

original

(Decision No. 53350)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ASPEN AIRWAYS, INC., ASPEN, COLO- )	
RADO, FOR PERMANENT COMMON CARRIER )	APPLICATION NO. 16761-Extension
AUTHORITY TO OPERATE SCHEDULED )	<u>SUPPLEMENTAL ORDER</u>
SERVICE BY AIRPLANE, EXCEPTING )	
HELICOPTER. )	
- - - - - )	

- - - - -  
November 10, 1959  
- - - - -

Appearances: R. B. Danks, 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:

By Decision No. 53290, dated November 3, 1959, the Commission granted the above-named applicant a certificate of public convenience and necessity for a permanent scheduled service by aircraft.

It now appears that said Order should be amended, nunc pro tunc as of November 3, 1959, as set forth in the Order following.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 53290, dated November 3, 1959, should be amended, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53290, dated November 3, 1959, should be, and the same is hereby, amended, nunc pro tunc, as of said 3rd day of November, 1959, by striking therefrom the third paragraph of said Order, pages 3 and 4, and inserting in lieu thereof, the following:

"Applicant shall file tariffs, rate schedules,  
and rules and regulations with, and to be approved  
by, this Commission, and all required reports,  
within thirty (30) days from the date hereof."

That, except as herein amended, said Decision No. 53290  
shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Rizio  
Joseph C. Holton  
Clay E. Paulings  
Commissioners.

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

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF PUBLIC SERVICE )  
COMPANY OF COLORADO, 900 FIF- )  
TEENTH STREET, DENVER, COLORADO, )  
FOR AUTHORITY TO EXTEND FAC- ) APPLICATION NO. 17460-Extension  
ILITIES LOCATED IN SECTION 12, )  
TOWNSHIP 2-SOUTH, RANGE 73-WEST, )  
TO SERVE LAWRENCE O. SWAN. )  
----- )

-----  
November 10, 1959  
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S T A T E M E N T

By the Commission:

On October 21, 1959, Public Service Company of Colorado, Denver, Colorado, filed an application with this Commission for authority to extend its facilities in Section 12, Township 2-South, Range 73-West, Gilpin County, to serve a residence of Lawrence O. Swan. The construction will involve 372 feet of primary-secondary line.

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 informed in the matter, will issue its order granting the construction as requested. The Commission has received a letter from Union Rural Electric Association, Inc., dated November 4, 1959, and a letter from Colorado Central Power Company,

dated November 2, 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 the 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 residence of Lawrence O. Swan, located in Section 12, Township 2-South, Range 73-West; and that Public Service Company of Colorado should be authorized to render said service.

O R D E R

THE COMMISSION ORDERS:

That Public Service Company of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity, to extend its facilities to a residence of Lawrence O. Swan, located in Section 12, Township 2-South, Range 73-West, all in accordance with the rates, rules and regulations of Public Service Company now on file with this Commission or as the same may be changed according to law and the rules and regulations of this Commission.

This order shall become effective as of the day and date

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Regis*

*Raymond C. Hoban*

*Henry C. Zerkow*  
Commissioners.

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

revised

(Decision No. 53352)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. R. BLAKEMAN, DOING BUSINESS AS )  
"BLAKEMAN MILLING COMPANY," PHIPPS- )  
BURG, COLORADO, FOR AUTHORITY TO )  
EXTEND OPERATIONS UNDER PERMIT )  
NO. B-5690. )  
----- )

APPLICATION NO. 17496-PP-Extension

-----  
November 10, 1959  
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S T A T E M E N T

By the Commission:

Applicant herein, owner and operator of Permit No. B-5690, on October 21, 1959, filed his application with the Commission, seeking authority to extend operations under said Permit No. B-5690, to include the right to transport hay, grain, and farm products (excluding livestock), from farm to farm, farm to town, and town to farm, within a fifty-mile radius of Phippsburg, Colorado, and from farm and ranches within said fifty-mile radius of Phippsburg, Colorado, to points of storage and processing and feed lots within the State of Colorado.

The Commission is now in receipt of a communication from said applicant, 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 request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 17496-PP 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. Nigro  
Raymond C. Holman  
Henry J. Spillings  
Commissioners.

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

ea

original

(Decision No. 53353)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
VANE GOLDEN, DOING BUSINESS AS )	
"GOLDEN TRANSFER," 311 KIMBARK )	
STREET, LONGMONT, COLORADO, FOR )	APPLICATION NO. 17444-Transfer
AUTHORITY TO TRANSFER PUC NO. 510 )	<u>SUPPLEMENTAL ORDER</u>
AND PUC NO. 510-I TO GOLDEN TRANS- )	
FER COMPANY, 311 KIMBARK STREET, )	
LONGMONT, COLORADO. )	
----- )	

-----  
November 10, 1959  
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Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Transferor  
and Transferee.

S T A T E M E N T

By the Commission:

On November 4, 1959, the Commission entered its Decision No. 53307 in the above-styled application, authorizing transfer of PUC No. 510 and PUC No. 510-I from Vane Golden, doing business as "Golden Transfer," Longmont, Colorado, to Golden Transfer Company, Longmont, Colorado, operating rights under said PUC No. 510 and PUC No. 510-I being set forth in the Statement contained in said Decision No. 53307.

Through inadvertence, certain conditions regarding freight, transfer, moving and general cartage business authorized to be performed under said operating rights were not set forth in the Statement contained in said Decision No. 53307.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 53307, of date November 4, 1959, should be amended, nunc pro tunc, as of said 4th day of November, 1959, to conform to the facts, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53307, of date November 4, 1959, be, and the same hereby is, amended, nunc pro tunc, as of said 4th day of November, 1959, by striking therefrom the second paragraph contained in the Statement in said Decision No. 53307, reading as follows:

"freight, transfer, moving and general cartage business in the City of Longmont and County of Boulder, and for occasional service throughout the State;"

and inserting in lieu thereof the following:

"freight, transfer, moving and general cartage business in the City of Longmont and County of Boulder, and for occasional service throughout the State of Colorado, and each of the counties thereof, subject to the following conditions:

"(a) for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which in all cases shall be at least twenty per cent in excess of those charged by the scheduled carriers;

"(b) the applicant shall not operate on schedule between any points;

"(c) the applicant shall not be permitted, without further authority from the Commission, to establish a branch office or to have any agent employed in any other town or city than Longmont for the purpose of developing business."

That, except as herein amended, Decision No. 53307 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Joseph C. Harkin*  
*Henry J. Spillings*  
Commissioners.

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF ISSUANCE OF	)	
TEMPORARY CERTIFICATES OF PUBLIC	)	
CONVENIENCE AND NECESSITY UNDER	)	
CHAPTER 80, SESSION LAWS OF COLO-	)	APPLICATION NO. 17497
RADO, 1951, FOR EMERGENCY MOVE-	)	
MENT OF SUGAR BEETS, IN MORGAN	)	
COUNTY, STATE OF COLORADO.	)	
- - - - -	)	

- - - - -  
November 9, 1959  
- - - - -

S T A T E M E N T

By the Commission:

Report has been received by the Commission from Louis J. Carter, Supervisor, Complaint and Investigation Division of this Commission, indicating that an emergency exists because of shortage of trucks for transportation of sugar beets in Morgan County, Colorado, and that said emergency will probably continue for a period of approximately forty days hereafter.

Request is made for an Order of the Commission relative to issuance of temporary certificates of public convenience and necessity for the seasonal transportation of sugar beets in said Morgan County, Colorado.

F I N D I N G S

THE COMMISSION FINDS:


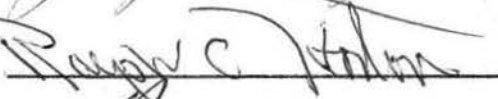

That an emergency exists because of shortage in certificated trucks for transportation of sugar beets in Morgan County, Colorado, and that public convenience and necessity require that temporary certificates of public convenience and necessity should issue for the operation of motor vehicles for transportation of sugar beets to the Fort Morgan Factory, as provided by Chapter 80, Session Laws of 1951, said certificates to become effective November 10, 1959, and to continue in force up to and including December 20, 1959.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates of public convenience and necessity be, and are hereby, authorized to be issued for the operation of motor vehicles, for transportation of sugar beets, from points in Morgan County, Colorado, to the Fort Morgan Factory, said certificates to become effective November 10, 1959, and to continue in force up to and including December 20, 1959, no such certificate to issue for the transportation of sugar beets by motor vehicle to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

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

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
R. L. COMER, DOING BUSINESS AS )  
"R. L. COMER GENERAL OILFIELD SER- )  
VICE," P. O. BOX 56, FORT MORGAN, )  
COLORADO, FOR AUTHORITY TO OPERATE )  
AS A CLASS "B" PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE, FOR THE )  
TRANSPORTATION OF WATER AND OIL, )  
FROM POINT TO POINT WITHIN A RADIUS )  
OF FIFTY MILES OF FORT MORGAN, )  
COLORADO. )  
----- )

APPLICATION NO. 17475-PP

-----  
November 10, 1959  
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S T A T E M E N T

By the Commission:

The above-styled application was regularly set for hearing before the Commission, at the Court House, Fort Morgan, Colorado, November 12, 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 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 request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Hearing of Application No. 17475-PP, set for November 12, 1959, at Fort Morgan, Colorado, be, and the same hereby is, vacated, upon request of Applicant herein.

That said Application No. 17475-PP 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. Negin  
Frederic C. Hutton  
Samuel E. Zuckerman  
Commissioners.

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

ea

original

(Decision No. 53356)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DEPARTMENT OF HIGHWAYS OF THE STATE )  
OF COLORADO, 4201 EAST ARKANSAS AVE- )  
NUE, DENVER, COLORADO, FOR AUTHORITY )  
TO INSTALL HIGHWAY-RAILROAD GRADE )  
CROSSING PROTECTION DEVICES ON STATE )  
HIGHWAY NO. 6 (U. S. 50) ON THE NORTH )  
FORK BRANCH LINE OF THE DENVER AND )  
RIO GRANDE WESTERN RAILROAD COMPANY )  
AT MILEPOST 373.85 NORTH OF THE NORTH )  
CITY LIMITS OF DELTA, IN DELTA COUNTY, )  
COLORADO. )  
-----)

APPLICATION NO. 17368

-----  
November 12, 1959  
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Appearances: Joseph M. Montano, Assistant  
Attorney General, Denver,  
Colorado, for Applicant  
Department of Highways;  
J. L. McNeill, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

The above-entitled application, after appropriate notice to all parties in interest, to the Chairman of the Board of Delta County Commissioners, and to the City Manager of Delta, Colorado, was set for hearing in the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on October 19, 1959. The matter was heard by the Commission and taken under advisement.

Purpose of the instant application is to secure Commission approval for the proposed installation of flashing light signals at the above rail location on State Highway No. 6. At the hearing, the following exhibits were received after explanation given by Mr. E. L. King, who is Assistant to the Plans and Surveys Engineer of the Department of Highways, at Denver, Colorado:

Exhibit A: (As attached to Application)  
Combination blue print sheet to show:  
(a) Sketch map and location of the  
rail line crossing in relation to  
the City of Delta, Colorado.  
(b) Details of crossing location shows  
rail and highway right-of-ways.

Exhibit B: (Attached to Application)  
Photostat copy of portion of Railroad  
Station Map to show Railroad and City  
Street location.

Exhibit C: Prepared statement of Mr. King to  
further explain the items of location,  
agreements, approval, need, effective-  
ness of signals and statement of cost.

Exhibit D: Photostat copy of Agreement made  
April 28, 1959, between Department of  
Highways and The Denver & Rio Grande  
Western Railroad Company for installa-  
tion of flashing light signals.

According to testimony of Mr. King, protection at the rail  
crossing over Colorado Highway No. 6 (U. S. 50), now consists of  
two reflectorized crossbucks and advance warning signs. U. S. High-  
way No. 50 is designated as a Federal Aid Primary highway route..  
The proposed work will provide for installation of automatic flashing  
light signals supplemented with audible warning device.

The signals are to be located on the North Fork Branch Line  
tracks of The Denver and Rio Grande Western Railroad Company Mile  
Post 373.85 near the north city limits of Delta, Colorado. The  
crossing includes one branch line track carrying one scheduled freight  
train each way daily. The number of train movements fluctuates with  
the seasons of the year in accordance with the demands for local  
coal production and the harvesting of peaches, apricots and apples  
in the area. Vehicular traffic on the highway amounts to 4,000  
vehicles per day, consisting of both local and through traffic,  
including commercial vehicles..Train speeds are thirty-five miles  
per hour maximum.

With further reference to testimony at the hearing, it  
appears that in addition to being near a city, the hazards at the  
crossing are due to relatively high volume of vehicular traffic  
and to restrictive sight distances brought about by commercial

developments in the fringe area of Delta. Mr. King further emphasized that accident statistics of the Department indicated the through-traffic motorists were the more careful drivers, while the local traffic is inclined to become careless, does not observe the present signs or use sufficient caution.

The proposed protection of flashing light signals with signs and a bell is in conformity with the American Railroad Association's Code, and will, when completed, offer an effective type of warning protection. At this time it appears the department has no immediate plans for construction of a grade separation at this crossing.

Under the terms of the agreement herein, (Exhibit "D") the Department of Highways will reimburse the Railroad Company for ninety per cent of all expenses the Railway Company incurs incidental to the installation of the crossing protection devices. A preliminary estimate of the total cost indicates that the automatic signals will cost a total of \$9,220, of which the Railroad Company will bear ten per cent. Upon completion of the installation, The Denver and Rio Grande Western Railroad Company assumes the operation and maintenance of all of the same without cost to the Department. The Department will furnish and install, at its own expense, the necessary reflectorized advance warning signs on the highway.

In addition to the above agreement, approvals of the proposed work have been given by the Railroad Chief Engineer, by the Bureau of Public Roads and by the Chief Engineer of the Colorado Department of Highways.

It appears further that no public utilities or adjacent property owners will be adversely affected. The files of the Commission indicate no protests to the proposed work and no objections were offered at the hearing.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That it is informed in the instant matter and the foregoing

Statement, by reference, is made a part of these Findings.

That public safety, convenience and necessity require the installation of flashing light signals on State Highway No. 6, at Denver and Rio Grande Western Railroad Company Mile Post 373.85 North Fork Branch, and located immediately north of the north City limits of the City of Delta, Delta County, Colorado.

O R D E R

THE COMMISSION ORDERS:

That Applicant, The Department of Highways of the State of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to authorize and approve the installation of flashing light signals on State Highway No. 6 at Denver and Rio Grande Western Railroad Company Mile Post 373.85, North Fork Branch, and located immediately north of the north City limits of the City of Delta, Delta County, Colorado.

That the work to be done, costs, installation and maintenance of automatic flashing signals and improvement of the crossing, shall be as indicated in the preceding Statement; said Statement and Exhibits "A", "B", "C", and "D", are, by reference, made a part hereof.

That the proposed signal devices and installation shall all be in conformance with the current Bulletin of the Association of American Railroads' Joint Committee on Railroad Protection.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Holman*  
*Wm. E. Zurling*  
Commissioners.

Dated at Denver, Colorado,  
this 12th day of November, 1959.  
ea

original

(Decision No. 53357)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF)  
SOUTHERN SAN LUIS VALLEY RAILROAD )  
COMPANY, BLANCA, COLORADO, FOR AN )  
ORDER AUTHORIZING THE ABANDONMENT )  
OF A PORTION OF ITS RAILROAD AND )  
OF THE OPERATION THEREOF. )  
-----)

APPLICATION NO. 17249

-----  
November 12, 1959  
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S T A T E M E N T

By the Commission:

In Finance Docket No. 20571, Southern San Luis Valley Railroad Company made application to the Interstate Commerce Commission for permission to abandon and remove the south portion of its railroad, consisting of approximately one mile of track extending southward from a point south of the McClintock Station on said railroad in Costilla County, Colorado.

On June 18, 1959, the Interstate Commerce Commission issued its certificate permitting abandonment of the south portion as sought.

Copies of the above filings, including the application, Answer to Questionnaire and Decision of the Interstate Commerce Commission were also submitted to this Commission. On the basis of the above data, the instant application is submitted to this Commission seeking approval of the same abandonment as related to intrastate traffic.

In addition to review of the files as submitted above, and after Commission investigation, it appears that authority for removal of the southerly 29 miles of this railroad was approved in our Decision No. 48655 of September 5, 1957, Application No. 15645. According to our Statement in that decision, it was determined that



"the movement of produce has been adjusted so that adequate service can be provided using a southern terminal at McClintock. A modern vacuum quick-cooling process plant has been installed at McClintock where lettuce is cleaned and packed, cooled, and loaded directly into refrigerator cars or refrigerated trucks. All traffic to McClintock can be provided by present motor carriers. There is no indication that there is any public need for continuance of the 29-mile segment of the applicant's railroad."

Our investigation in the instant matter reveals that with the transfer to McClintock of the vegetable and volcanic rock loadings, operating experience has now shown there is no necessity to retain all the trackage extending for some one and three quarters miles southward from the McClintock yard area. It was determined that present storage needs for idle equipment, car setouts and switching movements could be handled on a stub-track extending only one-half mile from the active yard area or to Survey Station 71 plus 30, which is 650 feet south of a concrete ditch syphon line under the railroad.

It appears then that here we have an operating matter that concerns only the railroad since there are no facilities for public loading or unloading on the portion to be abandoned; track involved is only used for storage and is not used for movement of traffic to the Rio Grande connection at Blanca; due to past inactivity, the track is in bad condition and no necessity for use or further upkeep is indicated.

Operations as conducted through the McClintock Yard have been as follows:

Year	Carloads		Net Revenue
	Forwarded	Received	
1957	630	167	\$5,548 (Loss)
1958	559	53	\$11,065 (Loss)

It is apparent then that the railroad is offering a public service and there is a need for every possible operating saving. Therefore, under the circumstances as noted herein, there would be no public benefit in retention of the track in question, and abandonment will be approved.



## 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 Findings of the Interstate Commerce Commission in Finance Docket No. 20571 be, and hereby are, made a part of these Findings.

That public convenience and necessity do not require further operation in intrastate commerce by Southern San Luis Valley Railroad Company of that portion of its line sought to be abandoned.

That continued operation of this segment of the line would impose an undue and unnecessary burden upon the applicant.

## O R D E R

### THE COMMISSION ORDERS:

1. That present and future public convenience and necessity do not require the operation in intrastate commerce by Southern San Luis Valley Railroad Company of that portion of its McClintock yard trackage extending for approximately 1.3 miles south of Survey Station 71 plus 30, near Blanca, Costilla County, Colorado, and abandonment and removal thereof is hereby approved.

2. That this certificate of public convenience and necessity permitting the above abandonment shall take effect and be in force from and after twenty-one days from the date hereof.

That tariffs applicable to the abandoned trackage may be cancelled upon notice to this Commission and to the general public by not less than one day's filing and posting in the manner prescribed by the rules and regulations of this Commission, and shall include a reference to the number of this decision in said filings.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Dated at Denver, Colorado,  
this 12th day of November, 1959.  
ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HENRY W. JONES, SR., 2937 GLENARM )	
PLACE, DENVER, COLORADO, FOR AUTH- )	
ORITY TO TRANSFER PUC NO. 3923 TO )	<u>APPLICATION NO. 17302-Transfer</u>
LAWRENCE DONATO, DOING BUSINESS AS )	
"DONATO'S EXPRESS," 3360 COLUMBINE )	
STREET, DENVER, COLORADO. )	
- - - - - )	

- - - - -  
November 13, 1959  
- - - - -

Appearances: R. B. Danks, Esq., Denver,  
Colorado, for Colorado  
Transfer & Warehousemen's  
Association, and Weicker  
Transfer & Storage Co.

S T A T E M E N T

By the Commission:

By the above-styled application, authority is sought to transfer PUC No. 3923 from Henry W. Jones, Sr., Denver, Colorado, to Lawrence Donato, doing business as "Donato's Express," Denver, Colorado.

Said application was regularly set for hearing before the Commission on September 2, 1959, at 10:00 o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, due notice thereof being forwarded to all parties in interest.

Notwithstanding said notice, applicant failed to appear, either in person or by counsel, at the time and place designated for hearing, and said matter was continued and re-set for hearing on November 6, 1959, at 10:00 o'clock A. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, due notice thereof being forwarded to all parties in interest. Again the applicant failed to appear, either in person or by counsel.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negin

Robert C. Haloro

Henry G. Adams  
Commissioners.

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

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RAY JENKINS AND RICHARD E. JONES, )  
DOING BUSINESS AS "GOLDEN DISPOSAL," )  
1225 18TH STREET, GOLDEN, COLORADO, ) APPLICATION NO. 17470-Transfer  
FOR AUTHORITY TO TRANSFER PUC NO. )  
2547 TO RICHARD E. JONES, DOING )  
BUSINESS AS "GOLDEN DISPOSAL," )  
1501 FORD STREET, GOLDEN, COLORADO. )  
- - - - - )

- - - - -  
November 13, 1959  
- - - - -

Appearances: Ray Jenkins, Golden,  
Colorado, pro se;  
Richard E. Jones,  
Golden, Colorado,  
pro se.

S T A T E M E N T

By the Commission:

Ray Jenkins and Richard E. Jones, doing business as  
"Golden Disposal," Golden, Colorado, are the owners and operators  
of PUC No. 2547, authorizing:

transportation of trash, ashes, and junk,  
from points and places located within the  
City of Golden, Colorado, and within a  
one-mile radius thereof, to trash dumps  
located outside the City of Golden and  
within a five-mile radius thereof.

By the instant application, said certificate-holders  
seek authority to transfer PUC No. 2547 to Richard E. Jones,  
doing business as "Golden Disposal," Golden, 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, November 6, 1959, and at the conclusion of the evidence,  
the matter was taken under advisement.

Ray Jenkins and Richard E. Jones, the transferors, and  
the transferee, testified in support of the application to the effect  
and as follows:

that the transferor is a partnership and will be dissolved, and Richard E. Jones, the remaining partner, will continue the operation as an individual; that Jones has had three years of experience in the transportation business and has a net value of approximately \$20,000; that the transferee contemplates using the same equipment as used by the transferor.

No one appeared in opposition to 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:

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

### O R D E R

#### THE COMMISSION ORDERS:

That Ray Jenkins and Richard E. Jones, doing business as "Golden Disposal," Golden, Colorado, should be, and hereby are, authorized to transfer all their right, title, and interest in and to PUC No. 2547 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Richard E. Jones, doing business as "Golden Disposal," Golden, 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 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 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 F. Nigro  
Robert C. Halton  
Clarence E. Parsons  
Commissioners.

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

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THERON J. F. LAWSON, DOING BUSINESS )  
AS "CITY WIDE ASH & RUBBISH REMOVAL )  
SERVICE," 825 SOUTH YATES STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 3728 TO ROBERT WEB- )  
STER, DOING BUSINESS AS "CITY WIDE )  
ASH & RUBBISH REMOVAL SERVICE," 3925 )  
HIGH STREET, DENVER, COLORADO. )  
-----

APPLICATION NO. 17467-Transfer

-----  
November 13, 1959  
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Appearances: Theron J. F. Lawson, Den-  
ver, Colorado, pro se;  
Robert Webster, Denver,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

The above-named certificate-holder is the owner and operator  
of PUC No. 3728, which authorizes:

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 within the Counties of  
Adams, Arapahoe, and Jefferson, State of  
Colorado.

By the instant application, said certificate-holder seeks  
authority to transfer PUC No. 3728 to Robert Webster, doing business  
as "City Wide Ash & Rubbish Removal Service," Denver, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colorado,  
November 6, 1959, and at the conclusion of the evidence, the matter  
was taken under advisement.

Theron J. F. Lawson and Robert Webster testified in support of the application to the effect and as follows: that there were no debts against the certificate; that the transferee had a net worth of approximately \$2,500, and would use in the operation a 1949 one-half ton truck.

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:

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, subject to outstanding indebtedness, if any.

#### O R D E R

##### THE COMMISSION ORDERS:

That Theron J. F. Lawson, doing business as "City Wide Ash & Rubbish Removal Service," Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3728 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Robert Webster, doing business as "City Wide Ash & Rubbish Removal Service," 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




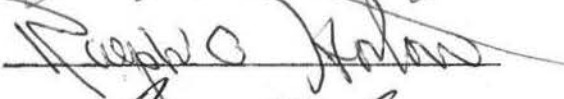

date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

  
  
  
Commissioners.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
DONALD L. MIKELSON, BRIGHTON, COLO-  
RADO, FOR AUTHORITY TO TRANSFER PUC  
NO. 454 AND PUC NO. 454-I TO  
BRIGHTON-FT. LUPTON TRANSFER, INC.,  
BRIGHTON, COLORADO.

APPLICATION NO. 17466-Transfer

November 13, 1959

Appearances: E. B. Evans, Esq., Denver,  
Colorado, for Transferor  
and Transferee.

S T A T E M E N T

By the Commission:

Donald L. Mikelson, Brighton, Colorado, is the owner and  
operator of PUC No. 454 and PUC No. 454-I, which authorizes:

transportation of farm supplies from Ione,  
Fort Lupton, Brighton, Golden, and Denver,  
to points within the following described  
territory:

Sections 7, 8, 9, 10, 11, 14, 15, 16, 17,  
18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30,  
31, 32, 33, 34 and 35, in Township 2-North,  
Range 65 West; N $\frac{1}{2}$  of Section 3, SW $\frac{1}{4}$  of Sec-  
tion 3, Sections 4, 5, 6, 7, 8, and 9, W $\frac{1}{2}$   
of Section 10, SE $\frac{1}{4}$  of Section 10, S $\frac{1}{2}$  of  
Section 11, S $\frac{1}{2}$  of Section 12, all of Sec-  
tions 13, 14, 15, 16, 17, 18, 19, 20, 21,  
22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33,  
and 34, in Township 1-North, Range 65-West;  
Sections 4, 5, 6, 7, 8, 9, 17 and 18 in  
Township 1-South, Range 65-West; Sections  
1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16,  
and E $\frac{1}{2}$  of Section 17, in Township 1-South,  
Range 66-West; Sections 13, 14, 15, 22, 23,  
24, 25, 26, 27, 34, 35 and 36, in Township  
1-North, Range 66-West;

transportation of freight, from and to Den-  
ver, to and from points within, as well as  
points within the territory described as  
that part of the territory contained in PUC  
No. 410 which lies west of the first section  
line east of Keenesburg (said west part be-

ing described as follows: commencing at a point on the East Section Line of Section 26, Township 2-North, Range 64-West, immediately east of Keenesburg; thence north 4 miles; thence west 8 miles; thence south 19 miles; thence east 8 miles; thence north 15 miles to the point of beginning); general commodities, in less than truckload lots, from Denver, to Derby, Welby, East Lake and the Rocky Mountain Arsenal, near Derby, and three filling stations located on U. S. Highway No. 6 between Derby and Hudson, and from Denver to points in the area presently authorized to serve under PUC No. 454, except Adams City and Dupont and other points, if any, on U. S. Highway No. 85, with back-haul of empty containers and returned merchandise, provided that service to and from Derby shall cease upon termination of the war between the United States, and Germany, unless, for good cause shown, this period of time may be extended;

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. 454 and PUC No. 454-I to Brighton-Ft. Lupton Transfer, Inc., Brighton, 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, November 6, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Donald Mikelson testified in support of the application to the effect and as follows: that he is the sole owner as an individual of the authority to be transferred and that he is the owner of all the capital stock of the transferee corporation, except qualifying shares; that there are no debts against the operation.

Transferee requests that in the event the instant application for authority to transfer is granted, said operating rights so transferred be consolidated with PUC No. 2693, presently owned and operated by him.

Three exhibits were received in evidence showing the agreement of the transfer, the list of equipment, and the financial statement of the transferee.

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:

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, subject to outstanding indebtedness, if any, and that said operating rights should be consolidated with, become a part of, and be operated under, PUC No. 2693.

#### O R D E R

##### THE COMMISSION ORDERS:

That Donald L. Mikelson, Brighton, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 454 and PUC No. 454-I -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Brighton-Ft. Lupton Transfer, Inc., Brighton, 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 certificates have been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date

of 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.

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

That said operating rights herein authorized to be transferred shall be consolidated with, become a part of, and be operated under, PUC No. 2693, presently owned and operated by transferee.

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 13th day of November, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
O. W. MATHEWS, DOING BUSINESS )  
AS, "PO-BOYS TRASH SERVICE", )  
516 EAST DEL NORTE, COLORADO ) PUC NO. 2695  
SPRINGS, COLORADO. )  
----- )

-----  
November 17, 1959  
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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. 2695 be suspended for six months from November 6, 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 O. W. Mathews, doing business as "Po-Boys Trash Service",  
\_\_\_\_\_  
\_\_\_\_\_ be, and is hereby, authorized to suspend operations under PUC No. 2695 until May 6, 1960.

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  
Frank C. Heston  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,  
this 17th day of November 1959.



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 AUTH- ) APPLICATION NO. 17468-Transfer  
ORITY TO TRANSFER PUC NO. 3639 TO )  
CURNOW TRANSPORTATION COMPANY, INC., )  
IDAHO SPRINGS, COLORADO. )  
-----)

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November 13, 1959  
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Appearances: Robert D. Means, Esq., Denver,  
Colorado, for Transferor  
and Transferee;  
R. B. Danks, Esq., Denver,  
Colorado, for Colorado  
Transfer & Warehousemen's  
Association, and Weicker  
Transfer & Storage Co.

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,  
which authorizes:

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 the instant application, said certificate-holder seeks  
authority to transfer PUC No. 3639 to Curnow Transportation Company,  
Inc., Idaho Springs, Colorado.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colorado,  
November 6, 1959, and at the conclusion of the evidence, the matter  
was taken under advisement.

Edward F. Martin testified in support of the application to the effect and as follows: that all the obligations of the transferor will be paid, the same amounting to about \$300.00; that the financial statement and equipment list on file with the Commission is true and accurate.

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 Edward F. Martin, doing business as "Martin Express," Denver, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3639 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Curnow Transportation Company, Inc., Idaho Springs, 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



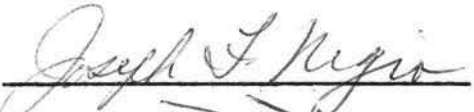
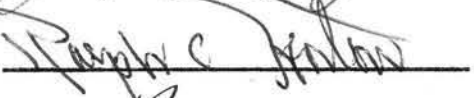

(30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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 13th day of November, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. H. MARKS TRUCKING CO., INC., )  
P. O. BOX 2192, ODESSA, TEXAS, FOR )  
AUTHORITY TO TRANSFER PUC NO. 2501 ) APPLICATION NO. 17469-Transfer  
TO E. L. FARMER & COMPANY, A TEXAS )  
CORPORATION, P. O. BOX 3512, ODESSA, )  
TEXAS. )  
- - - - - )

- - - - -  
November 13, 1959  
- - - - -

Appearances: Leslie R. Kehl, Esq.,  
Denver, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

J. H. Marks Trucking Co., Inc., Odessa, Texas, is the  
owner and operator of PUC No. 2501, which authorizes:

transportation, on call and demand, over  
irregular routes, between points in the  
State of Colorado, of the following com-  
modities: (1) machinery, equipment,  
materials and supplies used in or in  
connection with, the discovery, develop-  
ment, 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.

By the instant application, said certificate-holder  
seeks authority to transfer PUC No. 2501 to E. L. Farmer & Company,  
Odessa, Texas.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colorado,  
November 6, 1959, and at the conclusion of the evidence, the matter  
was taken under advisement.

R. D. Gillham and J. C. Ferguson testified in support of the application to the effect and as follows: that an agreement was entered into to make the transfer requested, which agreement was marked Exhibit "A" and received in evidence. The equipment list, financial and balance sheet, the statement of profit and loss, a certified copy of the charter of the transferee corporation, and a certified certificate for authority to conduct business in the State of Colorado were received as exhibits. These exhibits were testified to as being true and accurate.

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 applicant 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, subject to outstanding indebtedness, if any.

#### O R D E R

##### THE COMMISSION ORDERS:

That J. H. Marks Trucking Co., Inc., Odessa, Texas, should be, and hereby is, authorized to transfer all right, title, and interest in and to PUC No. 2501 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to E. L. Farmer & Company, 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Nolan  
Henry E. Farley  
Commissioners.

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

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

HOWARD W. BOYER, P. O. BOX 306,  
LA SALLE, COLORADO.

PERMIT NO. M-8170

November 18, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Howard W. Boyer,  
LaSalle, Colorado  
requesting that Permit No. M-8170 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8170, heretofore issued to Howard W. Boyer,  
LaSalle, Colorado be,  
and the same is hereby, declared cancelled effective October 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Charles C. Holton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 18th day of November, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
S. S. AND VIRGINIA L. SIDESINGER, )  
DOING BUSINESS AS, "THOMAS COUNTY )  
GRAIN COMPANY, 180 NORTH CHICKAMOGNA, )  
COLBY, KANSAS. )  
-----)

PERMIT NO. M-6505

-----  
November 18, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from S. S. and Virginia  
L. Sidesinger, dba "Thomas County Grain Company", Colby, Kansas  
requesting that Permit No. M-6505 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6505, heretofore issued to S. S. and Virginia L.  
Sidesinger, dba "Thomas County Grain Company", Colby, Kansas be,  
and the same is hereby, declared cancelled effective November 17, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Horton  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 18th day of November, 195 9.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RIO GRANDE LUMBER AND SUPPLY COMPANY, )  
8100 NORTH WASHINGTON STREET, DENVER )  
29, COLORADO. )  
----- )

PERMIT NO. M-6051

-----  
November 18, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Rio Grande Lumber and Supply Company, Denver 29, Colorado requesting that Permit No. M-6051 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6051, heretofore issued to Rio Grande Lumber and Supply Company, Denver 29, Colorado be, and the same is hereby, declared cancelled effective September 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Norton  
Wm. E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 18th day of November, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

ROY KOHL, P. O. BOX 128, DILLON,  
COLORADO.

PERMIT NO. M-2360

November 18, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Roy Kohl, Dillon,  
Colorado  
requesting that Permit No. M-2360 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2360, heretofore issued to Roy Kohl, Dillon,  
Colorado be,  
and the same is hereby, declared cancelled effective November 10, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 18th day of November, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SAMUEL T. (RED) SCOTT, DOING BUSINESS )  
AS, "RED-SCOTT PRODUCE", 5601 LAMAR )  
STREET, ARVADA, COLORADO. )  
----- )

PERMIT NO. M-6518

-----  
November 18, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Samuel T. (Red)  
Scott, dba "Red-Scott Produce", Arvada, Colorado  
requesting that Permit No. M-6518 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6518, heretofore issued to Samuel T. (Red) Scott,  
dba "Red-Scott Produce", Arvada, Colorado be,  
and the same is hereby, declared cancelled effective November 6, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 18th day of November, 1959..

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ORVIL O. BIVINS; EVELYN C. BIVINS AND)  
BETTY L. MORGAN, DOING BUSINESS AS, )  
"MORRISON HARDWARD COMPANY, P. O. )  
BOX 246, MORRISON, COLORADO )  
-----)

PERMIT NO. M-8692

-----  
November 18, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Orvil C. Bivins; Evelyn C. Bivins and Betty L. Morgan, dba "Morrison Hardward Company", Morrison, Colorado requesting that Permit No. M-8692 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8692, heretofore issued to Orvil C. Bivins; Evelyn C. Bivins and Betty L. Morgan, dba "Morrison Hardward Company", Morrison, Colorado be, and the same is hereby, declared cancelled effective November 10, 1959

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Horton  
Henry E. Zepher  
Commissioners

Dated at Denver, Colorado,

this 18th day of November, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WOODROW W. WILLIAMS, DOING BUSINESS )  
AS, "SCOTTIES PLACE", ROUTE 1, )  
BAYFIELD, COLORADO. )  
----- )

PERMIT NO. M-10337

-----  
November 18, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Woodrow W. Williams,  
doing business as "Scotties Place", Bayfield, Colorado  
requesting that Permit No. M-10337 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10337, heretofore issued to Woodrow W. Williams,  
doing business as, "Scotties Place", Bayfield, Colorado be,  
and the same is hereby, declared cancelled effective November 8, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Negro  
Ralph C. Norton  
Henry E. Zindler  
Commissioners

Dated at Denver, Colorado,

this 18th day of November, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BETH W. MUSIC, DOING BUSINESS AS,  
"BETH MUSIC", 2033 WEST 14TH,  
LOVELAND, COLORADO.  
-----)

PERMIT NO. M-15405

-----  
November 18, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Beth W. Music, doing  
business as, "Beth Music", Loveland, Colorado  
requesting that Permit No. M-15405 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15405, heretofore issued to Beth W. Music, doing  
business as, "Beth Music", Loveland, Colorado be,  
and the same is hereby, declared cancelled effective October 17, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Hines  
Frank C. Norton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 18th day of November, 195 9.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOSEPH R. MC COMBS, DOING BUSINESS )  
AS, "J. R. MC COMBS DISTRIBUTOR", )  
699-1575 ROAD, DELTA, COLORADO. )  
----- )

PERMIT NO. M-15897

-----  
November 18, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Joseph R. McCombs,  
doing business as, "J. R. McCombs Distributor", Delta, Colorado  
requesting that Permit No. M-15897 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15897, heretofore issued to Joseph R. McCombs, doing  
business as, "J. R. McCombs Distributor", Delta, Colorado be,  
and the same is hereby, declared cancelled effective November 11, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Hodson  
Henry E. Zink  
Commissioners

Dated at Denver, Colorado,

this 18th day of November, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

GEORGE LACEY, ROUTE 1 BOX 422,  
ARVADA, COLORADO.

PERMIT NO. M-12662

November 18, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from George Lacey,

Arvada, Colorado

requesting that Permit No. M-12662 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12662, heretofore issued to George Lacey,

Arvada, Colorado

be,

and the same is hereby, declared cancelled effective November 7, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
James C. Wood  
Henry E. Zink  
Commissioners

Dated at Denver, Colorado,

this 18th day of November, 1959.

regma

(Decision No. 53375)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
EPHRAIM FREIGHTWAYS, INC., 2909 )	
WEST SEVENTH AVENUE, DENVER, COLO- )	APPLICATION NO. 16977-PP-Extension
RADO, FOR AUTHORITY TO EXTEND OPERA- )	
TIONS UNDER PERMIT NO. A-494. )	
----- )	

-----  
November 17, 1959  
-----

Appearances: John H. Lewis, Esq.,  
Denver, Colorado, for  
Applicant Ephraim  
Freightways, Inc.;  
Marion R. Smyser, Esq.,  
Denver, Colorado, for  
Rio Grande Motor Way,  
Inc., Aspen Truck Line,  
Harp Transportation  
Company, and Litton  
Warehouse;  
W. R. Hall, Grand Junction,  
Colorado, for Hall Trans-  
portation and Storage  
Company.

S T A T E M E N T

By the Commission:

Ephraim Freightways, Inc., the applicant herein, is  
the owner of Private Carrier Permit No. A-494, which authorizes  
the following:

Transportation of freight from and to  
Denver, Pueblo, and Colorado Springs,  
to and from Grand Junction via U. S.  
Highways 85, 285, 24, 50, 40, and  
Colorado Highway No. 91, and from and  
to said points to and from intermediate  
points on said highways as follows:  
Leadville, Eagle, Gypsum, Glenwood  
Springs, New Castle, Silt, Rifle, Grand  
Valley, DeBeque, Delta, Olathe, Montrose,  
and Gunnison.

Transportation of newspapers from Denver,  
Colorado, to any and all points on the  
routes he is presently authorized to  
serve under said permit.



Pickup and delivery service of freight between points now authorized to be served under said permit and an area described as follows: the area lying within a radius of 3 miles of the City Limits of Denver, Colorado, as now located, excluding service to customers residing in Adams City and Littleton, Colorado. Also extended to include pickup and delivery service of freight between points now authorized to be served under said Permit No. A-494 and an area within a 5-mile radius of Grand Junction, Colorado.

On December 15, 1958, the applicant herein filed its application for an extension of its private carrier permit, wherein applicant asks to extend its present authority to include the transportation of freight from and to Grand Junction, Montrose, Olathe, Delta, Grand Valley, DeBeque, Rifle, Glenwood Springs, New Castle, Silt, Eagle, Gypsum, Colorado, and all points within a five-mile radius of each, in connection with its presently-authorized regular-route operations, and on January 9, 1959, applicant filed an amended application to amend its original application to allow applicant to serve Clifton and Palisade, and points within a five-mile radius of each in addition to the points set forth in the original application. At the hearing on April 9, 1959, attorney for applicant asked permission to further amend the application to authorized a three-mile radius of Montrose, Delta, Rifle, Glenwood Springs, Clifton and Palisade, and a one-mile radius of Olathe, Grand Valley, DeBeque, New Castle, Silt, Eagle and Gypsum. There being no objection, the amendment was permitted and received.

Pursuant to notice to all parties in interest, the above-entitled action came on for hearing in the County Court Room, Grand Junction, Colorado, at ten o'clock A. M., on April 9, 1959, and at the conclusion thereof the application was taken under advisement.

At the hearing, Jerome W. Ephraim, President of applicant company, testified in support of the application. He outlined

in some detail the transportation service offered by his company. He stressed the fact that his company had numerous customers who reside outside and beyond the incorporated limits of the cities and towns his company is authorized to serve. The witness contends that the real purpose of this application is to continue to give transportation service to customers his company has been serving for a number of years. He asked that his company be permitted to serve the additional towns of Clifton and Palisade, and if said extension is granted, his company will designate a local agent at both Clifton and Palisade who would handle the shipments in the same manner shipments are now handled at Rifle and Glenwood Springs and other points along applicant's line. The witness concluded his direct testimony with the following:

"Q. Mr. Ephraim, during the recess did you have an opportunity to talk to certain individuals from various towns that you are asking for in this Application?

"A. I did.

"Q. As a result of that conversation, sir, did you conclude that a 5-mile radius of most of these towns was farther than the commercial zone?

"A. It would appear to be farther than the present commercial zones.

"Q. And do you believe that a 3-mile radius of the towns would adequately serve the people that live outside of the city limits?

"A. I would say so.

"Q. So this application, if granted, with a 3-mile radius of these towns would serve the public interest as you anticipate?

"A. Inasmuch as I know. I am not that intimately acquainted with the various towns, but I would say it is close enough."

Several witnesses residing beyond the corporate limits of their respective towns appeared in support of applicant's petition for an extension. Their testimony indicated, generally, that applicant had hauled freight for them in the past, and they needed, and would continue to use, applicant's transportation service in the future.

These witnesses reside at Glenwood Springs, Montrose, Grand Junction, Delta, and other points on applicant's line. It appears, without exception, that the service asked for by the witnesses is service outside of the incorporated city limits but within the commercial zone of the towns they represent except as to Palisade and Clifton.

It appears that the question of interpretation of authority held by applicant has been questioned by the protestants herein. They contend that where an intermediate point is named in the private carrier Class A authority held by applicant, that the authority is restricted to the town's incorporated limits. This interpretation is of recent origin. Applicant's first authority was originally granted in 1933, and has been amended and clarified at various times since. The evidence indicates that applicant has been serving customers who reside beyond the incorporated city or town limits since the granting of the original permit, and the Witness Ephraim, when asked the following, responded as set forth in the record:

"Q. What is the purpose of this application?

"A. To clarify the matter that we can continue to serve people that we have served for a number of years."

So, it therefore appears that applicant, in substance, is asking to give the service to his customers that he has been rendering for years.

The Commission, in Application No. 16957, answered the question here presented in its Decision No. 53023, wherein the facts were substantially the same:

"We think our duty is clear, that is, to place a more liberal view on our existing authorities. Permits and certificates were granted for the benefit of the public, and to place the construction that Gunnison transportation-wise is confined to the corporate city limits was not intended in the original grant of authority, and to now so restrict it would be definitely unwise because in the last analysis only the public would suffer.

"In so deciding, we are not endeavoring to define, nor should this opinion be so construed as defining, an area wherein carriers may serve beyond the corporate limits of a city. The terms "metropolitan area," "community of," and "commercial zone," have been used. We do not intend that these constitute the objective standard to be used, rather it is our intention to adopt a common-sense approach, and to confine the effect of this opinion to the application and evidence adduced in support thereof, pending before the Commission in the instant case. We are endeavoring to give service to those customers who require it, although beyond the corporate limits, and who, by virtue of their location beyond the corporate limits, would be considered, employing common sense, to be within the complex of the city which is described by name. It must be remembered that authorities are granted by the State to serve people, not for the purpose of serving areas.

"No carte blanche authority should be inferred from this decision, nor is any intended. We hold simply that the customers beyond the city limits of Gunnison are within the purview of applicant's existing authority. This is merely a reiteration of a philosophy previously expressed by this Commission, in re Denver-Colorado Springs-Pueblo Motor Way, Inc., Colorado PUC Decision No. 50265, of date May 13, 1958."

Applicant has operated for the past quarter of a century under a liberal interpretation of his authority that has permitted applicant to serve customers residing outside incorporated limits. As we said in our Gunnison decision, supra, "Permits and Certificates were granted for the benefit of the public and to place the construction that Gunnison, transportation-wise, is confined to the corporate city limits, was not intended in the original grant of authority, and to now so restrict it would be definitely unwise, because in the last analysis only the public would suffer."

The Commission, after a careful review of the record herein, is of the opinion that to set a definite radius around an incorporated town for over-the-road line-haul operations is not in the public interest, and as we said in Decision No. 53023:

"Practically, Ephraim Freightways is in competition with Rio Grande Motor Way. To force a 5-mile delivery area around Gunnison on common carrier authority is, in the opinion of the Commission, economically not feasible, and would, in our judgment, become a burden upon 95% of their line-haul traffic."

This statement, we believe, applied in the instant application.

In granting extensions to private carrier authorities, the statute governing private carriers should apply:

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

We feel that if the authority for extended service around the towns heretofore enumerated is granted, that said extension would tend to impair the efficiency of common carriers now operating in the area sought by applicant.

We have discussed in considerable detail that portion of the application that pertains to extended service around intermediate points served by applicant, and here recognize the testimony of protestant witnesses as to the service offered by protestant common carriers in the area affected. Applicant, in addition, also asked to serve two new additional points, that is, the town of Clifton and the town of Palisade and a three-mile radius of said towns. In support of this portion of its application, applicant presented four witnesses, and we will attempt to summarize their evidence as it pertains to the Palisade and Clifton areas.

Guy M. Gilbertson, Carl Hoisington, Bill Craft, H. K. Heist, all shippers of fresh fruit, testifying as to the need of applicant's service for hauling fresh fruit to Denver during the harvest season, stated they are presently engaged in shipping fruit



from Clifton and Palisade. Carl Hoisington testified he had used applicant's service in the transportation of early fruit, that is, cherries, apricots, peaches and plums. The witness stated he had used applicant's service from Grand Junction but it was necessary for him to transport his fruit to Grand Junction for loading. He stated it would be a lot more economical and convenient for him to deliver to docks in Clifton and Palisade.

This testimony was, in part, corroborated by the other witnesses, but all testified that they needed, and would use, applicant's service out of Clifton and Palisade for the transportation of fresh fruit. However, one witness testified that transportation of supplies from Denver was not as pressing, and can be handled satisfactorily by other carriers.

The records of the Commission disclose that applicant has had emergency authority to haul fresh fruit during harvest season for the past few years, and we cannot see from the record before us where the granting of authority to transport fresh fruit from Clifton and Palisade to Denver would impair the common carrier service now operating in the Clifton and Palisade area.

### F I N D I N G S

#### THE COMMISSION FINDS:

1. That Permit No. A-494 should be extended to include the transportation of fresh fruit between Clifton and Palisade, Colorado, on the one hand, and Denver, Colorado, on the other.
2. That in all other respects the instant application should be denied, for the reasons heretofore set forth in our Statement, which, by reference, is made a part of these Findings.

### O R D E R

#### THE COMMISSION ORDERS:

1. That Ephraim Freightways, Inc., 2909 West 7th Avenue, Denver, Colorado, be, and it hereby is, authorized to extend its operations under Private Carrier Permit No. A-494, to include the transportation of fresh fruit between Clifton and Palisade, Colorado,

on the one hand, and Denver, Colorado, on the other.

That this order is made part of the permit granted to applicant.

2. That in all other respects the instant application be, and the same is hereby, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Hutton  
Alvin G. Orsinger  
Commissioners.

(J.F.N.)  
RECEIVED  
NOV 18 1959

Dated at Denver, Colorado,  
this 17th day of November, 1959.

ea



original

(Decision No. 53376)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EPHRAIM FREIGHTWAYS, INC., 2909 )  
WEST SEVENTH AVENUE, DENVER, COLO- ) APPLICATION NO. 17077-PP-Extension  
RADO, FOR AUTHORITY TO EXTEND OPER- )  
ATIONS UNDER PERMIT NO. A-494. )  
- - - - - )

- - - - -  
November 17, 1959  
- - - - -

Appearances: John H. Lewis, Esq.,  
Denver, Colorado, for  
Applicant Ephraim  
Freightways, Inc.;  
R. E. Turano, Denver,  
Colorado, for Rio  
Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Ephraim Freightways, Inc., is the owner of Private  
Carrier Permit No. A-494, authorizing:

Transportation of freight from and to  
Denver, Pueblo, and Colorado Springs,  
to and from Grand Junction, via U. S.  
Highways Nos. 85, 285, 24, 50, 40, and  
Colorado Highway No. 91, and from and  
to said points to and from intermediate  
points on said highways, as follows:  
Leadville, Eagle, Gypsum, Glenwood Springs,  
New Castle, Silt, Rifle, Grand Valley,  
DeBeque, Delta, Olathe, Montrose and  
Gunnison;

Transportation of newspapers from Denver,  
Colorado, to any and all points on the  
routes he is presently authorized to serve  
under said permit;

Pickup and delivery service of freight  
between points now authorized to be served  
under said permit and an area described as  
follows: the area lying within a radius of  
3 miles of the City Limits of Denver, Colo-  
rado, as now located, excluding service to  
customers residing in Adams City and Little-  
ton, Colorado;

Also extended to include pickup and delivery  
service of freight between points now auth-  
orized to be served under said Permit No. A-494  
and an area within a 5-mile radius of Grand  
Junction, Colorado.

On December 15, 1958, Ephraim Freightways, Inc., the applicant herein, filed the above application for an order extending its authority to authorize the transportation of freight to and from Leadville, Colorado, and points within a 5-mile radius thereof in connection with its presently-existing regular-route operations.

Pursuant to notice to all parties in interest, the above-entitled application came on for hearing in the District Court Room, Court House, Leadville, Colorado, at ten o'clock A. M., on May 20, 1959, and after the taking of testimony the matter was taken under advisement.

This application is one of three applications filed by the applicant for authority to extend its authority to an area coverage surrounding intermediate points on its line for which applicant is authorized to serve. Application No. 16957 was an application to extend its authority under Permit No. A-494 to include the transportation of freight from and to Gunnison and points within a 5-mile radius thereof in connection with its existing regular-route operation. Application No. 16977 was an application to extend authority under Permit No. A-494 to include the transportation of freight from and to Grand Junction, Montrose, Olathe, Delta, Grand Valley, DeBeque, Rifle, Glenwood Springs, New Castle, Silt, Eagle, Gypsum, and all points within a 5-mile radius of each, in connection with its presently-authorized regular-route operations. This application was later amended, reducing its radial authority in some towns to 3 miles and others to one mile. It appears that, factually, the above applications are similar and were filed on account of a strict interpretation of the authority held by applicant.

Protestant Rio Grande Motor Way, Inc. has questioned the liberal interpretation of the authority of applicant which was followed for a number of years, contending that where an intermediate point is named in a private carrier permit held by applicant that

authority is restricted to the town's incorporated limits. This later interpretation is of recent origin as the evidence clearly indicates that applicant has been serving customers who reside beyond the incorporated city or town limits for at least the past two decades.

The above application covers the point of Leadville, Colorado, for which applicant is asking a 5-mile radius. At the hearing, applicant introduced several witnesses to show the service desired by their customers, and we will attempt to briefly summarize their evidence.

Jerome W. Ephraim, who is presently the President and General Manager of applicant company, stated that his company served the intermediate point of Leadville. He stated that in recent months the Safeway Store has moved to its new store outside the corporate limits of Leadville. He also stated that his company has served Safeway for years and wished to continue that service. It further appears they have in the past served other customers who reside outside of the corporate limits, and named Ken's Paint Store, Nellson Liquor Store, American Service Top of the World, Junior Canteen, Gold Nugget, Conoco Bulk Station, and American Smelting and Refining Company. The witness explained the service offered his customers in Leadville from Denver, being an overnight service, arriving in Leadville early in the morning.

Applicant called several witnesses whose places of business are located outside the corporate limits of Leadville. It appears they have been customers of Ephraim Freightways in the past and desire the continuation of applicant's service, and some of these customers applicant has been serving for years.

Mr. Ferkovich, Manager of the Safeway Store, stated that he has been with Safeway for 33 years, and with the Leadville store for 23 years; that less than a year ago they moved their store to a new location outside Leadville city limits. The witness states they have used the service of applicant under the private carrier

permit for many years, and desire, and request the continuation of that service.

Other witnesses stated they needed and desire the service of applicant.

Witness Ephraim was recalled and was questioned at length as to whether the smelting plant of American Smelting and Refining Company was located in Leadville as it applies to applicant's authority. It is a fact disclosed by the evidence that the American Smelting and Refining Company plant is located some distance outside of the Leadville incorporated limits.

