERS OF PASSENGERS FOR AUTHORITY TO MAKE CERTAIN CHANGES IN COLORADO CHARTER COACH TARIFF NO. A-70, COLORADO P.U.C. NO. 36, MORE FULLY HEREINAFTER SET FORTH.

APPLICATION NO. 1606, ET AL.

March 13, 1959

STATEMENT

By the Commission:

On November 6, 1958, the Commission assigned the above designated petition (No. 34) for a public hearing on November 25, 1958, at 10:00 A.M., in the hearing room of the Commission, 330 State Office Building, Denver, Colorado. (Decision No. 51215)

On November 13, 1958, the November 25, 1958 hearing was vacated and reset for December 15, 1958, at the same time and place. The hearing was held on December 15, 1958, and at its conclusion the matter was taken under advisement.

On February 16, 1959, the Commission issued its order (Decision No. 51747) prescribing the changes sought in said Application No. 34 to become effective on March 16, 1959, on fifteen (15) days' notice, in the manner prescribed by law and the rules of this Commission.

In serving copies of the order (Decision No. 51215) assigning the matter for hearing the staff of the Rate Department of the Commission inadvertently overlooked sending copies to authorized motor vehicle common carriers other than those carriers who are parties to the National Bus Traffic Association, Inc., Tariffs, nor were such carriers served with a copy of Decision No. 51747 when issued.

The carriers who now have their own charter bus tariffs on file with the Commission are as follows, viz.:

Colorado Springs Transit Co., Colorado Springs, Colorado;

Denver Tramway Corporation, Denver, Colorado;

Harold L. Lesh, D/B/A Glenwood-Aspen Stages, Aspen, Colo.;

Cecil J. Watson, Salida, Colorado.

The Commission is now in receipt of a petition from The Denver Tramway Corporation requesting that the matter be re-opened and be re-heard and that the effective date of the rates prescribed in Decision No. 51747 be postponed, insofar as same would be applicable to said Denver Tramway Corporation, pending such a hearing and decision thereon.

The Commission does not believe the effective date (March 16, 1959) of National Bus Traffic Association, Inc., Tariff No. A-290 should be postponed. However, the rates contained therein should not be considered as prescribed rates for those motor vehicle common carriers who issue their own publications, pending the time when such carriers may be given an opportunity to be heard and to present such evidence and testimony as they may feel is germane to the issues involved.

F I N D I N G S

THE COMMISSION FINDS, That:

1. Its order entered under Decision No. 51747 should not be considered as prescribed rates for charter party trips in connection with the operation of the following motor vehicle common carriers, viz.:

Colorado Springs Transit Co., Colorado Springs, Colorado;

Denver Tramway Corporation, Denver, Colorado;

Harold L. Lesh, D/B/A Glenwood-Aspen Stages, Aspen, Colo.;

Cecil J. Watson, Salida, Colorado;

pending the time when such carriers may be given an opportunity to appear and be heard and offer such evidence and testimony as they may feel is germane to the issues involved.

2. A further hearing should be held in order that all interested parties may be given an opportunity to present such evidence and testimony as they feel is pertinent to the issues involved herein.

O R D E R

THE COMMISSION ORDERS, That:

1. This order shall become effective forthwith.

2. The rates and changes affected by Decision No. 51747 shall not be considered as prescribed rates for charter party trips for motor vehicle common carriers who issued their own publications, pending a further order of the Commission in this proceeding.

3. A further hearing shall be held on April 6, 1959, before the Commission, beginning at 10:00 O'clock A.M., in Room 330, State Office Building, Denver, Colorado, for the receiving of such evidence and testimony as any interested party or parties may desire to present that is pertinent to the issues involved herein.

4. The further hearing is without prejudice to change, modify or amend the conclusion and order entered under Decision No. 51747, dated February 16, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Ralph C. Hanlon

Commissioners

Dated at Denver, Colorado,
this 13th day of March, 1959.

original

(Decision No. 51901)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF RAYMOND NEFF, ECKLEY, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-1502 TO FLOYD K. CUMLEY, DOING BUSINESS AS "F. K. CUMLEY," WRAY, COLORADO.

APPLICATION NO. 16878-PP-Transfer

March 18, 1959

Appearances: Raymond Neff, Eckley, Colorado, pro se;
Floyd K. Cumley, Wray, Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, Raymond Neff, Eckley, Colorado, was authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

> farm products (including livestock), farm supplies, (specifically including farm machinery, farm equipment, furniture, coal, cement, and building materials), from point to point within the area bounded by the Yuma County Line on the north and east, and extending ten miles west and fifteen miles south of Wray, Colorado; farm products (including livestock) and farmers' machinery and equipment (including household goods) from and to points in said area, to and from points in the State of Colorado, with backhaul of coal from the northern Colorado coal fields, and cement from Boettcher, Colorado,

and Permit No. B-1502 issued to him.

By the above-styled application, said permit-holder seeks authority to transfer said Permit No. B-1502 to Floyd K. Cumley, doing business as "F. K. Cumley," Wray, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 5, 1959, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On March 4, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting the hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, Raymond Neff, transferor herein, testified he has entered into an agreement with Floyd K. Cumley, transferee herein, for transfer of Permit No. B-1502; that the consideration for transfer of said operating rights is the sum of $1,000; that there are no outstanding unpaid operating obligations against said permit.

Floyd K. Cumley testified he is presently operating under Temporary Authority issued by this Commission; that he is the owner of a 1958 and a 1954 Ford Tractor, together with two trailers; that he has a net worth of approximately $10,000; that he is also the owner of Permit No. B-5483.

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

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

Report of the Examiner recommends that transfer of operating rights herein sought should be authorized.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and hereby is, approved.

That Raymond Neff, Eckley, Colorado, should be, and he hereby is, authorized to transfer all right, title, and interest in and to Permit No. B-1502 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Floyd K. Cumley, doing business as "F. K. Cumley," Wray, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

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 the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1959.

mls

Original

(Decision No. 51902)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. B. WHITE, DOING BUSINESS AS "M & W EXPRESS COMPANY," 401 N. E. 27TH STREET, OKLAHOMA CITY, OKLAHOMA, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO M & W EXPRESS, INC., 401 N. E. 27TH STREET, OKLAHOMA CITY, OKLAHOMA.	PUC NO. 3350-I-Transfer

March 18, 1959

S T A T E M E N T

By the Commission:

Heretofore, J. B. White, doing business as "M & W Express Company," Oklahoma City, Oklahoma, was granted a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and PUC No. 3350-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to M & W Express, Inc., Oklahoma City, Oklahoma.

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That J. B. White, doing business as "M & W Express Company,"

Oklahoma City, Oklahoma, should be, and he hereby is, authorized to transfer all right, title, and interest in and to PUC No. 3350-I to M & W Express, Inc., Oklahoma City, Oklahoma, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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 March, 1959.

mls

(Decision No. 51903)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF VERLYNN O. AUGUSTIN, DOING BUSINESS AS "AUGUSTIN MANUFACTURING COMPANY," 1810 WEST PLATTE, COLORADO SPRINGS, COLORADO.	PERMIT NO. M-12252 CASE NO. 88854-INS.

March 18, 1959

S T A T E M E N T

By the Commission:

On February 25, 1959, in Case No. 88854-Ins., the Commission entered its Order, revoking Permit No. M-12252 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-12252 should be, and the same hereby is, reinstated, as of February 25, 1959, revocation order entered by the Commission on said date in Case No. 88854-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Myers

Ralph L. Hatton

Alex E. Zuckerman

Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1959.

ea

(Decision No 51904)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF MARTIN MC GUIRE, 2165 SOUTH ST. PAUL STREET, DENVER, COLORADO.	)	PUC NO. 3371

March 16, 1959

Appearances: E. L. Reilly, Denver, Colorado, for Martin McGuire.

S T A T E M E N T

By the Commission:

Heretofore, Martin McGuire, Denver, Colorado, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, and PUC No. 3371 issued to him.

On May 22, 1958, the Commission entered its Decision No. 50312, authorizing said certificate-holder to suspend operations under said PUC No. 3371 until November 1, 1958.

The Commission is now in receipt of a communication from said Martin McGuire, as follows:

> "*** I have been in the hospital for the past few months and inadvertently failed to request further extension of suspension period. I am now out of the hospital and wish to start operating under my authority."

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 3371 should be, and the same hereby is,

reinstated, as of this date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Rogers

Ralph C. Talbot

Henry McElroy

Commissioners.

Dated at Denver, Colorado,
this 16th day of March, 1959.

ea

Original

(Decision No. 51905)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROBERT T. WHITE, BOX 213, STEAMBOAT SPRINGS, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.) APPLICATION NO. 16882-PP

March 18, 1959

Appearances: Robert T. White, Steamboat Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of unfinished timber products, from Routt National Forest, to pole-peeling yards in Steamboat Springs, Colorado.

The application was regularly set for hearing, and heard, at the Court House in Craig, Colorado, at ten o'clock A. M., March 11, 1959, after due notice to all interested parties, and at the conclusion of the hearing, the matter was taken under advisement by the Commission.

The applicant appeared in support of his application and testified that his net worth is $15,000; that he operates a 1949 GMC truck, and has experience as a truck operator in his line of work; that he is familiar with the rules and regulations of the Commission and will abide by them if the authority sought is granted.

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

It does not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating

in the territory which applicant seeks to serve.

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

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 Robert T. White, Box 213, Steamboat Springs, Colorado, should be, and is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of unfinished timber products, from Routt National Forest, to pole-peeling yards in Steamboat Springs, 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 authority sheets.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Nigro

Ralph S. Horton

Dennis E. Gallegos

Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1959.
ea

(Decision No. 51906)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WALES TRUCKING COMPANY, 319 FOREST AVENUE, DALLAS, TEXAS, FOR AUTHORITY TO TRANSFER PUC NO. 1826 TO B. F. WALKER, INC., 100 WEST 7TH STREET, FORT WORTH, TEXAS.	APPLICATION NO. 16873-Transfer SUPPLEMENTAL ORDER

March 18, 1959

Appearances: Truman A. Stockton, Jr., Esq., Denver, Colorado, for Transferor and Transferee;
Carll V. Kretsinger, Esq., Kansas City 6, Missouri, for J. L. Cox & Son, Inc., and J. O. "Red" Willett Pipeline Stringing Corporation, as his interest may appear;
Alvin J. Meiklejohn, Jr., Esq., Denver, Colorado, for Stanton Transportation Company.

S T A T E M E N T

By the Commission:

On March 4, 1959, by Decision No. 51840, the Commission authorized the transfer of Certificate of Public Convenience and Necessity No. 1826 by Wales Trucking Company, the transferor herein, to B. F. Walker, Inc., transferee.

Subsequently, on March 13, 1959, Stanton Transportation Company, a protestant herein, by its attorney, filed an application for rehearing, wherein they contend:

(1) The Commission did not consider all of the evidence.

(2) A Certificate of Public Convenience and Necessity may be transferred only if the transfer is in the public interest.

(3) Dormancy of operations of the transferor or cessation of operations of the transferor of a certificate of public convenience

and necessity must be considered by the Commission in assessing whether or not a proposed transfer is in the public interest.

Finally, the protestant Stanton Transportation Company asked that the Commission grant a rehearing of the application and suggests, under our interpretation of the motion, that they be granted oral argument and the privilege of filing briefs.

In considering this request, we have considered the record and the motion, and are of the opinion that protestant Stanton Transportation Company by its motion attacks only the judgment and discretion of the Commission. We have carefully reviewed our statutes and law governing transfers and are unable to discover the interpretation placed on said statutes by protestant's motion. The Commission is genuinely interested how, under the most favorable interpretation of the evidence in favor of protestant's contention, we can deny the transfer when they admit in their motion by positive allegation: "At this point, we should state that Stanton Transportation Co. does not assert that this Commission should cancel this certificate. That is an altogether different thing which would have to be done under appropriate provisions of the Public Utilities Act."

This motion raises a very important question in the regulation of motor carriers, and we deem that careful thought and consideration should be given this question before a final determination is had. The Commission, in our opinion, recognizes its duty to the general public. We have never felt that large carriers or utilities should dictate to the Commission its policy, rather we should be governed by the honest judgment of the Commissioners. However, our judgment may be in error, and to protect the public interest, we have determined, as a precautionary measure, that protestant be permitted to present its case more fully in oral argument before the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the motion for rehearing be set for oral argument at a future date to be determined by the Commission, with notice to all parties in interest.

O R D E R

THE COMMISSION ORDERS:

That the motion for rehearing filed by Alvin J. Meiklejohn, Jr., Attorney for Stanton Transportation Company, be set for oral argument at a future date to be determined by the Commission, with notice to all parties of record.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 18th day of March, 1959.

ea

Original

(Decision No. 51907)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DONALD L. GOOD, DOING BUSINESS AS "BOULDER TRANSFER COMPANY," 835 NINTH STREET, BOULDER, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-1114.	APPLICATION NO. 16898-PP-Extension

March 19, 1959

Appearances: Ray A. Gunning, Esq., Boulder, Colorado, for Applicant;
Raymond B. Danks, Esq., Denver, Colorado, for Colorado Transfer & Warehousemen's Association;
W. E. McCarthy, Boulder, Colorado.

S T A T E M E N T

By the Commission:

Donald L. Good, doing business as "Boulder Transfer Company," Boulder, Colorado, is the owner and operator of Permit No. B-1114, authorizing:

> transportation of light freight and baggage for regular Boulder customers from Boulder, Colorado, with a pickup radius of five miles around the City to various points in Colorado, as required by said customers. No general freight hauling in competition with authorized scheduled carriers is contemplated. Authority limited to points within a radius of fifty miles of Boulder, Colorado; light freight and baggage for regular Boulder customers, from point to point within the City of Boulder, Colorado.

By application filed February 27, 1959, said permittee seeks authority to extend operations under Permit No. B-1114, to include the right to transport household furniture, from point to point within the City of Boulder, Colorado, and a five-mile radius thereof, and from points within the City of Boulder,

Colorado, and a five-mile radius thereof, to points within a radius of fifty miles of Boulder, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Boulder, Colorado, March 13, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

It appears from the evidence that the applicant Good purchased Permit No. B-1114 with the understanding that he could haul household goods; that Permit No. B-1114 does not specifically provide for such type of hauling; that for eight months he has served about four customers per week in such type of hauling; and, that his predecessor owners engaged in such hauling.

Several witnesses testified in his behalf and stated that they had difficulty in obtaining the moving of their furniture after making a number of attempts to obtain others to do the hauling, and that Mr. Good, when contacted, did the hauling and gave good service. One of the witnesses testified he could not obtain service from others unless he waited for approximately six weeks.

Mr. Good testified that he did not inquire about his authority at the Public Utilities Commission. He was stopped by a Commission Order and made this application. Mr. Good operates from his home and has a one and one-half-ton Van, and is willing that his authority be limited to such equipment, and that his office be limited to Boulder, Colorado. He proposes to use his son, a student, in his operations.

Witnesses testifying in protest testified that their companies can at all times provide service within twenty-four hours; that they had periods when their equipment was idle; and that, if more business came along they would be in a position to add equipment. None of these witnesses testified that the applicant, or his predecessor, had taken away any customers.

No one denied that for many years household goods had been hauled by the applicant and his predecessors without complaint,

except for the one above mentioned.

It does not appear that applicant's proposed extended operation will impair the efficiency of any motor vehicle common carrier service with which he will compete.

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:

The above and foregoing Statement is hereby made a part of these Findings by reference.

That authority sought should be granted, as limited in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Donald L. Good, doing business as "Boulder Transfer Company," Boulder, Colorado, should be, and he is hereby, authorized to extend operations under Permit No. B-1114, to include the right to transport household furniture, from point to point within the City of Boulder, Colorado, and a five-mile radius thereof, and from points within the City of Boulder, Colorado, and a five-mile radius thereof, to points within a radius of fifty miles of Boulder, Colorado; operations hereunder to be limited to the use of one and one-half-ton Van; and that his office be limited to Boulder, Colorado.

That this Order is made part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Lyon

Ruth C. Horton

Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1959.

ea

Original

(Decision No. 51908)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF KENNETH FLEMING, 561 SUNNY SIDE LANE, BOULDER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16886

March 19, 1959

Appearances: W. E. McCarthy, Esq.,
Boulder, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

By application filed January 2, 1959, Kenneth Fleming, Boulder, Colorado, seeks authority to operate as a common carrier by motor vehicle for hire, for the transportation of trash, rubbish, refuse, garbage, matter, refuse trees and tree limbs; refuse coal, wood, timber, lumber, sand, gravel, furniture; and all and every item of a similar refuse or junk nature, within a radius of the City of Boulder, Colorado, and within five miles thereof, with the right to go to and from the Boulder City dump, regardless of where the same may be.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Boulder, Colorado, March 13, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified, among other things, that his assets were approximately $12,000, and his liabilities $10,000; that he is ready, willing and able to engage in the business of hauling ashes

and trash; that there is a need for his services within Boulder and within a radius of five miles of Boulder; and, that he will purchase a one-ton truck for such hauling. Applicant submitted Petition signed by approximately 125 people, stating the need for such service.

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.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier motor vehicle service operating in the territory which applicant seeks to serve.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle, call and demand, service of Kenneth Fleming, Boulder, Colorado, for the transportation of ashes, trash, rubbish, refuse, garbage, matter, refuse trees and tree limbs; refuse coal, wood, timber, lumber, sand, gravel, furniture; and all and every item of a similar refuse or junk nature, within a radius of the City of Boulder, Colorado, and within five miles thereof, with the right to go to and from the Boulder City dump, regardless of where the same may be, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1959.

ea

original

(Decision No. 51909)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRONTIER AIRLINES, INC., STAPLETON AIRPORT, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AUTHORIZING SERVICE TO STERLING, COLORADO, BETWEEN THE TERMINAL POINT OF DENVER AND EASTERN POINTS.	APPLICATION NO. 16881

March 19, 1959

Appearances: Scott Whitney, Esq., Denver, Colorado, for Applicant;
W. F. Bridgeman, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On February 13, 1959, Frontier Airlines, Inc., the applicant herein, filed its application for a certificate of public convenience and necessity, authorizing service to Sterling, Colorado, between the terminal point of Denver and eastern points.

The above application was regularly set for hearing, and heard, at 330 State Office Building, Denver, Colorado, on March 9, 1959, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that on December 8, 1958, the Civil Aeronautics Board in Washington, D. C., awarded certain routes to Frontier Airlines, and included in such authority was the right to provide scheduled service between Denver and Sterling, Colorado.

The applicant now wishes to have the authorization of this Commission to render service in intrastate commerce.

The applicant placed in evidence eight exhibits which had heretofore been submitted to the Civil Aeronautics Board, on the basis of which the said Board determined that public convenience and necessity require Frontier's proposed service between Denver and Sterling. The exhibits consist of financial statements, the authority granted by the Civil Aeronautics Board, maps showing the proposed routes of Frontier Airlines, and the proposed schedules that applicant will use when the service is instituted.

The applicant is a company already engaged in conveying passengers presently operating under a certificate issued by this Commission.

No one appeared protesting the granting of the application, and from the record before us, it clearly appears that the institution of this service by Frontier Airlines is needed by the people of Sterling, and the granting of same would be in the public interest.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is made a part of these Findings by reference.

That public convenience and necessity require the granting of the proposed airline service of the applicant herein.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the transportation of passengers by airplane, on schedule, of Frontier Airlines, Inc., Stapleton Airport, Denver, Colorado, between the terminal point of Denver, Colorado, and Sterling, Colorado, in intrastate commerce, 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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1959.

mls

(Decision No. 51910)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF HERBERT L. BAUMGARDNER, DOING BUSINESS AS "CANON CITY CABS," 729 RIVER STREET, CANON CITY, COLORADO.	)	PUC NO. 1524

March 19, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Herbert L. Baumgardner, Canon City, Colorado, owner and operator of PUC No. 1524, requesting that the records of the Commission be changed to show his trade name to be "Canon City Cabs & Delivery Service," rather than "Canon City Cabs."

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 Secretary of the Commission is hereby directed to change the records of the Commission to show "Herbert L. Baumgardner, doing business as 'Canon City Cabs & Delivery Service,'" rather than "Herbert L. Baumgardner, doing business as 'Canon City Cabs,'" to be the owner and operator of PUC No. 1524.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Frank C. Holland

Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1959.

mls

original

(Decision No. 51911)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF HERBERT L. BAUMGARDNER, DOING BUSINESS AS "CANON CITY CABS," 729 RIVER STREET, CANON CITY, COLORADO.	)	PUC NO. 1525

March 19, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Herbert L. Baumbardner, Canon City, Colorado, owner and operator of PUC No. 1525, requesting the records of the Commission be changed to show his trade name to be "Canon City Cabs & Delivery Service," rather than "Canon City Cabs,"

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 Secretary of the Commission is hereby directed to change the records of the Commission to show "Herbert L. Baumgardner, doing business as 'Canon City Cabs & Delivery Service,'" rather than "Herbert L. Baumgardner, doing business as 'Canon City Cabs,'" to be the owner and operator of PUC No. 1525.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Eagan

Robert C. Norton

Henry E. Pulcipher

Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1959.

mls

original

(Decision No. 51912)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JACK N. MURPHY, ROUTE 1, GRAND JUNCTION, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16657-PP
SUPPLEMENTAL ORDER

March 19, 1959

Appearances: Leslie Kehl, Esq., Denver, Colorado, for R. B. "Dick" Wilson, Inc.

S T A T E M E N T

By the Commission:

On October 31, 1958, the Commission entered its Decision No. 51189 in the above-styled application, granting to applicant herein a Class "B" permit, authorizing him to operate as a private carrier by motor vehicle for hire, for the transportation of:

> sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

Applicant herein has now informed the Commission he no longer desires to operate under said operating rights, and requests cancellation thereof.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be cancelled, as requested by applicant herein.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to applicant herein by Decision No. 51189, of date October 31, 1958, should be, and the same hereby are, cancelled and revoked, upon request of said applicant.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hagus
Ralph C. Norton
Commissioners.

Dated at Denver, Colorado,
this 19th day of March, 1959.

mls

Original

(Decision No. 51913)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF L. C. RICE, GENERAL DELIVERY, DOLORES, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16606-PP SUPPLEMENTAL ORDER

March 20, 1959

Appearances: Marion Smyser, Esq., Denver, Colorado, for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

On November 5, 1958, the Commission entered its Decision No. 51204 in the above-styled application, granting to applicant herein a Class "B" private carrier permit, authorizing transportation of:

> logs and rough lumber, from point to point within a radius of fifty miles of Dolores, Colorado.

Applicant has now informed the Commission that all his operations in Colorado have ceased.

F I N D I N G S

THE COMMISSION FINDS:

That operating rights granted by Decision No. 51204 should be cancelled.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to applicant herein by Decision No. 51204, of date November 5, 1958, should be, and hereby are, cancelled and revoked.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

ea

Original.

(Decision No. 51914)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROY LEE SETTLE, CLOVIS, NEW MEXICO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16721-PP SUPPLEMENTAL ORDER

March 20, 1959

S T A T E M E N T

By the Commission:

On December 17, 1958, the Commission entered its Decision No. 51403 in the above-styled matter, granting to applicant herein a Class "B" permit, authorizing him to operate as a private carrier by motor vehicle for hire, for the transportation of:

> sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, transportation of road-surfacing materials to be limited to the use of dump trucks, only.

Applicant herein has now advised the Commission he no longer desires to operate under authority granted by said Decision No. 51403.

F I N D I N G S

THE COMMISSION FINDS:

That operating rights granted by Decision No. 51403 should be cancelled.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Roy Lee Settle, by Decision No. 51403, of date December 17, 1958, should be, and the same hereby are, cancelled and revoked.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Hogan

Ralph C. Hoban

Henry J. Mullens

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

ea

(Decision No. 51915)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PHILIP DEWALD, DOING BUSINESS AS "PHIL'S EXPRESS," 1800 ARAPAHOE STREET, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3501 TO HENRY RUPPLE, DOING BUSINESS AS "WESTERN EXPRESS," 3575 IVANHOE STREET, DENVER, COLORADO.	APPLICATION NO. 16876-Transfer

March 20, 1959

Appearances: Philip Dewald, Denver, Colorado, pro se;
Raymond B. Danks, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen's Association, Centennial Truck Lines.

S T A T E M E N T

By the Commission:

By the above-styled application, Philip Dewald, doing business as "Phil's Express," Denver, Colorado, owner and operator of PUC 3501, seeks authority to transfer said operating rights to Henry Rupple, doing business as "Western Express," Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 5, 1959, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On March 4, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application, he thereafter to submit a report of said proceedings to the Commission.

Report of the Examiner states that at the time and place designated for hearing the above-styled application, transferee herein failed to appear, either in person or by counsel; that

thereupon, transferor herein moved that said matter be continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

Report of the Examiner recommends that transferor's request be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the above-styled application should be continued, said matter to be later re-set for hearing before the Commission.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above Findings should be, and hereby is, approved.

That Application No. 16876 should be, and the same hereby is, continued, said matter to be later re-set for hearing before the Commission, with notice to all parties in interest.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Higgins

Joseph C. Hostetler

Dwight E. Zuckerman

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

ea

(Decision No. 51916)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF JOSEPH BENOV, DOING BUSINESS AS "THORNTON CAB COMPANY," 310 FAIRFAX STREET, DENVER, COLORADO.	))))	PUC NO. 3827

March 20, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from the above-styled certificate-holder, requesting authority to suspend operations under PUC No. 3827 for a period of six months, nunc pro tunc, as of January 23, 1959, due to lack of patronage and cost of insurance.

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 Joseph Benov, doing business as "Thornton Cab Company," Denver, Colorado, should be, and he hereby is, authorized to suspend operations under PUC No. 3827, nunc pro tunc, from January 23, 1959, to and including July 22, 1959.

That unless said certificate-holder shall, prior to expiration of said suspension period, reinstate said certificate by filing insurance, and otherwise complying with all rules and regulations of the Commission applicable to common carrier certificates, said certificate, without further action by the Commission, shall stand revoked, without right to reinstate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.
ea

(Decision No. 51917)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF WILLIAM C. TERRY, HALE, COLORADO, FOR REINSTATEMENT OF PERMIT NO. B-1451, AND FOR AUTHORITY TO TRANSFER SAID PERMIT NO. B-1451 TO THEODORE SCHULTZ, DOING BUSINESS AS "SCHULTZ TRUCKING SERVICE," ST. FRANCIS, KANSAS.

APPLICATION NO. 16877-PP-Transfer

March 20, 1959

Appearances: William C. Terry, Hale, Colorado, pro se;
Theodore Schultz, St. Francis, Kansas, pro se.

S T A T E M E N T

By the Commission:

Heretofore, William C. Terry, Hale, Colorado, was authorized to operate as a private carrier by motor vehicle for hire, for the transportation of:

> farm products, including livestock, from point to point within a radius of twenty miles of Hale, Colorado, and from and to points in said area, to and from points in the State of Colorado which lie north of U. S. Highway No. 40 north and east of U. S. Highway No. 287, with back-haul of coal from the northern Colorado coal fields to Hale, Colorado,

and Permit No. B-1451 issued to him.

By the above-styled application, said permit-holder seeks authority to transfer said operating rights to Theodore Schultz, doing business as "Schultz Trucking Service," St. Francis, Kansas.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 5, 1959, at two o'clock P. M., due notice thereof being forwarded to all parties in interest.

On March 4, 1959, the Commission, as provided by law, designated Louis J. Carter, an employee of this Commission, to conduct the hearing on said application.

Said hearing was held at the time and place designated in the Notice of Hearing, with Louis J. Carter, as Examiner, conducting said hearing, he thereafter submitting a report of said proceedings to the Commission.

Report of said Examiner states that at the hearing, transferor herein testified he is the owner of Permit No. B -1451, which is presently under suspension (Decision No. 50478, of date June 13, 1958); that on December 30, 1958, he requested this Commission to reinstate said permit for purpose of transfer; that the consideration for transfer of said operating rights is on a cash basis; that there are no outstanding unpaid operating obligations against said permit.

Report of said Examiner further states that at the hearing, Theodore Schultz, transferee herein, testified he is the owner of six pieces of equipment; that he is owner and operator of PUC No. 1538-I; that he has been in the trucking business for twenty years; that he is financially able to render the services under Permit No. B-1451; that his financial statement is on file with the Commission; that in the event authority herein sought is granted, he will obey the rules and regulations of this Commission.

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

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

Report of the Examiner recommends that authority sought herein be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part of these Findings, by reference, and Report of the Examiner referred to therein should be approved.

That the proposed transfer is compatible with the public interest, and should be approved, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Report of the Examiner referred to in the above and foregoing Findings should be, and the same hereby is, approved.

That William C. Terry, Hale, Colorado, should be, and he hereby is, authorized to transfer all right, title, and interest in and to Permit No. B-1451 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Theodore Schultz, doing business as "Schultz Trucking Service," St. Francis, Kansas, subject to payment of outstanding indebtedness against said operation if any there be, whether secured or unsecured.

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

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.

This Order is made a part of the permit authorized to be

transferred, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hagus

Roscoe C. Horton

Glenn E. Johnson

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

ea

(Decision No. 51918)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF DEAN D. ALEXANDER, DOING BUSINESS AS "GREELEY-LONGMONT MOTOR WAY," 1126 FOURTEENTH AVENUE, GREELEY, COLORADO.	PUC NO. 301

March 20, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Dean D. Alexander, Greeley, Colorado, owner and operator of PUC No. 301, requesting that the records of the Commission be changed to show his trade name to be "G-L-B Express Line," rather than "Greeley-Longmont Motor Way."

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 Secretary of the Commission is hereby directed to change the records of the Commission to show "Dean D. Alexander, doing business as 'G-L-B Express Line,'" rather than "Dean D. Alexander, doing business as 'Greeley-Longmont Motor Way,'" to be the owner and operator of PUC No. 301.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Nagin

Dwight C. Horton

Dean G. Paulson

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.
ea

(Decision No. 51919)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF H. L. BAUMGARDNER, DOING BUSINESS AS "BAUMGARDNER DELIVERY SERVICE," 729 RIVER STREET, CANON CITY, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 15982-Amended SUPPLEMENTAL ORDER

March 20, 1959

Appearances: H. R. Harward, Esq., Canon City, Colorado, for Applicant;
Stanley Blunt, Canon City, Colorado, for Southwestern Transportation Company.

S T A T E M E N T

By the Commission:

On March 9, 1959, the Commission entered its Decision No. 51848 in the above-styled application, granting to H. L. Baumgardner, doing business as "Baumgardner Delivery Service," Canon City, Colorado, a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for:

> the conduct of a package delivery service, transporting general commodities, individual shipments not to weigh in excess of sixty pounds, from point to point within the City of Canon City, Colorado, and points within a radius of five miles of the center of said City of Canon City, Colorado, deliveries to be effected by means of pick-up trucks, not to exceed one-half-ton net capacity, or passenger-car chassis.

It now appears that operating rights granted by said Decision No. 51848 would have been more clearly set forth by elimination of the word "chassis," appearing in the 8th line of Page 3 of said Decision No. 51848; also, that the wording:

> "transporting general commodities, individual shipments not to weigh in excess of sixty pounds,"

appearing in the 3rd and 4th lines of Page 3 of said Decision No. 51848, should be changed to read:

"transporting general commodities, the individual units thereof not weighing in excess of sixty pounds."

Applicant herein has now informed the Commission he desires to have operating rights granted by Decision No. 51848 in the name of "Herbert L. Baumgardner, doing business as 'Canon City Cabs & Delivery Service,'" rather than "H. L. Baumgardner, doing business as 'Baumgardner Delivery Service.'"

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 51848, of date March 9, 1959, should be amended, nunc pro tunc, as of said 9th day of March, 1959, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 51848, of date March 9, 1959, should be, and the same hereby is, amended, nunc pro tunc, as of said 9th day of March, 1959, in the following particulars:

1. By changing the name of applicant herein from:

"H. L. Baumgardner, doing business as 'Baumgardner Delivery Service,'"

to:

"Herbert L. Baumgardner, doing business as 'Canon City Cabs & Delivery Service.'"

2. By changing the wording:

"transporting general commodities, individual shipments not to weigh in excess of sixty pounds,"

appearing in the 3rd and 4th lines of Page 3 of said Decidon No. 51848, to read as follows:

"transporting general commodities, the individual units thereof not weighing in excess of sixty pounds."

3. By striking the word "chassis," appearing in the 8th line of Page 3 of said Decision No. 51848, and by adding the letter "s" to the words "passenger-car," also appearing in the said 8th line

of said Page 3 of said decision, so that the second paragraph of the Order contained in said Decision No. 51848, as amended, shall read as follows:

> "That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Herbert L. Baumgardner, doing business as 'Canon City Cabs & Delivery Service,' for the conduct of a package delivery service, transporting general commodities, the individual units thereof not weighing in excess of sixty pounds, from point to point within the City of Canon City, Colorado, and points within a radius of five miles of the center of said City of Canon City, Colorado, deliveries to be effected by means of pick-up trucks, not to exceed one-half-ton net capacity, or passenger-cars, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor."

That, except as herein amended, Decision No. 51848 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Hayes

Frank C. Holmes

Klemy E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

ea

original

(Decision No. 51920)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF T. D. JAMES AND FRANK J. EATMON, CO-PARTNERS, DOING BUSINESS AS "J-E TRANSPORTATION COMPANY," 2745 19TH STREET, BOULDER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3964 TO FRANK J. EATMON, DOING BUSINESS AS "THE J-E TRANSPORTATION COMPANY," 2745 19TH STREET, BOULDER, COLORADO.

APPLICATION NO. 16887-Transfer

March 20, 1959

Appearances: Donald G. Brotzman, Esq., Boulder, Colorado, for Applicants.

S T A T E M E N T

By the Commission:

T. D. James and Frank J. Eatmon, co-partners, doing business as "J-E Transportation Company," Boulder, Colorado, are the owners and operators of PUC No. 3964, authorizing:

> call and demand service for the transportation of ashes, trash, and other waste materials, between points within the City of Boulder, Colorado, and a five-mile radius thereof, and from said area, to regularly-designated and approved dumps and disposal places in Boulder, State of Colorado.

By application filed January 30, 1959, T. D. James and Frank J. Eatmon, co-partners, doing business as "J-E Transportation Company," Boulder, Colorado, seek authority to transfer said PUC No. 3964 to Frank J. Eatmon, doing business as "The J-E Transportation Company," Boulder, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Boulder, Colorado, March 13, 1959, and at the conclusion of

the evidence, the matter was taken under advisement.

It appears from the evidence that, for reasons of health, T. D. James and Frank J. Eatmon, doing business as "J-E Transportation Company," a partnership, was being dissolved, and it was decided to transfer the certificate to Frank J. Eatmon, doing business as "The J-E Transportation Company," as an individual. The transferee testified as having a net worth of $18,900.

No one appeared in opposition to the proposed transfer, and no reason appears why the same should not be granted.

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

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

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 T. D. James and Frank J. Eatmon, co-partners, doing business as "J-E Transportation Company," Boulder, Colorado, should be, and they are hereby, authorized to transfer all their right, title, and interest in and to PUC No. 3964 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Frank J. Eatmon, doing business as "The J-E Transportation Company," Boulder, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferors and transferee, in writing, have ad-

vised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules, and regulations of transferors shall, upon proper adoption notice, 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.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Rogers

Joseph C. Horton

Henry E. Parkinson

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

mls

original

(Decision No. 51921)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF F. A. MATHEWS, ROUTE 1, BOX 140, LONGMONT, COLORADO, FOR AUTHORITY TO LEASE PERMIT NO. A-588 TO ALVIN O. NORDELL, ROUTE 1, BOX 178, LOVELAND, COLORADO.

APPLICATION NO. 16890-PP-Lease

March 20, 1959

Appearances: F. A. Mathews, Longmont, Colorado, pro se;
Alvin O. Nordell, Loveland, Colorado, pro se.

S T A T E M E N T

By the Commission:

F. A. Mathews, Longmont, Colorado, is the owner and operator of Permit No. A-588, authorizing the transportation of:

> coal from coal mines in the vicinity of Frederick to Johnstown and Loveland and to customers residing along his milk route between Berthoud and Johnstown. Decision No. 20734 clarifies authority in addition to the right to transport coal as above; transportation of milk to Johnstown, Colorado, over the route and from farms along the route described as:
>
> Beginning at the northwest corner of Section 24, T. 4 N., R. 69 W.; thence south 3 miles; thence west ½ mile; thence south 4 miles; thence west 1 mile to U. S. 287; thence on Highway 287 to the S¼ corner of Section 27, T. 2 N., R. 69 W.; thence west to Colorado Highway No. 7; thence north on Highway No. 7 to junction of Colorado Highway 66; thence west through the town of Lyons and 1 mile beyond on each of Highways 7 and 66, return on Highway 66 to the S¼ corner of Section 24, T. 3 N., R. 70 W.; thence north 2 miles; thence east 1 mile; thence north 3 miles; thence east to U. S. Highway No. 287; thence north ½ mile; thence east 1½ miles to intersection of line of beginning, with back-haul of empty cans.

