

(Decision No. 74090)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
G. A. BROWN AND ROBERT F. BROWN,)
DOING BUSINESS AS "BROWN BROTHERS)
TRASH SERVICE," 846 EAST LAS ANIMAS,)
COLORADO SPRINGS, COLORADO.)

PUC NO. 2606

January 5, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

G. A. Brown and Robert F. Brown, doing business as "Brown Brothers Trash Service," owners of PUC No. 2606, herein seek authority to encumber said operating rights to the Northern National Bank, Colorado Springs, Colorado, to secure a Small Business Administration loan in the amount of \$11,500.00, in accordance with the terms and conditions of Financing Statement filed with the Commission on December 22, 1969, in accordance with the statutory provisions of the Uniform Commercial Code.

The Commission states and finds that the authority as herein sought is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That G. A. Brown and Robert F. Brown, doing business as "Brown Brothers Trash Service," Colorado Springs, Colorado, be, and hereby are, authorized to encumber all right, title and interest in and to PUC No. 2606 to the Northern National Bank, Colorado Springs, Colorado, to secure payment of the indebtedness in the sum of \$11,500.00, as set forth in the Statement preceding, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Gaudin
Donald B. Miller
Ed R. Lindsay
Commissioners

Dated at Denver, Colorado, this
5th day of January, 1970.
vr

(Decision No. 74091)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN V. GEISER, DOING BUSINESS AS)
"GEISER FEED & TRUCK LINE," LA VETA,)
COLORADO.)

PUC NO. 1440, PUC NO. 1440-I,
PERMIT NO. M-2013

January 5, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

John V. Geiser, doing business as "Geiser Feed & Truck Line," La Veta, Colorado, owner and operator of PUC No. 1440, PUC No. 1440-I, and Permit No. M-2013, herein seeks authority to encumber said operating rights to The First National Bank of Canon City, Colorado through authorization for a Small Business Administration loan in conjunction with said Bank to secure payment of the indebtedness in the sum of \$100,000.00, in accordance with the terms and conditions as set forth in copies of the Financing Statement and Security Agreement filed with the Commission on December 29, 1969, in accordance with the statutory provisions of the Uniform Commercial Code.

The Commission states and finds that the authority as herein sought is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R


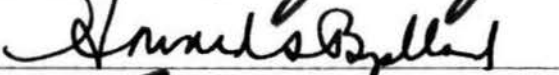

THE COMMISSION ORDERS:

That John V. Geiser, doing business as "Geiser Feed & Truck Line," La Veta, Colorado, be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 1440, PUC No. 1440-I and Permit No. M-2013, to secured party, The First National Bank of Canon City, Canon City,

Colorado, to secure payment of the indebtedness in the sum of \$100,000.00,
as set forth in the Statement preceding, which is made a part of this Order
by reference.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioner

Dated at Denver, Colorado,
this 5th day of January, 1970.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ARVADA RUBBISH REMOVAL COMPANY, B & W)
DISPOSAL SERVICE, ALEX GERLACH & SON)
DISPOSAL CO., GOLDEN ASH & TRASH SERVICE)
CO., INC., GREEN MOUNTAIN DISPOSAL COMPANY,)
J & R DISPOSE-ALL, LAKEWOOD DISPOSAL, INC.,)
MONARCH DISPOSAL COMPANY, WHEATRIDGE)
DISPOSAL SERVICE,)

Complainants,

CASE NO. 5406

vs.

U. S. CARGO CORPORATION
2701 ALCOTT STREET
DENVER, COLORADO,

Respondent.

January 5, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 17, 1969, formal Complaint was filed in the above-entitled Case; also on September 17, 1969, Order to Satisfy or Answer was directed to the Respondent in said Case.

On October 7, 1969, Answer was filed with the Commission by the Respondent.

Said matter is presently set for hearing at 10:00 A.M., January 6, 1970, at Denver, Colorado.

On December 29, 1969, Stipulation for Dismissal was filed with the Commission by the Complainants and the Respondent above named by their respective attorneys, stating that the issues in the within complaint have been rendered moot; that the Complainants no longer desire to proceed with said Complaint; and that both the Complainants and Respondents agree to dismissal of said matter.

The Commission states and finds that said Stipulation for Dismissal is compatible with the public interest and should be granted as

set forth in the Order following.

O R D E R

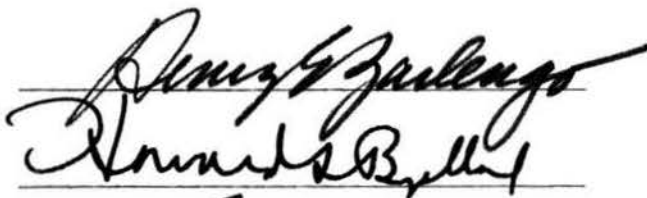

THE COMMISSION ORDERS:

That hearing on the above-entitled Case, presently set for 10:00 A.M., January 6, 1970, at Denver, Colorado, be, and the same hereby is, vacated.

That Stipulation for Dismissal filed with the Commission be, and the same hereby is, granted, and that Case No. 5406 be, and hereby is, dismissed.

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 5th day of January, 1970.
hj

(Decision No. 74093)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS)
OF JACK THOMPSON, BOX 441,)
ROMEO, COLORADO.)

PERMIT NO. B-4930

January 5, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 28, 1969, the Commission entered Decision No. 73451 authorizing suspension of motor vehicle operations under Permit No. B-4930 from August 10, 1969, to and including February 10, 1969.

On October 30, 1969, the Commission entered Supplemental Order, Decision No. 73768, cancelling and revoking Permit No. B-4930 as of February 10, 1969, for failure of Jack Thompson to request reinstatement after suspension of operations.

It now appears that the suspension authorized by Decision No. 73451 should have been from August 10, 1969, to and including February 10, 1970, and that Decision No. 73768 was entered in error.