The Commission, on several occasions in the past, has granted authority to haul ore and concentrates from various points in Colorado to the smelter at Leadville, under the assumption that the smelter is a part of Leadville. An examination of the tariffs on file with the Commission, of which protestant is a party, calls for delivery of ore and concentrates to the smelter located at Leadville, and it appears that, transportation-wise, the Commission has always considered, and does now consider, the smelter located outside the incorporated boundaries of Leadville, to all practical transportation purposes, located in Leadville.

Several witnesses appeared supporting Protestant Rio Grande Motor Way, and it would appear that Rio Grande is rendering at the present time an adequate and satisfactory service, and protestant's witnesses are of the opinion that no additional or enlarged service is needed.

We have carefully reviewed the record and now are of the opinion that the granting of the extension asked for is not in the public interest. We must bear in mind that this is a private carrier authority and the laws and rules governing private carriers apply. We have heretofore pointed out the similarity of this application with Application No. 16957, and if we follow the interpretation as there expressed, it is our best judgment that a liberal interpretation to Private Carrier Permit No. A-494 is warranted. In

Application No. 16957 (Decision No. 53023), in considering this question, we said:

"We think our duty is clear, that is, to place a more liberal view on our existing authorities. Permits and certificates were granted for the benefit of the public, and to place the construction that Gunnison transportation-wise is confined to the corporate city limits was not intended in the original grant of authority, and to now so restrict it would be definitely unwise because in the last analysis only the public would suffer.

"In so deciding, we are not endeavoring to define, nor should this opinion be so constructed as defining, an area wherein carriers may serve beyond the corporate limits of a city. The terms 'metropolitan area,' 'community of,' and 'commercial zone,' have been used. We do not intend that these constitute the objective standard to be used, rather it is our intention to adopt a common-sense approach, and to confine the effect of this opinion to the application and evidence adduced in support thereof, pending before the Commission in the instant case. We are endeavoring to give service to those customers who require it, although beyond the corporate limits, and who, by virtue of their location beyond the corporate limits, would be considered, employing common sense, to be within the complex of the city which is described by name. It must be remembered that authorities are granted by the State to serve people, not for the purpose of serving areas.

"No carte blanche authority should be inferred from this decision, nor is any intended. We hold simply that the customers beyond the city limits of Gunnison are within the purview of applicant's existing authority. This is merely a reiteration of a philosophy previously expressed by this Commission, in re Denver-Colorado Springs-Pueblo Motor Way, Inc., Colorado PUC Decision No. 50265, of date May 13, 1958."

Under the views heretofore expressed, we are of the opinion that the instant application should be denied.

#### F I N D I N G S

##### THE COMMISSION FINDS:

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

#### O R D E R

##### THE COMMISSION ORDERS:

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Walter C. Horton  
Alvin E. Zilbergo  
Commissioners.

Dated at Denver, Colorado,  
this 17th day of November, 1959.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ANDREW BOSMAN, CLARENCE BOSMAN, )  
CHARLES A. BOSMAN, WILLIAM BUIKEMA, )  
AND ANDREW BOSMAN, JR., DOING BUSI- )  
NESS AS "BEST WAY DISPOSAL," 2519 )  
WEST 11TH AVENUE, DENVER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY AUTHORIZING EX- )  
TENSION OF OPERATIONS UNDER PUC NO. )  
3270. )  
----- )

APPLICATION NO. 17301-Extension

IN THE MATTER OF THE APPLICATION OF )  
C. MYRON NIBLACK, 225 MAIN STREET, )  
BROOMFIELD, COLORADO, FOR A CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 17305

IN THE MATTER OF THE APPLICATION OF )  
ELMER LEICHNER, ROBERT LEICHNER, )  
JOHN LEICHNER, LORRY LEICHNER, AND )  
PHILLIP LEICHNER, JR., CO-PARTNERS, )  
DOING BUSINESS AS "NORTHGLENN )  
SANITARY SERVICE," 320 DENVER CLUB )  
BUILDING, DENVER, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 17321

IN THE MATTER OF THE APPLICATION OF )  
DANIEL LOOS AND MALCOLM ALPERT, )  
DOING BUSINESS AS "WASTE ENGINEERS," )  
856 SOUTH JERSEY STREET, DENVER, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 17394

-----  
November 18, 1959  
-----

Appearances: Robert E. McLean, Esq., Denver,  
Colorado, for Applicants Best  
Way Disposal and C. Myron Niblack;  
Tull, Hays, and Thompson, Esqs.,  
Denver, Colorado, by  
John P. Thompson, Esq., Denver,  
Colorado, for Applicant North-  
glenn Sanitary Service;



Robert McIlhenny, Esq., Denver,  
Colorado, for Applicant  
Waste Engineers;  
Francis R. Salazar, Esq., Denver,  
Colorado, for Bebbler Rubbish  
Removal, D. R. Hart, Reuben Lee,  
Derby Waste Disposal, Ellis  
Disposal Company, Angelo DiSalle,  
F & P Trash Hauling, Adams County  
Sanitation District.

S T A T E M E N T

By the Commission:

The above-styled applications were regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, October 5, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 2, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said applications.

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 in view of the fact that all the above-styled applicants seek similar authority, it was agreed by all parties that all said applications might be heard on a consolidated record.

On July 30, 1959, Andrew Bosman, Clarence Bosman, Charles A. Bosman, William Buikema, and Andrew Bosman, Jr., co-partners, doing business as "Best Way Disposal," Denver, Colorado, filed their application with the Commission, being Application No. 17301, seeking a certificate of public convenience and necessity, authorizing extension of operations under PUC No. 3270 to include the right to transport ashes, trash, and other debris, from point to point within the following-described area, and from said area to and from properly-designated dumps in Adams, Jefferson, and Boulder Counties, said area

being described as follows:

Beginning at the intersection of 52nd Avenue and Sheridan Boulevard; thence north on Sheridan Boulevard to 92nd Avenue; thence east on 92nd Avenue to the South Platte River; thence following the South Platte River south to 52nd Avenue; thence west on 52nd Avenue to the point of beginning.

On July 24, 1959, C. Myron Niblack, Broomfield, Colorado, filed his application with the Commission, being Application No. 17305, seeking a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash, and other debris, from point to point within the following-described area, and from said area to and from properly-designated dumps in Adams, Jefferson, Denver, and Boulder Counties, said area being described as follows:

Beginning at the intersection of 76th Avenue and U. S. Highway No. 87; thence north on U. S. Highway No. 87 to 104th Avenue; thence east on 104th Avenue to Pecos Street; thence south on Pecos Street to 76th Avenue; thence west on 76th Avenue to the point of beginning; thence beginning at 104th Avenue and Pecos Street, north on Pecos Street to 120th Street; thence east on 120th Avenue to High Street, as extended; thence south on High Street, as extended, to 104th Avenue; thence west on 104th Avenue to the point of beginning.

On August 24, 1959, Elmer Leichner, Robert Leichner, John Leichner, Lorry Leichner, and Phillip Leichner, Jr., co-partners, doing business as "Northglenn Sanitary Service," Denver, Colorado, filed their application with the Commission, being Application No. 17321, seeking a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash, and other refuse, from point to point within the following-described area, and to and from said area, from and to properly-designated dumps in Adams, Jefferson, Denver and Boulder Counties, said area being described as follows:

Beginning at West 96th Avenue and Federal Boulevard; thence north to West 112th Avenue; thence east to the South Platte River; thence south along the South Platte River to East 96th Avenue, extended; thence west to the point of beginning.

On August 12, 1959, Daniel Loos and Malcolm Alpert, co-partners, doing business as "Waste Engineers," Denver, Colorado, filed their application with the Commission, being Application No. 17394, seeking a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash, and other debris within the following-described area:

Beginning at the intersection of 52nd Avenue and Federal Boulevard; thence east on 52nd Avenue to the intersection of 52nd Avenue, as extended, to Quebec Street, as extended; thence north on Quebec Street, as extended, to 120th Avenue, as extended; thence west on 120th Avenue, as extended, to Sheridan Boulevard, as extended; thence south on Sheridan Boulevard, as extended, to 52nd Avenue; thence east to the place of beginning, and to and from proper dumps in Adams, Jefferson, Denver, and Boulder Counties.

Report of the Examiner states that at the time and place designated for hearing, Applicants Northglenn Sanitary Service and Waste Engineers moved to amend the territorial segment of their applications in the following respects:

Northglenn Sanitary Service:

Beginning at West 96th Avenue and Federal Boulevard; thence north to West 112th Avenue; thence east to the South Platte River; thence south along the South Platte River to East 96th Avenue, extended; thence west to the point of beginning.

Waste Engineers:

Beginning at the intersection of West 52nd Avenue and Federal Boulevard; thence east on West 52nd Avenue, as extended, to the South Platte River; thence north along the South Platte River to West 120th Avenue, as extended; thence west on West 120th Avenue, as extended, to Sheridan Boulevard, as extended; thence south on Sheridan Boulevard, as extended, to West 52nd Avenue; thence east on West 52nd Avenue to the place of beginning.

Inasmuch as all parties appearing at the hearing agreed to said amendments, same were permitted.

Report of the Examiner further states that at the hearing, Elmer Leichner, a co-partner of Northglenn Sanitary Service, Daniel Loos and Malcolm Alpert, co-partners, doing business as "Waste Engineers," Clarence Bosman, a co-partner of Best Way Disposal, and C. Myron Niblack, Applicants herein, appeared and testified in support of their respective applications. Their testimony, in general, disclosed that they have had vast and extensive experience in the business of hauling ashes, trash, and other debris; that they have sufficient net worth with which to conduct their respective proposed operations; that they also have sufficient and suitable equipment with which to render said proposed services; that the area which they herein seek authority to serve is growing and developing very rapidly; that as a result of said growth, they have received numerous requests for their proposed operations; that prior to filing of their said respective applications, they all conducted surveys as to the need for service in the area involved; that said surveys disclosed a very definite need for their proposed services.

In support of said applications, nine public witnesses, all from various points within the area herein involved, appeared and testified. To summarize, their collective testimony generally disclosed the following facts:

1. That the present service in the area involved is very poor and most inadequate.
2. That they need dependable service, which they have not been able to obtain.
3. That a very definite need exists for the services proposed herein, because the present service, as offered, is very inadequate.
4. That they would use the proposed services of the applicants herein, if authorities herein sought were granted.

One of the nine public witnesses who appeared and testified in support of said applications was George Flint, owner and operator of Arvada Rubbish Removal Service, whose certificate, as issued by this Commission, embraces the same authority as is herein

sought by applicants. His testimony was to the effect that the area herein involved definitely needs additional service; that he receives two to three calls per week for service, but that he has had to refuse such requests, because the Health Sanitation District would not allow him to operate in the area herein involved.

Report of the Examiner further states that in protest to the granting of authorities herein sought, Tri-County Health Department, by its Sanitation Supervisor, Joseph Vigil, one public witness, and three certificated ash and trash carriers, appeared and testified.

Joseph Vigil's testimony disclosed that he is familiar with the ash and trash transportation situation in the area involved; that as a result of said familiarity, in his opinion, there is no need for additional service in the area applicants herein seek to serve. Mr. Vigil also attempted to explain and justify the apparent unlawful means and methods on the part of Tri-County Health Department to regulate and control ash and trash carriage in the County of Adams, Colorado.

The one public witness who appeared and testified offered only testimony to establish service to her own home was adequate. Other than that, no testimony was adduced to establish adequacy or inadequacy of service in the area herein involved.

Summarizing, the standard protesting carrier testimony, all based on an obvious personal interest, would be as follows: That public convenience and necessity do not require the granting of additional authority; that they advertise and actively solicit new business; that they have had no serious complaints as to their service; that they are willing and able to give additional service; that they need additional business because their equipment is idle at times; that they feel there is no present need for additional service.

The ash and trash carrier, now, as in the past, has presented to the Commission many perplexing problems which the Commission endeavored to solve in its Decision No. 51377, of date December 9, 1958, by stating:



". . . In considering applications for certificates of public convenience and necessity, we have, on numerous occasions, substantially stated:

"The very theory of regulation depends upon a minimum of competition in favor of regulated monopolies. Competition leads to waste, duplication of investment, and duplication of service and expenses. Competition is not necessary in the field of public utility regulation, wherein we fix rates and supervise the service offered. We, however, cannot say that this general rule or determination of policy applies as it pertains to the instant application. Protestants have followed the above rule in their presentation of their case.'

"A careful consideration of the record in the instant proceeding discloses:

". . . Second: The Commission, after a study by the certificated carriers of ashes and trash and the staff of the Commission, which report was submitted to the Commission, determined that the peculiar nature of this operation that it was not practical or in the public interest at this time to prescribe rates for transportation of ashes and trash, and in our last Annual Report to the Governor, we recommended as follows:

"For some years past, the Complaint and Investigation Division has recommended that legislation be enacted to take from the Commission the power to issue authority for the transportation of ashes, trash, and garbage. The problem of moving and disposing of these waste materials is one of sanitation, to which transportation is only incidental. As the population has increased in and around cities, we find that the sanitary problems have also increased. The Commission is not properly staffed to handle this type of transportation and the full regulation thereof should rest entirely on the agencies who are properly staffed, and who are charged with the responsibility of sanitation.'

"Under the present conditions, we do not have a true public utility, for the reason that we do not control rates, and the carriers charge what they please, or what the competition or traffic will stand. So, in the granting of certificates in the public interest, we cannot apply the rules governing a regulated public utility. We recognize that this service is important, and is definitely needed by the public, and if the incoming Legislature fails to pass our requested legislation, that it will be our duty to prescribe rates and to promulgate or approve rules as to service.

"In the interim, it therefore appears that if the granting of additional authority, in the opinion of the Commission, will improve the existing service to the public, it therefore becomes our duty to grant that authority . . ."



It has been stated often that regulation is a substitute for competition. There is considerable truth in this statement. It is competition that enables this Commission to leave the ash and trash carrier free from more stringent regulation, such as to rates, etc., which would greatly inconvenience the carrier and render its operation more difficult.

In view of the competitive situation, it would appear that the harm which might result in the granting of the instant applications will be inconsequential and will be offset by the creation of additional competition which will result in some regulation as to rates and service, and thus, accordingly, produce better service to the public, which is in the public interest.

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

Report of the Examiner recommends that certificates of public convenience and necessity issue to applicants 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 public convenience and necessity require applicants' motor vehicle common carrier services, on call and demand, and that certificates 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 be, and the same hereby is, approved.

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Andrew Bosman, Clarence Bosman, Charles A. Bosman, William Buikema,

and Andrew Bosman, Jr., co-partners, doing business as "Best Way Disposal," Denver, Colorado, under PUC No. 3270, to include the right to transport ashes, trash, and other debris, from point to point within the following-described area:

Beginning at the intersection of West 52nd Avenue and Sheridan Boulevard; thence north on Sheridan Boulevard to West 92nd Avenue; thence east on West 92nd Avenue to the South Platte River; thence following the South Platte River south to West 52nd Avenue; thence west on West 52nd Avenue to the point of beginning,

and from said area, to and from regularly-designated and approved dumps and disposal places in the Counties of Adams, Jefferson, and Boulder, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of C. Myron Niblack, Broomfield, Colorado, for the transportation of ashes, trash, and other debris, from point to point within the following-described area:

Beginning at the intersection of West 76th Avenue and U. S. Highway No. 87; thence north on U. S. Highway No. 87 to West 104th Avenue; thence east on West 104th Avenue to Pecos Street; thence south on Pecos Street to West 76th Avenue; thence west on West 76th Avenue to the point of beginning; thence beginning at West 104th Avenue and Pecos Street, north on Pecos Street to West 120th Avenue; thence east on West 120th Avenue to High Street, as extended; thence south on High Street, as extended, to West 104th Avenue; thence west on West 104th Avenue to the points of beginning,

and from said area to and from regularly-designated and approved dumps and disposal places in the Counties of Adams, Jefferson,

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

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Elmer Leichner, Robert Leichner, John Leichner, Lorry Leichner, and Phillip Leichner, Jr., co-partners, doing business as "North-glenn Sanitary Service," Denver, Colorado, for the transportation of ashes, trash, and other refuse, from point to point within the following-described area:

Beginning at West 96th Avenue and Federal Boulevard; thence north to West 112th Avenue; thence east to the South Platte River; thence south along the South Platte River to East 96th Avenue, extended; thence west to the point of beginning,

and from said area, to and from regularly-designated and approved dumps and disposal places in the Counties of Adams, Jefferson, Denver, and Boulder, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That public convenience and necessity require the motor vehicle common carrier call and demand transportation service of Daniel Loos and Malcolm Alpert, co-partners, doing business as "Waste Engineers," Denver, Colorado, for the transportation of ashes, trash, and other debris, from point to point within the following-described area:

Beginning at the intersection of West 52nd Avenue and Federal Boulevard; thence east on West 52nd Avenue, as extended, to the South Platte River; thence north along the South Platte River to West 120th Avenue, as extended; thence west on West 120th Avenue, as extended, to Sheridan Boulevard, as extended; thence south on Sheridan Boulevard, as extended, to West 52nd Avenue; thence east on West 52nd Avenue to the place of beginning,

and from said area, to and from regularly-designated and approved dumps and disposal places in the Counties of Adams, Jefferson, Denver, and Boulder, State of Colorado, and this Order shall be

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

That Applicant C. Myron Niblack, under Application No. 17305; Applicants Elmer Leichner, Robert Leichner, John Leichner, Lorry Leichner, and Phillip Leichner, Jr., co-partners, doing business as "Northglenn Sanitary Service, under Application No. 17321; and Applicants Daniel Loos and Malcolm Alpert, doing business as "Waste Engineers," under Application No. 17394, shall operate their respective carrier systems 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 all of the above named 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

  
  
  
Commissioners.

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

ea

original.

(Decision No. 53378)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION OF )	
FIRST REVISED SHEET NO. 4, COLORADO )	
P.U.C. NO. 1 OF THE PLAINS COOPER- )	INVESTIGATION AND SUSPENSION
ATIVE TELEPHONE ASSOCIATION, INC., )	<u>DOCKET NO. 430</u>
JOES, COLORADO. )	
----- )	

-----  
November 18, 1959  
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S T A T E M E N T

By the Commission:

On November 2, 1959, Plains Cooperative Telephone Association, Inc., Joes, Colorado, by its attorney, Mr. Albert W. Gebauer, filed with The Public Utilities Commission of the State of Colorado a proposed change in its tariff, Colorado P. U. C. No. 1, increasing telephone rates in the amount of \$1.00 per month for each class of local exchange service except extension telephones and local message charges from pay stations. First Revised Sheet No. 4 proposed to make the change in local telephone service rates effective December 1, 1959, and the change would become effective on that date unless otherwise ordered by this Commission.

The Company duly notified its customers of the proposed changes in its rates pursuant to Rule 17 A (2) of the Rules of Practice and Procedure Before this Commission. The Commission has since received complaints from customers of Plains Cooperative Telephone Association, Inc., sufficient in number and importance to warrant the suspension of the proposed changes. Therefore, in order to protect the interests of all concerned, the Commission has decided to suspend First Revised Sheet No. 4, and during said period of suspension to conduct an investigation into this matter.

## F I N D I N G S

### THE COMMISSION FINDS:

That the effective date of the rates as set forth in First Revised Sheet No. 4 of Colorado P. U. C. No. 2 Tariff of the Plains Cooperative Telephone Association, Inc., as filed with this Commission on November 2, 1959, should be suspended and an investigation should be made during said period of suspension regarding the proposed changes in said rates.

## O R D E R

### THE COMMISSION ORDERS:

That the effective date of the proposed changes of Plains Cooperative Telephone Association, Inc., First Revised Sheet No. 4 of its Colorado P. U. C. No. 2 Tariff be, and it hereby is, suspended for a period of one hundred twenty (120) days from December 1, 1959, to March 29, 1960, unless otherwise ordered.

That the rates contained in said tariff sheet be made a subject of investigation by the Commission within said period of suspension.

That a copy of this Order be filed with the tariff sheet and copies hereof be forthwith served upon Plains Cooperative Telephone Association, Inc., and Albert W. Gebauer, attorney for said Association, and on all parties who are of record with the Commission as having protested the proposed increase.

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. Hutton*  
*Henry E. Zarling*  
Commissioners

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

ea



original

(Decision No. 53379)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE CITY OF GOLDEN, COLORADO, FOR )  
PERMISSION TO CHANGE THE LOCATION )  
OF EAST STREET WITHIN THE CITY OF )  
GOLDEN, COLORADO, AT THE CROSSING )  
OF THE COLORADO AND SOUTHERN RAIL- )  
WAY COMPANY RIGHT OF WAY WITHIN )  
SAID CITY. )  
----- )

APPLICATION NO. 17430

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November 18, 1959  
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Appearances: Leo M. Bradley, Esq.,  
Golden, Colorado, for  
the City of Golden;  
W. L. Peck, Esq., Denver,  
Colorado, for Colorado &  
Southern Railway Company;  
Victor DeMouth, Esq., Golden,  
Colorado, for Goldco, Inc.;  
J. L. McNeill, Denver, Colo-  
rado, for the staff of  
the Commission.

S T A T E M E N T

By the Commission:

On October 2, 1959, the City of Golden, by its attorneys, Bradley, Carney and Johnson, filed an application with this Commission seeking authority to relocate a certain city street grade crossing over trackage of the Colorado and Southern Railway Company within the City of Golden, as captioned above.

Pursuant to prior setting, after appropriate notice to all interested parties, including the Board of Jefferson County Commissioners and owners of adjacent properties, the matter was heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, on October 19, 1959, and at the conclusion of the evidence, was thereafter taken under advisement by the Commission.

In the instant application, it is proposed to relocate the existing railroad grade crossing of East Street at a point some 180 feet southerly along the rail line. Land development in the adjacent area and platting of what is designated as Den-Wald Subdivision, has established new property lines and street locations. In the course of the hearing, it was developed that the new East Street construction will provide a 36-foot paved street with combination curb, gutter and sidewalk; that the former crossing will be closed and protection devices moved to the new site.

At the hearing, the following exhibits were received and added explanation given by Mr. Victor G. Seiferth, City Engineer for the City of Golden, Colorado:

Exhibit No. 1: Original application as submitted for the files of the Commission.

Exhibit No. 2: Profile of grade along center-line of East Street to show approaches at each side of rail crossing.

Exhibit No. 3: Map of a portion of the City of Golden to show change of crossing location in relation to Colorado and Southern trackage, the new subdivision layout and existing city streets.

Mr. Seiferth explained that initial negotiations with the railroad company had indicated approval for the change; that the Den-Wald subdividers had agreed with the City of Golden to provide and install the proposed street improvements; that crossing construction would conform with contract terms and specifications to be included in the customary railroad agreement.

According to Mr. Seiferth, need for the new crossing is emphasized by the irregular terrain in this foothill area of the city; adjacent streets are quite steep and the new roadway will offer a reasonable grade along a readily accessible route during winter snows or other periods when roads become slippery. The automotive traffic will be largely passenger cars with an estimated volume of 200 vehicles per day. City speed limit of 20 miles per hour is proposed.

Vision in the area is open and no new construction is contemplated.

Additional testimony pertaining to the rail operation was given by Mr. George W. Haffey, Office Engineer at Denver for the Colorado and Southern Railway Company. Only one track is involved, being a short branch line known as Brick Yard Spur and serving two industries northward from Golden. Maximum traffic has been two trains per week, consisting usually of engine, caboose and two cars, operating at ten miles per hour.

Mr. Haffey explained that on the basis of the initial negotiations with City of Golden, Colorado and Southern Railway Company has no objections to the proposed crossing and that a contract covering necessary easement and construction details would be prepared and offered to the Commission as a "late-filed" exhibit, after acceptance by the affected parties. Authority for late filing as proposed above was granted at the hearing.

On November 9, 1959, a late-filed exhibit was received from Colorado and Southern Railway Company, consisting of a fully executed copy of a grade crossing agreement, dated October 29, 1959, between The Colorado and Southern Railway Company and the City of Golden, together with an easement map and description of the East Street crossing location.

Under the terms of the above agreement for a new crossing, it appears that removal of the old crossing is acceptable; that necessary roadway construction and drainage work will be a responsibility of the City; that initial track work at the crossing will be by the railroad at City expense, and that future paving and maintenance at the crossing will be by the City of Golden.

In view of the very limited rail traffic and open vision at this crossing, protection devices will consist of two reflectorized crossbucks to be placed by the railroad and two reflectorized Advance Warning Signs as placed by the City.

In a letter addressed to the Commission, the Colorado Department of Highways advises that it "has no interest in this matter and will not appear at the hearing." No objections were presented at the hearing, and none has been received by the Commission.

### F I N D I N G S

#### THE COMMISSION FINDS:

That it is informed in the instant matter, and the foregoing Statement, by reference, is made a part hereof.

That the public safety, convenience and necessity require relocation, construction, use, and maintenance of a highway-railroad grade crossing at the new location of East Street in the City of Golden, Jefferson County, Colorado, and over the track and right-of-way of The Colorado and Southern Railway Company.

That the existing grade crossing should be abandoned and removed.

That the protective devices at the new crossing shall consist of two reflectorized crossbuck signs with added advance warning signs.

### O R D E R

#### THE COMMISSION ORDERS:

That Applicant, the City of Golden, Colorado, be, and hereby is, granted a certificate of public convenience and necessity, authorizing (a) the abandonment of an existing highway-railroad grade crossing, known as "East Street" in Golden, Colorado, and (b) the construction of a new highway-railroad grade crossing at Colorado and Southern Mile Post 16.05 on the Brick Yard Spur, being the relocation of East Street in the City of Golden, Jefferson County, Colorado.

That two standard reflectorized crossbucks shall be installed at the crossing and two reflectorized advance warning signs be advantageously placed on the City street approaches to the crossing; all of which is to be in conformity with the Bulletin of the Association of American Railroads' Joint Committee on

Railroad Protection.

That the work to be done, costs, installation and maintenance shall be as indicated in the preceding Statement, the Railroad Agreement and Exhibits 1, 2 and 3, all of which, by reference, are made a part hereof.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Philip C. Holm  
Henry S. Harlupp  
Commissioners.

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SVEN J. JOHANSON AND CLAUDE CARBIS, )  
CO-PARTNERS, DOING BUSINESS AS )  
"JOHANSON & CARBIS OILFIELD TRUCK- )  
ING & MOVING," NEWCASTLE, WYOMING, )  
FOR AUTHORITY TO TRANSFER PUC NO. ) APPLICATION NO. 16645-Transfer  
1649 AND PUC NO. 1649-I TO ROBERT )  
W. JONES AND WILMA A. JONES, DOING )  
BUSINESS AS "R. W. JONES TRUCKING )  
COMPANY," 364 WEST MAIN, VERNAL, )  
UTAH. )  
-----)

RE MOTOR VEHICLE OPERATIONS OF )  
ROBERT W. JONES AND WILMA A. )  
JONES, DOING BUSINESS AS "R. W. ) PERMIT NO. B-3566  
JONES TRUCKING COMPANY," 364 )  
WEST MAIN, VERNAL, UTAH )  
-----)

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November 19, 1959  
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Appearances: Barry, Hupp & Dawkins, Esqs.,  
Denver, Colorado, by  
Paul M. Hupp, Esq., Denver,  
Colorado, for Applicants;  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for  
Stanton Transportation  
Company, Arnold Weiss.

S T A T E M E N T

By the Commission:

This is an application for authority to transfer PUC  
No. 1649 and PUC No. 1649-I from Sven J. Johanson and Claude Carbis,  
co-partners, doing business as "Johanson & Carbis Oilfield Trucking  
& Moving," Newcastle, Wyoming, to Robert W. Jones and Wilma A. Jones,  
co-partners, doing business as "R. W. Jones Trucking Company,"  
Vernal, Utah.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colorado,



October 15, 1958, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

PUC No. 1649 contains the following authority:

transportation, in irregular service, on call and demand, in intrastate and interstate commerce, of machinery, materials, equipment, supplies, and facilities used in or incidental to or in connection with:

(a) the discovery, development, production and preservation of natural gas and petroleum;

(b) the construction, dismantling, repair, servicing and maintenance of pipe lines;

(c) the construction, operation, repair, servicing, dismantling and maintenance of facilities for the storage of natural gas, gasoline and petroleum;

(d) the construction, operation, repair, servicing, dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring and blending gasoline, natural gas and petroleum, between all points in the State of Colorado.

Interstate authority herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

The parties herein have entered into a contract for the purchase and sale of this authority for a total consideration of \$5,000.00, to be paid in cash upon complete execution of the contract.

The sellers are primarily Wyoming operators, holding several other authorities in addition to the one herein sought to be transferred. It is their desire to withdraw from the Colorado area, and to concentrate in Wyoming.

The buyer is the holder of a private carrier permit, authorizing limited operations in Colorado, and also the holder of other authorities in other states and from other jurisdictions. The principal base of operations is in Vernal, Utah.

The seller operated in the Rangely Area from about 1945 to 1948. Thereafter, they moved their base of operations in Colorado to the Sterling Area. In 1954, this authority was leased to a Mr. Keseling. In 1958, it was attempted to lease the authority to the transferees in this application. The Commission, in authorizing

that lease, imposed a condition that eliminated an area that was partially overlapped by the lessees' private carrier authority. This limitation caused the proposed lessees to reject the lease and to refuse the authority.

In the present application, however, the transferees, who would have been the lessees in the former application, affirmatively stated that they will cancel private carrier authority, if this transfer is authorized.

The matter was strongly contested by protestants, on the basis that the transferors had abandoned the area, and that they had been compelled to increase their equipment to supply the needs of shippers in the Rangely Area.

There was some evidence which we deem to be credible that Keseling, a lessee of transferor, had operated trucks under this authority in Western Colorado, although the primary base of operations was in Sterling.

The evidence along these lines indicates that the transferors, along with other haulers, moved their base of operations to other parts of the State, because of the decline of business in the Rangely Area. Since that period of time, the Protestant Stanton Transportation Company, who is based in Craig, Colorado, has increased his equipment. His testimony, however, also revealed that he acquired new authority in interstate commerce in other states, and that he also operates under private carrier authority. How much of this increase in equipment is directly traceable to the retreat from the Rangely Area of other carriers is open to conjecture, and consequently can be accorded little weight in the determination of one of the key issues of controversy before the Commission.

Weiss, another authorized carrier, has operated in the Rangely Area for a little over one year. Any increase in equipment that he has effected was accomplished within this last year, and again was unsupported by direct evidence to establish with any degree of certainty that this increase in equipment was due to the retreat from the area of other carriers.

It is quite apparent that the principal concern of protestants is that the transferees will maintain a base of operations at Vernal, Utah, which is considerably closer to Rangely than is Craig, the base of operations of Stanton Transportation Company.

Actually, the authority involved is a state-wide authority, the same as that owned and operated by Protestant Stanton Transportation Company. Transferee already operates in the area as an aggressive private carrier, and the protestants fear that with the acquisition of this authority, the competitive situation will become more severe in the Rangely Area.

A searching scrutiny of all the protestants' evidence clearly indicates that their principal objection is to service in the Rangely Area by authority that may be, in effect, headquartered in Vernal, Utah.

While this Commission does not seek to minimize or negate the apprehensions of the protestants regarding the effects of possible competition, as a result of the approval of this transfer, we cannot blithely disregard very pertinent existing facts and compelling legal concepts.

The authority sought to be transferred is an existing authority, granted by this Commission and operated by its owners. It is well settled that such an authority is an existing property right, which may not be diminished or compressed in any manner to deprive its owner of his property rights thereunder, without due process of law.

The term "abandonment" was used throughout the hearing by the protestants as the basis upon which this Commission should deny the transfer, or, granting it, should restrict the operations of the transferees in the Rangely Area. Since this issue recurs in nearly every transfer application that is protested, we deem it incumbent upon ourselves, and for the edification of the motor carrier industry, to define and crystallize the terms and theory

which this Commission ~~has~~ relied upon in the past in denying or restricting authorities that were to be transferred.

It is our opinion that a great deal of the confusion that exists among protestants and the many abortive protests to transfers is either due to a lack of understanding between "abandonment" and "non-user;" a failure to realize the significance of the difference; a cloudy grasp of the true facts that give rights to either abandonment or non-user, and the loose interchange of these two terms.

"Abandonment," as applied to property, has been defined as the voluntary relinquishment of the possession of a thing by the owner, with the intention of terminating his ownership, but without vesting it in any other person. (Ballantine Law Dictionary, 1930).

A cursory analysis of this definition clearly indicates that the act must be "voluntary," and without "intention" of divesting oneself of ownership. It is clear that no such situation existed in the present case before the Commission. Certainly there is not one shred of evidence that the owner of the certificate even had, or ever had, the intention of divesting himself of ownership, without vesting it in another. Although the transferor may have moved his headquarters to another part of the state, he nevertheless leased his authority to another who did perform some operations in the Western Slope Area. The actions of transferor, rather than indicating an intention to abandon, clearly indicate a contrary intention.

"Non-user" is the failure or omission of a person to make use of a thing. When this is applied to a common carrier, it simply means that the common carrier, who has a duty to serve, and presumably has dedicated his property to do so, declines to discharge that duty. If a demand for the service exists, and others move to take over the duties declined by the common carrier, then a doctrine of equitable estoppel arises to prevent the carrier so

refusing to discharge his duty from re-entering the field to effect an inequitable consequence upon those who have assumed the burden of his duties. In other words, one who has an authority as a common carrier may not sit by in complacent repose, casually observing with interest the activities of others who aggressively move in to discharge his duties and to develop a market for the service they have to offer, and then, when the plum seems ripe for the plucking, to move in and reap the benefits of the others' labor, to the possible detriment of service to the public.

It is this theory that most protestants, in actuality, seek to assert under the misnomer of "abandonment."

In the instant case, before we can reach any intelligent conclusion as to the existence or non-existence of non-user, we feel that we must examine the nature of the authority sought to be transferred. The so-called "Mercer Description," which is the core of the authority to be transferred herein, is basically the hauling of oil field equipment. Because of the nature of the business of oil prospecting, demands arise in widely-scattered areas throughout the State, and at intermittent periods. Generally, the drilling is conducted in remote rural areas, far from main routes, wherever the prospect for the discovery of oil seems the most encouraging. It is a business that may make demands anywhere, any time, any place. Until a field is fully explored, discovery has been made and orderly exploitation initiated, it can best be described as a "catch-as-catch-can" business. This is contrasted with the demands of stable communities, with a permanent population, who require the necessary goods for the conduct and operation of their businesses and daily lives. In the former instance, the oil prospecting business requires a highly mobile mover, possessed of versatile qualities.. In the latter, the public service requires a well-organized, efficient carrier who, with some degree of certainty, may predict

his load factor and future demands. We emphasize this distinction because, in our opinion, it relates directly to the duty that is imposed upon an oil equipment carrier in the determination of whether or not he should be estopped in the transfer of his authority.

The principal protestant himself lends confirmation to our conclusions by admitting that his trucks were "floating," and that wherever his trucks were, he had a station. It is quite obvious from all of the evidence that haulers of oil field equipment have an ambulatory authority, as distinguished from a local hauler who serves the constant needs of a community. Considering these facts, then, the importance of the location of terminals is minimized.

In the matter before the Commission, we have a carrier who does maintain a state-wide operation, although principally in Eastern Colorado. If estoppel is to operate, it must do so against the present holder of the certificate. In our opinion, it would require facts that would justify a pro tanto cancellation of the present owner's certificate. In the instant case there has been a complete failure to establish by a preponderance of the evidence, a refusal on the part of the present owner of the certificate to perform a duty imposed upon him by ownership of his certificate. Although the headquarters were removed, nevertheless, there was still some operation in the area by the transferor. The removal of the bulk of his equipment can easily be explained by the decline of demand in the area. The fact that some service was rendered in the area, although principal service was rendered in other areas, would indicate that the present holder of the certificate, rather than being oblivious to the demand for public service, was reacting in response to the surge and diminution intermittently of the demands for service upon him. We do not judge the intelligent exercise of common sense business judgment to be a breach of duty, and where a hauler has continued a state-wide



authority, the same as that possessed by one of the protestants, and where the demand is sporadic and intermittent, the mere removal of the headquarters does not give a similar hauler, whose headquarters may remain in the area, a preemptive and inviolable right, consecrated to him for eternity to render service exclusively in the area.

The protestants likewise would seem to indicate that basically it is the probability of establishing headquarters at Vernal, Utah, which is in the area, that will result in the solicitation of business in what they consider their domain. No evidence was adduced to prove that this hauler would basically change the operation from the manner in which it is operated today.

We further can find no evidence that transfer of this authority would appreciably increase the competition beyond that which protestants receive from the proposed transferee under its private carrier authority.

We reiterate that the transferors have a property right in their certificate. We conclude that the evidence does not justify a finding that they have failed to perform any of their duties or otherwise to conduct themselves in such a manner that would justify this Commission in depriving them of their property, or any part thereof. To do so under the circumstances merely would appease the protestants' dislike for competition, but public convenience and necessity could not be so served.

The training, 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 made a part hereof by reference.

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

That Permit No. B-3566, presently owned and operated by transferees herein, should be cancelled and revoked.

O R D E R

THE COMMISSION ORDERS:

That Sven J. Johanson and Claude Carbis, co-partners, doing business as "Johanson & Carbis Oilfield Trucking & Moving," Newcastle, Wyoming, be, and they hereby are, authorized to transfer all right, title, and interest in and to PUC No. 1649 and PUC No. 1649-I -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Robert W. Jones and Wilma A. Jones, co-partners, doing business as "R. W. Jones Trucking Company," Vernal, Utah.

That said transfer shall become effective only if and when, but not before, said transferors and transferees, in writing, have advised the Commission that said 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 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.

That transfer of interstate operating rights herein authorized is subject to the provisions of the Federal Motor Carrier Act

of 1935, as amended.

That Permit No. B-3566 be, and the same hereby is,  
cancelled and revoked.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Holm  
Commissioners.

COMMISSIONER HENRY E. ZARLENGO  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 19th day of November, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
H. J. LINDGREN, DOING BUSINESS AS, )  
"L. P. GAS SALES AND SERVICE", )  
HAXTUN, COLORADO. )  
----- )

PERMIT NO. M-9752

-----  
November 25, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from H. J. Lindgren, doing  
business as, "L. P. Gas Sales and Service", Haxtun, Colorado  
requesting that Permit No. M-9752 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9752, heretofore issued to H. J. Lindgren, doing  
business as, "L. P. Gas Sales and Service", Haxtun, Colorado be,  
and the same is hereby, declared cancelled effective October 24, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Gordon  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 25th day of November, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM H. HARRIS, P. O. BOX 485, )  
GUNNISON, COLORADO. )

PERMIT NO. M-4292

November 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William H. Harris,  
Gunnison, Colorado  
requesting that Permit No. M-4292 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4292, heretofore issued to William H. Harris,  
Gunnison, Colorado be,  
and the same is hereby, declared cancelled effective August 28, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Holton  
Wm. E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 25th day of November, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

WILLIAM H. HARRIS. P. O. BOX )  
485, GUNNISON, COLORADO. )  
)  
)  
)  
)  
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PERMIT NO. B-5244

-----  
November 25, 1959  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5244 be suspended for six months from August 28, 1959.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That William H. Harris, Gunnison, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5244 until February 28, 1960.

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  
Samuel C. Heston  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,  
this 25th day of November, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

THEODORE BOGER, 432 NORTH COOPER,  
COLORADO SPRINGS, COLORADO.

PERMIT NO. M-15234

November 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Theodore Boger,  
Colorado Springs, Colorado  
requesting that Permit No. M-15234 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15234, heretofore issued to Theodore Boger,  
Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective November 5, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Johnston  
Wm. E. Sp. Meyer  
Commissioners

Dated at Denver, Colorado,  
this 25th day of November, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
THEODORE BOGER, 432 NORTH )  
COOPER, COLORADO SPRINGS, )  
COLORADO. )  
----- )

PERMIT NO. B-5358

-----  
November 25, 1959  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5358 be suspended for six months from November 5, 1959.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Theodore Boger, Colorado Springs, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5358 until May 5, 1960.

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. Hooton  
Wm. E. Zullinger  
Commissioners

Dated at Denver, Colorado,  
this 25th day of November, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
ISAAC CURTIS, TOPONAS, COLORADO.

PERMIT NO. M-13739

November 25, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Isaac Curtis,  
Toponas, Colorado  
requesting that Permit No. M-13739 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13739, heretofore issued to Isaac Curtis,  
Toponas, Colorado be,  
and the same is hereby, declared cancelled effective October 22, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Hodson  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 25th day of November, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
ISAAC CURTIS, TOPONAS, COLORADO. )

PERMIT NO. B-5530

November 25, 1959

## STATEMENT

By the Commission:

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

Toponas, Colorado

requesting that Permit No. B-5530 be cancelled.

## FINDINGS

## THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. B-5530, heretofore issued to Isaac Curtis,

Toponas, Colorado

be,

and the same is hereby, declared cancelled effective October 22, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Tolson  
Kung E. Zerkung  
Commissioners

Dated at Denver, Colorado,

this 25th day of November, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
 HAROLD D. BARNETTE, DOING )  
 BUSINESS AS, "MOUNT EVANS )  
 MOTORWAYS", P. O. BOX 81, )  
 IDAHO SPRINGS, COLORADO. )  
 - - - - - )

PUC NO. 1167

November 25, 1959

S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named certificate-holder requesting that his PUC No. 1167 be suspended for six months from November 1, 1959.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Harold D. Barnette, Idaho Springs, Colorado

                     be, and is hereby, authorized to suspend operations under PUC No. 1167 until May 1, 1960.

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 J. Negro*  
*Franklin D. Johnson*  
*Wm. E. Gault*  
 Commissioners

Dated at Denver, Colorado,  
 this 25th day of November 1959.

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 53389

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
TONY BEAR AND VIRGINIA BEAR, )  
DOING BUSINESS AS, "BEAR COAL )  
COMPANY", SOMERSET, COLORADO. )

PERMIT NO. B-5414

November 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 their Permit No. B-5414 be suspended for six months from November 8, 1959.

## FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

## O R D E R

THE COMMISSION ORDERS:

That Tony Bear and Virginia Bear, dba "Bear Coal Company",

be, and are hereby, authorized to suspend their operations under Permit No. B-5414 until May 8, 1960.

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  
Frank C. Woodard  
Wm. E. Zarlengo  
Commissioners

Dated at Denver, Colorado,  
this 25th day of November , 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
 OSIA I. FOX, 721 INCA STREET, )  
 DENVER 4, COLORADO. )

PERMIT NO. B-4650

-----  
 November 25, 1959  
 -----

S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-4650 be suspended for six months from November 6, 1959.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Osia I. Fox, Denver 4, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-4650 until May 6, 1960.

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*  
*George C. [illegible]*  
*Wm. E. Zaulinger*  
 Commissioners

Dated at Denver, Colorado,  
 this 25th day of November, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)

HUMEL C. THOMPSON, 1202 DENVER  
AVENUE, ALAMOSA, COLORADO.

PERMIT NO. M-11492

December 1, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Humel C. Thompson,  
Alamosa, Colorado  
requesting that Permit No. M-11492 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11492, heretofore issued to Humel C. Thompson,  
Alamosa, Colorado be,  
and the same is hereby, declared cancelled effective October 15, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 1st day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
E. T. MORTON, DOING BUSINESS AS, )  
"FOUNTAIN VALLEY TELEVISION", P. O. )  
BOX 47, FOUNTAIN, COLORADO. )  
----- )

PERMIT NO. M-14398

-----  
December 1, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. T. Morton, doing  
business as, "Fountain Valley Television", Fountain, Colorado  
requesting that Permit No. M-14398 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14398, heretofore issued to E. T. Morton, doing  
business as, "Fountain Valley Television", Fountain, Colorado be,  
and the same is hereby, declared cancelled effective November 15, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frederic C. Norton  
Henry E. Zankowsky  
Commissioners

Dated at Denver, Colorado,

this 1st day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

WALLACE E. MORRILL, 1114 GRACE  
AVENUE, LA JUNTA, COLORADO.

PERMIT NO. M-12013

December 1, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Wallace E. Morrill,  
La Junta, Colorado  
requesting that Permit No. M-12013 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12013, heretofore issued to Wallace E. Morrill,  
La Junta, Colorado be,  
and the same is hereby, declared cancelled effective October 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Norton  
Henry E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 1st day of December, 1959.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ROBERT G. RAE, DOING BUSINESS AS )	
"SOUTH PLATTE MILK LINES," 9125 )	
WEST 35TH AVENUE, WHEATRIDGE, COLO- )	APPLICATION NO. 17379-PP
RADO, FOR A CLASS "B" PERMIT TO )	
OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
- - - - - )	

- - - - -  
November 20, 1959  
- - - - -

Appearances: John P. Thompson, Esq.,  
Denver, Colorado, for  
Applicant;  
Robert Houtchens, Esq.,  
Greeley, Colorado, for  
W. H. Short and Welco  
Milk Lines;  
Paul M. Hupp, Esq., Denver,  
Colorado, for Colorado  
Milk Transport, Inc.;  
Alvin J. Meiklejohn, Jr.,  
Esq., Denver, Colorado,  
for Consolidated Milk Line.

S T A T E M E N T

By the Commission:

By the instant application, Robert G. Rae, doing business as "South Platte Milk Lines," Wheatridge, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of milk, cream, and dairy products, in bulk, only, from that part of Adams County, Colorado, lying west of Range 61-West, and that part of Weld County, Colorado, lying west of Range 61-West and South of State Highway No. 14, to the Denver Plant of Fairmont Foods Company, only; and only for Fairmont Foods Company and milk producers shipping to the Denver Plant of Fairmont Foods Company; including, however, authority to haul from said territory for said customers, only, to creameries, condenseries and milk-processing plants in the State of Colorado, when the milk originating on farms in said area is diverted by the Denver Milk Producers' Association.



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, September 28, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Robert G. Rae testified in support of the application in effect and as follows: that he has been engaged in the transportation of milk since 1950; that he operates Star Milk Lines; that there would be no overlap between the authority he now has and the authority which he seeks; that he seeks to haul milk, in bulk only; that he seeks to haul the milk to Fairmont Foods Company located in Denver; that Star is a common carrier; that it is his intention to be able to provide the service that Fairmont now requires and might require in the future; that he has contacted the five shippers presently located in the applied for territory about providing them hauling services, but that they were generally non-committal; that, and this is of special importance, by his application he desires to serve anybody and everybody within the territory who would be shipping to Fairmont in Denver; applicant does not seek to limit the authority to any named customers of Fairmont; that he does desire to limit the delivery to Fairmont only; that he does not intend to personally solicit other business, however, he does anticipate business from others than the five present shippers.

Mr. Harold Downing testified at great length and in detail in support of the application substantially as follows: that he is the field representative of Fairmont Food Company of Denver, whose duties are to purchase the milk, check its quality, and see that proper arrangements are made in hauling it; that the Denver plant is set up to handle two batches of milk per day; that the first batch reaches there by six o'clock in the morning and this batch is transported by Star Milk Lines; that the second batch should



come in about 11:30 in the morning; that the second batch comes from the territory which applicant herein seeks to serve and the deliveries at the present time are being made by protestant, Colorado Milk Transport; that it is of great importance to the company that milk deliveries are made at a certain time for purposes of integration with the plant operations; that Fairmont is able to pay the farmer whose milk is hauled by Rae, more promptly than the farmer whose milk is hauled by Colorado Milk Transport, because of the freight bill, as Colorado Milk Transport bills the company for the freight on the products hauled and Fairmont cannot do anything until the freight bill is received in its office.

The witness seemed to be somewhat reluctant as to just where the milk is purchased, whether f. o. b. Denver or f. o. b. at the producers tank. However, he did testify that Fairmont does not pay the freight and that "technically" they purchase the milk f. o. b. Denver; that even though the company does not pay the carrier, it wants to control the carrier.

No producers testified directly in support of the application. The shippers who did testify seemed to be satisfied with the service of Colorado Milk Transport, Inc.

The applicant has made application for contract carrier permit. He does not seek to limit the milk producers whom he desires to serve. In fact, he contemplates and would like to have authority to serve any and all producers in the territory who would ship their milk to Fairmont. The only limitation he desires is that the destination of the milk be restricted to one company, to-wit: Fairmont Foods Company in Denver. Thus, he leaves the shippers indefinite as to number. Theoretically, this could be a dozen, or 100, or 1,000 shippers. The restriction to one point of destination does not suffice to remove the operation from being an operation to serve the public in the business of transportation of property for compensation as a common carrier. Though the transportation is

limited as to destination, still it remains indiscriminate service to any member of the public who should desire such limited service.

The evidence is clear that Fairmont is not the shipper, as the producers are the ones who actually pay the freight.

There was conflicting testimony as to whether Colorado Milk Transport or the other carriers in the territory are adequately serving the public. From the evidence presented, we cannot say that Colorado Milk Transport and the other carriers were inadequately serving the public.

### 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 evidence presented does not support the granting of the application for a Class "B" permit to operate as a private carrier and the application should be denied.

### O R D E R

#### THE COMMISSION ORDERS:

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Benjamin C. Horton  
Perry E. Zarbuzo  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of November, 1959.

ea

original

(Decision No. 53395)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
PACIFIC INTERMOUNTAIN EXPRESS COM- )	
PANY, 1417 CLAY STREET, OAKLAND, )	
CALIFORNIA, 3223 EAST 46TH AVENUE, )	
DENVER, COLORADO, AND P. O. BOX )	APPLICATION NO. 17432-Extension
1677, SALT LAKE CITY, UTAH, FOR A )	<u>AMENDED</u>
CERTIFICATE OF PUBLIC CONVENIENCE )	
AND NECESSITY, AUTHORIZING EXTEN- )	
SION OF OPERATIONS UNDER PUC NO. 730. )	
----- )	

-----  
November 20, 1959  
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Appearances: John H. Lewis, Esq., Denver,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

The above-named certificate-holder is the owner and  
operator of PUC No. 730, which authorizes:

transportation of freight between all points  
in Colorado and all Colorado state lines  
where all highways cross same in interstate  
commerce, only, subject to the provisions of  
the Federal Motor Carrier Act of 1935, as amended;

transportation of petroleum products in bulk  
between all points in the State of Colorado;  
petroleum products, in bulk, between all  
points in the State of Colorado and the Colo-  
rado State Boundary Lines, where all highways  
cross same, in interstate commerce, only, sub-  
ject to the provisions of the Federal Motor  
Carrier Act of 1935, as amended;

crude oil, in tank truck lots, between points  
within the State of Colorado;

transportation of liquid corn syrup, in bulk,  
within the City and County of Denver, Colorado,  
and from Denver, Colorado, to all points in  
the State of Colorado.

By the instant application, said certificate-holder seeks  
a certificate of public convenience and necessity, authorizing  
extension of operations under PUC No. 730, to include the right

to transport liquid caustic soda, in bulk, in tank vehicles, from the site of Dow Chemical Company storage facilities, at Rocky Mountain Arsenal, near La Dora, Colorado, to all points within the State of 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, November 10, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Boyd W. Kenniston, Traffic Representative, testified in support of the application that applicant seeks to provide transportation of liquid caustic soda; that the commodity is a dangerous commodity to handle and requires especially trained personnel to avoid hazards; that specialized equipment is necessary in that, among other things, the commodity must be maintained at a warm and consistent temperature to prevent it from solidifying; that Dow Chemical is new in the area and even at the present time requires transportation of a very substantial amount of the product and anticipates more business in the future; that Dow Chemical is a present shipper who will use the services and has requested it to make this application; that Denver-Chicago, the other carrier in the State, offers a similar service.

Nine exhibits were offered and received in evidence without objection. These exhibits speak for themselves and clearly indicate the adequacy of equipment and the financial stability of the applicant. A reasonable safety program which the Company will have in force is indicated.

William J. Castaldi, Assistant Traffic Manager for Dow Chemical, stated that he is responsible for the selection of a carrier in Colorado; that the Company already has very substantial customers and anticipates a large number of customers who will need their product in smaller lots and will require motor carrier transportation thereof; that Denver-Chicago, the other carrier in the field,

does not have sufficient equipment to meet the demand in this specialized field of transportation; that the Company, being new in this operation, must meet the competition of a competitor, and to survive and be successful must render prompt and sufficient service to its customers; that there are many industries which have use for the chemical as it is widely used; that the applicant has rendered other services for Dow Chemical, which have been satisfactory.

No one appeared in opposition to the granting of the extension sought, and no reason appears why the same should not be granted.

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

That public convenience and necessity require the proposed extended service of the applicant and that certificate of public convenience and necessity should issue therefor.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require the proposed extended motor vehicle common carrier, call and demand service of Pacific Intermountain Express Company, Oakland, California; Denver, Colorado; and Salt Lake City, Utah, under PUC No. 730, to include the right to transport liquid caustic soda, in bulk, in tank vehicles, from the site of Dow Chemical Company storage facilities, at Rocky Mountain Arsenal, near La Dora, Colorado, to all points within the State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Kyrle  
Hector W. Holman  
Rene E. Paulengo  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of November, 1959.

ea.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HARVEY C. DAVIS, 3055 SOUTH BANNOCK )  
STREET, ENGLEWOOD, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 2097 )  
TO ANDREW BOSMAN, CLARENCE BOSMAN, )  
CHARLES A. BOSMAN, WILLIAM BUIKEMA, )  
AND ANDREW BOSMAN, JR., CO-PARTNERS, )  
DOING BUSINESS AS "BEST-WAY DIS- )  
POSAL," 2519 WEST 11TH AVENUE, )  
DENVER, COLORADO. )  
----- )

APPLICATION NO. 17465-Transfer

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November 20, 1959  
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Appearances: McLean and McLean, Esqs.,  
Denver, Colorado, for  
Transferor and Transferees.