By application filed February 6, 1959, F. A. Mathews, Longmont, Colorado, seeks authority to lease said Permit No. A-588 to Alvin O. Nordell, Loveland, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Boulder, Colorado, March 13, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

The testimony showed that the parties desire to enter into a lease of the permit for a period of one year, or at the option of either party. It appears that the lessee is qualified.

No one appeared in opposition to the proposed lease.

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

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

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 F. A. Mathews, Longmont, Colorado, should be, and he is hereby, authorized to lease for a period of one year, or at the option of either party, all his right, title, and interest in and to Permit No. A-588 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Alvin O. Nordell, Loveland, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of lessee 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 lessor of delinquent reports, if any, covering operations under said permit up to the time of lease of said permit.

This Order is made a part of the permit authorized to be leased.

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 20th day of March, 1959.

mls

original

(Decision No. 51922)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF H & J SERVICES, INC., 3220 EAST ARAPAHOE, BOULDER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-5540 TO THE AEGIS CORPORATION, 3220 EAST ARAPAHOE, BOULDER, COLORADO.	APPLICATION NO. 16888-PP-Transfer

March 20, 1959

Appearances: Joseph J. Zorichak, Boulder, Colorado, for Applicants.

S T A T E M E N T

By the Commission:

H & J Services, Inc., Boulder, Colorado, is the owner and operator of Permit No. B-5540, authorizing the transportation of:

> money (coin and currency), checks, bank drafts, negotiable instruments and business papers, and other valuables as may require armed protection during transit, from point to point within a radius of fifty miles of the offices of applicant, in Boulder, Colorado.

By application filed February 13, 1959, H & J Services, Inc., Boulder, Colorado, seeks authority to transfer said Permit No. B-5540 to The Aegis Corporation, Boulder, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House, Boulder, Colorado, March 13, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

The evidence disclosed that the transferee is a corporation and has two Ford armored trucks to be used in the business and that the transferee is financially able, willing and ready to carry on said business.

No one appeared in opposition to the granting of the proposed transfer.

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

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

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 H & J Services, Inc., Boulder, Colorado, should be, and it is hereby, authorized to transfer all right, title, and interest in and to Permit No. B-5540 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to The Aegis Corporation, Boulder, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

The right of transferee to operate under this Order shall depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

mls

original

(Decision No. 51923)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF T. J. BIGBEE, 405 PEARL STREET, BOULDER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3327 TO T. J. BIGBEE AND JERRY BIGBEE, CO-PARTNERS, DOING BUSINESS AS "T. J. BIGBEE AND SON," 406 18th, GREELEY, COLORADO.

APPLICATION NO. 16893-Transfer

March 20, 1959

Appearances: T. J. Bigbee, Boulder, Colorado, pro se.

S T A T E M E N T

By the Commission:

T. J. Bigbee, Boulder, Colorado, is the owner and operator of PUC No. 3327, which authorizes:

> Transportation of houses from and to, and to and from, the Counties of Boulder, Gilpin, Weld, and Larimer, State of Colorado.

By application filed February 25, 1959, T. J. Bigbee, Boulder, Colorado, seeks authority to transfer said PUC No. 3327 to T. J. Bigbee and Jerry Bigbee, co-partners, doing business as "T. J. Bigbee and Son," Greeley, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Boulder, Colorado, March 13, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

The evidence showed that the applicant desires to transfer said certificate to himself and his son, who, as a co-partnership, would operate the business.

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

No one appeared in protest and no reason appears why the transfer should not be granted.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

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 T. J. Bigbee, Boulder, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3327 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to T. J. Bigbee and Jerry Bigbee, co-partners, doing business as "T. J. Bigbee and Son," Greeley, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

The tariff of rates, rules, and regulations of transferor

shall, upon proper adoption notice, 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 operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

mls

original

(Decision No. 51924)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JAMES E. CHELF AND WILLIAM F.SHARP, CO-PARTNERS, DOING BUSINESS AS"JIM CHELF," 5226 BRIGHTON BOULEVARD, DENVER, COLORADO, FOR AUTHORITY TO LEASE PERMIT NO. B-860 TO JIM CHELF, INCORPORATED, A COLORADO CORPORATION, 5226 BRIGHTON BOULEVARD, DENVER, COLORADO.

APPLICATION NO. 14269-PP-Lease
SUPPLEMENTAL ORDER

March 20, 1959

Appearances: Edward L. Reilly, Denver, Colorado, for Applicants.

S T A T E M E N T

By the Commission:

On June 7, 1956, the Commission entered its Decision No. 45933 in the above-styled application, authorizing James E. Chelf and William F. Sharp, co-partners, doing business as "Jim Chelf," Denver, Colorado, to lease Permit No. B-860 to Jim Chelf, Inc., Denver, Colorado, for a period of five years from February 23, 1956.

The Commission is now in receipt of a communication from E. L. Reilly, on behalf of applicants herein, requesting that said period of lease of Permit No. B-860 be extended until February 23,1966.

F I N D I N G S

THE COMMISSION FINDS:

That extension of period of lease of Permit No. B-860, to February 23, 1966, from James E. Chelf and William F. Sharp, co-partners, doing business as "Jim Chelf," Denver, Colorado, to Jim Chelf, Inc., Denver, Colorado, upon the terms and conditions of Lease Agreement filed with the Commission on June 1, 1956, which is made a part of these Findings, by reference, is compatible with the public interest, and that application so to lease should be approved by

this Commission, subject to outstanding indebtedness against said operation, if any there be.

O R D E R

THE COMMISSION ORDERS:

That James E. Chelf and William F. Sharp, co-partners, doing business as "Jim Chelf," Denver, Colorado, should be, and they hereby are, authorized to extend period of lease of Permit No. B-860 to February 23, 1966, from said James E. Chelf and William F. Sharp, co-partners, doing business as "Jim Chelf," Denver, Colorado, to Jim Chelf, Inc., Denver, Colorado, upon the terms and conditions of Lease Agreement, filed with this Commission on June 1, 1956, and approved by Decision No. 45933, of date June 7, 1956, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

The right of lessee to operate under this Order shall depend upon its compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by lessors of delinquent reports, if any, covering operations under said permit up to the time of lease of said permit.

This order is made a part of the permit authorized to be leased, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Myra

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

ea

original

(Decision No. 51925)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GUEL H. TAGUE, 2112 PINE STREET,)
BOULDER, COLORADO, FOR A CLASS "B") APPLICATION NO. 16891-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)
- - - - - - - - - - - - - - - - - - -)

- - - - - - - - -
March 20, 1959
- - - - - - - - -

Appearances: Guel H. Tague, Boulder, Colorado, pro se.

S T A T E M E N T

By the Commission:

By application filed January 6, 1959, applicant herein seeks authority to operate as a Class "B" motor vehicle private carrier, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Boulder, Colorado, March 13, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant appeared in support of his application and testified that his net worth is approximately $25,000; that he has one pickup truck, but will have a dump truck for hauling for Flatiron Paving Company. A letter was filed by Gene L. Lewis of the Company, stating the Company would use the service of applicant.

A written protest was filed by Denver Chicago Transport Company, Inc., stating that the Company has no objection if the permit "is limited to the use of dump trucks or restricted against the use of tank trucks."

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

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:

The above and foregoing Statement is hereby made a part of these Findings by reference.

That authority sought should be granted as limited in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Guel H. Tague, Boulder, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and

refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points; operations hereunder being limited to the use of dump trucks and restricted against the use of tank trucks.

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 authority sheets.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Hogan

Duane C. Horton

Glenn E. Walker

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

ea

original

(Decision No. 51926)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF OTTO PAUL JAEHN, III, BOX 402, BOULDER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16889-PP

March 20, 1959

Appearances: Otto Paul Jaehn, III,
Boulder, Colorado,
pro se.

S T A T E M E N T

By the Commission:

By the above-styled application, 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 road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

The matter was regularly set for hearing on March 13, 1959, at the Court House, Boulder, Colorado, due notice of the time and place of hearing being forwarded to all parties in interest.

When the matter was called for hearing, Otto Paul Jaehn, III, the applicant herein, appeared and under oath asked to withdraw his application.

The matter was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That the request of the applicant be granted and the application dismissed.

O R D E R

THE COMMISSION ORDERS:

That Application No. 16889-PP of Otto Paul Jaehn, III, Boulder, Colorado, should be, and the same hereby is, dismissed, at the request of applicant.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hynes

Ralph C. Norton

Henry Hallowell

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

ea

(Decision No. 51927)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF FRANK MC COWAN, JR., 1945 WATER STREET, BOULDER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16727

March 20, 1959

Appearances: William O. DeSouchet, Esq., Boulder, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

By the above-styled application, applicant herein seeks a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, for the transportation of ashes and trash in Boulder, Colorado.

The application was regularly set for hearing, and heard, at the Court House, Boulder, Colorado, March 13, 1959, after due notice to all interested parties, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant testified as having a net worth of $1,500, and as having a 1956 V-8 Ford truck. He is ready, willing and able to engage in the business, because there is business to be obtained.

One customer witness testified in behalf of the applicant to the effect that such service was needed.

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.

It did not appear that the proposed service of applicant will impair the efficiency of any common carrier motor vehicle service operating in the territory which applicant seeks to serve.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

That public convenience and necessity require the granting of the proposed motor vehicle common carrier service of applicant.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require the proposed common carrier motor vehicle call and demand service of Frank McCowan, Jr., Boulder, Colorado, for the transportation of ashes and trash in the City of Boulder, Colorado, to regularly designated and approved dumps and disposal places, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Ralph C. Hurlbut

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

ea

(Decision No. 51928)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE VARIOUS CHANGES IN RATES, RULES AND REGULATIONS IN THE COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT, LOCAL AND JOINT FREIGHT TARIFF NO. 12-A, COLORADO P.U.C. NO. 11, ISSUED BY J. R. SMITH, CHIEF OF TARIFF BUREAU, 4060 ELATI ST., DENVER 16, COLORADO.

CASE NO. 1585

March 19, 1959

S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, Paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective March 21, 1959, designated as set forth in Appendix "A", attached hereto and made a part hereof.

Under the provision of Rule 18, Paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedules.

In justification of the following changes the Commission has been informed by Mr. J. R. Smith, Chief of Tariff Bureau, for this Association, and letters from carriers involved, that:

Item No. 930 (Minimum Charge Rule) is being amended for the account of carriers shown in the attached appendix to read, "When the first class rate exceeds $3.00, the minimum charge will be the amount determined by multiplying the actual weight times the first class rate, but in no case less than $3.00 per shipment."

The result of the modification of this rule will according to the weight amount to a reduction.

The following are various points with L.T.L. first class rates of $3.00 or more showing the present rate and minimum weight compared to the minimum weight allowed under the proposal at the $3.00 minimum charge:

BETWEEN DENVER, COLORADO						
	PRESENT: Minimum Charge Not Less than $2.00			PROPOSAL: Minimum Charge Not Less than $3.00		
AND	L.T.L. 1st Class Rate	Minimum Weight	Minimum Charge	L.T.L. 1st Class Rate	Weight Shipped	Minimum Charge
Bowie	$3.41	100#	$3.41	$3.41	88#	$3.00
Cameo	3.33	100#	3.33	3.33	90#	3.00
Chimney Rock	3.36	100#	3.36	3.36	89#	3.00
Cortez	3.76	100#	3.76	3.76	80#	3.00
Electra Lake	3.51	100#	3.51	3.51	86#	3.00
Grand Junction	3.33	100#	3.33	3.33	90#	3.00
BETWEEN PUEBLO, COLORADO						
AND						
Bowie	$3.41	100#	$3.41	$3.41	88#	$3.00
Cameo	3.33	100#	3.33	3.33	90#	3.00
Cortez	3.41	100#	3.41	3.41	88#	3.00
Electra Lake	3.16	100#	3.16	3.16	95#	3.00
Grand Junction	3.33	100#	3.33	3.33	90#	3.00

Item No. 995 is a new rule as appearing in the attached appendix. Mr. Dewey W. Beach, Supervisor Rates and Claims, North Eastern Motor Freight, Inc., instituted this rule for general carrier application. In his letter, it is stated that, "Such an item is necessary in order to protect the carrier when shippers make shipments of perishable commodities in unusually hot or cold weather, and do not inform the carrier that protection for that commodity is necessary."

Similar rules are presently in effect in various interstate motor carrier tariffs.

Item No. 2030, covering iron and steel articles from Minnequa and Pueblo, Colorado, to Colorado Springs, Denver and Greeley, Colorado, etc., is being amended by adding rails, railway track, iron or steel; rails, iron or steel, N.O.I.

Mr. Howard Hicks, General Traffic Manager for Centennial Truck Lines, Inc., states that a shipper of these commodities has requested that the above commodities be added to this item. It is anticipated substantial movement will occur in the future and the L.T.L. rating of 4th class and volume 5th class is similar to several of the other items which are named in this commodity item. Also, the transportation characteristics of railway track rails and rails N.O.I. are similar to other steel products named in the item.

Item No. 2230, covering meats, fresh and packing house products as described, for the account of Rio Grande Motor Way, Inc., is being amended by increasing the rate from Denver, Colorado, to Salida, Colorado, from a rate of $1.30 to $1.36 per 100 pounds. Mr. Ralph H. Knull, Assistant Traffic Manager, states it is necessary to bring the Salida rate up to the fourth class level. The various other destination points from Denver and Pueblo in this commodity item are predicated on the fourth class L.T.L. rates.

F I N D I N G S

THE COMMISSION FINDS:

That the changes set forth in Appendix "A", attached hereto, and made a part hereof, appear to represent just, fair and reasonable rates and charges and should be authorized and an order entered prescribing the said changes.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement, findings and Appendix "A", be, and the same are hereby made a part hereof.

2. This order shall become effective forthwith.

3. The rates, rules, regulations and provisions set forth in Appendix "A" shall on March 21, 1959, be the prescribed rates, rules, regulations and provisions of the Commission.

4. On and after March 21, 1959, the carriers affected by the transportation of the aforesaid commodity shall cease and desist from demanding, charging and collecting rates greater or less than those herein prescribed.

5. All motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published new tariffs reflecting the changes prescribed herein.

6. All private carriers by motor vehicle to the extent they are affected by the changes involved herein shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

7. On and after March 21, 1959, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent.

8. On and after March 21, 1959, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.

9. 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 and liabilities applicable to a motor vehicle common carrier.

10. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

11. 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)

Commissioners

Dated at Denver, Colorado,
this 19th day of March, 1959.

mem

APPENDIX "A"

Colorado Motor Carriers' Association, Agent, Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11.

Amend Item No. 930 (Minimum Charge Rule): Exception (K) When the first class rate exceeds $3.00, the minimum charge will be the amount determined by multiplying the actual weight times the first class rate, but in no case less than $3.00 per shipment. (This exception applies by Larson Transportation Company and the Rio Grande Motor Way, Inc., in connection with traffic transported locally between points on their own lines or jointly with other carriers.)

Add a new Item No. 995:

Protection of Shipments from Damage by Heat or Cold

Except as otherwise specifically provided in connection with individual rates, or except as otherwise specifically provided in individual carrier's exceptions, commodities which, due to their perishable nature, require protection from heat or cold will be accepted and accorded such protection at the rates provided in this tariff without additional charge for such protection, subject to suitable equipment being available and provided that the shipper states specifically on the bill of lading that such protection is required. When such requirement is not shown on the bill of lading by the shipper, carrier or carriers will not be liable for loss or damage resulting from their failure to provide such protection.

Amend Item No. 2030 by adding the following commodities:

RATES ARE IN CENTS PER 100 POUNDS

	FROM	TO	RATES	ROUTE
Iron and Steel Articles, viz.: Rails, railway track, iron or steel; rails, iron or steel, N.O.I.	Minnequa, Colorado Pueblo, Colorado	Denver, Colorado, and points and places within 5 miles of the Denver City Limits	(1) 45 (2) 38 (3) 33	47
		Glenn L. Martin Plant near Waterton, Colorado	(1) 45 (2) 38 (3) 33	40
		Greeley, Colorado	(4) 43 (3) 38	47
		Colorado Springs, Colorado Ft. Carson, Colo. U.S. Air Academy, Colorado	(2) 22 (3) 20	

(1) Minimum Weight 15,000 pounds
(2) Minimum Weight 30,000 pounds
(3) Minimum Weight 40,000 pounds
(4) Minimum Weight 26,000 pounds

Route No. 47 - Centennial Truck Lines, Inc., direct.
Route No. 40 - Centennial Truck Lines, Inc., Denver, Windecker Truck Line.

Amend Item No. 2230 as follows:

RATES ARE IN CENTS PER 100 POUNDS

	FROM	TO	RATE	ROUTE
Meats, fresh, and packing house products, as described in Items No. 440 and No. 470	Denver, Colorado	Salida, Colorado	136	87
Route No. 87 - Rio Grande Motor Way, Inc., direct				

(Decision No. 51929)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WILBUR O. GOTTSCHALL)
1311 SOUTH PATTON COURT,)
DENVER 19, COLORADO.) PERMIT NO. M-3508
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Wilbur O. Gottschall, Denver, Colorado requesting that Permit No. M-3508 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3508, heretofore issued to Wilbur O. Gottschall, Denver, Colorado be, and the same is hereby, declared cancelled effective March 7, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 195 9.

ds

(Decision No. 51930)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILBUR O. GOTTSCHALL)
1311 SOUTH PATTON COURT) PERMIT NO. B-3469
DENVER 19, COLORADO.)

March 23, 1959

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-3469 be suspended for six months from March 7, 1959.

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 Wilbur O. Gottschall, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-3469 until September 7, 1959.

That unless said permit-holder 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 23rd day of March 1959.

ds

(Decision No. 51931)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
BEN MAESTAS)
4520 SOUTH ELATI,)
ENGLEWOOD, COLORADO.) PERMIT NO. M-13277
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ben Maestas, Englewood, Colorado requesting that Permit No. M-13277 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13277, heretofore issued to Ben Maestas, Englewood, Colorado be, and the same is hereby, declared cancelled effective February 23, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 195 9.

ds

(Decision No. 51932)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD V. AND T. H. ANDERSON, DOING)
BUSINESS AS, "ANDERSON CONTRACTING)
COMPANY", SOUTH SUNSET DRIVE,) PERMIT NO. B-4632
LONGMONT, COLORADO.)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harold V. & T. H. Anderson, Dba Anderson Contracting Co., Longmont, Colorado requesting that Permit No. B-4632 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-4632, heretofore issued to Harold V. & T. H. Anderson, Dba Anderson Contracting Co., Longmont, Colorado be, and the same is hereby, declared cancelled effective March 12, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51933)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT L. BURGHARDT, DOING BUSINESS)
AS, "BOB'S PRODUCE")
8551 CONCORD LANE) PERMIT NO. M-6759
WESTMINISTER, COLORADO.)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert L. Burghardt, Dba Bob's Produce, Westminister, Colorado requesting that Permit No. M-6759 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6759, heretofore issued to Robert L. Burghardt, Dba Bob's Produce, Westminister, Colorado be, and the same is hereby, declared cancelled effective March 16, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 195 9.

ds

(Decision No. 51934)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT L. BURGHARDT, DOING)
BUSINESS AS, "BOB'S PRODUCE") PUC. NO. 4128-I
8551 CONCORD LANE)
WESTMINISTER, COLORADO.)

March 23, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Robert L. Burghardt, Dba Bob's Produce, Westminister, Colorado, requesting that Certificate of Public Convenience and Necessity No. 4128-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. 4128-I, heretofore issued to Robert L. Burghardt, Dba Bob's Produce, Westminister, Colorado, be, and the same is hereby declared cancelled effective March 16, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1959.

ds

(Decision No. 51935)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MARGARET EDMONDS, DOING BUSINESS AS,)
"MILES PLAZA BUDGET SHOP")
15741 EAST COLFAX AVENUE) PERMIT NO. M-1015
AURORA, COLORADO.)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Margaret Edmonds, Dba Miles Plaza Budget Shop, Aurora, Colorado requesting that Permit No. M-1015 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1015, heretofore issued to Margaret Edmonds, Dba Miles Plaza Budget Shop, Aurora, Colorado be, and the same is hereby, declared cancelled effective March 12, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 195 9.

ds

(Decision No.51936)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ORVAL RAY GLOVER)
408 NORTH 5TH.)
ROCKY FORD, COLORADO.) PERMIT NO. M-3120
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Orval Ray Glover, Rocky Ford, Colorado requesting that Permit No. M-3120 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3120, heretofore issued to Orval Ray Glover, Rocky Ford, Colorado be, and the same is hereby, declared cancelled effective March 15, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 195 9.

ds

(Decision No. 51937)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FRANK J. TORTORICE)
220 WHITE STREET,)
TRINIDAD, COLORADO.) PERMIT NO. M-1916
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank J. Tortoride, Trinidad, Colorado requesting that Permit No. M-1916 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1916, heretofore issued to Frank J. Tortorice, Trinidad, Colorado be, and the same is hereby, declared cancelled effective March 19, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51938)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
PAUL D. VENDETTI)
POST OFFICE BOX 204)
FLORENCE, COLORADO.) PERMIT NO. M-14602
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Paul D. Vendetti, Florence, Colorado requesting that Permit No. M-14602 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14602, heretofore issued to Paul D. Vendetti, Florence, Colorado be, and the same is hereby, declared cancelled effective January 26, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph E. Marsa

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51939)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CLAUDE CLENDENNY)
)
GRANT, NEBRASKA.) PERMIT NO. M-3993
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Claude Clendenny, Grant, Nebraska requesting that Permit No. M-3993 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3993, heretofore issued to Claude Clendenny, Grant, Nebraska be, and the same is hereby, declared cancelled effective March 17, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 195 9.

ds

(Decision No. 51940)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
C. W. BROWN, DOING BUSINESS AS,)
"C. W. BROWN WHOLESALE CANDY")
504 WEST SAN RAFAEL STREET,) PERMIT NO. M-2634
COLORADO SPRINGS, COLORADO.)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. W. Brown, Dba C. W. Brown Wholesale Candy, Colorado Springs, Colorado requesting that Permit No. M-2634 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2634, heretofore issued to C. W. Brown, Dba C. W. Brown Wholesale Candy, Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective January 31, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51941)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LORREN H. FAY, DOING BUSINESS AS,)
"LORREN H. FAY AUTOMOBILES")
5550 EAST COLFAX AVENUE) PERMIT NO. M-7778
DENVER 20, COLORADO.)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lorren H. Fay, Dba Lorren H. Fay Automobiles, Denver, Colorado requesting that Permit No. M-7778 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7778, heretofore issued to Lorren H. Fay, Dba Lorren H. Fay Automobiles, Denver, Colorado be, and the same is hereby, declared cancelled effective December 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 195 9.

ds

(Decision No. 51942)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JIMMIE PADIA)
ROUTE 4, POST OFFICE BOX 32,)
FORT COLLINS, COLORADO.) PERMIT NO. M-8637
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Jimmie Padia, Fort Collins, Colorado requesting that Permit No. M-8637 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8637, heretofore issued to Jimmie Padia, Fort Collins, Colorado be, and the same is hereby, declared cancelled effective March 4, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Ware

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 195 9.

ds

(Decision No. 51943)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JASPER ABEYTA)
584 SUTLEY STREET)
CENTER, COLORADO.) PERMIT NO. M-10490
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Jasper Abeyta, Center, Colorado requesting that Permit No. M-10490 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10490, heretofore issued to Jasper Abeyta, Center, Colorado be, and the same is hereby, declared cancelled effective March 8, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 195 9.

ds

(Decision No. 51944)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WESTERN SLOPE DEHYDRATION, INCORPORA-)
TED, FRUITA, COLORADO.)
) PERMIT NO. M-10486
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Western Slope Dehydration, Inc., Fruita, Colorado requesting that Permit No. M-10486 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10486, heretofore issued to Western Slope Dehydration, Inc., Fruita, Colorado be, and the same is hereby, declared cancelled effective March 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51945)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
TREND FURNITURE, INCORPORATED)
9885 WEST COLFAX AVENUE)
LAKEWOOD, COLORADO.) PERMIT NO. M-997
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Trend Furniture, Inc., Lakewood, Colorado requesting that Permit No. M-997 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-997, heretofore issued to Trend Furniture, Inc., Lakewood, Colorado be, and the same is hereby, declared cancelled effective March 3, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 23rd day of March, 1959.

ds

(Decision No. 51946)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
AMOS GORDON)
POST OFFICE BOX 392)
BUENA VISTA, COLORADO.) PERMIT NO. M-7451
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Amos Gordon, Buena Vista, Colorado requesting that Permit No. M-7451 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7451, heretofore issued to Amos Gordon, Buena Vista, Colorado be, and the same is hereby, declared cancelled effective February 25, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jean S. Breitenstein
Bruce E. Hastings
Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51947)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ARTHUR S. OMOHUNDRO)
215 WEST 9TH. STREET)
LEADVILLE, COLORADO.) PERMIT NO. M-15532
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arthur S. Omohundro, Leadville, Colorado requesting that Permit No. M-15532 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15532, heretofore issued to Arthur S. Omohundro, Leadville, Colorado be, and the same is hereby, declared cancelled effective March 14, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Nigro

Frank C. Sharp

Henry E. Lindsay

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51948)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
W. G. DALE AND MARION DALE, DOING)
BUSINESS AS, "W. G. DALE ELECTRIC")
114 EAST 20TH STREET,) PERMIT NO. M-13240
CHEYENNE, WYOMING.)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. G. Dale & Marion Dale, Dba W. G. Dale Electric, Cheyenne, Wyoming requesting that Permit No. M-13240 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13240, heretofore issued to W. G. Dale & Marion Dale, Dba W. G. Dale Electric, Cheyenne, Wyoming be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Hays
Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51949)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
RUBEROID COMPANY)
156 WEST 56TH STREET,)
DENVER, COLORADO.) PERMIT NO. M-6673
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ruberoid Company, Denver, Colorado requesting that Permit No. M-6673 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6673, heretofore issued to Ruberoid Company, Denver, Colorado be, and the same is hereby, declared cancelled effective March 12, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Myers

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51950)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
IRVIN M. AND IRVIN V. HUFFMAN, DOING)
BUSINESS AS, "HUFFMAN SHEET METAL)
COMPANY", POST OFFICE BOX 195) PERMIT NO. M-13555
KITTREDGE, COLORADO.)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Irvin M. & Irvin V. Huffman, Dba Huffman Sheet Metal Co., Kittredge, Colorado requesting that Permit No. M-13555 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13555, heretofore issued to Irvin M. & Irvin V. Huffman, Dba Huffman Sheet Metal Co., Kittredge, Colorado be, and the same is hereby, declared cancelled effective February 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51951)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
A. A. YOCUM, DOING BUSINESS AS,)
"YOCUM'S SALVAGE)
2728 NORTH "K") PERMIT NO. M-13370
FORT SMITH, ARKANSAS.)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from A. A. Yocum, Dba Yocum's Salvage, Fort Smith, Arkansas requesting that Permit No. M-13370 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13370, heretofore issued to A. A. Yocum, Dba Yocum's Salvage, Fort Smith, Arkansas be, and the same is hereby, declared cancelled effective December 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hero

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51952)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
L. C. NUTTAL, DOING BUSINESS AS,)
"BOULDER AUTOMATICS")
3927 BROADWAY) PERMIT NO. M-9944
BOULDER, COLORADO.)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from L. C. Nuttal, Dba Boulder Automatics, Boulder, Colorado requesting that Permit No. M-9944 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9944, heretofore issued to L. C. Nuttal, Dba Boulder Automatics, Boulder, Colorado be, and the same is hereby, declared cancelled effective February 27, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 195 9.

ds

(Decision No. 51953)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MARTIN C. KRUEGER, DOING BUSINESS AS)
"KRUEGER MOTOR COMPANY")
IDAHO SPRINGS, COLORADO.) PERMIT NO. M-8578
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Martin C. Krueger, Dba Krueger Motor Company, Idaho Springs, Colorado requesting that Permit No. M-8578 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8578, heretofore issued to Martin C. Krueger, Dba Krueger Motor Co., Idaho Springs, Colorado be, and the same is hereby, declared cancelled effective March 16, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hagus
Jacob C.
Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51954)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
B. V. STOVER, DOING BUSINESS AS,)
"STOVER'S PRODUCE EXCHANGE")
POST OFFICE BOX 97,) PERMIT NO. M-1344
LA PORTE, COLORADO.)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from B. V. Stover, Dba Stover's Produce Exchange, La Porte, Colorado requesting that Permit No. M-1344 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1344, heretofore issued to B. V. Stover, Dba Stover's Produce Exchange, La Porte, Colorado be, and the same is hereby, declared cancelled effective March 16, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nieto
Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 195 9.

ds

(Decision No. 51955)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES L. HUNT)
528 - 28¼ ROAD,)
GRAND JUNCTION, COLORADO.) PERMIT NO. M-14659
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles L. Hunt, Grand Junction, Colorado requesting that Permit No. M-14659 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14659, heretofore issued to Charles L. Hunt, Grand Junction, Colorado be, and the same is hereby, declared cancelled effective March 3, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Jacob C. Dolson

Hugh E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51956)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES L. HUNT)
528 - 28¼ ROAD)
GRAND JUNCTION, COLORADO) PERMIT NO. B-5523
)
)

March 23, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charles L. Hunt, Grand Junction, Colorado requesting that Permit No. B-5523 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5523, heretofore issued to Charles L. Hunt, Grand Junction, Colorado be, and the same is hereby, declared cancelled effective March 3, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Frank C. [illegible]

Henry E. Santago

Commissioners

Dated at Denver, Colorado,

this 23rd day of March, 1959.

ds

(Decision No. 51957)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
ROBERT W. FOLLETT)
WALDEN, COLORADO.)

PERMIT NO. B-5608

March 23, 1959

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-5608 be suspended for six months from March 13, 1959.

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 Robert W. Follett, Walden, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-5608 until September 13, 1959.

That unless said permit-holder 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

Joseph F. Nero

Roy C.

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,
this 23rd day of March 1959

ds

original

(Decision No. 51958)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF KITIMAT CORPORATION, 5400 COLORADO BOULEVARD, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-5382 TO MARTINSON CONSTRUCTION COMPANY, 5400 COLORADO BOULEVARD, DENVER, COLORADO.	APPLICATION NO. 16896-PP-Transfer

March 20, 1959

Appearances: Ostrid Davis, Denver, Colorado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Kitimat Corporation, Denver, Colorado, was granted a Class "B" private carrier permit, authorizing transportation of:

> sand, gravel, and ready-mixed concrete, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points excluding use of equipment designed for transportation of petroleum and petroleum products, in bulk,

said operating rights being designated "Permit No. B-5382."

By the above-styled application, said permit-holder seeks authority to transfer said operating rights to Martinson Construction Company, Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing

Room of the Commission, 330 State Office Building, Denver, Colorado, March 19, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it was established that Kitimat Corporation has ceased operations, and is transferring its authority and some of its equipment to Martinson Construction Company, Denver, Colorado, which is a well-established construction company located in the City of Denver, Colorado.

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

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

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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Kitimat Corporation, Denver, Colorado, should be, and it hereby is, authorized to transfer all right, title, and interest in and to Permit No. B-5382 -- with authority as set forth in the Statement preceding, which is made a part of this Order by reference -- to Martinson Construction Company, Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from

the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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.

This Order is made a part of the permit authorized to be transferred, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Hogue

Lawrence C. Holland

Louis J. Carlson

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

ea

original

(Decision No. 51959)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF O. W. PRICE AND R. K. PRICE, CO-PARTNERS, DOING BUSINESS AS "RAE'S RUBBISH REMOVAL," 2510 SABLE, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3634 TO E. C. STALLSWORTH, DOING BUSINESS AS "ALL-CITY HAULERS," 2345 WEST 33RD AVENUE, DENVER, COLORADO.

APPLICATION NO. 16894-Transfer

March 23, 1959

Appearances: O. W. Price, Denver, Colorado, pro se;
E. C. Stallsworth, Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

O. W. Price, together with R. K. Price, doing business as "Rae's Rubbish Removal," Denver, Colorado, are the owners and operators of PUC No. 3634, authorizing operations as a common carrier by motor vehicle for hire, for the transportation of:

> ashes, trash, and other waste materials, between points within the City and County of Denver, and from points within the City and County of Denver, to regularly-designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado.

By the above-styled application, said certificate-holders seek authority to transfer said PUC No. 3634 to E. C. Stallsworth, doing business as "All-City Haulers," Denver, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 19, 1959, and at the conclusion of the evidence, the matter

was taken under advisement.

At the hearing, it appeared that Messrs. Price are otherwise employed, and desire to transfer PUC No. 3634 to E. C. Stallsworth, doing business as "All-City Haulers," Denver, Colorado, for a total consideration of $1,500.00, to be paid in full, in cash, upon approval by this Commission of transfer herein sought.

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

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

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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That O. W. Price and R. K. Price, co-partners, doing business as "Rae's Rubbish Removal," Denver, Colorado, should be, and they hereby are, authorized to transfer all right, title, and interest in and to PUC No. 3634 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to E. C. Stallsworth, doing business as "All-City Haulers," Denver, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

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

acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

The tariff of rates, rules, and regulations of transferors shall, upon proper adoption notice, 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.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Dyer

Ruth W. C. Stockton

Commissioners.

Dated at Denver, Colorado,
this 23rd day of March, 1959.

mls

original

(Decision No. 51960)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MARY ELLA LANG, DOING BUSINESS AS "LANG TRANSIT LINE," 830 MARTIN STREET, LONGMONT, COLORADO, FOR AUTHORTITY TO EXTEND OPERATIONS UNDER PERMIT NO. A-453.

APPLICATION NO. 16895-PP-Extension

March 20, 1959

Appearances: W. L. Lang, Longmont, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

This is an application by Mary Ella Lang, doing business as "Lang Transit Line," Longmont, Colorado, owner and operator of Permit No. A-453, for authority to extend operations under said permit to include the right to transport general freight, over Highways 87-287, extended, so as to authorize pick-up and delivery service from points within a five-mile radius of the City Limits of Denver, Colorado, and within a two-mile radius of the City Limits of Longmont, Colorado, for pick-up and delivery of merchandise having a prior or subsequent movement in line-haul service authorized under said Permit No. A-453.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 19, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, it was established that Lang Transit Company has been operating between Denver and Longmont for several years past, and serves numerous customers in the Longmont area. Denver con-

stitutes a major source of supply for wholesalers and retailers in the Longmont area, who order from jobbers in the Denver area. With the population expansion in both Denver and Longmont, many of the customers who formerly were established within the City Limits of the respective cities have now moved beyond the corporate limits of these cities, but they are still within the metropolitan area of said respective cities.

It is patently obvious that the extension sought is a continuation of the same service previously rendered by applicant, and that the barrier imposed by the authority is an artificial one, created by the political limits of the municipalities involved, but as an economic reality, the service that is required extends to the area contiguous to the presently-existing corporate limits.

Since basically it is the function of the Commission to grant authority on the basis of economic need of either the public at large, or individual customers, and not on an articicial area basis, we are of the opinion that the extension herein sought is in the public interest.

The application was amply supported by public witnesses, both from Denver and From Longmont, who established the personalized service that is necessary, both for their own types of business, which are fabricated steel products, and for other types of business, generally, served by this applicant.

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

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

F I N D I N G S

THE COMMISSION FINDS:

That the proposed extended motor vehicle operations of applicant herein are in the public interest, and should be granted,

inasmuch as said extended operations will not impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

O R D E R

THE COMMISSION ORDERS:

That Mary Ella Lang, doing business as "Lang Transit Line," Longmont, Colorado, should be, and hereby is, authorized to extend operations under Permit No. A-453, to include the right to transport general freight, over Highways 87-287, extended, so as to authorize pick-up and delivery service from points within a five-mile radius of the City Limits of Denver, Colorado, and within a two mile radius of the City Limits of Longmont, Colorado, for pick-up and delivery of merchandise having a prior or subsequent movement in line-haul service authorized under said Permit No. A-453.

This Order is made a part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

mls

(Decision No. 51961)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, 900 FIFTEENTH STREET, DENVER, COLORADO, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF COLORADO, FOR AN ORDER AUTHORIZING THE ISSUANCE OF $20,000,000 PRINCIPAL AMOUNT OF ITS FIRST MORTGAGE BONDS.

APPLICATION NO. 16951
Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed March 19, 1959, by Public Service Company of Colorado, a Corporation, in the above-styled matter:

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing on April 2, 1959, at 9:30 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 March 27, 1959, 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

Joseph F. Rogers

Ruesby C. Horton

Commissioners

Dated at Denver, Colorado,
this 20th day of March, 1959.

original

(Decision No. 51962)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN NATURAL GAS COMPANY, INC., A CORPORATION, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF COLORADO, FOR AUTHORITY TO ISSUE $125,000 PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT PRIVATE SALE.