The Commission states and finds that Decision No. 73451 should be amended and that Decision No. 73768 should be vacated and set aside as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 73451, dated August 28, 1969, be, and hereby is, amended and corrected, nunc pro tunc, as of the 28th day of August, 1969, by changing the dates of suspension from "August 10, 1969 to and including February 10, 1969," to "August 10, 1969 to and including February 10, 1970."

That Decision No. 73768, dated October 30, 1969, be, and the same hereby is, vacated, set aside and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin E. Farley
Donald B. Miller

Ed R. Linsley
Commissioners

Dated at Denver, Colorado, this
5th day of January, 1970.

vr

(Decision No. 74094)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JACK L. ATWOOD, 224 NORTH CASCADE,)
MONTROSE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23630-PP

SUPPLEMENTAL ORDER

January 5, 1970

Appearances: Mrs. Jack L. Atwood,
Montrose, Colorado,
wife of Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 10, 1969, the Commission entered Decision No. 72822, granting to Applicant herein the right to operate as a Class "B" contract carrier by motor vehicle for hire.

Said Applicant has failed to comply with requirements set forth in said Decision No. 72822, that is, has failed to file a certificate of insurance covering public liability and property damage.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in said Decision No. 72822, operating rights granted thereby should be revoked as set forth in the Order following.


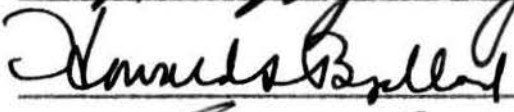
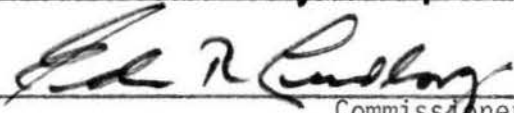
O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Jack L. Atwood, Montrose, Colorado, by Decision No. 72822, dated April 10, 1969, be, and the same hereby are, revoked for failure of Applicant to comply with requirements set forth in said Decision No. 72822.

This Order shall become effective twenty-one (21) days from
date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
5th day of January, 1970.
vr

(Decision No. 74095)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WAYNE VEAL, 7441 MONACO STREET,)
COMMERCE CITY, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23943-PP
SUPPLEMENTAL ORDER

January 5, 1970

Appearances: Wayne Veal, Commerce City,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 17, 1969, Recommended Decision of Christian O. Igenbergs, Examiner, being Decision No. 73681, was issued granting to Applicant herein the right to operate as a Class "B" contract carrier by motor vehicle for hire.

Said Applicant has failed to comply with requirements set forth in said Decision No. 73681, that is, has failed to file a tariff, certificate of insurance covering cargo, and has failed to pay the issuance fee.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in said Decision No. 73681, operating rights granted thereby should be revoked as set forth in the Order following.

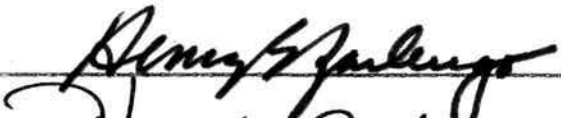
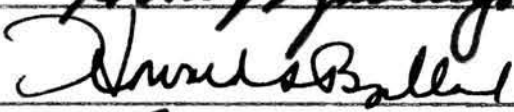
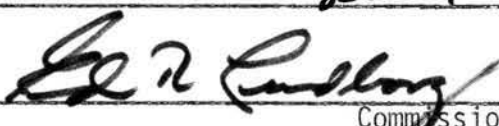
O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Wayne Veal, Commerce City, Colorado, by Decision No. 73681, dated October 17, 1969, be, and the same hereby are, revoked for failure of Applicant to comply with requirements set forth in said Decision No. 73681.

This Order shall become effective twenty-one (21) days from
date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
5th day of January, 1970.
vr

(Decision No. 74096)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLARENCE BEYER AND FRANKLIN BEYER,)
ROUTE 1, BOX 157, SIDNEY, NEBRASKA,)
FOR AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO CLARENCE BEYER,)
911 OLSEN DRIVE, SIDNEY, NEBRASKA.)

PUC NO. 6225-I - Transfer

January 6, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Clarence Beyer and Franklin Beyer, Sidney, Nebraska, were granted a certificate of public convenience and necessity, being PUC No. 6225-I, authorizing operation as a common carrier by motor vehicle for hire:

"Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of 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."

Said certificate-holders now seek authority to transfer said PUC No. 6225-I to Clarence Beyer, Sidney, Nebraska.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized as set forth in the Order following.

O R D E R

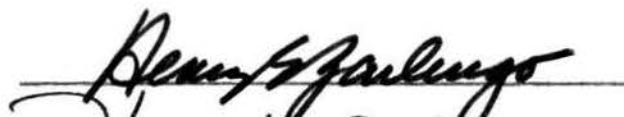
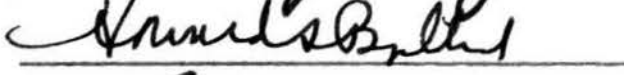

THE COMMISSION ORDERS:

That Clarence Beyer and Franklin Beyer, Sidney, Nebraska, be, and hereby are, authorized to transfer all right, title and interest in

and to PUC No. 6225-I -- with authority as set forth in the Statement, which is made a part hereof, by reference -- to Clarence Beyer, Sidney, Nebraska, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
6th day of January, 1970.
vr

(Decision No. 74097)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARY LINGLE, 455 VIGIL AVENUE,)
LAS ANIMAS, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23578-PP
SUPPLEMENTAL ORDER

January 6, 1970

Appearances: J. Albert Sebald, Esq.,
Denver, Colorado,
for Applicant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 19, 1969, the Commission entered Decision No. 73161 granting to Applicant herein the right to operate as a Class "B" contract carrier by motor vehicle for hire.