S T A T E M E N T

By the Commission:

Harvey C. Davis, Englewood, Colorado, is the owner and  
operator of PUC No. 2097, which authorizes:

transportation, in pickup and delivery  
service of trash and fertilizer from point  
to point within a radius of 10 miles of  
the City of Englewood, Colorado, excluding  
service in Aurora, Lakewood, Westwood,  
Arvada, Golden and the territory served  
by Louis G. Berend, doing business as "Dad's  
Disposal Service," PUC No. 1968, particularly  
described as follows, to-wit: Extending from  
the line commonly designated as the center  
line of Kipling Street, which line is the  
most easterly boundary line of said area,  
to a line one mile east of the City of Golden,  
which said line is the most westerly boundary  
line of the area, and extending from a line  
300 feet north of and paralleling No. 26th  
Avenue, which last said line is the most north-  
erly line of the area, to a line 2,000 feet  
south of and paralleling West Alameda Avenue,  
which said line is the most southerly boundary  
line of the area, which area consisting of  
approximately 17 square miles, being approx-  
imately  $5\frac{1}{2}$  miles between the east and west  
boundary lines, and  $3\frac{1}{2}$  miles between the north  
and south boundary lines, on the one hand, and  
dumps and disposal places located in  
Jefferson County, Colorado, on the other hand;

transportation of garbage, from and within the territory he is presently authorized to serve;

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-holder seeks authority to transfer said PUC No. 2097 to Andrew Bosman, Clarence Bosman, Charles A. Bosman, William Buikema, and Andrew Bosman, Jr., co-partners, doing business as "Best-Way Disposal," 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, November 6, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Harvey C. Davis and Clarence Bosman testified in support of the application in effect and as follows: that an agreement had been entered into between the transferor and transferees to transfer the certificate, subject to approval of the Commission; that there were no debts against the operation of the transferor; that there would be used in the operation some eight trucks; and that the net worth of the transferees is approximately \$200,000.00.

No one appeared in opposition to the proposed transfer and no reason appears why the same should not be transferred.

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, subject to outstanding indebtedness, if any.

O R D E R

THE COMMISSION ORDERS:

That Harvey C. Davis, Englewood, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2097 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Andrew Bosman, Clarence Bosman, Charles A. Bosman, William Buikema, and Andrew Bosman, Jr., co-partners, doing business as "Best-Way Disposal," 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 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 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 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 T. Nigro*  
*Robert C. Horton*  
*Amos B. Zullig*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of November, 1959.

ea

original

(Decision No. 53397)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
PRUCKA TRANSPORTATION, INC., 2015	)	
NORTH ELEVENTH, OMAHA, NEBRASKA,	)	
FOR AUTHORITY TO TRANSFER PERMIT	)	APPLICATION NO. 17477-PP-Transfer
NO. A-843 TO INTERSTATE MOTOR	)	
FREIGHT SYSTEM, 134 GRANDVILLE,	)	
S. W., GRAND RAPIDS, MICHIGAN.	)	
-----	)	

IN THE MATTER OF THE APPLICATION OF	)	
PRUCKA TRANSPORTATION, INC., 2015	)	
NORTH ELEVENTH, OMAHA, NEBRASKA,	)	
FOR AUTHORITY TO TRANSFER PUC NO.	)	APPLICATION NO. 17478-Transfer
460 AND PUC NO. 460-I TO INTERSTATE	)	
MOTOR FREIGHT SYSTEM, 134 GRAND-	)	
VILLE, S. W., GRAND RAPIDS, MICHIGAN.	)	
-----	)	

RE MOTOR VEHICLE OPERATIONS OF	)	
PRUCKA TRANSPORTATION, INC.,	)	
2015 NORTH ELEVENTH, OMAHA,	)	P. U. C. NO. 2077-I
NEBRASKA, UNDER PUC NO. 2077-I.	)	
-----	)	

-----  
November 20, 1959  
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Appearances: Peter J. Crouse, Esq., Denver,  
Colorado, for Transferor  
and Transferee.

S T A T E M E N T

By the Commission:

Prucka Transportation, Inc. is the owner and operator  
of Permit No. A-843, authorizing:

Transportation of freight, between Denver,  
Akron, Otis, Yuma, Schram, Eckley and Wray,  
except the transportation of livestock, bulk  
grain, hay, bridge lumber and heavy construc-  
tion machinery and materials between that  
portion of Washington County lying north of  
Parallel 40 and Denver, without the right to  
serve from or to any other points.

Prucka Transportation, Inc. is also the owner and  
operator of PUC No. 460 and PUC No. 460-I, authorizing:

Transportation of freight, on call and demand, from point to point in the following area, to-wit: extending 30 miles south of Otis, Colorado, 9 miles east, 22 miles north, and 5 miles west thereof, and between said territory and Otis, Colorado, and Denver, Colorado, but not to or from any intermediate points; transportation of all commodities, including livestock, on call and demand, from point to point in the following area, to-wit: extending 20 miles north, 20 miles south, 5 miles west, and 7 miles east of Yuma, Colorado, and from and to points in said area, to and from points in the State of Colorado, in both intrastate and interstate commerce.

On September 15, 1959, said Prucka Transportation, Inc. filed its application (No. 17477-PP) for authority to transfer the operating rights under Permit No. A-843, and by Application No. 17478 seeks to transfer authority under PUC No. 460 and PUC No. 460-I, to Interstate Motor Freight System, 134 Grandville, S. W., Grand Rapids, Michigan.

The two applications were regularly set for hearing, after appropriate notice to all interested parties, for ten o'clock A. M., on November 12, 1959, at the Court House in Fort Morgan, Colorado, where the two applications were consolidated for hearing, were heard, and at the conclusion thereof, the matters were taken under advisement by the Commission.

At the hearing, a motion was made to amend the applications to include the transfer of Certificate No. 2077-I, which motion was granted. The authority is as follows:

Transportation of freight by motor vehicle as a common carrier in interstate commerce only between all points in Colorado and the Colorado State boundary line where all highways cross same, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended,

which certificate does not grant any authority other than to recognize rights limited to those authorized by the Interstate Commerce Commission, and includes the transportation of exempt commodities, and is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Charles R. Christensen, Omaha Regional Sales Manager and Traffic Manager for Interstate Motor Freight System, and General Traffic Manager for Prucka Transportation, Inc., testified in



support of the applications to the effect that Interstate controls Prucka; that it is intended to dissolve Prucka and merge its authorities with those of Interstate; that this plan has been approved by the Interstate Commerce Commission; that all assets of the transferor and equipment, will be transferred to the transferee, and all debts will be paid.

Five exhibits were tendered and received in evidence, showing the equipment list, the financial status, etc., of both transferor and transferee.

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 transfers are compatible with the public interest and should be authorized, subject to outstanding indebtedness, if any.

#### O R D E R

##### THE COMMISSION ORDERS:

That Prucka Transportation, Inc., of Omaha, Nebraska, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. A-843 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Interstate Motor Freight System, Grand Rapids, Michigan, 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 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 time of transfer of said permit.

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

That Prucka Transportation, Inc., of Omaha, Nebraska, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 460, PUC No. 460-I, and PUC No. 2077-I -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Interstate Motor Freight System, Grand Rapids, Michigan, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured, all interstate operating rights transferred hereby being subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That said transfers shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this order within thirty (30) days from the effective date of this order shall automatically revoke the authority herein granted to make the 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 certificates.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Nye  
Joseph C. Holmes  
Henry E. Zuley  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of November, 1959.

ea

renewal

(Decision No. 53398)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF	)	
DIAMOND TRUCK LINE, 133 EAST	)	PUC NO. 1250
SACKETT STREET, SALIDA, COLORADO.	)	<u>PUC NO. 1250-I</u>
-----	)	

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November 19, 1959  
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Appearances: Broadstreet and Trainor, Esqs.,  
Salida, Colorado, for  
Diamond Truck Line.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Allen W. Broadstreet, Esq., stating that Vearl E. Williams, owner of PUC No. 1250 and PUC No. 1250-I, departed this life on or about September 17, 1959, and requesting permission to cease operations under said certificates until said operating rights can be sold.

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 authority is hereby granted to suspend operations under PUC No. 1250 and PUC No. 1250-I for a period of six months from November 12, 1959 or until May 12, 1960.

That unless 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 authorities,

said certificate, without further action by the Commission,  
shall stand revoked, without right to reinstate..

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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NOV 19 1959

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Joseph F. Nigro  
Raymond C. Horton  
George E. Zedeno  
Commissioners.

Dated at Denver, Colorado,  
this 19th day of November, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
UNIVERSITY VAN & STORAGE, INC., )  
2048 SOUTH COLORADO BOULEVARD, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 3952 TO FORD VAN )  
LINES, INC., 56TH AND CORNHUSKER )  
HIGHWAY, LINCOLN, NEBRASKA. )  
----- )

APPLICATION NO. 17473-Transfer

-----  
November 20, 1959  
-----

Appearances: Don G. Wiederspan, Lincoln,  
Nebraska, for Transferor  
and Transferee;  
R. B. Danks, Esq., Denver,  
Colorado, for Colorado  
Transfer & Warehousemen's  
Association and Weicker  
Transfer and Storage Co.;  
McLean & McLean, Esqs., Denver,  
Colorado, for Associated  
Rubbish Removers.

S T A T E M E N T

By the Commission:

University Van & Storage, Inc., Denver, Colorado, is  
the owner and operator of PUC No. 3952, which authorizes:

transportation of household furniture and  
appliances, and small movements of used  
office furniture, on call and demand, be-  
tween points within the City and County of  
Denver, State of Colorado, said operation  
to be limited to the use of one van-type  
truck, of two and one-half-ton rating, one  
three-fourths-ton truck, and one pick-up  
truck.

By the instant application, said certificate-holder  
seeks authority to transfer PUC No. 3952 to Ford Van Lines, Inc.,  
Lincoln, Nebraska.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Hearing  
Room of the Commission, 330 State Office Building, Denver, Colorado,



November 6, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Don G. Wiederspan testified in support of the application to the effect and as follows: that he will manage the Denver office of the transferee, and has had fifteen years experience; that all the documents attached to the application are true and accurate; that the balance sheet of Ford Van Lines, Inc., the transferee, as of August 23, 1959, is true and accurate; that said balance sheet consists of five pages and is marked Exhibit A; and that there is no outstanding indebtedness against the transferor.

Said Exhibit A was received in evidence with no objection.

No one appeared in opposition to the granting of 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 University Van & Storage, Inc., Denver, Colorado, should be, and hereby is, authorized to transfer all its right, title and interest in and to PUC No. 3952 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to Ford Van Lines, Inc., Lincoln, Nebraska, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

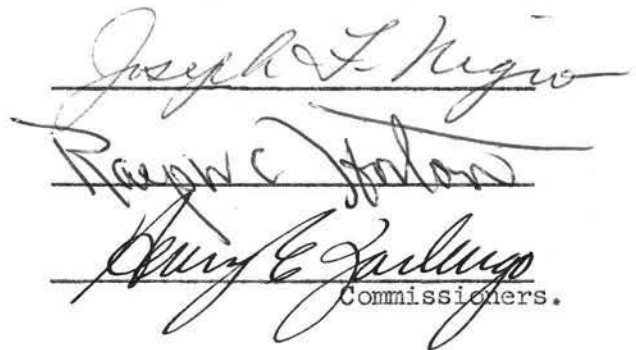
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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 November, 1959.

ea

original

(Decision No. 53400)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LESTER W. TODD, DOING BUSINESS AS )  
"AURORA TRAILER SUPPLY," 1490 IOLA )  
STREET, AURORA, COLORADO, FOR A ) APPLICATION NO. 17463-Extension  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY, AUTHORIZING EXTEN- )  
SION OF OPERATIONS UNDER PUC NC. )  
2976. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
LESTER W. TODD, DOING BUSINESS AS )  
"AURORA TRAILER SUPPLY," 1490 IOLA )  
STREET, AURORA, COLORADO, FOR AUTH- ) APPLICATION NO. 17464-Transfer  
ORITY TO TRANSFER PUC NO. 2976 AS )  
EXTENDED IN APPLICATION NO. 17463- )  
EXTENSION, TO AURORA TRAILER SUP- )  
PLY, INC., A COLORADO CORPORATION, )  
1490 IOLA STREET, AURORA, COLORADO. )  
----- )

-----  
November 20, 1959  
-----

Appearances: Harold D. Torgan, Esq.,  
Denver, Colorado, for  
Applicants;  
R. B. Danks, Esq., Denver,  
Colorado, for Colorado  
Transfer & Warehousemen's  
Association and Weicker  
Transfer and Storage Co.;  
McLean and McLean, Esqs.,  
Denver, Colorado, for  
copy of Order.

S T A T E M E N T

By the Commission:

Lester W. Todd, doing business as "Aurora Trailer Supply,"  
Aurora, Colorado, is the owner and operator of PUC No. 2976, which  
authorizes:

towing of house trailers, on call and demand  
service, for the public between all points  
within the State of Colorado, excepting, how-  
ever, that applicant shall not be permitted  
to originate any business within the County  
of El Paso, Colorado;

transportation, on call and demand, of house trailers from point to point within a radius of seventy-five miles of Aurora, Colorado, excluding service in Morgan County, Colorado;

transportation of house trailers between points in the City and County of Denver, and for the transportation of house trailers between points in the City of Pueblo, State of Colorado.

By Application No. 17463, said certificate-holder seeks authority to extend operations under PUC No. 2976, to include the right to transport, on call and demand, all types of trailers and their contents in tow-away service, from point to point throughout the State of Colorado, and in addition, from point to point within the City of Colorado Springs, Colorado, and that his present authority be amended to read as follows:

transportation of coach, house, commercial, laboratory, cabin, bungalow, and special purpose trailers and their contents in tow-away service, on call and demand, to and from all points within the State of Colorado, and from point to point in the Cities of Denver, Pueblo, and Colorado Springs, Colorado.

By Application No. 17464, said certificate-holder seeks authority to transfer PUC No. 2976, as extended, to Aurora Trailer Supply, Inc., a Colorado corporation, Aurora, Colorado.

Said applications, pursuant to prior setting, after appropriate notice to all parties in interest, were heard at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, November 6, 1959, and at the conclusion of the evidence, the matters were taken under advisement.

Lester W. Todd testified in support of the applications to the effect and as follows: that the area for which authority is sought is served by only one other carrier who is also in the trailer business, which fact renders it undesirable for some of the other trailer dealers to make use of his service; that an old customer has moved to the area sought to be served and that another trailer park has gone into the area; that he has had many inquiries and requests for service; that the present and also the future

public convenience and necessity will require his service as a carrier ready, able and willing to render the service in the area; that other carriers in the area do not protest the granting of the extension sought.

Clifford Hickman also testified as to the need in the area and in Colorado Springs.

It was stipulated into the record, without objection, that Virgil M. Lara, present at the hearing, would testify in substance to the same effect; said Lara being the owner of a trailer court.

A motion was made and not objected to, to amend the application, by counsel for the applicants, in order to clarify the wording of the authority; said amendment to be in words as follows:

"transportation of coach, house, field house, tool, laboratory, cabin, bungalow, and special purpose trailers which have been constructed and adapted for hauling by passenger automobiles, and their contents in tow-away service, on call and demand, to and from all points within the State of Colorado, and from point to point in the Cities of Denver, Pueblo, and Colorado Springs, Colorado."

Exhibits A, B, and C were received in evidence showing a map of the area of the proposed extension of operations, statement of assets and liabilities of the transferee, and the Articles of Incorporation of the transferee.

No one appeared in opposition to the granting of the extension herein sought, or to the proposed transfer, and no reason appears why the same should not be granted.

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:

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

That public convenience and necessity require the proposed

extended service of the applicant in Application No. 17463, and that certificate of public convenience and necessity should issue therefor.

That the proposed transfer in Application No. 17464 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 public convenience and necessity require the proposed extended motor vehicle common carrier call and demand service of Lester W. Todd, doing business as "Aurora Trailer Supply," Aurora, Colorado, under PUC No. 2976, as amended at the hearing, so that the authority under said PUC No. 2976 shall read as follows:

transportation of coach, house, field house, tool, laboratory, cabin, bungalow, and special purpose trailers which have been constructed and adapted for hauling by passenger automobiles, and their contents, in tow-away service, on call and demand, to and from all points within the State of Colorado, and from point to point in the Cities of Denver, Pueblo, and Colorado Springs, Colorado,

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

That applicant shall file tariffs of rates, rules and regulations 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 Lester W. Todd, doing business as "Aurora Trailer Supply," Aurora, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2976 --



with authority as set forth above -- to Aurora Trailer Supply, Inc., Aurora, 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 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  
Ralph C. Nelson  
Commissioners

Dated at Denver, Colorado,  
this 20th day of November, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HERBERT G. WELPER, HOLYOKE, COLORADO.)  
\_\_\_\_\_)  
\_\_\_\_\_)

PERMIT NO. M-1928

December 1, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Herbert G. Welper,  
Holyoke, Colorado  
requesting that Permit No. M-1928 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1928, heretofore issued to Herbert G. Welper,  
Holyoke, Colorado be,  
and the same is hereby, declared cancelled effective November 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Norton  
Henry E. Zankowsky  
Commissioners

Dated at Denver, Colorado,

this 1st day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CATHARINE E. HARRIS, 300 WEST RIDGE )  
ROAD, LITTLETON, COLORADO. )

PERMIT NO. M-213

December 1, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Catharine E. Harris,  
Littleton, Colorado  
requesting that Permit No. M-213 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-213, heretofore issued to Catharine E. Harris,  
Littleton, Colorado be,  
and the same is hereby, declared cancelled effective November 16, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Negro  
 Ralph C. Norton  
 Henry L. Zuckers  
 Commissioners

Dated at Denver, Colorado,

this 1st day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
C. C. JACKSON, 826 - 5TH STREET, )  
GREELEY, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-6564

\_\_\_\_\_  
December 1, 1959  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. C. Jackson,  
Greeley, Colorado  
requesting that Permit No. M-6564 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6564, heretofore issued to C. C. Jackson,  
Greeley, Colorado be,  
and the same is hereby, declared cancelled effective October 25, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Jackson  
Wm. E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 1st day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRANK VIGIL, P. O. BOX 158, VALDEZ, )  
COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-14865

\_\_\_\_\_  
December 1, 1959  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Frank Vigil,  
Valdez, Colorado

requesting that Permit No. M-14865 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14865, heretofore issued to Frank Vigil,  
Valdez, Colorado be,  
and the same is hereby, declared cancelled effective November 8, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Norton  
Wm. E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 1st day of December, 195 9.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

MELVIN L. AND JULIA M. WILLIS, 2 )  
SOUTH MEADE STREET, DENVER 19, COLO- )  
RADO. )  
----- )

PERMIT NO. M-10076

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December 1, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Melvin L. and Julia M. Willis, Denver 19, Colorado  
requesting that Permit No. M-10076 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10076, heretofore issued to Melvin L. and Julia M. Willis, Denver 19, Colorado be,  
and the same is hereby, declared cancelled effective November 16, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Bolton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 1st day of December, 195 9.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ALEX H. KAHRE AND SUE E. KAHRE, DOING )  
BUSINESS AS, "KAHRE INTERIORS", 2407 )  
ARAPAHOE STREET, BOULDER, COLORADO. )  
----- )

PERMIT NO. M-9795

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December 1, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Alex H. Kahre and  
Sue E. Kahre, doing business as, "Kahre Interiors", Boulder, Colorado  
requesting that Permit No. M-9795 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9795, heretofore issued to Alex H. Kahre and  
Sue E. Kahre, doing business as, "Kahre Interiors", Boulder, Colorado be,  
and the same is hereby, declared cancelled effective November 10, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph G. Johnson  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 1st day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
REX SALES, INCORPORATED, 507 WEST )  
COLORADO AVENUE. COLORADO SPRINGS, )  
COLORADO. )  
----- )

PERMIT NO. M-7188

December 1, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Rex Sales, Inc.  
Colorado Springs, Colorado  
requesting that Permit No. M-7188 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7188, heretofore issued to Rex Sales, Inc.  
Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective October 17, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Norton  
Henry E. Zaitsev  
Commissioners

Dated at Denver, Colorado,

this 1st day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
JOHN F. LESSER, BOX 5, NIWOT, )	PERMIT NO. M-15596
COLORADO. )	CASE NO. 91582-INS.
----- )	

-----  
November 20, 1959  
-----

S T A T E M E N T

By the Commission:

On November 3, 1959, in Case No. 91582-Ins., the Commission entered its Order, revoking Permit No. M-15596 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:

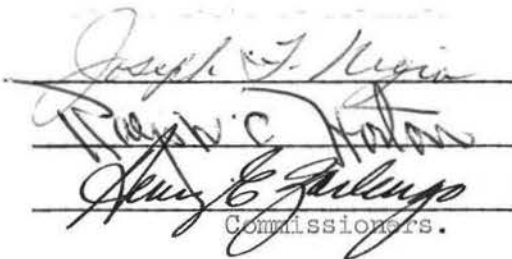
That said operating rights should be restored to active status.

O R D E R

THE COMMISSION ORDERS:

That Permit No. M-15596 be, and the same hereby is, reinstated, as of November 3, 1959, revocation order entered by the Commission on said date in Case No. 91582-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of November, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
E. G. HALL, DOING BUSINESS AS )	
"FRIGID EQUIPMENT COMPANY," 230 )	PERMIT NO. M-10504
SOUTH UNION STREET, PUEBLO, )	CASE NO. 91637-INS.
COLORADO. )	
----- )	

-----  
November 20, 1959  
-----

S T A T E M E N T

By the Commission:

On November 3, 1959, the Commission entered its Order in Case No. 91637-Ins., revoking Permit No. M-10504 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-10504 be, and the same hereby is, reinstated, as of November 3, 1959, revocation order entered by the Commission on said date in Case No. 91637-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph T. Nigro*  
*Ralph C. Norton*  
*Alvin E. Zalusky*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of November, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
ATHO DISTRIBUTORS, INC., 1590 )	PERMIT NO. M-6296
BRYANT STREET, DENVER, COLORADO. )	CASE NO. 91773-INS.
-----)	

-----  
November 20, 1959  
-----

S T A T E M E N T

By the Commission:

On November 3, 1959, in Case No. 91773-Ins., the Commission entered its Order, revoking Permit No. M-6296 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-6296 be, and the same hereby is, reinstated, as of November 3, 1959, revocation order entered by the Commission on said date in Case No. 91773-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Robert C. Horton*  
*Henry E. Gullings*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of November, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
OTIS SMART, 414 SOUTH NEVADA, )	PERMIT NO. M-6629
COLORADO SPRINGS, COLORADO. )	CASE NO. 91763-INS.
----- )	

-----  
November 20, 1959  
-----

S T A T E M E N T

By the Commission:

On November 3, 1959, in Case No. 91763-Ins., the Commission entered its Order, revoking Permit No. M-6629 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-6629 be, and the same hereby is, reinstated, as of November 3, 1959, revocation order entered by the Commission on said date in Case No. 91763-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Higgins*  
*Ralph C. Norton*  
*Henry E. Zwick*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of November, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
HOWARD L. HERBERTSON, 39 NEWTON ) PUC NO. 4017  
STREET, DENVER, COLORADO. ) CASE NO. 91603-INS.  
----- )

-----  
November 20, 1959  
-----

S T A T E M E N T

By the Commission:

On November 3, 1959, in Case No. 91603-Ins., the Commission entered its Order, revoking PUC No. 4017 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 PUC No. 4017 be, and the same hereby is, reinstated, as of November 3, 1959, revocation order entered by the Commission on said date in Case No. 91603-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph T. Nigro*  
*Raymond C. Hodson*  
*Alvin E. Zulung*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of November, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	PUC NO. 2858
HARRY RICHARD ELLIS, P. O. BOX )	PUC NO. 3697
116, WESTMINSTER, COLORADO. )	CASE NO. 91481-INS.
- - - - - )	

- - - - -  
November 20, 1959  
- - - - -

S T A T E M E N T

By the Commission:

On November 3, 1959, the Commission entered its Order in Case No. 91481-Ins., revoking PUC No. 2858 and PUC No. 3697 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 PUC No. 2858 and PUC No. 3697 be, and the same hereby are, reinstated, as of November 3, 1959, revocation order entered by the Commission on said date in Case No. 91481-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Joseph C. Hutton*  
*Henry G. Gulevsky*  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of November, 1959.

original

(Decision No. 53414)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
J. H. MARKS TRUCKING CO., INC., )	
P. O. BOX 2192, ODESSA, TEXAS, FOR )	
AUTHORITY TO TRANSFER PUC NO. 2501 )	APPLICATION NO. 17469-Transfer
TO E. L. FARMER & COMPANY, A TEXAS )	<u>SUPPLEMENTAL ORDER</u>
CORPORATION, P. O. BOX 3512, ODESSA, )	
TEXAS. )	
----- )	

-----  
November 20, 1959  
-----

Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Applicants.

S T A T E M E N T

By the Commission:

On November 13, 1959, the Commission entered its Decision No. 53364 in the above-styled application, authorizing transfer of PUC No. 2501 from J. H. Marks Trucking Co., Inc., Odessa, Texas, to E. L. Farmer & Company, Odessa, Texas.

It now appears that said transferee is presently the owner and operator of PUC No. 1887-I, and requests that operating rights under PUC No. 2501 be consolidated therewith.

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. 2501 and PUC No. 1887-I be, and they hereby are, consolidated, said consolidated operation to be known as "PUC No. 1887 and PUC No. 1887-I."

This Order shall become effective December 4, 1959, being the effective date of Decision No. 53364 heretofore entered

in the instant proceedings.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Charles C. Hottel  
Samuel E. Sullivan  
Commissioners.

Dated at Denver, Colorado,  
this 20th day of November, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ALFRED M. FREYTA AND WILLIAM B. MC  
CRUM, 904 ROSITA, TRINIDAD, COLO-  
RADO.

PERMIT NO. M-15979

December 2, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Alfred M. Freyta and  
William B. McCrum, Trinidad, Colorado  
requesting that Permit No. M-15979 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15979, heretofore issued to Alfred M. Freyta and  
William B. McCrum, Trinidad, Colorado be,  
and the same is hereby, declared cancelled effective November 18, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
James C. [unclear]  
Wm. E. [unclear]  
Commissioners

Dated at Denver, Colorado,

this 2nd day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

ALFRED M. FREYTA AND WILLIAM B. MC  
CRUM, 904 ROSITA, TRINIDAD, COLO-  
RADO.  
-----)

PERMIT NO. B-5562

-----  
December 2, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Alfred M. Freyta  
and William B. McCrum, Trinidad, Colorado  
requesting that Permit No. B-5562 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5562, heretofore issued to Alfred M. Freyta and  
William B. McCrum, Trinidad, Colorado be,  
and the same is hereby, declared cancelled effective November 18, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Hord  
Wm. E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 2nd day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WARNER BROTHERS CONSTRUCTION COMPANY, )  
INCORPORATED, 5505 VANCE STREET, )  
ARVADA, COLORADO. )  
----- )

PERMIT NO. B-5398

-----  
December 2, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Warner Brothers  
Construction Company, Incorporated, Arvada, Colorado  
requesting that Permit No. B-5398 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5398, heretofore issued to Warner Brothers  
Construction Company, Incorporated, Arvada, Colorado be,  
and the same is hereby, declared cancelled effective October 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 2nd day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
PACIFIC DIESEL RENTAL COMPANY )  
OF COLORADO (A CORPORATION), )  
3063 BRIGHTON BOULEVARD, DENVER )  
5, COLORADO. )  
-----

PUC NO. 3788-I

-----  
December 2, 1959  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a communication from Pacific Diesel  
Rental Company of Colorado (A Corporation), Denver 5, Colorado

requesting that Certificate of Public Convenience and Necessity No. 3788-I  
be cancelled.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Certificate No. 3788-I heretofore issued to Pacific Diesel  
Rental Company of Colorado (A Corporation), Denver 5, Colorado

be, and the same is hereby, declared cancelled effective November 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Nigro  
Wm. E. Zarlengo  
Commissioners

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

hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PACIFIC DIESEL RENTAL COMPANY OF )  
COLORADO (A CORPORATION), 3063 )  
BRIGHTON BOULEVARD, DENVER 5, COLO- )  
RADO. )  
-----)

PERMIT NO. M-12930

-----  
December 2, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Pacific Diesel Rental  
Company of Colorado (A Corporation), Denver 5, Colorado  
requesting that Permit No. M-12930 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12930, heretofore issued to Pacific Diesel Rental  
Company of Colorado (A Corporation), Denver 5, Colorado be,  
and the same is hereby, declared cancelled effective November 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Norton  
Wm. E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 2nd day of December, 195 9.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MARIANNE RICHARDS, DOING BUSINESS AS )  
"RICHARDS CONSTRUCTION COMPANY", )  
P. O. BOX 183, DERBY, COLORADO. )  
----- )

PERMIT NO. B-5664

-----  
December 2, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Marianne Richards,  
doing business as, "Richards Construction Company", Derby, Colorado  
requesting that Permit No. B-5664 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5664, heretofore issued to Marianne Richards,  
doing business as, "Richards Construction Company", Derby, Colorado be,  
and the same is hereby, declared cancelled effective April 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Horton  
Wm. E. Zalusky  
Commissioners

Dated at Denver, Colorado,

this 2nd day of December, 195 9.

original

(Decision No. 53421)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HENRY B. CARNES AND BESSIE M. WALTON, )  
CO-PARTNERS, DOING BUSINESS AS "B & M )  
SERVICE COMPANY," RANGELY, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
----- )

APPLICATION NO. 17171  
SUPPLEMENTAL ORDER

-----  
November 24, 1959  
-----

Appearances: E. B. Evans, Esq., Denver,  
Colorado, for Applicants;  
Marion F. Jones, Esq.,  
and  
Leslie R. Kehl, Esq., Denver,  
Colorado, for Stanton Trans-  
portation Company, Weiss  
Trucking Company, W. R. Hall  
Transportation and Storage,  
Estes Trucking Company, and  
Harp Transportation Line.

S T A T E M E N T

By the Commission:

On September 15, 1959, in Application No. 17171, the Commission entered its Decision No. 53048, granting a certificate of public convenience and necessity to applicants herein, and clarifying and amending operating rights held by said applicants under Permit No. B-3897.

It now appears that said authority under said Permit No. B-3897 was erroneously set forth.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 53048, of date September 15, 1959, should be amended to conform to the facts.

O R D E R


THE COMMISSION ORDERS:

That Decision No. 53048, of date September 15, 1959, be, and the same hereby is, amended, nunc pro tunc, as of said 15th day of September, 1959, by striking therefrom the last paragraph appearing on Page 5 thereof, and the first paragraph appearing on Page 6 thereof, and inserting in lieu the following:

"Transportation of: (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; (2) machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, from and to points within a radius of thirty miles of Rangely, Colorado, to points within the State of Colorado, except to the Counties of Moffat, Routt, Grand, Rio Blanco, Garfield, Mesa, and Gunnison."

That, except as herein amended, said Decision No. 53048 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



Joseph F. Kyrle  
Gregory C. Johnson  
Henry L. Ziehl  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of November, 1959.

ea



original

(Decision No. 53422)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ED RUTT AND EVELYN D. RUTT, AS )	
JOINT TENANTS, 1099 BUSH STREET, )	
BRIGHTON, COLORADO, FOR AUTHORITY )	APPLICATION NO. 16997-PP
TO EXTEND OPERATIONS UNDER PERMIT )	<u>SUPPLEMENTAL ORDER</u>
NO. B-539. )	
- - - - - )	

- - - - -  
November 24, 1959  
- - - - -

Appearances: E. B. Evans, Esq., Denver,  
Colorado, for Applicants;  
Paul M. Hupp, Esq., Denver,  
Colorado, for Protestant,  
Colorado Milk Transport.

S T A T E M E N T

By the Commission:

On November 4, 1959, the Commission entered its Decision No. 53312 in the above-styled application, authorizing applicants herein to extend operations under Permit No. B-539, as therein set forth.

On November 13, 1959, "Petition for Rehearing" was filed with the Commission by Paul M. Hupp, on behalf of Colorado Milk Transport, Inc., protestant herein.

Attention of the Commission was directed to a typographical error appearing in its Decision No. 53312, in that on Page 9 thereof, where authority under Permit No. B-539 is corrected and clarified, a restriction on said operating rights is omitted.

The Commission has reviewed the evidence adduced at the hearing on said application, and has carefully considered Petition for Rehearing filed herein, and each and every allegation thereof.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 53312, of date November 4, 1959, should be amended, nunc pro tunc, as of said 4th day of November, 1959, to

conform to the facts, and to properly set forth operating rights under Permit No. B-539, as set forth in the Order following.

That Petition for Rehearing, filed with the Commission on November 13, 1959, by Paul M. Hupp, Attorney for Colorado Milk Transport, Inc., should be denied.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53312, of date November 4, 1959, be, and the same hereby is amended, nunc pro tunc, as of said 4th day of November, 1959, by inserting the following paragraph, immediately following the first paragraph appearing on Page 9 thereof:

"all such service to be limited to those customers in said area whose names appear on applicant's customer list as of January 1, 1951, on file with this Commission, together with such other customers subsequently approved by this Commission, and no customers shall be added to said list without prior authorization by this Commission."

That, except as herein amended, said Decision No. 53312 shall remain in full force and effect.

That Petition for Rehearing, filed with the Commission in the above-styled matter on November 13, 1959, by Paul M. Hupp, Attorney for Colorado Milk Transport, Inc., be, and the same hereby is, denied, as of the day and date of this Order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

22  
Dated at Denver, Colorado,  
this 24th day of November, 1959.

*Joseph F. Kyrle*  
*Walter C. Hagan*  
*Henry E. Zalusky*  
Commissioners.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WALTER H. COLBURN, DOING BUSINESS AS )  
"GRANDVIEW TOURS," 1544 MESA AVENUE, )  
BROADMOOR, COLORADO SPRINGS, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER PUC )  
NO. 1642 TO W. W. BRUBAKER, DOING )  
BUSINESS AS "HIAWATHA TOURS," 106 )  
WEST PIKES PEAK, COLORADO SPRINGS, )  
COLORADO. )  
----- )

APPLICATION NO. 17447-Transfer

IN THE MATTER OF THE APPLICATION OF )  
WALTER H. COLBURN, DOING BUSINESS )  
AS "GRANDVIEW TOURS," 1544 MESA )  
AVENUE, BROADMOOR, COLORADO SPRINGS, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 213 TO W. W. BRUBAKER, DOING )  
BUSINESS AS "HIAWATHA TOURS," 106 )  
WEST PIKES PEAK, COLORADO SPRINGS, )  
COLORADO. )  
----- )

APPLICATION NO. 17448-Transfer

-----  
November 24, 1959  
-----

Appearances: Weldon M. Tarter, Esq.,  
Colorado Springs, Colo-  
rado, for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Walter H. Colburn, doing business as "Grand-  
view Tours," Colorado Springs, Colorado, was granted certificates  
of public convenience and necessity, authorizing operation as a  
common carrier by motor vehicle for hire (PUC Nos. 1642 and 213),  
as follows:

PUC No. 1642:

transportation of passengers, in sightseeing  
and auto livery service, in the Pikes Peak  
Region, limited to the use of one car; sight-  
seeing and auto livery service within the City  
of Colorado Springs, Colorado.

PUC No. 213:

transportation of passengers, from Manitou to  
the various scenic attractions in the Pikes Peak  
Region, subject to:

(a) all sightseeing and tourist operations limited to round-trip operations, originating and terminating at the point of origin;

(b) no one-way transportation of passengers to any points in the Pikes Peak Region;

(c) equipment limited to one car;

sightseeing and auto livery service within the City of Colorado Springs, Colorado.

By the above-styled applications, said certificate-holder seeks authority to transfer said PUC No. 1642 and PUC No. 213 to W. W. Brubaker, doing business as "Hiawatha Tours," Colorado Springs, Colorado.

Said applications were regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, October 30, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 28, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said applications.

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

Report of said Examiner states that at the hearing, W. W. Brubaker, transferee herein, appeared and testified transferor was ill, and unable to attend the hearing; that there are no outstanding debts against PUC Nos. 1642 and 213; that he is the owner, and has been actively operating under PUC No. 112; that he has been leasing PUC Nos. 1642 and 213 for several years; that he has had many years' experience in sightseeing business; that he has sufficient equipment to carry on operations under said certificates; that he has a net worth of approximately \$20,000; that the consideration for transfer of the two operating rights is \$2,100; that a contract of sale of said certificates is on file with the 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 said applications should 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 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 be, and the same hereby is, approved.

That Walter H. Colburn, doing business as "Grandview Tours," Colorado Springs, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1642 and PUC No. 213 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to W . W. Brubaker, doing business as "Hiawatha Tours," Colorado Springs, Colorado, subject to payment of outstanding indebtedness against said certificates, 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 certificates (PUC No. 1642 and PUC No. 213) have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the 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 certificates.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Raymond C. Horton  
Henry E. Zerkow  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of November, 1959.

ea



original

(Decision No. 53424)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. W. DILLINGHAM, INC., 512 MINING )  
EXCHANGE BUILDING, COLORADO SPRINGS, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17451-PP

-----  
November 24, 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 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, October 30, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 26, 1959, Jones and Meiklejohn, Attorneys for Denver Chicago Transport Company, Inc., filed a statement with the Commis-

sion, to the effect that if authority herein sought were limited and restricted against the use of tank vehicles in the transportation of road-surfacing materials, said company would have no protest to the issuance of said authority.

On October 28, 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.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel. Thereupon, the files were made a part of the record, and the matter was heard and taken under advisement.

The files disclose that applicant is a corporation, qualified financially and by experience, to conduct the operations herein proposed; that applicant is presently operating under Temporary Authority issued by this Commission; that there is on file with the Commission, a certificate of insurance and a copy of Certificate of Incorporation of applicant.

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, as hereinafter restricted, 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 hereinafter limited.

#### 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 be, and the same hereby is, approved.

That W. W. Dillingham, Inc., Colorado Springs, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, 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 being restricted against the use of tank vehicles.

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 its 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 its 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. Nigro*  
*Joseph C. Holman*  
*Henry E. Zalusky*  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of November, 1959.

mls

Original

(Decision No. 53425)

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 VE-  
HICLE FOR HIRE.

APPLICATION NO. 16925-PP  
SUPPLEMENTAL ORDER

November 24, 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 6, 1959, the Commission entered its Decision No. 53326, revoking operating rights granted to the above-styled applicant by Decision No. 52023, of date April 6, 1959, for failure of said applicant to comply with requirements set forth in said Decision No. 52023.

It now appears that applicant has complied with all requirements set forth in Decision No. 52023, and requests reinstatement of operating rights granted by said Decision.

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 Decision No. 53326, of date November 6, 1959, be, and the same hereby is, set aside, vacated, and held for naught, as of said November 6, 1959, and operating rights first granted to the above-styled applicant by Decision No. 52023, of date April 6, 1959, be, and

hereby are, restored to active status, as of said date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Nigro  
Joseph C. Hutton  
Henry B. Zerkow  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of November, 1959.

mls

hereby are, restored to active status, as of said date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Commissioners.

Commissioners.

Commissioners.

Dated at Denver, Colorado,  
this 24th day of November, 1959.

mls



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
WILLIAM E. JOHNSON, DOING BUSINESS )	
AS "JOHNSON SERVICE," 1811 WEST )	
BIJOU, COLORADO SPRINGS, COLORADO, )	APPLICATION NO. 17446-Transfer
FOR AUTHORITY TO TRANSFER PUC NO. )	
2182 TO JOHN M. BECKER, DOING BUSI- )	
NESS AS "BECKER'S ASH & TRASH," )	
2390 EAST BOULDER STREET, COLORADO )	
SPRINGS, COLORADO. )	
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-----  
November 24, 1959  
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Appearances: Marilyn Cimino, Esq., Colo-  
rado Springs, Colorado,  
for Applicants;  
C. Lee Goodbar, Jr., Esq.,  
Colorado Springs, Colorado,  
for copy of Order.

S T A T E M E N T

By the Commission:

Heretofore, William E. Johnson, doing business as "Johnson Service," Colorado Springs, Colorado, was granted a certificate of public convenience and necessity by this Commission (PUC No. 2182), authorizing operation as a common carrier by motor vehicle for hire, for the transportation of:

ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials, between points within a radius of ten miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and the City Dump, located approximately .8 of a mile from the City Limits of Colorado Springs, Colorado, and any dump which is now or which may hereafter be located within the area above described; ashes, trash, dirt, rock, fertilizer, rubbish, brush, and other waste materials, between points within the Corporate Limits of Colorado Springs, Colorado, and the City Dump.

By the above-styled application, said certificate-holder seeks authority to transfer said PUC No. 2182 to John M. Becker, doing

business as "Becker's Ash & Trash," Colorado Springs, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, October 30, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 28, 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, William E. Johnson, Transferor herein, appeared and testified he has entered into an agreement to sell PUC No. 2182 to John Becker, for \$3,500, payable \$100 or more monthly until paid in full; that a copy of Contract of Sale is on file with the Commission; that, on account of his expenses of operation, he is indebted to the First Industrial Bank of Colorado Springs, in the amount of \$700.00, as evidenced by a mortgage on equipment being retained by transferor, which amount is to be repaid out of the consideration for sale of said PUC No. 2182.

John Becker appeared at the hearing and testified he is transferee herein; that he has a great amount of experience in the business of collection and disposal of all types of waste materials, having been engaged in such business for the past ten years in Colorado Springs, under PUC No. 2213; that he has sufficient equipment with which to conduct operations under authority herein sought to be transferred; that the consideration for transfer of PUC No. 2182 is \$3,500; that he has a net worth of approximately \$27,000.

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 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 Findings be, and the same hereby is, approved.

That William E. Johnson, doing business as "Johnson Service," Colorado Springs, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2182 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to John M. Becker, doing business as "Becker's Ash & Trash," Colorado Springs, 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

  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of November, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HENRY LEE YATES, 635 EAST SANTA FE, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE ) APPLICATION NO. 17449  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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-----  
November 24, 1959  
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Appearances: Edwin Strand, Esq., Colorado  
Springs, Colorado, for  
Applicant;  
Karl R. Ross, Esq., Colorado  
Springs, Colorado, for  
Becker's Ash & Trash, Estes  
Service Company, Garbage  
Service Company, Inc.,  
Johnson's Service;  
C. Lee Goodbar, Esq., Colorado  
Springs, Colorado, for Dis-  
posal Service Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of ashes, trash, dirt, rock, fertilizer, rubbish, grass clippings, brush, leaves and other waste materials, between points within a radius of fifteen miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and municipal dumps, County dumps, and any and all dumps which are now, or which may hereafter be, located in the area above described.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, October 30, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 28, 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.

Report of the Examiner states that at the time and place designated for hearing, Attorney for Applicant herein moved that said matter be continued, to which protestants' attorneys did not object.

Report of the Examiner recommends that the above-styled application 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 application should be continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

### O R D E R

#### THE COMMISSION ORDERS:

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

That Application No. 17449 be, and the same 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. Nigro*  
*Robert C. Hahn*  
*Henry E. Gulley*  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of November, 1959.  
mls



original

(Decision No. 53428)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DONALD GILBERT, P. O. BOX 553, )	
WOODLAND PARK, COLORADO, FOR A )	
CLASS "B" PERMIT TO OPERATE AS A )	APPLICATION NO. 17452-PP
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
-----	

-----  
November 24, 1959  
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Appearances: Donald Gilbert, Woodland  
Park, 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 peat moss, from Gillette Flats (about five miles from Cripple Creek, Colorado), to any place in the State of Colorado, for Alpen Meadows, Inc., of Colorado Springs, Colorado, only.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, October 30, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 28, 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

appeared and testified in support of his application, stating he has sufficient equipment with which to conduct his proposed operations; that he has a net worth of \$5,000; that he is presently operating under Temporary Authority issued by this Commission; that he will transport peat moss only for Alpen Meadows, Inc., of Colorado Springs, Colorado.

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 be, and the same hereby is, approved.

That Donald Gilbert, Woodland Park, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of peat moss from Gillette Flats (approximately five miles from Cripple Creek, Colorado),

to any place in the State of Colorado, for Alpen Meadows, Inc., of Colorado Springs, Colorado, 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. Nigro  
Raymond C. Horton  
Henry E. Zerkow  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of November, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GROVER TELEPHONE EXCHANGE (MRS. )  
EDITH RICHARDS, OWNER), GROVER, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY ) APPLICATION NO. 14435  
TO OPERATE A TELEPHONE EXCHANGE )  
AND SYSTEM WITHIN THE TOWN OF )  
GROVER, COUNTY OF WELD, STATE OF )  
COLORADO. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
GROVER TELEPHONE EXCHANGE (AN IN- )  
DIVIDUALLY-OWNER COMPANY), GROVER, )  
COLORADO, FOR A CERTIFICATE OF PUB- ) APPLICATION NO. 17232  
LIC CONVENIENCE AND NECESSITY TO )  
OPERATE A TELEPHONE EXCHANGE AND )  
SYSTEM IN THE COUNTY OF WELD, )  
STATE OF COLORADO. )  
----- )

-----  
November 30, 1959  
-----

Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, and  
Marion F. Jones, Esq., Denver,  
Colorado, for Grover  
Telephone Exchange;  
Akolt, Turnquist, Shepherd &  
Dick, Esqs., Denver, Colorado,  
by  
Luis D. Rovira, Esq., Denver,  
Colorado, for The Mountain  
States Telephone and Tele-  
graph Company;  
Elmer Ehmke, Grover, Colorado,  
pro se;  
E. R. Thompson, Denver, Colorado,  
and  
Joseph M. McNulty, Denver, Colo-  
rado, for the Staff of the  
Commission.

S T A T E M E N T

By the Commission:

This is a rehearing upon an application for a certificate  
of public convenience and necessity by Grover Telephone Exchange  
(hereinafter called "Grover" or "the applicant") to operate a tele-  
phone exchange and system in the County of Weld, State of Colorado,

and to exercise franchise rights within the Town of Grover, Colorado.

The application to exercise franchise rights within the Town of Grover is No. 14435, and was filed May 22, 1956. Subsequently, the applicant filed a petition with this Commission to abandon service, which was protested by the Town of Grover.

Thereafter, on the 27th day of May, 1957, this Commission authorized the applicant to withdraw Application No. 14435, and the matter proceeded on an Investigation and Suspension Docket concerning the proposed abandonment of service by the applicant.

On the 16th day of December, 1957, the Commission permitted the applicant to withdraw its application for abandonment of service, and reinstated Application No. 14435 for authority to exercise franchise rights. This application was consolidated for hearing with the present application for certificate of public convenience and necessity in the area which the applicant purports to serve.

Hearing was held on the consolidated applications, and Order was entered by the Commission, on the 29th day of July, 1959. However, rehearing on said Order was granted on the 13th day of August, 1959, and the matter proceeded to hearing, de novo, on the 28th day of August, 1959, at two o'clock P. M., at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado.

All of the evidence adduced at the previous hearing was incorporated and made a part of the record in the new hearing. No evidence was adduced regarding authority to exercise franchise rights. The Commission is now of the opinion that those questions involved under Application No. 14435 are now moot, and are not pertinent to the issues before the Commission at this time.

The application seeks a certificate of public convenience and necessity in an area described as follows:

In the County of Weld, State of Colorado:

Beginning at a point on the SW corner of  
Section 31, Township 10-North, Range 63-West;  
thence North 9 miles to the NW corner of  
Section 19, Township 11-North, Range 63-West;

thence East 3 miles to the NE corner of Section 21, Township 11-North, Range 63-West; thence South  $2\frac{1}{2}$  miles to the center line of Section 34, Township 11-North, Range 63-West; thence East 6 miles to the West line of Section 34, Township 11-North, Range 62-West; thence North  $3\frac{1}{2}$  miles to the SW corner of Section 10, Township 11-North, Range 62-West; thence East 1 mile to the SE corner of Section 10, Township 11-North, Range 62-West; thence North 2 miles to the NW corner of Section 2, Township 11-North, Range 62-West; thence East 9 miles to the NE corner of Section 6, Township 11-North, Range 60-West; thence South 13 miles to the SE corner of Section 6, Township 9-North, Range 60-West; thence West 5 miles to the SE corner of Section 5, Township 9-North, Range 61-West; thence South 1 mile to the SE corner of Section 8, Township 9-North, Range 61-West; thence West 3 miles to the SW corner of Section 12, Township 9-North, Range 62-West; thence North 2 miles to the NW corner of Section 1, Township 9-North, Range 62-West; thence West 11 miles to the point of beginning.

Save and except for a tier of nine sections, the territory sought to be served by the applicant is territory which it claims under "Grandfather Rights," which it has been serving for many years, and for which there is on file with the Commission an Exchange Boundary Tariff.

There can be no question concerning the applicant's authority to serve this territory, exclusive of the nine sections immediately bordering the northern boundaries of the area described in their Exchange Boundary Tariff.

The principal issue involved in this hearing is the right of the applicant to seek a certificate in the said nine sections.

Evidence adduced on behalf of the applicant clearly indicated that there are additional customers who need, want, and desire the service of the applicant, and who will connect with the applicant's exchange, if authorized to render service in this area. There is existing in the area a cooperative telephone company, serving members only, which is not a public utility. This cooperative telephone exchange interconnects with The Mountain States Telephone and Telegraph Exchange in Carpenter, Wyoming, thus rendering it necessary for members



of the Hereford Cooperative Company to call long-distance, in order to speak to residents of Grover. Since the several prospective customers of Grover have ranches or ranch headquarters within the nine sections at issue but have homes in Grover, Colorado, it is more convenient for them to receive service from the Grover Telephone Exchange.

The other principal factor at issue is the general knowledge that a missile-launching site will be established in one of the nine sections in dispute. It is contemplated by Grover, who has received requests from the United States Government concerning this service, that an independent leased line for internal communication within the missile-launching site installation could be installed, independent of the main Grover system serving the citizens of the territory served by Grover, but nevertheless connected to the Grover Exchange switchboards in the Town of Grover.

The matter was contested by The Mountain States Telephone and Telegraph Company, upon the grounds that they had filed an Exchange Boundary Tariff that provided a tariff for the nine sections in question. Evidence was clear, however, that The Mountain States Telephone and Telegraph Company did not render any service in this area, or, in fact, anywhere in the area north of Grover, except through interconnection with the Hereford Cooperative Exchange.

With regard to financial responsibility of the applicants, the evidence discloses that the applicant is in the nature of a husband and wife partnership, and that the telephone exchange system is individually-owned. The applicants propose to convert the system to dial, if granted the certificate for the area, independent and exclusive of any interconnection with service to the missile-launching site. Exact cost of the conversion to dial was not presented to the Commission, but reasonable estimates of such a cost and evidence on the financial ability of the applicants discloses that such a conversion would be well within the financial powers of the applicants.

Testimony regarding service to the missile-launching site, however, was so completely vague and lacking in detail that it cannot be accorded the dignity of evidence. We do not know the cost of installation of facilities to the missile-launching site, the cost of rendering the service, and the revenue to be derived therefrom. The Commission has been provided solely with the form of a contract with Kellogg Switchboard and Supply Company, a division of International Telephone and Telegraph Corporation, to sell the equipment which would provide "communication service with the ICBM Project." The contract further provides that the applicant may:

"submit a complete application for and obtain  
a loan from Kellogg Credit Corporation,"

to finance the installation of these facilities. Nowhere therein is the total price stated.

This is the extent of the so-called evidence before this Commission on financial responsibility for proposed operation.

It is the opinion of the Commission that the many possible issues that may be raised concerning Exchange Boundary Taiffs, division of territories, and other questions, are not pertinent to this case. It is clear that the applicant is ready, willing and able to serve as a public utility. It has submitted itself to the jurisdiction of the Commission, and in fact, it has been a utility for many years past, in the non-contested territory, exclusive of the nine sections. With regard to service within the nine sections, the applicant has clearly established public convenience and necessity, by showing a need and a demand for service, and it has further established that no other utility is serving in the area. This evidence meets the requirement of the statute for granting certificates of public convenience and necessity, and none of the other questions need be decided. It is our opinion, therefore, that the application of Grover Telephone Exchange for certificate of public convenience and necessity to serve in the entire area, including the nine sections in dispute, should be granted, with the restrictions that we will enumerate hereinafter.

The financial responsibility of the applicant to render service in this area and to convert to dial has been established to the satisfaction of the Commission, with the exception of possible service to the missile-launching site. Service to this site could involve the expenditure of considerable amounts of money that could very well jeopardize the financial integrity of Grover, and jeopardize service to the isolated regular customers of the company who urgently require telephone service. It is the opinion of the Commission that the Public Utilities Law authorizes the Commission to control such expansions where public convenience and necessity may be endangered. In the absence of any proof having the dignity of evidence, we must place a restriction upon extension of service to the missile-launching site, save and until the applicant presents full and complete evidence to this Commission as to the cost of facilities required to serve said site, cost of service thereto, revenues to be derived therefrom, how said expansion will be financed, and whether or not said expansion is feasible, without jeopardizing the financial integrity of the applicant, and service to other customers.

Further, we will restrict the applicant from entering into any contract for service to said site pledging the general credit of the company that would constitute incurring indebtedness, and in fact, be tantamount to the issuance of a security, without prior approval of the Commission.

In effect, by virtue of this Order, the Commission will grant authority to the applicant to serve the entire territory including the missile-launching site, but it must prove that service to the missile-launching site is economically feasible, so as not to jeopardize service to members of the public who have been served by this applicant for many years.