APPLICATION NO. 16879-Securities

March 20, 1959

Appearances: Grant E. McGee, Esq., Denver, Colorado, for Applicant;
Ernest C. Porter, Denver, Colorado, President, Rocky Mountain Natural Gas Co.;
Orville M. Shockly, Denver, Colorado, Secretary-Treasurer, Rocky Mountain Natural Gas Co.;
Edwin R. Lundborg, Esq., Denver, Colorado, and
Everett R. Thompson, Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

Application was filed on February 20, 1959, by Rocky Mountain Natural Gas Company, Inc., Denver, Colorado, seeking an Order from this Commission authorizing issuance of $125,000 principal amount of First Mortgage Bonds at private sale.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, February 6, 1959, at ten o'clock A. M., after due notice thereof having been forwarded to all parties in interest.

At the time and place designated for hearing, said matter was heard, all testimony completed and all exhibits received, except

a final draft of the Trust Indenture by Rocky Mountain Natural Gas Company, Inc., and The First National Bank of Denver, Trustee. Applicant, through its Attorney stipulated that such final draft of the indenture would be filed as a late filed exhibit.

On March 17, 1959, Applicant's Attorney, by letter, advised this Commission that Rocky Mountain Natural Gas Company, due to causes beyond its control, find it impossible to file such late filed exhibit so that it would be available to the Commission within the thirty day period pursuant to Chapter 115-1-4, CRS, 1953, which provides as follows:

> "All applications for the issuance, assumption, or guaranty of securities shall be placed at the head of the Commission's docket and shall be disposed of promptly, and within thirty (30) days after petition is filed with the Commission unless it is necessary for good cause to continue same for a longer period. Whenever such application is continued beyond the thirty (30) days after the time it is filed, the Commission shall enter an order making such continuance and stating fully the facts necessitating same."

Applicant therefore requests that the matter be continued, for reasons stated above, to and including March 31, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be continued as set forth in the Order to follow.

O R D E R

THE COMMISSION ORDERS:

That application filed with the Commission on February 20, 1959, by Rocky Mountain Natural Gas Company, Inc., Denver, Colorado, as hereinabove described, being Application No. 16879-Securities, should be, and the same hereby is continued to and including March 31, 1959.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Ralph C. Hoban

Commissioners.

Dated at Denver, Colorado,
this 20th day of March, 1959.

mls

(Decision No. 51963)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
UNION RURAL ELECTRIC ASSOCIATION,)
INC., BRIGHTON, COLORADO, FOR AUTH-)
ORITY TO EXTEND FACILITIES ALONG THE) APPLICATION NO. 16912-Extension
NORTH SIDE OF SECTIONS 2 AND 3, TOWN-)
SHIP 1-SOUTH, RANGE 66-WEST.)

March 23, 1959

S T A T E M E N T

By the Commission:

On March 6, 1959, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to construct a tie-line along the North Side of Sections 2 and 3, Township 1-South, Range 66-West. The extension of facilities will give two-way service to the new office building of Union Rural Electric Association, Inc., which is located in a portion of said Section 3. Union Rural Electric Association, Inc., has lines existing generally along the west side of Section 3 and along the south lines of said Sections 2 and 3 and has a line at the Northwest corner of Section 3 and along a small part of the north line of Section 2 running from the northeast corner of said Section 2. Union Rural Electric Association, Inc., desires to tie together the lines by connecting from the northwest corner of Section 3 to the existing line near the northeast corner of Section 2. The extension will require approximately a mile and three-quarters of new line at an estimated cost of $5,544.00.

This application was filed pursuant to the Commission's Order in Application No. 13576, Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length.

Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein, and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter, will issue its Order granting the construction as requested. The Commission has received a letter from Public Service Company of Colorado, dated March 17, 1959, and a letter from Colorado Central Power Company, dated March 11, 1959, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074, previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of two-way electric service to Union Rural Electric Association's, Inc. new office building by the construction of a tie-line along the North Side of Sections 2 and 3, Township 1-South, Range 66-West; and that Union Rural Electric Association, Inc., should be authorized to render said service.

O R D E R

THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to render two-way electric service to Union Rural Electric Association's, Inc., new office building by the con-

struction of a tie-line along the North Side of Sections 2 and 3, Township 1-South, Range 66-West.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Joseph C. Hanlon

Glenn G. Sullenger

Commissioners.

Dated at Denver, Colorado,
this 23rd day of March, 1959.

mls

original

(Decision No. 51964)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GREELEY GAS COMPANY, 1930 SHERMAN STREET, DENVER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO EXERCISE FRANCHISE RIGHTS IN THE TOWN OF CRAIG, MOFFAT COUNTY, STATE OF COLORADO, FOR THE TRANSMISSION, DISTRIBUTION AND SALE OF GAS IN SAID TOWN, AND IN THE AREAS CONTIGUOUS THERETO, AND ALONG THE TRANSMISSION LINE TO THE TOWN.

APPLICATION NO. 16835

March 23, 1959

Appearances: Sid Pleasant, Esq., Craig, Colorado, and Lee, Bryans, Kelly & Stansfield, Esqs., Denver, Colorado, by Charles J. Kelly, Esq., for Applicant;
Worth Shrimpton, Esq., Craig, Colorado, for the City of Craig;
Everett R. Thompson, Denver, Colorado, and
J. M. McNulty, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

On July 27, 1956, the Greeley Gas Company, Denver, Colorado, filed an application with the Commission seeking a certificate of public convenience and necessity authorizing the exercise of franchise rights granted by the Board of Trustees of the Town of Craig, Moffat County, Colorado, for the transmission, distribution and sale of gas, either artificial or mixed in said Town.

The matter was set for hearing, after due notice to all interested parties, on Wednesday, March 11, 1959, at ten o'clock A. M., at the Court House, in Craig, Colorado. The application was duly

heard at said time and place and at the conclusion of the hearing, the matter was taken under advisement by the Commission.

At the time of filing of this application, Applicant requested that this matter not be set for hearing until further notice by Applicant. During the interval of the time of filing and the hearing, the Greeley Gas Company was in the process of negotiating a long-term sales contract with the Continental Oil Company, the owner of a certain gas supply located in the Thornburg Field, Moffat and Rio Blanco Counties, Colorado. At the request of Applicant, this matter was finally set for hearing, and heard, as stated previously.

The Greeley Gas Company is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission. A copy of its Articles of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

Applicant is engaged in the business of transmitting and distributing natural gas to the City of Greeley, the Towns of Canon City and Craig, in the State of Colorado, and in the areas contiguous thereto. The principal office of Applicant is located at 1930 Sherman Street, Denver, Colorado.

Prior to June 12, 1956, Applicant has been distributing natural gas in the Town of Craig and the inhabitants thereof under the terms and conditions of a franchise, the terms of which had not yet expired, in and by virtue of Ordinance No. 161, of November 25, 1931, and under the authority of a certificate of public convenience and necessity granted by this Commission on May 3, 1932, Decision No. 4268 in Application No. 1997.

That on June 12, 1956, Ordinance No. 260 of the Town of Craig, entitled:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF CRAIG, MOFFAT COUNTY, COLORADO, TO GREELEY GAS COMPANY, A COLORADO CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, EXTEND, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF CRAIG, COLORADO, A PLANT OR PLANTS, AND WORKS FOR THE PURCHASE, MANUFACTURE, TRANSMISSION AND DISTRIBUTION OF GAS, EITHER NATURAL, ARTIFICIAL OR MIXED, AND TO FURNISH, SELL AND DISTRIBUTE SAID GAS TO THE TOWN OF CRAIG, COLORADO, AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT AND POWER OR OTHER PURPOSES BY MEANS OF PIPES, MAINS, CONDUITS, OR OTHERWISE, ON, OVER, UNDER, ALONG, ACROSS AND THROUGH ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, AND OTHER PUBLIC WAYS AND PLACES IN SAID TOWN OF CRAIG, AND FIXING THE TERMS AND CONDITIONS THEREOF.

was duly passed and adopted by the Board of Trustees of the Town of Craig, Moffat County, Colorado and accepted by the Greeley Gas Company on June 21, 1956. A copy of both of the above documents, marked Exhibit "A" were introduced at the hearing and are made a part hereof, by reference. The terms of said franchise is for a period of twenty-five years.

A witness for the Company testified at the hearing that the gas supply of the Company was diminishing and it was necessary to obtain additional gas in order to supply the Town of Craig under the new franchise. Negotiations were finally concluded with Continental Oil Company for additional gas in the Thornburg field, previously referred to, and a contract has been signed to provide additional gas. The witness further testified that based on the estimated reserves in the field and the present gas usage, there should be sufficient gas available to last over twenty years. In the event the gas reserves do not prove out as expected, the Greeley Gas Company will endeavor to obtain additional natural gas, and, if that is not possible, it will supply LP or other type of gas in order to continue gas service to the Town of Craig.

The Company is presently serving between 1100 and 1150 customers in Craig and the witness estimated the population to be about

four thousand.

The Company expects to spend about $20,000 during the life of the franchise on capital investment to continue to supply service to present and future customers in Craig. The figure of $20,000 will be used as the basis for the fee for the issuance of the certificate sought herein, but will not be binding upon the Commission in any subsequent matter involving rates or valuation.

No one appeared in opposition to the granting of this application, and the Commission has reviewed the evidence and testimony presented and is of the opinion that the authority sought should be granted.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of the Applicant herein, the Greeley Gas Company, and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

That the foregoing Statement should be made a part hereof, by reference.

That the public convenience and necessity require, and will require, the exercise by Greeley Gas Company, of the franchise rights granted in and by Ordinance No. 260 of the Town of Craig, dated June 12, 1956, for the purchase, transmission, distribution and sale of gas by the Greeley Gas Company in said Town and in the area contiguous to said Town and along the transmission line supplying gas to said Town.

That Applicant shall continue to odorize all gas in its distribution mains prior to sale to its customers.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require, and will

require the exercise by Greeley Gas Company, Denver, Colorado, of the franchise rights granted in and by Ordinance No. 260 of the Town of Craig, Colorado, dated June 12, 1956, marked Exhibit "A" herein, which, by reference, is made a part hereof, for the purchase, transmission, distribution and sale of gas by the Greeley Gas Company in said Town and in the area contiguous to said Town, and along the transmission line supplying gas to said Town, and this Order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

That Greeley Gas Company, Denver, Colorado, shall install, operate and maintain its gas system and supply service in the area heretofore designated in accordance with its schedules of gas rates, classifications, rules and regulations now on file with this Commission, or as the same may be changed according to law and the rules and regulations of this Commission.

That Greeley Gas Company, Denver, Colorado, shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices as to the testing of meters, customers' deposits and operations, records of meters and complaints in accordance with the Commission's requirements.

That Greeley Gas Company, Denver, Colorado, shall continue to odorize all gas in its distribution mains prior to sale to its customers.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph H. Hayes

Ruben C. Hoban

Commissioners.

Dated at Denver, Colorado,
this 23rd day of March, 1959.

mls

Original

(Decision No. 51965)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., BRIGHTON, COLORADO, FOR AUTHORITY TO EXTEND FACILITIES IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 2-SOUTH, RANGE 76-WEST.	)	APPLICATION NO. 16936-Extension

March 23, 1959

S T A T E M E N T

By the Commission:

On March 13, 1959, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend service to a tenant house owned by the D. M. & H. Cattle Co., located in the Northeast Quarter of Section 12, Township 2-South, Range 67-West. Construction will consist of approximately 1062 feet of primary line and 60 feet of secondary line, and the estimated cost of the construction is $428.00.

This application was filed pursuant to the Commission's Order in Application No. 13576, Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said Order, which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and files herein, and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter, will issue its Order granting the construction as requested. The Commission has received a letter from Public Service Company of Colorado, dated

March 17, 1959, and a letter from Colorado Central Power Company, dated March 17, 1959, both of said letters stating, in effect, that the respective companies have no objection to the granting of the authority sought by the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's Order in Decision No. 47074, previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to a tenant house owned by the D. M. & H. Cattle Co., located in the Northeast Quarter of Section 12, Township 2-South, Range 67-West; and that Union Rural Electric Association, Inc., should be authorized to render said service.

O R D E R

THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity, to extend facilities to a tenant house owned by the D. M. & H. Cattle Co., located in the Northeast Quarter of Section 12, Township 2-South, Range 67-West; all in accordance with the application for electric service signed by and between the parties, a copy of which was filed with the Commission in the instant matter, and which, by reference, is made a part hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hagus

Ralph C. Hollon

Commissioners.

Dated at Denver, Colorado,
this 23rd day of March, 1959.

mls

(Decision No. 51966)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DON MEINEN, DOING BUSINESS AS,)
"DON MEINEN EXCAVATING")
5101 SOUTH LOGAN) PERMIT NO. M-15569
LITTLETON, COLORADO.)
)

March 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Don Meinen, Dba Don Meinen Excavating, Littleton, Colorado requesting that Permit No. M-15569 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15569, heretofore issued to Don Meinen, Dba Don Meinen Excavating, Littleton, Colorado be, and the same is hereby, declared cancelled effective February 27, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jacob C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 25th day of March, 1959.

ds

(Decision No. 51967)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
VAL JEAN PEVLER)
1643 - FIRST AVENUE,)
GREELEY, COLORADO.) PERMIT NO. M-9869
)
)

March 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Val Jean Pevler, Greeley, Colorado requesting that Permit No. M-9869 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9869, heretofore issued to Val Jean Pevler, Greeley, Colorado be, and the same is hereby, declared cancelled effective March 6, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Commissioners

Dated at Denver, Colorado,

this 25th day of March, 1959.

ds

(Decision No. 51968))

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FRANK AND TOM KONDO, DOING BUSINESS)
AS, "KALAMATH WOODWORKING SHOP")
77 SOUTH KALAMATH) PERMIT NO. M-14613
DENVER 23, COLORADO.)
)

March 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank & Tom Kondo, Dba Kalamath Woodworking Shop, Denver, Colorado requesting that Permit No. M-14613 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14613, heretofore issued to Frank & Tom Kondo, Dba Kalamath Woodworking Shop, Denver, Colorado be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 25th day of March, 1959.

ds

(Decision No. 51969)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
GEORGE AND JORGEN L. SCHJELDERUP)
1806 WADSWORTH)
LAKEWOOD, COLORADO.) PERMIT NO. M-11204
)
)

March 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George & Jorgen L. Schjelderup, Lakewood, Colorado requesting that Permit No. M-11204 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11204, heretofore issued to George & Jorgen L. Schjelderup, Lakewood, Colorado be, and the same is hereby, declared cancelled effective February 21, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Joseph C. Norton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 25th day of March, 195 9.

ds

(Decision No. 51970)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
WENDELL A. PENNINGTON)
ROUTE I, POST OFFICE BOX 257)
CANON CITY, COLORADO.) PERMIT NO. M-332
)
)

March 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Wendell A. Pennington, Canon City, Colorado requesting that Permit No. M-332 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-332, heretofore issued to Wendell A. Pennington, Canon City, Colorado be, and the same is hereby, declared cancelled effective February 24, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Leon C. Norton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 25th day of March, 1959.

ds

(Decision No. 51971)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
HERBERT WAYNE CLARK AND DAVE B.)
SEALOCK)
BURLINGTON, COLORADO.) PERMIT NO. M-3365
)
)

March 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Herbert Wayne Clark and Dave B. Sealock, Burlington, Colorado requesting that Permit No. M-3365 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3365, heretofore issued to Herbert Wayne Clark and Dave B. Sealock, Burlington, Colorado be, and the same is hereby, declared cancelled effective February 28, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 25th day of March, 1959.

ds

(Decision No. 51972)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOSEPH P. CHAVEZ AND DELFINO E.)
GARCIA DOING BUSINESS AS, "CONEJOS)
COUNTY GAS AND EQUIPMENT COMPANY") PERMIT NO. M-10423
POST OFFICE BOX 44, ANTONITO, COLORADO.
)

March 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Joseph P. Chavez & Delfino E. Garcia, Dba Conejos Co. Gas & Equipment Co., Antonito, Colorado requesting that Permit No. M-10423 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10423, heretofore issued to Joseph P. Chavez & Delfino E. Garcia, Dba Conejos Co. Gas & Equipment Co., Antonito, Colorado be, and the same is hereby, declared cancelled effective March 19, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 25th day of March, 195 9.

ds

(Decision No. 51973)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JAMES E. OSTRANDER, DOING BUSINESS)
AS, "GAMBLES STORE")
2833 WEST SHORT PLACE,) PERMIT NO. M-8807
DENVER 4, COLORADO.)
)

March 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from James E. Ostrander, Dba Gambles Store, Denver, Colorado requesting that Permit No. M-8807 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8807, heretofore issued to James E. Ostrander, Dba Gambles Store, Denver, Colorado be, and the same is hereby, declared cancelled effective February 23, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro

Jacob C. Horton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 25th day of March, 195 9.

ds

(Decision No. 51974)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
EUGENIO AND ESTERBAN LONGORIA)
ROUTE I,)
GOLDEN, COLORADO.) PERMIT NO. M-14343
)
)

March 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Eugenio and Esterban Longoria, Golden, Colorado requesting that Permit No. M-14343 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14343, heretofore issued to Eugenio and Esterban Longoria, Golden, Colorado be, and the same is hereby, declared cancelled effective February 25, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 25th day of March, 195 9.

ds

(Decision No. 51975)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
PAUL LOWRY, DOING BUSINESS AS,)
CRESTVIEW POULTRY)
912 - 20TH. STREET) PERMIT NO. M-14745
DENVER 2, COLORADO.)
)

March 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Paul Lowry, Dba Crestview Poultry, Denver, Colorado requesting that Permit No. M-14745 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14745, heretofore issued to Paul Lowry, Dba Crestview Poultry, Denver, Colorado be, and the same is hereby, declared cancelled effective March 19, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Ralph C. Horton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 25th day of March, 1959.

ds

(Decision No. 51976)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RINEHART MEISINGER)
COLFAX, CALIFORNIA.)

PERMIT NO. B-3766

March 25, 1959

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-3766 be suspended for six months from March 7, 1959.

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 Rinehart Meisinger, Colfax, California, be, and he is hereby, authorized to suspend his operations under Permit No. B-3766 until September 7, 1959.

That unless said permit-holder 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

Joseph F. Nigro
Joseph C. Horton
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 25th day of March 1959

ds

(Decision No. 51977)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE APPLEWOOD UTILITIES, INC., LAKEWOOD, COLORADO, FOR EXTENSION OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE SALE AND DISTRIBUTION OF WATER.

APPLICATION NO. 16783-AMENDED

March 26, 1959

Appearances: Leonard M. Campbell, Esq., Denver, Colorado, for the Applicant;
Edwin R. Lundborg, Esq., Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application was filed with this Commission on the 17th day of December, 1958, requesting an extension of a Certificate of Public Convenience and Necessity for the sale and distribution of water within the boundaries of a thirty-acre tract, more or less, in order that the Applicant may serve water within said area, which area was legally described in the application as follows:

> Blocks 4, 5 and 12, ORCHARD GARDENS, located in the SW¼ of Section 30, Township 3-South, Range 69-West, Jefferson County, State of Colorado.

At the opening of the hearing, the Applicant presented and requested the Commission to consider an amendment permitting the Applicant to serve an additional four acres, and legally described as follows:

> That part of the West 503 feet of the S½ of the NW¼ of the SW¼ of Section 30, Township 3-South, Range 69-West of the 6th

Principal Meridian, lying north of the Lee, Stewart and Eskins Ditch, containing 4 acres, more or less, and located in Jefferson County, State of Colorado.

After due notice to all interested parties, a hearing was held on said Application for Extension on Friday, January 23, 1959, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, and, at the conclusion of the hearing, the matter was taken under advisement.

The Applicant is a Colorado corporation authorized, among other purposes, to serve and distribute water and it has been certificated as a public utility by this Commission under previous applications numbered 13481 and Decision No. 44429, of July 18, 1955, and Application No. 14042 and Decision No. 45710, of April 20, 1956, and Application No. 15267 and Decision No. 47948, of May 27, 1957.

At the hearing on January 23, 1959, no protestants appeared, and the Applicant presented testimony of witnesses and there were introduced exhibits as herein described.

Mr. Myron Bunger, the first witness for the Applicant, stated that he was Vice-President and General Manager of the Applicant company. Mr. Bunger identified Exhibits Nos. 1, 2 and 3, which were prepared by and under the supervision of Kenneth Richards, a registered engineer for the State of Colorado. Exhibit No. 1 is a general map of the area, showing demand for services by the number of sites sold within the certificated area, existing taps in January, 1959, existing water service lines, present boundaries of the certificated area and the proposed area to be served. Exhibit No. 2, prepared by the same engineer, showed the water distribution system as it existed and as it would be proposed in the new area. Exhibit No. 3 showed the water production facilities on a map of the general area. Exhibits Nos. 2 and 3 were also prepared by the same engineering firm.

Mr. Bunger testified that the new area of 30 acres was almost surrounded on three sides by existing facilities and area of the Applicant, and that there was no other public or private utility

to serve this area. The four-acre tract was immediately adjacent to presently served area, and could easily be reached by extension of the present distribution facilities.

Mr. Bunger identified Exhibit No. 4 as an abstract of surface waters available to the Applicant and which would be described in the testimony of Mr. Mills Bunger, an expert water engineering witness who appeared later in the hearing.

Mr. Myron Bunger identified Exhibit No. 5, which was a financial record of the Applicant company prepared from its books and included a balance sheet, a statement of income and expenses, a schedule of utility plant, a schedule of stockholders and shares owned, and a schedule of water usage. It was noted from the balance sheet and the statement of income and expenses that the Applicant company was operating at a net operating loss and that a deficit had accrued of approximately $20,000.00 from the previous years' losses. Mr. Myron Bunger stated that he expected that the Applicant company would operate at a loss until there were over 170 users connected and using water from the system. It was indicated that there would be approximately that number of users connected in the latter part of the summer of 1959. Mr. Myron Bunger testified that the subdividing company, Applewood, Inc., had been underwriting the operations of the company, and there were sums due to it which would be paid for the issuance of equity stock of the utility company.

Mr. Myron Bunger identified a letter marked "Exhibit 6" and testified of the underwriting agreement between the subdividing company and the utility company for the provision of capital for net operating losses if any losses should occur and sufficient capital for construction of facilities that the company might be required to construct to enlarge its system. In this regard, the testimony revealed that the water distribution system or the laterals within the new areas to be certificated would be installed and delivered to the company as contributions in aid of construction.

It was requested that this agreement be made a part of the records of the hearing, and there was submitted a late-filed exhibit concerning the terms of this agreement.

The next witness, Mr. Mills Bunger, identified himself as a witness who had previously testified as an expert water engineering witness, and his qualifications were permitted to be incorporated from the previous hearing on May 27, 1957, under Docket No. 15267, at which he had appeared as a witness. Mr. Bunger identified Exhibit No. 4 for the present hearing which contained information similar to Exhibits 6 and 7 of the previous hearing, and constituted Mr. Bunger's analysis month by month during 1954 of the surface water available under decreed priorities of deposits and water rights available to the Applicant. The year 1954 was selected for analysis because it was the driest year of record. Mr. Bunger stated that this Exhibit No. 4 showed the same data as had been previously submitted, excepting only that it showed an increase of water in the Lee, Stewart and Eskins Ditch that had been subsequently procured by the Applicant for use in connection with the new area to be certificated and the amount of this surface water to be so used was 16,300,000 gallons of water.

Mr. Mills Bunger identified Exhibit No. 8 of a previous hearing as a legal opinion of David Miller, an expert water attorney, who had stated that the water in the ditches and available under the water rights to the Applicant could be used for domestic purposes. It was requested that a current opinion as to the use and the title of these water rights be obtained and submitted as a part of the records, and it was submitted as a late-filed exhibit.

Mr. Mills Bunger testified as to the availability of the old priority water rights always available, fairly old priority water rights available part of the time, late water occasionally available and storage rights that would be available under the water rights of the Applicant company. The water rights were identified as

being part of three ditches, the Agricultural Ditch, the Lee, Stewart and Eskins Ditch, and the Welch Ditch.

Mr. Kenneth Richards, a registered engineer of Colorado, whose qualifications were admitted by stipulation and incorporated from a prior hearing at which he testified, identified the first three exhibits, which were maps that had been prepared under his supervision, and had been used in Mr. Myron Bunger's testimony. Mr. Richards also identified a basic engineering report as to the water resources available to the Applicant as Exhibit 7, and which had previously been submitted in a prior hearing as Exhibit 13.

Mr. Richards discussed briefly the three stages of development of Applicant's water system as being Development No. 1, or the well supply development used initially; and Development No. 2, being a combination of the wells and infiltration galleries and used until 156 houses are connected to the system; and Development No. 3, being the surface water supply.

Mr. Richards identified and there was introduced an Exhibit 8, which was a supplemental or a current report to January, 1959, of the water resources available, and their use in the new area to be certificated. Mr. Richards testified that he had used as additional water resources available to the Applicant the 16,300,000 gallons of water in the Lee, Stewart and Eskins Ditch which had been described in Mr. Mills Bunger's testimony as additional water supply made available since the last hearing. Mr. Richards further testified that he had increased his computation of use from an estimate of 700 gallons per house per day during the summer months to 900 gallons per house per day during these months, in accordance with the increased use experienced by the company. It was noted that this experience might be attributable to partial payment of water bills by the subdivider to new home owners putting in lawns during the first three months after they constructed their houses. The 250 gallons per house per day use during the winter months seemed appropriate.

Mr. Kenneth Richards analyzed and testified as to an operation table on the supply of water and estimated use for 510 units using surface water only, which showed a supply deficiency during the winter months and a second table showing use of surface water and infiltration galleries with wells on a stand-by basis only, which showed adequate water supply for 510 units from these two sources available to the company. Mr. Richards testified as to existing facilities in construction and generally described the system which he said, in his opinion as an expert engineering witness, was feasible to provide adequate water for 510 houses. The testimony indicated that water for additional houses would be available, but the request for the Applicant at this hearing was limited to 510 houses in the total area to be certificated, including the new 30-acre tract and the new 4-acre tract, for which Applicant sought to be certificated.

Mr. Richards testified as to the extension of the distribution system and the requirement for an addition to the filter system. He concluded that the proposal of the applicant to supply 510 residential units within its presently certificated area and the area for which it requested certification was engineeringly feasible and proper. The estimated cost of construction of additions to the water distribution system were $55,646.00 and additions to the filter system of $14,000.00, or a total of $69,646.00, which figure would be used as a basis for the issuance of the certificate sought, but that said figure shall not be binding upon the Commission in any proceeding where rates or valuation may be an issue. The total area for which the Applicant seeks certification to serve a total of 510 residential units for which it is presently certificated and for which it seeks a new certificate, described as follows:

PRESENT AREA CERTIFICATED

The Applewood Mesa Ranchettes and Applewood Ranchettes Subdivision, Jefferson County, Colorado, lying in the S½ of Section 30, and the NE¼ of the NW¼ of Section 31, Township 3-South, Range 69-West of the 6th P. M.

Also that part of the SE¼ of the NW¼ of said Section 31, lying East of the Golden Canal, also known as Welch Ditch, and that part of the NW¼ of the NW¼ of said Section 31, lying North of said Golden Canal.

Also that portion of the E½ of the SE¼ of the SE¼ of Section 25, Township 3-South, Range 70-West of the 6th P. M., Jefferson County, State of Colorado, lying South of the Agricultural Ditch.

Also N½ of Lot 9 and the N½ of W½ of Lot 10, Roxbury Gardens, Jefferson County, State of Colorado, and in the SE¼ of NE¼ of said Section 30.

Lots 1, 2 and that portion of Lots 7 and 8 lying North of the Centerline of the Rocky Mountain Ditch, Orchard Gardens Subdivision, Jefferson County, Colorado, and in the NW¼ of the SE¼ of Section 30, Township 3-South, Range 69-West of the 6th P. M.

Also Lots 6 and 11 of said Orchard Gardens lying in the E½ of the SW¼ of said Section 30.

Also the Orchard Ranchettes Subdivision, Jefferson County, Colorado, lying in the West 503 feet of the S½ of the NW¼ of the SW¼ of said Section 30, and South of the Lee, Stewart and Eskins Ditch.

NEW AREA

Blocks 4, 5 and 12, ORCHARD GARDENS, Jefferson County, State of Colorado,

and that part of the West 503 feet of the S½ of the NW¼ of the SW¼ of Section 30, Township 3-South, Range 69-West of the 6th Principal Meridian, lying North of the Lee, Stewart and Eskins Ditch, containing 4 acres, more or less, and located in Jefferson County, State of Colorado.

F I N D I N G S

THE COMMISSION FINDS:

1. That the above Statement be made a part of these Findings by reference.

2. That this Commission has jurisdiction over the Applicant herein, and over the subject matter of the instant application.

3. That the Commission has considered the testimony, evidence and exhibits and the legal opinion rendered by David T. Miller as to the water rights, in the instant matter, and is fully advised in the premises. That public convenience and necessity require the construction, maintenance and operation of a water system to be located in the area hereinabove described, for the purpose of furnishing water in said area in accordance with the Articles of Incorporation of Applicant, and that a certificate of public convenience and necessity should issue therefor.

O R D E R

THE COMMISSION ORDERS:

1. That this Order shall be taken, deemed and held to be a Certificate of Public Convenience and Necessity to Applewood Utilities, Inc., authorizing the construction, maintenance and operation of a water utility company to supply water in accordance with the Articles of Incorporation of said company, not to exceed 510 residential sites located in the following area:

PRESENT AREA CERTIFICATED

The Applewood Mesa Ranchettes and Applewood Ranchettes Subdivision, Jefferson County, Colorado, lying in the S½ of Section 30, and the NE¼ of the NW¼ of Section 31, Township 3-South, Range 69-West of the 6th P. M.

Also that part of the SE¼ of the NW¼ of said Section 31, lying East of the Golden Canal, also known as Welch Ditch, and that part of the NW¼ of the NW¼ of said Section 31, lying North of said Golden Canal.

Also that portion of the E½ of the SE¼ of the SE¼ of Section 25, Township 3-South, Range 70-West of the 6th P. M., Jefferson County, State of Colorado, lying South of the Agricultural Ditch.

Also N½ of Lot 9 and the N½ of W½ of Lot 10, Roxbury Gardens, Jefferson County, State of Colorado, and in the SE¼ of NE¼ of said Section 30.

Lots 1, 2 and that portion of Lots 7 and 8 lying North of the Centerline of the Rocky Mountain Ditch, Orchard Gardens Subdivision, Jefferson County, Colorado, and in the NW¼ of the SE¼ of Section 30, Township 3-South, Range 69-West of the 6th P. M.

Also Lots 6 and 11 of said Orchard Gardens lying in the E½ of the SW¼ of said Section 30.

Also the Orchard Ranchettes Subdivision, Jefferson County, Colorado, lying in the West 503 feet of the S½ of the NW¼ of the SW¼ of said Section 30, and South of the Lee, Stewart and Eskins Ditch.

NEW AREA

Blocks 4, 5 and 12, Orchard Gardens, located in the SW¼ of Section 30, Township 3-South, Range 69-West, Jefferson County, State of Colorado.

And that part of the West 503 feet of the S½ of the NW¼ of the SW¼ of Section 30, Township 3-South, Range 69-West of the 6th Principal Meridian, lying North of the Lee, Stewart and Eskins Ditch, containing 4 acres, more or less, and located in Jefferson County, State of Colorado.

All as more fully shown on Exhibit No. 1, which, by reference, is made a part hereof.

2. That the Applicant shall construct, maintain and operate the water system in accordance with good engineering practice and in conformity with the rules and regulations of this Commission and the Department of Health of the State of Colorado. That the Applicant shall submit to this Commission the "as constructed" plans of the completed water system, together with the itemized costs of said construction, said costs to be broken down in accordance with the uniform system of accounts for water companies, as prescribed by this Commission; said data to be filed within ninety (90) days of the beginning of water service in the certificated area in excess of the 450 residential sites for which Applicant is presently certificated.

3. That, prior to the rendering of water service in the area, Applicant shall obtain written approval of the Department of Public Health of the State of Colorado of its facilities and resources and file a copy of said approval with this Commission.

4. That said water service so authorized shall be in accordance with the rates, rules and regulations of the company presently on file with the Commission, subject to such amendments as may be authorized by the Commission.

5. That the Applicant shall maintain its accounts in accordance with the uniform system of accounts as prescribed by this Commission, and shall always and at all times abide by the rules and regulations governing the service of water as prescribed by this Commission.

6. That this Commission shall retain jurisdiction of this matter, to issue such further order or orders as may be necessary.

7. This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Ralph C. Norton

Henry E. Valerio

Commissioners.

Dated at Denver, Colorado,
this 26th day of March, 1959.

ea

(Decision No. 51978)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE OPERATIONS OF COLORADO INTERSTATE GAS COMPANY, A CORPORATION, COLORADO SPRINGS, COLORADO	CASE 5075 SUPPLEMENTAL ORDER

ORDER FOR CORRECTION OF TRANSCRIPT

March 26, 1959

S T A T E M E N T

By the Commission:

Pursuant to written stipulation of the Commission's staff, Colorado Interstate Gas Company, The Colorado Fuel and Iron Corporation, and Public Service Company of Colorado, entered into for said parties by their respective attorneys, for correction of the transcript of testimony in the within case, which stipulation is hereto attached and, by reference, made a part of this Order, and the same having been fully considered by the Commission,

O R D E R

IT IS ORDERED:

That the transcript of evidence be corrected forthwith, by the Reporters who made the same, in the manner and as indicated in the Stipulation for Correction of Transcript hereinabove mentioned.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph E. Hogan

Commissioners.

COMMISSIONER RALPH C. HORTON
NOT PARTICIPATING.

Dated at Denver, Colorado,
this 26th day of March, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Case No. 5075

RE: OPERATIONS OF COLORADO INTERSTATE GAS COMPANY, A CORPORATION, COLORADO SPRINGS, COLORADO.

STIPULATION

IT IS HEREBY STIPULATED by and between the Staff of the Public Utilities Commission of the State of Colorado, the Colorado Interstate Gas Company, The Colorado Fuel and Iron Corporation, and the Public Service Company of Colorado, that the following corrections be made in the transcript of the hearing of February 26, 1959, in the above captioned case, and that the transcript as so corrected, together with its exhibits, is a true and correct record of that hearing:

Correction No. 1: Page 19, Line 4: "Bivins" in lieu of "Bevins."

Correction No. 2: Page 21, Line 14: "not" in lieu of "now."

Correction No. 3: Page 32, Line 16: ". . . the Commission and all that compliance involves." in lieu of ". . . the Commission and all the compliance involved."

Correction No. 4: Page 51, Line 14: Insert a comma after the word "paragraph."

Correction No. 5: Page 52, Line 12: "of" in lieu of "for."

Correction No. 6: Page 54, Line 22: "judicial" in lieu of "jurisdiction."

Correction No. 7: Page 55, Line 4: "procedural" in lieu of "a procedure of."

Correction No. 8: Page 55, Line 21: "contend" in lieu of "contest."

Correction No. 9: Page 56, Line 1: "With regard to the filing of tariffs, again I want . . ." in lieu of "With regard to

the filing of tariffs again, I want. . ."

THE STAFF OF THE PUBLIC UTILITIES
COMMISSION OF COLORADO,

By S/ E. R. Lundborg
E. R. Lundborg
Staff Attorney

COLORADO INTERSTATE GAS COMPANY,

By S/ John Fleming Kelly
John Fleming Kelly,
Its Attorney

THE COLORADO FUEL AND IRON CORPORATION,

By S/ Robert F. Welborn
Robert F. Welborn,
Its Attorney

PUBLIC SERVICE COMPANY OF COLORADO,

By S/ Bryant O'Donnell
Bryant O'Donnell,
Its Attorney

original

(Decision No. 51979)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHICAGO, BURLINGTON & QUINCY RAIL-)
ROAD COMPANY, DENVER, COLORADO, TO) APPLICATION NO. 16869
DISCONTINUE JOINT AGENCY STATION AT)
MERINO, COLORADO.)

At a General Session of The Public Utilities Commission of the State of Colorado, held at its offices in Denver, Colorado, March 30, 1959.

INVESTIGATION AND SUSPENSION DOCKET NO. 419

March 30, 1959

S T A T E M E N T

By the Commission:

On February 16, 1959, Chicago, Burlington & Quincy Railroad Company and Union Pacific Railroad Company, by their Attorneys, filed an application under Rule 6 of the Commission's Rules and Regulations Pertaining to Railroads Operating in the State of Colorado.

Request was made by applicant for an Order authorizing discontinuance of the joint Agency Station at Merino, Logan County, Colorado, effective March 31, 1959, and thereafter to handle all railroad business at the joint Agency Station of Atwood, located six miles to the east. Agency service at Merino is now provided by an agent on duty from 7:00 A. M., until 4:00 P. M., Monday through Friday on a year-around basis.

Applicant indicates that most of the revenue at this station results from carload business which can be readily handled at another station. Expenses and Revenues for the past years are reported as follows:

	Year	Total Revenue	Expenses
	1956	$6,995.71	$5,109.70
	1957	9,535.73	5,494.01
(8 Mos.)	1958	3,408.02	3,800.94

Summary of Carload and L.C.L. Shipments is as follows:

		Total Carloads		Total L.C.L. Shipments	
	Year	U. P.	C.B.&Q.	U. P.	C.B.&Q.
	1955	No Report	20	No Report	41
	1956	38	23	43	36
	1957	43	16	44	22
(8 Mos.)	1958	17	3	30	13

Other factors reported are as follows:

For the past two years there have been no passenger tickets sold at the station and it is not a regular stop for any passenger train. L.C.L. shipments, railway express, milk and cream, and baggage are now handled in and out of Merino on Union Pacific Supplemental Truck service, and there will be no change in this service as presently provided; shipments will be picked up or left at the depot building, the consigness being notified by the agent at Atwood. Mail is not handled by trains into or out of Merino, but by Government Star Route.