Said applicant has failed to comply with requirements set forth in said Decision No. 73161, that is, has failed to file a certificate of insurance covering public liability and property damage.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in Decision No. 73161, operating rights granted thereby should be revoked as set forth in the Order following.


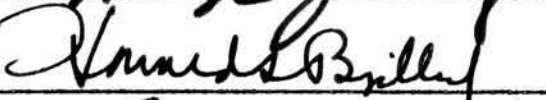
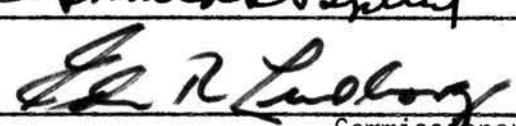
O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Gary Lingle, Las Animas, Colorado, by Decision No. 73161, dated June 19, 1969, be, and the same hereby are, revoked for failure of Applicant to comply with requirements set forth in said Decision No. 73161.

This Order shall become effective twenty-one (21) days from
date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
6th day of January, 1970.
vr

(Decision No. 74098)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF EDWIN C. WILSON AND ARMIN J.)
WELLHOUSE, DOING BUSINESS AS "W-W)
TRUCKING," 610 HILLTOP DRIVE,)
COLORADO SPRINGS, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE)
AS A CONTRACT CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 23717-PP
SUPPLEMENTAL ORDER

January 6, 1970

Appearances: Edwin C. Wilson,
Colorado Springs,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 10, 1969, Recommended Decision of William D. Mitchell, Examiner, being Decision No. 73506, was issued granting to Applicants herein the right to operate as a Class "B" contract carrier by motor vehicle for hire.

Said Applicants have failed to comply with requirements set forth in said Decision No. 73506, that is, have failed to file a certificate of insurance covering public liability and property damage and a tariff.

The Commission states and finds that inasmuch as Applicants have not fulfilled requirements set forth in Decision No. 73506, operating rights granted thereby should be revoked as set forth in the Order following.

O R D E R

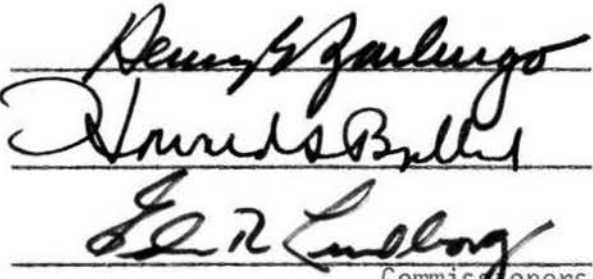
THE COMMISSION ORDERS:

That operating rights granted to Edwin C. Wilson and Armin J. Wellhouse, doing business as "W-W Trucking," Colorado Springs, Colorado, by Decision No. 73506, dated September 10, 1969, be, and the same hereby

are, revoked for failure of Applicants to comply with requirements set forth in said Decision No. 73506.

This Order shall become effective twenty-one (21) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
6th day of January, 1970.
vr

(Decision No. 74099)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VICTOR LUNN, CLARK ROUTE, STEAMBOAT)
SPRINGS, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23936-PP
SUPPLEMENTAL ORDER

January 6, 1970

Appearances: Victor Lunn, Steamboat Springs,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 27, 1969, Recommended Decision of Christian O. Igenbergs, Examiner, being Decision No. 73737, was issued granting to Applicant herein the right to operate as a Class "B" contract carrier by motor vehicle for hire.

Said Applicant has failed to comply with requirements set forth in said Decision No. 73737, that is, has failed to file a tariff.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in said Decision No. 73737, operating rights granted thereby should be revoked as set forth in the Order following.

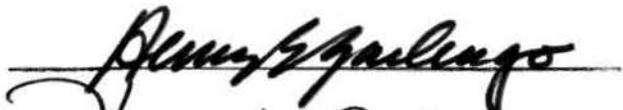
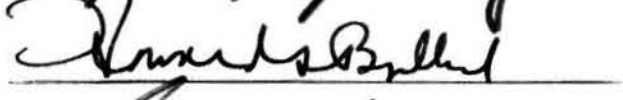
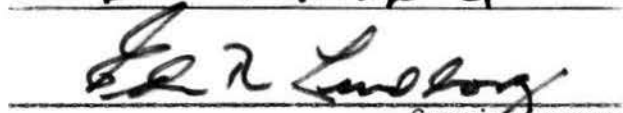
O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Victor Lunn, Steamboat Springs, Colorado, by Decision No. 73737, dated October 27, 1969, be, and the same hereby are, revoked for failure of Applicant to comply with requirements set forth in said Decision No. 73737.

This Order shall become effective twenty-one (21) days from
date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
6th day of January, 1970.
vr

(Decision No. 74100)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FRANKLIN WHITE, P.O. BOX 207,)
ANTONITO, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23868-PP
SUPPLEMENTAL ORDER

January 6, 1970

Appearances: Franklin White,
Antonito, Colorado,
pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 20, 1969, Recommended Decision of Christian O. Igenbergs, Examiner, being Decision No. 73697, was issued, granting to Applicant herein the right to operate as a Class "B" contract carrier by motor vehicle for hire.

Said Applicant has failed to comply with requirements set forth in said Decision No. 73697, that is, has failed to file Designation of Agent, Customer List, Equipment List and pay the Issuance Fee.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in said Decision No. 73697, operating rights granted thereby should be revoked as set forth in the Order following.


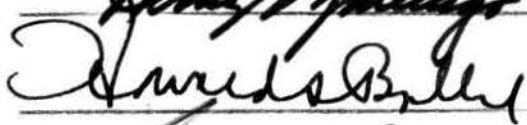
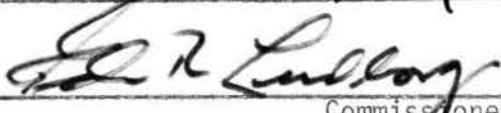
O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Franklin White, Antonito, Colorado, by Decision No. 73697, dated October 20, 1969, be, and the same hereby are, revoked for failure of Applicant to comply with requirements set forth in said Decision No. 73697.