#### F I N D I N G S

##### THE COMMISSION FINDS:

The above and foregoing Statement is made a part hereof, by reference.

That Grover Telephone Exchange, Grover, Colorado, has been serving the territory described in its Exchange Boundary Tariff filed with the Commission for a number of years, rendering service to the general public in said area.

That there are no other utilities serving said area.

That Grover Telephone Exchange is ready, willing, and able to render service in the nine sections described in its application, immediately contiguous on the north to the original territory served by said Grover Telephone Exchange, and that there are customers not otherwise served by public utilities who require the services of Grover.

That financial responsibility of applicant has been proven to the satisfaction of the Commission, save and except that the economic feasibility and financial responsibility of Grover Telephone Exchange to render service to the missile-launching site has not been established.

That public convenience and necessity require the granting of the certificate as prayed for in Application No. 17232, subject, however, to the restriction that the applicant shall not expand service to the missile-launching site without a further order of the Commission and until economic feasibility and financial responsibility to render such service have been established to the satisfaction of the Commission.

That the granting of the said certificate will not impair the efficiency or ability of any other public utility in the area to render service.

That Application No. 14435 should be dismissed.

#### O R D E R

##### THE COMMISSION ORDERS:

That Grover Telephone Exchange, Grover, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity to operate a telephone exchange system in the County of Weld, State of Colorado, in the following-described territory.

Beginning at a point on the SW corner of Section 31, Township 10-North, Range 63-West; thence North 9 miles to the NW corner of Section 19, Township 11-North, Range 63-West; thence East 3 miles to the NE corner of Section 21, Township 11-North, Range 63-West; thence South  $2\frac{1}{2}$  miles to the center line of Section 34, Township 11-North, Range 63-West; thence East 6 miles to the West line of Section 34, Township 11-North, Range 62-West; thence north  $3\frac{1}{2}$  miles to the SW corner of Section 10, Township 11-North, Range 62-West; thence East 1 mile to the SE corner of Section 10, Township 11-North, Range 62-West; thence north 2 miles to the NW corner of Section 2, Township 11-North, Range 62-West; thence East 9 miles to the NE corner of Section 6, Township 11-North, Range 60-West; thence South 13 miles to the SE corner of Section 6, Township 9-North, Range 60-West; thence West 5 miles to the SE corner of Section 5, Township 9-North, Range 61-West; thence South 1 mile to the SE corner of Section 8, Township 9-North, Range 61-West; thence West 3 miles to the SW corner of Section 12, Township 9-North, Range 62-West; thence North 2 miles to the NW corner of Section 1, Township 9-North, Range 62-West; thence West 11 miles to the point of beginning,

provided, however, that applicant shall not expand and render service to the proposed missile-launching site to be established in said area, without a further order of the Commission and without first establishing economic feasibility and financial responsibility to the satisfaction of the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph T. Nizio*  
*Henry E. Zerkow*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of November, 1959.

ea

original

(Decision No. 53430)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

DALBY TRANSFER & STORAGE, INC.,  
BOX 1668, COLORADO SPRINGS,  
COLORADO,

Complainant,

vs.

MOORE & MOORE MOVING & PACKING  
SERVICE, 2519 WEST COLORADO  
AVENUE, COLORADO SPRINGS, COLO-  
RADO,

Defendant.

CASE NO. 5168

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November 30, 1959  
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S T A T E M E N T

By the Commission:

The above-styled matter was regularly set for hearing before the Commission on December 1, 1959, at ten o'clock A. M., at Colorado Springs, Colorado, due notice thereof being forwarded to all parties in interest.

The Commission is now in receipt of a communication from Dalby Transfer & Storage, Inc., Complainant herein, stating that the matters complained of in the instant proceedings have been corrected by Defendant and requesting dismissal of said case.

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 Case No. 5168, presently set for December 1,



1959, at Colorado Springs, Colorado, be, and the same hereby is vacated.

That Case No. 5168 be, and the same hereby is, dismissed, upon request of Complainant herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nizio*  
*Henry E. Zarlengo*  
Commissioners.

COMMISSIONER HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of November, 1959.

mls

original

(Decision No. 53431)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
PUBLIC SERVICE COMPANY OF COLORADO, )	
900 - 15TH STREET, DENVER, COLORADO, )	
FOR AUTHORITY TO EXTEND FACILITIES )	<u>APPLICATION NO. 17493-Extension</u>
IN SECTION 9, TOWNSHIP 2 SOUTH, )	
RANGE 67 WEST, ADAMS COUNTY, COLO- )	
RADO. )	
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-----  
November 30, 1959  
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S T A T E M E N T

By the Commission:

On November 4, 1959, Public Service Company of Colorado, filed an application with this Commission for authority to extend its facilities to the Fargo Oil Company and Steven D. Bishop, to serve 18 residences in the Hazeltine Heights Subdivision, located in Section 9, Township 2-South, Range 67-West, Adams County, Colorado. The construction will involve 2050 feet of primary and secondary line.

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 informed in the matter, will issue its Order granting the construction as requested. The Commission has received a letter from Union Rural Electric Association, Inc., dated November 23, 1959, and a

letter from Colorado Central Power Company, dated November 10, 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 the 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 the Fargo Oil Company and Steven D. Bishop to serve 18 residences in the Hazeltine Heights Subdivision, located in Section 9, Township 2-South, Range 67-West, Adams County; and that Public Service Company of Colorado should be authorized to render said service.

### O R D E R

#### THE COMMISSION ORDERS:

That Public Service Company of Colorado, Denver, Colorado, be, and it hereby is, granted a certificate of public convenience and necessity, to extend its facilities to the Fargo Oil Company and Steven D. Bishop to serve 18 residences in the Hazeltine Heights Subdivision, located in Section 9, Township 2-South, Range 67-West, all in accordance with the rates, rules and regulations of Public Service Company now on file with this Commission or as the same may be changed according to law and the rules and regulations of this Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Meyer*  
*George E. Farling*  
Commissioners.

COMMISSIONER HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of November, 1959.

mls

original

(Decision No. 53432)

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 IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 1-NORTH, RANGE 66-WEST.	} } } } }	APPLICATION NO. <u>17495-Extension</u>
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-----  
November 30, 1959  
-----

S T A T E M E N T

By the Commission:

On November 5, 1959, Union Rural Electric Association, Inc., Brighton, Colorado, filed an application with this Commission for authority to extend its facilities to render electric service to a residence of Tom Luttrell, located in the Southwest Quarter of Section 19, Township 1-North, Range 66-West. The extension will involve the construction of about 484 feet of single-phase primary line. The estimated cost of the construction is \$387.00.

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 Public Service Company of Colorado, dated November 19,

1959, and a letter from Colorado Central Power Company, dated November 5, 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 the Applicant has complied with the Commission's Order in Decision No. 4707<sup>4</sup> 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 residence of Tom Luttrell, located in the Southwest Quarter of Section 19, 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 residence of Tom Luttrell, located in the Southwest Quarter of Section 19, 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Higgins*  
*Henry B. Zarlungo*  
Commissioners.

COMMISSIONER HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of November, 1959.  
mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
C. D. EVANS, P. O. BOX 469, SALIDA, )  
COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-4111

\_\_\_\_\_  
December 2, 1959  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. D. Evans,  
Salida, Colorado  
requesting that Permit No. M-4111 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4111, heretofore issued to C. D. Evans,  
Salida, Colorado be,  
and the same is hereby, declared cancelled effective October 29, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Horton  
Henry E. Zurlings  
Commissioners

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



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ELMO FENTIMAN, DOING BUSINESS AS, )  
"EFCO PRODUCTS", 1059 COLORADO )  
AVENUE, LOVELAND, COLORADO. )  
----- )

PERMIT NO. M-583

-----  
December 2, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Elmo Fentiman,  
doing business as, "EFCO Products", Loveland, Colorado  
requesting that Permit No. M-583 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-583, heretofore issued to Elmo Fentiman, doing  
business as, "EFCO Products", Loveland, Colorado be,  
and the same is hereby, declared cancelled effective November 24, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Garth C. Johnson  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 2nd day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JACK A. HEDKE, P. O. BOX 462, IDAHO )  
SPRINGS, COLORADO. )

PERMIT NO. M-6260

December 2, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Jack A. Hedke,  
Idaho Springs, Colorado  
requesting that Permit No. M-6260 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-6260, heretofore issued to Jack A. Hedke,  
Idaho Springs, Colorado be,  
and the same is hereby, declared cancelled effective November 20, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 2nd day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )

D. L. ADAMSON, EXETER,  
NEBRASKA. )

PUC NO. 2634-I

December 2, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from D. L. Adamson,

Exeter, Nebraska

requesting that Certificate of Public Convenience and Necessity No. 2634-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. 2634-I heretofore issued to D. L. Adamson,

Exeter, Nebraska

be, and the same is hereby, declared cancelled effective November 19, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Frank C. Hobart*  
*Wm. E. Zurling*  
Commissioners

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

hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CLARK'S MATERIAL SUPPLY COMPANY, )  
INCORPORATED, P. O. BOX 328, NAMPA, )  
IDAHO. )  
----- )

PERMIT NO. M-931

-----  
December 3, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clark's Material Supply  
Company, Inc., Nampa, Idaho  
requesting that Permit No. M-931 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-931, heretofore issued to Clark's Material Supply  
Company, Inc., Nampa, Idaho be,  
and the same is hereby, declared cancelled effective October 24, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Norton  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 195 9.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CLARK'S MATERIAL SUPPLY COMPANY )  
INCORPORATED, P. O. BOX 328, )  
NAMPA, IDAHO. )

PUC NO. 4382-I

December 3, 1959

S T A T E M E N TBy the Commission:

The Commission is in receipt of a communication from Clark's Material Supply Company, Inc., Nampa, Idaho

requesting that Certificate of Public Convenience and Necessity No. 4382-I be cancelled.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Certificate No. 4382-I heretofore issued to Clark's Material Supply Company, Inc., Nampa, Idaho

be, and the same is hereby declared cancelled effective October 24, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Boston  
Wm. E. Zurling  
Commissioners

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

hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
E. O. SMITH, 632 PIKE, CANON CITY, )  
COLORADO. )

PERMIT NO. M-2747

December 3, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from E. O. Smith,  
Canon City, Colorado  
requesting that Permit No. M-2747 be cancelled.

## FINDINGS

## THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-2747, heretofore issued to E. O. Smith,  
Canon City, Colorado be,  
and the same is hereby, declared cancelled effective November 6, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Francis C. Rodent  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LE ROY EDWARD PLANE, JUNIOR, P. O. )  
BOX 882, CRAIG, COLORADO. )

PERMIT NO. M-7206

December 3, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from LeRoy Edward Plane,  
Junier, Craig, Colorado  
requesting that Permit No. M-7206 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-7206, heretofore issued to LeRoy Edward Plane, Junior,  
Craig, Colorado be,  
and the same is hereby, declared cancelled effective November 7, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zankows  
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
CAL-COMPACT FOODS, INCORPORATED, P. O.)  
BOX 265, SANTA ANA, CALIFORNIA. )  
\_\_\_\_\_)

PERMIT NO. M-11978

\_\_\_\_\_  
December 3, 1959  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Cal-Compact Foods,  
Inc., Santa Ana, California  
requesting that Permit No. M-11978 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11978, heretofore issued to Cal-Compact Foods,  
Inc., Santa Ana, California be,  
and the same is hereby, declared cancelled effective November 26, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Samuel C. Norton  
Henry E. Zalusky  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HOWARD M. TAYLOR, DOING BUSINESS AS, )  
"HOWARD M. TAYLOR AND SONS", 7730 )  
PERRY PLACE, WESTMINSTER, COLORADO. )  
----- )

PERMIT NO. M-15328

-----  
December 3, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Howard M. Tayler,  
doing business as, "Howard M. Tayler and Sons", Westminster, Colorado  
requesting that Permit No. M-15328 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15328, heretofore issued to Howard M. Tayler, doing  
business as, "Howard M. Tayler and Sons", Westminster, Colorado be,  
and the same is hereby, declared cancelled effective September 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Norton  
Henry E. Zurlungo  
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

HOWARD M. TAYLOR, DOING BUSINESS AS, )  
"HOWARD M. TAYLOR AND SONS", 7730 )  
PERRY PLACE, WESTMINSTER, COLORADO. )  
-----)

PERMIT NO. B-5801

-----  
December 3, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Howard M. Taylor,  
doing business as, "Howard M. Taylor and Sons", Westminster, Colorado  
requesting that Permit No. B-5801 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5801, heretofore issued to Howard M. Taylor, doing  
business as, "Howard M. Taylor and Sons", Westminster, Colorado be,  
and the same is hereby, declared cancelled effective September 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Wm. E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILLIAM H. LARSON, DOING BUSINESS AS, )  
"LARSON EXPLORATION COMPANY", 546 )  
EAST 3RD STREET, SALIDA, COLORADO. )  
----- )

PERMIT NO. M-12754

-----  
December 3, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William H. Larson,  
doing business as, "Larson Exploration Company", Salida, Colorado  
requesting that Permit No. M-12754 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12754, heretofore issued to William H. Larson, doing  
business as, "Larson Exploration Company", Salida, Colorado be,  
and the same is hereby, declared cancelled effective November 19, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Negro  
Ralph C. Horton  
Henry E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DONALD AND TOM HUFFMAN, FOOTE BUILD- )  
ING, STERLING, COLORADO. )

PERMIT NO. M-5399

December 3, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Donald and Tom  
Huffman, Sterling, Colorado  
requesting that Permit No. M-5399 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-5399, heretofore issued to Donald and Tom  
Huffman, Sterling, Colorado be,  
and the same is hereby, declared cancelled effective October 20, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 3rd day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LOCKWOOD ENTERPRISES, P. O. BOX 224, )  
BROOMFIELD, COLORADO. )  
 )  
 )  
----- )

PERMIT NO. B-5489

-----  
December 3, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lockwood Enterprises,  
Broomfield, Colorado  
requesting that Permit No. B-5489 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5489, heretofore issued to Lockwood Enterprises,  
Broomfield, Colorado be,  
and the same is hereby, declared cancelled effective November 18, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Gordon  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

CLYDE A. BRONCUCIA, 4910 GRAY,  
DENVER 12, COLORADO.

PERMIT NO. M-8271

December 3, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Clyde A. Broncucia,  
Denver 12, Colorado  
requesting that Permit No. M-8271 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8271, heretofore issued to Clyde A. Broncucia,  
Denver 12, Colorado be,  
and the same is hereby, declared cancelled effective November 3, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
George C. [illegible]  
Wm. E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 3rd day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RICHARD R. WIEMAN, 1818 )  
HOLLYWOOD DRIVE, PUEBLO, COLO- )  
RADO. )

PERMIT NO. B-5391

-----  
December 3, 1959  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5391 be suspended for six months from November 29, 1959.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:That Richard R. Wieman, Pueblo, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5391 until May 29, 1960.

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. Niara  
Commissioner  
Henry E. Zaulings  
Commissioners

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

original

(Decision No. 53450)

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. )	APPLICATION NO. 16893-Transfer
BIGBEE AND JERRY BIGBEE, CO-PART- )	<u>SUPPLEMENTAL ORDER</u>
NERS, DOING BUSINESS AS "T. J. )	
BIGBEE AND SON," 406 18TH, GREELEY, )	
COLORADO. )	
----- )	

-----  
December 1, 1959  
-----

Appearances: T. J. Bigbee, Boulder,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

On November 4, 1959, the Commission entered its Decision No. 53308, setting aside its Decision No. 51923, of date March 20, 1959, wherein T. J. Bigbee, Boulder, Colorado, was authorized to transfer PUC No. 3327 to T. J. Bigbee and Jerry Bigbee, co-partners, doing business as "T. J. Bigbee and Son," Greeley, Colorado, inasmuch as requirements which are a condition precedent to transfer of operating rights upon the records of the Commission were never complied with.

It now appears that applicants have complied with all requirements set forth in said Decision No. 51923, and request that transfer of PUC No. 3327, as authorized by Decision No. 51923, be consummated.

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 Decision No. 53308, of date November 4, 1959, be, and the same hereby is, set aside, vacated, and held for naught.

That transfer of PUC No. 3327, from T. J. Bigbee, Boulder, Colorado, to T. J. Bigbee and Jerry Bigbee, co-partners, doing business as "T. J. Bigbee and Son," Greeley, Colorado, as authorized by Decision No. 51923, of date March 20, 1959, be, and hereby is, declared to be fully effective.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Henry E. Zarlingo*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of December, 1959.

ea



original

(Decision No. 53451)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
OLEY W. DRAVES AND RUBY DRAVES, CO- )	
PARTNERS, DOING BUSINESS AS "MOFFAT )	
TELEPHONE COMPANY," DEERFIELD, KAN- )	
SAS, FOR AUTHORITY TO TRANSFER CER- )	
TIFICATE OF PUBLIC CONVENIENCE AND )	APPLICATION NO. 17194-Transfer
NECESSITY AUTHORIZING OPERATION OF )	
SAID MOFFAT TELEPHONE COMPANY, TO )	
EDWARD F. DRAVES AND ADDIE C. DRAVES, )	
CO-PARTNERS, DOING BUSINESS AS )	
"MOFFAT TELEPHONE COMPANY," P. O. )	
BOX 1, MOFFAT, COLORADO. )	
- - - - - )	

- - - - -  
December 1, 1959  
- - - - -

Appearances: Edward F. Draves, Moffat,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

On June 22, 1959, the above-styled application was filed with the Commission, seeking authority to transfer all physical assets and certificate of public convenience and necessity of the Moffat Telephone Company, heretofore owned and operated by Oley W. Draves and Ruby Draves, to Edward F. Draves and Addie C. Draves, co-partners, doing business as "Moffat Telephone Company."

Said application was regularly set for hearing before the Commission, at the Court House, Del Norte, Colorado, November 4, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 26, 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, Edward F. Draves, one of transferees herein, testified that he and his wife, Addie C. Draves, propose to operate the Moffat Telephone Company as a co-partnership, if authority herein sought is granted; that by Agreement (Assignment of Contract) with Oley W. Draves and Ruby Draves, they have acquired all right, title, and interest in and to said Moffat Telephone Company; that they have assumed and agreed to pay, with the knowledge and consent of the mortgage-holder, present existing balance due and owing on the original mortgage held by the prior owners, Russell Biggs and Lois M. Biggs, which is the total consideration for transfer herein; that the Moffat Telephone Company is a public utility, subject to the jurisdiction of this Commission, and has been, and now is, rendering public utility telephone service in and around the community of Moffat, Saguache County, Colorado, for several years; that by Decision No. 35411, of date October 2, 1950, in Application No. 10657, a certificate of public convenience and necessity to exercise franchise rights in the Town of Moffat was granted to Russell Biggs and Lois M. Biggs, which also authorizes telephone service in a certain-defined territory contiguous to the Town of Moffat, all in Saguache County, Colorado; that he and his wife, as a co-partnership, have a net worth of approximately \$10,000; that they are capable of running said telephone system; that at the present time, there are approximately 91 stations, three of which are pay stations.

Copy of "Assignment of Contract and Consent to Assignment" have been filed with the Commission in said matter, and no one appeared in opposition to the granting of authority herein sought.

The operating experience and financial responsibility of transferees 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 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 Findings be, and the same hereby is, approved.

That Oley W. Draves and Ruby Draves, co-partners, doing business as "Moffat Telephone Company," Deerfield, Kansas, be, and they hereby are, authorized to transfer to Edward F. Draves and Addie C. Draves, co-partners, doing business as "Moffat Telephone Company," Moffat, Colorado, all right, title, and interest in and to certificate of public convenience and necessity granted by Decision No. 35411, of date October 2, 1950, in Application No. 10657, and acquired by transferors herein pursuant to authority contained in Decision No. 46638, of date October 9, 1956, in Application No. 14700, in accordance with the terms and conditions set forth in "Assignment of Contract and Consent to Assignment," on file with the Commission in the above-styled application.

Transferees shall set up their books and accounts in agreement with the Uniform Classification of Accounts, as prescribed by this Commission.

That transferees, Edward F. Draves and Addie C. Draves, in accordance with Rule No. 21 of the Commission's Rules of Practice and Procedure, shall adopt the present rates, rules and regulations of the Moffat Telephone Company which are presently effective and on file with this Commission, until changed according to law and the 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. Nigro  
Henry E. Farleygo  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of December, 1959.

ea

original

(Decision No. 53452)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CLIFFORD O. CAMPBELL, DOING BUSI- )	
NESS AS "CLIFF CAMPBELL," P. O. BOX )	
142, WOODLAND PARK, COLORADO, FOR A )	APPLICATION NO. 17450-PP
CLASS "B" PERMIT TO OPERATE AS A )	
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
-----	

-----  
December 1, 1959  
-----

Appearances: Clifford O. Campbell, Wood-  
land Park, 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 lumber, railroad ties, and logs, from points within a radius of twenty-five miles of Woodland Park, Colorado, to Denver, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Colorado Springs, Colorado, October 30, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 28, 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 in support of his application, stating he has suffi-

cient equipment with which to conduct his proposed operations; that he has a net worth of \$20,000; that he is presently operating 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 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 be, and the same hereby is, approved.

That Clifford O. Campbell, doing business as "Cliff Campbell," Woodland Park, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of lumber, railroad ties, and logs, to and from points within a radius of twenty-five miles of Woodland Park, Colorado, from and to Denver, Colorado.

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

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

(5 B 4 12)  
RECEIVED A TRUST  
X

*Joseph T. Nigro*  
*Henry C. Zarling*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of December, 1959.



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE PAGOSA SPRINGS TELEPHONE COM- )  
PANY, INC., PAGOSA SPRINGS, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY, AUTHORIZ- )  
ING IT TO EXERCISE FRANCHISE RIGHTS )  
TO OPERATE AND MAINTAIN A TELEPHONE )  
UTILITY WITHIN THE CORPORATE LIMITS )  
OF THE TOWN OF PAGOSA SPRINGS, )  
ARCHULETA COUNTY, COLORADO. )

APPLICATION NO. 17371-Amended

-----  
December 1, 1959  
-----

Appearances: Richard E. Conour, Esq., Del  
Norte, Colorado, for Appli-  
cant.

S T A T E M E N T

By the Commission:

On September 10, 1959, the above-styled application was filed with the Commission, requesting a certificate of public convenience and necessity, authorizing it to exercise franchise rights to operate and maintain a telephone utility within the Corporate Limits of the Town of Pagosa Springs, Archuleta County, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Del Norte, Colorado, November 4, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 26, 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 proceedings to the Commission.

Report of said Examiner states that at the hearing, Attorney for Applicant moved to amend the instant application, by deleting from Page 2 thereof, reference to service:

"in a radius of 35 miles from Pagosa Springs,  
Archuleta County, Colorado,"

and substituting in lieu thereof:

"the area in and surrounding Pagosa Springs,  
Archuleta County, Colorado, described and  
defined in Decision No. 52530, of June 19,  
1959."

In view of the fact that there was no protest to said amendment, the application was amended, as requested.

Victor Redman, President of Pagosa Telephone Company, appeared at the hearing and testified in support of the application, stating applicant is an Idaho Corporation, authorized to do business in the State of Colorado; that his company's Articles of Incorporation, together with its certificate of authorization to do business within the State of Colorado, are on file with the Commission; that the office and principal place of business of applicant in Colorado is located at Pagosa Springs; that applicant, or its predecessor companies, have been, and presently are, engaged in the business of furnishing telephone service as a public utility to the general public residing within the Town of Pagosa Springs, and to an area defined by this Commission in its Decision No. 52530, of date June 19, 1959; that on May 4, 1959, the Board of Trustees of the Town of Pagosa Springs passed, adopted, and approved Ordinance No. 220, granting to Pagosa Springs Telephone Company, its successors and assigns, a franchise for the furnishing of telephone service within the Corporate Limits of said Town; that the term of the franchise is for a period of fifteen years from and after its passage, and that applicant has accepted said Ordinance, in writing. Copy of said Ordinance No. 220, together with Proof of Publication of said

Ordinance, were identified and introduced into evidence as Exhibits Nos. 1 and 2, respectively, and copy of said Acceptance was identified and introduced into evidence as Exhibit No. 3.

Also identified and introduced into evidence by Mr. Redman were Exhibits Nos. 4 and 5, viz., Financial Statement of Applicant for the Year ending September 30, and Balance Sheet of Applicant for the period ending September 30, 1959.

Testimony was further adduced by Mr. Redman to the effect that the applicant is presently serving approximately 350 telephone customers in its service area, and that the estimated population of Pagosa Springs is 1,200; that said company is financially able to render this service; that there is no other telephone company operating, or authorized to operate, within the territory of Applicant; that said company expected to spend during the life of said franchise \$145,000 in capital improvements on said telephone system.

Report of the Examiner recommends that authority herein sought be granted; that the figure of \$145,000 should be used for setting of fee for certificate herein sought, with the understanding that it shall not be binding upon the Commission in any future proceedings where rates or valuation may be an issue.

#### 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 issuance of certificate of public convenience and necessity 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 Find-

ings be, and the same hereby is, approved.

That public convenience and necessity require the exercise by Pagosa Springs Telephone Company, Inc., Pagosa Springs, Colorado, of franchise rights granted it under Ordinance No. 220, of date May 4, 1959, by the Board of Trustees of the Town of Pagosa Springs, Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That the adoption of the figure "\$145,000" for capital improvements herein shall not preclude the Commission from adopting other and different valuation, should the question of valuation arise in a rate hearing or any subsequent hearing, where the question of valuation may be an issue.

That Applicant shall continue to operate and maintain its telephone system and to render telephone service in the above-named town in accordance with the rate schedules, rules and regulations now on file with the Commission until changed according to law and the rules and regulations of the Commission.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 1st day of December, 1959.

mls

*Joseph F. Regier*  
*Henry B. Zarlingo*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GRADIE G. MC PHERSON, P. O. BOX 237, )  
KREMMLING, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-8387

\_\_\_\_\_  
December 8, 1959  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Gradie G. McPherson,  
Kremmling, Colorado  
requesting that Permit No. M-8387 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8387, heretofore issued to Gradie G. McPherson,  
Kremmling, Colorado be,  
and the same is hereby, declared cancelled effective November 25, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph G. Horton  
Wm E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RUSSELL F. DYMOND, 4350 XEMON )  
STREET, WHEATRIDGE, COLORADO. )  
----- )

PERMIT NO. B-5799

-----  
December 8, 1959  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5799 be suspended for six months from November 30, 1959.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Russell F. Dymond, Wheatridge, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5799 until May 30, 1960.

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. Zankowsky*  
Commissioners

Dated at Denver, Colorado,  
this 8th day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LESTER SHAW, WRAY, COLORADO. )

PERMIT NO. M-7538

December 8, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lester Shaw,  
Wray, Colorado  
requesting that Permit No. M-7538 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7538, heretofore issued to Lester Shaw,  
Wray, Colorado be,  
and the same is hereby, declared cancelled effective November 22, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Norton  
Wm. E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
STERLING ICE AND COLD STORAGE COMPANY)  
(A CORPORATION), 212 HAMILTON STREET, )  
STERLING, COLORADO. )  
----- )

PERMIT NO. M-7574

-----  
December 8, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Sterling Ice and Cold  
Storage Company (A Corporation), Sterling, Colorado  
requesting that Permit No. M-7574 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7574, heretofore issued to Sterling Ice and Cold  
Storage Company (A Corporation), Sterling, Colorado be,  
and the same is hereby, declared cancelled effective November 29, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Norton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
HENRY FOSTER, 17612 SOUTH COKE,  
BELLFLOWER, CALIFORNIA.

PERMIT NO. M-11325

December 8, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Henry Foster,  
Bellflower, California  
requesting that Permit No. M-11325 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-11325, heretofore issued to Henry Foster,  
Bellflower, California be,  
and the same is hereby, declared cancelled effective September 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 8th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DONALD CARLISLE, DOING BUSINESS AS, )  
"GREELEY AERIAL CROP DUSTERS", 2104 )  
GLEN FAIR DRIVE, GREELEY, COLORADO. )  
----- )

PERMIT NO. M-13357

-----  
December 8, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Donald Carlisle,  
doing business as, "Greeley Aerial Crop Dusters", Greeley, Colorado  
requesting that Permit No. M-13357 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13357, heretofore issued to Donald Carlisle, doing  
business as, "Greeley Aerial Crop Dusters", Greeley, Colorado be,  
and the same is hereby, declared cancelled effective November 30, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
GENE DAVIS, ROUTE 4 BOX 61, )  
HOT SPRINGS, ARKANSAS. )  
----- )

PERMIT NO. B-5605

-----  
December 8, 1959  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5605 be suspended for six months from December 1, 1959.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Gene Davis, Hot Springs, Arkansas

be, and is hereby, authorized to suspend his operations under Permit No. B-5605 until June 1, 1960.

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. Tolson  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,  
this 8th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROBERT L. YERGERT, 1310 EDISON AVENUE )  
LA JUNTA, COLORADO. )  
----- )

PERMIT NO. M-7532

-----  
December 8, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert L. Yergert,  
La Junta, Colorado  
requesting that Permit No. M-7532 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7532, heretofore issued to Robert L. Yergert,  
La Junta, Colorado be,  
and the same is hereby, declared cancelled effective November 30, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Norton  
Henry E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 195 9.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FREDDIE "L" DUNSWORTH, ROUTE 3, LA )  
JUNTA, COLORADO. )  
 )  
 )  
 )  
----- )

PERMIT NO. M-9206

-----  
December 8, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Freddie "L" Dunsworth,  
La Junta, Colorado

requesting that Permit No. M-9206 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9206, heretofore issued to Freddie "L" Dunsworth,  
La Junta, Colorado be,

and the same is hereby, declared cancelled effective August 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
REGINO DIAZ, P. O. BOX 297, WINDSOR, )  
COLORADO. )

PERMIT NO. M-9194

December 8, 1959

## STATEMENT

By the Commission:

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

Windsor, Colorado

requesting that Permit No. M-9194 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-9194, heretofore issued to Regino Diaz,

Windsor, Colorado

be,

and the same is hereby, declared cancelled effective November 27, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Samuel C. Horton  
Henry E. Zachary  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRED E. HARDING AND DAVID W. MC )  
MILLEN, DOING BUSINESS AS, "HARDING )  
AND MC MILLEN", 743 EAST WILLIAMETTE, )  
COLORADO SPRINGS, COLORADO. )  
-----)

PERMIT NO. M-13550

-----  
December 8, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fred E. Harding and  
David W. McMillen, dba "Harding and McMillen", Colorado Springs, Colorado  
requesting that Permit No. M-13550 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13550, heretofore issued to Fred E. Harding and David  
W. McMillen, dba "Harding and McMillen", Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective November 30, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horvath  
Wm. E. Zarlengo  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 195 9.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRED E. HARDING AND DAVID W. MC )  
MILLEN, DOING BUSINESS AS, "HARDING )  
AND MC MILLEN", 734 EAST WILLIAMETTE, )  
COLORADO SPRINGS, COLORADO. )  
-----)

PERMIT NO. B-5461

-----  
December 8, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fred E. Harding and  
David W. McMillen, dba "Harding and McMillen", Colorado Springs, Colorado  
requesting that Permit No. B-5461 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-5461, heretofore issued to Fred E. Harding and David  
W. McMillen, dba "Harding and McMillen", Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective November 30, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Hooton  
Wm. E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 1959.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
J. C. BRIGGS, HOLYOKE, COLORADO, )	
FOR AUTHORITY TO TRANSFER PERMIT NO. )	
B-3574 TO J. C. BRIGGS AND WILLARD )	APPLICATION NO. 17487-PP-Transfer
BRIGGS, CO-PARTNERS, DOING BUSINESS )	
AS "J. C. BRIGGS & SON," 240 BOWMAN )	
STREET, HOLYOKE, COLORADO. )	
-----	

-----  
December 3, 1959  
-----

Appearances: J. C. Briggs, Holyoke,  
Colorado, pro se;  
Willard Briggs, Holyoke,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

J. C. Briggs, Holyoke, Colorado, is the owner and operator  
of Permit No. B-3574, which authorizes:

transportation of grain and feed to feeders  
and stockmen residing within a 15 mile radius  
of Holyoke, Colorado, from points within a 50  
mile radius of Holyoke; buildings between  
points in Phillips County and a 10 mile strip  
of northern Yuma County.

Said application, pursuant to prior setting, after appro-  
priate notice to all parties in interest, was heard at the Court  
House, Sterling, Colorado, November 24, 1959, and at the conclusion  
of the evidence, the matter was taken under advisement.

The evidence in support of the application was to the effect  
that the transfer is being made by J. C. Briggs to himself and Willard  
Briggs, his son, who, as a copartnership, will continue the business  
in the same manner and with the same equipment as the transferor.

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 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, subject to outstanding indebtedness, if any.

### O R D E R

#### THE COMMISSION ORDERS:

That J. C. Briggs, Holyoke, Colorado, should be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-3574 -- with authority as set forth in the preceding Statement, which is made a part hereof by reference -- to J. C. Briggs and Willard Briggs, co-partners, doing business as "J. C. Briggs & Son," Holyoke, 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 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.

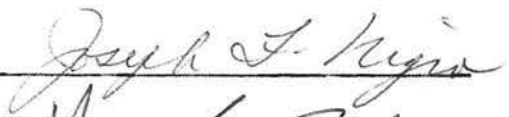



The right of transferees to operate under this Order shall depend upon their compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by transferor of delinquent reports, if any, covering operations under said permit up to the time of transfer of said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

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

original

(Decision No. 53467)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BARTON KREIDER, GRANT, NEBRASKA, )  
FOR AUTHORITY TO OPERATE AS A CLASS )  
"B" PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 17488-PP

-----  
December 3, 1959  
-----

Appearances: Barton, Kreider, Grant,  
Nebraska, pro se;  
Howard Yelverton, Denver,  
Colorado, for North  
Eastern Motor Freight,  
Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of eggs and cream, from Fleming, Haxtun, and Paoli, Colorado, to Denver, Colorado, for Safeway Stores, Inc., only.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Sterling, Colorado, November 24, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

The applicant and his father testified in support of the application, that the applicant has been operating under a 90 day temporary authority; that applicant has a 1955 refrigerated van body truck; that the father will help finance the applicant, who is a young man in the operation of the business; that applicant has made arrangements with Safeway Stores in Denver to use his service if authority is granted; and, that applicant desires this authority to supplement his

revenue derived from a back-haul of produce from Denver.

The protestant stated in effect that applicant has had some misunderstanding relative to the rates to be charged. However, this was explained to the satisfaction of the Commission. Protest-ant's testimony was substantially that any loss of business will im-pair the operating efficiency of the common carriers in the field.

The Commission is of the opinion that the proposed opera-tion of the applicant will not impair the efficient service of any authorized motor vehicle common carrier serving the same territory over the same general highway route or routes.

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

That authority sought should be granted as set forth in the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That Barton Kreider, Grant, Nebraska, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of eggs and cream, from Fleming, Haxtun, and Paoli, Colorado, to Denver, Colorado, for Safeway Stores, Inc., only.

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

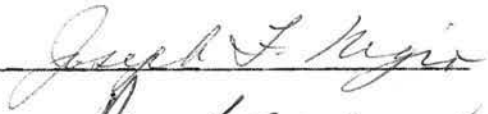

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, copies of all special contracts or memoranda of their

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.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ART L. PINGEL, SEDGWICK, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
-----

APPLICATION NO. 17489-PP

-----  
December 3, 1959  
-----

Appearances: Art L. Pingle, Sedgwick,  
Colorado, pro se;  
Echo Pingel, Sedgwick,  
Colorado, for Applicant;  
Howard Yelverton, Denver,  
Colorado, for North East-  
ern Motor Freight, Inc.;  
William Brumfield, Ft. Mor-  
gan, Colorado, for Atwood  
Truck Line;  
William Ahnstedt, Holyoke,  
Colorado, for Ahnstedt  
Truck Line;  
Harold Yost, Haxtun, Colo-  
rado, for V Y Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm products, from point to point within the following Counties: Sedgwick, Logan and Phillips, and from points within said Counties, to feed lots and elevators in the Counties of Morgan, Weld, Adams, and Denver, with back-haul of lumber and cement (lumber from yards in Denver, to lumber dealers in Sedgwick, Ovid, and Crook, Colorado, and cement from La Porte, Colorado, to said lumber dealers).

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard at the Court House, Sterling, Colorado, November 24, 1959, and at the conclusion of the evidence, the matter was taken under advisement.

Applicant and his wife both testified in support of the application in effect and as follows: that applicant has two International Trucks, a No. 501 and a No. 450; that applicant hauls grain for farmers who apparently are isolated and cannot obtain transportation service, and if the applicant should go out of business there would be no one to provide such service; that in order for applicant to provide this service to such farmers, it is necessary that he supplement his revenue and can do so by having authority to make the back-haul, as hereinafter set out; that the back-haul will amount to approximately a gross revenue of \$1,000 per year; that it is improbable that applicant will haul East unless he also has a haul West simultaneously.

The protestants' evidence was to the effect to grant such authority would be detrimental to their operation in that it would decrease their revenue.

Applicant is willing that the authority be restricted to the named customers set out in the Order.

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 service operating in the territory which applicant seeks to serve.

#### 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 authority sought should be granted as set forth in the Order following.

#### O R D E R

##### THE COMMISSION ORDERS:

That Art L. Pingel, Sedgwick, Colorado, should be, and he



hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of farm products, from point to point within the following Counties: Sedgwick, Logan and Phillips, and from points within said Counties, to feed lots and elevators in the Counties of Morgan, Weld, Adams, and Denver, with back-haul of lumber, from yards in Denver, to Howard Jante, Richard Groves, Francis Jenicks, Inage Brothers, Otsuka Brothers, F. Toyne & Son, Shimamoto Brothers, Pete Gurk & Son, Herman Echardt, Albert Doughty, Alick Lie, Walt Renter, Tony Leachman & Sons, and Wallace McClary, of Sedgwick, Colorado; Iliff Lumber Co., of Iliff, Colorado; and Ovid Lumber Co., Great Western Sugar Co., Chris Schmidt Line, Joe Schmidt, and Phillip Crumb, of Ovid, Colorado; and cement from La Porte, Colorado, to said afore-mentioned lumber dealers.

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

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

*Joseph T. Kiger*  
*Harry J. Phillips*  
Commissioners.

original

(Decision No. 53469)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SKYLINE AVIATION COMPANY, INC., )  
c/o ALFRED Z. CRADDOCK, ESQ., 422 )  
THATCHER BUILDING, PUEBLO, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY. )  
-----

APPLICATION NO. 17532

-----  
December 3, 1959  
-----

Appearances: Alfred Z. Craddock, Esq.,  
Pueblo, Colorado, for  
Applicant.

S T A T E M E N T

By the Commission:

On November 6, 1959, the above-styled application was filed with the Commission, seeking a certificate of public convenience and necessity, authorizing transportation, by airplane, of passengers and property, not on schedule, from, to, and between all points within the State of Colorado.

The Commission is now in receipt of a communication from Alfred Z. Craddock, Attorney for 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.

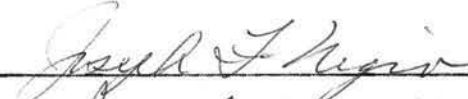

O R D E R

THE COMMISSION ORDERS:

That Application No. 17532 be, and the same hereby is, dismissed, upon request of Attorney for Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

original

(Decision No. 53470)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOSEPH J. MARTIN, BOX 333, DEL )  
NORTE, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17456-PP

-----  
December 3, 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 Park Creek, to South Fork Lumber Mill.

Said application was regularly set for hearing before the Commission, at the Court House, Del Norte, Colorado, November 3, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 26, 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.

Report of said Examiner states that at the time and place designated for hearing, applicant failed to appear, either in person or by counsel. Thereupon, there being no protestants present at the hearing, the files were made a part of the record, and the matter was heard and taken under advisement.

The files of the Commission disclose that applicant herein is qualified, financially and by experience, to conduct his proposed operations; that he is presently operating under Temporary Authority issued by this Commission; that he has filed a Certificate of Insurance

covering operations with the Commission.

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 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 be, and the same hereby is, approved.

That Joseph F. Martin, Del Norte, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of logs, from point to point within a fifty-mile radius of South Fork, Colorado, for South Fork Lumber Mill, only.

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

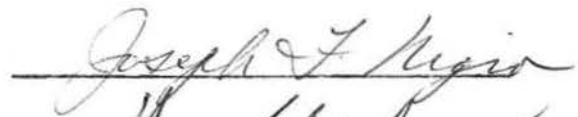

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of

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.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls



original

(Decision No. 53471)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BILL CLARK TRUCK LINE, INC., ALAMOSA, )  
COLORADO, FOR AUTHORITY TO EXTEND ) APPLICATION NO. 17454-PP-Extension  
OPERATIONS UNDER PERMIT NO. A-498. )  
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-----  
December 3, 1959  
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Appearances: Ove Nielsen, President, Bill  
Clark Truck Line, Inc.,  
Alamosa, Colorado, for  
Applicant;  
Marion F. Smyser, Esq., Den-  
ver, Colorado, for Rio  
Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

By the above-styled application, Bill Clark Truck Line, Inc., Alamosa, Colorado, owner and operator of Permit No. A-498, seeks authority to extend operations under said permit, to include the right to transport oil well supplies, from Alamosa, Colorado, and Pueblo, Colorado, to points within a radius of forty miles of Alamosa, Colorado.

Said application was regularly set for hearing before the Commission, at the District Court Room, Court House, Del Norte, Colorado, November 3, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 26, 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.

Report of said Examiner states that at the time and place designated for hearing, Ove Nielsen, appearing for applicant herein, requested that hearing of said application be continued to a later date.

There being no objection thereto, said request was granted.

Report of the Examiner recommends that the above-styled matter be continued, to be later re-set for hearing before the Commission, 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 instant application should be continued, to be later re-set for hearing before the Commission, with notice to all parties in interest.

### O R D E R

#### THE COMMISSION ORDERS:

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

That Application No. 17454-PP be, and the same hereby is, continued, to be later re-set for hearing before the Commission on a date to be determined by 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. Nigro*  
*Henry G. Padgett*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JOE NEMECIO ABEYTA AND S. FRANK )	
ABEYTA, CO-PARTNERS, BOX 534, )	
SAGUACHE, COLORADO, FOR A CLASS "B" )	APPLICATION NO. 17453-PP
PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
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-----  
December 3, 1959  
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Appearances: S. Frank Abeyta, Saguache,  
Colorado, pro se;  
Richard E. Conour, Esq.,  
Del Norte, Colorado,  
for James Ashton, J. P.  
Wiederkehr and Son.

S T A T E M E N T

By the Commission:

By the above-styled application filed with the Commission on September 21, 1959, applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of baled hay, oil cake, sand and gravel, from point to point within a radius of fifty miles of Saguache, Colorado, limited to the use of bobtail trucks, only.

Said application was regularly set for hearing before the Commission, at the District Court Room, Court House, Del Norte, Colorado, November 3, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 26, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commissio, 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 it was stipulated between parties hereto that authority herein sought, if granted, should be limited as follows:

transportation of baled hay and farm produce, excluding livestock, from point to point within a fifty-mile radius of Saguache, Colorado, excluding service in Rio Grande County; oil cake, from point to point within a fifty-mile radius of Saguache, Colorado, for Flying X Cattle Company, Fred Curtis, James L. Curtis, Sr., and Ralph Curtis, only.

S. Frank Abeyta, one of applicants herein, appeared at the hearing and testified in support of the application, stating applicants have sufficient equipment with which to conduct their proposed operations; that they have a net worth of approximately \$10,000; that they have received numerous requests for their proposed service.

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

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

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

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

O R D E R

THE COMMISSION ORDERS:

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

That Joe Nemecio Abeyta and S. Frank Abeyta, co-partners, Saguache, Colorado, be, and they hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand and gravel, from point to point within a fifty-mile radius of Saguache, Colorado; baled hay and farm produce, excluding livestock, from point to point within a fifty-mile radius of Saguache, Colorado, excluding service in Rio Grande County; oil cake, from point to point within a fifty-mile radius of Saguache, Colorado, for Flying X Cattle Company, Fred Curtis, James L. Curtis, Sr., and Ralph Curtis, 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Kigin*  
*Henry S. Palmer*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

original

(Decision No. 53473)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JIM DURAN, CENTER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 17330-PP

-----  
December 4, 1959  
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Appearances: Richard E. Conour, Esq., Del  
Norte, Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and road-building and road-surfacing materials, potatoes, hay, grain, and farm produce, excluding livestock, from point to point within a radius of fifty miles of Center, Colorado.

Said application was regularly set for hearing before the Commission, at the District Court Room, Court House, Del Norte, Colorado, November 3, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 26, 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 time and place designated for hearing, Attorney for Applicant moved to amend said



application, to restrict transportation of road-building and road-surfacing materials against the use of tank trucks, and to restrict the transportation of potatoes, hay, grain, and farm produce against town-to-town service. There being no protests thereto, said amendments were allowed.

At the hearing, applicant herein appeared and testified in support of his application, stating he has sufficient equipment with which to conduct his proposed operations; that he has a net worth of approximately \$5,000; that he is presently operating under Temporary Authority issued by this Commission; that he has received many requests for his proposed service; that he will restrict equipment to be used when hauling road-building and road-surfacing materials against the use of tank trucks, and that he will render no town-to-town service in transportation of potatoes, hay, grain, and farm produce.

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 operating in the territory sought to be served.

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

That Jim Duran, Center, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, road-building and road-surfacing materials, from point to point within a radius of fifty-miles of Center, Colorado, transportation of road-building and road-surfacing materials being restricted against the use of tank vehicles; potatoes, hay, grain, and farm produce, excluding livestock, from point to point within a fifty-mile radius of Center, Colorado, with no town-to-town service.

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

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

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

Revenue

(Decision No. 53474)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN B. ESPINOSA, 1429 NEWCOMB )  
AVENUE, MONTE VISTA, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 17455-PP

-----  
December 4, 1959  
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Appearances: Clyde W. Corlett, Esq., Monte  
Vista, Colorado, for Appli-  
cant;  
Richard E. Conour, Esq., Del  
Norte, Colorado, for J. P.  
Wiederkehr and Son, James  
Ashton;  
Marion R. Smyser, Esq., Den-  
ver, Colorado, for Rio  
Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of baled hay, grain, and other farm products, from point to point within a radius of fifty miles of Monte vista, Colorado, restricted to use of bobtail trucks, only.

Said application was regularly set for hearing before the Commission, at the District Court Room, Court House, Del Norte, Colo- rado, November 3, 1959, at 9:30 o'clock A. M., due notice thereof be- ing forwarded to all parties in interest.

On October 26, 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 commencement of the hearing, Attorney for Applicant herein moved to amend said application, so as authority sought would be:

transportation of baled hay, grain, and other farm products, from point to point within a radius of fifty miles of Monte Vista, Colorado, with no town-to-town service, and no point-to-point service within that portion of said fifty-mile radius west of a line drawn north and south through LaGarita, Colorado.

There being no protest thereto, said amendment was allowed.

Applicant appeared at the hearing and testified in support of his application, stating he has sufficient equipment with which to conduct his proposed operations; that he has a net worth of approximately \$7,000; that he has received many requests for his proposed service.

In view of amendment to said application, protestants withdrew their opposition to granting of authority herein sought, and offered no testimony.

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 Findings be, and the same hereby is, approved.

That John B. Espinosa, Monte Vista, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of baled hay, grain, and other farm products, from point to point within a radius of fifty miles of Monte Vista, Colorado, with no town-to-town service, and no point-to-point service within that portion of said fifty-mile radius west of a line drawn north and south through LaGarita, 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 F. Ligon*  
*Henry J. Pauling*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

original

(Decision No. 53475)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHRIS A. MONTOYA, R. F. D. ROUTE 1, )  
DEL NORTE, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 17457-PP

-----  
December 4, 1959  
-----

Appearances: Richard E. Conour, Esq.,  
Del Norte, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and road-building materials, in dump trucks, only, within a radius of twenty-five miles of any road construction job within the State of Colorado.

Said application was regularly set for hearing before the Commission, at the District Court Room, Court House, Del Norte, Colorado, November 3, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 26, 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.

Report of said Examiner states that at the time and place designated for hearing, Applicant failed to appear. Thereupon Attorney for Applicant herein moved that the files herein be made a part of the record, and said matter heard. There being no protest thereto, said motion was granted, the files were made a part of the record here-



in, and said matter was heard and taken under advisement.

The files of the Commission disclose that applicant is qualified, financially and by experience, to conduct operations herein proposed; that he has sufficient equipment with which to render said proposed service.

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 ORDER:

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

That Chris A. Montoya, Del Norte, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and road-building materials, in dump trucks, only, within a twenty-five-mile radius of any road construction jobs within the State of Colorado.

That all operations hereunder shall be strictly contract

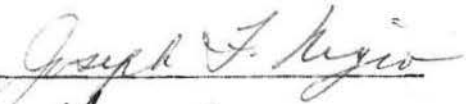

operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MANUEL SARMIENTO, RIOT SARMIENTO, )  
LOLO SARMIENTO, AND MANUEL SARMIENTO, )  
JR., CO-PARTNERS, DOING BUSINESS AS )  
"M. SARMIENTO & SONS," 126 NORTH )  
FRAZIER AVENUE, FLORENCE, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )

APPLICATION NO. 17458-PP

-----  
December 4, 1959  
-----

Appearances: Richard E. Conour, Esq.,  
Del Norte, Colorado,  
for Applicants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of potatoes, from fields to farm cellars in the Alamosa, Colorado Area; coal, from Florence to Pueblo, Colorado, to Colorado Springs, Colorado, and to Canon City, Colorado.

Said application was regularly set for hearing before the Commission, at the District Court Room, Court House, Del Norte, Colorado, November 3, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 26, 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.

Report of said Examiner states that at the time and place designated for hearing, Applicants failed to appear. Thereupon, Attorney for Applicants herein moved that the files herein be made a

part of the record, and said matter heard. There being no protests thereto, said motion was granted, the files were made a part of the record herein, and said matter was heard and taken under advisement.

The files of the Commission disclose that applicants are qualified, financially and by experience, to conduct operations herein proposed; that they have sufficient equipment with which to render said proposed service; that there is a present need for their proposed service.

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

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

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

Report of the Examiner recommends that permit issue to applicants 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 applicants 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 Findings be, and the same hereby is, approved.

That Manuel Sarmiento, Riot Sarmiento, Lolo Sarmiento, and Manuel Sarmiento, Jr., co-partners, doing business as "M. Sarmiento & Sons," Florence, Colorado, be, and they hereby are, authorized to

operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of potatoes, from fields to farm cellars in Alamosa County, Colorado, and coal, from Florence to Pueblo, Colorado, to Colorado Springs, Colorado, and to Canon City, Colorado.

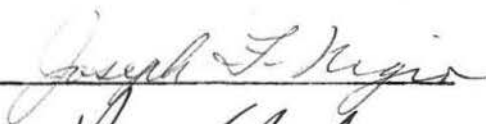

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

original

(Decision No. 53477)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BERT O. VANCE, BOX 273, LA JARA, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17459-PP

-----  
December 4, 1959  
-----

Appearances: Bert O. Vance, La Jara,  
Colorado, pro se;  
Marion R. Smyser, Esq.,  
Denver, Colorado, for  
Rio Grande Motor Way,  
Inc., 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 building supplies, baled hay, and farm produce.

Said application was regularly set for hearing before the Commission, at the District Court Room, Court House, Del Norte, Colorado, November 3, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On October 26, 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 time and place designated for hearing, Applicant herein appeared and testified in



support of his application, stating he has sufficient equipment with which to conduct his proposed operations; that he has a net worth of \$15,000; that he will agree to limit the type of equipment to be used when transporting building materials to bobtailed trucks, and will haul building materials only for Conejos Lumber Company, of La Jara, Colorado; 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, as hereinafter limited, will impair the efficiency of any common carrier serving the territory to be served by applicant herein.

Report of the Examiner recommends that permit issue to applicant herein, as hereinafter limited.

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

That Bert O. Vance, La Jara, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of building supplies, from point to point within a radius of fifty miles of La Jara, Colorado,

for Conejos Lumber Company, of La Jara, Colorado, only, limited to the use of bobtailed trucks, only; baled hay and farm produce, excluding livestock, from point to point within a radius of fifteen miles of La Jara, 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 F. Kyrle*  
*Ralph C. Horton*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

original

(Decision No. 53478)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DONALD E. HARTLEY, 4055 WEST 78TH )	
AVENUE, WESTMINSTER, COLORADO, FOR )	
A CLASS "B" PERMIT TO OPERATE AS A )	APPLICATION NO. 17324-PP-AMENDED
PRIVATE CARRIER BY MOTOR VEHICLE )	
FOR HIRE. )	
----- )	

-----  
December 4, 1959  
-----

Appearances: Donald E. Hartley, West-  
minster, Colorado, pro se;  
R. E. Turano, Denver, Colo-  
rado, and  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Larson Trans-  
portation Company.

S T A T E M E N T

By the Commission:

By the above-styled application, Donald E. Hartley, Westminster, Colorado, seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of baled hay, from any point within the State of Colorado, to Anderson-Harrington Coal Company, in Denver, to feed lots and dairies in Denver and Colorado Springs, Colorado, and points within a radius of fifty miles of Denver and Colorado Springs, Colorado, and to State institutions within a radius of twenty-five miles of Denver, with back-haul of sacked grain to farms and ranches anywhere in the State of Colorado, all said service to be for one customer, only, viz., Dannen Mills, of 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, November 27, 1959, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant appeared on his own behalf and testified that he was the owner of a 1953 G.M.C. flat-bed truck, and that it was his desire and intention to haul the commodities listed for Dannen Mills, from farms and various points to other customers of Dannen Mills, and to haul processed feed and other grains from Dannen Mills to farmers.