The intention of Applicant having been properly publicized by the posting of public notice at its station in Merino, the Commission has received numerous protests indicating that discontinuance of the agency service will cause great inconvenience to the residents of Merino and adjacent area.

It appears then that people and local business men of the Merino area are not in accord with the proposed station closing; therefore, in order to obtain a full understanding of this situation, it is necessary to suspend the effective date of the proposed agent withdrawal so that a more complete investigation may be had. The application and file in this matter will, therefore, be transferred to Investigation and Suspension Docket No. 419 on the Commission's Docket.

F I N D I N G S

THE COMMISSION FINDS:

That the application of Chicago, Burlington & Quincy Railroad Company and Union Pacific Railroad Company to withdraw its agency station at Merino, Colorado, should be suspended pending a more complete investigation of the matter.

O R D E R

THE COMMISSION ORDERS:

That the effective date of the proposed station closing at Merino, Colorado, by Chicago, Burlington & Quincy Railroad Company and Union Pacific Railroad Company, be, and it hereby is, suspended for a period of one hundred and twenty (120) days from March 31, 1959, or until July 29, 1959, unless otherwise ordered.

That Application No. 16869, originally assigned to the instant proceedings, be, and it is hereby closed, and all records and files of said application be transferred to Investigation and Suspension Docket No. 419.

That a copy of this Order be filed with Application No. 16869 and with Investigation and Suspension Docket No. 419, and copies served on Clayton D. Knowles, Esq., 560 Denver Club Building, and J. C. Street, Esq., 615 C. A. Johnson Building, as Attorneys for Applicant; and the following protestants herein: Warren Lumber Company, A. A. Pickering, Manager, Merino, Colorado; and Merino Elevator, Inc., Wayne Rossen, President, Merino, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hughes

Ralph C. Horton

Henry E. Gallagher

Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1959.

mls

(Decision No. 51980)

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 SECURITIES.) APPLICATION NO. 16914-Securities

March 30, 1959

Appearances: Willis L. Lea, Jr., Esq., Burt Building, Dallas, Texas, and Barry, Dawkins and Boyle, Esqs., Denver, Colorado, for Applicant; E. R. Thompson, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

This application by Southern Union Gas Company, later referred to as "Applicant" or "Company," was filed March 9, 1959, and after due notice to all interested parties, was set for hearing on March 25, 1959, at 9:00 o'clock A. M., at 330 State Office Building, Denver, Colorado, at which time and place was heard and taken under advisement by the Commission.

Southern Union Gas Company, the Applicant herein, seeks authority of the Commission to issue, offer and sell 442,731 shares of an initial series of Cumulative Convertible Second Preferred Stock, par value $25 per share, for cash at not less than par, such initial series to have a dividend rate up to but not exceeding five per cent (5%) per annum, including the issuance and delivery to the Company's common stockholders of subscription rights or warrants entitling them or their transferees to purchase such shares of Second Preferred Stock, and the issuance and delivery of stock

certificates representing whole shares of said Second Preferred Stock (and scrip or cash in lieu of fractional shares thereof); and to apply the net proceeds from such issue, offering and sale, consisting of cash, to and for the purposes authorized by law, all as proposed by the Company.

The Company also requests authorization to issue and deliver shares of Company's common stock not exceeding 442,731 shares in the aggregate, and certificates representing same (together with scrip or cash in lieu of any fractional share otherwise due), from time to time when and as called for upon conversion at the option of the holders of shares of said initial series of Second Preferred Stock. The Second Preferred Stock will be for approximately ten years after December 31, 1959, convertible at the option of the holders thereof into shares of the Company's common stock.

The Second Preferred Stock will be junior to the presently-authorized and outstanding cumulative preferred stock as to both dividends and assets, but will be senior in these respects to the common stock.

The Second Preferred Stock will be subject to redemption at the option of the Company either for sinking fund purposes, or otherwise, during such period or periods of time and at such prices as may be determined with respect to each series before issuance thereof by its Board of Directors.

Applicant's witness testified that the redemption price of the initial series will be fixed at $25 per share plus accrued dividends to the date of redemption and that the dividend rate for the new shares will not be in excess of five per cent (5%) of their par value per annum. He also stated that a stand-by underwriting agreement may be entered into with one or more reputable and financially responsible underwriters to obligate the latter to purchase any or all shares of the initial series of Second Preferred Stock

remaining unsubscribed after the offering thereof to the Company's common stockholders; thus to assure to Applicant the availability of proceeds from sale of all shares offered, for use as proposed by it. Underwriting commissions will be paid by Applicant for the underwriting of the initial series of Second Preferred Stock which, although not yet finally determined, will not be in excess of the amounts customarily paid in connection with similar transactions, according to the record in this proceeding. Applicant's witness stated that it is very possible that common stockholders may exercise their options to purchase the new convertible preferred stock to the extent that the underwriters would not be required to sell any shares.

Southern Union Gas Company is a corporation, organized, created and existing under the laws of the State of Delaware, and is now lawfully transacting a public utility business in the State of Colorado, owning and operating a gas transportation and distribution system, serving Durango and vicinity. It is also extensively engaged in the operation of natural gas properties located in Texas, New Mexico and Arizona.

It is proposed that net proceeds to the Company from its issue and sale of the initial series of Second Preferred Stock, approximating $10,885,000, (a) will be used to pay and discharge its bank loan indebtedness in the aggretate principal amount of $7,500,000 (incurred by it during 1958 pursuant to authority of this Commission for the purpose of financing certain additions and betterments of its properties), and (b) the remainder will be added to its general funds and will be used, along with other funds available and to become available, to defray the cost of its planned program of betterments and extensions to its plant and properties during and after 1959. Thus, except for the funds necessary to retire the existing bank loans, net proceeds from the proposed stock issue will be expended and applied, after having been initially added to Applicant's general funds, for the acquisition of property

or the construction, completion, extension or improvement of facilities and service, or in reimbursement of its treasury for a portion of moneys actually expended for the same purposes from income of Applicant or from other moneys in its treasury not secured by or obtained from the issue, assumption or guarantee of securities within five years prior to the filing of the application herein.

The Company's capital structure is as follows:

	December 31, 1958	% of Total	Pro Forma after issue of Cum. Conv. Sec. Pfd. Stock	% of Total
EQUITY CAPITAL				
Preferred Stocks	$20,048,800	21.5	$20,048,800	20.7
Cum.Con.Sec.Pfd.Stk.	--	--	11,068,275	11.4
Common Stock	26,972,361	28.9	26,972,361	27.8
Total Equity Capital-	$47,021,161	50.4	$58,089,436	59.9
LONG TERM DEBT	46,346,581	49.6	38,846,581	40.1
Total Capital Structure -	$93,367,742	100.0	$96,936,017	100.0

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That the Commission has jurisdiction over and with respect to Southern Union Gas Company, in certain of its operations, and that its interests and the interests of its consumers will not be adversely affected by the proposed transactions, or any of them; that the proposed transactions, and the purposes for which the securities referred to are to be issued, are consistent with and permitted by the provisions of the 1953 Colorado Revised Statutes, 115-1-4, and are consistent with the public interest; and that the application to be made of such securities, or the proceeds thereof, is permitted by applicable laws of Colorado.

That the foregoing Statement is made a part of these Findings herein, and by reference, is incorporated in these Findings.

O R D E R

THE COMMISSION ORDERS:

To the full extent that approval and authorization are required by the laws of Colorado, that the application of Southern Union Gas Company be, and it is hereby, granted and approved and the said Applicant is hereby authorized:

(a) to issue, offer and sell 442,731 shares of an initial series of Cumulative Convertible Second Preferred Stock, par value $25, for cash at not less than par, such initial series to have a dividend rate up to but not exceeding five per cent (5%) of its par value per annum, including the issuance and delivery to Applicant's common stockholders of subscription rights or warrants entitling them or their transferees to purchase such shares of Second Preferred Stock, and the issuance and delivery of stock certificates representing whole shares of said Second Preferred Stock (and scrip or cash in lieu of fractional shares thereof); and to apply the net proceeds from such issue, offering and sale, consisting of cash, to and for the purposes authorized by law, all as proposed by Applicant; and

(b) to issue and deliver shares of Applicant's common stock not exceeding 442,731 shares in the aggregate, and certificates representing same (together with scrip or cash in lieu of any fractional shares otherwise due), from time to time when and as called for upon conversion at the option of the holders of shares of said initial series of Second Preferred Stock.

Applicant shall be, and it is hereby authorized, to take such further steps and actions as may, in conformity with applicable laws and regulations, be necessary, incident or appropriate to the full accomplishment of the proposed offering, issue, sale and delivery

of securities as herein approved and authorized.

That Southern Union Gas Company shall not pay underwriting fees with regard to the cumulative convertible Second Preferred Stock in excess of the rates and amounts set forth in the proposed underwriting agreement, Applicant's Exhibit No. 7 in this proceeding.

That within six (6) months from this date Applicant shall file a report with the Commission showing consummation of the issue and sale of its initial series of Second Preferred Stock, together with the number of shares so issued, and the net proceeds received therefrom, together with an itemized statement of expenses incurred in said issuance; also within such period Applicant shall file with the Commission as a part of the record in this proceeding a true copy of the definitive resolutions as adopted by Applicant's Board of Directors and filed with the Delaware Secretary of State, creating and defining additional terms, rights and limitations, including the exact dividend rate, of the said initial series of Second Preferred Stock.

That each of the Second Preferred Stock certificates initially issued by Applicant pursuant to the authority granted herein shall be identified by a legend appearing thereon, as follows: "Colo. PUC No. 16914."

That nothing herein shall be construed to imply any recommendations or guaranty of, or any obligation with respect to, any of the aforesaid securities or the payments of dividends thereon, on the part of the State of Colorado.

Authority herein granted shall be effective and exercisable from and after this date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nagle

Ralph C. Hooton

Henry E. Gallup

Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1959.

ma

(Decision No. 51981)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JOHN B. AND RUTH KENNEDY)
C/O JOHN B. KENNEDY)
1 ST. RECONNAISSANCE SQUADRON) PERMIT NO. M-15489
15TH. CALVARY, TROOP "C")
FORT HOOD, TEXAS.)

March 31, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John B. and Ruth Kennedy, Fort Hood, Texas requesting that Permit No. M-15489 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15489, heretofore issued to John B. and Ruth Kennedy, Fort Hood, Texas be, and the same is hereby, declared cancelled effective October 15, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 31st day of March, 1959.

ds

(Decision No. 51982)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
BERT L. MORRIS)
811 WALNUT STREET,)
FORT MORGAN, COLORADO.) PERMIT NO. M-1936
)
)

March 31, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bert L. Morris, Fort Morgan, Colorado requesting that Permit No. M-1936 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1936, heretofore issued to Bert L. Morris, Fort Morgan, Colorado be, and the same is hereby, declared cancelled effective March 12, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Commissioners

Dated at Denver, Colorado,

this 31st day of March, 1959.

ds

(Decision No. 51983)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FRED SHUBERT)
1917 WEST PLATTE,)
COLORADO SPRINGS, COLORADO.) PERMIT NO. M-14265
)
)

March 31, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fred Shubert, Colorado Springs, Colorado requesting that Permit No. M-14265 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14265, heretofore issued to Fred Shubert, Colorado Springs, Colorado be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro

Ralph C. Norton

Henry E. Zarlengo

Commissioners

Dated at Denver, Colorado,

this 31st day of March, 1959.

ds

(Decision No. 51984)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CARL E. SORLING)
237 STUART STREET)
DENVER 4, COLORADO.) PERMIT NO. M-13836
)
)

March 31, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Carl E. Sorling, Denver, Colorado requesting that Permit No. M-13836 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13836, heretofore issued to Carl E. Sorling, Denver, Colorado be, and the same is hereby, declared cancelled effective March 26, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. [illegible]
Ralph C. [illegible]
Dewey E. Jackson
Commissioners

Dated at Denver, Colorado,
this 31st day of March, 1959.

ds

(Decision No. 51985)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CARL E. SORLING)
237 STUART STREET) PERMIT NO. B-2679
DENVER, COLORADO.)

March 31, 1959

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-2679 be suspended for six months from March 26, 1959.

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 Carl E. Sorling, Denver, Colorado, be, and he is hereby, authorized to suspend his operations under Permit No. B-2679 until September 26, 1959.

That unless said permit-holder 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

Joseph F. Negro

Joseph C. Norton

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 31st day of March 1959.

ds

(Decision No. 51986)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF FLORENCE COCA-COLA BOTTLING COMPANY, 111 EAST FRONT STREET, FLORENCE, COLORADO.	PERMIT NO. M-273 CASE NO. 89195-INS.

March 30, 1959

S T A T E M E N T

By the Commission:

On March 18, 1959, the Commission entered its Order in Case No. 89195-Ins., revoking Permit No. M-273 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission, by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-273 should be, and hereby is, reinstated, as of March 18, 1959, revocation order entered by the Commission on said date in Case No. 89195-Ins. being hereby vacated, set aside and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Noga
Ralph C. Horton
Henry E. Parlengo
Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1959.

ea

(Decision No. 51987)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF GOULD AND PREISNER, INC., 1298 SOUTH KALAMATH STREET, DENVER, COLORADO.	PERMIT NO. M-1479 CASE NO.89112-INS.

March 30, 1959

S T A T E M E N T

By the Commission:

On March 18, 1959, in Case No. 89112-Ins., the Commission entered its Order, revoking Permit No. M-1479 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-1479 should be, and the same hereby is, reinstated, as of March 18, 1959, revocation order entered by the Commission on said date in Case No. 89112-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Mayer
Ralph C. Norton
Commissioners.

Dated at Denver, Colorado,
this 30th day of March, 1959.

ea

(Decision No. 51988)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
OREN J. KIRK,DOING BUSINESS AS)
"OREN KIRK DRILL COMPANY,"ROUTE)
2, DURANGO, COLORADO.)
- - - - - - - - - - - - - - - - - -)

PERMIT NO. M-12512
CASE NO. 89051-INS.

- - - - - - - - -
March 31, 1959
- - - - - - - - -

S T A T E M E N T

By the Commission:

On March 18, 1959, the Commission entered its Order in the above-styled case, cancelling Permit No. M-12512 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-12512 should be, and hereby is, reinstated, as of March 18, 1959, revocation order entered by the Commission on said date in Case No. 89051-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph E. Nigro

Ralph C. Hoover

Harry E. Zalunardo

Commissioners.

Dated at Denver, Colorado,
this 31st day of March, 1959.

ea

(Decision No. 51989)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE MOTOR VEHICLE OPERATIONS OF FOUR WAY COMPANY, INC., P. O. BOX 659, AZTEC, NEW MEXICO.

PERMIT NO. M-1283
CASE NO. 89199-INS.

March 31, 1959

S T A T E M E N T

By the Commission:

On March 18, 1959, the Commission entered its Order in the above-styled case, cancelling Permit No. M-1283 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-1283 should be, and the same hereby is, reinstated, as of March 18, 1959, revocation order entered by the Commission on said date in Case No. 89199-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hagus
Ralph C. Holland
Commissioners.

Dated at D enver, Colorado,
this 31st day of March, 1959.

ea

(Decision No. 51990)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RATES ON FARM PRODUCTS BETWEEN POINTS IN PLAINS TERRITORY, EXCEPT FROM FARM OR FARM STORAGE TO ELEVATORS, SUBJECT TO A MINIMUM WEIGHT 30,000 POUNDS.

CASE NO. 1585

March 31, 1959

STATEMENT

By the Commission:

Effective July 16, 1958, the Commission prescribed a distance scale of rates on Farm Products between points in Plains Territory, except, from farm or farm storage to elevators, subject to a minimum weight of 30,000 pounds, with an expiration date of February 28, 1959. (Decision No. 50632)

On February 25, 1959, the Commission, under its special permission No. 14364 authorized The Colorado Motor Carriers' Association, Agent, to extend the expiration date until April 30, 1959, unless sooner cancelled, changed or extended.

The Commission is now in receipt of an Application (No. 118) from The Colorado Motor Carriers' Association, as Agent, for and on behalf of carriers parties to its Tariff Colorado P.U.C. No. 13, requesting the cancellation of said expiration date and that the matter be set for public hearing where all interested parties may be given an opportunity to be heard.

The petition of the Association sets forth the following facts in support of its request:

> "(1) The presently effective reduced rates for the transportation of farm products, subject to a minimum weight of 30,000 pounds, became effective on July 16, 1958, and, in compliance with this Commission's Order in Decision No. 50632 of July 15, 1958, an expiration date of February 28, 1959, was added. Your petitioner has previously requested that this expiration date be extended to April 30, 1959.

"(2) In the above decision, this Commission stated: '* * * we think that at the end of the present shipping season there should be forthcoming to the Commission cost and revenue figures from the carriers handling the traffic showing their entire operating condition; also what per cent of the total operating revenues were derived from the hauling under the proposed rates.'

"(3) Your petitioner was approached on February 3, 1959, by a representative of the Colorado Milling and Elevator Company with the request that the reduced rates subject to a minimum weight of 30,000 pounds be continued in effect beyond the published expiration date.

"(4) Following receipt of this request your petitioner contacted the carriers involved to determine their reaction to the request. Replies received at this time indicate that there is a divided opinion among the carriers with some favoring continuing the rates in effect and others either expressing no desire to handle the traffic at those rates or suggesting that the rates be allowed to expire."

F I N D I N G S

THE COMMISSION FINDS, That:

This matter should be set for a public hearing where all interested parties may appear and present evidence and testimony in support of their respective positions.

O R D E R

THE COMMISSION ORDERS, That:

1. Case No. 1585 be and the same is hereby reopened for further hearing for the reception of evidence and testimony relating to the justness, reasonableness and sufficiency of the following rates:

Distance Rates on Farm Products, viz.:

Alfalfa, baled; beans, dry; corn and the products thereof unprepared for human consumption; feed, animal and poultry; broom corn; grain and the products thereof unprepared for human consumption; hay, baled; maize; onions, without tops; potatoes; sorghums, all; cucumbers, fresh; seed.

DISTANCE - MILES	PLAIN SCALE Minimum Weight (1) 30,000 Pounds
30 miles and under	8
35 miles and over 30	8½
40 " " " 35	9
45 " " " 40	9½
50 " " " 45	10

DISTANCE - MILES (Cont.)				PLAIN SCALE (Cont.)
55	miles	and	over 50	10½
60	"	"	" 55	11
65	"	"	" 60	11½
70	"	"	" 65	12
75	"	"	" 70	12½
80	"	"	" 75	13
85	"	"	" 80	13½
90	"	"	" 85	14
95	"	"	" 90	14½
100	"	"	" 95	15
105	"	"	" 100	15½
110	"	"	" 105	16
115	"	"	" 110	16½
120	"	"	" 115	17
125	"	"	" 120	17½
130	"	"	" 125	18
135	"	"	" 130	18½
140	"	"	" 135	18½
145	"	"	" 140	19
150	"	"	" 145	19
155	"	"	" 150	19½
160	"	"	" 155	19½
165	"	"	" 160	20
170	"	"	" 165	20
175	"	"	" 170	20½
180	"	"	" 175	20½
185	"	"	" 180	21
190	"	"	" 185	21
195	"	"	" 190	21½
200	"	"	" 195	21½
210	"	"	" 200	22
220	"	"	" 210	22½
230	"	"	" 220	23
240	"	"	" 230	23½
250	"	"	" 240	24
260	"	"	" 250	24½
270	"	"	" 260	25
280	"	"	" 270	25½
290	"	"	" 280	26
300	"	"	" 290	26½

(1) Will not apply on shipments of grain from farm or farm storage to the elevator, and will apply only between points located within plains territory.

2. The matters and things involved in this proceeding be and the same are hereby assigned for public hearing on April 22, 1959, in the hearing room of the Commission, 330 State Office Building, Denver, Colorado, at 10:00 A.M., for the taking of evidence and testimony by all parties concerned.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Keyes

Joseph C. Hanlon

Commissioners

Dated at Denver, Colorado,
this 31st day of March, 1959.

mem

original

(Decision No. 51991)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN NATURAL GAS COMPANY, INC., DENVER, COLORADO, A CORPORATION, ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF COLORADO, FOR AUTHORITY TO ISSUE $125,000 PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT PRIVATE SALE.

APPLICATION NO. 16879-Securities

March 31, 1959

Appearances: Grant E. McGee, Esq., Denver, Colorado, for Applicant;
Ernest C. Porter, Denver, Colorado, President, Rocky Mountain Natural Gas Co.;
Orville M. Shockly, Denver, Colorado, Secretary-Treasurer, Rocky Mountain Natural Gas Co.;
Edwin R. Lundborg, Esq., Denver, Colorado, and
Everett R. Thompson, Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

Application was filed on February 20, 1959, by Rocky Mountain Natural Gas Company, Inc., Denver, Colorado, seeking an Order from this Commission authorizing issuance of $125,000 principal amount of First Mortgage Bonds.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, February 6, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

At the time and place designated for hearing, said matter was heard, all testimony completed and all exhibits received, except a final draft of the Trust Indenture by Rocky Mountain Natural Gas

Company, Inc., and The First National Bank of Denver, Trustee. Applicant, through its Attorney stipulated that such Final Draft of the Indenture would be filed as a late filed exhibit.

On March 17, 1959, Applicant's Attorney, by letter, advised this Commission that Rocky Mountain Natural Gas Company, due to causes beyond its control, found it impossible to file such late filed exhibit so that it would be available to the Commission within the thirty day period pursuant to Chapter 115-1-4, CRS, 1953, and requested that the matter be continued to and including March 31, 1959. By its Order and Decision No. 51962, Application No. 16879-Securities, the time for filing the final draft of the Indenture was extended to and including March 31, 1959.

Now, by letter dated March 26, 1959, Applicant, through a special Attorney, advises that a printer's proof of the Indenture is now being examined by the Trustees Attorney and that a final copy from the printer will be available within a few days, but not by March 31, 1959; hence Applicant seeks extension of time to and including April 14, 1959.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be continued as set forth in the Order to follow.

O R D E R

THE COMMISSION ORDERS:

That application filed with the Commission on February 20, 1959, by Rocky Mountain Natural Gas Company, Inc., Denver, Colorado, as hereinabove described, being Application No. 16879-Securities, should be, and the same hereby is continued to and including April 14, 1959.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogue

Ralph C. Hanson

Commissioners.

Dated at Denver, Colorado,
this 31st day of March, 1959.
mls

(Decision No. 51992)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION AND SUSPENSION OF TEMPORARY RIDER, ORIGINAL SHEETS NOS. 34 AND 34-A, OF PUC TARIFF NO. 3-GAS, OF PUBLIC SERVICE COMPANY OF COLORADO, 900 FIFTEENTH STREET, DENVER, COLORADO.	INVESTIGATION AND SUSPENSION DOCKET NO. 361
IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, 900 FIFTEENTH STREET, DENVER, COLORADO, FOR AN ORDER AUTHORIZING IT TO PUT INTO EFFECT A TEMPORARY GAS RATE ADJUSTMENT.	APPLICATION NO. 13235
IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, 900 FIFTEENTH STREET, DENVER, COLORADO, FOR AN ORDER AUTHORIZING IT TO PUT INTO EFFECT A TEMPORARY GAS RATE ADJUSTMENT.	APPLICATION NO. 15406

April 1, 1959

Appearances: Lee, Bryans, Kelly and Stansfield, Esqs., Denver, Colorado, by Robert F. Thompson, Esq., and Edward Stansfield, Esq., for Public Service Company of Colorado;
John C. Banks, Esq., Denver, Colorado, for City and County of Denver;
Sanford Coleman, Esq., Boulder, Colorado, for City of Boulder, Colorado;
Oral Daniels, Esq., Brighton, Colorado, for the Cities of Thornton, Brighton, and Commercetown, Colorado;
Edwin R. Lundborg, Esq., Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

This matter came on for hearing the 16th day of March, A. D., 1959, at ten o'clock A. M., at the Hearing Room of the Commission, 330

State Office Building, Denver, Colorado, upon due and proper notice to all parties in interest, and the Investigation and Suspension powers of the Commission, for the purpose of holding a hearing on a proposed plan of refund on gas rates repaid to the Public Service Company of Colorado by Colorado Interstate Gas Company, pursuant to a settlement agreement heretofore entered into between said Colorado Interstate Gas Company and Public Service Company of Colorado, and other interested parties.

Colorado Interstate Gas Company, as a pipeline supplier of natural gas for Colorado, was involved in a series of rate increases before the Federal Power Commission. Under the terms of the Natural Gas Act of 1938, as amended, Colorado Interstate Gas Company had put the increases into effect and collected the higher rates, subject to refund. The higher rates were collected under the several rate increases from a period commencing in January 1954, up to February 4, 1958. A settlement on three rate cases involved during this period was reached by the Colorado Interstate Gas Company, distributors in Colorado, and public agencies.

From time to time, as the increases were put into effect by Colorado Interstate Gas Company, the various distributing companies in Colorado subject to the jurisdiction of this Commission, petitioned this Commission for increases in rates to reflect the incremental cost incurred by them by virtue of purchase of gas from Colorado Interstate Gas Company. In most cases, this Commission authorized an increased rate to be charged the consumer as a result of this incremental cost. There were instances, however, when the incremental cost was either disallowed in whole or in part and had to be absorbed by the distributing company.

As a temporary incremental cost, the increased rates to the consumer were subject to refund when the final rates of Colorado Interstate Gas Company were determined. The question of the disposition

of the refund reflected by the agreement between the supplier and distributor and the public agencies, and a plan for its distribution, is the issue before this Commission in the instant hearing.

Public Service Company of Colorado, which, in the main, supplies Denver and the cities of the metropolitan area, passed on to the consumers all of the increases to which it was subjected, save and except approximately one-sixth of the increase from the date of the first increase from January 1, 1954, until February 1, 1955. There has been refunded to Public Service Company the sum of $16,151,296.45, together with interest thereon at the rate of six per cent per annum, which reflects settlement of increases put into effect from January 1, 1954 to February 4, 1958.

METHOD OF DETERMINING REFUND

In order to effect refund to the consumers, it is the proposal of Public Service Company to establish four periods, as follows:

"Closed Period"	Beginning Date	Closing Date
First Period	Jan. 1, 1954	Dec. 25, 1954
Second Period	Dec. 26, 1954	Dec. 25, 1955
Third Period	Dec. 26, 1955	Dec. 25, 1956
Fourth Period	Dec. 26, 1956	Feb. 4, 1958

The necessity and reason for this is because different incremental rates were in effect during the several periods, and different amounts were refunded under the agreement for the suggested periods.

It is further proposed that a list of customers shall be taken from the December billing in the respective periods, save and except for the last period, when the list of customers will be taken from the January billing, and the proportionate share to be received by the customer of the total refund will be determined according to that one month billing for each period.

Obviously, not all persons who have purchased gas during any

one of these periods will be on the test month billing. Such persons, however, are not to be foreclosed from their right to collect their proportionate share of the refund, but they will be required to file a claim with the company, and after verification, they will receive their proportionate share of the refund for that period. This system undoubtedly has certain inequities, but any plan must be considered in the light of efficient feasibility. It is estimated there will be over 550,000 checks to be returned to customers. The determination of the amount of refunds and redistribution is an expensive procedure, estimated at better than $250,000 by the company, and the return of money quickly to the users is of paramount importance -- especially when it is considered that a portion of any population is transient, and that many people might be deprived of their refund if this matter is unduly delayed.

It was estimated by the company that an exact audit of each customer's bills for the entire four-year period might cost as much as $1,000,000, and would incur what we consider an unreasonable delay.

In view of all of these factors, and in the absence of any other proposal that would obviate any inequities, but at the same time not incur many of the other disadvantages, we are compelled to agree with this phase of the plan proposed by Public Service Company. We enjoin the Public Service Company, however, to give wide publicity to their method of refund in order that persons not on the test month billing may be advised of their right to file a claim for refund.

As was indicated, the plan provides for the filing of claims by persons who were purchasers of gas, but who were not included in one of the "revenue months" for each period. The company proposes to accept claims for a period of ninety days from the date upon which the last refund was initially mailed, and that no other claims will be accepted thereafter. The company further proposes to

present to this Commission, along with pertinent data of all claims, a recommendation for equitable adjustment of claims. We do not concur wholly with this plan. It is our opinion that the ninety-day cut-off period is too short a period for the presentation of claims. By appropriate Order hereafter, we will require claims be accepted for a period of 180 days, but that during said period, adjustment shall be made upon all claims upon which there is no dispute every thirty days.

There appears to be a practical problem on the adjudication of disputed claims. It is the proposal of Public Service Company of Colorado to refer disputed claims to this Commission. It is our opinion that Public Service Company of Colorado should retain all moneys, other than those paid out to customers, until the final disposition of all disputed claims, and thereafter the balance should be disposed of according to law.

We believe, however, that all disputed claims which cannot be resolved by the Company, after exhausting all reasonable avenues of settlement, should be referred to this Commission every thirty (30) days. This Commission will forthwith enter appropriate orders on the claims directing the Company as to their disposition.

AMOUNT TO BE REFUNDED

It is the contention of Public Service Company that because approximately one-sixth of the first rate increase put into effect by Colorado Interstate Gas Company was absorbed by Public Service Company, that it should now retain the amount absorbed in the first increase.

In support of this position, Public Service Company has contended that an order requiring a refund of this one-sixth absorbed by the Company is tantamount to retro-active rate-making.

With this position we cannot agree. The refund moneys are basically trust funds. (Citizens Utilities Company vs. La Junta 122 Colo., 261). These funds are held by the respective distributing com-

panies for and on behalf of the use of the rate-payers. In this proceedings, we are not fixing rates; we are determining the disposition of a trust fund. We emphasize that the rate that was formerly charged will continue to be charged by Public Service Company. The required absorption of one-sixth of the initial rate increase was due to the Commission's determination that the rate of return of Public Service Company at the time the pass-on of this increase was sought, was then sufficient to enable Public Service Company to absorb one-sixth of the increase. It must likewise be remembered that all of the orders dealing with pass-ons were interlocutary in nature.

There is no evidence that the repayment of this one-sixth of the refund would impair the financial integrity of the company, or that it would result in a lower rate of return.

Considering all of the equities, it is our opinion that the entire amount of the refund should be returned by the Public Service Company to the rate-payers. An appropriate order to that effect will be entered.

COST OF REFUND

Public Service Company proposes to pay for the cost of refund out of interest moneys it will realize from short-term legal investments of the refund and out of interest paid by the Interstate Gas Company. As we previously indicated, it is not our purpose to impair the financial integrity of the company. Since these are trust funds, and the company is being charged with the responsibility of the redistribution, and in view of the fact that Public Service Company did not initiate the increase, it is our opinion that the proposal of Public Service Company for the payment of the cost of redistributing the refund is fair and just.

It is pointed out that none of this cost will come from any of the principal amount of the refund, and only a fraction will

come from the interest payment to be paid by Colorado Interstate. The handling of the refund by the company is the most efficient and most economical method; certainly it is more economical than the appointment of a Trustee or some other official to make this redistribution. To impose this additional charge upon the company would be an unusual cost, not related to a rate of return, as absorption of the initial pass-on previously discussed, and would have the tendency of adding additional financial burden on the company.

In view of the economy of the operation, the tendency to endanger the company's financial integrity by imposing the cost of refund on it, and the equities of the situation, it is our opinion that the cost of refund should be paid from interest moneys only, as proposed by Public Service Company.

APPARENT DIFFERENTIAL BETWEEN INDUSTRIAL AND DOMESTIC CONSUMERS

A point has been raised by the City of Denver that for the period February 5, 1955, through December 25, 1955, there was an increase for industrial customers in the amount of $0.00465 per C.C.F., and that the Refund Plan proposes a refund of $0.00549727 per C.C.F. It is the contention of the City and County of Denver that this constitutes a repayment to industrial users of an amount in excess of the amount of the increase during that period. This contention has no merit, since it fails to analyze the entire method of increase.

The Colorado Interstate Gas Company, each time it put an increase into effect, filed a completely new rate. These new rates included previous increases and the increase that was being put into effect at the time. Public Service Company, on the other hand, in filing for pass-ons of the increase before this Commission, did not file new rates; it maintained its same bas rate, and added separate riders for each rate increase; thus the increase for each period was listed separately. The refund in question was a result of Colorado

Interstate Gas Company filing before the Federal Power Commission in Docket G-2576. Prior to that time, Colorado Interstate Gas Company had put into effect an increase in Docket G-2260. Public Service Company put these increases into effect by separate riders, with the following results:

Docket G-2260	$0.0025 per C.C.F.
Docket G-2576	$0.00465 per C.C.F.
Cumulative Total.	$0.00715
Refund.	$0.00549727

Thus it is obvious that in order to calculate the full amount of pass-on imposed by Public Service Company of Colorado, the two dockets must be added, but in calculating the refund from Colorado Interstate Gas Company, the refund includes both dockets. Thus there is no discrepancy, as contended by the City and County of Denver.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement be incorporated herein, and adopted as the Findings of this Commission.

O R D E R

THE COMMISSION ORDERS:

That the plan of Public Service Company of Colorado, as proposed, subject to the following exception and Order, is compatible with the public interest, and is hereby authorized and approved, save and except:

That Public Service Company of Colorado be, and it hereby is, ordered to refund all moneys received by it from Colorado Interstate Gas Company, pursuant to settlement of Dockets G-2260, G-2576, and G-1117, together with interest thereon, subject to charges as proposed in its Plan to Refund, which charges hereby are authorized.

That Public Service Company of Colorado shall receive claims from all claimants for a period of one hundred eighty (180) days after the date of mailing of the final refund check.

That all disputed claims which cannot be resolved by Public Service Company of Colorado shall be referred to this Commission every 30 days for final disposition, and that upon final distribution of all moneys to consumers, the balance thereof shall be disposed of by the Commission according to law.

That Public Service Company of Colorado be, and it hereby is, ordered to proceed forthwith, without delay, to implement said plan to make refunds to those customers entitled thereto promptly, in accordance with the provisions of its proposed Plan and this Order and Decision.

That the applicant shall petition this Commission for its approval of all expenditures necessary to defray the cost of refund, before said expenditures are incurred.

That jurisdiction is hereby retained by the Commission, to enter such further Order, or Orders, as it may deem necessary and proper in the premises.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hagus

Ralph C. Hoban

Commissioners.

Dated at Denver, Colorado,
this 1st day of April, 1959.

mls

original

(Decision No. 51993)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PLATEAU NATURAL GAS COMPANY)
RE: REFUNDS IN APPLICATIONS)
NOS. 13247, 13248 AND 15451.)
- - - - - - - - - - - - - - - - -)

APPLICATION NOS. 13247, 13248 and 15451

- - - - - - -
April 1, 1959
- - - - - - -

Appearances: Lee, Bryans, Kelly and Stansfield, Esqs., by E. A. Stansfield, Esq., Denver, Colorado, for Applicant; Edwin R. Lundborg, Esq., Denver, Colorado, and J. M. McNulty, Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

This matter has to do with the refund of overcharges on gas rates of Plateau Natural Gas Company. In the above-entitled applications, the Commission has previously held hearings in regard to temporary gas rate increases for Plateau Natural Gas Company and certain of its predecessor companies as a result of the increased cost of wholesale gas to said companies by virtue of rate filings with the Federal Power Commission of its wholesale gas supplier, Colorado Interstate Gas Company. In FPC Dockets G-2260, G-2576 and G-11717, and under the provisions of the Natural Gas Act, the Colorado Interstate Gas Co., increased its charges to its customers for natural gas. In accordance with the Federal Power Commission orders and the Natural Gas Act, any overcharges as a result of final orders in the above applications were to be refunded to Colorado Interstate's customers with interest at 6% on said overcharges. These rate matters

were finally settled by agreement by and between the parties in interest and certain intervenors in these matters. The Federal Power Commission, by its order dated December 30, 1958, approved the settlement agreement and ordered Colorado Interstate Gas to make certain refunds, together with interest thereon.

This Commission set the matter of the refund of Plateau for hearing on Wednesday, March 18, 1959, at two o'clock P. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado, after due notice to all interested parties. At the conclusion of the hearing, the Commission took the matter under advisement.