This Order shall become effective twenty-one (21) days from
date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
6th day of January, 1970.
vr

(Decision No. 74101)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE)
CASCADE TOWN COMPANY AND CASCADE PUBLIC)
SERVICE COMPANY FOR A DETERMINATION FOR)
RATE MAKING PURPOSES OF THE REASONABLE)
VALUE OF THEIR PROPERTIES DEVOTED TO)
PUBLIC USE, THE FAIR RATE OF RETURN)
THEREON, THE GROSS REVENUES TO WHICH)
APPLICANTS MAY BE ENTITLED, AND RULES)
AND REGULATIONS GOVERNING SUCH SERVICE.)

APPLICATION NO. 23705

IN THE MATTER OF THE APPLICATION OF THE)
CASCADE TOWN COMPANY, A CORPORATION,)
P. O. BOX 111, CASCADE, COLORADO, FOR)
AUTHORITY TO TRANSFER A PORTION OF ITS)
ASSETS AND LIABILITIES TO CASCADE PUBLIC)
SERVICE COMPANY, A CORPORATION, CASCADE,)
COLORADO.)

APPLICATION NO. 23706

SUPPLEMENTAL ORDER

January 5, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

In Decision No. 73381 the Commission ordered the Applicants to modify the Water Supply Agreement between Cascade Town Company and Cascade Public Service Company and submit such Agreement for the approval of the Commission. On December 22, 1969, a "Modification of Water Supply Agreement" dated December 1, 1969, was submitted by the Applicants.

The Commission finds that the Modification of Water Supply Agreement complies with the Order of the Commission in Decision 73381 and should be approved.

O R D E R

THE COMMISSION ORDERS THAT:


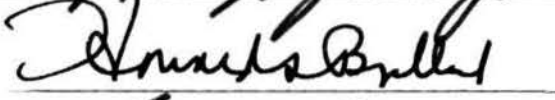
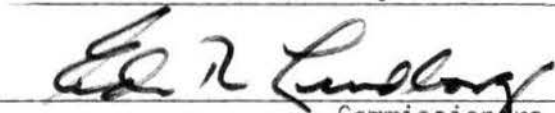
1. The Water Supply Agreement between Cascade Town Company and Cascade Public Service Company as modified by the parties on December 1, 1969 be, and hereby is, approved.

2. A copy of the said Modification of Water Supply Agreement be filed in the instant application.

3. Cascade Public Service Company be, and hereby is, ordered to record the original Modification of Water Supply Agreement and the said modification thereof in the office of the Clerk and Recorder of the County of El Paso, State of Colorado, within fifteen (15) days of the effective date of this Order. Proof of the recording by way of a certified copy, or otherwise, shall be filed with the Commission not later than twenty (20) days after the effective date of this Order.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1970.
hj

(Decision No. 74102)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD M. SKILLETT, DOING BUSINESS)
AS "L & M TRUCKING," P. O. BOX 274,)
DURANGO, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23959-PP
SUPPLEMENTAL ORDER

January 6, 1970

Appearances: Harold M. Skillett,
Durango, Colorado,
pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 20, 1969, Recommended Decision of Christian O. Igenbergs, Examiner, Decision No. 73698, was issued granting to Applicant herein authority to operate as a Class "B" contract carrier by motor vehicle for hire.

Said Applicant has failed to comply with requirements set forth in said Decision No. 73698, that is, has failed to file certificate of insurance covering public liability and property damage.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in said Decision No. 73698, operating rights granted thereby should be revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Harold M. Skillett, doing business as "L & M Trucking," Durango, Colorado, by Decision No. 73698, dated October 20, 1969, be, and the same hereby are, revoked for failure of Applicant to comply with requirements set forth in said Decision No. 73698.

This Order shall become effective twenty-one (21) days from the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Zurlungo
Charles B. Butler
Ed R. Lundberg
Commissioners

Dated at Denver, Colorado, this
6th day of January, 1970.
vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

T.L. Vanderslice dba
T L Van
P.O. Box 157
Mineola, Texas 75773

AUTHORITY NO. 7361-I
CASE NO. 1843-H-Ins.

January 5, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 8, 1969 , in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.


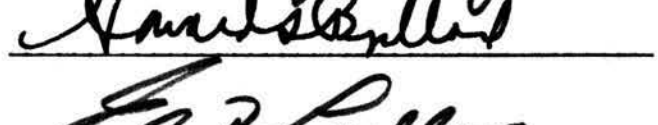
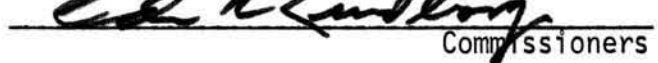
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1970

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
DEDACIO AND ELIAS ARCHULETA, DOING
BUSINESS AS "D. ARCHULETA & SONS
STONE MASONRY CONTRACTORS," 14330
WEST 7TH AVENUE, GOLDEN, COLORADO.

AUTHORITY NO. M-8167

CASE NO. 5040-M-Ins.

January 5, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 22, 1969, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

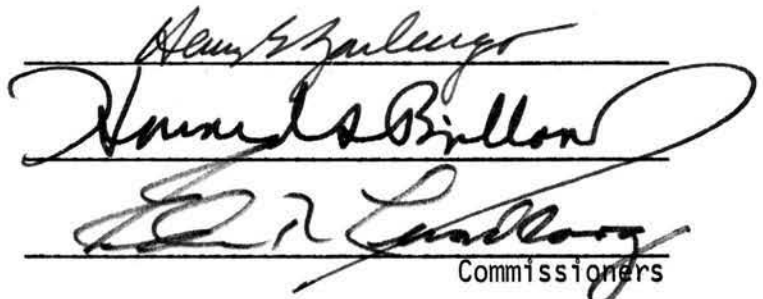
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1970.