The evidence clearly disclosed that Dannen Mills required this type of service to off-route points, primarily within a fifty-mile radius of Denver.

In view of the testimony of the representative of Dannen Mills, it is our opinion that a permit should be granted to haul baled hay and straw, from point to point within a fifty-mile radius of Denver, for Dannen Mills, together with the right to haul sacked grain and processed feed from Dannen Mills to farms and ranches anywhere within said fifty-mile radius of Denver, Colorado.

No evidence was adduced on behalf of protestants.

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

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

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Donald E. Hartley, Westminster, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of baled hay and straw,

from point to point within a radius of fifty miles of Denver, Colorado, for Dannen Mills, only, together with the right to haul sacked grain and processed feed from Dannen Mills to farms and ranches anywhere within said fifty-mile radius of Denver, Colorado.

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

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

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

ea

original

(Decision No. 53479)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ERNEST C. LEWIS, 4605 SAULSBURY, )  
WHEATRIDGE, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17502-PP

-----  
December 4, 1959  
-----

Appearances: John P. Thompson, Esq., Den-  
ver, Colorado, for Applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Colorado Trans-  
fer and Warehousemen's Asso-  
ciation, Package Delivery;  
W. D. McClain, Esq., Denver,  
Colorado, for Empire Delivery,  
Inc.

S T A T E M E N T

By the Commission:

This is an application for authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of clothing, in cartons or on racks, tabulating cards, and pool tables, from point to point within the City and County of Denver and a twenty-mile radius 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, November 27, 1959, at ten o'clock A. M., and at the conclusion of the evidence, the matter was taken under advisement.

At the hearing, applicant testified he is the owner of PUC No. 4447, which provides for the transportation of:

packages not exceeding two hundred pounds in weight, between points within the City and County of Denver, provided, however, that in the transportation service authorized, no



furniture or appliances shall be moved, and provided further that applicant be limited to the use of one truck, of a capacity of one ton, based upon manufacturers rating,

which authority is a common carrier authority.

By his present application, which application was supported by representatives of three prospective customers, all of whom stated that they require the particular services of applicant, and that because of the peculiar nature of their business, each of them needed a service that was specialized and personalized that was not offered by existing common carriers.

The Lerner Shops indicated that they required a personalized pick-up and delivery service. Globe Ticket Company, a manufacturer of tabulating cards for business machines, makes shipments in cartons of 59 pounds. Because of the careful handling required, the shipper desires a covered truck and immediate service. The service area of this shipper covers the entire Denver Metropolitan Area, including the Martin Plant, near Littleton, and Ramo Woolridge.

The Ace Billard Supply, which is in the business of selling, repairing and servicing pool tables, ships the pool tables in a disassembled condition. The deliverer will, of necessity, be required to assist in the re-assembly of the pool table. This type of service normally is not offered by a common carrier. Thus, the need for private carrier service has been clearly established.

All the testimony, except for the Ace Billard Supply, would indicate that a 200-pound limitation on the size of packages would be adequate. Ace Billard Supply, however, requires packages up to the weight of 350 pounds. All the shippers indicated that they required service within an area that would fall within a twenty-mile radius from the intersection of Colfax and Broadway, in Denver, Colorado. Accordingly, we shall grant the authority, limiting the size of packages to 200 pounds, save and except those for Ace Billard Supply,

which shall not be in excess of 350 pounds, and the area to be served shall be described as a radius of twenty miles from the corner of Colfax and Broadway, in Denver, Colorado.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission, and the protestants adduced no evidence in their own behalf.

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

#### F I N D I N G S

##### THE COMMISSION FINDS:

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

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

#### O R D E R

##### THE COMMISSION ORDERS:

That Ernest C. Lewis, Wheatridge, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of clothing, in cartons or on racks, tabulating cards, and pool tables, from point to point within a radius of twenty miles from the intersection of Colfax and Broadway, in Denver, Colorado, for Globe Ticket Company, Lerner Shops, and Ace Billiard Supply, all of Denver, Colorado, only, size of packages to be limited to 200 pounds, save and except those for Ace Billiard Supply, which shall not be in excess of 350 pounds.

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

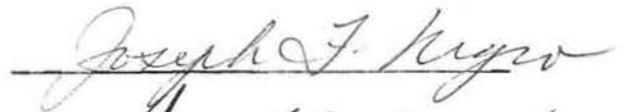

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of

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.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

HENRY R. REED, JR., ROUTE 4 BOX 165,  
GREELEY, COLORADO.

PERMIT NO. M-2143

December 8, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Henry R. Reed, Jr.,  
Greeley, Colorado

requesting that Permit No. M-2143 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-2143, heretofore issued to Henry R. Reed, Jr.,  
Greeley, Colorado be,  
and the same is hereby, declared cancelled effective October 16, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Tigro  
Edwin C. Norton  
H. E. Zandberg  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
IVAN J. WHITE, ROUTE 2, HOTCHKISS, )  
COLORADO. )  
 )  
 )  
 )  
 )  
----- )

PERMIT NO. M-7359

-----  
December 8, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ivan J. White,  
Hotchkiss, Colorado  
requesting that Permit No. M-7359 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-7359, heretofore issued to Ivan J. White,  
Hotchkiss, Colorado be,  
and the same is hereby, declared cancelled effective December 4, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Wm. E. Zank  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 195 9.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
RAY LANKFORD, 1801 SHEFFIELD ROAD, )  
OKLAHOMA CITY, OKLAHOMA. )

PERMIT NO. M-14161

December 8, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ray Lankford,  
Oklahoma City, Oklahoma  
requesting that Permit No. M-14161 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-14161, heretofore issued to Ray Lankford,  
Oklahoma City, Oklahoma be,  
and the same is hereby, declared cancelled effective December 22, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 195 9.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
RAY LANKFORD, 1801 SHEFFIELD )  
ROAD, OKLAHOMA CITY, OKLAHOMA. )

PUC NO. 3951-I

December 8, 1959

S T A T E M E N TBy the Commission:

The Commission is in receipt of a communication from Ray Lankford,  
Oklahoma City, Oklahoma

requesting that Certificate of Public Convenience and Necessity No. 3951-I  
be cancelled.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Certificate No. 3951-I heretofore issued to Ray Lankford,  
Oklahoma City, Oklahoma

be, and the same is hereby declared cancelled effective December 22, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Garth C. Norton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,  
this 8th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
SUBURBAN GAS SERVICE OF COLORADO, )  
2021 NORTH TOWNE AVENUE, POMONA, )  
CALIFORNIA. )  
----- )

PERMIT NO. B-2709-I

December 8, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Suburban Gas Service  
of Colorado, Pomona, California  
requesting that Permit No. B-2709-I be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. B-2709-I, heretofore issued to Suburban Gas Service  
of Colorado, Pomona, California be,  
and the same is hereby, declared cancelled effective November 24, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zedler  
Commissioners

Dated at Denver, Colorado,

this 8th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE REDUCED RATES ON CEMENT, IN BULK,  
FROM PORTLAND, COLORADO, TO BURLINGTON  
AND LIMON, COLORADO, AS PUBLISHED IN  
COLORADO MOTOR CARRIERS' ASSOCIATION,  
AGENT, MOTOR FREIGHT TARIFF NO. 14,  
COLORADO P.U.C. NO. 13, ISSUED BY  
J. R. SMITH, CHIEF OF TARIFF BUREAU,  
4060 ELATI ST., DENVER 16, COLORADO.

CASE NO. 1585

-----  
December 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 December 12, 1959, designated as set forth below.

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.

2nd Revised Page No. 45, Colorado Motor Carriers' Association, Agent, Motor Freight Tariff No. 14, Colorado P.U.C. 13.

Rates Are in Cents per 100 Pounds

ITEM NO.	COMMODITY	FROM	TO	RATES
360	* * * * *			
	+ Cement, in bulk in tank vehicles, minimum weight 35,000 pounds. (Barnhill Truck Line and Southwestern Transportation Co.)	Portland, Colorado	Burlington, Limon, Colorado	30 24

\* \* \* \* \* - Denotes - Balance of item not shown as not affected.

+ - Denotes - Addition.

Mr. G. Barnhill instituted these rates and Southwestern Transportation Company concurs. Under the basis of the present mileage scale, the distances as determined by the current "Rand McNally Map" reflect mileages as follow with the rates based on a minimum weight of 35,000 pounds.

Portland to Limon	112 Miles	25¢
Portland to Burlington	189 Miles	34¢

By the above publication, reduced charges will ensue to the shippers.

#### 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 and findings 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 the statement shall on December 12, 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. 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 subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

7. 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.

8. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mem

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF )	
THE DENVER AND RIO GRANDE WESTERN )	
RAILROAD COMPANY, 1531 STOUT STREET, )	<u>INVESTIGATION AND SUSPENSION</u>
DENVER, COLORADO, FOR AUTHORITY TO )	<u>DOCKET NO. 417</u>
WITHDRAW ITS AGENCY AT AUSTIN, COLO- )	
RADO, FROM DECEMBER 1ST TO AUGUST )	
16TH OF EACH YEAR. )	
----- )	

-----  
December 4, 1959  
-----

Appearances: Marion R. Smyser, Esq.,  
Denver, Colorado, for  
Applicant, The Denver  
and Rio Grande Western  
Railroad Company;  
Charles R. Conklin, Esq.,  
Delta, Colorado, for  
Protestants, Bensen  
Palmer, J. H. Williams,  
Robert Broughton, Hubert  
Pritchard, Edwin S.  
McCracken, Helge Hulteen,  
John Morrell, Jack Morrell,  
Isom Williamson, and  
Gene Yellico;  
B. M. Kincaid, Vice-President,  
St. Louis, Missouri, and  
W. M. Epstein, General Chair-  
man, Denver, Colorado, for  
Order of Railroad Telegraphers;  
J. L. McNeill, Denver, Colo-  
rado, for the Staff of  
the Commission.

S T A T E M E N T

By the Commission:

On November 28, 1958, petition in the instant matter was  
filed with the Commission and received as Application No. 16757.  
Request was made for an order to authorize withdrawal of the agent  
at Austin, Colorado, during the interval from December 1st to  
August 16th of each year, effective December 30, 1958. In conformance  
with the Commission's rules herein, public notice of the proposed  
change of service was posted at the Austin station.



Subsequent to said public posting, letters of protest were received by the Commission. By Decision No. 51474, dated December 24, 1958, the Commission suspended the proposed station closing pending investigation and further order of the Commission. Said Application No. 16757 was thereupon transferred to Commission Investigation and Suspension Docket No. 417.

A hearing in the matter was scheduled for April 8, 1959, but was vacated at the request of attorney for protestants. In like manner, a hearing was set for July 15, 1959, and was vacated at request of attorney for applicant. After being reset to October 22, 1959, hearing was held at the County Court House, Delta, Colorado, and with the conclusion of evidence on that date the matter was taken under advisement by the Commission.

In the instant matter, we have the proposal of Applicant (Rio Grande Railroad) to withdraw its agent from the Austin station for the reasons that seasonal business and the manner of train operation do not justify the maintenance of an agent's services on a year-around basis. Proposal is made to keep the station open only during the interval from August 16th to December 1st of each year. Protestants object on the grounds that any discontinuance of service will seriously jeopardize the economy and welfare of the Austin area; that the services of the agent have been an asset to the community; that the people have and will continue to patronize the railroad, and now question any action that might indicate future removal of the rail service.

Testimony in support of the application was given by M. E. Eskildson, Rio Grande Freight Auditor at Denver, who identified and explained Exhibit No. 1; and by Division Superintendent, C. E. McEnany, of Grand Junction, who described the operation of the line.

Exhibit No. 1 is a series of tabulations consisting of 22 pages, to show data at the Austin Station of: Total Monthly Revenues; Separation of Carload and L. C. L. Revenues; Western Union Revenues; Operating Expenses; Station Expenses; and Freight movements by commodity, destination, shipper and receiver for 1956, 1957, and into July and

August of 1958. A summary of the above information is as follows:

SUMMARY: REVENUES AND EXPENSES  
AUSTIN STATION

Month	1956	1957	1958	8 mos. 1959
January	\$516.40	\$572.09	\$306.67	\$521.54
February	116.16	2.31	--	164.37
March	3.05	132.62	7.66	400.76
April	364.33	732.45	507.67	530.95
May	7.40	7.10	4.79	354.23
June	241.92	133.29	73.32	207.83
July	346.29	--	--	--
August	1,279.45	332.55	154.68	670.93
September	5,505.48	1,403.98	4,568.52	
October	4,161.16	3,131.73	1,948.70	
November	2,260.87	1,782.78	426.23	
December	<u>930.75</u>	<u>1,126.43</u>	<u>200.14</u>	
Op. Revenue	\$15,733.26	\$9,357.33	\$8,198.38	\$2,850.61
Western Union	<u>1.71</u>	<u>2.17</u>	<u>.85</u>	<u>1.04</u>
Total Revenue	\$15,734.97	\$9,359.50	\$8,199.23	\$2,851.65
Less: Wages, Taxes, Station Exp.	<u>5,811.11</u>	<u>5,819.20</u>	<u>6,128.16</u>	<u>4,294.45</u>
Net Station Revenue	\$9,923.86	\$3,540.30	\$2,071.07	\$1,442.80
Less: Operating Exp. on Railroad	<u>9,440.98</u>	<u>5,684.02</u>	<u>5,090.08</u>	<u>1,866.98</u>
Gain	\$482.88			
Loss		\$2,143.72	\$3,019.01	\$3,309.78

With reference to the above data, it was emphasized at the hearing that during many months of the year there was no freight shipped out and often only a very small income was received. Further reference to the above tabulation indicates the major volume of revenue was produced in the months of August, September, and November, when it is proposed that the station will be operated.

In response to extensive cross-examination pertaining to the operating expense on the railroad, as noted above, Mr. Eskildson explained that in addition to Station Expense there are the other Operating Expenses of the railroad which are necessary for maintenance of the line and operation of equipment for the movement of freight and production of revenue. Because the Austin freight may move over any part of the Rio Grande Lines, Mr. Eskildson used the system data,

wherein Station Expenses were deducted from System Operating Expenses and the relation of the Remaining Operating Expense to Operating Revenue produced an Operating Ratio of 62.08% for the year of 1958. Then the cost of handling on the railroad is the product of Austin Revenue (\$8,199.23) multiplied by the Operating Ratio (62.08%), or \$5,090.08 as Operating Expense for the year of 1958. In the same year, there was the added Station Expense of \$6,128.16 for a Total Expense of \$11,218.24, resulting in the loss of \$3,019.01, as shown in the exhibit summary. With the proposed station closing, Mr. Eskildson stated that approximately three-fourths of the Station Expenses would be saved and a greater portion of station revenues would then be available for payment of the other operating and over-the-road expense.

Additional operating information was offered by Superintendent McEnany, who also described the area served and proposed method of station service. It appears that Austin is on the North Fork Branch of the railroad which extends for some 42 miles easterly from Delta to Somerset; at Delta, connection is made with the Montrose Branch, which in turn makes its connection with the main line of the Rio Grande at Grand Junction, or 41 miles northwesterly from Delta. Austin is located eight miles easterly from the agency station of Delta, continuing east on the branch line; continuing east on the branch line, agency stations are located at Hotchkiss and Paonia, being 25 miles and 33 miles, respectively, from the Delta connection. No mail or passengers are handled on the line and the freight trains have no fixed schedules since needs are seasonal for fruit and coal movements.

According to Mr. McEnany, there is no need for an agent at Austin for train operation since movements are controlled by the dispatcher at Grand Junction; the train moves east through Austin, on Mondays, Wednesdays and Fridays, on orders from the Delta agent, returning Tuesdays, Thursdays and Saturdays, on orders from the Paonia station.

Currently, the agent is on duty Mondays through Fridays from 9:00 A. M. to 6:00 P. M., for the receipt or distribution of

shipments to the public; to order cars, arrange for switching, prepare waybills, keep station records, perform miscellaneous station duties and be available for receipt or sending of train orders or telegrams. Excluding the seasonal work period when it is proposed to have an agent on duty, Mr. McEnany estimated an average working time of one hour perday for the agent as related to the 1958 off-season business.

During the proposed non-agency period, Mr. McEnany explained that since Austin is only 8 miles from Delta, all telephone inquiries or orders for cars now coming into Austin can be readily handled by telephone through the Delta agency; Western Union telegrams may be handled in like manner. No changes are proposed in the Austin switching service or use of yard tracks to serve the local industries; notices of incoming shipments will be forwarded from Delta and any local telephone toll expense for patrons relative to railroad business will be paid by the railroad. In addition, regular shippers may establish a credit rating with the railroad for freight payments afterreceipt of shipments, and thereby eliminate the necessity of prepaid or C. O. D. movements.

Other testimony pertaining to movement of L. C. L. shipments in substituted truck service was given by L. E. Eichinger, Division Superintendent of Rio Grande Motorways serving the western Colorado region.

It appears that U. S. Mail moves in the Austin area by Star Route carrier service; L. C. L. shipments come to Delta on daily truck movements and, according to Mr. Eichinger, Rio Grande Motorway trucks have provided service to the Austin area for the past 18 years. Movements are primarily inbound, shipments are delivered directly to local consignees by the truck drivers, pickups are made as needed, and billings either completed with the delivery or taken to agent for forwarding. No change is anticipated, since agent services will be available at Hotchkiss and Delta, and Motorway has already verified the availability of a local merchant-storage service in Austin.

On behalf of protestants, testimony was offered by three witnesses who described their use of the rail service and emphasized the presence of the agent as a factor in community growth. Much of the testimony was similar, and we will review the same as follows:

Mr. H. L. Pritchard reported he is a farmer in the area and also managed a fruit packing shed near the depot in Austin. At the packing shed supplies are received by rail for fruit growers of the adjoining territory, and since 1944, the shed has been operated for packing of fruit for rail movement. Further, Austin is the only shipping point for the area which extends northward to Orchard City and to Cedar-edge at 10 miles away and thereby serves some 1,000 people. Shipments in recent years have been irregular due to new plantings of large acreages into apples and a decline of peaches and apricots.

According to Mr. Pritchard, movement of fruit during the harvest interval involves many factors of uncertainty regarding weather, labor, destinations, supply of cars and movement of trains. He reported that during the past 13 years, the present agent, Mr. Gregory, had been very cooperative; that he had often worked long hours on his own time and had actually promoted business for the railroad by his efficiency and energy. In response to questioning, Mr. Pritchard noted there was very little emergency need for the agent during the off-season interval.

Mr. Helge Hulteen stated he is a fruit grower, living in the Antelope Hill area six miles northeast of Austin. He explained that his last shipment amounted to 28 carloads of apricots in 1952. Due to freeze-out trouble, he has since been converting his 175 acres of apricot and cherry orchard to apples, and four years is necessary for a new crop. He reported good roads into Austin. He comes to town about twice per week and can also drive to Delta in about thirty minutes.

Mr. Isom E. Williams, who lives four miles from Austin, described his needs for rail service in the handling of his farm production of sugar beets, alfalfa, small grains and livestock. He explained there are not many beet growers in the area; that his movement of sugar beets amounts to about 15 cars during October and November, and the proposed change would not affect the beet movement since an agent is



promised during this interval. His livestock has been billed from Austin but was generally shipped from the Delta yard. In this regard, he explained that his fattened cattle are sold at his home place to private buyers, the livestock is moved away by truck, and the buyer thereafter controls the shipping movements.

In our analysis of the testimony and statements of counsel as offered at the hearing, our attention is directed toward costs, community welfare, and a consideration of the public convenience and necessity, particularly that there be continued operation of the line. As noted in our Exhibit Summary, substantial revenues are developed at the station on only a seasonal basis; meanwhile, we see those revenues practically consumed by the accumulation of non-productive off-season station expenses. It goes without saying that in order to move the Austin traffic some revenue is also required to pay the other costs of train operation, maintenance of track and equipment. It is proposed that elimination of the non-productive station expenses will offer a saving that can be applied toward the more necessary expense items of train operation.

The promotion of community welfare and prestige by the presence of a railroad agent is understandable. In the instant case we see loyalty to the railroad, together with the assertion that the agent is recognized as a part of the community and described as a very able asset to the railroad. We are pleased to note this spirit of local cooperation and offer our commendation to the agent. Unfortunately, the economy and production of the area has not permitted the supporters of the agent to offer the same full-time support and patronage to the railroad, hence we have the instant proposal of agency reduction as an economic defense by railroad management.

When considering the public convenience and necessity, we note in the railroad testimony that in the providing of a future part-time agent, assurance is given there will be "a competent man during the open time." Further, during the closed period, alternate service is promised from the adjacent agency stations of Delta and Hotchkiss.



In addition, there has been the long history of past L. C. L. movement by Rio Grande Motorway truck service, and the tentative arrangements already completed for local handling. Upon further analysis of the remaining shipping needs, we are aware that for occasional movements of carload commodities as coal, grains, lumber or livestock, the routine details of billing can be handled at a station other than the point of origin or destination. As noted in the previous testimony, there are also routine procedures for establishment of credit whereby the customary requirement of prepaid shipments to non-agency stations is waived and no inconvenience is therefore anticipated for regular patrons.

It is therefore the opinion of this Commission that the requested agency withdrawal is compatible with the public interest with the alternate agency facilities which will be available and that anticipated station savings will offer an economic gain and thereby foster continued operation of the line.

#### F I N D I N G S

##### THE COMMISSION FINDS:

That safe and economical railroad operation does not require the maintenance of an agent at the Austin Station on a full time year-around basis.

That the public convenience and necessity in the Austin area can be adequately served by adjacent agency stations and by an agent to be provided on a seasonal basis to meet shipping needs in the fall season.

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

That the authority sought should be granted.

#### O R D E R

##### THE COMMISSION ORDERS:

That Applicant, The Denver and Rio Grande Western Railroad Company, be, and it hereby is, authorized to withdraw its agent on a seasonal basis from the station at Austin, Delta County, Colorado,

and to provide agency service only during the fall harvest season of August 16th to December 1st of each year.

That telephone toll expense for the handling of railroad business from the Austin area during the closed station interval will be paid by the railroad company.

That reference shall be made to this decision in the affected tariff schedules to show the seasonal open-time of said station and as authority for such action.

That the Commission shall retain jurisdiction in this matter to make such further orders as may be required.

This Order shall become effective twenty-one (21) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Henry G. Phillips  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

C. L. KIDD, P. O. BOX 513, GRAND  
FALLS, TEXAS.

PERMIT NO. M-7825

December 9, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from C. L. Kidd.

Grand Falls, Texas

requesting that Permit No. M-7825 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-7825, heretofore issued to C. L. Kidd,

Grand Falls, Texas

be,

and the same is hereby, declared cancelled effective November 12, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Kung E. Zuckerg  
Commissioners

Dated at Denver, Colorado,

this 9th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

BERT ORR, 559 NORTH 11TH STREET,  
LARAMIE, WYOMING.

PERMIT NO. M-7093

December 4, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Bert Orr, Laramie,  
Wyoming  
requesting that Permit No. M-7093 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-7093, heretofore issued to Bert Orr, Laramie,  
Wyoming be,  
and the same is hereby, declared cancelled effective December 4, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph C. ...  
George C. ...  
Henry C. Zerk  
Commissioners

Dated at Denver, Colorado,

this 9th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
VIRON L. GRAY, 3206 NORTH 50TH )  
DRIVE, GLENDALE, ARIZONA. )

PERMIT NO. B-5324

-----  
December 9, 1959  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-5324 be suspended for six months from December 3, 1959.

F I N D I N G STHE COMMISSION FINDS:

That the request should be granted.

O R D E RTHE COMMISSION ORDERS:

That Viron L. Gray, Glendale, Arizona

be, and is hereby, authorized to suspend his operations under Permit No. B-5324 until June 3, 1960.

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  
Garth C. Horton  
Henry E. Zwick  
Commissioners

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



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE APPLICATION NO. 135 OF THE COLORADO )  
MOTOR CARRIERS' ASSOCIATION, AS AGENT, )  
FOR AND ON BEHALF OF BOULDER-DENVER )  
TRUCK LINE, INC., CENTENNIAL TRUCK LINES, )  
INC., DENVER-LIMON-BURLINGTON TRANSFER )  
CO., FLOYD A. HENRIKSON, DOING BUSINESS )  
AS DENVER-LOVELAND TRANSPORTATION, MC KIE )  
TRANSFER COMPANY, NORTH EASTERN MOTOR )  
FREIGHT, INC., OVERLAND MOTOR EXPRESS, )  
INC., RICHARD H. & LOIS MAE ESHE, DOING )  
BUSINESS AS SOUTH PARK MOTOR LINES, WEST- )  
WAY MOTOR FREIGHT, INC., AND JOHN B. )  
WINDECKER, DOING BUSINESS AS WINDECKER )  
TRUCK LINE, REQUESTING AUTHORITY TO ADD )  
AS AN EMERGENCY A SURCHARGE OF FIFTY )  
CENTS ON EACH BILL OF LADING COVERING )  
SHIPMENTS WEIGHING 2,000 POUNDS OR LESS )  
TRANSPORTED LOCALLY ON THEIR OWN LINES )  
OR JOINTLY WITH OTHER CARRIERS. TO )  
BECOME EFFECTIVE ONE DAY AFTER THE FILING )  
THEREOF WITH THE PUBLIC UTILITIES COM- )  
MISSION OF THE STATE OF COLORADO. )  
-----

CASE NO. 1585

-----  
December 3, 1959  
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S T A T E M E N T

By the Commission:

On December 2, 1959, the Colorado Motor Carriers' Association, as Agent, for and on behalf of the above named carriers, filed its Application No. 135, requesting authority to publish as an emergency a surcharge of 50 cents, to be added on each bill of lading covering shipments weighing 2,000 pounds or less, for application on local and joint business, and to be in addition to all other lawful charges, including minimum charges.

The said surcharge to be cancelled on the effective date of the Commission's Order in Investigation and Suspension Docket No. 427, which is now pending under Decision No. 52972, dated August 27, 1959.

Under Decision No. 52972, in addition to placing the burden of proof for the proposed increase on minimum charge shipments in Denver, Colorado Springs, and Pueblo, on the carriers, the Commission also entered into its own investigation pertaining to pick-up and delivery services of the carriers named herein.



The staff of the Commission is pursuing this investigation as rapidly as time permits; however, the result of the studies and analysis will consume considerable more time.

Increases in the cost of living, manufacturing, wholesaling and retailing are a matter of general knowledge, and are not foreign in the field of transportation.

Under the existing circumstances and conditions the Commission feels the proposed surcharge should be authorized as an emergency only and as a temporary increase subject to the final order of this Commission.

#### F I N D I N G S

The Commission finds that the request should be authorized, except, it should be made effective on fifteen days' notice instead of one day's notice.

#### O R D E R

THE COMMISSION ORDERS, That:

1. This order shall become effective forthwith.
2. The statement and findings be and they are made a part hereof.
3. Effective December 23, 1959, on fifteen (15) days' notice, as provided by law and the rules and regulations of the Commission, there shall be added an emergency surcharge of fifty (50) cents on each bill of lading covering shipments weighing 2,000 pounds or less transported locally on their own lines or jointly with other carriers by Boulder-Denver Truck Line, Inc., Centennial Truck Lines, Inc., Denver-Limon-Burlington Transfer Co., Floyd A. Henrikson, doing business as Denver-Loveland Transportation, McKie Transfer Co., North Eastern Motor Freight, Inc., Overland Motor Express, Inc., Richard H. & Lois Mae Eshe, doing business as South Park Motor Lines, Westway Motor Freight, Inc., and John B. Windecker, doing business as Windecker Truck Line.
4. This charge to be in addition to all other lawful charges, including minimum charges, and shall be cancelled on the effective date of the Commission's Order disposing of the issues involved in Investigation and Suspension Docket No. 427, which is now pending.

5. Call and demand motor vehicle common carriers, and Class B private carriers by motor vehicle transporting shipments in competition with the carriers named in Paragraph 3 of this Order, under the rates provided in Sections Nos. 1 and 2 of the Colorado Motor Carriers' Association, Agent, Local and Joint Freight Tariff No. 12-A, Colorado P.U.C. No. 11, and other tariffs publishing similar rates, shall be subject to the penalty rule of twenty (20) per cent.

6. Motor vehicle common carriers operating over scheduled routes and Class A private carriers by motor vehicle, in competition with any of the carriers named in Paragraph 3 of this Order, shall publish or cause to be published rates, rules, regulations and provisions which shall not be less than those herein prescribed.

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 F. Nigro*  
*Henry E. Mulvaney*  
Commissioners

COMMISSIONER HORTON ABSENT.

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

mem

SUSPENSION ORDER--PRIVATE CARRIER

(Decision No. 53491)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
DONALD GEORGE, ROUTE 3 BOX 160, )  
LONGMONT, COLORADO. )  
-----

PERMIT NO. A-5768

-----  
December 9, 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. A-5768 be suspended for six months from September 1, 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 Donald George, Longmont, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. A-5768 until March 1, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph J. Negro*  
*Ralph C. Hobson*  
*Wm. E. Zaslavsky*  
\_\_\_\_\_  
Commissioners

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

hc

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
NATE ENGLANDER, DOING BUSINESS AS, )  
"NATE'S MARKET", 38 EAST 20TH AVENUE, )  
DENVER 2, COLORADO. )  
----- )

PERMIT NO. M-14540

-----  
December 9, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Nate Englander, doing  
business as, "Nate's Market", Denver 2, Colorado  
requesting that Permit No. M-14540 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14540, heretofore issued to Nate Englander, doing  
business as, "Nate's Market", Denver 2, Colorado be,  
and the same is hereby, declared cancelled effective December 10, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Commissioners

Dated at Denver, Colorado,

this 9th day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ROBERT LICKTEIG, KREMMLING, COLO- )  
RADO. )

PERMIT NO. M-491

December 9, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Robert Lickteig,  
Kremmling, Colorado  
requesting that Permit No. M-491 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-491, heretofore issued to Robert Lickteig,  
Kremmling, Colorado be,  
and the same is hereby, declared cancelled effective December 10, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 9th day of December, 1959.



original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. MYRON NIBLACK, 225 MAIN STREET, )  
BROOMFIELD, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND NE- )  
CESSITY TO OPERATE AS A COMMON CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17305  
SUPPLEMENTAL ORDER

-----  
December 7, 1959  
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Appearances: Robert E. McLean, Esq., Denver,  
Colorado, for Applicants Best  
Way Disposal and C. Myron  
Niblack;  
Tull, Hays, and Thompson, Esqs.,  
Denver, Colorado, by John P.  
Thompson, Esq., for Applicant  
North-glenn Sanitary Service;  
Robert McIlhenny, Esq., Denver,  
Colorado, for Applicant Waste  
Engineers;  
Francis R. Salazar, Esq., Den-  
ver, Colorado, for Bebbler Rub-  
bish Removal, D. R Hart,  
Reuben Lee, Derby Waste Dis-  
posal, Ellis Disposal Service,  
Angelo DiSalle, F & P Trash  
Hauling, Adams County Sanita-  
tion District.

S T A T E M E N T

By the Commission:

On November 18, 1959, the Commission entered its Decision  
No. 53377 in the above-styled application, granting to applicant here-  
in a certificate of public convenience and necessity to operate as a  
common carrier by motor vehicle for hire.

The Commission is now in receipt of a communication from  
said C. Myron Niblack, requesting that he be permitted to use the  
trade name "Broomfield Rubbish Removal," in the conduct of operations  
under authority granted by said Decision No. 53377.



F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted.

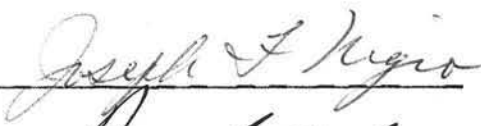

O R D E R

THE COMMISSION ORDERS:

That C. Myron Niblack be, and he hereby is, authorized to use the trade name "Broomfield Rubbish Removal," in the conduct of operations under operating rights granted by Decision No. 53377, of date November 18, 1959.

This Order shall become effective as of December 8, 1959, being the effective date of Decision No. 53377.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 7th day of December, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FORT COLLINS TRANSIT, INC., 1830 )	
LA PORTE AVENUE, FORT COLLINS, COLO- )	
RADO, FOR A CERTIFICATE OF PUBLIC )	<u>APPLICATION NO. 17280</u>
CONVENIENCE AND NECESSITY TO OPER- )	
ATE AS A COMMON CARRIER BY MOTOR )	
VEHICLE FOR HIRE. )	
----- )	

-----  
December 7, 1959  
-----

Appearances: Fischer and Fischer, Esqs.,  
Fort Collins, Colorado,  
for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein sought a certificate of public convenience and necessity, authorizing operation as a common carrier by motor vehicle for hire, for the transportation of passengers within the City of Fort Collins, Colorado, and any point between the City of Fort Collins and points within a radius of fifteen miles from the boundaries of the City of Fort Collins, all within the State of Colorado.

The Commission is now advised that said applicant no longer desires to prosecute said application, and requests 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. 17280 be, and the same hereby is, dismissed, as requested by Fort Collins Transit, Inc., Fort Collins, Colorado, applicant herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

COMMISSIONER RALPH C. HORTON

NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 7th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
AL HOBSON, 1801 EAST 66TH AVENUE, )  
DENVER 16, COLORADO. )

PERMIT NO. M-13937

December 10, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Al Hobson, Denver 16,  
Colorado  
requesting that Permit No. M-13937 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-13937, heretofore issued to Al Hobson, Denver 16,  
Colorado be,  
and the same is hereby, declared cancelled effective December 9, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zullinger  
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
THOMAS E. WALL, 100 PECAN STREET, )  
BROWNWOOD, TEXAS. )

PERMIT NO. M-2412

December 10, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Thomas E. Wall,  
Brownwood, Texas  
requesting that Permit No. M-2412 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-2412, heretofore issued to Thomas E. Wall,  
Brownwood, Texas be,  
and the same is hereby, declared cancelled effective September 26, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Norton  
Henry E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 10th day of December, 1959.

(Decision No. 53498

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROBERT T. WHITE, P. O. BOX 213, )  
STEAMBOAT SPRINGS, COLORADO. )

PERMIT NO. B-5734

December 10, 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 request that his Permit No. B-5734 be suspended for six months from December 8, 1959.

## FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That Robert T. White, Steamboat Springs, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-5734 until June 8, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
George C. Horton  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,  
this 10th day of December, 19 59.

# hc



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DEAN RESLER, HAXTUN, COLORADO, FOR )  
AUTHORITY TO EXTEND OPERATIONS UNDER ) APPLICATION NO. 17491-PP-Extension  
PERMIT NO. A-587. )  
- - - - - )

- - - - -  
December 9, 1959  
- - - - -

Appearances: Robert D. Means, Esq.,  
Denver, Colorado, for  
Applicant;  
John P. Thompson, Esq.,  
Denver, Colorado, for  
North Eastern Motor Freight,  
Inc., Brooks Transportation  
Co.; Sterling Transfer &  
Storage Co., V. Y. Truck  
Line, Wendell Ahnstedt and  
Harvey Nelson;  
Lee J. West, Esq., Greeley,  
Colorado, for Estate of  
Leroy Scheller, Deceased,  
No. 290.

S T A T E M E N T

By the Commission:

The above-styled application was set for hearing at the  
Court House, Sterling, Colorado, November 24, 1959, with due notice  
to all parties in interest.

At said time and place, the applicant made a motion to  
amend the application. There was no objection to the granting of  
said motion. The motion was granted and thirty days were allowed  
the Applicant to file an amended application.

O R D E R

THE COMMISSION ORDERS:

That the above-named applicant be, and is hereby, granted  
thirty days from November 24, 1959, within which to file an amended

application in the within matter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Henry E. Mulenpo  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO MILK TRANSPORT, INC., )  
ROUTE 1, BOX 141, BROOMFIELD, COLO- )  
RADO, FOR CONVERSION OF PERMIT NO. ) APPLICATION NO. 17485  
B-3622 TO A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY. )  
-----

IN THE MATTER OF THE APPLICATION OF )  
COLORADO MILK TRANSPORT, INC., )  
ROUTE 1, BOX 141, BROOMFIELD, COLO- )  
RADO, FOR A CERTIFICATE OF PUBLIC ) APPLICATION NO. 17486-Extension  
CONVENIENCE AND NECESSITY, AUTHORIZ- )  
ING EXTENDED MOTOR VEHICLE COMMON )  
CARRIER SERVICE. )  
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-----  
December 10, 1959  
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Appearances: Paul M. Hupp, Esq., Denver,  
Colorado, for Applicant;  
Max Snyder, Esq., Fort Mor-  
gan, Colorado, for Brush  
Milk Lines Co.

S T A T E M E N T

By the Commission:

By Application No. 17485, Colorado Milk Transport, Inc.,  
Broomfield, Colorado, seeks authority to convert Permit No. B-3622  
to a certificate of public convenience and necessity, and by Appli-  
cation No. 17486, it seeks authority to extend operations under said  
certificate, if converted.

Said applications, pursuant to prior setting, after appro-  
priate notice to all parties in interest, were heard at the Court  
House, Sterling, Colorado, November 24, 1959, and at the conclusion  
of the evidence, the matters were taken under advisement.

Brush Milk Lines protested both applications.

The applications pursuant to consent of the parties were  
consolidated for hearing.

The applicant moved that there be excluded from its application Yuma County and all of Washington County, excepting territory in said County within five miles of Highway No. 6. There was no objection to the motion and it was granted.

During the hearing, it developed that there was no conflict with the certificate of the protestant as to Sedgwick and Phillips Counties and that part of Weld County lying east of Highway No. 21, and the protest was withdrawn as to such territory.

A number of witnesses testified in support of the applications to the effect that the proposed common carrier service is needed in the territory to which the protest was withdrawn. The Commission is of the opinion that the evidence submitted with regard to said territory is sufficient to prove that public convenience and necessity requires that the applicant's authority include such territory if a certificate is granted. These witnesses, among other things, testified that there was no other common carrier service available to them in said territory.

With regard, however, to the remaining territory covered by the application for conversion of Permit No. B-3622 to a certificate of public convenience and necessity and by the application for extension, it is the opinion of the Commission that the evidence does not establish that public convenience and necessity requires such conversion or extension.

The testimony was extensive and in detail and in substance as follows:

Kenneth Martin testified that he is the General Manager and President of the Applicant, Colorado Milk Transport, Inc.; that Applicant purchased the "B" permit from a certain White; that the exhibits indicate the equipment and financial status of the Applicant; that Applicant is equipped to transport milk in bulk or in cans; that approximately 60 customers are presently being served some under the "B" per-

mit and some under the temporary certificate issued by the Commission; that the milk is hauled to Goodrich Dairy at Sterling, Colorado; that Applicant desires the "B" permit held by it to be converted into a common carrier certificate and that the common carrier certificate be extended as is indicated in the application.

Willard Johnson testified that he is Manager of Goodrich Dairy in Sterling which buys, processes and sells milk; that White, the former owner of the "B" permit, the subject of this proceeding, is presently working for Colorado Milk; that he, Johnson, would like to have Colorado Milk provide transportation of milk to the dairy as a common carrier; that this would insure some protection to the shippers by having a duty-bound common carrier to provide service; that operation under one common carrier certificate would be more economical than operation under a private permit and under a common carrier certificate. On cross-examination, Johnson stated that he does not coerce shippers to use any particular carrier.

Witnesses Hersog, McBride, Bostron, Hernandez, Wagoner, and Sisneros all testified in substance that they are dairy farmers who sell their milk to Goodrich; that they are shipping by bulk; that the trend of shipments of milk has been from can shipments to bulk shipments; that they either did not know about other common carrier service presently available to them, or had not tried the service available; that they would have no objection if another common carrier is available which would provide proper service and have adequate equipment. These witnesses indicated that they do have a preference for Colorado Milk as they have had experience with said carrier and are pleased with its service.

Wilfred E. White, who sold the private permit to Colorado Milk, testified that he has been a driver for Colorado Milk for about six months since selling his authority to Colorado Milk; that he operated some ten years as a private carrier; that he pioneered the

Sterling milk shed; and, on cross-examination, stated that he knows of no reason why Brush can't serve adequately as a common carrier in the area.

In Testifying, the dairy farmers were referred to as customers of Goodrich, whereas in fact Goodrich is their customer. They and not Goodrich are the customers of the carrier.

The testimony above referred to and other testimony not detailed herein was too weak and insufficient to establish that public convenience and necessity requires another common carrier in the area and in particular common carrier service by Colorado Milk; it is one thing for shippers to desire or to prefer one carrier over another, it is another matter to establish that public convenience and necessity requires what they desire. There are, of course, situations where the public convenience and necessity coincides with such desire.

On the other hand, the protestant's evidence is that Brush Milk Lines is a common carrier operating in the subject territory and no evidence of substance was submitted to show inadequacy of its equipment or service; it is ready, able and willing to serve the public, and, those who have used its service were satisfied with it. The testimony of protestant, furthermore, presented uncontradicted evidence that during the fiscal year April 1, 1958, to March 31, 1959, this common carrier realized a profit of only \$812.69, and prior thereto operated at a loss; that it needs all the business it can get to survive; that it intends to faithfully maintain satisfactory service to all who wish it.

In this instance, the Commission is of the opinion that the public welfare will not be served by permitting a new common carrier to invade territory already being adequately served by an existing common carrier whose services are available to the public, and, especially is this so since it is obvious that by so doing the existing common carrier almost assuredly will be forced into unprofitable operation and even probably cessation of operations.



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 Application No. 17485 and Application No. 17486-Extension of the Applicant should be denied for the reason that there was not established by the evidence that public convenience and necessity requires that either, or both, should be granted.


O R D E R

THE COMMISSION ORDERS:

That Application No. 17485 and Application No. 17486-Extension of Colorado Milk Transport, Inc., Broomfield, Colorado, should be, and the same hereby are, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph T. Nigro  
Ralph C. Horton  
Henry E. Zuley  
Commissioners.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DELTA COUNTY CANNING COMPANY, P. O. )  
BOX 75, DELTA, COLORADO. )

PERMIT NO. M-1156

December 15, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Delta County Canning  
Company, Delta, Colorado  
requesting that Permit No. M-1156 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

**THE COMMISSION ORDERS:**

That Permit No. M-1156, heretofore issued to Delta County Canning  
Company, Delta, Colorado be,  
and the same is hereby, declared cancelled effective December 3, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Boston  
Wm. E. Zuleygo  
Commissioners

Dated at Denver, Colorado,

this 15th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

LYLE B. HOMERSHAM, DOING BUSINESS AS, )  
"LYLE B. HOMERSHAM COMPANY", 1875 )  
SOUTH ONEIDA, DENVER 22, COLORADO. )  
-----)

PERMIT NO. M-15400

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December 15, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lyle B. Homersham,  
doing business as, "Lyle B. Homersham Company", Denver 22, Colorado  
requesting that Permit No. M-15400 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15400, heretofore issued to Lyle B. Homersham, doing  
business as, "Lyle B. Homersham Company", Denver 22, Colorado be,  
and the same is hereby, declared cancelled effective September 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Norton  
Wm. E. Zandberg  
Commissioners

Dated at Denver, Colorado,

this 15th day of December, 1959.

SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 53503)

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
LE ROY E. OCOBOCK, JR., 1110 )  
CHEYENNE TERRACE, CHEYENNE, )  
WYOMING. )  
-----

PERMIT NO. B-5695

-----  
December 15, 1959  
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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-5695 be suspended for six months from December 4, 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 LeRoy R. Ocobeck, Jr., Cheyenne, Wyoming

be, and is hereby, authorized to suspend his operations under Permit No. B-5695 until June 4, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Raymond C. Holman  
Howard E. Zank  
Commissioners

Dated at Denver, Colorado,  
this 15th day of December, 1959.

original

(Decision No. 53504)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
NICK L. SANCHEZ, P. O. BOX 311, )	
ERIE, COLORADO, FOR A CLASS "B" )	APPLICATION NO. 17506-PP
PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
December 10, 1959  
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Appearances: Nick L. Sanchez, Erie,  
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 coal, from Eagle, Washington, Imperial, and Boulder Valley Mines, to Erie, Colorado, and points within a five-mile radius thereof, for employees of said mines, only; trash and rubbish, from points within the City Limits of Erie, Colorado, to dump, one-half mile east of Erie, Colorado.

Said application was regularly set for hearing before the Commission, at the County Court Room, Court House, Boulder, Colorado, November 30, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 19, 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 appeared and testified in support of his application, stating he has sufficient equipment with which to conduct his proposed operations; that he has a net worth of approximately \$1,000; that he has received numerous requests for his proposed service; that he is presently operating under Temporary Authority issued by this Commission.

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 operating in the territory sought to be served by applicant.

Report of the Examiner recommends that permit issue to applicant herein, as requested by him.

#### 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 Findings be, and the same hereby is, approved.

That Nick L. Sanchez, Erie, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of: (1) coal, from Eagle, Washington, Imperial, and Boulder Valley mines, to Erie, Colorado, and points within a five-mile radius thereof, for employees of said mines, only; (2) trash, and rubbish, from points within the City Limits of Erie, Colorado, to dump, one-half mile east of Erie, Colorado.



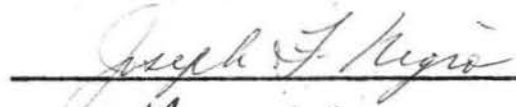

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAMES E. EVANS, DOING BUSINESS AS )  
"EVANS TRUCKING COMPANY," BERTHOUD, )  
COLORADO, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 17507-PP-Transfer  
PERMIT NO. A-117 TO MRS. ROSE WOKER- )  
SIN, DOING BUSINESS AS "WOKERSIN" )  
MILK LINES," ROUTE 1, BOX 239, )  
LONGMONT, COLORADO. )  
----- )

IN THE MATTER OF THE APPLICATION OF )  
JAMES E. EVANS, DOING BUSINESS AS )  
"EVANS TRUCKING COMPANY," BERTHOUD, )  
COLORADO, FOR AUTHORITY TO TRANSFER ) APPLICATION NO. 17508-PP-Transfer  
PERMIT NO. A-576 TO MRS. ROSE WOKER- )  
SIN, DOING BUSINESS AS "WOKERSIN" )  
MILK LINES," ROUTE 1, BOX 239, )  
LONGMONT, COLORADO. )  
----- )

-----  
December 10, 1959  
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Appearances: James E. Evans, Berthoud,  
Colorado, pro se;  
Mrs. Rose Wokersin, Long-  
mont, Colorado, pro se.

S T A T E M E N T

By the Commission:

By the above-styled applications, James E. Evans, doing  
business as "Evans Trucking Company," Berthoud, Colorado, owner and  
operator of Permits Nos. A-117 and A-576, seeks authority to transfer  
said operating rights to Mrs. Rose Wokersin, doing business as  
"Wokersin Milk Lines," Longmont, Colorado, said permits authorizing  
as follows:

Permit No. A-117:

transportation of milk to Loveland and Johns-  
town from the following-described territory:  
commencing at a point from Loveland south to a  
point one mile south of Colorado Highway No. 16;  
thence south to a point one mile north of Berthoud,  
Colorado, on Highway No. 87; thence east to Johns-  
town, Colorado.

Permit No. A-576:

transportation of milk, starting at Berthoud west of Johnstown 36 miles, also Fort Collins to Denver and intermediate points, also any other territory described in writing to the Commission (said operating rights being later clarified and extended to read as follows):

In addition to the milk haul above: Transportation of (a) farm products (except livestock), from farms within a radius of six miles of Berthoud to storage and shipping points; (b) building materials only from Denver to Berthoud for the Gould Lumber Company and the Gilman Lumber Company, of Berthoud, only; (c) building materials for said companies, only, from Berthoud to points within a radius of six miles thereof, and to branch yards at Eaton, Wellington, Johnstown, LaPorte, and Wildes, and (d) transportation of cement from Fort Collins, and plaster from Loveland factories, to yards of said companies, "Fred Harsch Lumber Company" being later substituted in lieu of "Gilman Lumber Company;" addition of Longmont as one of the authorized branch yard points to be supplied with building materials from the Berthoud Yards; transportation of packaged petroleum products, from Berthoud to Johnstown, and transportation of rock from the Benson Quarry, located nine miles west of Berthoud, to points within a six-mile radius of Berthoud, Colorado;

transportation of milk to Johnstown from points in the territory described as: Beginning at the NE corner of Section 5, Township 4-North, Range 67-West; thence west along the north boundary lines of Township 4-North to U. S. Highway No. 87; thence south via U. S. Highway No. 87 to the south line of Township 3-North; thence east along said township line to the SE corner of Section 32, Township 3-North, Range 67-West; thence north to the point of beginning, and in addition to other service authorized, transportation of milk to Johnstown, from the territory described as: Beginning at the NE corner of Section 5, Township 4-North, Range 67-West; thence west to the NW corner of Section 6, Township 4-North, Range 69-West; thence south five miles to the SW corner of Section No. 30, Township 4-North, Range 69-West; thence east three and one-half miles to U. S. Highway No. 87; thence south via Highway No. 87 to the south center line of Section 34, Township 3-North, Range 69-West; thence east to the SE corner of Section 32, Township 3-North, Range 67-West; thence north to point of beginning, with back-haul of empty cans.

Said applications were regularly set for hearing before the Commission, at the Court House, Boulder, Colorado, November 30, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 19, 1959, the Commission, as provided by law, designated Edwin R. Lundborg, an employee of this Commission, to conduct the hearing on said applications.

Said hearings were 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 upon request of the above-styled Transferor and Transferee, said applications were consolidated for the purpose of hearing, and the matters were taken under advisement.

Report of said Examiner further states that at the hearing, James E. Evans appeared and testified he is transferor herein; that he has entered into an agreement with Mrs. Rose Wokersin to sell Permits Nos. A-117 and A-576, copy of said Contract of Sale being on file with the Commission; that he has been continuously operating under said permits since granted by this Commission; that the consideration for transfer of said operating rights is the sum of \$2,250; that there are no outstanding unpaid operating obligations against said permits.

Mrs. Rose Wokersin, transferee herein, also appeared at the hearing, and testified that the consideration for transfer of said Permits Nos. A-117 and A-576 is the sum of \$2,250; that she has sufficient equipment with which to carry on operations thereunder; that she has had operating experience; that her net worth is \$57,000, a copy of her financial statement being on file with the 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 referred to therein should be approved.

That the proposed transfers are 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 Findings be, and the same hereby is, approved.


That James E. Evans, doing business as "Evans Trucking Company," Berthoud, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permits Nos. A-117 and A-576 -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Mrs. Rose Wokersin, doing business as "Wokersin Milk Lines," Longmont, Colorado, subject to payment of outstanding indebtedness against said operations, if any there be, whether secured or unsecured.

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

This Order is made a part of Permit No. A-117 and of  
Permit No. A-576 authorized to be transferred, and shall become  
effective twenty-one days from date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Joseph F. Nye  
Samuel G. Fullen  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

ea



original

(Decision No. 53506)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WESLEY D. CONDA AND R. FRANCES )  
CONDA, CO-PARTNERS, DOING BUSINESS )  
AS "WESLEY CONDA," ROUTE 1, BOULDER, ) APPLICATION NO. 17505-PP-Extension  
COLORADO, FOR AUTHORITY TO EXTEND )  
OPERATIONS UNDER PERMIT NO. B-2933. )  
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-----  
December 10, 1959  
-----

Appearances: Truman A. Stockton, Jr., Esq.,  
Denver, Colorado, for Appli-  
cants.

S T A T E M E N T

By the Commission:

Applicants herein seek authority to extend operations presently  
conducted under Permit No. B-2933.

Said application was regularly set for hearing before the Com-  
mission, at the Court House, Boulder, Colorado, November 30, 1959, at  
ten o'clock A. M., due notice thereof being forwarded to all parties in  
interest.

On November 19, 1959, the Commission, as provided by law, desig-  
nated Edwin R. Lundborg, an employee of this Commission, to conduct the  
hearing on said application, he thereafter to submit a report of said pro-  
ceedings to the Commission.

Report of the Examiner states that at the time and place desig-  
nated for hearing, Attorney for Applicants herein moved that said matter  
be continued.

There being no objection thereto, Report of the Examiner recom-  
mends that said 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, to be later re-set for hearing, with notice to all parties in interest.

O R D E R

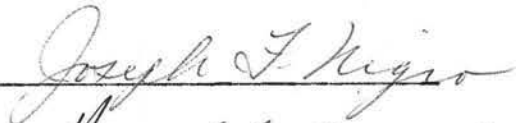

THE COMMISSION ORDERS:

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

That Application No. 17505-PP-Extension be, and the same 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

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

original

(Decision No. 53507)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	}	
TOM MC GINN, 1720 14TH STREET,		
BOULDER, COLORADO, FOR A CERTIFICATE		
OF PUBLIC CONVENIENCE AND NECESSITY		
AUTHORIZING EXTENSION OF OPERATIONS		
UNDER PUC NO. 3953.		<u>APPLICATION NO. 17504-Extension</u>
-----		

-----  
December 10, 1959  
-----

Appearances: Tom McGinn, Boulder, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity, authorizing extension of operations under PUC No. 3953, to include the right to transport ashes and trash, between points within five miles of Boulder, Colorado, he presently, under said PUC No. 3953, being authorized to transport:

ashes, trash, and other waste materials, between points within the City of Boulder, Colorado, and from said City of Boulder, Colorado, to regularly-designated and approved dumps and disposal places within Boulder County, Colorado.