Plateau Natural Gas Company is a public utility subject to the jurisdiction of this Commission by virtue of acquisition of certain gas public utilities operating in Colorado. By final order of this Commission issued on August 10, 1956, Applicant acquired the assets and business of Pikes Peak Natural Gas Company, which served the Towns of Limon, Hugo and Eads, and the Midwest Natural Gas, Inc., which served the Towns of Florence, Fountain, Castle Rock and Portland. Plateau on the same date also acquired the distribution assets and that portion of the Colorado business of the Kansas-Colorado Utilities, Inc., which served the Towns of Lamar, Holly, and Springfield, and other communities in Southeastern Colorado. The certificates of public convenience and necessity of the acquired companies were transferred to Plateau by the same Commission Order. Plateau presently operates all of these properties, and for convenience designates the former areas served by Kansas-Colorado as its southern division, and the areas formerly served by Midwest and Pikes Peak as its northern division. In acquiring the properties of Kansas-Colorado, Plateau did not acquire the gas transmission line of said Company which transported gas from certain gas fields in Kansas to towns in Kansas and Colorado. On June 18, 1956, Kansas-Colorado Utilities, Inc., obtained a certificate from the Federal Power Commission as an interstate gas pipeline company to own and operate the gas transmission system of

Kansas-Colorado Utilities, Inc. Prior to this time, all of the operations of Kansas-Colorado Utilities, Inc., in Colorado, was subject to the jurisdiction of this Commission as to rates and service.

Testimony at the hearing revealed that as a result of the settlement agreement, Kansas-Colorado Utilities, Inc. will receive from Colorado Interstate Gas Company $90,137 in refunds by virtue of the fact that it purchased gas from Interstate under its IS-3 rate. Of this amount, $78,511 is principal, while $11,626 is interest at the rate of 6% for the period January 1, 1954 to March 17, 1959. Kansas-Colorado, in turn, sells the gas it purchases under the IS-3 rate to its parent company, Plateau. From gas purchased under the IS-3 rate by Kansas-Colorado, Plateau in turn serves two municipal light plants, several alfalfa dehydrators, and certain irrigation customers. Gas is purchased under this rate only for the period of May through October of each year, as this is a special industrial rate. Under the refund plan submitted at the hearing in this matter, Plateau did not expect to receive any refund from its subsidiary Kansas-Colorado, because it has not been ordered by the Federal Power Commission to make a refund for any period prior to April 1, 1959. Apparently, Applicant assumes that since it now has a certificate from the Federal Power Commission for its Kansas-Colorado operations, it is no longer subject to this Commission. However, Kansas-Colorado was subject to this Commission up to and until June 18, 1956, when a certificate was issued to Kansas-Colorado by the Federal Power Commission. Accordingly, we believe that Applicant should make a refund from the date the first IS-3 rate increase went into effect under Federal Power Commission Docket G-2260, and to refund also for the period up to June 18, 1956, for the increase under FPC Docket G-2576, to all of those customers receiving gas purchased under the IS-3 rate schedule. Applicant should calculate the share of refund of each customer based on the usage, in the period, and refund both the principal and interest for the period of time set forth above.

Since Kansas-Colorado will retain the portion of the refund subsequent to January 18, 1956, up to and including April, 1959, we do not feel it is entitled to any cost for making the refund. If any Colorado sales tax was charged to the customers on the gas sold and Applicant receives from the State of Colorado a refund on such taxes, this sales tax should also be refunded to the customer based on the amount which was paid in sales tax by each customer for this period.

Under the plan as submitted at the hearing as Exhibit No. 2, Applicant recites that it will pass back to the customers of its predecessor companies, to-wit, Midwest Natural Gas, Inc., and Pikes Peak Natural Gas Company, the monies which were received from these customers as a result of temporary riders on its rate schedules. The period of time involved for the Midwest customers would be from March 12, 1955 through February 4, 1958. Midwest did not pass on to its customers any increase in cost of gas for the period of January 1, 1954 to March 12, 1955. According to the evidence presented at the hearing, Plateau will receive from Colorado Interstate Gas a total of $172,386.35, of which $147,430.15 is principal, the balance being interest at 6% up to March 17, 1959. Of this amount, Applicant proposed under its plan to refund to the customers located in the Midwest Natural Gas area (Florence, Fountain, Castle Rock, Portland) a total of $55,377.60, after deducting $2,750 as the estimated cost of refund, and $6,578.57 previously refunded by Plateau to its customers in the Midwest area as a result of a negotiated settlement. The negotiated settlement by Plateau in the Midwest area was brought about by agreement whereby the City of Florence withdrew a pending court action involving a Commission decision authorizing a pass-on of the increase of the cost of gas to Midwest as a result of an increase by Colorado Interstate in FPC Docket G-2576. Under the agreement, Midwest by application to this Commission re-filed its temporary rider under which its customers received gas service, reducing the rider and subsequently

making a refund in the amount of $6,578.57. Since this money has been refunded, the customers are entitled to receive an additional refund for only the adjusted rider as filed with the Commission for the Midwest area. The Company under its plan proposed to refund any sales tax obtained from the State of Colorado which would be in addition to the amount set forth above of $55,377.60. Plateau will receive from Colorado Interstate Gas $77,031.24 in refunds applicable to the Midwest area. The amount of $66,095.73 is principal, and the balance is interest at 6% to March 17, 1959. After making the refund under its plan with the adjustments as enumerated above, the Company would retain $21,653.64, exclusive of sales tax.

Under the plan as proposed, Applicant will refund $11,479.35 in the former Pikes Peak area (Limon, Hugo, and Eads) after deducting an estimated cost of making the refund of $1,000. Of the above amount, $11,624.28 is principal with interest at 6% included to March 17, 1959, in the amount of $855.07. Any sales tax refunded by the State of Colorado would be added to the above amount to be refunded. Applicant will receive from Colorado Interstate a total of $95,355.11, applicable to the Pikes Peak area. Under its plan, therefore, the Company would retain from the Pikes Peak area approximately $83,875.76. After deducting the cost of refund but excluding any sales tax, out of a total of $172,386.35 refunded to Plateau, Plateau under its plan would retain $105,529.40.

At the hearing, the witness testified that while the plan as submitted to the Commission did not provide for a separate calculation of refunds to Applicant's two industrial customers, the Great Lakes Carbon Company and the Colorado State Penitentiary, the Company believed in fairness to these customers and to other customers that the two industrial customers should be calculated on the basis of the late-filed amendment to the refund plan. The witness also testified that the Company desired to credit the amount

of refund to its delinquent customers and to refund to these delinquent customers any amounts over and above the delinquency. An amendment to the plan was late-filed with the Commission covering the industrial customers and the delinquent bill situation.

The only testimony we have in this record as to why Plateau believes it is entitled to retain the balance of the refund is to the effect that it had not passed on to the customers all of these increases in the first instance and, therefore, Plateau was entitled to keep it. The witness did state, under cross-examination, that he did not believe all of the predecessor companies were making a fair rate of return during the times involved, but no evidence of probative value was offered by the witness in support of his statement. The fact remains that the money being refunded is an overcharge in rates by the Colorado Interstate Gas Company to its customers and it follows that the ultimate customer, i. e., the retail customer of the distributing companies, paid in his rates as a part of his cost of service the cost of gas to the distributing companies. The fact that a distributing company does not elect to come before this Commission to make a showing in order to obtain a temporary rider to increase the cost of gas to its customers, does not preclude this Commission from ordering a refund to the ultimate customer unless a showing is made that the Company is entitled to keep the refund. In the absence of such a showing by the distributing company, we do not believe that Applicant is entitled to keep the refunds. Since Applicant has voluntarily made a prior refund to the customers in the Midwest area, it need not duplicate this refund. The balance of the refund should be made for the periods of time involved from January 1, 1954 to February 4, 1958, on both principal and interest received from Colorado Interstate Gas Company (interest to March 17, 1959) less the cost of refund and adjusting for delinquent accounts.

There will be a period of time during which the amount to be refunded to each individual customer will have to be calculated,

either by the Applicant, or by the contracting Company, should Applicant hire such a Company to make the refund as it proposed in its plan. We believe that during this interim period and prior to the time checks are to be issued, Applicant should invest the funds to be refunded in short-term legal investments and credit to the refund amount the interest obtained from such short-term investments. The amount of money to be invested should include that portion of Kansas-Colorado refund that will be refunded to the customers, previously enumerated, entitled to such refund as a result of the adjustment in the IS-3 Rate. The interest on the invested amount of principal should be credited and refunded to those customers eligible to receive rate refunds under said IS-3 Rate. At the time the refunds are to be made, Applicant should then place in its "Special Refund Account" the money to be refunded as set forth in its plan. Except as changed or modified by the above Statement, the method and manner of the plan, together with the supplement thereto as submitted by Applicant, will be approved. Since we have changed certain aspects of the plan as proposed, the estimated cost of refund might differ slightly than those given by Applicant at the hearing and, therefore, we will require that after the refunds have been accomplished, Applicant shall submit to the Commission, in writing, the amounts refunded to its customers, itemized as to principal, interest on principal, sales tax refunded, interest credited to the fund as a result of short-term investments, together with an itemized statement of the cost of refund.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement be made a part of these Findings, by reference.

That the Commission is fully advised in the premises.

That as to the Kansas-Colorado Utilities, Inc., a wholly-owned subsidiary of Plateau Natural Gas Company, this Commission had

jurisdiction of said Kansas-Colorado Utilities, Inc., prior to acquisition by Plateau and up to and including June 18, 1956, the date of the issuance of a certificate to Kansas-Colorado Utilities, Inc. by the Federal Power Commission.

That the plan of refund submitted at the hearing herein as Exhibit No. 2 and as amended by Supplement No. 1, should be approved with the exceptions as follows:

1. Kansas-Colorado Utilities, Inc. should refund to customers served gas under the IS-3 Rate Schedule of Colorado Interstate Gas Company from the period January 1, 1954, to and including June 18, 1956, all money received from Colorado Interstate Gas as a result of the settlement in FPC Dockets G-2260 and G-2576 for the above period of time. Kansas-Colorado Utilities, Inc. should stand the cost of this refund. The monies to be refunded shall include principal and interest at 6% for the applicable period on the monies received from Colorado Interstate Gas, plus any refund of sales taxes from the State of Colorado applicable to said sales and plus the pro rata share of the interest on the money to be returned to the customers to be invested in short-term legal investments as hereinafter ordered.

2. That Plateau Natural Gas Company should refund all of the money received from the Colorado Interstate Gas Company as a result of the settlement of the rate cases and dockets in FPC Dockets G-2260, G-2576 and G-11717 from January 1, 1954 to February 5, 1958, including both principal and interest at 6% as received from Colorado Interstate Gas. To the above money subject to refund, should be added any Colorado sales tax refunded to Plateau by the State of Colorado and the interest received from the investment of said money received from Colorado Interstate Gas to be invested by Plateau in short-term legal investments as hereinafter ordered.

3. That the cost of refund of the above Colorado Interstate Gas refunds should be deducted from the interest component of the refunds prior to making said refund.

4. That in calculating the refund, Plateau should give recognition to the $6,578.57 previously refunded to its customers in the Midwest area under its agreement with the City of Florence, as it is not the intent of this order to require a duplication of refunds.

5. That Applicant should invest in short-term legal investments the monies received from Colorado Interstate Gas, both principal and interest, subject to refund herein as well as that pro rata share of principal and interest refunded to Kansas-Colorado Utilities by Colorado Interstate Gas, subject to refund to the IS-3 customers previously referred to.

6. That at such time as Applicant is ready to make the actual refunds, the accumulated interest on the short-term investment should be credited to the total amount to be refunded and distributed to all the customers in accordance with the refund plan.

7. That Applicant should calculate separately the refund amounts due to its two industrial customers, the Great Lakes Carbon Company and the Colorado State Penitentiary, in accordance with terms of its contracts but including the period of January 1, 1954 to January 1957, for Great Lakes Carbon Co.

8. That Applicant should be permitted to credit delinquent bills to any customers entitled to refund before making a refund to such delinquent customers.

9. That at the time Applicant reports to this Commission after the ninety (90) day period, as set forth in the plan under Paragraph IV-E, it shall also report to this Commission the amount of money refunded to its customers separately as to Kansas-Colorado Utilities, Inc. and Plateau Natural Gas Company, itemizing the total amount of principal refunded, interest refunded as received from Colorado Interstate Gas, sales tax refunded, and interest received from the short-term investment refunded and the itemized cost of the refund.

That, except as modified above, Applicant's plan for refund and the Supplement No. 1 thereto, should be approved.

O R D E R

THE COMMISSION ORDERS:

That Kansas-Colorado Utilities, Inc., a wholly-owned subsidiary of Plateau Natural Gas Company, is subject to this Commission's jurisdiction prior to its acquisition by Plateau and up to and until June 18, 1956, the date of issuance of a certificate by the Federal Power Commission to Kansas-Colorado Utilities, Inc.

That the plan of refund submitted at the hearing herein as Exhibit No. 2, and as modified by Supplement No. 1 thereto, should be approved, with the exceptions as follows:

1. Kansas-Colorado Utilities, Inc. shall refund to customers served gas under the IS-3 Rate Schedule of Colorado Interstate Gas Company from the period January 1, 1954 to and including June 18, 1956, all money received from Colorado Interstate Gas as a result of the settlement in FPC Dockets G-2260 and G-2576 for the above period of time. Kansas-Colorado Utilities, Inc. shall stand the cost of this refund. The monies to be refunded shall include principal and interest at 6% for the applicable period on the monies received from Colorado Interstate Gas, plus any refund of sales taxes from the State of Colorado applicable to said sales and plus the pro rata share of the interest on the money to be retuned to the customers to be invested in short-term legal investments as hereinafter ordered.

2. That Plateau Natural Gas Company shall refund all of the money received from the Colorado Interstate Gas Company as a result of the settlement of the rate cases and dockets in FPC Dockets G-2260, G-2576 and G-11717, from January 1, 1954 to February 5, 1958, including both principal and interest at 6% as received from Colorado Interstate Gas. To the above money subject to refund, shall be added any Colorado sales tax refunded to Plateau by the State of

Colorado and the interest received from the investment of said money received from Colorado Interstate Gas to be invested by Plateau in short-term legal investments as hereinafter ordered.

3. That the cost of refund by Plateau Natural Gas Co. of the above Colorado Interstate Gas refunds shall be deducted from the interest component of the refunds prior to making said refund.

4. That in calculating the refund, Plateau shall give recognition to the $6,578.57 previously refunded to its customers in the former Midwest Natural Gas Company area of service as it is not the intent of this order to require a duplication of refunds.

5. That Applicant shall invest in short-term legal investments the monies received from Colorado Interstate Gas, both principal and interest subject to refund herein, as well as that pro rata share of principal and interest refunded to Kansas-Colorado Utilities by Colorado Interstate Gas, subject to refund to the IS-3 customers previously referred to.

6. That at such time as Applicant is ready to make the actual refunds, the accumulated interest on the short-term investments shall be credited to the total amount to be refunded and distributed to all the customers in accordance with the refund plan.

7. That Applicant should calculate separately the refund amounts due to its two industrial customers the Great Lakes Carbon Company and the Colorado State Penitentiary, in accordance with the terms of its contracts but including the period of January 1, 1954 to January 1957, for Great Lakes Carbon Company, the date of the new contract.

8. The Applicant shall be permitted to credit delinquent bills to any customers entitled to refund before making a refund to such delinquent customers.

9. That at the time Applicant reports to this Commission after the ninety (90) day period as set forth in the plan under Paragraph IV-E, it shall also report to this Commission the amount of money refunded to its customers separately as to Kansas-Colorado

Utilities, Inc., and Plateau Natural Gas Company, itemizing the total amount of principal refunded, interest refunded as received from Colorado Interstate Gas, sales tax refunded, and interest received from the short-term investment refunded and the itemized cost of the refund.

That, except as modified above, Applicant's plan for refund and as modified by Supplement No. 1, be, and it hereby is, approved.

That Applicant shall petition this Commission for its approval of all expenditures necessary to defray the cost of refund, before said expenditures are incurred.

That jurisdiction hereof be, and the same is hereby, retained, to the end that this Commission may make such further order or orders in the premises as may be deemed proper.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogue

Roger C. Hobbs

Commissioners.

Dated at Denver, Colorado,
this 1st day of April, 1959.

ea

(Decision No. 51994)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DONALD ARNOLD)
ROUTE I)
CLIFTON, COLORADO.) PERMIT NO. M-6400
)
)

April 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Donald Arnold, Clifton, Colorado requesting that Permit No. M-6400 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6400, heretofore issued to Donald Arnold, Clifton, Colorado be, and the same is hereby, declared cancelled effective March 25, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Negro
Joseph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 2nd day of April, 1959.

ds

(Decision No. 51995)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FARM IMPROVEMENT COMPANY)
401 WANAQUE AVENUE)
POMPTON LAKES, NEW JERSEY.) PERMIT NO. M-4132
)
)

April 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Farm Improvement Company, Pompton Lakes, New Jersey requesting that Permit No. M-4132 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4132, heretofore issued to Farm Improvement Company, Pompton Lakes, New Jersey be, and the same is hereby, declared cancelled effective March 20, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jack C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 2nd day of April, 195 9.

ds

(Decision No. 51996)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
DAVID H. BRIDGE AND CLARENCE T.)
BRIDGE, DOING BUSINESS AS, "VALLEY)
TELEVISION COMPANY", 300 SOUTH MAIN,) PERMIT NO. M-13416
LAMAR, COLORADO.)
)

April 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from David H. Bridge & Clarence T. Bridge, Dba Valley Television Co., Lamar, Colorado requesting that Permit No. M-13416 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13416, heretofore issued to David H. Bridge & Clarence T. Bridge, Dba Valley Television Co., Lamar, Colo. be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 2nd day of April, 195 9.

ds

(Decision No. 51997)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
MRS. JOHN H. RASH, DOING BUSINESS AS,)
"BARGAIN COUNTER")
307 SOUTH 9TH.) PERMIT NO. M-741
CANON CITY, COLORADO.)
)

April 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Mrs. John H. Rash, Dba Bargain Counter, Canon City, Colorado requesting that Permit No. M-741 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-741, heretofore issued to Mrs. John H. Rash, Dba Bargain Counter, Canon City, Colorado be, and the same is hereby, declared cancelled effective March 30, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
John C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 2nd day of April, 1959.

ds

(Decision No. 51998)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
CHARLIE BURCH, DOING BUSINESS AS,)
"CRAWFORD MILL")
CRAWFORD, COLORADO.) PERMIT NO. B-5207
)
)

April 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Charlie Burch, Dba Crawford Mill, Crawford, Colorado requesting that Permit No. B-5207 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5207, heretofore issued to Charlie Burch, Dba Crawford Mill, Crawford, Colorado be, and the same is hereby, declared cancelled effective March 25, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Hudson
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,
this 2nd day of April, 195 9.
ds

(Decision No. 51999)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
WILLIAM B. NELSON, DOING BUSINESS) PUC NO. 1672&I
AS, "NELSON TRANSPORTATION")
CRAIG, COLORADO.)

April 2, 1959

S T A T E M E N T

By the Commission:

On November 19, 1958, the Commission authorized William B. Nelson, Dba Nelson Transportation, Craig, Colorado, to suspend operations under his Certificate of Public Convenience and Necessity No. 1672&I until April 24, 1959.

The Commission is now in receipt of a communication from the above-named certificate-holder requesting that his certificate 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 Certificate of Public Convenience and Necessity No. 1672&I should be, and the same is hereby, reinstated as of March 28, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Norton
Henry E. Zarlengo
Commissioners.

Dated at Denver, Colorado,
this 2nd day of April 1959.

ds

original

(Decision No. 52000)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROCKY MOUNTAIN NATURAL GAS COMPANY, INC., 301 ZOOK BUILDING, DENVER, COLORADO, RE: REFUNDS IN APPLICATIONS NOS. 13309 AND 15582.

APPLICATION NO. 13309
APPLICATION NO. 15582

April 1, 1959

Appearances: Grant E. McGee, Esq., Denver, Colorado,
Edna R. Knutsen, Denver, Colorado,
Orville M. Schockley, Denver, Colorado, and
Ernest C. Porter, Denver, Colorado, for Applicant;
Edwin R. Lundborg, Esq., Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

Under the above-entitled applications, the Commission retained jurisdiction of these matters to make such further Order, or Orders, as might be necessary in the premises. These matters had to do with temporary gas rate increases proposed by the Rocky Mountain Natural Gas Company to its customers as a result of certain rate filings with the Federal Power Commission by its wholesale supplier of gas, the Colorado-Wyoming Gas Company. The Colorado-Wyoming Gas Company in turn had increased its rates as a result of certain rate filings before the Federal Power Commission by its supplier, the Colorado Interstate Gas Company. For a further detailed study of these rate filings, reference is made to the above-entitled matters.

The Rocky Mountain Natural Gas Company, Inc., is a public utility, subject to the jurisdiction of this Commission, and at the

time these matters were originally heard, it was supplying gas in the Towns of Nunn in Weld County, and Wellington in Larimer County, as well as Ignacio in La Plata County. The temporary gas rate increase had to do with the areas in Weld and Larimer Counties since these were the areas that Applicant obtained its gas supply from the Colorado-Wyoming Gas Company. Rocky Mountain Natural Gas Company, Inc., started its operations in Nunn and Wellington in October 1954 and was still connecting new customers in both towns during the period of 1955. The time element involved in the refunds actually starts on January 1, 1954, and extends through February 4, 1958. Because of the small amount of gas sold by Rock Mountain Natural Gas Company, Inc., in 1954, it did not apply for a temporary increase for any of the Year 1954, which increase was the subject matter of Federal Power Commission Docket G-2261 of the Colorado-Wyoming Gas Company. However, when Colorado-Wyoming Gas Company, in Docket G-2720, before the Federal Power Commission passed on the increased cost of gas which it received as a result of the Colorado Interstate Gas Company filing in FPC Docket G-2576, the Rocky Mountain Natural Gas Company made an application to this Commission to pass on a portion of this increase to its customers. After a hearing by this Commission in Application No. 13309, the Company was authorized to place a temporary rider increasing the cost of all gas sold on and after the April 26, 1955 billing period. The temporary rider amounted to $.04 per MCF for all gas sold, while the total increased cost of gas to the Company amounted to $.07 per MCF.

There was another change in the cost of gas to Rocky Mountain Natural Gas Company as a result of a Colorado-Wyoming Gas Company filing before the Federal Power Commission in Docket G-11848, which became effective July 1, 1957. This change, however, did not result in an increase in cost of gas to Rocky Moun-

tain Natural Gas Company. This change was brought about by a Colorado Interstate Gas Company rate increase in FPC Docket G-11717, which also became effective on July 1, 1957. Because of a change in the source of supply of natural gas, Applicant applied to this Commission to increase its basic rates for gas to adjust for an increase in BTU content in the gas. This matter was covered in Application No. 15582. In this application, the Commission did permit Applicant to increase its temporary rider from $.04 per MCF to $.044 per MCF, which in effect was an adjustment for the BTU content of the gas sold under the rider.

As a result of a settlement agreement among the customers of Colorado Interstate Gas and the intervenors in the rate cases in FPC Dockets G-2260, G-2576 and G-11717, which settlement was approved by the Federal Power Commission on December 30, 1958, Colorado-Wyoming Gas Company will receive a refund from Colorado Interstate Gas Company. Colorado-Wyoming Gas Company in turn, under agreements with the Federal Power Commission in its rate filings in FPC Dockets G-2261 and G-2720 and G-11848, will refund to its customers the monies it will receive from the Colorado Interstate Gas Company.

The Commission held a hearing in regard to these matters on Wednesday, March 18, 1959, at ten o'clock A. M., in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, after due notice to all interested parties. At said time and place, this matter was heard and taken under advisement by the Commission.

The hearing on these applications had to do with the refund plan of Rocky Mountain Natural Gas Company involving the manner and amount of monies that would be returned to the customers of Rocky Mountain Natural Gas Company. At the hearing, Applicant presented exhibits and testimony in regard to this refund plan. Colorado-Wyom-

ing Gas Company will refund to Rocky Mountain Natural Gas Company a total of $9,728.96, of which $9,185.00 is in principal amount and the balance is interest at six per cent on said principal. Out of this amount, Rocky Mountain Natural Gas Company proposes to refund $4,405.22 to its customers in Nunn and Wellington by returning to them their share of the principal and interest which they paid as a result of a temporary rider authorized by this Commission. The Company will request from the State of Colorado a return of the two per cent of sales tax which the customers paid during the period the riders were in force. The amount of money to be returned by the State is included in the $4,405.22 to be distributed in the refund to the customers. There are approximately 63 customers in Nunn and 167 customers in Wellington. The witness estimated the cost of refund at $550.00 and it was agreeable that the Company absorb this cost of refund if the plan of refund as submitted is approved by this Commission.

There was additional testimony at the hearing to the effect that Applicant would like to credit any delinquent accounts which it has with its customers before making a refund to these delinquent customers. The testimony further revealed that in no instance was the amount of refund due a delinquent customer greater than his delinquent bill and therefore even after the credit of the refund there would still be a certain amount of the account delinquent. We are in sympathy with Applicant in its proposal and we see no merit in refunding to a delinquent customer since he has not paid either the overcharge or the basic cost of the gas. Accordingly, we will authorize that Applicant be permitted to credit a delinquent customer account by the amount that he would receive under the refund plan.

In determining whether or not Applicant should be permitted to retain for its own use any of the money it will receive from the Colorado-Wyoming Gas Company as a result of this refund, we have

examined Applicant's financial status during the periods involved in these refunds and find that it was not making a fair rate of return. According to the testimony of the witness at the hearing, Applicant earned 4.9% in Wellington and 3.5% in Nunn for the Year 1958. Prior to this time the rate of return was approximately 2%. If the money which the Company proposes to retain for its use were to be added as income during the period involved, Applicant would not be making more than a fair rate of return.

After reviewing the testimony and exhibits presented in this matter, we believe that the Company plan as submitted with certain provisions should be approved. The customer will receive all of the money to which he is entitled under the refund since the Company will analyze each bill individually and repay to each customer, except the delinquent accounts, the full amount of the overage which the customer paid for under the temporary riders.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of the Rocky Mountain Natural Gas Company, Inc., and of the subject matter herein.

That the above Statement be made a part of these Findings by reference.

That the Commission is fully advised in the premises.

That the refund plan as submitted as Exhibit No. 1 at the hearing should be approved with the following provisions:

1. That the Company stand the full cost of the refund.
2. That the Company should be permitted to credit any delinquent accounts prior to making the refund, if any, to a delinquent customer.
3. That any monies received from the State of Colorado as a result of refund of sales tax be returned to the customer who paid such refund.

4. That ninety (90) days after the Company has mailed refund checks to its customers, the refund period shall be considered closed and the amount of money that Applicant has been unable to refund because of its inability to locate customers, etc., shall be reported in writing to this Commission, together with the number of customers the Company was unable to contact.

5. At the time this refund is completed, the Company should request this Commission for instructions as to the disposition of the unrefunded amount reported to the Commission.

6. That Applicant, upon receipt of the Order contained herein, should proceed with due diligence to make refunds to its customers.

O R D E R

THE COMMISSION ORDERS:

That the plan of refund submitted by the Rocky Mountain Natural Gas Company, Inc., Denver, Colorado, at the hearing in this matter, be, and it hereby is, approved with the following provisions:

1. That the Company shall stand the full cost of the refund.

2. That the Company shall be permitted to credit any delinquent accounts prior to making the refund, if any, to a delinquent customer.

3. That any monies received from the State of Colorado as a result of refund of sales tax shall be returned to the customer who paid such refund.

4. That ninety (90) days after the Company has mailed refund checks to its customers, the refund period shall be considered closed and the amount of money that Applicant has been unable to refund because of its inability to locate customers, etc., shall be reported in writing to this Commission, together with the number of customers the Company was unable to contact.

5. At the time this refund is completed, the Company shall request this Commission for instructions as to the disposition of the unrefunded amount reported to the Commission.

6. That Applicant, upon receipt of the Order contained herein, shall proceed with due diligence to make refunds to its customers.

That jurisdiction hereof be, and the same is hereby, retained to the end that this Commission may make such further Order or Orders in the premises as may be deemed proper.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F Nigro

Ralph C Horton

Helen G Bellamy

Commissioners.

Dated at Denver, Colorado,
this 1st day of April, 1959.

mls

Original.

(Decision No. 52001)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EASTERN COLORADO UTILITY COMPANY, EADS, COLORADO, TO RETAIN REFUND OF OVERCHARGES MADE BY THE COLORADO INTERSTATE GAS COMPANY.

APPLICATION NO. 16883

April 1, 1959

Appearances: John J. Lefferdink, Esq., Eads, Colorado, for Applicant;
Walter Azbill, Denver, Colorado, for Applicant;
Edwin R. Lundborg, Esq., Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application was filed with this Commission February 3, 1959, and after due notice to all interested parties, was set for hearing on Wednesday, March 18, 1959, at ten o'clock A. M., in the Commission's Hearing Room, 330 State Office Building, Denver, Colorado. At said time and place the matter was duly heard by the Commission and taken under advisement.

Eastern Colorado Utility Company is a public utility under the jurisdiction of this Commission, rendering natural gas service in the communities of Sheridan Lake, Kit Carson and Deertrail, Colorado. This Company began operations in August, 1956, and the rates, rules and regulations under which it operates are currently on file with this Commission.

Applicant purchases its gas at wholesale from the Colorado Interstate Gas Company for service to the Towns of Sheridan Lake and Kit Carson. Colorado Interstate filed rate increase applications

with the Federal Power Commission that were placed into effect subject to refund, all in accordance with the Natural Gas Act and the rules and regulations of the Federal Power Commission. Two of these applications, namely, Dockets G-2576 and G-11717 have been settled after extensive negotiations by the Colorado Interstate Gas Company, its customers, and the intervenors, and said settlement agreement was approved by the Federal Power Commission by order issued December 30, 1958. Under the terms of this settlement agreement, Eastern Colorado Utility Company will receive a refund in the amount of $3,440.76, of which $3,133 is principal and $307.76 is interest to the date of refund, March 17, 1959.

At the time these increases became effective, Applicant did not apply to this Commission for an increase in its gas rates to off-set the increased cost of gas occasioned by the increase in wholesale rates to it. Applicant absorbed this increased cost of gas and is now asking authority from this Commission to retain the refund which it has received from the Colorado Interstate Gas Company.

Testimony at the hearing revealed that Applicant is presently serving between 160 and 170 customers in the Towns of Sheridan Lake and Kit Carson. During the Year 1956, Applicant had a net operating income of $233.50, and in the Year 1957, it had a loss in its operations amounting to over $16,000. Exhibit No. 1, introduced at the hearing, reveals that for the year ending December 31, 1958, Applicant had a net operating income of $941.27. Exhibit No. 2, submitted at the hearing, reveals that Applicant has a net investment in utility plant, including materials and supplies, in the amount of $88,185. Relating the net operating income for the Year 1958 to the above investment, Applicant had a rate of return of a little over one per cent.

Since none of the increased cost of gas incurred by Applicant was passed on to its customers and in view of the past operations of this Company, we believe that Applicant is entitled to retain the

refund which it has received from the Colorado Interstate Gas Company. Even if we were to apply the full amount of the refund to the Year 1958, the year in which Applicant enjoyed its greatest net operating earnings, the rate of return would be less than four per cent. After careful consideration of all the evidence and testimony presented at the hearing, we will grant the request of Applicant.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement be made a part hereof by reference.

That the Commission has jurisdiction of the Eastern Colorado Utility Company and of the subject matter of the instant application.

That the Commission is fully advised in the premises.

That the request of Applicant, Eastern Colorado Utility Company to retain for its own use and benefit the refunds which it received from Colorado Interstate Gas Company as a result of a settlement of the rates involved in Federal Power Commission Dockets G-2576 and G-11717, amounting to $3,440.76 should be granted.

O R D E R

THE COMMISSION ORDERS:

That Eastern Colorado Utility Company be, and it hereby is, permitted to retain for its own use and benefit the refund in the amount of $3,440.76 that it received from the Colorado Interstate Gas Company as a result of the rate case settlement in Dockets G-2576 and G-11717.

That jurisdiction hereof be, and the same is hereby, retained, to the end that this Commission may make such further order or orders in the premises as may be deemed proper.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Negri

Ralph C. Horton

Chris J. Jaeger

Commissioners.

Dated at Denver, Colorado,
this 1st day of April, 1959.

ea

Original

(Decision No. 52002)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CITIZENS UTILITIES COMPANY, LA JUNTA, COLORADO, TO AMEND RATE SCHEDULES ON LESS THAN THIRTY DAYS' STATUTORY NOTICE.	INVESTIGATION AND SUSPENSION DOCKET NO. 373
IN THE MATTER OF THE APPLICATION OF CITIZENS UTILITIES COMPANY, LA JUNTA, COLORADO, FOR AUTHORITY TO AMEND RATE SCHEDULES ON LESS THAN THIRTY DAYS' STATUTORY NOTICE.	APPLICATION NO. 15420
RE CITIZENS UTILITIES COMPANY, LA JUNTA, COLORADO, TO PUBLISH INTERIM GAS RATE INCREASES.	SHORT TERM AUTHORITY NO. 13790

April 1, 1959

Appearances: Lawrence Thulemeyer, Esq., La Junta, Colorado, for Applicants;
Edwin R. Lundborg, Esq., Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

This matter came on for hearing the 17th day of March, A. D. 1959, at ten o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, upon due and proper notice to all parties in interest, under the Investigation and Suspension powers of the Commission, for the purpose of holding a hearing on a proposed plan of refund of overcharge of gas rates to Citizens Utilities Company by Colorado Interstate Gas Company, pursuant to a settlement agreement heretofore entered into between said Colorado Interstate Gas Company and Citizens Utilities Company, and other interested parties.

Citizens Utilities Company is a gas distributor, generally operating in the Arkansas Valley. It put into effect gas rate increases for a period beginning January, 1954 to February 4, 1958, as a result of three rate increases imposed by Colorado Interstate Gas Company. The settlement of these cases, being designated as G-2260, G-2576, and G-11717, before the Federal Power Commission, resulted in a refund to Citizens Utilities Company in the sum of $774,996.00.

Citizens Utilities Company has proposed a plan which will provide for a complete refund to all customers on a complete audit of all monthly bills of the Company's customers.

The Company proposes to perform all work in connection with the refund, without the employment of outside assistance, but it seeks to pay the cost thereof, which it anticipates will be approximately $17,000, from the interest component moneys received from Colorado Interstate Gas Company. It also seeks to reimburse itself in the sum of $40,000.00 for expenses incurred in imposing the several gas rate increases before the Federal Power Commission.

As to the repayment of costs incurred in making the distribution, this Commission is in complete accord with the proposal of said cost being borne from the interest component of refund.

It is noted that there is no plan for Citizens Utilities Company to invest said moneys, during the period that audits of customer refunds are being made. It is our opinion that said moneys should be invested in short-term legal investments, and that the interest earned thereon be applied to discharging the cost of refund.

We cannot allow, however, the $40,000.00 expended by Citizens Utilities Company in imposing gas rate increases before the Federal Power Commission. These expenses are considered by this Commission in determining cost of service, and we believe that it is the duty of a public utility to bend every effort to make certain that the gas that it purchases is acquired at a reasonable cost.

Although we believe that the company should be commended for its efforts, we cannot agree that its costs should be reimbursable out of the customers' refunds.

In all other respects, we believe that the proposed plan of the company is compatible with the public interest.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement be incorporated herein, and adopted as the Findings of this Commission.

O R D E R

THE COMMISSION ORDERS:

That the proposed plan of Citizens Utilities Company to effect refunds to consumers be, and the same is hereby, approved, save and except that said Citizens Utilities Company should be, and hereby is, ordered to invest all moneys received from Colorado Interstate Gas Company in short-term legal investments, and that the interest realized therefrom be applied to discharging the cost of redistribution.

That all claims by Citizens Utilities Company for reimbursement of expenses incurred in imposing gas rate increases before the Federal Power Commission should be, and the same hereby are, disapproved and disallowed.

That Citizens Utilities Company should be, and hereby is, ordered to refund all moneys received from Colorado Interstate Gas Company, together with interest thereon, and all other components, and all Sales Tax refunded to it, to its customers, without diminution, save and except for payment of cost of refund, which shall be payable out of the interest components, only.

That Citizens Utilities Company be, and it hereby is, ordered to proceed forthwith, without delay, to implement said plan to make refunds to those customers entitled thereto promptly, in accordance with the provisions of its proposed Plan and this Order and Decision.

That the Applicant shall petition this Commission for its approval of all expenditures necessary to defray the cost of refund, before said expenditures are incurred.

That jurisdiction is hereby retained by the Commission, to enter such further Order, or Orders, as it may deem necessary and proper in the premises.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Negro

Ralph C. Hoskins

Henry E. Parkinson

Commissioners.