(Decision No. 74105)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JACK THOMPSON)
BOX 441)
ROMEO, COLORADO.)

PERMIT NO. B-4930

January 5, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.


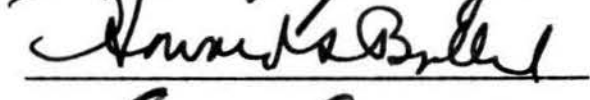
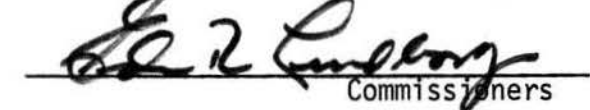
The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of November 10, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 5th day of January, 1970.
vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PACKAGE DELIVERY SERVICE COMPANY,)
2127 ARAPAHOE STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE FOR HIRE,)
FOR THE TRANSPORTATION OF GENERAL)
COMMODITIES, RESTRICTED AGAINST THE)
TRANSPORTATION OF ANY PACKAGE WEIGH-)
ING MORE THAN 70 POUNDS AND RESTRICTED)
AGAINST THE TRANSPORTATION OF ANY SHIP-)
MENT WEIGHING MORE THAN 100 POUNDS FROM)
ANY ONE CONSIGNOR TO ANY ONE CONSIGNEE)
ON ANY ONE DAY, POINT TO POINT BETWEEN)
ALL POINTS AND PLACES IN COLORADO IN)
THAT AREA IN AND EAST OF THE FOLLOWING)
NAMED COUNTIES: LARIMER, BOULDER,)
GILPIN, CLEAR CREEK, PARK, LAKE, CHAFEE,)
SAGUACHE, RIO GRANDE AND CONEJOS.)

APPLICATION NO. 22690-Amended

January 6, 1970

The within application was initially filed with the Commission on July 5, 1967, with the Supplementary Application being filed on July 10, 1967.

In April, 1969, Package Delivery Service Company filed an application for transfer to United Parcel Service, Inc., and the Commission authorized the merger of Package Delivery Service Company and United Parcel Service, Inc.

On December 17, 1969, United Parcel Service, Inc., filed its Petition for Substitution of United Parcel Service, Inc., for Package Delivery Service Company as Applicant in the within matter and its Petition to Reopen the above-entitled application for the purpose of receiving evidence as to the fitness and qualifications of United Parcel Service, Inc.

The Commission finds that the substitution of United Parcel Service, Inc., for Package Delivery Service Company should be granted and further that evidence should be taken to determine the fitness and

qualifications of United Parcel Service, Inc., pertaining to the within application.

O R D E R

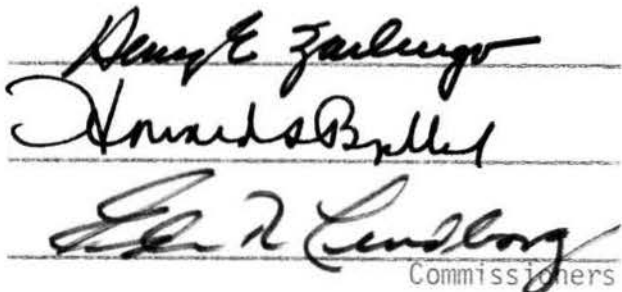
THE COMMISSION ORDERS:

That United Parcel Service, Inc., be, and hereby is, substituted as Applicant for Package Delivery Service Company in the within application.

That the within matter be, and hereby is, re-opened for the purpose of taking testimony as to the fitness and qualifications of United Parcel Service, Inc., and that the same shall be set for hearing in Denver, Colorado, on February 24, 1969, at 10:00 a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
6th day of January, 1970.

vr

(Decision No. 74107)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE HOLLADAY, 151 SOUTH OGDEN)
STREET, DENVER, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY, PUC NO.)
3507, TO KIRK'S DISPOSAL, INC., 4090)
NELSON STREET, WHEAT RIDGE, COLORADO.)

APPLICATION NO. 24133-ETA
ORDER GRANTING
EMERGENCY TEMPORARY APPROVAL

January 6, 1970

The above-entitled application under CRS 1963, 115-6-20 (2),
being under consideration, and

It appearing, That applicant has established the following: That
appropriate application has been made to this Commission for permanent
authority to transfer Certificate PUC No. 3507 to the above-named transferee.

It further appearing, That there is an immediate and urgent need
for the Emergency Temporary Approval herein sought.

It further appearing, That failure to immediately grant Emergency
Temporary Approval may result in destruction of or injury to the applicant
or interfere substantially with the future usefulness in the performance of
adequate and continuous service.

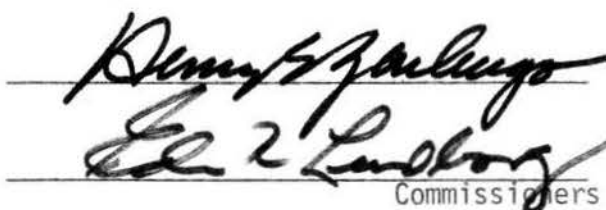
It further appearing, That said circumstances constitute an
emergency requiring the immediate issuance of Emergency Temporary Approval.

It is ordered, That Kirk's Disposal, Inc., be, and hereby is,
granted Emergency Temporary Approval for a period of fifteen (15) days
commencing January 6, 1970, to operate under Certificate PUC No. 3507,
with authority as follows: Transportation of ashes, trash, and waste
materials, from points in the City and County of Denver, to regularly-
designated and approved dumps and disposal places in the Counties of Adams,

Arapahoe, Denver and Jefferson, State of Colorado, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle.