Said application was regularly set for hearing before the Commission, at the County Court Room, Court House, Boulder, Colorado, November 30, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 19, 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 appeared and testified in support of his application, stating he is owner and operator of PUC No. 3953; that he has received numerous requests for his proposed extended service; that he has sufficient equipment with which to conduct said proposed extended operations, and has a net worth of \$1,800.

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.

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 the proposed extended motor vehicle common carrier call and demand transportation services of applicant herein, under PUC No. 3953, 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 be, and the same hereby is, approved.

That public convenience and necessity require the extended motor vehicle common carrier call and demand transportation service of Tom McGinn, Boulder, Colorado, under PUC No. 3953, to include the right

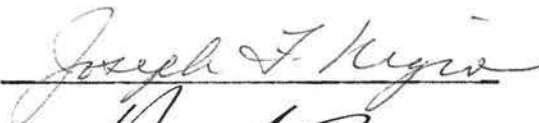

to transport ashes, trash, and other waste materials, between points within a five-mile radius of the City of Boulder, and from points within said five-mile radius of Boulder, to regularly-designated and approved dumps and disposal places within Boulder County, Colorado, and this Order shall be taken, 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

original

(Decision No. 53508)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHESNEY R. LAPPIN AND FORDIE A. )  
TUMBLESON, CO-PARTNERS, DOING )  
BUSINESS AS "L & T SANITATION )  
COMPANY," ROUTE 2, BOX 388, )  
BOULDER, COLORADO. )  
-----

PUC NO. 3417

-----  
December 10, 1959  
-----

Appearances: Reynolds, Brotzman, Zook and  
Hopkins, Esqs., Boulder, Colo-  
rado, for Certificate-Holder.

S T A T E M E N T

By the Commission:

Heretofore, Chesney R. Lappin and Fordie A. Tumbleson, co-  
partners, doing business as "L & T Sanitation Company," Boulder, Colo-  
rado, were granted a certificate of public convenience and necessity  
(PUC No. 3417), authorizing operation as a common carrier by motor ve-  
hicle for hire, for:

transportation of trash, rubbish, refuse,  
garbage, swill, animal refuse, vegetable  
matter, refuse trees and tree limbs,  
refuse coal, wood, timber, lumber, sand,  
gravel, furniture, and all and everything  
of similar refuse or junk nature, from  
point to point within the City of Boulder,  
Colorado, and a five-mile radius thereof,  
and from said area to the City Dump of the  
City of Boulder, wherever same may be lo-  
cated now or in the future.

It now appears that said Fordie A. Tumbleson has departed  
this life, and Caroline Tumbleson, Administratrix of the Estate of  
Fordie A. Tumbleson, has filed with the County Court in and for the  
County of Boulder, State of Colorado, in Action No. 9491, a Petition,  
stating she disclaims any interest she might have in said PUC No.  
3417, as the sole heir of Fordie A. Tumbleson, Deceased, or otherwise.



Copy of Order of said County Court in and for the County of Boulder, State of Colorado, has also been filed with the Commission, stating said Caroline Tumbleson has no interest in, or claim to, said PUC No. 3417.

Request is made by Attorneys for the parties hereto that the Commission enter its Order, setting forth that Chesney R. Lappin is now the sole party in interest in PUC No. 3417.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That said request of Attorneys for the parties hereto 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 that:

"Chesney R. Lappin, doing business  
as 'L & T Sanitation Company,'"

is the sole owner and operator of PUC No. 3417, in lieu of:

"Chesney R. Lappin and Fordie A.  
Tumbleson, co-partners, doing  
business as 'L & T Sanitation  
Company.'"

This Order shall become effective as of the day and date

~~hereof.~~

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Kiger*  
*Henry G. Hurlburt*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WESTMINSTER MOBILE TIRE CENTER, INC- )  
CORPORATED, 3939 WEST 72ND AVENUE, )  
WESTMINSTER, COLORADO. )  
----- )

PERMIT NO. M-6062

-----  
December 15, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Westminster Mobile  
Tire Center, Inc., Westminster, Colorado  
requesting that Permit No. M-6062 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6062, heretofore issued to Westminster Mobile  
Tire Center, Inc., Westminster, Colorado be,  
and the same is hereby, declared cancelled effective October 25, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 15th day of December, 1959.

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BERT GARNELL, 1919 KENTON )  
STREET, AURORA 8, COLORADO. )  
-----

PERMIT NO. B-3009

-----  
December 15, 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-3009 be suspended for six months from December 8, 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 Bert Garnell, Aurora 8, Colorado

be, and is hereby, authorized to suspend his operations under Permit No. B-3009 until June 8, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Niemi  
Wm. E. Zank  
Commissioners

Dated at Denver, Colorado,  
this 15th day of December, 1959

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FRANK J. BYERS, DILLON, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. ) APPLICATION NO. 17514-Transfer  
1484 TO EAGLE TRUCK LINE, INC., )  
EAGLE, COLORADO. )  
----- )

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December 10, 1959  
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Appearances: E. L. Reilly, Denver, Colo-  
rado, for Transferee;  
Doyte C. Dudley, Esq., West-  
minster, Colorado, for  
Transferor;  
Marion R. Smyser, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc., as its  
interests may appear.

S T A T E M E N T

By the Commission:

By the above-styled application, Frank J. Byers, Dillon,  
Colorado, owner and operator of PUC No. 1484, seeks authority to  
transfer said operating rights to Eagle Truck Line, Inc., Eagle,  
Colorado, said PUC No. 1484 being the authority to operate as a  
common carrier by motor vehicle for hire, for the transportation  
on call and demand, of:

timber products, mining machinery and supplies,  
used household goods, farm products, farm equip-  
ment, livestock, and farm supplies, between points  
within an area around Breckenridge bounded on the  
south by Hoosier Pass, on the west by Fremont Pass,  
on the east by Loveland Pass, and on the north by  
the Summit-Grand County Line; coal, from Kremmling  
and Leadville, to points in said area; mining machinery  
and supplies, livestock, farm products, farm equip-  
ment and farm supplies from and to points in said  
area, to and from points in the State of Colorado,  
movements of mining machinery to points in the area  
to be limited to movements of less than seven tons;  
used household goods, from and to points in said area,  
to and from points west of the Continental Divide;

household goods, from points east of the Continental  
Divide, to points within the area around Breckenridge  
bounded on the south by Hoosier Pass, on the west by

Fremont Pass, on the east by Loveland Pass, and on the north by the Summit-Grand County Line, applicant, however, being limited to the use of open or stake body trucks, and not to be allowed to use padded moving vans under this authority.

Said application was regularly set for hearing before the Commission, at the District Court Room, Court House, Glenwood Springs, Colorado, December 3, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 1, 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, Doyte C. Dudley appeared and testified he is attorney for, and son-in-law of, Transferor herein; that in view of this relationship he is personally acquainted with Transferor; that said Transferor was unable to appear at the hearing, and had asked him to appear and testify in his behalf; that Transferor has been hauling continually under PUC No. 1484 since issuance thereof by this Commission; that the consideration for transfer of said PUC No. 1484 is the sum of \$2,500; that there are no outstanding unpaid operating obligations against PUC No. 1484.

Jack Olsen, President of Transferee corporation, appeared and testified that the consideration for transfer of PUC No. 1484 is the sum of \$2,500, as evidenced by Exhibit No. 1; that Transferee has sufficient equipment with which to carry on operations under PUC No. 1484, as shown by Exhibit No. 3; that Transferee has sufficient net worth, as set forth in Exhibit No. 2.

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 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 be, and the same hereby is, approved.

That Frank J. Byers, Dillon, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 1484 -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Eagle Truck Line, Inc., Eagle, 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 shall be extended by the Commission, upon proper application.

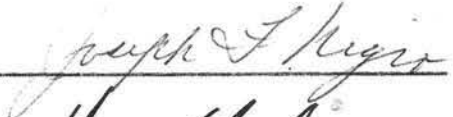

The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.



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.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN C. WILKINSON, 810 SWOPE AVENUE, )  
COLORADO SPRINGS, COLORADO, FOR AU- )  
THORITY TO TRANSFER PUC NO. 2197 TO ) APPLICATION NO. 17509-Transfer  
DON JOHNSON, 2123 EAST ST. VRAIN, )  
COLORADO SPRINGS, COLORADO. )  
----- )

-----  
December 10, 1959  
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Appearances: Marilyn Cimino, Esq., Colo-  
rado Springs, Colorado,  
for Applicants.

S T A T E M E N T

By the Commission:

By the above-styled application, John C. Wilkinson,  
Colorado Springs, Colorado, owner and operator of PUC No. 2197,  
seeks authority to transfer said operating rights to Don Johnson,  
Colorado Springs, Colorado, said PUC No. 2197 being the right to  
operate as a common carrier by motor vehicle for hire, for the  
transportation of:

ashes, trash, dirt, rock, fertilizer, rubbish,  
brush, and other waste materials, between points  
within a radius of ten miles of the corner of  
Pikes Peak and Nevada Avenues, in Colorado Springs,  
Colorado, and the city dump, located approximately  
.8 of a mile from the City Limits of Colorado  
Springs, and any dump which is now or which may  
hereafter be located within the area above  
described;

ashes, trash, dirt, rock, fertilizer, rubbish,  
brush, and other waste materials, between points  
within the corporate limits of Colorado Springs,  
Colorado, and the City Dump, now or hereafter  
designated by appropriate City officials of the  
City of Colorado Springs, Colorado.

Said application was regularly set for hearing before the  
Commission, at the City Auditorium, Colorado Springs, Colorado,  
December 1, 1959, at ten o'clock A. M., due notice thereof being  
forwarded to all parties in interest.

On November 30, 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, John C. Wilkinson, Transferor herein, appeared and testified he desires to retire from the conduct of operations under PUC No. 2197; that he knows Transferee, and believes he is capable of continuing operations under said PUC No. 2197; that there are no outstanding unpaid operating obligations against said certificate.

Don Johnson, Transferee herein, also appeared and testified he has had six years' experience in the trash-hauling business; that he is the owner of a 1946 Chevrolet Dump Truck, which he proposes to use in the conduct of his operations under PUC No. 2197; that he has a net worth of \$4,500.

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 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 be, and the same hereby is, approved.

That John C. Wilkinson, Colorado Springs, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2197 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Don Johnson, Colorado Springs, 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 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

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

*Joseph F. Hyslop*  
*Dennis E. Zaidys*  
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS OF)  
WALTER R. COATES, 4790 WEST 5TH )  
AVENUE, DENVER 4, COLORADO. )  
 )  
 )  
 )  
 )

PERMIT NO. M-8645

December 15, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Walter R. Coates,  
Denver 4, Colorado  
requesting that Permit No. M-8645 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8645, heretofore issued to Walter R. Coates,  
Denver 4, Colorado be,  
and the same is hereby, declared cancelled effective November 20, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Norton  
Henry E. Zuplugs  
Commissioners

Dated at Denver, Colorado,

this 15th day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
J. G. BUEHL, DOING BUSINESS AS, )  
"MOUNTVIEW HARDWOOD LUMBER COMPANY", )  
P. O. BOX 2204, DENVER 4, COLORADO. )  
----- )

PERMIT NO. M-8661

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December 15, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from J. G. Buehl, doing  
business as, "Mountview Hardwood Lumber Company", Denver 4, Colorado  
requesting that Permit No. M-8661 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-8661, heretofore issued to J. G. Buehl, doing business  
as, "Mountview Hardwood Lumber Company", Denver 4, Colorado be,  
and the same is hereby, declared cancelled effective December 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Roden  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 15th day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

W. E. BEGGS; S. W. BEGGS AND H. B. )  
MC GRATH, DOING BUSINESS AS, "TRI- )  
STATE FEED COMPANY", P. O. BOX 287, )  
LAMAR, COLORADO. )  
-----)

PERMIT NO. M-12816

-----  
December 15, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from W. E. Beggs; S. W. Beggs  
and H. B. McGrath, doing business as, "Tri-State Feed Company", Lamar, Colorado  
requesting that Permit No. M-12816 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12816, heretofore issued to W. E. Beggs; S. W. Beggs and  
H. B. McGrath, doing business as, "Tri-State Feed Company", Lamar, Colorado be,  
and the same is hereby, declared cancelled effective November 14, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Norton  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 15th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HENRY LEE YATES, 635 EAST SANTA FE, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE ) APPLICATION NO. 17449  
AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

-----  
December 11, 1959  
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Appearances: Edwin Strand, Esq., Colorado  
Springs, Colorado, for  
Applicant;  
Karl R. Ross, Esq., Colorado  
Springs, Colorado, for  
Becker's Ash and Trash, Estes  
Service Company, Garbage  
Service Company, Inc., John-  
son's Service, Joe Lee Tafqya;  
C. Lee Goodbar, Esq., Colorado  
Springs, Colorado, for Dis-  
posal Service Company, Security  
Garbage 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 transportation of ashes, trash, dirt, rock, fertilizer, rubbish, grass clippings, brush, leaves, and other waste materials, between points within a radius of fifteen miles of the corner of Pikes Peak and Nevada Avenues, in Colorado Springs, Colorado, and municipal dumps, county dumps, and any and all dumps which are now, or which may hereafter be, located in the area above described.

Said application was regularly set for hearing before the Commission at the City Auditorium, Colorado Springs, Colorado, December 1, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 30, 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, applicant herein appeared in support of his application, testifying that he is the owner of a 1949 Dodge Dump Truck, which he proposes to use in the conduct of his operations; that after the heavy snowstorm in September, which broke down so many trees, he has been engaged in cleaning up broken branches in Colorado Springs; that during this time he has received numerous requests for ash and trash service; that he has had experience in this type of work.

Applicant identified two exhibits, being Exhibit D and Exhibit E, which are petitions in support of the instant application, signed by some seventy-five people. Applicant stated he personally circulated these petitions and saw each and every one of said persons who signed these petitions.

In support of the application, Artie Slocum testified he is a resident of Colorado Springs, and that if the instant application is granted, he will use the services of applicant; that he has used the services of other certificated ash and trash haulers, and that these services were not entirely satisfactory.

Upon completion of applicant's case, protestants moved to dismiss said application for want of proof.

In opposition to the granting of authority herein sought, Robert B. Cummings, of Disposal Service Company, which operates under PUC No. 2130, testified that his company owns ten trucks, which include modern packer-type trucks and dump trucks; that he operates his own disposal dump; that in addition to picking up ashes and trash, he has the contract from the City of Colorado Springs for pick-up and disposal

of garbage; that all of his equipment is not used.

Thomas Salmon testified that he is owner of PUC No. 3700, authorizing transportation of trash, etc., from points within a seven-mile radius of Fountain, Colorado, which area includes the City of Security; that he serves about 1,400 customers in said territory.

John Becker testified he is owner of PUC No. 2213, authorizing transportation of ashes and trash; that he has three idle trucks; that he is President of the Colorado Springs Trash Haulers' Association, which consists of twelve members, and from information received from members, it is their opinion that no additional trash-hauling service is necessary in the area sought to be served by applicant herein.

Carl Corder, Manager of Estes Service Company, and Joe Lee Tafoya, owner of PUC No. 2629, were in the hearing room and prepared to testify, it being stipulated that they would testify they had authority for transportation of ashes and trash within the territory sought to be served by applicant herein, and that they were owners of equipment which is not in use at all times.

Report of the Examiner states that applicant's case failed to establish public convenience and necessity, and said Examiner recommends that authority herein sought be denied.

#### 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 denied, inasmuch as public convenience and necessity were not established by applicant herein.

#### O R D E R

##### THE COMMISSION ORDERS:

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

That public convenience and necessity do not require applicant's proposed service, and that Application No. 17449, therefore, should be, and is hereby, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Henry G. Spillenger  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of December, 1959.

ea

original

(Decision No. 53517)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
LEON L. SMALLEY, JR., 3419 WEST )	
COLORADO AVENUE, COLORADO SPRINGS, )	
COLORADO, FOR A CLASS "B" PERMIT )	APPLICATION NO. 17528-PP
TO OPERATE AS A PRIVATE CARRIER BY )	
MOTOR VEHICLE FOR HIRE. )	
----- )	

-----  
December 11, 1959  
-----

Appearances: Leon L. Smalley, Jr.,  
Colorado Springs, Colo-  
rado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other 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, excluding the use of tank vehicles.

Said application was regularly set for hearing before the Commission, at the City Auditorium, Colorado Springs, Colorado, December 1, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 30, 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, applicant herein appeared in support of his application, testifying that he has received numerous requests for his proposed services; that he is buying his home, and has a net worth of \$1,000; that he is the owner of a 1946 Ford Dump Truck, with which he proposes to conduct his operations; that if authority herein sought is granted, he will obey the law and 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 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.

#### 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 be, and the same hereby is, approved.

That Leon L. Smalley, Jr., Colorado Springs, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and

other 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 being restricted against the use of tank vehicles.

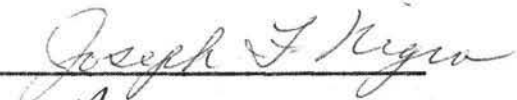

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of December, 1959.

original

(Decision No. 53518)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF	)	
MARIA S. HAMILTON, DOING BUSI-	)	
NESS AS "AARON HAULING SERVICE,"	)	<u>PUC NO. 3381</u>
4745 LOGAN STREET, DENVER, COLO-	)	
RADO.	)	
-----	)	

-----  
December 11, 1959  
-----

S T A T E M E N T

By the Commission:

Pursuant to authority contained in Decision No. 48028, of date June 3, 1957, Maria S. Hamilton, doing business as "Aaron Hauling Service," Denver, Colorado, acquired PUC No. 3381.

It now appears that said Maria S. Hamilton has departed this life, leaving Edward L. Hamilton, her widower, her surviving.

"Order of Transfer," entered by the County Court in and for the City and County of Denver, has now been filed with the Commission, declaring the interest of said Maria S. Hamilton in said PUC No. 3381 to be vested in Edward L. Hamilton, her widower.

Said Edward L. Hamilton now requests that this Commission enter its Order, transferring to him, as widower of said Maria S. Hamilton, the interest in and to PUC No. 3381 formerly held by Maria S. Hamilton.

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:

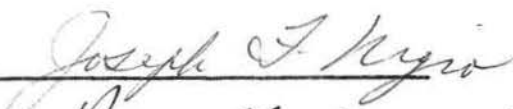

That the Secretary of the Commission is hereby directed to change the records of the Commission to show that PUC No. 3381, heretofore owned and operated by Maria S. Hamilton, doing business as

"Aaron Hauling Service," be transferred to Edward L. Hamilton,  
her widower, so that in the future, said PUC No. 3381 shall be  
owned and operated by:

"Edward L. Hamilton, doing business as  
'Aaron Hauling Service.' "

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of December, 1959.

ea

original

(Decision No. 53519)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF CARL HENDRIX, 1417 CANNON, LOUIS- VILLE, COLORADO, FOR AUTHORITY TO EXTEND OPERATIONS UNDER PERMIT NO. B-4901.	}	<u>APPLICATION NO. 17411-PP-Extension</u>
-----		

-----  
December 11, 1959  
-----

Appearances: John G. Mackie, Esq., Longmont,  
Colorado, for Applicant.

S T A T E M E N T

By the Commission:

Applicant herein is the owner and operator of Permit No.  
B-4901, authorizing operation as a private carrier by motor vehicle  
for hire, for the transportation of:

coal, from mines in the Northern Colorado  
coal fields, to Louisville, Colorado.

By the above-styled application, said permit-holder seeks  
authority to extend operations under said Permit No. B-4901, to in-  
clude the right to transport ashes, trash, and other waste material,  
from point to point within the Town of Louisville, Colorado, and to  
any authorized dump or place of disposal within a ten-mile radius of  
said Town of Louisville, Colorado.

Said application was regularly set for hearing before the  
Commission, at the County Court Room, Court House, Boulder, Colorado,  
November 30, 1959, at ten o'clock A. M., due notice thereof being  
forwarded to all parties in interest.

On November 19, 1959, the Commission, as provided by law,  
designated Edwin R. Lundborg, an employee of this Commission, to con-  
duct 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 appeared in support of his application, testifying that he has been operating under Permit No. B-4901 for five years; that he has sufficient equipment with which to conduct his proposed extended service; that he has received numerous requests for the service he herein proposes to render; that no other carrier in Louisville is performing said service; that he is presently operating under Temporary Authority issued by this Commission; that he has a net worth of approximately \$1,000. Applicant also submitted a list of customers who would use applicant's extended service, in the event authority herein sought is granted.

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 service will impair the efficiency of any common carrier operating in the territory herein sought to be served.

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 should be authorized to extend operations under Permit No. B-4901, 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 be, and the same hereby is, approved.

That Carl Hendrix, Louisville, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-4901, to include the right to transport ashes, trash, and other waste material, from point to point within the Town of Louisville, Colorado, and to any authorized dump or place of disposal within a ten-mile radius of the Town of Louisville, Colorado.

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. Nye*  
*Donald H. Hulse*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of December, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CLAYTON L. CROMWELL, DOING BUSINESS )  
AS "NOB HILL FEED & SUPPLY COMPANY," )  
2523 NORTH MAIN STREET, COLORADO )  
SPRINGS, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17527-PP

-----  
December 11, 1959  
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Appearances: Clayton L. Cromwell, Colorado  
Springs, Colorado, pro se;  
Leslie R. Kehl, Esq., Denver,  
Colorado, for Fairplay Motor  
Company, Eveready Freight  
Service, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of beryllium ore, from mines in Park County, Colorado, to Mineral Concentrates Company, in Loveland, Colorado.

Said application was regularly set for hearing before the Commission, at the City Auditorium, Colorado Springs, Colorado, December 1, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 30, 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 said Examiner states that at the time and place designated for hearing, applicant herein appeared and stated he was unable to produce his customer witness, who was in the East at that

time. Applicant requested that said matter be continued, to be later re-set for hearing.

Protestants objected to any continuance, upon the grounds that they had gone to a great deal of expense to bring witnesses, and to hire an Attorney.

Report of said Examiner further states that inasmuch as Applicant failed to offer any reason, except lack of witnesses, for continuance of the instant proceedings, it would be unfair to require protestants to sustain further expense if said matter were continued.

Report of said Examiner recommends that said application be dismissed, for failure of Applicant to prosecute.

#### 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 dismissed, for failure of applicant to prosecute same.

#### O R D E R

##### THE COMMISSION ORDERS:

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

That Application No. 17527-PP be, and the same hereby is, dismissed, for lack of prosecution.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph T. Higin*  
*Myrtle A. Higin*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of December, 1959.  
mls

original

(Decision No. 53521)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FLOYD M. MOSER, 2429 EAST MONUMENT, )  
COLORADO SPRINGS, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 17510-PP

-----  
December 11, 1959  
-----

Appearances: Floyd M. Moser, Colorado  
Springs, Colorado, pro se.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, 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 City Auditorium, Colorado Springs, Colorado, December 1, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On November 30, 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, applicant appeared and testified in support of his application, stating he is buying a home, and has a net worth of approximately \$1,800; that he is the owner of a 1954 Ford; that he will restrict transportation of road-surfacing materials against the use of tank vehicles; that if authority herein sought is granted, he will obey the law and rules and regulations of the Commission; that he has received numerous requests for his proposed services.

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 proposed 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 hereinafter set forth.

#### 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 be, and the same hereby is, approved.

That Floyd M. Moser, Colorado Springs, Colorado, be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel, and other 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 being restricted against the use of tank vehicles.

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. Nigro  
Ray E. Hallen  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of December, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CLAUDE SILVERS AND PAUL SILVERS, )  
DOING BUSINESS AS "SILVERS TRUCK ) PUC NO. 1025  
SERVICE," ROCKY FORD, COLORADO. )  
- - - - - )

- - - - -  
December 11, 1959  
- - - - -

Appearances: Cover Mendenhall, Esq.,  
Rocky Ford, Colorado,  
for Audry Silvers.

S T A T E M E N T

By the Commission:

Pursuant to authority contained in Decision No. 13109,  
of date February 28, 1939, Claude Silvers and Paul Silvers, co-  
partners, doing business as "Silvers Truck Service," Rocky Ford,  
Colorado, acquired PUC No. 1025.

It now appears that said Claude Silvers has departed this  
life, leaving Audry Silvers, his widow, him surviving.

"Order of Transfer," entered by the County Court of Otero  
County, Colorado, has now been filed with the Commission, declaring  
the interest of said Claude Silvers in said PUC No. 1025 to be vested  
in Audry Silvers, his widow.

Cover Mendenhall, Attorney for said Audry Silvers, now  
requests that this Commission enter its Order, transferring to Audry  
Silvers, widow of said Claude Silvers, the interest in PUC No. 1025  
heretofore held by Claude Silvers.

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 one-half interest in and to PUC No. 1025, heretofore held by Claude Silvers, be transferred to Audry Silvers, widow of said Claude Silvers, so that in the future, said PUC No. 1025 shall be owned and operated by:

"Audry Silvers and Paul Silvers, co-partners,  
doing business as 'Silvers Truck Service;' "

in lieu of:

"Claude Silvers and Paul Silvers, co-partners,  
doing business as 'Silvers Truck Service.' "

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 11th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JESSE I. MILLER, GENERAL DELIVERY,  
ROCK SPRINGS, WYOMING.

PERMIT NO. B-4849

December 15, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Jesse I. Miller.

Rock Springs, Wyoming

requesting that Permit No. B-4849 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. B-4849, heretofore issued to Jesse I. Miller,

Rock Springs, Wyoming

be,

and the same is hereby, declared cancelled effective December 17, 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 15th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION  
OF WESTERN SLOPE GAS COMPANY, 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 30,000 SHARES OF ITS  
COMMON STOCK.

APPLICATION NO. 17559  
Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed December 11,  
1959, by Western Slope Gas Company, a Corporation in the above styled  
matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing December 22,  
1959, at 10:00 o'clock A. M., 330 State Office Building, Denver, Colorado,  
respecting the matters involved and issues presented in the 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 Com-  
mission on or before December 17, 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. Nigro*  
*Henry E. Paulsen*  
Commissioners

Dated at Denver, Colorado,  
this 11th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF THE  
PUEBLO GAS AND FUEL COMPANY, 815 NORTH  
MAIN STREET, PUEBLO, COLORADO, A  
CORPORATION ORGANIZED AND EXISTING UNDER  
THE LAWS OF THE STATE OF COLORADO, FOR  
AN ORDER AUTHORIZING THE ISSUANCE OF 60,000  
SHARES OF ITS COMMON STOCK.

APPLICATION NO. 17560  
Securities

S T A T E M E N T

By the Commission:

Upon consideration of the application filed December 11,  
1959, by The Pueblo Gas and Fuel Company, a Corporation in the above styled  
matter.

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing December 22, 1959,  
at 10:00 o'clock A. M., 330 State Office Building, Denver, Colorado, respect-  
ing the matters involved and issues presented in the 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 December 17, 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 in inter-  
veners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Henry E. Paulsen  
Commissioners

Dated at Denver, Colorado,  
this 11th day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
BEN M. GARDNER, DOING BUSINESS AS, )  
"CENTRAL BROOM SUPPLY COMPANY", )  
BOISE CITY, OKLAHOMA. )  
----- )

PERMIT NO. M-10072

-----  
December 22, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Ben M. Gardner, doing  
business as, "Central Broom Supply Company", Boise City, Oklahoma  
requesting that Permit No. M-10072 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10072, heretofore issued to Ben M. Gardner, doing  
business as, "Central Broom Supply Company", Boise City, Oklahoma be,  
and the same is hereby, declared cancelled effective November 30, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Joseph C. Horton  
Henry E. Zuckert  
Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
PHILIP NAKAOKA, DOING BUSINESS AS, )  
"BRENTWOOD FRUIT AND VEGETABLE )  
MARKET", 2032 SOUTH FEDERAL BOULE- )  
VARD, DENVER 19, COLORADO. )  
-----)

PERMIT NO. M-6412

-----  
December 22, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Philip Nakaoka, doing  
business as, "Brentwood Fruit and Vegetable Market", Denver 19, Colorado  
requesting that Permit No. M-6412 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-6412, heretofore issued to Philip Nakaoka, doing  
business as, "Brentwood Fruit and Vegetable Market", Denver 19, Colorado be,  
and the same is hereby, declared cancelled effective October 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Raymond C. Gordon  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF )  
RIDGELY TRANSPORT (A CORPORA- )  
TION), 1509 BENT AVENUE, )  
CHEYENNE, WYOMING. )  
----- )

PUC NO. 1444-I

-----  
December 22, 1959  
-----

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ridgely Transport  
(A Corporation), Cheyenne, Wyoming

requesting that Certificate of Public Convenience and Necessity No. 1444-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. 1444-I heretofore issued to Ridgely Transport  
(A Corporation), Cheyenne, Wyoming

be, and the same is hereby, declared cancelled effective November 19, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Horton  
Wm. E. Zwick  
Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WESTERN CONCRETE PIPE COMPANY, P. O. )  
BOX 3916, DENVER 29, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-4505

\_\_\_\_\_  
December 22, 1959  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Western Concrete  
Company, Denver 29, Colorado  
requesting that Permit No. M-4505 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-4505, heretofore issued to Western Concrete  
Company, Denver 29, Colorado be,  
and the same is hereby, declared cancelled effective December 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Wm. E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
JOHN B. CORE AND H. S. STUCHELL, )  
DOING BUSINESS AS, "SLOPE MOTOR )  
PARTS", 230 SOUTH 7TH, GRAND JUNCTION, )  
COLORADO. )  
-----)

PERMIT NO. M-9707

-----  
December 22, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John B. Core and  
H. S. Stuchell, dba "Slope Motor Parts", Grand Junction, Colorado  
requesting that Permit No. M-9707 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9707, heretofore issued to John B. Core and H. S.  
Stuchell, dba "Slope Motor Parts", Grand Junction, Colorado be,  
and the same is hereby, declared cancelled effective December 12, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Wm. E. Zurlings  
Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE INCREASE IN RATES ON MILK )  
IN CANS AS PUBLISHED IN ITEMS NO. )  
3290 AND 3320, 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 STREET, )  
DENVER 16, COLORADO. )  
-----

INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 431

-----  
December 15, 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, tariffs as above stated reflecting a twenty-five cent increase per can on milk to become effective on statutory notice, December 18, 1959, designated as follows:

4th Revised Page No. 265, Colorado Motor Carriers'  
Association Tariff No. 12-A, Colorado P.U.C. No. 11.

Item No. 3290	Milk, in shipping cans	To Golden, Denver and a radius of 5 miles of the City Limits of Denver	
	<u>From Northern Colorado Origins</u>	Less Than 10 Cans Per Day	10 Cans or More Per Day
	<u>Distance - Miles</u>		
	Zone 1 - 15 Miles or less	56	50
	Zone 2 - 25 Miles and over 15 Miles	60	53
	Zone 3 - 35 Miles and over 25 Miles	65	56
	Zone 4 - 45 Miles and over 35 Miles	68	61
	Zone 5 - 55 Miles and over 45 Miles	71	64
	Zone 6 - 65 Miles and over 55 Miles	74	68
	Zone 7 - 75 Miles and over 65 Miles	78	71



Rates are in cents per can and cover the average number of cans daily for any semi-monthly period.

Rates include return of empty cans.

(Colorado Milk Transport, Inc.)

Item No. 3320	<u>Milk, in shipping cans</u>		
	* <u>From Northern Colorado Origins</u>	<u>To</u> <u>Ft. Lupton, Colorado</u>	
	<u>From Northern Colorado Origins</u>	<u>To</u> <u>Brighton, Colorado</u>	
	<u>Distance - Miles</u>	Less Than	10 Cans
	15 Miles or Less	10 Cans	or More
	Over 15 Miles	Per Day	Per Day
		54	47
		56	50
Rates are in cents per can and cover the average number of cans daily for any semi-monthly period.			
Rates include return of empty cans.			
	* Milk in bulk in tank trucks	<u>From</u> Northern Colorado Origins	<u>To</u>  Brighton

\* No change in these rates; therefore, not shown or affected by this order.

The changes stated above in said tariff may be injurious to the rights and interests of the public, and, therefore, it is the opinion of the Commission that the effective date of said tariffs should be postponed, pending a hearing and decision thereon.

### F I N D I N G S

#### THE COMMISSION FINDS:

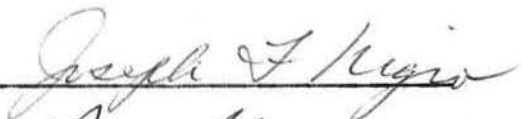

That, upon its own motion, the proposed schedules as hereinbefore specified should be suspended and it should enter upon a hearing concerning the lawfulness of the said rates, rules and changes.

O R D E R

THE COMMISSION ORDERS, That:

1. The statement and findings are hereby made a part hereof.
2. It shall, upon its own motion, enter upon a hearing concerning the lawfulness of the proposed rates, rules and changes as set forth in said tariff.
3. The operation of said schedules contained in said tariff shall be suspended and that the use of the rates, charges, regulations and practices therein stated be deferred 120 days, or until the 16th day of April, 1960, unless otherwise ordered by the Commission, and no change shall be made in such rates, charges, regulations and practices during the said period of suspension, except portions of Item No. 3320 not affected.
4. The rates and charges and the regulations and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension or any extension thereof has expired.
5. A copy of this order be filed with said schedule in the office of the Commission and that copies hereof be forthwith served upon Mr. J. R. Smith, Chief of Tariff Bureau, The Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver 16, Colorado; Mr. John Norman, Manager, Motor Tariff Service, Room 205, 1410 16th St., Denver 2, Colorado; Mr. Kenneth Martin, Colorado Milk Transport, Inc., Rt. 1, Box 141, Broomfield, Colorado.
6. This proceeding be, and the same is hereby, assigned for hearing January 4, 1960, at 10:00 A.M., in the hearing room of the Commission, Room 330 State Office Building, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

COMMISSIONER HORTON NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 15th day of December, 1959.

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 STREET, DENVER 16, COLORADO.)  
-----

CASE NO. 1585

-----  
December 16, 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 December 18, 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 letters from carriers involved, that:

The Garrett Freightlines, Inc., operating under Certificate of Convenience and Necessity No. 580, is being added to this Association's Tariff as a participant carrier and withdrawing from Motor Tariff Service, Colorado Motor Freight Tariff No. 1-A, Colorado P.U.C. No. 3. Generally, the rates are being transferred as appearing in the preceding publication; however, some changes have been made which are as follow: The class rates between Denver, Colorado, on the one hand, and on the other, Dolores, Colorado, and North Dale, Colorado, in joint operation with Rio Grande Motor Way, Inc., are being increased to reflect the 10% in class rates authorized the Rio Grande Motor Way, Inc., effective January 19, 1959, under Decision No. 51428.

BETWEEN		DENVER, COLORADO		
AND		LTL	5,000 LBS.	10,000 LBS.
DOLORES	(Present)	342	278	221
	(Proposed)	376	306	243
NORTH DALE	(Present)	315	257	208
	(Proposed)	376	306	243

New specific class rates are being instituted between Grand Junction, Colorado, on the one hand, and Ackmen, Cahone, Dolores, Dove Creek, Lewis, McPhee, Pleasant View and Yellow Jacket, Colorado, on the other. The above changes are predicated on the bases of their interstate rates. In the attached appendix, all the intrastate rates as filed at this time are being shown even though no changes occurred. The purpose being to clarify Case No. 1585 and as information to whom it may concern.

For the account of Larson Transportation Company, Item No. 30 is being amended so as to restrict the application of the "Collect-on-delivery shipment" charges as provided in this tariff applying to its line, and for the future the provisions as provided in the National Motor Freight Classification A-4, Colorado P.U.C. No. 1, will be used. Increases will ensue to the shippers on C.O.D. shipments; however, there are other carriers using the higher charges.

Item No. 60 (Volume Minimum Weights and Volume or Truckload Ratings) is being amended by the addition of Southwestern Transportation Company as a participant to this item. This will have the effect of placing this carrier on the same basis as other carriers operating in the same territory as to the minimum weight factors by increasing the total minimum weight factor from its present 10,000 pound minimum to the various amounts provided in this item.

One of the authorities operated by Southwestern, viz.: P.U.C. No. 268, for which this change is being made, the certificate granted is for the transportation of freight in call and demand service between points within a radius of thirty-five miles of Canon City, Colorado, and between points within said radius and other points within the State of Colorado. The other authorities are No. 3902 and B-5529, which are not affected by this rule.

For the account of Rio Grande Motor Way, Inc., and Larson Transportation Company, Item No. 1930, Gilsonite or asphaltum in bags or barrels, is being amended by adding Gunnison, Colorado, as a destination point. Mr. Ralph H. Knull, Assistant Traffic Manager for Rio Grande, states:

"This rate is being published to eliminate private carriage which is proposed to handle this movement. The rate is also being established on comparative mileage ratio with present rates established to Greeley, Colorado, and also a rate which was recently published to Alamosa, Colorado."

For the account of Barnhill Truck Line, Item No. 2495, roofing or siding or roofing or siding materials, is being amended by adding Calhan and Simla, Colorado, as specific destination points. This carrier does not participate in the "Volume Minimum Weights and Volume or Truckload Ratings" item, and thus has available to shippers as quantity shipments only ratings based on 10,000 pounds as a minimum weight factor. In order to be competitive with other carriers serving other points for commodities in this item at the 30,000 pounds minimum set forth, it was necessary to reduce rates to the comparative levels with other destination points involved in this item.

### 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 December 18, 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 December 18, 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.

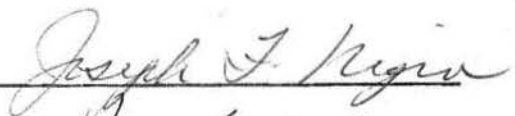

7. On and after December 18, 1959, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier, affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided 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

COMMISSIONER HORTON NOT PARTICIPATING.

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

mem



APPENDIX "A"

Colorado Motor Carriers' Association, Agent  
Local and Joint Freight Tariff No. 12-A  
Colorado P.U.C. No. 11

SECTION NO. 1

Class Rate Bases

For Application, See Item No. 927  
For Class Rates, See Pages 101 to 124

AND BETWEEN	Cortez, Colorado			ROUTE NO.
	Less Than Truckload	Minimum Weight - Pounds		
		5,000	10,000	
Ackmen	101	75	45	169
Cahone	107	77	50	169
Dove Creek	116	84	52	169
Lewis	98	69	43	169
Pleasant View	101	75	45	169
Yellow Jacket	98	69	43	169
Denver, Colorado				
Dolores	376	306	243	172
North Dale	376	306	243	172
Durango, Colorado				
Ackmen	150	109	75	169
Cahone	166	127	86	169
Cortez	147	105	67	169
Dolores	134	95	61	169
Dove Creek	166	127	86	169
Lewis	144	107	75	169
Mancos	120	89	55	169
Pleasant View	150	109	75	169
Yellow Jacket	150	109	75	169
Grand Junction, Colorado				
Ackmen	281	231	185	172
Cahone	282	232	186	172
Dolores	278	224	166	172
Dove Creek	290	238	193	172
Lewis	281	231	185	172
McPhee	278	224	166	172
Pleasant View	282	232	186	172
Yellow Jacket	281	232	185	172

SECTION NO. 2

Commodity Rates

For Application, See Page No. 190 of Tariff

Rates Are in Cents Per 100 Pounds

ITEM NO.	COMMODITY	FROM	TO	RATES	ROUTE NO.
1280	Beer and Carbonated beverages, in cans, or bottles, in cases. Minimum weight 500 pounds. Rate includes return of empty cases.	Durango, Colorado	Dolores, Pleasant View, Lewis, Yellow Jacket, Cahone, Dove Creek, North Dale, Colorado.	55	169

Rates Are in Cents per 100 Pounds

ITEM NO.	COMMODITY	FROM	TO	RATES	ROUTE NO.
1790	Flour and Feed, animal or poultry. Minimum weight 500 pounds.	Durango, Colorado	Pleasant View, Lewis, Yellow Jacket, Cahone, Dove Creek, North Dale, Colorado.	41	169
2620	Sugar. (9) Min. wt. 1,000 lbs. (10) Min. wt. 500 lbs. (Subject to Item No. 770)	Durango, Colorado Dolores, Colorado	Lewis, Pleasant View, Ackmen, Cahone, North Dale, Dove Creek, Colorado.	(9) 28 (10) 38	169

Route No. 169 - Garrett Freightlines, Inc., direct  
 172 - Rio Grande Motor Way, Inc., Durango, Colorado,  
 Garrett Freightlines, Inc.

Remove Larson Transportation Company from the application of  
 Item No. 30 (Collect-On-Delivery Shipments) wherein the  
 application of the National Motor Freight Classification  
 No. A-4, Colorado P.U.C. No. 1, will be used for the future.

Add Southwestern Transportation Company as a participant  
 to Item No. 60, Volume Minimum Weights and Volume or  
 Truckload Ratings.

For the account of Rio Grande Motor Way, Inc., and Larson  
 Transportation Company, amend the following item:

Rates Are in Cents per 100 Pounds

ITEM NO.	COMMODITY	FROM	TO	RATES	ROUTE NO.
	Commodities in the same item may be shipped in straight or mixed truck loads.				
1930	Gilsonite or Asphaltum, in bags or barrels. Minimum weight 40,000 pounds.	Craig, Colorado.	Colorado		
			Denver	58	25
			Boulder	58	- -
			Ft. Collins	75	
			Greeley	81	56
			Alamosa	94	
			+(R)Gunnison	84	39

Denotes: - + Addition  
 (R) Reduction

Route No. 39 - Larson Transportation Company, Denver, Colorado,  
 Rio Grande Motor Way, Inc.

Other routings purposely omitted as not affected by changes  
 involved herein.

For the account of Barnhill Truck Line, amend the following item:

Rates Are in Cents per 100 Pounds

ITEM NO.	COMMODITY				
2495	Commodities in the same item may be shipped in straight or mixed truck loads.				
	Roofing or Siding or Roofing or Siding Materials, viz.: Asphalt; Cement, roofing; Paper, building or roofing; Pitch; Roofing, composition or prepared, NOI; Shingles, asphalt composition or asbestos; Siding, asphalt composition or asbestos; Wallboard, asbestos. Minimum weight 30,000 lbs.				
	NOTE: Rates will also apply on accessories necessary in applying the roofing, shingles and siding, but not to exceed 10 per cent of the weight on which charges are assessed.				
	Shipper to place freight at tail gate of truck or trailer and consignee to receive freight at tail gate of trailer or truck, or equipment will be spotted for unloading by consignee.				
	BETWEEN DENVER, COLORADO, AND:				
	COLORADO	RATES	ROUTE NO.	COLORADO	RATES ROUTE NO.
	Air Force Academy	26	47	Greeley	23 47
	Alamosa	61	87	Gunnison	70 87
	Ault	23	47	Gypsum	66 87
	Avondale	35	47	Haxtun	37 4
	Bayfield	82	87	Holly	48 47
	Blanca	61	87	Holyoke	37 4
	Boulder	18	49	Hooper	61 87
	Brighton	16	47	Ignacio	82 87
	Brush	29	32	Julesburg	41 32
	Buena Vista	52	87	Kersey	23 47
	+(R)Calhan	31	116	LaJunta	40 47
	Canon City	40	87	Lamar	44 47
	Center	61	87	LaSalle	22 47
	Colorado Springs	26	47	Leadville	58 87
	Cortez	94	87	Littleton	15 47
	Craig	71	25	Loveland	23 12
	Crowley	39	48	Mancos	94 87
	Del Norte	61	87	Monte Vista	61 87
	Delta	72	87	Montrose	72 87
	Dolores	94	87	New Castle	66 87
	Durango	82	87	Pagosa Springs	82 87
	Dyke	82	87	Peetz	37 32
	Eagle	66	87	Pueblo	34 47
	Eaton	23	47	Rifle	72 87
	Florence	40	87	Salida	52 87
	Fort Carson	26	47	Silt	66 87
	Fort Collins	30	158	+(R)Simla	35 116
	Fort Garland	61	87	South Fork	61 87
	Fort Lupton	18	47	Steamboat Springs	61 25
	Fort Morgan	26	32	Sterling	35 32
	Glenwood Springs	66	87	Trinidad	42 47
	Grand Junction	72	87	Wiggins	25 32
	Granite	58	87		

Denotes - + Additions  
(R) Reduction

Route No. 116 - Barnhill Truck Line, direct

Other routings purposely omitted as not affected by changes involved herein.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

WILLIAM P. DRAPER, DOING BUSINESS AS, )  
"DRAPER'S UPHOLSTERY", 75 SOUTH )  
FEDERAL BOULEVARD, DENVER 19, COLO- )  
RADO. )  
-----)

PERMIT NO. M-9195

-----  
December 22, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from William P. Draper,  
doing business as, "Draper's Upholstery", Denver 19, Colorado  
requesting that Permit No. M-9195 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9195, heretofore issued to William P. Draper, doing  
business as, "Draper's Upholstery", Denver 19, Colorado be,  
and the same is hereby, declared cancelled effective December 15, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 22nd day of December, 195 9.

SUSPENSION ORDER  
PRIVATE--CARRIER

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(Decision No. 53534 )

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
ROBERT NELSON WHITE, 320 SOUTH )  
EAST 33RD STREET, DES MOINES, )  
IOWA. )  
-----

PERMIT NO. B-3829

-----  
December 22, 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-3829 be suspended for  
six months from December 10, 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 Nelson White, Des Moines, Iowa

be, and is hereby, authorized to suspend his operations under Permit  
No. B-3829 until June 10, 1960.

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 re-  
instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Horton  
Wm. E. Zerkow  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HOME LIGHT AND POWER COMPANY, A COR- )  
PORATION, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY AUTHOR- )  
IZING THE EXERCISE OF FRANCHISE )  
RIGHTS GRANTED BY THE TOWN OF KERSEY, )  
STATE OF COLORADO. )  
- - - - - )

APPLICATION NO. 17494

- - - - -  
December 17, 1959  
- - - - -

Appearances: Clayton and Gilbert, Esq.,  
Greeley, Colorado, by  
John R. Clayton, Esq.,  
and  
W. A. Terry, Greeley, Colo-  
rado, for Home Light  
and Power Company;  
E. R. Thompson, Denver, Colo-  
rado, and  
P. M. Brown, Denver, Colorado,  
for the Commission.

S T A T E M E N T

By the Commission:

This is an application by Home Light and Power Company,  
hereinafter called "Applicant," seeking a certificate of public  
convenience and necessity to exercise franchise rights in the Town  
of Kersey, Weld County, State of Colorado, for the purchase, gener-  
ation, transmission, distribution, and sale of electricity in said  
Town.

The matter was set for hearing, after due notice to all  
interested parties, on December 8, 1959, at the Hearing Room of the  
Commission, 330 State Office Building, Denver, Colorado, and was  
heard on said date. At the conclusion of the hearing, the matter was  
taken under advisement.

No one appeared at the hearing in opposition to the authority  
sought to be granted in this application.



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 regulation of this Commission, principally engaged in the business of purchase, transmission, distribution and sale of electricity for light, power and other purposes to residents in various cities, towns, and rural areas situated in Weld County, including the Town of Kersey. Applicant's witness testified that the Articles of Incorporation of Applicant, as amended to date, have heretofore been filed with this Commission.

Applicant showed that on September 8, 1959, the Board of Trustees of Kersey duly passed and adopted Ordinance No. 65, of the Town of Kersey, entitled as follows:

"AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF KERSEY, WELD COUNTY, COLORADO, TO HOME LIGHT AND POWER COMPANY, A CORPORATION, ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO LOCATE, BUILD, CONSTRUCT, ACQUIRE, PURCHASE, MAINTAIN AND OPERATE INTO, WITHIN AND THROUGH THE TOWN OF KERSEY, A PLANT OR PLANTS, SUBSTATIONS, AND WORKS, FOR THE GENERATION, PURCHASE, TRANSMISSION, AND DISTRIBUTION OF ELECTRICAL ENERGY, AND TO FURNISH, SELL AND DISTRIBUTE SAID ELECTRICAL ENERGY TO THE TOWN OF KERSEY AND THE INHABITANTS THEREOF, FOR LIGHT, HEAT, AND POWER OR OTHER PURPOSES BY MEANS OF CONDUITS, CABLES, POLES, AND WIRES STRUNG THEREON, 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 KERSEY, AND FIXING THE TERMS AND CONDITIONS THEREOF AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH."

The term of the franchise is twenty-five years. A certified copy of the franchise contained within the Ordinance, and proof of posting were introduced at the hearing and identified as Exhibit C. Witness testified that on September 18, 1959, the Company accepted the terms of the franchise in writing.

The franchise ordinance provides for the payment of a franchise tax of 1% of gross revenue, subject to certain specified exclusions.

At the present time, Applicant serves approximately 139 meters within the Town limits of Kersey.

The estimated capital improvement in the Town of Kersey during the life of this franchise is \$24,000. This amount will be the basis of the fee for the issuance of the certificate but will not be binding on the Commission if at any time property valuation should be at issue.

There is no other utility of like character within the area capable of serving the Town of Kersey.

The Commission has reviewed this application and the evidence presented by Applicant in support thereof, and believes the application should be granted.

### F I N D I N G S

#### THE COMMISSION FINDS:

That the Commission has jurisdiction of Applicant herein, Home Light and Power Company, and of the subject matter involved in 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 public convenience and necessity require, and will require, the exercise by Home Light and Power Company of the franchise rights granted in and by Ordinance No. 65, of the Town of Kersey, dated September 8, 1959, for the purchase, generation, distribution and sale of electricity in said Town, and that the permission 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 Home Light and Power Company of the franchise granted in and by Ordinance No. 65, identified as Exhibit "C" herein, and, by reference, made a part hereof, for the purchase, generation, transmission, distribution and sale of electricity, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That Home Light and Power Company shall install, operate and maintain its electric system and supply service in the area heretofore designated in accordance with the schedules of electric 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 Home Light and Power Company 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, operations, records of meters and complaints in accordance with the requirements of the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Henry C. Zuckert*  
Commissioners

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DONALD E. HARTLEY, 4055 WEST 78TH )  
AVENUE, WESTMINSTER, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A ) APPLICATION NO. 17324-PP-Amended  
PRIVATE CARRIER BY MOTOR VEHICLE ) SUPPLEMENTAL ORDER  
FOR HIRE. )  
- - - - - )

- - - - -  
December 17, 1959  
- - - - -

Appearances: Donald E. Hartley, West-  
minster, Colorado, pro se;  
R. E. Turano, Denver, Colo-  
rado, and  
T. A. White, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc., Larson  
Transportation Company.

S T A T E M E N T

By the Commission:

By the above-styled application, Applicant herein sought  
authority to operate as a Class "B" private carrier by motor ve-  
hicle for hire, for the transportation of:

baled hay, from any point within the State  
of Colorado, to Anderson-Harrington Coal  
Company, in Denver, to feed lots and dairies  
in Denver and Colorado Springs, Colorado,  
and points within a radius of fifty miles  
of Denver and Colorado Springs, Colorado,  
and to State institutions within a radius  
of twenty-five miles of Denver, with back  
haul of sacked grain to farms and ranches  
anywhere in the State of Colorado, all said  
service to be for one customer, only, viz.,  
Dannen Mills, of Denver, Colorado.

Pursuant to public hearing on said application, the Com-  
mission, on December 4, 1959, entered its Decision No. 53478, granting  
to Applicant herein the right to operate as a Class "B" private carrier  
for hire, for the transportation of:

baled hay and straw, from point to point  
within a radius of fifty miles of Denver,  
Colorado, for Dannen Mills, only, together  
with the right to haul sacked grain and  
processed feed from Dannen Mills to farms  
and ranches anywhere within said fifty-mile  
radius of Denver, Colorado.

Thereafter, on December 10, 1959, "Petition for Rehearing" was filed with the Commission by said Applicant.

The Commission has read and carefully considered said Petition for Rehearing.

F I N D I N G S

THE COMMISSION FINDS:

That said Petition for Rehearing should be granted, and said matter set for rehearing at a later date, with notice to all parties in interest.

O R D E R

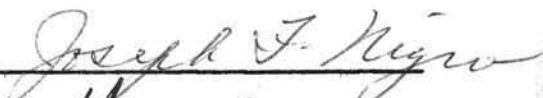
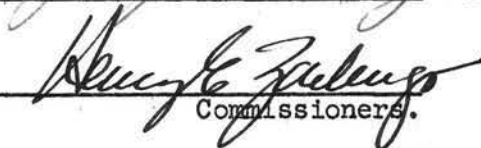
THE COMMISSION ORDERS:

That Petition for Rehearing, filed with the Commission by Applicant herein on December 10, 1959, be, and the same hereby is, granted.

That Application No. 17324-PP-Amended shall be later set for rehearing 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

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
BILL R. WINGO, DOING BUSINESS AS )  
"GREELEY BUS SERVICE," ROUTE 4, )  
BOX 192, GREELEY, COLORADO. )  
-----

PUC NO. 312

-----  
December 17, 1959  
-----

S T A T E M E N T

By the Commission:

On September 4, 1957, the Commission entered its Decision No. 48643, in Application No. 15640, authorizing Delbert G. Bussard, doing business as "Bussard Bus Company," Englewood, Colorado, to transfer PUC No. 312 to Bill R. Wingo, doing business as "Greeley Bus Service," Greeley, Colorado.

The Commission is now in receipt of a communication from said Bill R. Wingo, doing business as "Greeley Bus Service," as follows:

"Due to the fact that bus patronage has fallen off to a point, making it impossible to operate at a profit, or even break even, I ask the Commission for the permission to abandon service in the City of Greeley, Colo., as of November 20, 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 Bill R. Wingo, doing business as "Greeley Bus Service," Greeley, Colorado, be, and he hereby is, permitted and authorized to abandon and discontinue operations under a portion of PUC No. 312, owned and operated by him, viz.:



"Transportation of passengers within the City Limits of the City of Greeley, Colorado."