Dated at Denver, Colorado,
this 1st day of April, 1959.

ea

(Decision No. 52003)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE GREELEY GAS COMPANY, 1930 SHERMAN STREET, DENVER, COLORADO, (AS SUCCESSOR TO CANON CITY GAS COMPANY), TO PUBLISH INTERIM GAS RATE INCREASES.	SHORT TERM AUTHORITY NO. 13791
IN THE MATTER OF THE APPLICATION OF GREELEY GAS COMPANY, 1930 SHERMAN STREET, DENVER, COLORADO, FOR AN ORDER AUTHORIZING IT TO PUT INTO EFFECT A TEMPORARY GAS RATE ADJUSTMENT.	APPLICATION NO. 13237
IN THE MATTER OF THE APPLICATION OF GREELEY GAS COMPANY, 1930 SHERMAN STREET, DENVER, COLORADO, (AS SUCCESSOR TO CANON CITY GAS COMPANY), FOR AN ORDER AUTHORIZING IT TO PUT INTO EFFECT A TEMPORARY GAS RATE ADJUSTMENT.	APPLICATION NO. 13241
IN THE MATTER OF THE APPLICATION OF GREELEY GAS COMPANY, 1930 SHERMAN STREET, DENVER, COLORADO, FOR AN ORDER AUTHORIZING IT TO CHANGE THE FORM OF ITS BASIC RATES FOR GAS SERVICE IN ITS WELD COUNTY, COLORADO, SERVICE AREA, AND FOR AN ORDER AUTHORIZING IT TO PUT INTO EFFECT TEMPORARY GAS RATE ADJUSTMENTS.	APPLICATION NO. 15483
RE INVESTIGATION AND SUSPENSION OF TEMPORARY RIDER, ORIGINAL SHEET NO. 16 AND ORIGINAL SHEET NO. 17 OF PUC TARIFF NO. 4 OF GREELEY GAS COMPANY, 1930 SHERMAN STREET, DENVER, COLORADO.	INVESTIGATION AND SUSPENSION DOCKET NO. 363

April 1, 1959

Appearances: Lee, Bryans, Kelly and Stansfield, Esqs., Denver, Colorado, by Robert F. Thompson, Esq., Denver, Colorado, for Applicant;
Edwin R. Lundborg, Esq., Denver, Colorado, for the Staff of the Commission.

S T A T E M E N T

By the Commission:

This matter came on for hearing the 17th day of March, A. D. 1959, at ten o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, upon due and proper notice to all parties in interest, under the Investigation and Suspension powers of the Commission, for the purpose of holding a hearing on a proposed plan of refund of overcharge of gas rates repaid to the Greeley Gas Company by Colorado Interstate Gas Company and Colorado-Wyoming Gas Company, pursuant to a settlement agreement heretofore entered into between said Colorado Interstate Gas Company, Colorado-Wyoming Gas Company, and Greeley Gas Company, and other interested parties.

Greeley Gas Company is a distributor of natural gas at retail, to domestic, commercial, and industrial customers, in Canon City, South Canon City, East Canon City, and contiguous territories in Fremont County, Colorado, which they designate as the "Fremont County Service Area," and it likewise services customers, including the City of Greeley, in Weld County, Colorado, which area they designate as the "Weld County Service Area," which gas is purchased from Colorado-Wyoming Gas Company, who in turn, purchases from Colorado Interstate Gas Company.

The rate increases which were put into effect by Colorado Interstate Gas Company before the Federal Power Commission resulted in incremental increases being passed on by Greeley Gas Company to its customers in both its Fremont County Service Area and its Weld County Service Area, save and except fifty per cent of the first rate increase in the Weld County Service Area, which was absorbed by the Company.

Settlement of these several proposed gas rate increases had resulted in a refund to Greeley Gas Company from Colorado Interstate Gas Company and Colorado-Wyoming Gas Company, of a total of $760,154.71. The plan for redistributing this refund is the subject matter of this hearing.

The Plan of Refund provides repayment to the customers of the entire refund, on a periodical basis, divided into four years, covering the expected increases, save and except that the company does not propose to refund to its customers in its Weld County Service Area fifty per cent of the first increase, which it absorbed.

The company proposes to pay for the cost of making the refund out of the interest payment received from Colorado-Wyoming Gas Company and from Colorado Interstate Gas Company.

With respect to the retention of a portion of the amount of the refund absorbed by the company, it is the opinion of the Commission that the moneys collected by the company on the rebate from Colorado Interstate Gas Company and Colorado-Wyoming Gas Company are trust funds that are held for the use and benefit of the rate-payer. Since the Orders that authorized the company to pass on these increases to the customers were interlocutory in nature, this Commission is of the opinion that it may now make appropriate orders for the disposition of the refund of the increased rates collected under these pass-ons.

It is the desire and intention of the Commission to assure the customer that he or she shall receive all moneys due them without impairing the financial integrity of the company. We have no evidence before us that the repayment of such a refund, even though absorbed by the company in the first instance, would impair the financial integrity of the company. Since we are not dealing with rates, but rather are dealing with a refund of an overcharge of the rates, we are in no way engaging in retroactive rate-making. It is our opinion, therefore, that the entire amount of the refund, together with interest and other moneys collected by the company, should be refunded to the customers.

The Company proposes to pay for the cost of said refund out of the interest it will receive from Colorado Interstate Gas and Colorado-Wyoming Gas Companies. It does not make provision,

however, for the investment of the moneys in short-term legal investments. We believe that such a procedure would be prudent, and that all interest derived therefrom should be applied to discharging the cost of refund.

The Company proposes to employ an independent professional company to make all the necessary computations, and it is estimated that the cost therefor will amount to approximately $20,000. Since this includes a complete audit of every monthly bill, the amount to be charged certainly appears reasonable. It is our opinion that it is just and equitable, under the procedures adopted in the administration of other trust estates, that the company should be reimbursed for its cost of making the refunds, solely from the interest to be derived from the short-term legal investments, and from the interest received from Colorado Interstate Gas Company and Colorado-Wyoming Gas Company.

In all other respects, the proposed plan of the company appears to be in the public interest, and should be approved.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement be incorporated herein, and adopted as the Findings of this Commission.

O R D E R

THE COMMISSION ORDERS:

That the proposed plan of Greeley Gas Company be, and the same hereby is, authorized and approved, save and except Greeley Gas Company should be, and hereby is, ordered to refund all moneys received as refund from Colorado Interstate Gas Company and Colorado-Wyoming Gas Company, without deduction therefrom, save and except for the payment of cost of refund to be payable solely out of interest paid by Colorado Interstate Gas Company and Colorado-Wyoming Gas Company, and out of interest realized from short-term legal investments.

That Greeley Gas Company should be, and hereby is, ordered to invest all moneys received from said refund in short-term legal

investments, bearing customary rates of interest, which interest shall be applied in discharging cost of refund.

That Greeley Gas Company be, and it hereby is, ordered to proceed forthwith, without delay, to implement said plan to make refunds to those customers entitled thereto promptly, in accordance with the provisions of its proposed Plan and this Order and Decision.

That the Applicant shall petition this Commission for its approval of all expenditures necessary to defray the cost of refund, before said expenditures are incurred.

That jurisdiction is hereby retained by the Commission, to enter such further Order, or Orders, as it may deem necessary and proper in the premises.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Rigno

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 1st day of April, 1959.

ea

original

(Decision No. 52004)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION AND SUSPENSION OF TEMPORARY RIDER, SECOND REVISED SHEET NO. 20 OF PUC 5 OF PUEBLO GAS AND FUEL COMPANY, 900 FIFTEENTH STREET, DENVER, COLORADO.	INVESTIGATION AND SUSPENSION DOCKET NO. 362
IN THE MATTER OF THE APPLICATION OF THE PUEBLO GAS AND FUEL COMPANY, 900 FIFTEENTH STREET, DENVER, COLORADO, FOR AN ORDER AUTHORIZING IT TO PUT INTO EFFECT A TEMPORARY GAS RATE ADJUSTMENT.	APPLICATION NO. 13236
IN THE MATTER OF THE APPLICATION OF THE PUEBLO GAS AND FUEL COMPANY, 900 FIFTEENTH STREET, DENVER, COLORADO, FOR AN ORDER AUTHORIZING IT TO PUT INTO EFFECT A TEMPORARY GAS RATE ADJUSTMENT.	APPLICATION NO. 15405

April 1, 1959

Appearances: Lee, Bryans, Kelly and Stansfield, Esqs., Denver, Colorado,
Robert Thompson, Esq., Denver, Colorado, for Pueblo Fuel and Gas Company;
Gordon Hinds, Esq., Pueblo, Colorado, for City of Pueblo;
Edwin R. Lundborg, Esq., Denver, Colorado, for the staff of the Commission.

S T A T E M E N T

By the Commission:

The above-styled applications, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, March 16, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

The purpose of this hearing was to determine the feasibility and fairness of the proposed Plan of Refund of Pueblo Gas

and Fuel Company to its consumers in the Pueblo area.

This action arose under the investigatory powers of the Commission, as a result of the settlement of three cases involving gas-rate increases by Colorado Interstate Gas Company to its Colorado consumers.

These increases were passed on by Pueblo Gas and Fuel Company to its consumers.

The settlement has resulted in a refund to Pueblo Gas and Fuel Company of $1,968,602.00, for increases put into effect in January 1954, extending through February 4, 1958.

The Pueblo Gas and Fuel Company proposes to divide this time span into four periods, each of approximately one year. It thereupon will select customers who were billed in December of each year for the first three years, and in January for the fourth year. These customers will receive their pro-rata share of the full year's refund. Others who were users during any one of the several periods whose names do not appear on any of the selected months may file claims with Pueblo Gas and Fuel Company for their proportionate share of the refund.

Pueblo Gas and Fuel Company proposes to refund the entire amount, but to pay the cost of making the refund out of interest earned on short-term investment from moneys received from Colorado Interstate Gas Company, and out of interest paid on the refund by Colorado Interstate Gas Company.

Pueblo Gas and Fuel Company is a wholly-owned subsidiary of Public Service Company of Colorado, which proposes to combine the mechanics of making the refund for Pueblo County with its plan for refund for customers of Public Service Company. This consolidation will result in a more efficient operation, and will be more economical for the use and benefit of the customers of Pueblo Gas and Fuel Company. An independent machine company will be employed

to render all the services.

The total cost of refund is estimated at slightly over $29,000.00. Since short-term investment of the refund money will produce in excess of $12,000.00, not more than $17,000.00 will be charged against interest paid by Colorado Interstate Gas Company to discharge the cost of making this refund.

In view of the economy and efficiency of operation that will be afforded by virtue of this plan, we believe it to be in the public interest.

The City of Pueblo has protested charging the cost of paying for refund out of the interest. It is pointed out that the cost of refund will not come from any of the principal paid by the rate-payer.

The City also asserts that it was not a party to the settlement. The reason for this is obvious, in that the City of Pueblo did not intervene before the Federal Power Commission. The settlement was part of a proceedings before the Federal Power Commission, and was between all parties who appeared in the respective proceedings. While we do not state it was necessary for the City to do so, it necessarily cannot become a party to settlement of a proceedings to which it is not a party in the first instance.

It is also pointed out that the Pueblo Gas and Fuel Company did not initiate the rate increase.

In view of the fact that these refunds have been declared to be trust funds by the Supreme Court of Colorado, the Company must be treated as a Trustee. It is a universal practice in all Courts in Colorado to allow the Trustee to re-coup cost of administration of the trust estate, and in fact, to receive a fee therefor. In this instance, Pueblo Gas and Fuel Company will not receive any fee or compensation, other than to be paid the actual cost of refund.

The plan in all of its particulars will therefore be approved, save and except that the time for filing claims which is proposed as a ninety-day period after mailing of the last refund check, we believe to be too short.

It is our opinion that an additional thirty days should be afforded to claimants.

While the Company should retain all moneys, any disputed claims should be referred to this Commission for adjudication. The payment of undisputed claims by the Company and reference of disputed claims should be made at least every thirty days.

F I N D I N G S

THE COMMISSION FINDS:

That the above Statement is incorporated herein, and adopted as the Findings of the Commission.

O R D E R

THE COMMISSION ORDERS:

That the plan of Pueblo Gas and Fuel Company, for payment of refunds to its customers as a result of settlement of Federal Power Commission Dockets G-2260, G-2576 and G-11717 be, and the same hereby is, approved, save and except that the time for filing claims for refunds shall be extended to one hundred twenty (120) days.

That all disputed claims which cannot be resolved by Pueblo Gas and Fuel Company shall be referred to this Commission for final disposition, and that upon final distribution of all moneys to consumers, the balance thereof shall be diposed of according to law.

That Pueblo Gas and Fuel Company be, and it hereby is, ordered to proceed forthwith, without delay, to implement said plan to make refunds to those customers entitled thereto promptly, in accordance with the provisions of its proposed Plan and this Order and Decision.

That the applicant shall petition this Commission for its approval of all expenditures necessary to defray the cost of refund, before said expenditures are incurred.

That jurisdiction hereof be, and the same is hereby, retained to the end that this Commission may make such further Order or Orders in the premises as may be deemed proper.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Higgins

Ralph C. Norton

Henry E. Valerio

Commissioners.

Dated at Denver, Colorado,
this 1st day of April, 1959.

mls

(Decision No. 52005)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE APPLICATION NO. 121 (RUBBER, SCRAP, N.O.I.*) FROM GREELEY, COLORADO TO DENVER, COLORADO, REQUESTING PERMISSION TO PUBLISH ON ONE DAY'S NOTICE BY THE COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT, J. R. SMITH, CHIEF OF TARIFF BUREAU, 4060 ELATI STREET, DENVER 16, COLORADO.

CASE NO. 1585

April 1, 1959

S T A T E M E N T

By the Commission:

On March 26, 1959, the above stated application was filed with the Commission for and on behalf of Centennial Truck Lines, Inc., requesting permission to publish the following on less than statutory notice in Colorado Motor Carriers' Association, Agent, Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11:

Application No. 121

"Rubber, scrap, N.O.I.*, consisting of rubber scraps (other than crude rubber), reclaimers' scrap rubber tailings, or old worn out rubber boots, shoes, belting, clothing, clothes wringer rollers, tires, with or without steel rims, hose, mats, matting, packing or similar old worn out rubber articles, or scraps or pieces or cloth coated or impregnated with rubber, having value only for reclamation of raw materials, loose or in packages, from Greeley, Colorado to Denver, Colorado, 30¢ per 100 pounds, minimum weight 18,000 pounds."

* (Not Otherwise Indexed by Name)

In the application it is stated that the carrier represents that:

"We have been contacted by a large shipper and manufacturer of rubber products regarding this movement and they have informed us that there is approximately 300 to 400 tons of this scrap to move from Greeley to Denver in the near future. The rate proposed will return over $1.00 per running mile on a back haul basis and as we have a heavy movement of freight north to Greeley from Denver but very little back haul movement from Greeley to Denver, the obtaining of this traffic on a back haul basis will assist us in balancing our outbound and inbound tonnage to and from Greeley.

"In addition, previous movements of this traffic have been by proprietary transportation and we have been told by the shipper that the publication of the above requested rate will allow common carriers to participate in this traffic."

F I N D I N G S

THE COMMISSION FINDS:

That the request as set forth in the statement of this order, and made a part hereof, appear to represent just, fair and reasonable rates and charges and should be authorized and an order entered prescribing the said changes.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement and findings be, and the same are hereby made a part hereof.

2. On and after April 6, 1959, the provisions as set forth in the statement of this order shall upon one (1) day's notice to the general public and this Commission, be the prescribed rates, rules, regulations and provisions of the Commission.

3. All motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published new tariffs reflecting the changes prescribed herein.

4. All private carriers by motor vehicle to the extent they may be affected by the changes involved herein shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

5. On and after April 6, 1959, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent.

6. On and after April 6, 1959, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.

7. 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 and liabilities applicable to a motor vehicle common carrier.

8. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

9. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I Hughes

Raeph C. Norton

Commissioners

Dated at Denver, Colorado,
this 1st day of April, 1959.

mem

original

(Decision No. 52006)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF ANDREW BOSMAN, CLARENCE BOSMAN, CHARLES A. BOSMAN, WILLIAM BUIKEMA, AND ANDREW BOSMAN, JR., CO-PARTNERS, DOING BUSINESS AS "A. AABLE RUBBISH REMOVAL COMPANY," 2519 WEST 11TH AVENUE, DENVER, COLORADO.

PUC NO. 3270

April 2, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clarence Bosman, on behalf of the above-styled permittees, requesting authority to conduct operations under PUC No. 3270 under the trade name "Best-Way Disposal," rather than "A. Aable Rubbish Removal Company."

The records and the 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 request of permittees set forth in the Statement preceding, which is made a part hereof, by reference, should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Secretary of the Commission is hereby instructed to change the records of the Commission to show:

> "Andrew Bosman, Clarence Bosman, Charles A. Bosman, William Buikema, and Andrew Bosman, Jr., co-partners, doing business as 'Best-Way Disposal,'"

to be the owners and operators of PUC No. 3270, rather than:

"Andrew Bosman, Clarence Bosman, Charles A. Bosman, William Buikema, and Andrew Bosman, Jr., co-partners, doing business as 'A. Aable Rubbish Removal Company.'"

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Negri

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 2nd day of April, 1959.

mls

(Decision No. 52007)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF G. C. STALTER AND R. W. STALTER, CO-PARTNERS, DOING BUSINESS AS "STALTER BROTHERS," 1614 MAIN, LUBBOCK, TEXAS.	PERMIT NO. M-12707 CASE NO. 89419-INS.

April 2, 1959

S T A T E M E N T

By the Commission:

On March 18, 1959, the Commission entered its Order in Case No. 89419-Ins., revoking Permit No. M-12707 for failure of Respondent herein to keep effective insurance on file with the Commission.

Inasmuch as proper insurance filing has now been made with the Commission by said Respondent, without lapse,

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-12707 should be, and the same hereby is, reinstated, as of March 18, 1959, revocation order entered by the Commission on said date in Case No. 89419-Ins. bein g hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 2nd day of April, 1959.

ea

(Decision No. 52008)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
MOTOROYAL OIL COMPANY, 2120) PERMIT NO. M-717
DELGANY STREET,DENVER,COLORADO.) CASE NO.89190-INS.
- - - - - - - - - - - - - - - - - -)

- - - - - - -
April 2, 1959
- - - - - - -

S T A T E M E N T

By the Commission:

On March 18, 1959, the Commission entered its Order in Case No. 89190-Ins., revoking Permit No. M-717 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-717 should be, and hereby is, reinstated, as of March 18, 1959, revocation order entered by the Commission on said date in Case No. 89190-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Meyer
Ralph C. Norton
Commissioners.

Dated at Denver, Colorado,
this 2nd day of April, 1959.

ea

(Decision No. 52009)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JAMES H. DALY, DOING BUSINESS)
AS "DALY AUTO SALES," 1262 WEST)
ALAMEDA AVENUE, DENVER, COLORADO.)
- - - - - - - - - - - - - - - - - - -)

PERMIT NO. M-8022
CASE NO. 89074-INS.

- - - - - - -
April 2, 1959
- - - - - - -

S T A T E M E N T

By the Commission:

On March 18, 1959, the Commission entered its Decision in Case No. 89074-Ins., revoking Permit No. M-8022 for failure of Respondent herein to keep effective insurance on file with the Commission.

It now appears that proper insurance filing has been made with the Commission by said Respondent, without lapse.

F I N D I N G S

THE COMMISSION FINDS:

That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-8022 should be, and the same hereby is, reinstated, as of March 18, 1959, revocation order entered by the Commission on said date in Case No. 89074-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Norton
Commissioners.

Dated at Denver, Colorado,
this 2nd day of April, 1959.

ea

original

(Decision No. 52010)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF W. E. DAVIS AND C. M. GOEN, CO-PARTNERS, DOING BUSINESS AS "CONTRACT CARRIER COMPANY," 212 LOMAS BOULEVARD, N. W., ALBUQUERQUE, NEW MEXICO, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO W. E. DAVIS AND R. L. RICHARDSON, CO-PARTNERS, DOING BUSINESS AS "CONTRACT CARRIER COMPANY," 830 BROADWAY, N. E., ALBUQUERQUE, NEW MEXICO.

PERMIT NO. B-4540-I-Transfer

April 2, 1959

S T A T E M E N T

By the Commission:

Heretofore, W. I. Davis and C. M. Goen, co-partners, doing business as "Contract Carrier Company," Albuquerque, New Mexico, were granted a Class "B" permit, authorizing them to operate as a private carrier by motor vehicle for hire, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and Permit No. B-4540-I issued to them.

Said permit-holders now seek authority to transfer said operating rights to W. I. Davis and R. L. Richardson, co-partners, doing business as "Contract Carrier Company," Albuquerque, New Mexico.

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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That W. I. Davis and C. M. Green, co-partners, doing business as "Contract Carrier Company," Albuquerque, New Mexico, should be, and they hereby are, authorized to transfer all their right, title, and interest in and to Permit No. B-4540-I to W. E. Davis and R. L. Richardson, co-partners, doing business as "Contract Carrier Company," Albuquerque, New Mexico, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Joseph C. Horton

Commissioners.

Dated at Denver, Colorado,
this 2nd day of April, 1959.

mls

original

(Decision No. 52011)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INVESTIGATION AND SUSPENSION OF CERTAIN GAS AND ELECTRIC RATES FOR THE CITY OF COLORADO SPRINGS, DEPARTMENT OF PUBLIC UTILITIES, 18 SOUTH NEVADA AVENUE, COLORADO SPRINGS, COLORADO, AS SAID RATES APPLY TO CUSTOMERS OUTSIDE THE CITY LIMITS OF SAID CITY.	INVESTIGATION AND SUSPENSION DOCKET NO. 374
RE INVESTIGATION AND SUSPENSION OF TEMPORARY RIDER EMERGENCY GAS RATE ADJUSTMENT OF COLORADO P.U.C. TARIFF NO. 1 OF THE CITY OF COLORADO SPRINGS, DEPARTMENT OF PUBLIC UTILITIES, 18 SOUTH NEVADA AVENUE, COLORADO SPRINGS, COLORADO.	INVESTIGATION AND SUSPENSION DOCKET NO. 405

April 1, 1959

Appearances: Louis Johnson, Esq., Colorado Springs, Colorado, for the City of Colorado Springs;
Wendelken, Murray, Baker, Esqs., by William A. Baker, Esq., Colorado Springs, Colorado, for the Tri-Community Civic Corporation;
Everett R. Thompson, Denver, Colorado, and
J. M. McNulty, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Under Docket, Investigation and Suspension No. 374, the Department of Utilities of the City of Colorado Springs, endeavored to pass on to its gas customers residing outside of the municipal limits of the City, a temporary gas rate increase caused by an increase in the cost of gas to the Department of Utilities by the Colorado Interstate Gas Company, its wholesale supplier. After due notice and hearing, the Commission issued its order denying

the pass-on of any increase in the cost of gas to the customers outside of the City Limits, but retained jurisdiction of the matter to make such further order, or orders, as might be necessary in the premises.

Under Investigation and Suspension Docket No. 405, the Department of Utilities of the City of Colorado Springs, after due notice and hearing, was authorized by this Commission to pass on to its gas customers residing outside the City Limits of Colorado Springs an increase in the cost of gas by means of a temporary rider on its gas schedules. This temporary rider became effective on October 1, 1957, for all gas sold on and after said date to the gas customers of the City outside the City Limits. This temporary rate increase was brought about because of an increase in wholesale rates by a filing by the Colorado Interstate Gas Company, before the Federal Power Commission in FPC Docket No. G-11717. This Commission retained jurisdiction of Investigation and Suspension Docket No. 405, to make such further order, or orders, as might be necessary in the premises.

The Department of Utilities of the City of Colorado Springs holds a certificate of public convenience and necessity from this Commission authorizing it to render natural gas service to customers outside of the City Limits of Colorado Springs in a certain defined territory. The City has been supplying gas service to its customers under the rates,rules and regulations currently on file with this Commission. As a result of a settlement agreement by and between the customers of the Colorado Interstate Gas Company and the intervenors, three pending gas rate cases of Colorado Interstate Gas before the Federal Power Commission have been terminated. The Federal Power Commission, in an order dated December 30, 1958, approved the settlement agreement as it pertained to FPC Docket Nos. G-2260, G-2576 and G-11717. As a result of this settlement agreement, Colorado Interstate Gas Company will refund to its customers for the period of

January 1, 1954, to and including February 4, 1958, the overcharges made by said Company, together with interest at six per cent. The overcharges to be calculated as being the difference between the rates Colorado Interstate Gas had been charging under its filed tariffs and the tariffs as agreed upon in the settlement.

As a result of the settlement agreement, the Department of Utilities of the City of Colorado Springs will receive a refund from the Colorado Interstate Gas Company. The Commission under the above-numbered dockets set the matter for hearing in regard to the refund plan of the Department of Utilities of the City of Colorado Springs. The matter, after due notice to all interested parties, was heard in the Court House at Colorado Springs, Colorado, at ten o'clock A. M., on Tuesday, March 24, 1959, and at the conclusion of the hearing, was taken under advisement.

The Department of Utilities of the City of Colorado Springs, as the name implies, operates all of the utilities furnished by said City. This utility service includes: electric, gas, water, and sewage disposal service. As previously stated, the City has a certificate of public convenience and necessity from this Commission to render gas service to customers outside of the City Limits. It also has a certificate to render electric service from this Commission outside of the City Limits. As to the electric and gas service rendered outside City Limits, this Commission has jurisdiction of the rates, rules and regulations under which the City operates. It does not have jurisdiction over any of the utility services furnished by the City within the corporate limits.

Testimony at the hearing revealed that at the time the City received a gas rate increase from Colorado Interstate Gas Company under FPC Docket No. G-2260, it absorbed this increased cost of gas and did not pass it on to its customers either inside or outside of the City. At the time of the second increase by Colorado Interstate Gas in FPC Docket No. G-2576, the Department of Utilities filed a gas rate schedule with the Commission endeavoring to pass on a portion of

this second rate increase. This was a part of the subject matter in Investigation and Suspension Docket No. 374. After a hearing, this proposed increase in gas rates was denied by the Commission. The City Council did not pass on to the gas customers within the City any of this second rate increase and, consequently, no gas customers of the City received an increase in rates by virtue of the first two gas rate increases received from Colorado Interstate Gas Company. In the third gas rate increase of Colorado Interstate Gas in FPC Docket No. G-11717, which became effective July 1, 1957, the City, after a hearing before this Commission, in Investigation and Suspension Docket No. 405, passed on to its gas customers outside of the City Limits, beginning October 1, 1957, an increase in the cost of gas in the form of a temporary rider on its gas rates. This increase was subject to refund at the time of final settlement of Colorado Interstate Gas rate increase in FPC Docket No. G-11717, if the full increase was denied by the FPC. As a result of this temporary rider on its gas rates, the Department of Utilities for the period of October 1, 1957 to February 4, 1958, the termination date of the settlement rates in FPC Docket No. G-11717, collected from its gas customers outside of the City Limits of Colorado Springs an amount of $36,167. Under the refund plan submitted at the hearing as Exhibit No. 4, the City proposes to refund to its industrial and military customers the amount of the overcharge based on the settlement rates after deducting the cost of the refund for these customers from the interest component of the refund. Under the plan as proposed, the City will treat all of its gas customers both in and out of the City alike, but in this order we are only speaking of the customers under our jurisdiction; namely, those residing outside the City Limits. After deducting the refunds for the industrial and the military customers and the cost of the refund to these customers, the City plans to refund 50% of the remaining money it has received from Colorado Interstate Gas, both principal and interest to the

residential and commercial customers. To the above amount of money will also be added a refund of the 2 per cent State sales tax charged the customers. The City will invest all of the refund monies in short-term investments during the period of time the refund is being calculated and one-half of this interest will also be added to the money to be refunded. The City plans to hire an outside firm to make the refunds and 50% of the cost of making the refund will be deducted from the money to be refunded. The refund plan for the residential and commercial customers will be computed by the use of the test month of January 1, 1955, for the refund under FPC Docket No. G-2260, which involves the period of January 1, 1954 to and including December 31, 1954. The refund for the other periods up to February 4, 1958 will be based on the actual amount of MCF used by the customers in these periods. By using the month of January, 1955 for the first test period, the City will not have to analyze all of the bills of each of the customers for the Year 1954, and thereby save on the expense of the refund.

Since the first period of the refund is based on those customers using gas during the month of January, 1955, it is possible that some customers for the Year 1954 might not be included in the refund plan. The City will give this wide publicity in the local papers so that any customer who was using gas during the Year 1954 and who does not receive a refund check can contact the City for his refund. As a part of the refund plan, the City has set out in Exhibit No. 4, a "Refund Inquiry" form to be used by a customer to make claim for a refund if he was a customer during the Year 1954. Since the City will analyze all customers' bills for all the remaining periods for the refund involved, all customers who received gas from January 1, 1955 to February 4, 1958, will be mailed a check for their share of the refund. The City has also provided, however, that in the event a customer does not receive a refund check, he can make a claim to the City for his refund.

The period for claiming refunds by the customers will be for ninety (90) days after the last refund check was initially mailed. At the end of the ninety-day period, the City will no longer accept claims for refund. All legitimate claims made, however, within the ninety-day period will be paid by the City. Any of the money refunded by the City unclaimed at the end of the ninety-day period will be handled according to law.

During the period of time that the temporary rider was permitted by the Commission to be placed into effect on the gas rates of the City for service outside of the corporate limits, an amount of $36,167 was paid by said customers because of the increased rates. The City under its plan of refund will return to those customers outside of the corporate limits, for the periods of time involved, an amount of approximately $380,000. There are approximately 10,000 receiving gas service from the City outside of its corporate limits.

In support of the City's plan to retain 50% of the refund, a witness for the City introduced exhibits showing the rate of return for the Department of Public Utilities for the period of time involved in the refund. For the years 1954 to 1957, inclusive, the rates of return were as follows: 5.33%; 4.70%; 4.45%; 5.86%. These rates of return were calculated on a rate base consisting of plant in service, working capital, and materials and supplies, from which has been deducted depreciation reserve and contributions in aid of construction. No figures were given for the Gas Department separately. Further testimony revealed that the City has invested an amount of $23,990,292 in plant additions for the Utilities Department. Considerable portion of this expenditure was for gas service, both in and outside of the City Limits. The witness further testified that if gas service is to be rendered efficiently in the future, the Gas Department of the City is faced with an expenditure of $1,329,070 for new construction in the foreseeable future. As a result of this new construction, customers both in and outside of

the City will receive better gas service, particularly during times of peak demand.

Having in mind that our jurisdiction extends only to those customers outside of the City and that these customers in turn receive benefits because they are a part of the City utility system, we feel that the plan of the City has considerable merit, and should be approved. It also developed in testimony at the hearing that if the City is permitted to retain 50% of the refunds, the amount of money so retained by the City would be accounted for as "contribution in aid of construction" and as such would be deductible from the rate base. The witness stated that the Gas Department will use all the 50% of the monies it will retain for construction of additional facilities planned for the Gas Department, thereby improving the service. In view of the testimony and exhibits submitted at the hearing, we believe the refund plan as submitted by the City should be approved.

Counsel on behalf of the City made a motion asking that this matter be dismissed on the basis that this Commission did not have jurisdiction. Ruling on the motion was reserved at the hearing. We now rule that the motion by the City be denied. Counsel for the Tri-Community Civic Corporation also moved for a continuance of the hearing, but upon the completion of testimony in this matter he withdrew the motion so no further action on this motion is necessary.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission has jurisdiction of the Department of Utilities of the City of Colorado Springs, Colorado, as to its operations outside of the City Limits of said City in supplying gas service to the public.

That the Commission is fully advised in the premises.

That the above Statement be made a part hereof by reference.

That the refund plan as submitted by the Department of Utilities of the City of Colorado Springs at the hearing in this

matter should be approved.

That upon completion of the refund, the Department of Utilities of the City of Colorado Springs should report to this Commission the amount of money refunded to its customers outside of the City Limits, itemized in regard to principal and interest, sales tax refunded, and interest refunded due to the short-term investment. This report should also include the actual cost of the refund, together with the amount of unrefunded balance due to customers outside the City Limits.

That this Commission should retain jurisdiction of this matter to make such further order, or orders, as may be necessary in the premises.

O R D E R

THE COMMISSION ORDERS:

That the refund plan as submitted by the Department of Utilities of the City of Colorado Springs, Colorado, at the hearing in this matter, be, and it is hereby, approved.

That upon completion of the refund, the Department of Utilities of the City of Colorado Springs shall report to this Commission the amount of money refunded to its customers outside of the City Limits, itemized in regard to principal and interest, sales tax refunded, and interest refunded due to the short-term investment. This report should also include the actual cost of the refund, together with the amount of the unrefunded balance due to customers outside the City Limits.

That this Commission shall retain jurisdiction of this matter to make such further order, or orders, as may be necessary in the premises.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph E. Hogan

Ralph C. Horton

Dan J. Harlenp

Commissioners.

Dated at Denver, Colorado,
this 1st day of April, 1959.
ea

Original

(Decision No. 52012)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF UNION RURAL ELECTRIC ASSOCIATION, INC., BRIGHTON, COLORADO, FOR AUTHORITY TO EXTEND FACILITIES IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 2-SOUTH, RANGE 67-WEST.) APPLICATION NO. 16953-Extension

April 3, 1959

S T A T E M E N T

By the Commission:

On March 20, 1959, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities to serve two pumps owned by James E. Fry, located in the Northwest Quarter of Section 11, Township 2-South, Range 67-West, which extension will involve the construction of approximately 1142 feet of three-phase primary line. The estimated cost of the construction is $928.00.

This application was filed pursuant to the Commission's order in Application No. 13576 - Case No. 5108, Decision No. 47074, of January 7, 1957, which set forth the procedure for obtaining authority to extend facilities distances exceeding 300 feet in length. Applicant has elected by the instant application plan (b) of said order which provides for the Commission to issue the authority without a hearing if it so decides, and if there are no protests.

The Commission has examined the record and the files herein, and believes that this matter is one which can be decided without a formal hearing, and being fully informed in the matter, will issue its order granting the construction as requested. The Commission has received a letter from Public Service Company of Colorado, dated March 24, 1959, and a letter from Colorado Central

Power Company, dated March 20, 1959, both of said letters, stating, in effect, that the respective companies have no objection to the granting of the authority sought by the instant application.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission is fully advised in the premises.

That Applicant has complied with the Commission's order in Decision No. 47074 previously referred to, and there being no objection by interested parties, the authority as requested should be issued without hearing.

That public convenience and necessity require the rendering of electric service to serve two pumps owned by James E. Fry, located in the Northwest Quarter of Section 11, Township 2-South, Range 67-West; and that Union Rural Electric Association, Inc., should be authorized to render said service.

O R D E R

THE COMMISSION ORDERS:

That Union Rural Electric Association, Inc., Brighton, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity, to extend service to two pumps owned by James E. Fry, located in the Northwest Quarter of Section 11, Township 2-South, Range 67-West, all in accordance with the application for electric service signed by and between the parties, a copy of which was filed with the Commission in the instant matter and which, by reference, is made a part hereof.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Regan

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1959.
ea

(Decision No. 52013)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
F. L. COLLINS)
POST OFFICE BOX 642)
ROCKY FORD, COLORADO.) PERMIT NO. M-15666
)
)

April 3, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from F. L. Collins, Rocky Ford, Colorado requesting that Permit No. M-15666 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15666, heretofore issued to F. L. Collins, Rocky Ford, Colorado be, and the same is hereby, declared cancelled effective March 17, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 3rd day of April, 1959.

ds

(Decision No. 52014)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
HAROLD L. TRUAX)
POST OFFICE BOX 63,)
RYE, COLORADO.) PERMIT NO. M-15834
)
)

April 3, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harold L. Truax, Rye, Colorado requesting that Permit No. M-15834 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15834, heretofore issued to Harold L. Truax, Rye, Colorado be, and the same is hereby, declared cancelled effective December 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Frank C. Holum
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 3rd day of April, 1959.

ds

(Decision No. 52015)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
JIM BUCKMASTER, DOING BUSINESS AS,)
"JIM'S PLACE")
BOONE, COLORADO.) PERMIT NO. M-12429
)
)

April 3, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Jim Buckmaster, Dba Jim's Place, Boone, Colorado requesting that Permit No. M-12429 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12429, heretofore issued to Jim Buckmaster, Dba Jim's Place, Boone, Colorado be, and the same is hereby, declared cancelled effective December 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 3rd day of April, 1959.

ds

(Decision No. 52016)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
EARL DUTTON)
336 SOUTH LINCOLN)
LITTLETON, COLORADO.) PERMIT NO. M-11909
)
)

April 3, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Earl Dutton, Littleton, Colorado requesting that Permit No. M-11909 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11909, heretofore issued to Earl Dutton, Littleton, Colorado be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Joseph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 3rd day of April, 1959.

ds

(Decision No. 52017)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
LEWIS DAKAN, DOING BUSINESS AS,)
"LEW DAKAN AND COMPANY")
2219 - 9TH. STREET) PERMIT NO. M-4011
GREELEY, COLORADO.)
)

April 3, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lewis Dakan, Dba Lew Dakan and Co., Greeley, Colorado requesting that Permit No. M-4011 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4011, heretofore issued to Lewis Dakan, Dba Lew Dakan and Co., Greeley, Colorado be, and the same is hereby, declared cancelled effective March 31, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Rigro
Commissioners

Dated at Denver, Colorado,

this 3rd day of April, 1959.

ds

(Decision No. 52018)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
FLOYD CLARK)
)
CRAWFORD, COLORADO.) PERMIT NO. M-1119
)
)

April 3, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Floyd Clark, Crawford, Colorado requesting that Permit No. M-1119 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1119, heretofore issued to Floyd Clark, Crawford, Colorado be, and the same is hereby, declared cancelled effective November 30, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 3rd day of April, 1959.

ds

(Decision No. 52019)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ARNO G. MILLER AND R. H. BECK, DOING)
BUSINESS AS, "ARNO C. MILLER")
POST OFFICE BOX 2,) PERMIT NO. M-15250
DELTA, COLORADO.)
)

April 3, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Arno G. Miller & R. H. Beck, Dba Arno C. Miller, Delta, Colorado requesting that Permit No. M-15250 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15250, heretofore issued to Arno G. Miller & R. H. Beck, Dba Arno C. Miller, Delta, Colorado be, and the same is hereby, declared cancelled effective February 25, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Ralph C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 3rd day of April, 1959.

ds

(Decision No. 52020)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE INCREASE IN CLASS RATES VIA DENVER-CLIMAX TRUCK LINES, INC., AS PUBLISHED IN MOTOR TARIFF SERVICE, COLORADO MOTOR FREIGHT TARIFF NO. 1-A, COLORADO P.U.C. NO. 3, ISSUED BY JOHN P. NORMAN, MANAGER, 1410 16TH STREET, DENVER 2, COLORADO.