It is further ordered, That the approval herein granted shall create no presumption that corresponding temporary or permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 6th day of January, 1970.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: NATIONAL MOTOR FREIGHT)
CLASSIFICATION A-10, COLORADO)
PUC NO. 7, SUPPLEMENT NO. 29)
-----)

CASE NO. 1585

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 20, 1969, the National Motor Freight Traffic Association, Inc., Agent, H. J. Sonnenberg, Issuing Officer, 1616 P Street, N.W., Washington, D. C. 20036, filed Supplement No. 29 to its NMFC A-10, Colorado PUC No. 7, scheduled to become effective January 21, 1970, except as otherwise provided. In Decision No. 68180, dated September 14, 1966, the Commission instituted a continuing procedure for prescribing the changes as they occur, unless suspended. The National Motor Freight Traffic Association, Inc., Agent, has furnished justification as appearing in Appendix "A", for the changes and revisions made in Supplement No. 29, as set forth in Appendix "B" hereto.

Since the changes, as proposed in Supplement No. 29, appear to represent just, fair and reasonable classes and rules, the Commission states and finds that an Order should be entered prescribing the same, as they affect matter prescribed in Case No. 1585, under the provisions of Colorado Revised Statutes Governing Public Utilities, 115-11-5, as amended, and Rule 18C (1) (a) of the Commission's Rules of Practice and Procedure.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings, and Appendixes "A" and "B" herein, be, and are hereby, made a part hereof.
2. That the Classes and Items (Rules) as set forth in Supplement No. 29, amending NMFC A-10, Colorado PUC No. 7, shall be the prescribed classes and items (rules) of the Commission.

3. That all motor vehicle common and private carriers having tariffs on file with the Commission which are governed by the National Motor Freight Classification A-10, Colorado PUC No. 7, as amended, shall comply with the changes provided herein on January 21, 1970, except as otherwise provided.

4. That on and after January 21, 1970, except as otherwise provided, all motor vehicle common and private carriers having rates and/or charges on file which are governed by the National Motor Freight Classification No. A-10, Colorado PUC No. 7, as amended, shall cease and desist from publishing, demanding or applying classes and items (rules) which shall differ from the classes and items (rules) published in National Motor Freight Classification A-10, as amended, except call and demand common and Class B private carriers shall be subject to the penalty rule of twenty (20) percent.

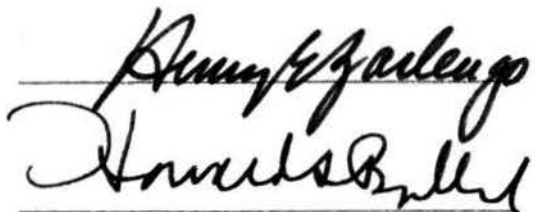

5. That this rule shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

6. That the Order as 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. That this Order shall become effective forthwith.

8. That jurisdiction is retained to make such further Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado, this
12th day of January, 1970. av

TITLE PAGE TO APPENDIXES

National Motor Freight Traffic Association, Inc., Agent
NMFC A-10, Colorado PUC No. 7
Supplement No. 29

Effective January 21, 1970
Except as otherwise provided

APPENDIX A - Justification

APPENDIX B - Supplement No. 29
amending NMFC A-10

CLASSES AND RULES

applying on:

Freight Traffic covered by tariffs governed by this
classification as such tariffs may provide.

Case No. 1585
Decision No. 74108
January 12, 1970

Preface: Below is a summary list of changes being proposed in this Supplement. "*" indicates new item number. Following this summary list will be found a detailed explanation of the reasons for the proposed change. ("D?S?" means Docket number and Subject number under which the National Classification Board handled this proposal.)

110-C	38150-A	73180-A	88500-C	150050-A	177780-A
535-H	38152-A	73200-A	88502-C	150070-A	177800-A
4620-A	39640-A	73240-A	88503-A	150110-A	177802-A
4622-A	39770-A	73280-A	93390-A	150270-A	177840-A
4624-A	39772-A	73282-A	101080-A	150290-A	177842-A
9640-A	40000-A	73320-A	105210-A	150300-A	179660-B
10240-A	40050-A	73340-A	107020-A	152020-A	181520-A
13440-A	41005-A	73350-A	*108260	*152610	188120-A
14790-A	*41016	73500-A	*108262	153160-A	188925-A
*15545	*41017	73540-A	119540-A	154630-B	*193690
15970-A	42960-A	73550-A	119560-A	154634-A	197970-A
20580-A	44620-A	73552-A	*120990	154636-A	200602-C
20890-A	48580-B	73590-A	122920-A	154638-A	Pkg. 184
22330-A	48581-A	73600-A	122950-A	154640-A	Pkg. 203
*22332	48582-B	73840-A	122960-A	156300-C	Pkg. 407
22340-A	48584-B	*74035	123020-A	156302-A	Pkg. 774
22342-A	50143-A	74110-A	134530-A	156900-A	Pkg. 829
22350-A	50145-A	74112-A	134532-A	156902-A	Pkg. 979
22352-A	50147-A	74114-A	134534-A	158080-A	Pkg. 1010
27520-A	50234-A	74300-A	134536-A	158082-A	Pkg. 1049
*27521	50235-A	74304-A	134620-A	159040-A	Pkg. 1062
27522-A	50300-A	74710-B	134680-A	166010-A	Pkg. 1063
27524-A	50340-A	*74864	134700-B	168600-A	Pkg. 1081
33140-A	50600-A	75150-A	134740-A	*171400	Pkg. 1103
*33150	57100-A	75170-A	134780-A	171720-A	Pkg. 1150
33440-A	65370-A	75180-A	134880-A	175120-D	Pkg. 1390
33442-A	67280-A	75340-C	134882-A	175122-D	Pkg. 2086
34700-A	70680-B	79022-A	139800-A	175124-D	Pkg. 2091
35100-A	72040-A	79340-A	147180-A	177120-A	Pkg. 2092
35240-A	72760-A	79342-A	*147182	177140-A	Pkg. 2094
35480-A	72762-A	86380-A	*147490	177160-A	
35482-A	72910-A	87160-A	*148000	177180-A	
36340-A	72912-A	87180-A	150010-A	177740-A	
36354-A	72914-A	88200-A	150020-A	177750-A	
36580-A	72916-A	88202-A	150030-A	177760-A	

110-C (D141-S54) Sec. 3 (d) is being added simply as an explanation of what carriers want as an "address", so as to facilitate the delivery of freight and related billing processes and other paper work necessary, which explanation may result in both increases and reductions. Reference in Sec. 15 (d) to "note 4" being changed to "note". These changes are for clarification and result in neither an increase nor a reduction.