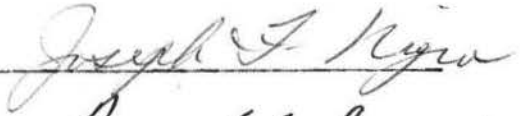

That in the future, said certificate-holder, under said PUC No. 312, shall be authorized to operate as a common carrier by motor vehicle for hire, for:

"Occasional motor coach service by special charter for the transportation of passengers from and to Greeley, Colorado, to and from other points within the State of Colorado, subject to the following conditions:

"All authority shall be limited to the specific authority sought in said application. Applicant shall not be permitted, without further authority from this Commission, to establish a branch office or to have any agent employed in any town or city other than Greeley, Colorado."

This Order shall become effective, nunc pro tunc, as of November 20, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of December, 1959.

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
IRA ANKRUM, GUFFEY, COLORADO. )  
----- )

PERMIT NO. B-3842

-----  
December 22, 1959  
-----S T A T E M E N TBy the Commission:

The Commission is in receipt of a request from the above-named permittee requesting that his Permit No. B-3842 be further suspended for six months from December 17, 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 Ira Ankrum, Guffey, Colorado

be, and is hereby, authorized to further suspend his operations under Permit No. B-3842 until June 17, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Reuben C. Johnson*  
*Henry E. Zankowsky*  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of December, 1959.

original

(Decision No. 53539)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF ISSUANCE OF )  
TEMPORARY CERTIFICATES OF PUBLIC )  
CONVENIENCE AND NECESSITY UNDER )  
CHAPTER 80, SESSION LAWS OF COLO- )  
RADO, 1951, FOR EMERGENCY MOVE- )  
MENT OF SUGAR BEETS, IN MORGAN )  
COUNTY, STATE OF COLORADO. )  
-----

APPLICATION NO. 17497  
SUPPLEMENTAL ORDER

-----  
December 17, 1959  
-----

S T A T E M E N T

By the Commission:

On November 9, 1959, the Commission entered its Decision No. 53354 in the above-styled matter, authorizing issuance of temporary certificates of public convenience and necessity for operation of motor vehicles, for transportation of:

sugar beets from points in Morgan County,  
Colorado, to the Fort Morgan Factory,

said certificates to become effective November 10, 1959, and to continue in force up to and including December 20, 1959.

The Commission is now in receipt of a communication from Paul W. Swisher, Commissioner, Colorado Department of Agriculture, stating that under ordinary circumstances, hauling of sugar beets in Morgan County would be completed by December 20, but due to an excessive amount of moisture, as well as periods of freezing, it has not been possible to complete said hauling, as anticipated.

Extension of time, and until January 15, 1960, is requested for said special certificates for hauling of sugar beets in Morgan County, Colorado.

F I N D I N G S

THE COMMISSION FINDS:

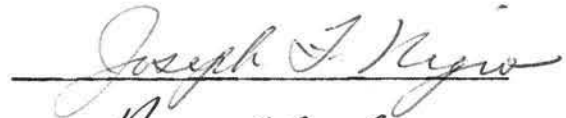

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That authority to issue temporary certificates of public convenience and necessity, heretofore granted by Decision No. 53354, of date November 9, 1959, in the above-styled application, for operation of motor vehicles for transportation of sugar beets, from points in Morgan County, Colorado, to the Fort Morgan Factory, is hereby continued, from December 21, 1959, to and including January 15, 1960, no such certificate to issue for transportation of sugar beets by motor vehicle to any point beyond the boundaries of the State of Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 17th day of December, 1959.

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
HARRY RICHARD ELLIS, 7280 OSCEOLA )	
STREET, WESTMINSTER, COLORADO, FOR )	
A CERTIFICATE OF PUBLIC CONVENIENCE )	APPLICATION NO. 17519-Extension
AND NECESSITY, AUTHORIZING EXTEN- )	
SION OF OPERATIONS UNDER PUC NO. )	
2858. )	
- - - - - )	

- - - - -  
December 18, 1959  
- - - - -

Appearances: Harry Richard Ellis, West-  
minster, Colorado, pro se;  
Robert E. McLean, Esq., Den-  
ver, Colorado, for Best  
Way Disposal, Weber Haul-  
ing Service, C. Myron Nib-  
lack.

S T A T E M E N T

By the Commission:

By the above-styled application, Harry Richard Ellis, West-  
minster, Colorado, owner and operator of PUC No. 2858, seeks a certifi-  
cate of public convenience and necessity, authorizing extension of oper-  
ations under said PUC No. 2858, to include the right to transport ashes,  
trash, and other refuse within an area described as follows: Pecos  
Street on the West, Valley Highway on the east, Denver-Boulder Turnpike  
on the north, and West 52nd Avenue on the south, and from said area, to  
regularly-designated and approved dumps and disposal places in Adams  
and Denver Counties, State of Colorado.

Said application was regularly set for hearing before the Com-  
mission, at the Hearing Room of the Commission, 330 State Office Build-  
ing, Denver, Colorado, December 7, 1959, at ten o'clock A. M., due  
notice thereof being forwarded to all parties in interest.

On December 3, 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 the Examiner states that at the time and place designated for hearing, Harry Richard Ellis, applicant herein, appeared and testified in support of his application, stating that under the belief that the area herein sought to be served was a part of his already certificated territory, he has served the same since 1958; that he has received approval of the Adams County Commissioners and the Tri-County Health Department to render said service; that he knew of no one else rendering this service; that the fact that his present authority does not include the area sought to be served by the instant application was called to his attention by the Enforcement Division of this Commission; that he has sufficient equipment with which to continue to serve said territory.

Clarence Bosman testified he is connected with Best Way Disposal Service; that on November 18, 1959, their certificates were extended to include the territory herein sought to be served by applicant; that he had personally surveyed the territory, and felt that he and other certificated carriers could render the necessary service.

Report of the Examiner further states that applicant has been engaged in transportation of ashes, trash, and other waste materials within the territory herein sought to be served; that said service had been rendered with the full knowledge of protestants herein; that while applicant produced no customer witnesses to show public convenience and necessity, said Examiner finds that in this matter no such witness is necessary; that the testimony of both applicant and protestants clearly show that there is a large number of people resid-



ing in the territory herein sought to be served; that applicant has been serving these people for two years, and protestants failed to prove they either offered or were rendering service in said territory; that the fact that applicant has rendered this service by and with the knowledge of local authorities is a definite proof that public convenience and necessity require said service; that the fact that applicant had no authority to render said service cannot change the fact that there was a definite need for the service; that other carriers, among them protestants herein, having certificates failed to offer or render the required service; that to deny applicant the right to continue this service would be to deny the public of a service which they have been using for the past two years, and would deny the applicant the right to continue a service which he established in good faith; that applicant has proved public convenience and necessity for his continued operation.

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

#### O R D E R

##### THE COMMISSION ORDERS:

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

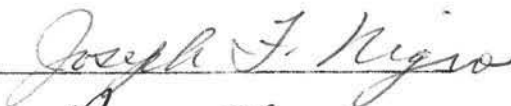

That public convenience and necessity require applicant's motor vehicle common carrier call and demand transportation service, under PUC No. 2858, to include the right to transport ashes, trash, and other refuse within an area described as follows: Pecos Street on the west, Valley Highway on the east, Denver-Boulder Turnpike on the north, and West 52nd Avenue on the south, and from points within said area, to regularly-designated and approved dumps and disposal places in the Counties of Adams and Denver, State of Colorado, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

That applicant shall 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.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION  
OF WESTERN SLOPE GAS COMPANY, 900  
FIFTEENTH STREET, DENVER, COLORADO,  
A CORPORATION ORGANIZED AND EXIST-  
ING UNDER THE LAWS OF THE STATE OF  
COLORADO, FOR AN ORDER AUTHORIZING  
THE ISSUANCE OF 50,000 SHARES OF  
ITS COMMON STOCK.

APPLICATION NO. 17559  
Securities  
AMENDED

S T A T E M E N T

By the Commission:

Upon consideration of the amended application filed by  
Western Slope Gas Company, a Corporation in the above styled matter:

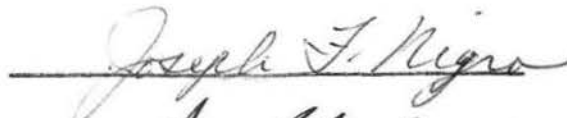

O R D E R

THE COMMISSION ORDERS:

That a public hearing be held, commencing December 22,  
1959, at 10:00 o'clock A. M., 330 State Office Building, Denver, Colorado,  
respecting the matters involved and issues presented in the 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 set forth the grounds of  
the proposed intervention and the position and interest of the petitioners,  
in the proceeding and must be subscribed by interveners.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado,  
this 17th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
PLICOFLEX, INC., P. O. BOX 911, )	PERMIT NO. M-3666
ALMEDA, TEXAS. )	CASE NO. 92146-INS.
----- )	

-----  
December 18, 1959  
-----

S T A T E M E N T

By the Commission:

Heretofore, on December 8, 1959, the Commission entered its Order in Case No. 92146-Ins., revoking Permit No. M-3666 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-3666 be, and the same hereby is, reinstated, as of December 8, 1959, revocation order entered by the Commission on said date in Case No. 92146-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Henry E. Fulmer  
Commissioners.

COMMISSIONER Ralph C. Horton  
not participating.

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

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AL LE DOUX, 126 ELATI STREET, DEN- )  
VER, COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY TO )  
OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 17303

-----  
December 18, 1959  
-----

Appearances: William L. Osthoff, Jr.,  
Esq., Denver, Colorado,  
for Applicant;  
Robert E. McLean, Esq.,  
Denver, Colorado, for  
Associated Rubbish Re-  
moval Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of ashes and trash within the following territory:

commencing at First Avenue and York; thence east on First Avenue to Colorado Boulevard; thence south on Colorado Boulevard to Mississippi Avenue; thence west on Mississippi Avenue to York Street; thence north on York Street to point of beginning.

Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 7, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 3, 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, applicant herein appeared in support of his application, testifying he has had three years; experience in transportation of trash; that he is the owner of a 1954 Chevrolet one-half-ton truck, and is buying his home; that he is presently employed, and would use any authority herein granted to supplement his income.

Wallace C. Foster testified he lives within the territory sought to be served by applicant; that he has had trouble obtaining ash and trash service; that he has had to wait for as long as six weeks for service, and at times, has had his brother-in-law haul his trash, or has done it himself.

Clarence Bosman testified he is connected with Best Way Disposal, operating under PUC No. 3270; that he is President of the Associated Rubbish Removal Association; that members of said association serve the territory herein sought to be served by applicant; that his company works in said area every day; that, in his opinion, there is no need for additional ash and trash service in the territory herein sought to be served by applicant.

Report of the Examiner further states that the territory sought to be served by applicant includes hundreds of homes and Cherry Creek Shopping Center; that applicant produced only one home-owner witness. Applicant is employed, and owns a small half-ton truck. It is the opinion of the Examiner that applicant herein has neither the time nor the equipment to render an adequate trash-hauling service, and that applicant has failed to prove public convenience and necessity.

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



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 do not require applicant's proposed common carrier operations; that said application should be denied.

O R D E R

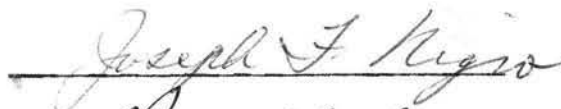

THE COMMISSION ORDERS:

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

That public convenience and necessity do not require applicant's proposed common carrier operations, and that Application No. 17303 be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
LEE CORDOVA, 1187 SOUTH IRVING )	
STREET, DENVER, COLORADO, FOR AUTH- )	
ORITY TO TRANSFER PUC NO. 3729 TO )	
ALBERT HOELSKEN AND LEONARD AMATO, )	APPLICATION NO. 17517-Transfer
CO-PARTNERS, DOING BUSINESS AS )	
"ACTIVE RUBBISH SERVICE," 954 PERRY )	
STREET, DENVER, COLORADO. )	
-----	

-----  
December 18, 1959  
-----

Appearances: Leonard Amato, Denver, Colo-  
rado, for Transferees.

S T A T E M E N T

By the Commission:

Heretofore, Lee Cordova, Denver, Colorado, was granted a certificate of public convenience and necessity (PUC No. 3729), authorizing operation 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-holder seeks authority to transfer said PUC No. 3729 to Albert Hoelsken and Leonard Amato, co-partners, doing business as "Active Rubbish Service," 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 7, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 3, 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, Leonard Amato, one of transferees herein, appeared in support of the application, testifying that he and his partner, Albert Hoelsken, had entered into a contract with Lee Cordova to purchase PUC No. 3729 for \$3,500 cash; that said Lee Cordova was ill, and unable to appear at the hearing; that as far as he knew there is no outstanding unpaid operating indebtedness against said certificate; that if it should later appear that such obligations do exist, he and his partner will assume same; that he owns his home, together with a 1951 International two-ton dump truck and a 1957 two-ton Ford dump truck; that he has a net worth of \$10,000; that he believed his partner also had a net worth of approximately \$10,000.

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

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

Report of the Examiner recommends that transfer of PUC No. 3729 be authorized, as herein sought.

#### 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 be, and the same hereby is, approved.

That Lee Cordova, Denver, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3729 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Albert Hoelsken and Leonard Amato, co-partners, doing business as "Active Rubbish Service," Denver, Colorado, subject to payment of outstanding indebtedness against said certificate, 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

CEA 13  
RECEIVED 4 17 PM 1959  
BUREAU

Joseph F. Regio  
Alvin Spaulding  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

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

mls

\*\*\*\*\*

GEORGE JARMIN, POWDRE CANON ROUTE,  
BELLVUE, COLORADO.

PERMIT NO. M-12414

December 22, 1959

## STATEMENT

By the Commission:

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

Bellvue, Colorado

requesting that Permit No. M-12414 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-12414, heretofore issued to George Jarmin,

Bellvue, Colorado

be,

and the same is hereby, declared cancelled effective November 1, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Norton  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 22nd day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE PROPOSED INCREASE IN THE MINIMUM CHARGE  
FOR LESS THAN FIVE (5) SHIPMENTS TENDERED  
TO THE CARRIERS AT ONE TIME IN DENVER, COLO-  
RADO, AND POINTS WITHIN FIVE (5) MILES OF  
THE DENVER CITY LIMITS, COLORADO SPRINGS,  
COLORADO, OR PUEBLO, COLORADO, IN CONNECTION  
WITH THE OPERATION OF BOULDER-DENVER TRUCK  
LINE, INC., CENTENNIAL TRUCK LINES, INC.,  
DENVER-LIMON-BURLINGTON TRANSFER CO., FLOYD  
A. HENRIKSON, DBA DENVER-LOVELAND TRANSPOR-  
TATION, MC KIE TRANSFER CO., NORTH EASTERN  
MOTOR FREIGHT, INC., OVERLAND MOTOR EXPRESS,  
INC., RICHARD H. AND LOIS MAE ESHE, DBA  
SOUTH PARK MOTOR LINES, WESTWAY MOTOR  
FREIGHT, INC., OR JOHN B. WINDECKER, DBA  
WINDECKER TRUCK LINE.

INVESTIGATION  
AND  
SUSPENSION  
DOCKET NO. 427

-----  
December 22, 1959  
-----

S T A T E M E N T

By the Commission:

By an order dated August 27, 1959, (Decision No. 52972) the Commission entered upon a hearing concerning the lawfulness of certain minimum charges per shipment published in a tariff designated in said order. In the said order, the Commission, upon its own motion, entered upon an investigation of the propriety of rates now on file and in full force and effect by virtue of prior Orders and Decisions of the Commission, with regard to charges on minimum charge shipments.

On October 8, 1959, (Decision No. 53210) the Commission entered upon a hearing relative to the same matter for account of the Centennial Truck Lines, Inc., only. This hearing was held on October 20, 1959, and at its conclusion the matter was taken under advisement.

Pending a hearing and decision under the order in Decision No. 52972, the Commission ordered that the operation of the schedules contained in said tariff be suspended, and that the use of said rates and charges be deferred upon intrastate traffic until the 25th day of December, 1959, unless otherwise ordered.

## F I N D I N G S

### THE COMMISSION FINDS:

That such hearing and decision cannot be concluded within the period of suspension above stated, and that the schedules stated in said tariff should be further suspended for an additional six (6) months' period, unless otherwise ordered by the Commission.

## O R D E R

### THE COMMISSION ORDERS, That:

1. The operation of the schedules contained in the tariff specified in its order dated August 27, 1959 (Decision No. 52972), be further suspended, and that the use of the rates and charges therein stated be further deferred upon Colorado intrastate traffic until the 25th day of June, 1960, unless otherwise ordered by the Commission, and no change shall be made in such rates and charges during the said period of suspension.
2. The rates, charges, regulations and provisions thereby sought to be altered shall not be changed by any subsequent tariff or schedule until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired.
3. A copy of this order be filed with said tariff in the office of the Commission and that a copy hereof be forthwith served upon Mr. J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, 4060 Elati Street, Denver 16, Colorado, Boulder-Denver Truck Line, Inc., Boulder, Colorado, Centennial Truck Lines, Inc., P. O. Box 5040, Terminal Annex, Denver 17, Colorado, Denver-Limon-Burlington Transfer Co., 1420 18th Street, Denver 2, Colorado, Denver-Loveland Transportation, Loveland, Colorado, McKie Transfer Co., Longmont, Colorado, North Eastern Motor Freight, Inc., 5231 Monroe Street, Denver 16, Colorado, Overland Motor Express, Inc., Boulder, Colorado, South Park Motor Lines, Jefferson, Colorado, Westway Motor Freight, Inc., Golden, Colorado, Windecker Truck Line, Pine, Colorado, and the shippers shown in Appendix "A".

4. This proceeding be assigned for hearing at a future date to be determined by the Commission, due notice of such date and place of hearing being given to all interested parties.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Higgins  
Ralph C. Horton  
Henry E. Zuley  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of December, 1959.

mem

APPENDIX "A"

R. D. McFarlane, Manager, Eastman Kodak Stores, Inc.  
3115 E. 40th Ave., Denver 5, Colorado

R. E. Chalk, Traffic Manager, Mine & Smelter Supply Co.  
P. O. Box 9041, Denver 16, Colorado

L. R. Bratek, Traffic Manager, Swift & Co.  
Terminal Annex Station, Denver 17, Colorado

F. V. Pollard, Traffic Manager, Montgomery Ward  
Denver 17, Colorado

E. M. Smith, Traffic Supervisor, The Martin Co.  
P. O. Box 179, Denver 1, Colorado

F. W. Reich, Secretary, The Mountain States Hardware &  
Implement Association  
Boulder, Colorado

Harry A. Weiss, c/o Wesco Fabrics, Inc.  
4000 Forest St., Denver 16, Colorado

E. F. Baker, Traffic Manager, Morey Mercantile Company  
Box 5150, Terminal Annex, Denver 17, Colorado

J. A. Foley, Traffic Manager, American Furniture Co.  
16th at Lawrence, Denver 2, Colorado

R. L. Merrill, c/o Merrill Hardware & Farm Supply  
230 18th St., Greeley, Colorado

Earl L. Hoagland, c/o Russell Stover Candies of Denver  
2019 Stout, Denver 5, Colorado

Hugo C. Buerger, c/o The Buerger Bros. Supply Co.  
1732 - 40 Champa St., Denver 17, Colorado

M. B. Neuman, Superintendent, Fashion Bar  
1441 Wazee St., Denver 2, Colorado

Clyde K. Amidon, Traffic Manager, Davis Bros., Inc.  
Denver 17, Colorado

Charles L. Thomson, Manager, Pueblo Chamber of Commerce  
Pueblo, Colorado

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

JOHN B. MAURO, DOING BUSINESS AS,  
"MAURO MOTOR SALES", 4140 TEJON  
STREET, DENVER 11, COLORADO.

PERMIT NO. M-238

December 30, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from John B. Mauro, doing  
business as, "Mauro Motor Sales", 4140 Tejon Street, Denver 11, Colorado  
requesting that Permit No. M-238 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-238, heretofore issued to John B. Mauro, doing  
business as, "Mauro Motor Sales", 4140 Tejon Street, Denver 11, Colorado be,  
and the same is hereby, declared cancelled effective December 3, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph J. Negro  
Ralph C. Johnson  
Henry C. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 30th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
D. L. BAILEY, ROUTE 1 BOX 6, CANON )  
CITY, COLORADO. )  
 )  
 )  
----- )

PERMIT NO. M-294

-----  
December 30, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from D. L. Bailey,  
Canon City, Colorado  
requesting that Permit No. M-294 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-294, heretofore issued to D. L. Bailey,  
Canon City, Colorado be,  
and the same is hereby, declared cancelled effective December 8, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Wm. E. Ziegler  
Commissioners

Dated at Denver, Colorado,

this 30th day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
STEVEN L. AND KATHRYN C. HILL, DOING )  
BUSINESS AS, "WALCO WHOLESALE DIS- )  
TRIBUTING", P. O. BOX 398, CRAIG, )  
COLORADO. )  
-----)

PERMIT NO. M-15658

-----  
December 30, 1959  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Steven L. and Kathryn C. Hill, doing business as, "Walco Wholesale Distributing", Craig, Colorado requesting that Permit No. M-15658 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15658, heretofore issued to Steven L. and Kathryn C. Hill, doing business as, "Walco Wholesale Distributing", Craig, Colorado be, and the same is hereby, declared cancelled effective December 20, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Roden  
Henry E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 30th day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
LEE WOLFORD, 919 PROSPECT STREET, )  
FORT MORGAN, COLORADO. )  
\_\_\_\_\_ )

PERMIT NO. M-1030

\_\_\_\_\_  
December 30, 1959  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Lee Wolford,  
Fort Morgan, Colorado  
requesting that Permit No. M-1030 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1030, heretofore issued to Lee Wolford,  
Fort Morgan, Colorado be,  
and the same is hereby, declared cancelled effective December 11, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Horton  
Henry C. Zuber  
Commissioners

Dated at Denver, Colorado,

this 30th day of December, 195 9.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
FRED W. DAMROW, HAXTUN, COLORADO. )  
 )  
 )  
 )  
 )  
 )

PERMIT NO. M-1270

December 30, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Fred W. Damrow,  
Haxtun, Colorado

requesting that Permit No. M-1270 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1270, heretofore issued to Fred W. Damrow,  
Haxtun, Colorado be,  
and the same is hereby, declared cancelled effective December 20, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Tolson  
Henry E. Zink  
Commissioners

Dated at Denver, Colorado,

this 30th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
F. C. DOBBS, P. O. BOX 1231, NEW )  
CASTLE, COLORADO. )

PERMIT NO. M-4029

December 30, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from F. C. Dobbs.

New Castle, Colorado

requesting that Permit No. M-4029 be cancelled.

## FINDINGS

### THE COMMISSION FINDS:

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-4029, heretofore issued to F. C. Dobbs,

New Castle, Colorado

be,

and the same is hereby, declared cancelled effective December 24, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 30th day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DEAN H. PENDLEY, GUNNISON, COLORADO. )

PERMIT NO. M-9022

December 30, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Dean H. Pendley,  
Gunnison, Colorado  
requesting that Permit No. M-9022 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9022, heretofore issued to Dean H. Pendley,  
Gunnison, Colorado be,  
and the same is hereby, declared cancelled effective December 20, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,

this 30th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ALFONSO O. MAESTAS, 2209 WEST 15TH, )  
PUEBLO, COLORADO. )

PERMIT NO. M-11999

December 30, 1959

## STATEMENT

By the Commission:

The Commission is in receipt of a communication from Alfonso O. Maestas,  
Pueblo, Colorado  
requesting that Permit No. M-11999 be cancelled.

## FINDINGS

**THE COMMISSION FINDS:**

That the request should be granted.

## ORDER

THE COMMISSION ORDERS:

That Permit No. M-11999, heretofore issued to Alfonso O. Maestas,  
Pueblo, Colorado be,  
and the same is hereby, declared cancelled effective December 21, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph T. Negro  
 Ralph C. Wood  
 Henry E. Zuckers  
 Commissioners

Dated at Denver, Colorado,

this 30th day of December, 1959.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
NORMAN TRAVIS, BURLINGTON, COLORADO. )

PERMIT NO. M-15141

December 30, 1959

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Norman Travis,  
Burlington, Colorado  
requesting that Permit No. M-15141 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-15141, heretofore issued to Norman Travis,  
Burlington, Colorado be,  
and the same is hereby, declared cancelled effective December 22, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Brown  
Henry E. Zank  
Commissioners

Dated at Denver, Colorado,

this 30th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. J. HANCOCK PAINT AND WALL- )  
PAPER COMPANY, 900 WEST MAG- )  
NOLIA AVENUE, FORT WORTH, )  
TEXAS. )

PUC NO. 3576-I

December 30, 1959

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from W. J. Hancock Paint and Wallpaper Company, Fort Worth, Texas

requesting that Certificate of Public Convenience and Necessity No. 3576-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. 3576-I heretofore issued to W. J. Hancock Paint and Wallpaper Company, Fort Worth, Texas

be, and the same is hereby, declared cancelled effective January 1, 1960.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Norton*  
*Henry E. Zuckerman*  
Commissioners

Dated at Denver, Colorado,

this 30th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*

RE MOTOR VEHICLE OPERATIONS OF )  
RAYMOND JOHN PETERSON, DOING )  
BUSINESS AS, "R. J. PETERSON", )  
WIGGINS, COLORADO. )  
----- )

PUC NO. 1847 & I

-----  
December 30, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a request from the above-named  
certificate-holder requesting that his PUC No. 1847 & I  
be suspended for six months from December 14, 1959.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Raymond John Peterson, Wiggins, Colorado

                     be, and is hereby, authorized to suspend oper-  
ations under PUC No. 1847 & I until June 14, 1960.

That unless said certificate-holder shall, prior to the expira-  
tion of said suspension period, make a request in writing for the reinstate-  
ment of said certificate , file insurance and otherwise comply with all  
rules and regulations of the Commission applicable to common carrier cer-  
tificates, 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. Negro*  
*Robert C. Norton*  
*Henry E. Zuckerman*  
Commissioners

Dated at Denver, Colorado,  
this 30th day of December 1959.

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ANDREW BOSMAN, CLARENCE BOSMAN, )  
CHARLES A. BOSMAN, WILLIAM BUIKEMA, )  
AND ANDREW BOSMAN, JR., DOING BUSI- )  
NESS AS "BEST WAY DISPOSAL," 2519 )  
WEST 11TH AVENUE, DENVER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY AUTHORIZING EX- )  
TENSION OF OPERATIONS UNDER PUC NO. )  
3270. )  
----- )

APPLICATION NO. 17301-Extension

IN THE MATTER OF THE APPLICATION OF )  
C. MYRON NIBLACK, 225 MAIN STREET, )  
BROOMFIELD, COLORADO, FOR A CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 17305

IN THE MATTER OF THE APPLICATION OF )  
ELMER LEICHNER, ROBERT LEICHNER, )  
JOHN LEICHNER, LORRY LEICHNER, AND )  
PHILLIP LEICHNER, JR., CO-PARTNERS, )  
DOING BUSINESS AS "NORTHGLENN )  
SANITARY SERVICE," 320 DENVER CLUB )  
BUILDING, DENVER, COLORADO, FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
----- )

APPLICATION NO. 17321

IN THE MATTER OF THE APPLICATION OF )  
DANIEL LOOS AND MALCOLM ALPERT, )  
DOING BUSINESS AS "WASTE ENGINEERS," )  
856 SOUTH JERSEY STREET, DENVER, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER )  
BY MOTOR VEHICLE FOR HIRE. )  
----- )

APPLICATION NO. 17394

-----  
December 22, 1959  
-----

SUPPLEMENTAL ORDER

Appearances: Robert E. McLean, Esq.,  
Denver, Colorado, for  
Applicants Best Way Dis-  
posal and C. Myron Niblack;  
Tull, Hays and Thompson, Esqs.,  
Denver, Colorado, by  
John P. Thompson, Esq., Denver,  
Colorado, for Applicant North-  
glenn Sanitary Service;

Robert McIlhenny, Esq.,  
Denver, Colorado, for  
Applicant Waste Engineers;  
Francis R. Salazar, Esq.,  
Denver, Colorado, for Bebber  
Rubbish Removal, D. R. Hart,  
Reuben Lee, Derby Waste Dis-  
posal, Ellis Disposal Company,  
Angelo DiSalle, F & P Trash  
Hauling, Adams County Sani-  
tation District.

S T A T E M E N T

By the Commission:

On November 18, 1959, the Commission entered its Decision No. 53377 in the above-styled applications, granted to applicants therein certificates of public convenience and necessity to operate as common carriers by motor vehicle for hire, as therein set forth.

On December 7, 1959, "Petition for Rehearing" was filed with the Commission by Francis R. Salazar, Attorney, on behalf of Bebber Rubbish Removal, D. R. Hart, Reuben Lee, Derby Waste Disposal, Ellis Disposal Company, Angelo DiSalle, F & P Trash Hauling, and Adams County Sanitation District.

Inasmuch as the application for rehearing was filed more than ten days after the date of entry of the Order and the Commission has not acted upon said application on or before the twentieth day after the entry of the original Order, the law provides that said application shall be deemed to be denied.

F I N D I N G S

THE COMMISSION FINDS:

That said Petition for Rehearing has been denied by operation of law.

O R D E R

THE COMMISSION ORDERS:

That "Petition for Rehearing," filed with the Commission on December 7, 1959, in the above-styled applications, by Francis R. Salazar, Attorney for Bebber Rubbish Removal, D. R. Hart, Reuben Lee, Derby Waste Disposal, Ellis Disposal Company, Angelo DiSalle, F & P



Trash Hauling, and Adams County Sanitation District is denied,  
by operation of law.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Higo  
Ralph C. Zander  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 22nd day of December, 1959.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
H. F. CARPENTER, DOING BUSINESS AS, )  
"CARPENTER HEATING COMPANY", 309 )  
CHEROKEE STREET, DENVER 23, COLO- )  
RADO. )  
-----)

PERMIT NO. M-3765

-----  
December 30, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from H. F. Carpenter, doing  
business as, "Carpenter Heating Company", Denver 23, Colorado  
requesting that Permit No. M-3765 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-3765, heretofore issued to H. F. Carpenter, doing  
business as, "Carpenter Heating Company", Denver 23, Colorado be,  
and the same is hereby, declared cancelled effective April 17, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Ralph C. Hobson  
Henry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 30th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
DONALD J. REICHERT, 2236 ONTARIO )  
DRIVE, COLORADO SPRINGS, COLORADO. )  
----- )

PERMIT NO. M-2453

-----  
December 30, 1959  
-----

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Donald J. Reichert,  
Colorado Springs, Colorado  
requesting that Permit No. M-2453 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-2453, heretofore issued to Donald J. Reichert,  
Colorado Springs, Colorado be,  
and the same is hereby, declared cancelled effective November 25, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Joseph C. Horton  
Henry C. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 30th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
BARTON KREIDER, GRANT, NEBRASKA, )	
FOR AUTHORITY TO OPERATE AS A )	APPLICATION NO. 17488-PP
CLASS "B" PRIVATE CARRIER BY MOTOR )	<u>SUPPLEMENTAL ORDER</u>
VEHICLE FOR HIRE. )	
----- )	

-----  
December 24, 1959  
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Appearances: Barton Kreider, Grant,  
Nebraska, pro se;  
Howard Yelverton, Denver,  
Colorado, for North  
Eastern Motor Freight,  
Inc.

S T A T E M E N T

By the Commission:

By Decision No. 53467, dated December 3, 1959, the Commission authorized Barton Kreider, Grant, Nebraska, to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of eggs and cream, from Fleming, Haxtun, and Paoli, Colorado, to Denver, Colorado, for Safeway Stores, Inc. only.

On December 8, 1959, "Petition for Rehearing" was filed in said matter by North Eastern Motor Freight, Inc., by Howard Yelverton, General Manager, Denver, Colorado.

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

F I N D I N G S

THE COMMISSION FINDS:

That Petition for Rehearing filed herein by North Eastern Motor Freight, Inc., by Howard Yelverton, General Manager, Denver, Colorado, should be denied.

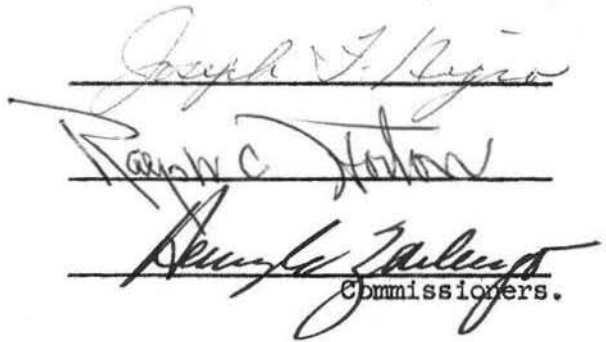
O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing in the above-styled matter, filed by North Eastern Motor Freight, Inc., by Howard Yelverton, General Manager, Denver, Colorado, 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

  
Commissioners.

Dated at Denver, Colorado,  
this 24th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MARVIN ARBUCKLE, 345 WEST ELLSWORTH, )  
DENVER, COLORADO, AND MARTIN ROSE- )  
BERRY, 411 GALAPAGO STREET, DENVER, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
- - - - - )

APPLICATION NO. 17518

- - - - -  
December 28, 1959  
- - - - -

Appearances: Edwin A. Williams, Esq.,  
Denver, Colorado, for  
Applicants;  
Robert E. McLean, Esq.,  
Denver, Colorado, for  
Associated Rubbish Removal  
Association.

S T A T E M E N T

By the Commission:

Applicants herein seek a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, for the transportation of ashes, trash, and refuse, between points within the City and County of Denver, and from points within said City and County of Denver to regularly-designated disposal areas in the Counties of Adams, Denver, Arapahoe, and Jefferson, State of 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 7, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 3, 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 proceedings to the Commission.

Report of the Examiner states that at the hearing, Martin Roseberry, one of applicants herein, appeared in support of the application, testifying that he is the owner of a 1950 Dodge Pick-up; that he is a tree surgeon, and has had experience in this type of work in Kansas; that in addition, he has had seven years' experience in transportation of ashes and trash; that he has been in Denver for approximately one month; that he had circulated petitions and had obtained a signature of some seventy persons who state applicant's service is needed, and that they would use same, if authority herein sought is granted.

Marvin Arbuckle, also one of applicants herein, appeared at the hearing and testified in support of the application, stating he had lived in Denver for thirty-one years, and has had five years' experience in transportation of ashes and trash; that he has a net worth of \$30,000.

Carl Hizel testified at the hearing in opposition to the granting of authority herein sought, stating he has had twenty years' experience as an ash and trash hauler in Denver; that he had made investigation, from time to time, for Rubbish Removal Association; that from this investigation he believed that there is no need for additional trash haulers.

Everett Hizel testified he is owner and operator of PUC No. 3193, with authority to serve part of the territory herein sought to be served by applicants; that he owns three large trucks and one small pick-up truck designated to haul ashes and trash; that there are fifty members, with 150 trucks, belonging to the Associated Rubbish Removal Association working in Denver.

No customer-witnesses appeared at the hearing to testify in support of the instant application.

Report of the Examiner recommends that the above-styled application should be denied.



## 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 do not require applicants' proposed common carrier motor vehicle operations, and that the instant application should be denied.

## O R D E R

### THE COMMISSION ORDERS:

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

That public convenience and necessity do not require the proposed motor vehicle common carrier transportation service of applicants herein, and that Application No. 17518 be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 28th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALLEN L. BENBOE, DOING BUSINESS AS )  
"BEST WAY CLEANING SERVICE," ASPEN, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----)

APPLICATION NO. 17513

-----  
December 28, 1959  
-----

Appearances: Allen L. Benboe, Aspen,  
Colorado, pro se;  
Delaney and Balcomb, Esqs.,  
by  
Kenneth Balcomb, Esq.,  
Glenwood Springs, Colorado,  
for Aspen Truck Line;  
Cole, Mincer and Larson, Esqs.,  
by  
Neil S. Mincer, Esq., Glenwood  
Springs, Colorado, for  
Daryl Hinkle, Beuford R.  
Bogue, Ray Fulbright, Glen-  
wood-Aspen Stage.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a common carrier by motor vehicle for hire, for the transportation of general merchandise for merchants of Aspen, Colorado, in and within a fifteen-mile radius of Aspen, Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, Glenwood Springs, Colorado, December 3, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 1, 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.

Report of said Examiner states that at the time and place designated for hearing, applicant moved that said application be continued, to be later re-set for hearing. Attorneys for protestants consented thereto.

Report of the Examiner recommends that the above-styled matter be bontinued, to be re-set for hearing at a later date.

### 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, to be later re-set for hearing before the Commission, with notice to all parties in interest.

### O R D E R

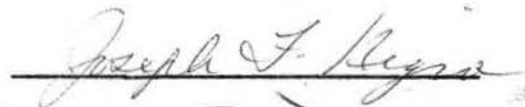


#### THE COMMISSION ORDERS:

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

That Application No. 17513 be, and the same 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

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MORRISON-KNUDSEN COMPANY, INC., )  
319 BROADWAY, BOISE, IDAHO, FOR ) APPLICATION NO. 17516-PP-Extension  
AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT NO. B-5596. )  
----- )

-----  
December 28, 1959  
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Appearances: Kenneth Balcomb, Esq.,  
Glenwood Springs, Colo-  
rado, for Applicant;  
Marion R. Smyser, Esq.,  
Denver, Colorado, for  
Rio Grande Motor Way, Inc.;  
Neil S. Mincer, Esq., Glen-  
wood Springs, Colorado, for  
Aspen Truck Line, Daryl  
Hinkle, Ray Fulbright,  
Beuford R. Bogue;  
E. L. Reilly, Denver, Colo-  
rado, for copy of Order.

S T A T E M E N T

By the Commission:

Heretofore, Morrison-Knudsen Company, Inc., Boise,  
Idaho, was authorized to operate as a Class "B" private carrier  
by motor vehicle for hire, for the transportation of:

coal, from the mine tippie located approx-  
imately eight and one-half miles from Redstone,  
Colorado, to railroad loading points at Carbon-  
dale, Colorado, for Mid-Continent Coal and Coke  
Company, only,

said operating rights being known as "Permit No. B-5596."

By the above-styled application, said permit-holder seeks  
authority to extend operations under said Permit No. B-5596, to  
include the right to transport coal, coke, ore, mining and coking  
machinery and supplies, between mines, processing points, and  
railroad loading points within a radius of thirty miles of Redstone,  
Colorado, for Mid-Continent Coal and Coke Company, Pitkin Ore Company,  
Crystal Anthracite Company, and Cardiff Coal and Coke Company, of  
Carbondale, Colorado, only.

Said application was regularly set for hearing before the Commission, at the Court House, Glenwood Springs, Colorado, December 3, 1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 1, 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, it was generally agreed to by and between the respective parties that objection of protestants would be limited to only Paragraph E of the Application, as filed herein, being request for authority to transport mining and coking machinery and supplies.

John Reeves, General Manager of Mines for Mid-Continent Coal & Coke Company, and Reese Llewellyn, personal representative and adviser to the President of Mid-Continent Coal & Coke Company and its affiliated companies, appeared and testified in support of the application, stating that applicant company has been hauling to their company mine for approximately one year, over mostly privately-built and maintained roads and not public highways; that applicant has built, and is maintaining, these roads to their company mine, and has assisted the State Highway Department in maintaining public highway used in conjunction with these private roads; that it is the established policy of their company to engage, on a contract basis, not only a motor vehicle carrier who is experienced in transportation, but who can also build and maintain roads which must be travelled to their mines and mills; that applicant is the only carrier in the area who has the transportation "know-how," ability to maintain roads, and who has very specialized equipment -- all of which is necessary

to meet and satisfy the very special and demanding needs of their company; that their company has never been able to obtain adequate common carrier service; that because of this fact, it was necessary for their company to seek such a company as Morrison-Knudsen Company, Inc., because it, because it is one of the largest construction companies in the United States, has the vast financial resources, experience, flexibility and "know-how" to satisfy the over-all special demands of their company.

Meade Harker, Project Manager of applicant, established and pointed out the very special equipment, vast financial resources, special transportation knowledge, and road maintenance experience of applicant herein.

Protestants, in opposition to the granting of the authority herein sought, and even assuming they established adequacy of their service, failed to produce any evidence to establish that if the instant application were granted, the extended operations of applicant herein would impair the efficient public service protestants are now rendering to the same territory herein sought to be served by applicant.

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 service would impair the efficiency of any common carrier operating in the territory sought to be served by applicant.

Report of the Examiner recommends that applicant herein be authorized to extend operations under Permit No. B-5596, as herein sought.

### 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 should be authorized to extend operations under Permit No. B-5595, as set forth in the Order following.



O R D E R

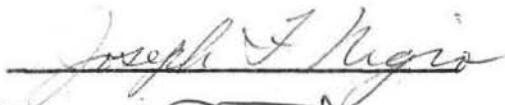
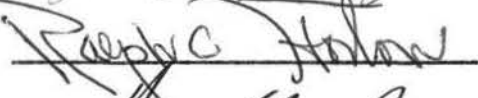

THE COMMISSION ORDERS:

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

That Morrison-Knudsen Company, Inc., Boise, Idaho, be, and hereby is, authorized to extend operations under Permit No. B-5596, to include the right to transport coal, coke, ore, mining and coking machinery and supplies, between mines, processing points, and railroad loading points within a radius of thirty miles of Redstone, Colorado, for Mid-Continent Coal and Coke Company, Pitkin Ore Company, Crystal Anthracite Company, and Cardiff Coal and Coke Company, of Carbondale, Colorado, only.

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

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of December, 1959.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MINOR D. COON, MERLE E. MORGAN AND )  
ANNETTA M. SHEWMAKER, CO-PARTNERS, )  
DOING BUSINESS AS "SERVICE TRANSFER )  
& STORAGE COMPANY," 2101 15TH STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 17498-Transfer  
TRANSFER PUC NO. 2558 AND PUC NO. )  
2558-I TO SERVICE TRANSFER & STORAGE )  
COMPANY, A COLORADO CORPORATION, 2101 )  
15TH STREET, DENVER, COLORADO. )  
-----)

-----  
December 29, 1959  
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Appearances: Bentley McMullin, Esq.,  
Aurora, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Minor D. Coon, Merle E. Morgan, and Annetta M. Shewmaker, co-partners, doing business as "Service Transfer & Storage Company," Denver, Colorado, were granted a certificate of public convenience and necessity (PUC No. 2558 and PUC No. 2558-I), authorizing operation as a common carrier by motor vehicle for hire, for the transportation of:

freight, between Denver and Aurora, Colorado, from interstate rail and truck terminals, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended;

between points within a radius of five miles of the City Limits of the City and County of Denver, Colorado, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended;

general commodities, excepting:

1. used household goods and used office furniture and fixtures;
2. commodities which, because of size or weight, require special equipment, and
3. commodities moving in package delivery service to private residences,

from point to point within the City and County of Denver.

Said certificate-holders now seek authority to transfer said PUC No. 2558 and PUC No. 2558-I to Service Transfer & Storage Company, a Colorado corporation, 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, November 23, 1959, at 10:30 A. M., due notice thereof being forwarded to all parties in interest.

On November 20, 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, Merle E. Morgan, one of transferors herein and an Officer and Director of transferee, appeared and testified in support of the application, stating transferor is a co-partnership, consisting of three partners, including himself; that Articles of Partnership of transferor expired October 15, 1959; that he and his partners have formed a corporation; that the former members of the partnership are the sole stockholders in said corporation; that said corporation was formed for tax-saving purposes and other advantages supposedly accruing to a corporation; that the consideration for transfer of said operating rights would be all Capital Stock of Service Transfer & Storage Company; that said corporation has ample and suitable equipment with which to carry on said operation; that it also has sufficient net worth, as shown by Exhibit 1 on file with this Commission; that there are no outstanding unpaid operating obligations against said PUC No. 2558 and PUC No. 2558-I.

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 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 be, and the same hereby is, approved.

That Minor D. Coon, Merle E. Morgan, and Annetta M. Shewmaker, co-partners, doing business as "Service Transfer & Storage Company", Denver, Colorado, be, and they hereby are, authorized to transfer PUC No. 2558 and PUC No. 2558-I -- with authority as set forth in the preceding Statement, which is made a part hereof, by reference -- to Service Transfer & Storage Company, a Colorado corporation, Denver, Colorado, subject to payment of outstanding indebtedness against said certificates, 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 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 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.

That transfer of interstate operating rights herein authorized 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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 29th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
KENNETH J. STREBEL, DOING BUSINESS AS )  
"ROCKY MOUNTAIN TRANSPORT," 481 )  
SOUTH PERRY STREET, DENVER, COLO- ) APPLICATION NO. 17520-PP-Extension  
RADO, FOR AUTHORITY TO EXTEND )  
OPERATIONS UNDER PERMIT NO. B-5094. )  
----- )

-----  
December 29, 1959  
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Appearances: Kenneth J. Strebel, Denver,  
Colorado, pro se;  
Hubert Work, Denver, Colorado,  
for Weicker Transfer and  
Storage Company, Duffy  
Storage & Moving Company.

S T A T E M E N T

By the Commission:

Heretofore, Kenneth J. Strebel, Denver, Colorado, was  
authorized to operate as a Class "B" private carrier by motor ve-  
hicle for hire (Permit No. B-5094), authorizing transportation of:

plaster board, together, from time to time,  
with a few pieces of lumber, from lumber yards  
situated within a twenty-mile radius of Colfax  
and Broadway, in Denver, Colorado, and including  
the City and County of Denver, to building con-  
struction jobs within the same area, for Barnett  
Lumber Company, of Denver, Colorado, only.

By the above-styled application, said permit-holder seeks  
authority to extend operations under said Permit No. B-5094, by  
removing therefrom the restriction that he render service for Barnett  
Lumber Company, of Denver, Colorado, only, so that in the future,  
said Permit No. B-5094 shall authorize transportation of:

plaster board, together, from time to time,  
with a few pieces of lumber, from lumber yards  
situated within a twenty-mile radius of Colfax  
and Broadway, in Denver, Colorado, and including  
the City and County of Denver, to building con-  
struction jobs within the same area.



Said application was regularly set for hearing before the Commission, at the Hearing Room of the Commission, 330 State Office Building, Denver, Colorado, December 7, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 3, 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 the Examiner states that applicant herein appeared at the hearing and testified in support of his application, stating he has had many requests for transportation of plaster board from many parties not now his customers; that transportation of plaster board requires special handling, for which he has equipment; that he has had extensive experience in handling and transportation of plaster board.

William J. Haligas testified that he is President of Dry Wall Supply, Inc.; that his company sells about two carloads of wall board a month; that in transportation of wall board, special handling is necessary; that his company needs, and will use applicant's services, in the event authority sought herein is granted.

Hubert Work testified he is Manager of Weicker Transfer and Storage Company; that his company can, and has transported wall board for many years; that his company has both the equipment and experience to render said service.

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

Report of the Examiner recommends that applicant herein be authorized to add "Dry Wall Supply, Inc." as a customer to be served by him; that in all other respects, said application should be denied.

## 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 should be authorized to add "Dry Wall Supply, Inc." as a customer to be served by him.

That Application No. 17520-PP should be, in all other respects, denied.

## O R D E R


### THE COMMISSION ORDERS:

That Applicant herein be, and is hereby, authorized to add "Dry Wall Supply, Inc." as a customer to be served by him.

That Application No. 17520-PP be, and the same hereby is, in all other respects, denied.

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

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 29th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES C. JETT, NELLIE RUTH JETT, )  
C..O. KELLER AND ERNESTINE KELLER, )  
CO-PARTNERS, DOING BUSINESS AS )  
"K & K TRANSFER COMPANY," SPRING- )  
FIELD, COLORADO, FOR AUTHORITY TO )  
LEASE PUC NO. 304 AND PUC NO. 304-I )  
TO RUSSELL R. ROBINSON AND MAUVER- )  
DENE ROBINSON, CO-PARTNERS, DOING )  
BUSINESS AS "K & K TRANSFER COMPANY," )  
SPRINGFIELD, COLORADO. )  
----- )

APPLICATION NO. 15871-Lease  
SUPPLEMENTAL ORDER

-----  
December 29, 1959  
-----

Appearances: Howard M. Schmidt, Esq.,  
Springfield, Colorado,  
for Applicants.

S T A T E M E N T

By the Commission:

On December 26, 1957, the Commission entered its Decision No. 49287 in the above-styled application, authorizing Lease of PUC No. 304 and PUC No. 304-I from Charles C. Jett, Nellie Ruth Jett, C. O. Keller and Ernestine Keller, co-partners, doing business as "K & K Transfer Company," Springfield, Colorado, to Russell R. Robinson and Mauverdene Robinson, co-partners, doing business as "K & K Transfer Company," Springfield, Colorado.

The Commission is now in receipt of a communication from Howard M. Schmidt, stating the parties hereto request Commission approval of "Extension of Contract of Sale and Lease of the K & K Transfer Company," copy of which was filed with the Commission on December 10, 1959, said Extension of Contract being made a part hereof, by reference.

F I N D I N G S

THE COMMISSION FINDS:

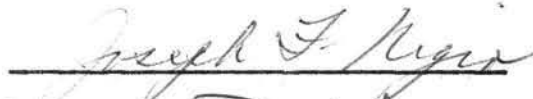
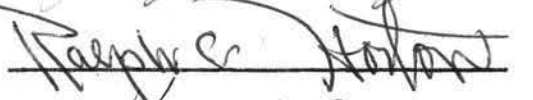

That said request should be granted.

O R D E R

THE COMMISSION ORDERS:

That "Extension of Contract of Sale and Lease of the K & K Transfer Company," filed with the Commission on December 10, 1959, providing for further lease of PUC No. 304 and PUC No. 304-I from Charles C. Jett, Nellie Ruth Jett, C. O. Keller and Ernestine Keller, co-partners, doing business as "K & K Transfer Company," Springfield, Colorado, to Russell R. Robinson and Mauverdene Robinson, co-partners, doing business as "K & K Transfer Company," Springfield, Colorado, be, and the same hereby is, approved by this Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners.

Dated at Denver, Colorado,  
this 29th day of December, 1959.

ea

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, )  
MOTOR FREIGHT TARIFF NO. 14, COLO- )  
RADO P.U.C. NO. 13, TO BECOME )  
EFFECTIVE DECEMBER 28, 1959, AS )  
ISSUED BY J. R. SMITH, CHIEF OF )  
TARIFF BUREAU, 4060 ELATI STREET, )  
DENVER 16, COLORADO. )  
-----

CASE NO. 1585

-----  
December 24, 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 December 28, 1959, designated as set forth in Appendix "A", attached hereto and made a part hereof.

Under the provisions 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 support of the changes involved in this order, excerpts are taken from letters submitted by carriers or shippers through the Colorado Motor Carriers' Association.

Item No. 125, covering "Extra Labor" published as follows:

"Extra Labor:

"Where or whenever necessary to furnish extra help (other than driver) to load or unload articles, on account of their size or weight, such service will be charged for at a rate of \$4.50 per hour for each extra man required.

"(The provisions of this item will not apply on shipments of household goods subject to the provisions of Section No. 3 of this tariff.)"

The above provisions as published should be rejected and removed from this tariff for general application. The Commission has received no reasons or justification for its publication from the carriers involved and it appears the public may be injuriously affected.

Item No. 370, cement in bulk, as appearing in the attached appendix, is a new commodity item.

Mr. Bud Dodson, Operations Manager for Verl Harvey, Inc., operating under Certificate of Convenience Number 2177, states:

"We feel that the large volume of cement, \* \* \* (not stated as not necessarily pertinent) coupled with adequate storage justifies a commodity rate less than the mileage scale. In addition to these, our normal season starts in the spring and ceases in the fall, whereas, this job will continue year around regardless of the weather."

The Rate Department's investigation reveals that the plants at Dillon and Grant will be permanent cement mixing plants for duration of the construction, the locations being, viz.:

Dillon, Colorado; approximately 1/2 mile across river at its closest point to U.S. Highway No. 6 and 1 mile east of Dillon.

Grant, Colorado; 1 mile west of Grant and close to (mileage negligible) U.S. Highway No. 285.

The reduction in rates as proposed compared with the mileage distance scale on 35,000 pounds will represent from Boettcher and Portland to plant near Dillon a  $4\frac{1}{2}$  cents and 5 cents, respectively, and from Boettcher and Portland to plant near Grant a  $4\frac{1}{2}$  cents and 4 cents, respectively, per 100 pounds.

Item No. 630, covering lime and lime products in bulk, as shown in the appendix, is a new commodity item. The Colorado Lime Company, Pikeview, Colorado, instigated this item through the association and circulation has been made to carrier members with no protest being received.

Mr. J. R. Summer, connected with the Colorado Lime Company, states in part:



"Recently the Climax Molybdenum Company at Climax, Colorado, have been experimenting with our quick lime as an additive in their milling process. The results of these experiments appear to be favorable and we believe they will shortly start using this material in a large volume if it can be sold and delivered to them at a reasonable price.

"We have discussed our problem with Mr. Blunt of Southwestern Transportation Company because of the hauling which they have been doing for us and the cement hauling which they have been doing for the Climax Company.

"As justification for the rate we feel that our products are very similar to cement in the service and equipment which is required. There is presently a rate on cement in bulk from Portland, Colorado, to Climax, Colorado, of 27 cents per 100 pounds. It is 144 miles from Portland to Climax and 147 miles from Pikeview to Climax with very similar operating conditions."