CASE NO. 1585

April 3, 1959

S T A T E M E N T

By the Commission:

Under the provisions of Rule 18, Paragraph C-(1)-(A), of the "Rules of Practice and Procedure" of the Commission, there were filed with the Commission on statutory notice schedules stating new rates, rules, regulations and charges advertised to become effective April 11, 1959, designated as set forth in Appendix "A", attached hereto and made a part hereof.

Under the provision of Rule 18, Paragraph C-(1)-(A) of the said Rules of Procedure, following the protest deadline (ten days prior to the proposed effective date) an order of the Commission is required prescribing the changes set forth in the proposed new schedules.

In justification of the following changes the Commission is in receipt of an "Income Statement" covering the operations of this carrier under Certificate of Convenience and Necessity No. 1195.

This statement covers a period from April 1, 1958, to December 31, 1958. The following shows the totals for revenues and operating expenses; however, for the sake of brevity complete breakdown will not be shown. A ten per cent (10%) increase will ensue on account of the changes involved herein.

Income Freight Revenues (Including Other Operating Revenue - $61.55)		$127,065.56
Expenses:		
Operation and Maintenance	$12,467.84	
Transportation	67,027.15	
Terminal	19,540.90	
Traffic (Tariffs, etc.)	338.41	
Insurance and Safety	3,913.95	
Administrative and General	2,343.93	
Depreciation	17,483.29	
Operating Taxes & Licenses	10,495.77	
		$133,611.24
Loss from Operations		6,545.68
Deductions from Ordinary Income:		
Interest Expense	$1,284.88	
Other Income Deductions	9.55	
		$1,294.43
Net Loss for Period		$7,840.11

The authority granted to this carrier under P.U.C. No. 1195 is as follows:

Transportation of freight:

1. Between Denver on the one hand, and Dillon, Breckenridge, Frisco, Wheeler, Climax, Montezuma, and Kokomo, and points within a 4-mile radius of Kokomo, on the other hand, serving points on U.S. Highway 6 within one mile of said highway on both sides of Loveland Pass as far west as Dillon, using any and all highways necessary to render the service;

2. Between Leadville and the Arkansas Smelter, on the one hand, and Wheeler, Frisco, Dillon, Breckenridge, Montezuma, Loveland Pass, Kokomo, and a 4-mile radius of Kokomo, on the other hand, using any and all highways necessary to render the service;

3. Between points within a 5-mile radius of Denver, to and from other points and places authorized in No. 1 of this authority;

4. Between all points in Colorado and the Colorado State Boundary Lines where all highways cross the same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended. All subject to the following restrictions: that no service shall be rendered east of the east side of Loveland Pass, and that no transportation shall be rendered between Denver and Dillon, Breckenridge, Frisco, and Wheeler requiring special equipment.

F I N D I N G S

THE COMMISSION FINDS:

That the changes set forth in Appendix "A", attached hereto, and made a part hereof, appear to represent just, fair and reasonable rates and charges and should be authorized and an order entered prescribing the said changes.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement, findings and Appendix "A", be, and the same are hereby made a part hereof.

2. This order shall become effective forthwith.

3. The rates, rules, regulations and provisions set forth in Appendix "A" shall on April 11, 1959, be the prescribed rates, rules, regulations and provisions of the Commission.

4. All motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published new tariffs reflecting the changes prescribed herein.

5. All private carriers by motor vehicle to the extent they are affected by the changes involved herein shall publish, or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

6. On and after April 11, 1959, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent.

7. On and after April 11, 1959, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.

8. 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 and liabilities applicable to a motor vehicle common carrier.

9. The order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

10. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 3rd day of April, 1959.

mem

APPENDIX "A"

Motor Tariff Service, Colorado Motor Freight Tariff No. 1-A, Colorado P.U.C. No. 3.

For the account of Denver-Climax Truck Line, Inc.:

CLASS RATES IN CENTS PER 100 POUNDS

BETWEEN / AND COLO. POINTS	DENVER, COLORADO											
	Less Truckload				Minimum Weight 5,000 Pounds				Minimum Weight 10,000 Pounds			
	1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th
BRECKENRIDGE	188	160	133	105	155	133	108	83	107	91	75	57
CLIMAX	209	180	153	120	183	153	125	98	130	110	91	73
DILLON	176	150	123	99	144	124	99	75	102	85	69	54
FRISCO	186	157	127	101	150	127	107	83	105	89	65	54
KOKOMO	204	176	146	111	169	149	119	95	119	100	83	65
MONTEZUMA	176	150	123	99	130	112	92	74	92	79	65	51
	LEADVILLE, COLORADO											
BRECKENRIDGE	48	42	33	26	-				-			
CLIMAX	39	32	26	20	-				-			
DILLON	44	39	31	25	-				-			
FRISCO	44	39	31	25	-				-			
KOKOMO	39	32	26	20	-				-			

(Decision No. 52021)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EDWARD F. MARTIN, DOING BUSINESS AS "MARTIN EXPRESS," 2601 WEST 14TH AVENUE, DENVER, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 3639 TO HENRY HILES, ROBERT WALKER, ROY WALKER, AND KEITH ALEXANDER, CO-PARTNERS, DOING BUSINESS AS "EAST DENVER TRANSFER AND STORAGE COMPANY," 2601 WEST 14TH AVENUE, DENVER, COLORADO.	APPLICATION NO. 16771-Transfer

April 3, 1959

Appearances: Victor E. DeMouth, Esq., Golden, Colorado, for Transferor;
Wendell A. Peters, Esq., Denver, Colorado, for Transferees;
Raymond B. Danks, Esq., Denver, Colorado, for Colorado Transfer & Warehousemen's Assoc.

S T A T E M E N T

By the Commission:

Edward F. Martin, doing business as "Martin Express," Denver, Colorado, is the owner and operator of PUC No. 3639, with authority as follows:

> Transportation of general commodities, from point to point within the City Limits of the City and County of Denver, except those which, because of size or weight, require special equipment, and except transportation of household goods from house to house, when such transportation service would require van-type equipment.

By application filed November 25, 1958, Edward F. Martin, doing business as "Martin Express," Denver, Colorado, seeks authority to transfer said operating rights to Henry Hiles, Robert Walker, Roy Walker, and Keith Alexander, co-partners, doing business as "East Denver Transfer and Storage Company," Denver, Colorado.

Said application was regularly set for hearing before the Commission at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 29, 1958, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

At said time and place, applicants requested that said matter be continued. Said application and "Application No. 16771-Transfer," in substance actually a "Petition to Withdraw Application," filed March 18, 1959, were re-set for hearing at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, April 2, 1959, at 10:30 o'clock A. M., due notice thereof being forwarded to all parties in interest, at which time and place said matter was heard and taken under advisement.

It appears from the records and the testimony that application was filed on November 25, 1958, to transfer PUC No. 3639 to Henry Hiles, Robert Walker, Roy Walker, and Keith Alexander, co-partners, doing business as "East Denver Transfer and Storage Company," Denver, Colorado; that a 60-day Temporary Authority was issued to the prospective transferees; that no hearing was held on the application itself, the matter having been continued; that the Temporary Authority expired without request for any extension on January 25, 1959; that on March 18, 1959, an instrument was filed with the Commission by the Transferor entitled as an Application but which in substance was a Petition to withdraw the original application for transfer on the ground that the Transferees were in default; it appeared from the evidence and testimony that differences have arisen between the Transferor and the Transferees regarding their rights under the Agreement of Purchase covering the proposed transfer, each party finding fault with the other as to breaches, etc., and, it appears that the Transferor is ready, willing and able to continue with the operation under his authority.

F I N D I N G S

THE COMMISSION FINDS:

That the above and foregoing Statement is hereby made a part hereof by reference.

That the disputes which have arisen between the parties under the circumstances of this case are not properly within the province of the Commission for determination, and the Petition of the Transferor to withdraw the application to make the transfer should be granted.

O R D E R

THE COMMISSION ORDERS:

That Edward F. Martin, doing business as "Martin Express," Denver, Colorado, be, and he hereby is, authorized to withdraw Application No. 16771 to transfer PUC No. 3639 to Henry Hiles, Robert Walker, Roy Walker, and Keith Alexander, co-partners, doing business as "East Denver Transfer and Storage Company," Denver, Colorado; and that any and all rights under PUC No. 3639 at the time of making the application to transfer be, and remain, the property of said Edward F. Martin, doing business as "Martin Express," Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Ralph C. Hoskins

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 3rd day of April, 1959.

ea

original

(Decision No. 52022)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GREELEY GAS COMPANY, 1930 SHERMAN STREET, DENVER, COLORADO, FOR AN ORDER AUTHORIZING IT TO FILE AND PLACE INTO EFFECT A NEW AND REVISED SCHEDULE OF RATES APPLICABLE IN THE TOWN OF CRAIG AND VICINITY, MOFFAT COUNTY, STATE OF COLORADO.

APPLICATION NO. 16755

April 6, 1959

Appearances: Sid Pleasant, Esq., Craig, Colorado, and Lee, Bryans, Kelly & Stansfield, Esqs., Denver, Colorado, by Charles J. Kelly, Esq., for Applicant;
Worth F. Shrimpton, Esq., Craig, Colorado, for the Town of Craig;
Everett R. Thompson, Denver, Colorado, and
J. M. McNulty, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application was filed with this Commission on November 28, 1958. The matter, after due notice to all interested parties, was set for hearing in the Court House in Craig, Colorado, on Wednesday, March 11, 1959, at ten o'clock A. M. At said time and place, the matter was duly heard by the Commission, and at the conclusion of the hearing was taken under advisement.

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company, subject to the jurisdiction of this Commission. The Company is engaged in the distribution and sale of

natural gas to domestic, commercial and industrial customers in the State of Kansas and in the following towns and communities in Colorado and in areas adjacent thereto:

Greeley, Weld County
Canon City, Fremont County
Craig, Moffat County

A certified copy of Applicant's certificate of incorporation, together with all amendments thereto, has heretofore been filed with this Commission. The post office address and principal office of Applicant is 1930 Sherman Street, Denver, Colorado.

Natural gas service has been supplied to the Town of Craig and the surrounding territory for approximately twenty years by Applicant and a predecessor company. At the present time gas is obtained by Applicant from the Thornburg field located in Moffat and Rio Blanco Counties, approximately twenty miles south of the Town of Craig. In 1951, Applicant entered into a gas purchase contract with the Continental Oil Company and Sinclair Oil Company for the purchase of gas from two wells which are producing from the Dakota and Sundance formations in said Thornburg field. It was determined by Applicant that under the terms of a new franchise with the Town of Craig, for a period of twenty-five years, together with increased use of gas in the area, its gas supply was insufficient to take care of its needs. On October 20, 1958, Applicant entered into another contract with the same two suppliers for an additional gas supply, which it believes will give sufficient gas for a period of at least twenty years. The new contract enables Applicant to receive gas from the Weber formation in the Thornburg field in addition to the two formations that it presently uses for a gas supply. In order to negotiate a new contract, Applicant was required to pay an increase for its wholesale gas over and above what it had been previously paying. Based on the test year, this increased cost of gas will amount to approximately $13,576 per year. Because of this in-

creased cost of gas, Applicant filed the instant matter with this Commission.

Witness for Applicant at the hearing testified that it was necessary to obtain this additional gas since the amount of gas purchased under its original contract was insufficient for its needs. While the new source is expected to provide gas for at least twenty years, the witness stated that in the event the gas supply should be depleted prior to that time, the Company would endeavor to obtain additional gas and failing to do this it would substitute liquid petroleum gas if no other were available. Since the total gas supply for the Company is taken from one field and three producing wells from only three formations, the BTU contents of the gas has been fairly constant over the years. In lieu of purchasing a calorimeter to test the gas weekly, Applicant proposes to have the gas tested monthly for the months of October through March, inclusive, and again during the month of July of each year. In view of the circumstances in this matter, we will waive the required purchase of the calorimeter as long as the BTU content of the gas as tested remains within the limits prescrived under the Commission's Rule 19 of the Rules Regulating the Service of Gas and Electric Utilities. Should the gas tests exceed the limits of Rule 19, Applicant will be required to contact the Commission for further disposition on this matter. Applicant should furnish the Commission, by letter, copies of all tests made within two weeks of the date of the tests.

Applicant submitted, as a part of this Application herein, a proposed schedule of rates purporting to increase the price of gas to its customers in the amount of $13,576, being the increase in the cost of gas under the new contract. The purpose of this proceeding is to determine whether or not the rates as submitted by Applicant are just and reasonable. Applicant is not seeking a de-

termination of a rate of return for the Company as a whole to which it is entitled, but is confining its application to the Craig division.

At the hearing, Applicant submitted various exhibits based on a test year ending August 31, 1958, showing the actual plant investment for the Craig division, together with income and expenses for this division. Certain allocations had to be made, particularly as to general and administrative costs and for common plant. After adjusting for the increased cost of gas and revenues inthe same amount for the test year on a pro forma basis, the Company exhibit shows that the Craig division would be earning 5.21% on a net original cost rate base, including materials and supplies, and cash working capital consisting of two months' operating expense. If the increased cost of gas were to be absorbed by the Company with no increase in revenues, the rate of return would be less.

The staff of the Commission made an examination of the books of the Company as well as the gas system at Craig. Staff witnesses testified at the hearing and also presented certain exhibits on the basis of a pro forma test year. The staff made certain adjustments in depreciation expense, office rentals and contributions. The staff also used a net original cost rate base including materials and supplies and working capital consisting of forty-five days operating expenses and excluding one-half the cost of the purchased gas. Allowing for the increased cost of gas and the corresponding increase in gross revenues in the amount of $13,576, the staff exhibit reveals that the Craig division would be earning 6.75% on the rate base. If the increased cost of gas were absorbed with no correspondding increase in gross revenues the rate of return would be 4.16%.

It is apparent from the testimony and exhibits presented

at the hearing that if the Company were to absorb the full increase in the cost of gas without an increase in gross revenues it would not be making what we would consider a reasonable rate of return for the Craig division. If we allow the increased rate as proposed by the Company, the rate of return for the Craig division would not be excessive.

After reviewing all the testimony and exhibits presented at the hearing, we believe that the rates as proposed by the Applicant, based on the increased cost of gas, are just and reasonable and should be permitted to be filed in accordance with the Order herein. Witness at the hearing testified that the proposed rates were designed by adding on to each step of the rate an incremental increase to bring in the required amount of dollars. As a result of this calculation, the various steps in the rate are calculated to five decimal places. While the rate itself is correct, it is very unwieldy in preparing and calculating the customers' bills, and the witness proposed at the hearing that the Company be permitted to file a new rate bringing in the same amount of dollars by changing the rate form so as to eliminate the necessity for having five decimal places. We believe the request should be granted since any simplification in the rate structure is of benefit, not only to the Company, but to the customer as well should he wish to check his bills. We will permit Applicant to re-file the proposed rate, but before it will be accepted finally, we shall instruct the staff of the Commission to check said rate to determine that it is correct.

F I N D I N G S

THE COMMISSION FINDS:

That this Commission has jurisdiction of the Greeley Gas Company and as to the subject matter herein.

That the above Statement be made a part hereof, by refer-

ence.

That the Commission is fully advised in the premises.

That the Applicant should be permitted to increase its rates to its Craig division to recover the increase of costs as testified to herein.

That Applicant should be permitted to re-file the proposed new rates to bring in the same amount of gross revenue as the rates submitted at the hearing, but prior to the final acceptance of said rates by the Commission they should be checked and verified by the staff of the Commission.

That Applicant should submit to the Commission by letter the results of all BTU tests made on its gas in accordance with the testimony at the hearing in lieu of Rule 20 of the Commission's Rules Regulating the Service of Gas and Electric Utilities.

That the proposed new rate schedule when accepted for filing should become effective for all gas sold on and after the May 1959 meter readings.

O R D E R

THE COMMISSION ORDERS:

That Greeley Gas Company, Denver, Colorado, be, and it hereby is, permitted to file a new rate schedule for its Craig division increasing its gross operating revenue not to exceed the amount of $13,576, based on the test year.

That prior to filing said new rate, it shall be submitted to the staff of this Commission for approval.

That the rate when filed shall be permitted to become effective for all gas sold on and after the May 1959 meter readings of the Company in the Craig division.

That Applicant submit to the Commission by letter the results of all BTU tests made on its gas in accordance with the testi-

mony at the hearing in lieu of Rule 20 of the Commission's Rules Regulating the Service of Gas and Electric Utilities.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph A. Negri

Ralph C. Hoffman

Commissioners.

Dated at Denver, Colorado,
this 6th day of April, 1959.

mls

original

(Decision No. 52023)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PETE M. VALDEZ, CENTER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16925-PP

April 6, 1959

Appearances: Conour and Conour, Esqs., Del Norte, Colorado, for Applicant;
Merle M. Marshall, Esq., Alamosa, Colorado, for C. H. Phillips.

S T A T E M E N T

By the Commission:

On November 19, 1958, Pete M. Valdez, Center, Colorado, the applicant herein, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of farm produce from point to point within the area described as eight miles west, ten miles north, ten miles east, and fifteen miles south of Center, Colorado.

The above application was regularly set for hearing, and heard, at the Court House in Alamosa, Colorado, on March 26, 1959, after due notice to all interested parties, and at the conclusion thereof, was taken under advisement.

At the hearing, the evidence disclosed that applicant has had approximately 1½ years experience in the operation of trucks, and has a net worth of approximately $900.00. The applicant states that he has been requested by certain farmers to do farm trucking for them in the area surrounding Center, Colorado, and for that reason has filed his application for a private carrier permit.

Ernest Bloxson, a farmer residing near Center, stated he contacted the applicant herein and desired his services in transporting farm produce in the Center area. Mr. Bloxson stated that he will use applicant's service about eight months out of the year, and needs a carrier who will devote his entire time during the eight months for services for him and his neighbor. He will haul potatoes, hay and grain.

Applicant and his witness stated that they had no desire to haul livestock, and protestants then withdrew their objection to the granting of the authority.

It does not appear that the proposed operations will impair the efficient services of common carriers operating in the area.

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:

The above and foregoing Statement is made a part of these Findings by reference.

That the instant application should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Pete M. Valdez, Center, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm produce (excluding livestock) from point to point within the area described as eight miles west, ten miles north, ten miles east, and fifteen miles south of Center, Colorado.

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

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

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Negri

Roger C. Norton

Commissioners.

Dated at Denver, Colorado,
this 6th day of April, 1959.

mls

Original

(Decision No. 52024)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JULIAN DURAN, 534 FRANKLIN STREET,)
MONTE VISTA, COLORADO, FOR A CLASS) APPLICATION NO. 16927-PP
"B" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

April 6, 1959

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

By the instant application, Julian Duran, Monte Vista, Colorado, seeks to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of potatoes and gravel from point to point within the area described as: eight miles west of Monte Vista, fifteen miles north, fifteen miles east, and fifteen miles south of Monte Vista, Colorado.

Said application was regularly set for hearing, and heard, at the Court House, in Alamosa, Colorado, at ten o'clock A. M., March 26, 1959, and at the conclusion thereof, the matter was taken under advisement.

At the hearing, the evidence disclosed that applicant has a net worth of approximately $4,000 and has ample equipment with which to carry on his proposed operations. He stated he had been requested by Harry V. Ellithorpe & Son, of Monte Vista, Colorado, to take care of their potato haul, and has been contacted by Ward E. Mathias of Monte Vista for the hauling of gravel.

No one appeared in opposition to the granting of the instant

application, and it does not appear that the granting of said permit and operations by applicant thereunder will impair the operations of common carriers in the area.

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:

The above and foregoing Statement is made a part of these Findings by reference.

That the authority sought should be granted.

O R D E R

THE COMMISSION ORDERS:

That Julian Duran, Monte Vista, Colorado, be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of potatoes and gravel from point to point within the area described as: eight miles west, fifteen miles north, fifteen miles east, and fifteen miles south of Monte Vista, 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 authority sheets.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of April, 1959.

mls

original

(Decision No. 52025)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WINFORD PATTERSON, SOUTH FORK, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OP-) APPLICATION NO. 16931-PP
ERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

April 6, 1959

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado,
for Applicant.

By the Commission:

By the instant application, Winford Patterson, South Fork, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from point to point within a radius of one hundred and fifty miles of South Fork, Colorado.

Said application was regularly set for hearing, and heard, at the Court House in Alamosa, Colorado, on March 26, 1959, after notice to all interested parties, and at the conclusion of the evidence, the matter was taken under advisement.

Betty Patterson, the wife of applicant, appeared in support of the application. She testified that her husband proposes to operate one Ford truck and has a net worth of approximately $8,000; that he has work lined up to do and will start hauling from South Fork to Salida.

Dick Conour, one of the officers of a mill operating out of Poncha Springs, testified that his company had contacted the applicant herein and would use his services if the application is granted. The witness further states that common carriers cannot adequately

take care of his company's needs.

It does not appear that the granting of the instant application and applicant's operations thereunder will impair the efficiency of common carriers operating in the area applicant seeks to serve.

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

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

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

O R D E R

THE COMMISSION ORDERS:

That Winford Patterson, South Fork, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from point to point within a radius of one hundred and fifty miles of South Fork, 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 authority sheets.

That the right of applicant to operate hereunder shall de-

pend upon his compliance with all present and future laws and rules and regulations of the Commission.

That this Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Nigro

Joseph C. Hutton

Commissioners.

Dated at Denver, Colorado,
this 6th day of April, 1959.

mls

(Decision No. 52026)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE L. BENNETT, DEL NORTE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	)	APPLICATION NO. 16924-PP

April 6, 1959

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

By the instant application, George L. Bennett, Del Norte, Colorado, seeks a Class "B"permit to operate as a private carrier by motor vehicle for hire, for the transportation of logs, from point to point within a radius of fifty miles of Del Norte, Colorado.

The application was regularly set for hearing, after appropriate notice to all interested parties, at the Court House in Alamosa, Colorado, for ten o'clock A. M., March 26, 1959.

When the matter was called for hearing, counsel for applicant stated that applicant could not be present at the hearing, and requested that the hearing be vacated, and the matter re-set on some future date at the convenience of the Commission.

The matter was taken under advisement by the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the hearing herein should be vacated.

O R D E R

THE COMMISSION ORDERS:

That the hearing on Application No. 16924-PP be, and the same is hereby, vacated, to be re-set at some future time, at the

convenience of the Commission, with notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of April, 1959.

ea

original

(Decision No. 52027)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF KENNETH LEACH, DOING BUSINESS AS "LEACH AIR SERVICE," CENTER, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.	)	APPLICATION NO. 16932

April 6, 1959

Appearances: Conour and Conour, Esqs., Del Norte, Colorado, for Applicant;
Moses and DeSouchet, Esqs., Alamosa, Colorado, for Norman Kramer.

S T A T E M E N T

By the Commission:

On February 9, 1959, Kenneth Leach, doing business as "Leach Air Service," Center, Colorado, filed an application for a certificate of public convenience and necessity authorizing transportation of passengers on call and demand by aircraft as a common carrier between points within the State of Colorado.

The application was regularly set for hearing, and heard, at the Court House, Alamosa, Colorado, on March 26, 1959.

The above matter was regularly called and the attorneys for protestant Norman Kramer asked that the matter be continued for the reason that their client was unable to get to the hearing due to the unfavorable weather conditions.

Applicant's attorney asked that he be permitted to put on his case at this time because he had witnesses who had traveled many miles and who were available at this time.

The motion for continuance was deferred until after applicant had put on his case. When applicant rested, protestant's attorney again renewed his motion, and the Commissioner taking the hearing

recessed the hearing, to be re-set at some future time convenient to the Commission, with notice to the attorneys of record.

F I N D I N G S

THE COMMISSION FINDS:

That the matter should be recessed and re-set at some future date at the convenience of the Commission.

O R D E R

THE COMMISSION ORDERS:

That hearing in Application No. 16932, of Kenneth Leach, doing business as "Leach Air Service," Center, Colorado, be recessed, and the matter re-set for further hearing at some future date at the convenience of the Commission, with notice to the attorneys of record and to all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Rigos

Commissioners.

Dated at Denver, Colorado,
this 6th day of April, 1959.

ea

(Decision No. 52028)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ADONAIS ARCHULETA, BOX 293, MONTE VISTA, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-5386.

APPLICATION NO. 16928-PP-Extension

April 6, 1959

Appearances: Conour and Conour, Esqs., Del Norte, Colorado, for Applicant;
Merle M. Marshall, Esq., Alamosa, Colorado, for C. H. Phillips.

S T A T E M E N T

By the Commission:

Adonais Archuleta, Monte Vista, Colorado, is the owner and operator of Permit No. B-5386, authorizing:

> Transportation of vegetables and hay, from point to point within a radius of fifteen miles of the City of Monte Vista, Colorado.

By the instant application, said permit-holder seeks to extend his operations under Permit No. B-5386 to include the transportation of hay, grain and other farm produce, from point to point within a radius of twenty-five miles of Alamosa, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Alamosa, Colorado, at ten o'clock A. M., March 26, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, the evidence disclosed that the applicant is operating four trucks and has a net worth of approximately $5,800; that he is an experienced truck operator; that he has work lined up to do; that he is familiar with the rules and regulations of the Commission and will abide by them if this extension of authority is granted.

Protestants withdrew their objections to the extension of authority when the applicant agreed to exclude the transportation of livestock in his operations.

It does not appear that the extended service of applicant will impair the efficiency of any common carrier service operating in the territory which applicant seeks to serve.

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

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is made a part of these Findings by reference.

That the extension of authority should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Adonais Archuleta, Monte Vista, Colorado, be, and he is hereby, authorized to extend his operations under Permit No. B-5386 to include the transportation of hay, grain, and other farm produce (excluding livestock) from point to point within a radius of twenty-five miles of Alamosa, 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 authority sheets.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 6th day of April, 1959.

ea

(Decision No. 52029)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHRIS VALDEZ AND ABE VALDEZ AND IANA VALDEZ, CO-PARTNERS, DOING BUSINESS AS "VALDEZ BROTHERS," DEL NORTE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16920-PP

April 7, 1959

Appearances: Conour and Conour, Esqs., Del Norte, Colorado, for J. P. Wiederkehr and Son.

S T A T E M E N T

By the Commission:

By the instant application, Chris Valdez, Abe Valdez and Iana Valdez, co-partners, doing business as "Valdez Brothers," Del Norte, Colorado, seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points.

Said application was regularly set for hearing, after appro-

priate notice to all interested parties, at the Court House in Alamosa, Colorado, for ten o'clock A. M., March 26, 1959.

When the matter was called for hearing, applicant did not appear. However, on March 24, 1959, the Commission received a letter from the applicants, who are at present working in Oklahoma, stating that they could not be present at the hearing, but are still desirous of obtaining the permit.

It appears from the records that the applicants have been operating under Temporary Authority issued by the Commission; that they have ample equipment with which to carry on the proposed operation; that they are experienced operators, and are financially responsible.

It does not appear that the proposed operations of applicants would impair the efficient operations of common carriers serving the territory providing that the transportation of road-surfacing materials is limited to the use of dump trucks only.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is made a part of these Findings by reference.

That the instant application should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Chris Valdez and Abe Valdez and Iana Valdez, co-partners, doing business as "Valdez Brothers," Del Norte, Colorado, should 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, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within

a radius of fifty miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of fifty miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of fifty miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty miles of said pits and supply points, the transportation of road-surfacing materials being hereby restricted to the use of dump trucks, only.

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 has secured authority sheets.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Ralph C. Hartsook

Henry E. Zarlengo

Commissioners.

Dated at Denver, Colorado,
this 6th day of April, 1959.

mls

original

(Decision No. 52030)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ABE ROMERO, BOX 759, MONTE VISTA, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16929-PP

April 7, 1959

Appearances: Abe Romero, Monte Vista, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the instant application, Abe Romero, Monte Vista, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of potatoes, from point to point within a radius of ten miles of Monte Vista, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House in Alamosa, Colorado, at ten o'clock A. M., March 26, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant appearing in support of his application, testified that he has ample equipment with which to carry on his proposed operations; that he is experienced in truck operations; that he has work lined up to do and is financially able to operate.

No one appeared in opposition to favorable action on the instant application and it does not appear that the granting of the authority, and applicant's operations thereunder will impair the efficiency of common carrier service in the area applicant seeks to serve.

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

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is made a part of these Findings by reference.

That the authority sought herein should be granted.

O R D E R

THE COMMISSION ORDERS:

That Abe Romero, Monte Vista, Colorado, should be, and he is hereby, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of potatoes, from point to point within a radius of ten miles of Monte Vista, 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 authority sheets.

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-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph L. Nigro

Ralph C. Morlan

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

mls

(Decision No. 52031)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD P. GREIL, 425 DAVIS STREET,)
MONTE VISTA, COLORADO, FOR AUTHORITY) APPLICATION NO. 16930-PP-Extension
TO EXTEND OPERATIONS UNDER PERMIT)
NO. B-5649.)

April 7, 1959

Appearances: Richard P. Greil, Monte Vista, Colorado pro se.

S T A T E M E N T

By the Commission:

Richard P. Greil, the applicant herein, is the owner and operator of Permit No. B-5649, authorizing:

> Transportation of logs, from Wolf Creek Pass via U. S. Highway No. 160, to Monte Vista, Colorado.

By the instant application, said permit-holder seeks authority to extend his operations under said permit to include the transportation of logs and poles from forests in the State of Colorado, to sawmills, railroad loading points or any manufacturer or user of logs or poles within a radius of one hundred miles of such forests.

The application was regularly set for hearing, after appropriate notice to all interested parties, and heard at the Court House in Alamosa, Colorado, on March 26, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant appeared in support of his application, stating that his net worth is approximately $4,000 and that he is presently operating a 1954 two-ton truck. He is an experienced truck operator and states he has work lined up to do; that he is familiar with the rules and regulations of the Commission and will abide by

them if this extension of authority is granted.

No one appeared in opposition to the granting of this additional authority and it does not appear that the extended service of applicant will impair the efficiency of common carrier service operating in the territory which applicant seeks to serve.

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:

The above and foregoing Statement is made a part of these Findings by reference.

That the extension of authority should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Richard P. Greil, Monte Vista, Colorado, be, and he is hereby, authorized to extend his operations under Permit No. B-5649 to include the transportation of logs and poles from forests in the State of Colorado, to sawmills, railroad loading points or any manufacturer or user of logs or poles within a radius of one hundred miles of such forest.

This Order is made a part of the permit granted to applicant, and shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph H. Hogue

Ruppert C. Norton

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

mls

(Decision No. 52032)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. W. BEAVER, SOUTH FORK, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 16919-PP
AS A PRIVATE CARRIER BY MOTOR VE-)
HICLE FOR HIRE.)
-)

- - - - - - -
April 7, 1959
- - - - - - -

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado,
for applicant.

S T A T E M E N T

By the Commission:

By the instant application, C. W. Beaver, South Fork, Colorado, seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of logs, from point to point within a radius of fifty miles of South Fork, Colorado.

Said application was regularly set for hearing after appropriate notice to all interested parties, at the Court House in Alamosa, Colorado, for ten o'clock A. M., March 26, 1959.

When the application was called for hearing, counsel for applicant requested that it be dismissed at the request of applicant.

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 Application No. 16919-PP be, and it is hereby, dismissed, at the request of applicant.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Myers

Roger C. Hoskins

Henry E. Ladenburg

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

ea

(Decision No. 52033)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF CHARLES A. ALLEN, SOUTH FORK, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16921-PP

April 7, 1959

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

By the instant application, Charles A. Allen, South Fork, Colorado, seeks to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from point to point within a radius of thirty-five miles of South Fork, Colorado.

Said application was regularly set for hearing, after appropriate notice to all interested parties, at the Court House in Alamosa, Colorado, for ten o'clock A. M., on March 26, 1959.

When the application was called for hearing, counsel for applicant requested that the hearing be vacated and re-set at some future date convenient to the Commission, with notice to all parties in interest, for the reason that the applicant is out of the state at the present time.

The motion was taken under advisement.

F I N D I N G S

THE COMMISSION FINDS:

That said motion should be granted.

O R D E R

THE COMMISSION ORDERS:

That the hearing on Application No. 16921-PP, set for

March 26, 1959, at Alamosa, Colorado, be vacated, and the matter re-set for hearing at some future date convenient to the Commission, with notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Maginnis

Ralph C. Noland

Henry E. Harlan

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

ea

(Decision No. 52034)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ORAN P. NORTHRIP, ANTONITO, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16438-PP

April 7, 1959

S T A T E M E N T

By the Commission:

By the instant application, Oran P. Northrip, Antonito, Colorado, seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of rough lumber and sawmill equipment, from point to point within a radius of fifty miles of Antonito, Colorado, over Highways Nos. 285, 160, or 285, 142 and 159.

The application was regularly set for hearing, after appropriate notice to all parties in interest, at the Court House in Alamosa, Colorado, for ten o'clock A. M., March 26, 1959.

When the application was called for hearing, applicant did not appear, nor did any protestants appear.

The files were made a part of the record and the matter was taken under advisement by the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the instant application should be dismissed for lack of prosecution.

O R D E R

THE COMMISSION ORDERS:

That Application No. 16438-PP be, and it is hereby, dismissed,

for lack of prosecution.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

ea

(Decision No. 52035)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED T. IVANS, SOUTH FORK, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 16922-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

April 7, 1959

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

By the instant application, Fred T. Ivans, South Fork, Colorado, seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of logs from forest to sawmills and mill yards within a radius of seventy-five miles of South Fork, Colorado.

The application was regularly set for hearing, after appropriate notice to all interested parties, at the Court House in Alamosa, Colorado, for ten o'clock A. M., March 26, 1959.

When the matter was called for hearing, counsel for applicant moved that the 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 Application No. 16922-PP should be, and it is hereby, dismissed, at the request of applicant.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

ea

(Decision No. 52036)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF C. E. MERRIFIELD AND J. A. JENNINGS, CO-PARTNERS, DOING BUSINESS AS "M & G DRILLING AND SUPPLY," MONTE VISTA, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16933

April 7, 1959

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado,
for Applicants.

S T A T E M E N T

By the Commission:

By the instant application, C. E. Merrifield and J. A. Jennings, co-partners, doing business as "M & G Drilling and Supply," Monte Vista, Colorado, seek a certificate of public convenience and necessity for the transportation of oil well supplies and equipment, consisting generally of pipe and fittings, casing, drilling mud and lost circulation materials, tools and machinery, on call and demand, between points within the so-called San Luis Valley of the State of Colorado, consisting of the Counties of Alamosa, Rio Grande, and those portions of the Counties of Conejos, Costilla and Saguache, which are bounded on the east by the Sangre de Cristo Range, and on the west by the Continental Divide.

The application was regularly set for hearing at the Court House in Alamosa, Colorado, for eleven o'clock A. M., March 26, 1959, after due notice to all interested parties.

When the application was called up for hearing, counsel for applicants requested that the hearing be vacated and re-set on some future date convenient to the Commission, due to severe storm conditions prevalent over the entire State of Colorado, making it impossible for applicants to produce their public witnesses.

There being no objection to the motion, it was granted.

F I N D I N G S

THE COMMISSION FINDS:

That the hearing herein set for March 26, 1959, at the Court House in Alamosa, Colorado, should be vacated.

O R D E R

THE COMMISSION ORDERS:

That hearing on Application No. 16933 be, and the same is hereby, vacated and re-set at some future date at the convenience of the Commission, with due notice to all parties in interest, including Moses and DeSouchet, Esqs., Jesse Pound, Esq., and Merle M. Marshall, Esq., all of Alamosa, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

ea

(Decision No. 52037)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GLEN M. PARKS, SOUTH FORK, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16923-PP

April 7, 1959

Appearances: Conour and Conour, Esqs.,
Del Norte, Colorado,
for Applicant.

S T A T E M E N T

By the Commission:

By the instant application, Glen M. Parks, South Fork, Colorado, seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of logs, from point to point within a radius of fifty miles of Durango, Colorado; and from point to point within a radius of fifty miles of South Fork, Colorado.