535-H (D135-S95)	Item republished to include expiration date of new Packages 2086 and 2094. Since heretofore there were no "Packages 2086 or 2094" whatsoever, the addition of such (even though they be restricted by an expiration) broadens the classification application and thus results in a reduction.
4620-A 4622-A 4624-A (D139-S95)	Item 4620 amended to include reference to new Packages 2086 and 2094. The details of the new packages are explained below. Broadening the application of this item results in a reduction. Note items brought forward without changes in application.
9640-A (D142-S35)	This was a National Classification Board proposal after investigation indicated the commodity was obsolete. No objection to the cancellation has been registered by any shipper or carrier. Restricting the classification to no longer apply on this commodity per se, results in an increase.
10240-A (D142-S36)	This was a National Classification Board proposal after investigation indicated the commodity was obsolete. No objection to the cancellation has been registered by any shipper or carrier. Restricting the classification to no longer apply on this commodity per se, results in an increase.
13440-A (D141-S11)	Flushers, engine cooling. This National Classification Board proposal resulted after determination that the item was obsolete and no shipper or carrier registered an objection. The National Classification Board has nothing to indicate this product moves in motor carrier service. Restricting the classification to no longer apply on this commodity per se, results in an increase.
14790-A (D142-S37)	This was a National Classification Board proposal after investigation indicated the commodity was obsolete. No objection to the cancellation has been registered by any shipper or carrier. Restricting the classification to no longer apply on this commodity per se, results in an increase.
*15545 (D140-S72)	Balls, hand or squash. New item added to the classification to specifically provide for these articles. Classes assigned reflect the transportation characteristics of these commodities.
15970-A (D141-S1)	Box Ball Alleys and Fixtures. This National Classification Board proposal resulted after determination that the item was obsolete and no shipper or carrier registered an objection. The National Classification Board has nothing to indicate this product moves in motor carrier service. Restricting the classification to no longer apply on this commodity per se, results in an increase.
20580-A (D142-S38)	This was a National Classification Board proposal after investigation indicated the commodity was obsolete. No objection to the cancellation has been registered by any shipper or carrier. Restricting the classification to no longer apply on this commodity per se, results in an increase.

-
- 20890-A This was a National Classification Board proposal for the purpose
(D137-S31) of adjusting the classification classes on padded paper bags known to be classified under item 20890. The developed shipping characteristics of 7.2 pounds per cubic foot and value of 30 cents per pound warrant higher classes than were in effect. The density factor alone would warrant a higher less than truckload class, however in consideration of the low value, ease in handling and low susceptibility to damage, the approved classes were considered appropriate. Increased classes and reduced minimum weight factor results in both an increase and a reduction.
-
- 22330-A Baskets, Sheet or Stave veneer. Items 22330, 22340 and 22350
*22332 description and LTL classes changed to more adequately reflect
22340-A modern trade terminology and the transportation characteristics
22342-A of this commodity. Note item 22342 renumbered as 22332 allowing
22350-A it to be placed, numerically, closer to item 22330 which could
22352-A result in both an increase and a reduction. Note item 22352 cancelled
(D141-S25) to avoid conflict with item 22332 which could result in both an increase and a reduction.
-
- 27520-A Stoves or Ranges, Gas, NOI. Item 27520 being amended to make
*27521 reference to new note being added as explained below, which
27522-A broadened application results in a reduction. Note 27521 being
27524-A added to permit the inclusion of one gas operated lamp attachment
(D139-S44) with each stove. Note provisions also clearly indicate classes will apply to gas cylinders accompanying stoves. Note items 27522 and 27524 brought forward without change in application.
-
- 33140-A Brushes, plastic bristle. Item amended by adding NOI to description
*33150 to preclude conflict with item 33150 of the classification, which
(D140-S51) restricted application results in an increase insofar as this item is concerned. Brushes, plastic or hair bristle. New item added to the classification to specifically provide for this commodity. Classes assigned are reflective of the transportation characteristics of this commodity.
-
- 33440-A Item 33440 amended to include reference to new Packages 2086
33442-A and 2094. The details of the new packages are explained below.
(D135-S95) Broadening the application of this item results in a reduction. Note item brought forward without change in application.
-
- 34700-A This was a National Classification Board proposal after investigation indicated the commodity was obsolete. No objection to the
(D142-S39) cancellation has been registered by any shipper or carrier. Restricting the classification to no longer apply on this commodity per se, results in an increase.
-
- 35100-A This was a National Classification Board proposal after investigation indicated the commodity was obsolete. No objection to the
(D142-S40) cancellation has been registered by any shipper or carrier. Restricting the classification to no longer apply on this commodity per se, results in an increase.
-