Section No. 5 (Farm Products). The mileage scales based on 2,000 and 4,000 pounds for plains, mountain and differential territories are being eliminated. This will leave in effect minimum weights of 8,000 and 10,000 pound rates for travel in plains, mountain and between plains and mountain or differential territory; also minimum weight of 30,000 pounds, subject to restrictions. However, the following carriers named will not be affected by this change: James E. Ashton, DBA Ashton Truck Line; Ed Tuxhorn, DBA Byers-Denver Truck Line; George Bunte, Jr., DBA Grand Junction-Palisade Freight Line; John G. Riedesel and E. L. Riedesel, DBA Riedesel Truck Line, or Carroll Ross. The present basis for account of these carriers will continue to exist.

The Larson Transportation Company and Rio Grande Motor Way, Inc., for the transportation of farm products as named in this section are providing an exception that shipments via their lines will apply only when they are transported a distance of 100 miles or more.

Mr. Ralph H. Knull, Assistant Traffic Manager, Rio Grande Motor Way, Inc., states:

"Investigation of the rates provided in this Section reveals that no increases have been granted in this Section for a very long period of time.

"Due to the increased labor costs as well as other increases in material we find that the 2,000 and 4,000 lb. rates do not produce sufficient revenue to be compensatory. In the same respect we find that the short line mileages do not produce sufficient revenue to pay the cost of pick-up and delivery such shipments. For example, a 10 M lb. shipment from Grand Junction to Clifton, Colorado, would be rated using the rates shown on Original Page 91. This mountain scale rate for 8 miles which is the distance between these two points, is 8¢ on the 10 M lb. minimum. With our labor costs of \$2.38 per hour you can see that it would be non-compensatory to handle this shipment."

The Commission has been advised by the Association that all carriers party to the tariff have been circulated as to the above proposal and no objections were received.

### 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. However, the addition of Item No. 125, Extra Labor, is rejected without prejudice, to a later filing with this Commission wherein the charges will represent the labor situation throughout the state and justification therefor.

### 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. On and after December 28, 1959, the provisions as set forth in the attached Appendix "A" of this order shall become effective.
3. All motor vehicle common carriers who are affected by the changes prescribed herein shall charge the aforesaid rates as maximum and/or minimum rates.
4. All private carriers by motor vehicles to the extent they are affected by the changes involved herein shall charge the aforesaid rates as minimum rates.

5. 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.

6. Jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negin*  
*Ralph C. Hobart*  
*Harry E. Fulmer*  
Commissioners

Dated at Denver, Colorado,  
this 24th day of December, 1959.

mem

APPENDIX "A"

Colorado Motor Carriers' Association, Agent  
Motor Freight Tariff No. 14, Colorado P.U.C. No. 13

Item No. 125, Extra Labor, is rejected and shall be cancelled from said tariff on or before the 28th of December, 1959.

SECTION NO. 1 COMMODITY RATES Rates are in Cents per 100 Pounds (Unless otherwise stated)				
ITEM NO.	COMMODITY	FROM	TO	RATES
	Commodities in the same item may be shipped in straight or mixed truck loads.	(Except as noted in individual items)	(Except as noted in individual items)	
+ 370 (R)	Cement, in bulk in tank vehicles, minimum weight 45,000 pounds.	Boettcher, Colorado	Blue River Constructors Batch Plant near Dillon, Colorado	27½
		Portland, Colorado		33
		Boettcher, Colorado	Blue River Constructors Batch Plant near Grant, Colorado	24½
		Portland, Colorado		30
+ 630 (R)	Lime and Lime Products, in bulk in tank vehicles, minimum weight 40,000 pounds.	Pikeview, Colorado	Climax, Colorado	30

SECTION NO. 5

FARM PRODUCTS

+ (A) The distance rates published in this Section will apply via Larson Transportation Company and Rio Grande Motor Way, Inc., only when the shipments are transported a distance of 100 miles or more.

## SECTION NO. 5

Distance Rates on FARM PRODUCTS as Described on Page 88.

For Territorial Application, See Page No. 88.

Rates published on this page will not apply via James E. Ashton, DBA ASHTON TRUCK LINE; Ed Tuxhorn, DBA BYERS-DENVER TRUCK LINE; George Bunte, Jr., DBA GRAND JUNCTION-PALISADE FREIGHT LINE; John G. Riedesel and E. L. Riedesel, DBA RIEDESEL TRUCK LINE, or CARROLL ROSS.

Rates in Cents per 100 Pounds

Distance - Miles		Plains Scale					Differential Scale				
		Minimum Weight					Minimum Weight				
		2,000 (E)(A)	4,000 (E)(A)	8,000	10,000	(1)(2)(3) 30,000	2,000 (E)(A)	4,000 (E)(A)	8,000	10,000	
2 miles and under				3	2	--			$\frac{1}{2}$	$\frac{1}{2}$	
3 miles and over	2			5	3	--			$\frac{1}{2}$	$\frac{1}{2}$	
4 miles and over	3			5	3	--			$\frac{1}{2}$	$\frac{1}{2}$	
5 miles and over	4			6	5	--			1	$\frac{1}{2}$	
6 miles and over	5			6	5	--			1	1	
7 miles and over	6			7	6	--			1	1	
8 miles and over	7			8	7	--			1	1	
9 miles and over	8			8	7	--			1	1	
10 miles and over	9			9	8	--			$1\frac{1}{2}$	1	
12 miles and over	10			9	8	--			$1\frac{1}{2}$	$1\frac{1}{2}$	
14 miles and over	12			10	9	8			$1\frac{1}{2}$	$1\frac{1}{2}$	
16 miles and over	14			10	9	8			$1\frac{1}{2}$	$1\frac{1}{2}$	
18 miles and over	16			12	10	8			$1\frac{1}{2}$	$1\frac{1}{2}$	
20 miles and over	18			12	12	8			2	$1\frac{1}{2}$	
25 miles and over	20			13	12	8			2	2	
30 miles and over	25			14	13	8			2	2	
35 miles and over	30			14	14	$8\frac{1}{2}$			2	2	
40 miles and over	35			15	14	9			2	2	
45 miles and over	40			15	14	$9\frac{1}{2}$			3	2	
50 miles and over	45			16	15	10			3	3	
55 miles and over	50			17	15	$10\frac{1}{2}$			3	3	
60 miles and over	55			18	16	11			5	3	
65 miles and over	60			21	16	$11\frac{1}{2}$			5	3	
70 miles and over	65			22	17	12			5	3	
75 miles and over	70			23	17	$12\frac{1}{2}$			5	3	
80 miles and over	75			24	18	13			5	3	
85 miles and over	80			25	21	$13\frac{1}{2}$			6	3	
90 miles and over	85			26	22	14			6	5	
95 miles and over	90			28	24	$14\frac{1}{2}$			6	5	
100 miles and over	95			29	24	15			6	5	
105 miles and over	100			30	25	$15\frac{1}{2}$			6	5	
110 miles and over	105			30	25	16			6	5	
115 miles and over	110			31	26	$16\frac{1}{2}$			6	5	
120 miles and over	115			31	26	17			7	5	
125 miles and over	120			33	28	$17\frac{1}{2}$			7	5	
130 miles and over	125			35	28	18			7	6	
135 miles and over	130			36	29	$18\frac{1}{2}$			7	6	
140 miles and over	135			37	29	$18\frac{1}{2}$			8	6	
145 miles and over	140			38	30	19			8	6	
150 miles and over	145			39	30	19			8	6	
155 miles and over	150			40	31	$19\frac{1}{2}$			8	7	
160 miles and over	155			41	33	$19\frac{1}{2}$			8	7	
165 miles and over	160			43	35	20			9	7	
170 miles and over	165			44	36	20			9	7	
175 miles and over	170			46	37	$20\frac{1}{2}$			9	7	
180 miles and over	175			47	38	$20\frac{1}{2}$			9	8	
185 miles and over	180			48	39	21			9	8	
190 miles and over	185			49	40	21			10	8	
195 miles and over	190			51	41	$21\frac{1}{2}$			10	8	
200 miles and over	195			52	44	$21\frac{1}{2}$			10	8	
210 miles and over	200			53	46	22			10	9	
220 miles and over	210			54	47	$22\frac{1}{2}$			10	9	
230 miles and over	220			56	48	23			12	9	
240 miles and over	230			59	49	$23\frac{1}{2}$			12	9	

Continued on following sheet



Rates in Cents per 100 Pounds									
Distance - Miles	Plains Scale					Differential Scale			
	Minimum Weight					Minimum Weight			
	2,000 (E)(A)	4,000 (E)(A)	8,000	10,000	(1)(2)(3) 30,000	2,000 (E)(A)	4,000 (E)(A)	8,000	10,000
250 miles and over 240			60	51	24			12	9
260 miles and over 250			62	52	24½			12	10
270 miles and over 260			63	53	25			13	10
280 miles and over 270			64	54	25½			13	12
290 miles and over 280			66	55	26			14	12
300 miles and over 290			68	56	26½			14	12
320 miles and over 300			71	59	--			14	12
340 miles and over 320			74	61	--			15	13
360 miles and over 340			76	62	--			15	13
380 miles and over 360			78	64	--			15	14
400 miles and over 380			81	67	--			16	14
420 miles and over 400			84	68	--			16	14
440 miles and over 420			86	71	--			17	14
460 miles and over 440			89	72	--			17	14
480 miles and over 460			92	75	--			17	15
500 miles and over 480			94	76	--			18	15

(1) Will not apply on shipments from farm or farm storage to the Elevator, and will apply only between points located within Plains Territory.

(2) Rates apply only on Grain, Grain Products and Animal or Poultry Feeds, not Cereal Food Preparations and not for Human Consumption.

(3) Rates subject to a minimum weight of 30,000 pounds will not apply via Sorenson Truck Service, Inc.

SECTION NO. 5				
Distance Rates on FARM PRODUCTS as Described on Page 88.				
For Territorial Application, See Page No. 88.				
Rates published on this page will not apply via James E. Ashton, DBA ASHTON TRUCK LINE; Ed Tuxhorn, DBA BYERS-DENVER TRUCK LINE; George Bunte, Jr., DBA GRAND JUNCTION-PALISADE FREIGHT LINE, or John G. Riedesel and E. L. Riedesel, DBA RIEDESEL TRUCK LINE.				
Rates in Cents per 100 Pounds				
Distance - Miles	Mountain Scale			
	Minimum Weight			
	2,000 (E)(A)	4,000 (E)(A)	8,000	10,000
2 miles and under			5	3
3 miles and over 2			5	3
4 miles and over 3			6	5
5 miles and over 4			7	5
6 miles and over 5			8	7
7 miles and over 6			8	7
8 miles and over 7			9	8
9 miles and over 8			9	8
10 miles and over 9			10	9
12 miles and over 10			12	10
14 miles and over 12			12	12
16 miles and over 14			13	12
18 miles and over 16			14	13
20 miles and over 18			15	14
25 miles and over 20			15	14
30 miles and over 25			16	15
35 miles and over 30			16	15
40 miles and over 35			17	16

Continued on following sheet



Rates in Cents per 100 Pounds					
Distance - Miles		Mountain Scale			
		Minimum Weight			
		2,000 (E)(A)	4,000 (E)(A)	8,000	10,000
45 miles and over	40			18	16
50 miles and over	45			18	17
55 miles and over	50			21	18
60 miles and over	55			23	18
65 miles and over	60			24	21
70 miles and over	65			25	21
75 miles and over	70			28	23
80 miles and over	75			29	24
85 miles and over	80			30	24
90 miles and over	85			31	26
95 miles and over	90			35	28
100 miles and over	95			36	29
105 miles and over	100			37	30
110 miles and over	105			37	30
115 miles and over	110			38	31
120 miles and over	115			39	31
125 miles and over	120			39	33
130 miles and over	125			40	35
135 miles and over	130			41	35
140 miles and over	135			43	36
145 miles and over	140			46	36
150 miles and over	145			47	37
155 miles and over	150			48	38
160 miles and over	155			49	39
165 miles and over	160			52	47
170 miles and over	165			53	43
175 miles and over	170			54	44
180 miles and over	175			56	47
185 miles and over	180			59	48
190 miles and over	185			60	49
195 miles and over	190			61	51
200 miles and over	195			63	52
210 miles and over	200			64	54
220 miles and over	210			66	55
230 miles and over	220			68	56
240 miles and over	230			69	59
250 miles and over	240			72	60
260 miles and over	250			74	62
270 miles and over	260			76	63
280 miles and over	270			77	66
290 miles and over	280			79	67
300 miles and over	290			81	68
320 miles and over	300			85	71
340 miles and over	320			87	74
360 miles and over	340			91	75
380 miles and over	360			93	77
400 miles and over	380			98	79
420 miles and over	400			101	82
440 miles and over	420			104	85
460 miles and over	440			107	86
480 miles and over	460			110	90
500 miles and over	480			114	91

+ - Denotes - Addition  
 (R) - Denotes - Reduction  
 (A) - Denotes - Increase  
 (E) - Denotes - Elimination

regrat

(Decision No. 53569)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
FORREST ARCHIE GREEN, DOING )	
BUSINESS AS "FORREST ARCHIE )	
GREEN TRUCK LINE," 4575 SOUTH )	<u>PERMIT NO. B-5658</u>
ELATI STREET, ENGLEWOOD, COLO- )	
RADO. )	
- - - - - )	

- - - - -  
December 28, 1959  
- - - - -

Appearances: Gee, Dobbins and May, Esqs.,  
Denver, Colorado, for  
Forrest Archie Green.

S T A T E M E N T

By the Commission:

On December 31, 1958, the Commission entered its Decision No. 51493, authorizing the above-named permit-holder to suspend operations under Permit No. B-5658 until July 1, 1959.

Thereafter, and on July 1, 1959, the Commission entered its Decision No. 52611, authorizing further suspension of operations under said Permit No. B-5658, until January 1, 1960.

The Commission is now in receipt of a communication from Thomas J. Dobbins, Esq., requesting authority for said permit-holder to further suspend operations under said permit until July 1, 1960.

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 Forrest Archie Green, doing business as "Forrest Archie Green Truck Line," Englewood, Colorado, be, and he hereby is, authorized to further suspend operations under Permit No. B-5658, until July 1, 1960.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Holton  
Henry E. Zuleygo  
Commissioners.

Dated at Denver, Colorado,  
this 28th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF	)	
FORREST ARCHIE GREEN, DOING	)	
BUSINESS AS "FORREST ARCHIE	)	PUC NO. 851
GREEN TRUCK LINE," 4575 SOUTH	)	<u>PUC No. 851-I</u>
ELATI STREET, ENGLEWOOD, COLORADO.	)	
- - - - -	)	

- - - - -  
December 28, 1959  
- - - - -

Appearances: Gee, Dobbins and May, Esqs.,  
Denver, Colorado, for  
Forrest Archie Green.

S T A T E M E N T

By the Commission:

On December 31, 1958, the Commission entered its Decision No. 51492, authorizing the above-named certificate-holder to suspend operations under PUC No. 851 and PUC No. 851-I until July 1, 1959.

Thereafter, and on July 1, 1959, the Commission entered its Decision No. 52612, authorizing further suspension of operations under said PUC Nos. 851 and 851-I until January 1, 1960.

The Commission is now in receipt of a communication from Thomas J. Dobbins, Esq., requesting authority for said certificate-holder to further suspend operations under said certificates until July 1, 1960.

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 Forrest Archie Green, doing business as "Forrest Archie Green Truck Line," Englewood, Colorado, be, and he hereby is, authorized to further suspend operations under PUC No. 851 and PUC No. 851-I, until July 1, 1960.

That unless said certificate-holder shall, prior to expiration of said suspension period, make request, in writing, for reinstatement of said certificates, file insurance, and otherwise comply with all rules and regulations of the Commission applicable to common carrier certificates, said certificates, 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 28th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FAY DE BERARD, JR., DOING BUSINESS )  
AS "DE BERARD TRUCKING," BOX 27, )  
LA JUNTA, COLORADO, FOR AUTHORITY )  
TO TRANSFER PUC NO. 2703 AND PUC )  
NO. 2703-I TO JOHN M. BLAKNEY, )  
DOING BUSINESS AS "JOHN BLAKNEY )  
TRUCKING," ROUTE 1, LA JUNTA, )  
COLORADO. )  
----- )

APPLICATION NO. 17522-Transfer

-----  
December 30, 1959  
-----

Appearances: Allen & Strain, Esqs.,  
La Junta, Colorado, by  
George Strain, Esq.,  
La Junta, Colorado,  
for Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Fay DeBerard, Jr., doing business as  
"DeBerard Trucking," La Junta, Colorado, was granted a certificate  
of public convenience and necessity (PUC No. 2703 and PUC No. 2703-I),  
to operate as a common carrier by motor vehicle for hire, for the  
transportation of:

livestock, between points within a radius of  
fifty miles of La Junta, Colorado, and from  
and to said radius, to and from all points  
within the State of Colorado, provided, how-  
ever, that said certificate shall be limited  
to one office in La Junta, Colorado, or within  
a two-mile radius of said City of La Junta,  
Colorado, for the purpose of soliciting  
business;

freight, between all points within the State  
of Colorado and the Colorado State Boundary  
Lines, where all highways cross same, in inter-  
state commerce, only, subject to the provisions  
of the Federal Motor Carrier Act of 1935, as  
amended.

By the above-styled application, said certificate-holder  
seeks authority to transfer PUC No. 2703 and PUC No. 2703-I to  
John M. Blakney, doing business as "John Blakney Trucking," La Junta,



Colorado.

Said application was regularly set for hearing before the Commission, at the Court House, La Junta, Colorado, December 10, 1959, at ten o'clock A. M., due notice thereof being forwarded to all parties in interest.

On December 8, 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, Fay DeBerard, Jr. appeared, stating he is owner and operator of PUC No. 2703 and PUC No. 2703-I; that there is no outstanding unpaid operating indebtedness against said operating rights; that the consideration for transfer of said certificates is the sum of \$9,000; that copy of Contract of Sale is on file with the Commission.

John M. Blakney, transferee herein appeared and testified in support of the application, stating he is engaged in the trucking business, operating under Permit No. B-3396; that he has entered into an agreement to purchase PUC No. 2703 and PUC No. 2703-I for \$9,000; that he has been operating under said certificates under Temporary Authority issued by this Commission; that he has sufficient equipment with which to conduct said operations; that he has a net worth of \$24,000.

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 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 Findings be, and the same hereby is, approved.

That Fay DeBerard, Jr., doing business as "DeBerard Trucking," La Junta, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 2703 and PUC No. 2703-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to John M. Blakney, doing business as "John Blakney Trucking," La Junta, Colorado, subject to payment of outstanding indebtedness against said operating rights, 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.

That transfer of interstate operating rights herein authorized 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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hutton  
Wm. E. Zwick  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

ea

original

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
F. DAVE VIGIL, 105 LONGSPEAK, )	
BRIGHTON, COLORADO, FOR AUTHORITY )	
TO TRANSFER PERMIT NO. B-5846 TO )	
F. DAVE VIGIL AND EFFIE VIGIL, CO- )	APPLICATION NO. 17521-PP-Transfer
PARTNERS, DOING BUSINESS AS "VIGIL )	
TRUCK COMPANY," 105 LONGSPEAK, )	
BRIGHTON, COLORADO. )	
----- )	

-----  
December 30, 1959  
-----

Appearances: F. Dave Vigil, Brighton,  
Colorado, pro se;  
Effie Vigil, Brighton,  
Colorado, pro se.

S T A T E M E N T

By the Commission:

Heretofore, F. Dave Vigil, Brighton, Colorado, was author-  
ized to operate as a Class "B" private carrier by motor vehicle for  
hire, for the transportation of:

natural fertilizer, between all points within  
a radius of fifty miles of Brighton, Colorado;  
ensilage, from point to point within a radius  
of fifty miles of Brighton, Colorado,

said operating rights being designated "Permit No. B-5846."

By the above-styled application, said permit-holder seeks  
authority to transfer said Permit No. B-5846 to F. Dave Vigil and  
Effie Vigil, co-partners, doing business as "Vigil Truck Company,"  
Brighton, 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 7, 1959, at ten o'clock A. M.,  
due notice thereof being forwarded to all parties in interest.

On December 3, 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, F. Dave Vigil and Effie Vigil testified that they are husband and wife; that there are no outstanding unpaid operating obligations against said Permit No. B-5846.

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

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

Report of the Examiner recommends that transfer 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 Findings be, and the same hereby is, approved.

That F. Dave Vigil, Brighton, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to Permit No. B-5846 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to F. Dave Vigil and Effie Vigil, co-partners, doing business as "Vigil Truck Company," Brighton, Colorado, subject to payment of outstanding indebtedness against said operation, if any there be, whether secured or unsecured.

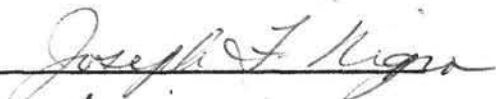

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised

the Commission that said 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 transferees 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

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

ea



revised

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
FRED A. SCHROEDER, SR., BOX 59, )	
MORRISON, COLORADO, FOR AUTHORITY )	
TO TRANSFER PUC NO. 3319 TO FRED A. )	APPLICATION NO. 17499-Transfer
SCHROEDER, JR., 310 SHADYCROFT )	
DRIVE, LITTLETON, COLORADO. )	
----- )	

-----  
December 30, 1959  
-----

Appearances: John P. Thompson, Esq.,  
Denver, Colorado, for  
Applicants.

S T A T E M E N T

By the Commission:

Heretofore, Fred A. Schroeder, Sr., Morrison, Colorado,  
was granted a certificate of public convenience and necessity  
(PUC No. 3319), authorizing operation as a common carrier by motor  
vehicle for hire, for the 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 above-styled application, said certificate-holder  
seeks authority to transfer said PUC No. 3319 to Fred A. Schroeder,  
Jr., Littleton, Colorado.

Said application was regularly set for hearing before the  
Commission, at the Hearing Room of the Commission, 330 State Office  
Building, Denver, Colorado, November 23, 1959, at 10:30 o'clock A. M.,  
due notice thereof being forwarded to all parties in interest.

On November 20, 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, transferor herein appeared and testified he is presently the owner of PUC No. 3319; that his son is transferee herein; that if said transfer is approved, he will go out of the transportation business; that the consideration for transfer is the sum of \$2,000, copy of Bill of Sale being on file with the Commission; that there are no outstanding unpaid operating obligations against said PUC No. 3319.

Fred A. Schroeder, Jr., transferee herein, also appeared and testified at the hearing, stating the consideration for transfer is \$2,000; that he has been engaged in the ash and trash business since 1946; that he has sufficient equipment with which to continue operations under PUC No. 3319; that he has a net worth of \$47,000.00.

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 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 be, and the same hereby is, approved.

That Fred A. Schroeder, Sr., Morrison, Colorado, be, and he hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 3319 -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Fred A. Schroeder, Jr., Littleton, Colorado, subject to payment of outstanding indebtedness against said certificate, 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Hoken  
Harry E. Paulsen  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)

HAROLD AND LORENE RIGEL, P. O. BOX  
211, FLEMING, COLORADO.

PERMIT NO. M-10655

January 5, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Harold and Lorene  
Rigel, Fleming, Colorado  
requesting that Permit No. M-10655 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10655, heretofore issued to Harold and Lorene  
Rigel, Fleming, Colorado be,  
and the same is hereby, declared cancelled effective July 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Horton  
Wm. E. Zarlengo  
Commissioners

Dated at Denver, Colorado,

this 5th day of January, 19560.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
MAX WILBURN OWEN, 910 WEST 4TH STREET,  
LA JUNTA, COLORADO.

PERMIT NO. M-14069

January 5, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Max Wilburn Owen,  
La Junta, Colorado  
requesting that Permit No. M-14069 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-14069, heretofore issued to Max Wilburn Owen,  
La Junta, Colorado be,  
and the same is hereby, declared cancelled effective December 4, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Robert C. Horton  
Henry E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 5th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
GEORGE PLANE AND O. L. RIPPY, DOING )  
BUSINESS AS, "ACE SALVAGE COMPANY", )  
P. O. BOX 882, CRAIG, COLORADO. )  
----- )

PERMIT NO. M-12526

-----  
January 5, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from George Plane and  
O. L. Rippy, doing business as, "Ace Salvage Company", Craig, Colorado  
requesting that Permit No. M-12526 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-12526, heretofore issued to George Plane and O. L.  
Rippy, doing business as, "Ace Salvage Company", Craig, Colorado be,  
and the same is hereby, declared cancelled effective April 18, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Ralph C. Norton  
Harry E. Zuckerman  
Commissioners

Dated at Denver, Colorado,

this 5th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ABAJO PETROLEUM (A CORPORATION), P. O.)  
BOX 496, BLANDING, UTAH. )  
\_\_\_\_\_ )

PERMIT NO. M-9140

\_\_\_\_\_  
January 5, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Abajo Petroleum  
(A Corporation), Blanding, Utah  
requesting that Permit No. M-9140 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-9140, heretofore issued to Abajo Petroleum (A  
Corporation), Blanding, Utah be,  
and the same is hereby, declared cancelled effective December 25, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Frank C. Norton  
Wm. E. Zaulings  
Commissioners

Dated at Denver, Colorado,

this 5th day of January, 19560.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
WILSON D. HUSTON, 549 - 2ND STREET, )  
LAS ANIMAS, COLORADO. )  
----- )

PERMIT NO. M-5524

-----  
January 5, 1960  
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STATEMENT

By the Commission:

The Commission is in receipt of a communication from Wilson D. Huston,  
Las Animas, Colorado  
requesting that Permit No. M-5524 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-5524, heretofore issued to Wilson D. Huston,  
Las Animas, Colorado be,  
and the same is hereby, declared cancelled effective February 19, 1958.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Frank C. Horton  
Wm. E. Zupke  
Commissioners

Dated at Denver, Colorado,

this 5th day of January, 19560.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
ALEX STOLL, 1001 - 13TH AVENUE,  
GREELEY, COLORADO.

PERMIT NO. M-1342

January 5, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Alex Stoll,  
Greeley, Colorado  
requesting that Permit No. M-1342 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-1342, heretofore issued to Alex Stoll,  
Greeley, Colorado be,  
and the same is hereby, declared cancelled effective August 23, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Robert C. Norton  
Henry E. Zaulinger  
Commissioners

Dated at Denver, Colorado,

this 5th day of January, 1960.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
AMERICAN RADIATOR AND STANDARD )  
SANITARY CORPORATION, DOING BUSINESS )  
AS, "AMSTAN SUPPLY DIVISION", 164 )  
SOUTH SANTA FE, PUEBLO, COLORADO. )

PERMIT NO. M-13157

January 5, 1960

STATEMENT

By the Commission:

The Commission is in receipt of a communication from American Radiator and Standard Sanitary Corporation, dba "Amstan Supply Division", Pueblo, Colorado requesting that Permit No. M-13157 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-13157, heretofore issued to American Radiator and Standard Sanitary Corporation, dba "Amstan Supply Division", Pueblo, Colorado be, and the same is hereby, declared cancelled effective July 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
Samuel C. Horton  
Wm. E. Zurling  
Commissioners

Dated at Denver, Colorado,

this 5th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
UNIVERSITY VAN AND STORAGE, )  
INCORPORATED, 2048 SOUTH COLO- )  
RADO BOULEVARD, DENVER 7, COLO- )  
RADO. )

PUC NO. 3952-I

January 5, 1960

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from University Van and Storage, Incorporated, Denver 7, Colorado

requesting that Certificate of Public Convenience and Necessity No. 3952-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. 3952-I heretofore issued to University Van and Storage, Incorporated, Denver 7, Colorado

be, and the same is hereby, declared cancelled effective November 18, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Norton*  
*Henry E. Zaulinger*  
Commissioners

Dated at Denver, Colorado,

this 5th day of January, 19 60.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\*\*\*\*\*

RE MOTOR VEHICLE OPERATIONS OF)  
VERNON W. AND VERA J. BARNARD, 828 )  
EMERSON STREET, DENVER 18, COLORADO. )  
\_\_\_\_\_) )  
\_\_\_\_\_)

PERMIT NO. M-10734

\_\_\_\_\_  
January 5, 1960  
\_\_\_\_\_

STATEMENT

By the Commission:

The Commission is in receipt of a communication from Vernon W. and Vera  
J. Barnard, Denver 18, Colorado  
requesting that Permit No. M-10734 be cancelled.

FINDINGS

THE COMMISSION FINDS:

That the request should be granted.

ORDER

THE COMMISSION ORDERS:

That Permit No. M-10734, heretofore issued to Vernon W. and Vera  
J. Barnard, Denver 18, Colorado be,  
and the same is hereby, declared cancelled effective December 31, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nigro  
George C. Gordon  
Wm. E. Zerkow  
Commissioners

Dated at Denver, Colorado,

this 5th day of January, 1960.



\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
VERNON W. AND VERA J. BARNARD, )  
828 EMERSON STREET, DENVER 18, )  
COLORADO. )  
-----

PERMIT NO. B-3534

-----  
January 5, 1960  
-----

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 their Permit No. B-3534 be suspended for six months from December 31, 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 Vernon W. and Vera J. Barnard, Denver 18, Colorado

be, and are hereby, authorized to suspend their operations under Permit No. B-3534 until June 30, 1960.

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 re-instate.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Negro  
Raen C. Horton  
Wing E. Zullinger  
Commissioners

Dated at Denver, Colorado,  
this 5th day of January, 1960.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE THE ELIMINATION OF MILEAGE SCALE )  
OF RATES FOR DISTANCES OF THIRTY (30) )  
MILES AND LESS BASED ON RATES IN CENTS )  
PER ONE HUNDRED POUNDS AND THE SUBSTI- )  
TUTION OF HOURLY RATES THEREFOR IN THE )  
SO-CALLED HEAVY HAULERS TARIFF APPLI- )  
CABLE BETWEEN POINTS IN COLORADO. )  
-----

CASE NO. 1585

-----  
December 29, 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 January 2, 1960, designated as set forth in Appendix "A", attached hereto, simultaneously, by the Colorado Motor Carriers' Association, Agent, Motor Freight Tariff No. 13, Colorado P.U.C. No. 12, and the Colorado Transfer and Warehousemen's Association, Agent, Motor Freight Tariff No. 6, Colorado P.U.C. No. 4. The changes affected are the same in both tariffs and the Transfer and Warehousemen's Tariff will be used as reference in this order.

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 these changes, the Commission has been informed by letter from the Colorado Transfer and Warehousemen's Association by Mr. James A. Duffy, Chairman, Association Legal Committee, and the participants in the Colorado Motor Carriers' Association, Tariff No. 13, Colorado P.U.C. No. 12, concur, that:

"We recognize the fact, as brought out by the Colorado Motor Carriers, that the cost of doing business for carriers in the larger metropolitan areas is higher than those mainly serving the smaller communities. This differential is based, at least in part, on labor differentials, insurance, rentals, distance of travel, traffic conditions, the necessity of maintaining a larger variety of available equipment to serve the public and, in no small part, city regulations and taxes.

"Insofar as the level of rates in Item 270 proposed is concerned, we wish to point out to this Honorable Commission that these proposed rates already apply to some carriers in the three cities of Denver, Colorado Springs, and Pueblo, and a five mile radius thereof. It is our desire to extend this to a thirty mile radius, and also further wish to point out that in essence, the larger metropolitan cities in themselves oftentimes necessitate thirty miles travel without leaving the five mile area described as the Metropolitan area. Therefore, in the metropolitan areas, this would not materially alter existing practice. Insofar as the level themselves is concerned, we feel that the light weight of equipment is an inadequate measure of pricing service. Current manufacturers are now producing what is called 'light weight' equipment, which in some instances, weighs as much as 10,000 pounds less than its counterpart in steel or existing equipment. The weight of winches, rigging, and other special accessories to perform certain functions of our business, should not be considered weight of the equipment, insofar as hauling factors are concerned. To this end, we submit that light weight equipment, which in essence has no more hauling capacity, could conceivably discriminate or alter the rates under the present basis of charges. We feel that the lading itself, and the equipment necessary to handle that particular lading, is much more realistic. It will be noted by the Commission that we have made a differentiation in both the weight of lading and equipment needs to haul commodities named for our carriage and that in many instances, the rates we propose will be lower than those presently in existence. This, we feel, will more equitably assess charges and form the possibility of recapturing some lost traffic.

"In support of the application of these rates, in a 30 mile area, we add that the time ratio of loading and unloading on short mileage hauls makes it impractical to have hundred-weight rates to apply to all the commodities named, and that the establishment of hourly rates to offset this adverse loading and unloading ratio, would more evenly and equitably distribute the burden of cost on the 'difficult-to-load-and-unload' commodities, and thereby again offer the possibility to recapture some lost tonnage.

"We feel that the break-down represents the type of service requested and furnished in practice, and point out the variation of rates, based on the use of high bed and low bed equipment is relative to the various types of equipment required, and only the lading will determine this type of movement.

"When loads cannot be hauled on a single unit and must be broken down, the necessary equipment required to haul each of the components will apply. When it is permissible to haul tendered freight on a single unit, the applicable break-down for that unit will apply.

"Since 1954, an extra labor charge of \$3.00 and \$3.50 has applied in this particular tariff. Our current rate on drivers today is \$2.60 per hour, and the applicable fringe benefits of 21%, representing our costs for F.I.C.A., Health and Welfare, Vacations, Pensions, Unemployment, Workmens Compensation, etc., adds \$.58 per hour, or a gross cost of \$3.18. Average non-productive factors in our industry of 30% adds \$1.38 to our above direct cost, or a total cost of \$4.56 per hour. Since 1954 our labor cost, without the additional fringe benefits, have increased 53%. We offer this in justification for this extra labor change in Column 1 of the current amendment.

"As our reason for the change in Item 220 we wish to point out that our industry is faced, by contract, with an eight hour guarantee, forty hour per week guarantee, and four hour 'call-back' overtime provision, on all applicable labor agreements."

### 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. On and after January 2, 1960, the provisions as set forth in the attached appendix of this order shall 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. 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.

6. This 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.

7. Jurisdiction is retained to make such orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Joseph F. Nye  
Ralph C. Norton  
Henry E. Salinger  
Commissioners

Dated at Denver, Colorado,  
this 29th day of December, 1959.

mem



APPENDIX "A"

Colorado Motor Carriers' Association, Agent, Motor Freight  
Tariff No. 13, Colorado P.U.C. No. 12, and The Colorado  
Transfer and Warehousemen's Association, Agent, Motor  
Freight Tariff No. 6, Colorado P.U.C. No. 4.

RULES AND REGULATIONS		ITEM NO.
<u>OVERTIME (See Note)</u>  In the event carrier is requested by the consignor or consignee to render service between the hours of 5:00 p.m., and 7:00 a.m., or on Saturday, Sunday or legal holidays, viz.: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day, such service will be performed, if possible, and will be charged for at the rates published in this tariff, plus \$2.50 per hour per man for each man required to render the service.  NOTE: (A) Where reference is made to this note, all overtime charges will be subject to a minimum charge for four (4) hours for call outs or call backs.		220
<u>HOURLY RATES AND ADDITIONAL CHARGES FOR SPECIAL SERVICES</u>  The following hourly charges will apply on shipments moving a distance of 30 miles or less.  On shipments moving a distance exceeding 30 miles the following charges are in addition to the per hundred weight transportation charges provided in Section 2 of this tariff, and will be assessed on shipments when special services and/or extra labor is required in loading or unloading, or when extra services are required due to weak bridges or other highway obstructions preventing accessibility on the normal route. Also for stringing material along a right-of-way, to tow, drag, or gather material or equipment to or from loading or unloading place, to pull down, or set up material, machinery or equipment, or wreck or place same in position, or to rig up or to pump liquids on or off tanks.  Rates shown below include the services of driver or operator where indicated.  STRAIGHT TIME rates will be charged for all hours worked except those provided for in overtime Item 220.		270 (A)
EQUIPMENT	STRAIGHT TIME PER HR.	
	Column 1	Column 2
Stake truck and driver - - - - -	\$ 8.00	\$ 8.00
Winch truck or tractor and driver - - - - -	9.00	9.00
Tail gate lift truck and driver - - - - -	8.50	8.50
Tractor and Hi-bed and driver:		
Lading not exceeding 10 tons and/or trailer not exceeding 30 feet in length - - - - -	10.50	8.50
Lading exceeding 10 ton but not exceeding 15 ton and/or trailer exceeding 30 feet in length - -	12.50	10.50
Lading exceeding 15 ton but not exceeding 20 ton.	15.00	12.50
Lading exceeding 20 tons - - - - -	17.50	15.00
(Item concluded on following page)		



RULES AND REGULATIONS		ITEM NO.
HOURLY RATES AND ADDITIONAL CHARGES FOR SPECIAL SERVICES (Continued)		270 (A)
EQUIPMENT	STRAIGHT TIME PER HR.	
	Column 1	Column 2
Tractor and Low-bed and driver:		
Lading not exceeding 15 ton - - - - -	\$12.00	\$12.00
Lading exceeding 15 ton but not exceeding 20 ton - - - - -	15.00	15.00
Lading exceeding 20 ton - - - - -	20.00	20.00
Foreman - each - - - - -	6.00*	4.00
Helpers - each - - - - -	5.00*	3.00
Helpers (high work) - each - - - - -	6.00*	4.00
Rigging Foreman - each - - - - -	7.00*	5.00
Riggers - each - - - - -	6.00*	4.00
Pole trailer or dolly trailer - add to above applicable equipment rate each - - - - -	4.00	4.00
<p>COLUMN 1 rates will apply when the origin or destination of the shipment is Colorado Springs, Pueblo or Metropolitan Denver, which includes City and County of Denver, Colorado and all points located within a radius of five miles of the Denver City Limits.</p> <p>COLUMN 2 rates will apply when Colorado Springs, Pueblo, or Metropolitan Denver, as described above, is neither the origin nor the destination of the shipment.</p> <p>* Labor rates apply to Teamster Labor only.</p> <p>NOTE: A minimum of 2 hours will apply to all straight time at rates above.</p> <p>Any extra expense involved in furnishing material and equipment for rigging up, bracing, or moving of wires will be in accordance with the amount required or the incurred expenses.</p> <p>Any necessary travel or subsistence expenses involved in performing the above services are additional.</p> <p>Subject to Item No. 300.</p>		

SECTION NO. 2  
Distance Commodity Rates

The following rates will apply on the commodities described on pages 26 through 29.

Rates are in cents per 100 pounds

Distance --- Miles	MINIMUM WEIGHT		
	10,000 Pounds	15,000 Pounds	20,000 Pounds
5 and under - - - - -	Ø (E)(A)	Ø (E)(A)	Ø (E)(A)
10 and over 5 - - - - -	Ø (E)(A)	Ø (E)(A)	Ø (E)(A)
20 and over 10 - - - - -	Ø (E)(A)	Ø (E)(A)	Ø (E)(A)
30 and over 20 - - - - -	Ø (E)(A)	Ø (E)(A)	Ø (E)(A)
40 and over 30 - - - - -	30	29	29
50 and over 40 - - - - -	35	33	32
60 and over 50 - - - - -	38	36	35
70 and over 60 - - - - -	43	40	39
80 and over 70 - - - - -	46	43	42
90 and over 80 - - - - -	49	46	45
100 and over 90 - - - - -	52	47	46
110 and over 100 - - - - -	54	50	49
120 and over 110 - - - - -	56	53	52
130 and over 120 - - - - -	61	56	55
140 and over 130 - - - - -	63	59	58
150 and over 140 - - - - -	67	62	61
160 and over 150 - - - - -	68	63	62
170 and over 160 - - - - -	70	65	64
180 and over 170 - - - - -	74	68	67
190 and over 180 - - - - -	76	70	69
200 and over 190 - - - - -	79	73	72
210 and over 200 - - - - -	83	76	75
220 and over 210 - - - - -	85	78	77
230 and over 220 - - - - -	89	82	81

Ø (A) Hourly rates as provided in Item No. 270 will apply on all distances of 30 miles and under.

Balance of distance scale of rates not shown as not involved and would only clutter the record.

Ø - Denotes Change  
(A) - Denotes Increase  
(E) - Denotes Elimination

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MANUEL SARMIENTO, RIOT SARMIENTO, )  
LOLO SARMIENTO, AND MANUEL SARMIENTO, )  
JR., CO-PARTNERS, DOING BUSINESS AS )  
"M. SARMIENTO & SONS," 126 NORTH )  
FRAZIER AVENUE, FLORENCE, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR VE- )  
HICLE FOR HIRE. )  
----- )

APPLICATION NO. 17458-PP  
SUPPLEMENTAL ORDER

-----  
December 30, 1959  
-----

S T A T E M E N T

By the Commission:

On December 4, 1959, the Commission entered its Decision No. 53476 in the above-styled application, granting to applicants herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

In said Decision No. 53476, two typographical errors occurred, viz.: the showing of appearance of Richard E. Conour for Applicants, and statement that Attorney for Applicant moved that the files be made a part of the record and said matter heard, inasmuch as Applicants did not appear at the hearing.

F I N D I N G S

THE COMMISSION FINDS:

That Decision No. 53476, of date December 4, 1959, should be amended, nunc pro tunc, as of said 4th day of December, 1959, to conform to the facts, as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53476, of date December 4, 1959, be, and the same hereby is, amended, nunc pro tunc, as of said 4th day of December, 1959, in the following particulars:

1. By striking therefrom the appearance of Richard E. Conour, Esq., Del Norte, Colorado, for Applicants herein.

2. By striking therefrom the last three lines appearing on the first page of said Decision, and the first three lines appearing on Page 2 thereof, reading as follows:

"Report of said Examiner states that at the time and place designated for hearing, Applicants failed to appear. Thereupon, Attorney for Applicants herein moved that the files herein be made a part of the record, and said matter heard. There being no protests thereto, said motion was granted, the files were made a part of the record herein, and said matter was heard and taken under advisement.",

and inserting in lieu thereof, the following:

"Report of said Examiner states that at the time and place designated for hearing, Applicants failed to appear. Thereupon, the files herein were made a part of the record, and said matter was heard and taken under advisement."

That, except as herein amended, said Decision No. 53476 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BEUFORD R. BOGUE, BASALT, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS ) APPLICATION NO. 17515-PP-Extension  
UNDER PERMIT NO. B-5595. )  
-----)

-----  
December 30, 1959  
-----

Appearances: C. V. Marmaduke, Esq., Glenwood  
Springs, Colorado, for Applicant;  
Marion R. Smyser, Esq., Denver,  
Colorado, for Rio Grande  
Motor Way, Inc.

S T A T E M E N T

By the Commission:

Heretofore, Beuford R. Bogue, Basalt, Colorado, was granted  
a Class "B" permit (Permit No. B-5595), authorizing operation as a  
private carrier by motor vehicle for hire, for the transportation of:

forest and sawmill products, including rough  
and finished lumber, logs and timber, from saw-  
mills at Woody Creek, Colorado, to any rail  
loading point or delivery point in Colorado,  
for Flogaus Lumber Company, of Woody Creek,  
Colorado, only.

By the instant application, said permit-holder seeks authority  
to extend operations under said Permit No. B-5595, to include the right  
to transport forest and sawmill products, between points within a radius  
of one hundred miles of Basalt, Colorado, and from points within said  
area, to loading and delivery points in the State of Colorado, excluding  
the right to perform town-to-town service.

Said application was regularly set for hearing before the Com-  
mission, at the Court House, Glenwood Springs, Colorado, December 3,  
1959, at 9:30 o'clock A. M., due notice thereof being forwarded to all  
parties in interest.

On December 1, 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 time and place designated for hearing, applicant herein appeared and testified in support of his application, stating he has been performing service herein sought under Temporary Authority heretofore issued by this Commission, and by virtue of said Temporary Authority he has been hauling for Western Slope Lumber Company, of Eagle, Colorado; that there is a need for his proposed extended services; that he has sufficient equipment and net worth with which to conduct said proposed extended services.

Arnold Hirz, of Western Slope Lumber Company, of Eagle, Colorado, appeared and testified in support of the instant application, stating he is in the sawmill business, located approximately one mile east of Eagle, Colorado, off the main highway; that he has used services of applicant in the past, and that he desires applicant's proposed service to haul planed lumber.

L. E. Eichinger, Division Superintendent of Rio Grande Motor Way, Inc., appeared and testified in opposition to the granting of authority herein sought, stating generally that his company has hauled for Western Slope Lumber Company in the past; that his company operates many schedules in the territory herein involved; that his company has equipment and financial responsibility to perform said service, and is ready, willing, and able to do so; that his company has idle equipment; that loss of any business would impair his company's ability to serve the public.

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

Report of the Examiner recommends that applicant be granted authority to transport forest products from forests to sawmills, railroad



loading yards, or storage points within a radius of one hundred miles of Basalt, Colorado, as the granting of same would not impair the efficient public service of authorized motor vehicle common carriers operating in the same territory; that said application, in all other respects, should be denied.

### 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 should be authorized to extend operations under Permit No. B-5595, 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 be, and the same hereby is, approved.

That Beuford R. Bogue, Basalt, Colorado, be, and he hereby is, authorized to extend operations under Permit No. B-5595, to include the right to transport forest products, from forests to sawmills, railroad loading yards or storage points within a radius of one hundred miles of Basalt, Colorado.

This Order is made a part of the permit granted to applicant.

That, in all other respects, Application No. 17515-PP, be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Kiger*  
*Ralph C. Horton*  
*Henry E. Zuley*  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEE CORDOVA, 1187 SOUTH IRVING )  
STREET, DENVER, COLORADO, FOR AU- )  
THORITY TO TRANSFER PUC NO. 3729 )  
TO ALBERT HOELSKEIN AND LEONARD AMATO, ) APPLICATION NO. 17517-Transfer  
CO-PARTNERS, DOING BUSINESS AS ) SUPPLEMENTAL ORDER  
"ACTIVE RUBBISH SERVICE," 954 PERRY )  
STREET, DENVER, COLORADO. )  
----- )

-----  
December 30, 1959  
-----

Appearances: Leonard Amato, Denver, Colo-  
rado, for Transferees.

S T A T E M E N T

By the Commission:

On December 18, 1959, the Commission entered its Decision No. 53544, authorizing Lee Cordova, Denver, Colorado, to transfer PUC No. 3729 to Albert Hoelsken and Leonard Amato, co-partners, doing business as "Active Rubbish Service," Denver, Colorado.

On Page 2 of said Decision No. 53544, it was erroneously stated that transferor received the sum of \$3,500 for said operating rights, whereas said transferor has stated to the Commission that the consideration for transfer of said PUC No. 3729 was the sum of \$35.00. Transferor requests that said Decision No. 53544 be amended to conform to the facts.

F I N D I N G S

THE COMMISSION FINDS:

That said Decision No. 53544 should be amended, as requested by Transferor herein, and as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 53544, of date December 18, 1959, be, and the same hereby is amended, nunc pro tunc, as of said 18th day of

December, 1959, by striking therefrom the figure "\$3,500," appearing at the end of the 11th line, on Page 2 thereof, and substituting in lieu thereof, the figure "\$35.00."

That, except as herein amended, said Decision No. 53544 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Hinton*  
*Harry E. Zuluaga*  
Commissioners

(SEAL)

Dated at Denver, Colorado,  
this 30th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF	)	PERMIT NO. B-4771-I
LEWIS SCHALLENBERG, MC COOK	)	CASE 92196-INS.
JUNCTION, NEBRASKA.	)	
-----	)	

-----  
December 30, 1959  
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S T A T E M E N T

By the Commission:

On December 8, 1959, in Case No. 92196-Ins., the Commission entered its Order, revoking permit B-4771-I 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 B-4771-I be, and the same hereby is, reinstated, as of December 8, 1959, revocation order entered by the Commission on said date in Case No. 92196-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph C. Horton*  
Commissioners.

COMMISSIONER Ralph C. Horton  
not participating.

Dated at Denver, Colorado,  
this 30th day of December, 1959

br

original

(Decision No. 53589)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
BUCKINGHAM TRANSPORTATION, INC., )	PUC NO. 546
OMAHA AND WEST BOULEVARD, RAPID )	<u>PUC NO. 546-I</u>
CITY, SOUTH DAKOTA. )	
----- )	

-----  
December 30, 1959  
-----

Appearances: Jones and Meiklejohn, Esqs.,  
Denver, Colorado, for  
Buckingham Transportation,  
Inc., Buckingham Freight  
Lines.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Jones & Meiklejohn, Attorneys for the above-styled certificate-holder, advising that, as of November 13, 1959, the corporate name of "Buckingham Transportation, Inc." was changed to "Buckingham Freight Lines," and requesting that the records of the Commission be corrected so to show.

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 instructed to change the records of the Commission to show:

"Buckingham Freight Lines,  
Omaha and West Boulevard,  
Rapid City, South Dakota,"

to be the owner and operator of PUC No. 546 and PUC No. 546-I, rather than:

"Buckingham Transportation, Inc.,  
Omaha and West Boulevard,  
Rapid City, South Dakota."

This Order shall become effective nunc pro tunc, as of  
November 13, 1959.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

(SEAL)

Joseph F. Nigro  
Reginald C. Hobart  
August E. Fairley  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
W. G. BROWN, 1526 HASKELL, )  
KANSAS CITY, KANSAS. )  
-----)

PUC NO. 3111-I  
CASE NO. 91871-INS.

-----  
December 30, 1959  
-----

S T A T E M E N T

By the Commission:

On December 8, 1959, in Case No. 91871-Ins., the Commission entered its Order, revoking PUC No. 3111-I 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 PUC No. 3111-I be, and the same hereby is, reinstated, as of December 8, 1959, revocation order entered by the Commission on said date in Case No. 91871-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Higgins*  
*Ray E. Jenkins*  
Commissioners

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF	)	
RICHARD F. MILLER, DOING BUSINESS	)	PERMIT NO. M-4813
AS "RICHARD MILLER," PLEASANT	)	<u>CASE NO. 92302-INS.</u>
GROVE, UTAH.	)	
-----	)	

-----  
December 30, 1959  
-----

S T A T E M E N T

By the Commission:

On December 8, 1959, in Case No. 92302-Ins., the Commission entered its Order, revoking Permit No. M-4813 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-4813 be, and the same hereby is, reinstated, as of December 8, 1959, revocation order entered by the Commission on said date in Case No. 92302-Ins. being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Ralph Zuley*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WEICKER TRANSPORTATION COMPANY FOR )  
AUTHORITY TO LEASE A PORTION OF )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY NO. 8 TO THE UNION )  
DELIVERY COMPANY. )  
----- )

APPLICATION NO. 1101-AA  
SUPPLEMENTAL ORDER

-----  
December 30, 1959  
-----

Appearances: A. J. Fregeau, Denver, Colo-  
rado, for Weicker Transportation  
Company;  
M. S. Weber, Greeley, Colorado,  
by Ray B. Danks, Esq., Denver,  
Colorado, for Union Delivery  
Company;  
Ray B. Danks, Esq., Denver,  
Colorado, for The Motor Truck  
Common Carriers' Association.

S T A T E M E N T

By the Commission:

On April 1, 1941, the Commission entered its Decision No. 16894 in the above-styled matter, authorizing Weicker Transportation Company and Weicker Transfer and Storage Company, Lessors, to lease unto Union Delivery Company, of Greeley, Colorado:

"that portion of operating rights under certificate of public convenience and necessity No. 8, issued in Application No. 1101, Decisions Nos. 1869 and 1955, which covers the territory between Greeley, Colorado, and Ault and Kersey, Colorado, and intermediate points."

The Commission has now been advised by Howard Hicks, on behalf of Weicker Transportation Company, that said lease agreement authorized and approved by said Decision No. 16894 is no longer in force and effect. Request is made to have said authority so to lease set aside to conform to the facts.

F I N D I N G S

THE COMMISSION FINDS:

That said request should be granted, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 16894, of date April 1, 1941, entered by the Commission in Application No. 1101-AA, authorizing Weicker Transportation Company and Weicker Transfer and Storage Company, to lease to Union Delivery Company, a portion of PUC No. 8, as therein set forth, be, and the same hereby is, vacated, set aside, and held for naught, inasmuch as said lease agreement is no longer in force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Negro*  
*Ralph C. Horton*  
*Henry E. Zalusky*  
Commissioners.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

ea

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )	
ANNA MORASKY, 634 EAST MAIN )	PERMIT NO. M-496
STREET, TRINIDAD, COLORADO. )	CASE NO. 92197-INS.
----- )	

-----  
December 30, 1959  
-----

S T A T E M E N T

By the Commission:

On December 8, 1959, in Case No. 92197-Ins., the Commission entered its Order, revoking Permit No. M-496, 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-496 be, and the same hereby is, reinstated, as of December 8, 1959, revocation order entered by the Commission on said date in Case No. 92197-Ins., being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Higgins*  
*Alvin E. Zalusky*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of December, 1959.

ea



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
COLORADO AUTO AUCTION, INC., )  
4285 SOUTH SANTA FE, LITTLETON, )  
COLORADO. )  
----- )

PERMIT NO. M-6801  
CASE NO. 91900-INS.

-----  
December 30, 1959  
-----

S T A T E M E N T

By the Commission:

On December 8, 1959, in Case No. 91900-Ins., the Commission entered its Order, revoking Permit No. M-6801, 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-6801 be, and the same hereby is, reinstated, as of December 8, 1959, revocation order entered by the Commission on said date in Case No. 91900-Ins., being hereby vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Joseph F. Nigro*  
*Henry E. Zalusky*  
Commissioners.

COMMISSIONER RALPH C. HORTON  
NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 30th day of December, 1959.