The application was regularly set for hearing, after appropriate notice to all interested parties, at the Court House in Alamosa, Colorado, for ten o'clock A. M., March 26, 1959.

When the matter was called for hearing, counsel for applicant stated that applicant could not be present at the hearing, and requested that the hearing be vacated and the matter re-set on some future date at the convenience of the Commission.

The matter was taken under advisement by the Commission.

F I N D I N G S

THE COMMISSION FINDS:

That the hearing herein should be vacated.

O R D E R

THE COMMISSION ORDERS:

That the hearing on Application No. 16923-PP be, and the same

is hereby, vacated, to be re-set at some future time at the convenience of the Commission, with notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

ea

Original

(Decision No. 52038)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF R. H. HOLMES, SR., DOING BUSINESS AS "HOLMES LOGGING COMPANY," LA PINE, OREGON, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE

APPLICATION NO. 16926-PP

March 25, 1959

S T A T E M E N T

By the Commission:

By the above-styled application, authority was sought by R. H. Holmes, Sr., doing business as "Holmes Logging Company," to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs and lumber, from point to point within a radius of fifty miles of South Fork, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Alamosa, Colorado, March 26, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

The Commission is now in receipt of a communication from Mrs. R. H. Holmes, Sr., wife of applicant herein, stating applicant no longer desires to prosecute said application, and requesting dismissal thereof.

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 hearing of Application No. 16926-PP, presently set for March 26, 1959, at Alamosa, Colorado, should be, and the same

hereby is, vacated, at request of Applicant herein.

That said Application No. 16926-PP should be, and the same hereby is, dismissed, upon request of Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hynes

Ralph C. Hoskins

Henry E. Pallenyo

Commissioners.

Dated at Denver, Colorado,
this 25th day of March, 1959.

ea

(Decision No. 52039)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
J. H. MARKS TRUCKING CO., INC.,) APPLICATION NO. 16872-Transfer
BOX 2192, ODESSA, TEXAS.) SUPPLEMENTAL ORDER
- - - - - - - - - - - - - - - - - -)

- - - - - - - -
April 7, 1959
- - - - - - - -

Appearances: Jones and Meiklejohn, Esqs., Denver, Colorado, for Transferor;
Carll V. Kretsinger, Esq., Kansas City, Missouri, for J. L. Cox & Son, Inc., J. O. "Red" Willett Pipeline Stringing Corporation;
Truman A. Stockton, Jr., Esq., Denver, Colorado, for Transferee.

S T A T E M E N T

By the Commission:

On March 4, 1959, the Commission entered its Decision No. 51839 in the above-styled application, authorizing Ferguson Trucking Co., Inc., Artesia, New Mexico, to transfer PUC No. 1913 and PUC No. 1913-I to J. H. Marks Trucking Co., Inc., Odessa, Texas.

It appears that said J. H. Marks Trucking Co., Inc. is presently the owner and operator of PUC No. 2501-I.

The Commission is in receipt of a communication from J. T. Scurlock, Secretary-Treasurer of J. H. Marks Trucking Co., Inc., requesting that operating rights under PUC No. 2501-I and those transferred to it pursuant to authority contained in Decision No. 51839, viz., PUC No. 1913 and PUC No. 1913-I, be consolidated, said consolidated operation to be known as "PUC No. 2501 and PUC No. 2501-I," inasmuch as said company now has on hand $200 worth of decals bearing the number "2501."

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 operating rights known as "PUC No. 1913, PUC No. 1913-I, and PUC No. 2501-I," owned by J. H. Marks Trucking Co., Inc., Odessa, Texas, should be, and hereby are, consolidated, upon request of said certificate-holder, said consolidated operation in the future to be known as "PUC No. 2501 and PUC No. 2501-I."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogue

Ralph C. Norton

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

ea

(Decision No. 52040)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF HOWARD P. LINDFORS, DOING BUSINESS AS "KIOWA VALLEY TRUCK LINE," STRASBURG, COLORADO.) PUC NO. 894

April 7, 1959

S T A T E M E N T

By the Commission:

On August 29, 1958, the Commission entered its Decision No. 50819, authorizing the above-styled certificate-holder to suspend operations under PUC No. 894 until December 10, 1958.

Said certificate-holder has now informed the Commission that due to an oversight, he neglected to request reinstatement of said operating rights on the specified date, and he now requests reinstatement of PUC No. 894, as of December 10, 1958.

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. 894, belonging to Howard P. Lindfors, doing business as "Kiowa Valley Truck Line," Strasburg, Colorado, should be, and the same hereby is, reinstated, nunc pro tunc, as of December 10, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negri

Ralph C. Hurlbut

Henry E. Pulcipher

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

ea

Original

(Decision No. 52041)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF GEORGE HOMER AND MILDRED HOMER, CO-PARTNERS, BOX 125, STRATTON, COLORADO, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE	APPLICATION NO. 14634 SUPPLEMENTAL ORDER

April 7, 1959

Appearances: George Homer, Stratton, Colorado, pro se;
Mildred Homer, Stratton, Colorado, pro se.

S T A T E M E N T

By the Commission:

On August 29, 1956, the Commission entered its Decision No. 46402 in the above-styled application, granting a certificate of public convenience and necessity to George Homer and Mildred Homer, co-partners, Stratton, Colorado, authorizing them to operate as a common carrier by motor vehicle for hire, for the transportation of:

> general commodities from point to point within a radius of three miles of the Town of Stratton, Colorado,

said operating rights being designated "PUC No. 3651."

The Commission is now in receipt of a communication from said certificate-holders, requesting authority to conduce operations under said PUC No. 3651 under the trade name "Stratton Dray Line."

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 George Homer and Mildred Homer, co-partners, Stratton, Colorado, owners and operators of PUC No. 3651, should be, and they

hereby are, authorized to conduct operations under said PUC No. 3651 under the name and style: "Stratton Dray Line."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Myers

Ralph C. Nolan

Henry E. Pulliam

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

ea

(Decision No. 52042)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PHIL POGGI, DOING BUSINESS AS "PHIL POGGI TRUCKING," 937 HIGHWAY 80, EL CAJON, CALIFORNIA, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.	APPLICATION NO. 16650-PP

April 7, 1959

Appearances: Stockton, Linville and Lewis, Esqs., Denver, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein sought authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of livestock, between points in Archuleta, Dolores, La Plata, Mesa, Montezuma, Montrose, Ouray, San Juan, and San Miguel Counties, Colorado, over irregular routes, from August 15 to and including December 15 of each year, and requested that in the event such authority was granted, operating rights be known as "Permit No. B-5190," inasmuch as he is presently the owner and operator of Permit No. B-5190-I.

Said application was regularly set for hearing before the Commission, at the Court House, Montrose, Colorado, April 8, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

Said hearing was later vacated, upon request of Attorney for Applicant.

Said attorney for Applicant herein has now informed the Commission that Applicant no longer desires to prosecute said application.

F I N D I N G S

THE COMMISSION FINDS:

That the above-styled application should be dismissed, upon request of Attorney for Applicant.

O R D E R

THE COMMISSION ORDERS:

That Application No. 16650-PP should be, and the same hereby is, dismissed, upon request of Attorney for Applicant.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph J. Negri

Frank C. Holland

John E. Haslam Jr.

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

ea

Original

(Decision No. 52043)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF JAMES E. RAYE, P. O. BOX 207, JASPER, MISSOURI, FOR AUTHORITY TO TRANSFER INTERSTATE OPERATING RIGHTS TO RAYE & COMPANY TRANSPORTS, INC., P. O. BOX 207, JASPER, MISSOURI.	PUC NO. 2868-I-Transfer

April 7, 1959

S T A T E M E N T

By the Commission:

Heretofore, James E. Raye, Jasper, Missouri, was granted a certificate of public convenience and necessity, authorizing him to operate as a common carrier by motor vehicle for hire, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, and PUC No. 2868-I issued to him.

Said certificate-holder now seeks authority to transfer said operating rights to Raye & Company Transports, Inc., Jasper, Missiouri.

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

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, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That James E. Raye, Jasper, Missouri, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2868-I to Raye & Company Transports, Inc., Jasper, Missouri, subject to payment of outstanding indebtedness against said

certificate, if any there be, whether secured or unsecured, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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 7th day of April, 1959.

ea

(Decision No. 52044)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF DARALD L. KNAPP AND VICTOR M. CASTLE, 2425 SOUTH ACOMA STREET, DENVER, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 16807-PP
SUPPLEMENTAL ORDER

April 7, 1959

Appearances: Darald L. Knapp, Denver, Colorado, pro se;
Victor M. Castle, Denver, Colorado, pro se.

S T A T E M E N T

By the Commission:

On February 11, 1959, the Commission entered its Decision No. 51703 in the above-styled application, granting to applicants herein authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of:

> baled hay, baled straw, and small grains, from point to point within a radius of one hundred and fifty miles of Denver, Colorado,

said operating rights being designated "Permit No. B-5720."

The Commission is now in receipt of a communication from said applicants, requesting authority to do business under the trade name of "Knapp & Castle," in the conduct of operations under said Permit No. B-5720.

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 Darald L. Knapp and Victor M. Castle, Denver, Colorado,

owners and operators of Permit No. B-5720, should be, and hereby are, authorized to do business under the trade name "Knapp & Castle," in the conduct of operations under said Permit No. B-5720.

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 7th day of April, 1959.

mls

Original

(Decision No. 52045)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF L. W. PARCELL, DOING BUSINESS AS "CIRCLE ROUTE STAGE LINE," SILVERTON, COLORADO.	PUC NO. 12
IN THE MATTER OF THE APPLICATION OF L. W. PARCELL, DOING BUSINESS AS "CIRCLE ROUTE STAGE LINE," SILVERTON, COLORADO, FOR AUTHORITY TO TRANSFER PUC NO. 12 TO JOHN M. DISTEL, DOING BUSINESS AS "CIRCLE ROUTE GARAGE," SILVERTON, COLORADO.	APPLICATION NO. 16995-Transfer

April 7, 1959

S T A T E M E N T

By the Commission:

On July 24, 1957, the Commission entered its Decision No. 48410, authorizing L. W. Parcell, doing business as "Circle Route Stage Line," Silverton, Colorado, to suspend operations under PUC No. 12 until September 28, 1958.

Said L. W. Parcell has now advised the Commission that through inadvertence, he failed to request reinstatement of said operating rights on or before the date specified in said Decision No. 48410. He now requests reinstatement of said PUC No. 12, and seeks authority to transfer said operating rights to John M. Distel, doing business as "Circle Route Garage," Silverton, Colorado.

The records and files of the Commission fail to disclose any reason why said certificate should not be reinstated; that there are no outstanding unpaid operating obligations against said certificate; that transferee, pecuniarily and otherwise, is qualified and able to carry on the operation, and it does not appear that any useful purpose would be served by setting said matter for formal

hearing, there being no one, insofar as the files disclose, who would desire to be heard in opposition to transfer of said certificate. Therefore, the Commission determined to hear, and has heard, said matter, forthwith, without formal notice, upon the records and files herein.

F I N D I N G S

THE COMMISSION FINDS:

That PUC No. 12 should be reinstated, nunc pro tunc, as of September 28, 1958.

That the proposed transfer of PUC No. 12 is in the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That PUC No. 12 should be, and the same hereby is, reinstated, nunc pro tunc, as of September 28, 1958.

That L. W. Parcell, doing business as "Circle Route Stage Line," Silverton, Colorado, should be, and he hereby is, authorized to transfer all right, title, and interest in and to PUC No. 12 to John M. Distel, doing business as "Circle Route Garage," Silverton, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the auth-

ority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

mls

original

(Decision No. 52046)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF COLORADO, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF COLORADO, FOR AN ORDER AUTHORIZING THE ISSUANCE OF $20,000,000 PRINCIPAL AMOUNT OF ITS FIRST MORTGAGE BONDS.

APPLICATION NO. 16951-Securities

April 7, 1959

Appearances: Lee, Bryans, Kelly and Stansfield, Denver, Colorado, by E. A. Stansfield, Esq., Denver, Colorado, for Applicant;
E. R. Lundborg, Esq., Denver, Colorado, and
E. R. Thompson, Denver, Colorado, for the Commission.

S T A T E M E N T

By the Commission:

Pursuant to 115-1-4, Colorado Revised Statutes, 1953, Public Service Company of Colorado, a Colorado corporation, hereinafter called "Applicant," filed with this Commission on March 19, 1959, its application for an Order of this Commission, authorizing it to issue and sell $20,000,000 principal amount of First Mortgage Bonds, to be dated May 1, 1959, to mature May 1, 1989, to bear interest at a rate not in excess of 4-3/4% per annum, and to be issued as a new series under and to be secured by Applicant's Indenture of Mortgage to Guaranty Trust Company of New York, as Trustee, dated as of December 1, 1939, and the indentures supplemental thereto, including a proposed Supplemental Indenture to be dated as of May 1, 1959.

By Decision No. 51961, dated March 20, 1959, this Commission ordered that a public hearing be held on the aforesaid application on April 2, 1959, at 9:30 o'clock A. M., at 330 State Office

Building, Denver, Colorado. Interested parties, municipalities, representatives of interested consumers or security holders of the Applicant, and other persons whose participation in the matter is in the public interest, were invited to intervene in the proceedings. Petitions of Intervention were to be filed with this Commission on or before March 27, 1959.

The hearing on the aforesaid application was held on April 2, 1959, at the above designated time and place, after due notice to all interested parties, and the matter was heard and taken under advisement by the Commission. No petitions of intervention were filed with the Commission prior to the hearing and no one appeared at the hearing in opposition to the authority sought by Applicant in this matter.

Witness for Applicant, Mr. W. D. Virtue, Executive Vice President and Treasurer, testified to the following matters summarily set forth below:

Applicant is a corporation organized and existing under the laws of the State of Colorado and is a public utility operating company engaged principally in the generation, purchase, transmission, distribution and sale of electricity and in the purchase, distribution, and sale of natural gas. Applicant's operations are wholly within the State of Colorado, the principal center for distribution and sale of electricity and gas being in the City and County of Denver and immediate vicinity.

Applicant is the owner of all the capital stock (except directors' qualifying shares) of Cheyenne Light, Fuel and Power Company, a Wyoming corporation, and is the owner of all of the capital stock of Colorado-Wyoming Gas Company, a Delaware corporation, Green and Clear Lakes Company, a New York corporation, The Pueblo Gas and Fuel Company, a Colorado corporation, Western Slope Gas Company, a Colorado corporation, and 1480 Welton, Inc., a Colo-

rado corporation. Applicant also holds a controlling interest in two other relatively small companies.

Applicant's Exhibit "G", introduced at the hearing in this matter, showed that for the year ended December 31, 1958, Applicant had operating revenues of $87,051,238 and net income, that is the amount available for dividends and surplus, of $10,744,115. Earnings in prior years have been satisfactory. Applicant's Exhibit "E" showed that during the year ended December 31, 1958, the amount of $2,013,050 was appropriated for dividends on its Cumulative Preferred Stock and the amount of $6,117,400 for cash dividends on its Common Stock. Applicant's Balance Sheet as of December 31, 1958, was introduced at the hearing as Exhibit "F".

Under Applicant's Composite Certificate of Incorporation, a copy of which is on file with the Commission, the authorized capital stock of Applicant consists of $115,000,000 divided into 5,000,000 shares of Common Stock of the par value of $10 each and 650,000 shares of Cumulative Preferred Stock of the par value of $100 each. The Cumulative Preferred Stock is authorized to be issuable in one or more series, and there has been authorized an initial series of 175,000 shares of 4-1/4% Cumulative Preferred Stock, a series of 100,000 shares of 4.20% Cumulative Preferred Stock, a series of 65,000 shares of 4-1/2% Cumulative Preferred Stock and a series of 160,000 shares of 4.64% Cumulative Preferred Stock. Of such authorized Common Stock, there were issued and outstanding on December 31, 1958, 3,352,000 shares. After giving effect to the issuance of 167,600 additional shares of Common Stock as a 5% stock dividend, as authorized by this Commission on January 8, 1959, there were issued and outstanding on and after March 25, 1959, 3,519,600 shares. Of such authorized Cumulative Preferred Stock, there were issued and outstanding on December 31, 1958, 175,000 shares of 4-1/4% Cumulative Preferred Stock, 100,000 shares

of 4.20% Cumulative Preferred Stock, 65,000 shares of 4-1/2% Cumulative Preferred Stock and 60,000 shares of 4.64% Cumulative Preferred Stock.

Pursuant to that certain Indenture of Mortgage and Deed of Trust dated as of December 1, 1939, between the Applicant and Guaranty Trust Company of New York, as Trustee, as supplemented, Applicant has heretofore issued and there were outstanding as of December 31, 1958, $40,000,000 principal amount of First Mortgage Bonds, 2-7/8% Series due 1977, $10,000,000 principal amount of First Mortgage Bonds, 3-1/8% Series due 1978, $15,000,000 principal amount of First Mortgage Bonds, 3-1/4% Series due 1981, $20,000,000 principal amount of First Mortgage Bonds, 3-1/8% Series due 1984 and $30,000,000 principal amount of First Mortgage Bonds, 4-3/8% Series due 1987. A condensed description of said Indenture of Mortgage and Deed of Trust and a condensed description of the Bonds authorized and issued by Applicant were introduced at the hearing in this matter as Exhibits "B" and "C," respectively.

By the proposed issuance and sale of $20,000,000 of its First Mortgage Bonds, Applicant proposes to raise approximately $20,000,000 (before expenses) which will be used for plant additions, extensions and improvements to assist in its construction program; and to reimburse Applicant's treasury for funds derived from Company sources which have been used in such construction program.

The estimated aggregate amount to be spent by the Applicant in its construction program during the three years, 1959-1961, as set forth in Exhibit "J" is $106,411,000. Of this amount, according to the testimony of W. D. Virtue, Executive Vice President and Treasurer of Applicant, approximately $3,600,000 had been expended as of March 1, 1959.

After giving effect to the proposed issuance and sale of the new securities for which authorization is herein sought, the pro forma capital structure of the Company, as of December 31, 1958, will, as shown by Exhibit "K" introduced at the hearing, be as follows, with the percentages of each item to total capitalization being shown in the right-hand column:

First Mortgage Bonds	$135,000,000	48.89%
Preferred Stock, inc. Premium	50,007,500	18.11%
Common Stock	35,196,000)	
Premium on Common Stock	32,894,190)	33.00%
Earned Surplus	13,966,255)	
Earned Surplus Restricted	9,083,000)	
Total Capitalization	$276,146,945	100.00%

Applicant's witness testified that based upon the present bond market the Company should be able to sell the proposed bonds at an interest rate of between 4-1/4% and 4-1/2%, and certainly not in excess of 4-3/4%, per annum. The price which Applicant will receive for such bonds (not less than 99% of the principal amount thereof) and the redemption premiums, will be determined in accordance with market conditions at the time of issue thereof. Applicant proposes to sell the First Mortgage Bonds at competitive bidding. The Supplemental Indenture to be dated as of May 1, 1959, will set forth the terms and provisions of the new series of First Mortgage Bonds to be issued, including a provision that none of the First Mortgage Bonds will be redeemable prior to May 1, 1964, directly or indirectly from the proceeds of or in anticipation of any refunding operation involving the incurring of indebtedness having an interest rate or cost to the Applicant (calculated in accordance with accepted financial practice) of less than the annual rate to be borne by said First Mortgage Bonds. A March 25, 1959, proof of such proposed Supplemental Indenture was introduced at the hearing as Exhibit "I." A copy of the Applicant's Registration Statement on Form S-9, in respect of the proposed issuance of the new series of First Mortgage

Bonds, filed with the Securities and Exchange Commission, Washington, D. C., on March 26, 1959, which is presently being reviewed by that Commission was introduced and received in evidence as Exhibit "L." Also received in evidence as Exhibit "M" was a certified copy of the Resolution of the Board of Directors of Applicant authorizing the issue of the $20,000,000 of First Mortgage Bonds.

F I N D I N G S

THE COMMISSION FINDS:

That the Applicant, Public Service Company of Colorado, a Colorado corporation, is a public utility, as defined by 115-1-3, Colorado Revised Statutes, 1953.

That this Commission has jurisdiction of said Applicant, and the subject matter of this application, as amended herein.

That this Commission is fully advised in the premises.

That the proposed issuance and sale by Applicant of $20,000,000 principal amount of its First Mortgage Bonds, 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; that the purpose, or purposes, thereof are permitted by, and are consistent with, the provisions of Chapter 115, Colorado Revised Statutes, 1953.

That the Order sought should be issued, and should be made effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That the Applicant, Public Service Company of Colorado, Denver, Colorado, be, and it hereby is, authorized and empowered to issue and sell a new series of its First Mortgage Bonds in the principal amount of $20,000,000, at the best price obtainable

through competitive bidding but at a price to Applicant which shall not be less than 99% of the principal amount thereof, to be dated May 1, 1959, to mature May 1, 1989, to bear interest at a rate not in excess of 4-3/4% per annum, the redemption premiums to be determined in accordance with market conditions at the time of issue thereof; provided, however, that none of the First Mortgage Bonds are to be redeemable prior to May 1, 1964, directly or indirectly from the proceeds of or in anticipation of any refunding operation involving the incurring of indebtedness having an interest rate or cost to the Applicant (calculated in accordance with accepted financial practice) of less than the annual rate to be borne by said First Mortgage Bonds, and to be secured by the Indenture of Applicant to Guaranty Trust Company of New York, as Trustee, dated as of December 1, 1939, and the indentures supplemental thereto, including a Supplemental Indenture to be dated as of May 1, 1959, substantially in the form of "Exhibit I," but with such modifications as Applicant or its counsel may deem necessary or proper or find desirable in arranging for the disposition of said Bonds or the qualification of said Indenture under the provisions of the Trust Indenture Act of 1939.

That Applicant be, and it hereby is, authorized to use and apply the proceeds derived from the issuance and sale of the $20,000,000 principal amount of its First Mortgage Bonds for the acquisition of property; for the construction, completion, extension and improvement of its facilities; including the construction program for the years 1959, 1960 and 1961; and for the reimbursement of moneys actually expended by Applicant for said purposes from income or from any other moneys in Applicant's Treasury not secured by or obtained from the issue of securities within five years next prior to March 19, 1959, the date of the filing of the application with the Commission for the required authorization to issue such Bonds.

That the First Mortgage Bonds authorized to be issued and sold hereunder shall bear on the face thereof a serial number for proper and easy identification; and that within sixty (60) days from the issuance and delivery of said Bonds, Applicant shall make verified report to this Commission of such serial numbers placed on such Bonds as are initially issued.

That Applicant be, and it hereby is, required to offer the First Mortgage Bonds authorized hereunder for sale at competitive bidding under the following conditions:

1. That bids be invited by newspaper publication, stating where copies of the bidding documents may be obtained;
2. That all bids be publicly opened at a specified date, hour, and place, at which time representatives of the various bidders may be present to examine each bid submitted; and
3. That as soon as possible after the conclusion of the bidding, Applicant shall file a statement with the Commission, showing all bids received and which bid, or bids, were accepted, the coupon rate, the price to Applicant, and the cost of money to Applicant.

That Applicant be, and it hereby is, authorized, in reflecting in its accounts the consummation of the financing outlined above, to make and record the various accounting entires in accordance with the Uniform System of Accounts for Electric and Gas Utilities prescribed by the National Association of Railroad and Utilities Commissioners, and adopted by this Commission on October 19, 1938.

That nothing herein shall be construed to imply any recommendation or guaranty of, or any obligation with respect to the First

Mortgage Bonds authorized hereunder, or the interest thereon, on the part of the State of Colorado.

That within sixty (60) days after the issue and sale of said Bonds, Applicant shall file with this Commission a copy of all amendments to its Registration Statement on Form S-9 (Exhibit "L") filed on March 26, 1959, with the Securities and Exchange Commission, and a conformed copy of the Supplemental Indenture to be dated as of May 1, 1959, covering the issue of Bonds to be sold hereunder.

That within ninety (90) days from the date of the sale of the Bonds authorized to be issued and sold hereunder, Applicant shall make, pursuant to the terms and conditions of this Order, a verified report to this Commission of the issue and disposition of said Bonds, the fees, commission, and expenses incident to such sale, accompanying such report with a new balance sheet reflecting the issuance and sale of said Bonds and supporting journal entries which shall reflect the exercise of the authority herein granted, together with copies of the accompanying entries recorded on Applicant's books as a result of the consummation of such financing.

That the Commission retain jurisdiction of these proceedings to the end that it may make such further order, or 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 being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph T. Rogers

Ralph C. Hoban

Commissioners.

Dated at Denver, Colorado,
this 7th day of April, 1959.

mls

(Decision No. 52047)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
BRYCE C. WORLEY)
)
HOLYOKE, COLORADO.) PERMIT NO. M-11549
)
)

April 8, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bryce C. Worley, Holyoke, Colorado requesting that Permit No. M-11549 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11549, heretofore issued to Bryce C. Worley, Holyoke, Colorado be, and the same is hereby, declared cancelled effective January 1, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Commissioners

Dated at Denver, Colorado,

this 8th day of April, 1959.

ds

(Decision No. 52048)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
ZEHRUNG CHEMICAL COMPANY)
2201 N. W. 20TH. AVENUE)
PORTLAND 9, OREGON.) PERMIT NO. M-15827
)
)

April 8, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Zehrung Chemical Company, Portland, Oregon requesting that Permit No. M-15827 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15827, heretofore issued to Zehrung Chemical Company, Portland, Oregon be, and the same is hereby, declared cancelled effective March 24, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jason C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 8th day of April, 1959.

ds

(Decision No. 52049)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
BILL ELLIFRITZ)
)
ARAPAHOE, COLORADO.) PERMIT NO. M-14687
)
)

April 8, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bill Ellifritz, Arapahoe, Colorado requesting that Permit No. M-14687 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14687, heretofore issued to Bill Ellifritz, Arapahoe, Colorado be, and the same is hereby, declared cancelled effective March 17, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negro
Ralph C. Norton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 8th day of April, 195 9.

ds

(Decision No. 52050)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
VERNON E. MULLIKIN)
RURAL ROUTE #1)
BETHANY, ILLINOIS.) PERMIT NO. M-14996
)
)

April 8, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Vernon E. Mullikin, Bethany, Illinois requesting that Permit No. M-14996 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14996, heretofore issued to Vernon E. Mullikin, Bethany, Illinois be, and the same is hereby, declared cancelled effective December 31, 1958.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro
Jacob C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 8th day of April, 1959.

ds

(Decision No. 52051)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

****

RE MOTOR VEHICLE OPERATIONS OF)
E. V. MURPHY, DOING BUSINESS AS,)
"TED MURPHY")
1468 DAYTON STREET,) PERMIT NO. M-7207
AURORA, COLORADO.)
)

April 8, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. V. Murphy, Dba Ted Murphy, Aurora, Colorado requesting that Permit No. M-7207 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7207, heretofore issued to E. V. Murphy, Dba Ted Murphy, Aurora, Colorado be, and the same is hereby, declared cancelled effective March 18, 1959.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Negron
Jacob C. Horton
Henry E. Zarlengo
Commissioners

Dated at Denver, Colorado,

this 8th day of April, 1959.

ds

original

(Decision No. 52052)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. D. HAYNIE, MANASSA, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.) APPLICATION NO. 16917-Transfer
1579 TO THOMAS W. ROGERS, MANASSA,)
COLORADO.)

April 8, 1959

Appearances: J. D. Haynie, Manassa, Colorado, pro se;
Thomas W. Rogers, Manassa, Colorado, pro se.

S T A T E M E N T

By the Commission:

J. D. Haynie, Manassa, Colorado, is the owner and operator of PUC No. 1579, authorizing:

> Transportation of (1) livestock from point to point in an area within a radius of 20 miles of the town of Manassa, Colorado, (excepting therefrom all that part of said area which lies in Costilla County), and between points in said area, and other points in said State; (2) farm produce from point to point in said area (Costilla County excluded), and between points therein and other points in said State, all of which service is to be limited to shipments originating on farms; (3) farm machinery, equipment and supplies, except groceries and articles of wearing apparel, from point to point in said area (Costilla County excluded), and to farms in said area from the cities of Denver and Pueblo.

By the instant application, said certificate-holder seeks authority to transfer his operating rights under said PUC No. 1579 to Thomas W. Rogers, Manassa, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House, Alamosa, Colorado, at ten o'clock A. M., March 26, 1959, and then taken under advisement.

At the hearing, the evidence disclosed that the consideration for the transfer is $15,000, which includes equipment. The net worth of transferee was shown to be in excess of $20,000, and his operating experience and financial responsibility were established to the satisfaction of the Commission. It further appeared that there was no outstanding obligations against the operation.

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

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That J. D. Haynie, Manassa, Colorado, should be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 1579 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Thomas W. Rogers, Manassa, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from

the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

The right of transferee to operate under this Order shall depend upon the prior filing by transferor of delinquent reports, if any, covering operations under said certificate up to the time of transfer of said certificate.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Nigro

Frank C. Holland

Glenn G. Gallegos

Commissioners.

Dated at Denver, Colorado,
this 8th day of April, 1959.

mls

original

(Decision No. 52053)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF J. D. HAYNIE, MANASSA, COLORADO, FOR AUTHORITY TO TRANSFER PERMIT NO. B-2025 TO THOMAS W. ROGERS, MANASSA, COLORADO.	)	APPLICATION NO. 16918-PP-Transfer

April 8, 1959

Appearances: J. D. Haynie, Manassa, Colorado, pro se;
Thomas W. Rogers, Manassa, Colorado, pro se.

S T A T E M E N T

By the Commission:

J. D. Haynie, Manassa, Colorado, is the owner and operator of Permit No. B-2025, authorizing:

> Transportation of building materials and machinery for the Haynie Hardware Co. of Manassa, Colorado, from Portland, Denver and Pueblo to said company at Manassa.
>
> Transportation of livestock for Haynie and Sowards from point to point in Alamosa and Costilla Counties, and from points in said Counties to Denver and Pueblo, without right to add to the number of customers under this extension.
>
> Decision No. 22087 eliminates from above all authority to transport livestock, farm produce, farm machinery, equipment and supplies except groceries and articles of wearing apparel from points within a twenty (20) mile radius of Manassa, Colorado (excepting that part of said area which lies in Costilla County), and between points in said area and other points in the State.

By the instant application, said permit-holder seeks authority to transfer Permit No. B-2025 to Thomas W. Rogers, Manassa, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all interested parties, was heard at the Court House, Alamosa, Colorado, at ten o'clock A. M., March 26, 1959, and at the conclusion of the evidence, the matter was taken under advisement.by the Commission.

At the hearing, the evidence disclosed that there is no direct consideration involved in the proposed transfer as it is transferred in conjunction with PUC No. 1579; that the net worth of the transferee is in excess of $20,000; that he owns ample equipment with which to carry on the proposed operation.

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

The operating experience and financial responsibility of the transferee were established to the satisfaction of the Commission, and it appears that the proposed transfer is compatible with the public interest.

F I N D I N G S

THE COMMISSION FINDS:

The above and foregoing Statement is hereby made a part of these Findings by reference.

That the proposed transfer is compatible with the public interest and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That J. D. Haynie, Manassa, Colorado, should be, and hereby is, authorized to transfer all his right, title and interest in and to Permit No. B-2025 -- with authority as set forth in the preceding Statement, which is amde a part hereof by reference -- to Thomas W. Rogers, Manassa, Colorado, subject to payment of outstand-

ing indebtedness against said operation, if any there be, whether secured or unsecured.

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

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 the time of transfer of said permit.

This Order is made a part of the permit authorized to be transferred.

This Order shall become effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph I. Hagin

Ralph C. Hoban

Commissioners.

Dated at Denver, Colorado,
this 8th day of April, 1959.

mls

original

(Decision No. 52054)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF UNIVERSITY HILLS)
EXPRESS BUS SERVICE BY THE DENVER)
TRAMWAY CORPORATION, 350 SOUTH) APPLICATION NO. 16999
SANTA FE DRIVE, DENVER, COLORADO.)

April 8, 1959

S T A T E M E N T

By the Commission:

The matter of Express bus service by The Denver Tramway Corporation has long been a topic of general inquiry and results of actual trial trips in various parts of the City of Denver have been submitted to this Commission by its Service Committee as a part of the Committee function to secure good public transit service. In fact, a trial Shopper Express service was operated during the Christmas holiday season, but patronage did not justify its continuation.

More recently a recommendation for an Express Worker Service has been presented by said Service Committee, consisting of John A. Bruce, Traffic Engineer for the City and County of Denver; W. A. Baker, General Manager of The Denver Tramway Corporation; and J. L. McNeill, Transportation Engineer for the Commission. The Committee proposal is as follows:

1. Grant a temporary permit authorizing the trial operation of Express Worker Bus to utilize the recently completed Valley Highway from the University Hills area into downtown Denver.

2. That the purpose of a trial operation for 30 days is to secure operating knowledge regarding Express service in Denver and to further ascertain the public acceptance, revenues, and costs of this type of service.

3. That if patronage and resulting revenues meet or exceed operating expenses, then the trial operation may be further continued on a temporary basis to firmly establish rider needs.

4. That if reasonable success and patronage can be secured in the Worker Express service, then possible extension and utilization of the equipment as a Shopper Express may be considered for the off-peak daytime periods on this route.

5. That the trial service is being offered on an experimental basis and future discontinuance of the temporary permit may become effective without a hearing after the posting of Public Notice in the buses involved for three days.

6. That before the proposed trial operation is established, there will be ample descriptive publicity in the area to be served.

7. That the results of the proposed operation be forwarded weekly to the Commission in a Statement of Operations to show: Number of Patrons; Revenues; Expenses; and Net Results.

F I N D I N G S

THE COMMISSION FINDS:

It appears that the instant proposal of the Service Committee is designed to provide a specialized type of Tramway service wherein a limited-stop movement will be made over the most direct route to the downtown business section from the area known as University Hills in southeast Denver. This residential section is readily accessible to the recently completed Valley Highway, which offers a fast-moving traffic artery that is free of cross-traffic interference.

A temporary trial period of thirty (30) days is proposed for a limited-stop or Express-type of Worker bus service. The intended service is designed to place people into the downtown business area in sufficient time to accommodate patrons starting work at 8:00 A. M., 8:30 A. M., and 9:00 A. M. For people homeward-bound during the evening rush period the same type Express service will be available on three schedules leaving 15th and Stout Street at 4:40 P. M., 5:10 P. M., and 5:40 P. M.

It appears that preliminary tests over various routes have indicated possible time savings up to twenty minutes as compared to the regular service of Route No. 8 in this area. Proposed schedules

assure a saving of fifteen minutes. When operating experience is acquired and customer destinations are established it will be possible to then determine the most effective routing.

Being a specialized type of service wherein there will be only a one-way passenger haul with an empty or "dead-head" return movement for the vehicle, a premium fare has been further suggested of 25 cents for adults, and customary one-half fare for children, or 13 cents when over 6 years and under 12 years of age. However, use of transfers will be possible between other lines and will be accepted as partial payment of fares on the Express buses.

Therefore, on recommendation of our Service Committee and for the purpose of securing operating knowledge, public reaction and costs regarding Express bus travel, we will herewith authorize the institution of a trial operation by The Denver Tramway Corporation, as follows:

1. Type: Express Worker Bus Service for thirty (30) day trial period. Provide direct movement to and from the Denver downtown district and the residential area of University Hills.

2. Schedule: To be arranged by Tramway. Consist of three morning and afternoon trips, daily except Saturday, Sunday and Holidays.

3. Route: To be selected by Tramway with approval of City Traffic Engineer. General direction to be:

   (a) Provide customary pickup and discharge of passengers in the University Hills area via present routing of No. 8 service.

   (b) Use South Colorado Boulevard and the Valley Highway with the most effective combination of one-way streets in the area from Emerson to North Speer Boulevard that will meet customer destinations in the downtown area.

   (c) Provide usual pickup and discharge service at downtown bus-stops on 15th and 16th Streets.

4. Fare: Per one-way trip:
   Adults 25 cents; Children one-half fare or 13 cents when over 6 years and under 12 years of age. Transfers to be given and accepted as a part of Express bus fare.

5. Conditions:

(a) That if patronage and resulting revenues meet or exceed operating expenses, then the trial operation may be further extended on a temporary basis, to firmly establish rider needs.

(b) That the trial service is being offered on an experimental basis and future discontinuance of the temporary permit may become effective without a hearing after the posting of Public Notice in the buses involved for three days.

(c) That before the proposed trial operation is established, there will be ample descriptive publicity in the area to be served.

(d) That the results of the proposed operations be forwarded weekly to the Commission in a Statement of Operations to show: Number of Patrons; Revenues; Expenses; and Net Results.

O R D E R

THE COMMISSION ORDERS:

That The Denver Tramway Corporation, Denver, Colorado, is hereby permitted to institute a temporary trial Worker Express Bus service, all as set forth in the foregoing Findings, and by reference made a part hereof.

That if reasonable success and patronage is apparent on the Worker Express, then a limited Shopper Express may also be instituted on this route as a means toward further utilization of the labor and equipment involved.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Joseph F. Hogan

Commissioners.

COMMISSIONER HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,
this 8th day of April, 1959.

mls