35240-A 35480-A 35482-A (D135-S95)	Items 35240 and 35480 amended to include reference to New Packages 2086 and 2094. The details of the new packages are explained below. Broadening the application of these items results in a reduction. Note item brought forward without change in application.
36340-A (D141-S8)	Doors, NOI, iron or steel - Item description amended to refer to Note, item 36354 to allow accompanying hardware to be shipped with doors. Change is to reflect modern trade practices, which broadened application results in a reduction.
36354-A (D141-S8)	Note--Note description amended for tariff clarification to reflect modern trade practices, which broadened application results in a reduction.
36580-A (D141-S8)	Frames, door or window, iron or steel - item description amended to refer to Note, item 36354 to allow accompanying hardware to be shipped with doors. Change is to reflect modern trade practices, and broadened application results in a reduction.
38150-A 38152-A (D138-S35)	Screen Doors or Window Screens. Item description amended for tariff clarification and to conform to present industry shipping practices. Classes approved by the National Classification Board result in both increases and reductions and are reflective of a 9.28 pounds per cubic foot average density produced by wooden framed screen doors and window screens. As to note item 38152, the word "screening" has been substituted for "wire cloth" to require that all screening material, regardless of material construction, be protected when shipments are tendered in bundles, which results in both increases and reductions.
39640-A (D140-S125)	Shipper proposal to provide for an alternate method of packaging products embraced under item 39640. Package 203 was evaluated in actual transportation by authority of item 689 and found acceptable, and broadening packaging provisions result in a reduction.
39770-A 39772-A (D140-S57)	Screens, projection. Item description amended for tariff clarification and to more adequately reflect trade conditions, which results in both increases and reductions. Cancellation of note 39772 will permit classes named in item 39970 to apply on all portable projection screens, regardless of size. This adjustment will provide for reasonable classes on screens which exceed 48 square feet in area, reflective of their transportation characteristics. Cancellation of restrictive note broadens the application and therefore results in a reduction.
40000-A 40050-A (D135-S95)	Chocolate Coating and Ice Cream Coating. Items 40000 and 40050 amended to include reference to new Package 2086. The details of the new package itself are explained below. Broadening the application of these items results in a reduction.

41005-A (D130-S53)	The approved change to item 41005 will provide for carriers or containers when KD flat at classes reflective of their transportation characteristics, which results in a reduction.
*41016 *41017 (D139-S52)	Containers, bulk commodity shipping. This was a shipper proposal seeking the establishment of a new item in the classification for liquid bulk commodity shipping containers being returned to the shipper for reuse. The density range of 3.7 to 8.8 pounds per cubic foot warrant the approved classes rather than the class 300 any quantity class which was applicable in lieu of the specific provisions. Special note restrictions limit the number of such containers that can be returned empty to the shipper in motor common carrier. This is to encourage greater use of motor common carrier service and discourage the use of such carriers for the empty movement only. A new note item was established to preclude the application of item 41025 which appears on empty containers with wall thickness of 1/4 inch or more, since the subject containers have a wall thickness of 1/8 inch, but less than 1/4 inch.
42960-A 44620-A (D135-S95)	Items 42960 and 44620 amended to include reference to new Package 2086. The details of the new package itself are explained below. Broadening the application of these items results in a reduction.
48580-B 48581-A 48582-B 48584-B (D135-S95)	Items 48580 and 48581 amended to include reference to new Packages 2086 and 2094. The details of the new package itself are explained below. Broadening the application of items 48580 and 48581 results in a reduction. Note items 48582 and 48584 brought forward without change in application.
50143-A 50145-A 50147-A (D135-S95)	Items 50143 and 50145 amended to include reference to new Packages 2086 and 2094. The details of the new package itself are explained below. Broadening the application of items 50143 and 50145 results in a reduction. Note item 50147 brought forward without change in application.
50234-A 50235-A (D140-S126)	Compounds. Item 50234 amended to include reference to new Package 2094. Details of the new Package are explained below. Broadened packaging provisions result in a reduction. Note item brought forward without change in application.
50300-A (D135-S95)	Compounds. Item amended to include reference to new Packages 2086 and 2094. The details of the new packages are explained below. Broadened application of this item results in a reduction.
50340-A (D140-S126)	Compounds. Item amended to include reference to new Package 2094. The details of the new package itself are explained below. Broadened packaging provisions of this item results in a reduction.
50600-A (D142-S41)	This was a National Classification Board proposal after investigation indicated the commodity was obsolete. No objection to the cancellation has been registered by any shipper or carrier. Restricting the classification to no longer apply on this commodity per se, results in an increase.

57100-A (D135-S95)	Deodorants or Disinfectants. Item 57100 amended to include reference to new Packages 2086 and 2094. The details of the new package itself are explained below. Broadening the application of this item results in a reduction.
65370-A (Memo)	Floors. Item republished to correct printers error, resulting in neither an increase nor a reduction.
67280-A (D141-S43)	Husks (Shucks), corn. This National Classification Board proposal resulted after determination that the item was obsolete and no shipper or carrier registered an objection. The National Classification Board has nothing to indicate this product moves in motor carrier service. Restricting the classification to no longer apply on this commodity, as such, results in an increase.
70680-B (D137-S39)	Carpets. This is a shipper proposal to provide for the use of "bales" as an alternate method of packaging items classed under item 70680. The National Classification Board approved the proposal with modifications when it was discovered that non-complying fibre-board boxes were actually utilized. Upon receipt of box specifications a package description (Package 2092) was developed to specify the packaging methods, which broadened packaging provisions result in a reduction.
72040-A (D135-S95)	Baking Powder. Item amended to include reference to new Packages 2086 and 2094. The details of the new packages are explained below. Broadening the application of this item results in a reduction.
72760-A 72762-A (D135-S95)	Dessert Preps. Item 72760 amended to include reference to new Packages 2086 and 2094. The details of the new packages are explained below. Broadening the application of this item results in a reduction. Note item 72762 brought forward without change in application.
72910-A 72912-A 72914-A 72916-A (D135-S95)	Extracts. Item 72910 amended to include reference to new Packages 2086 and 2094. The details of the new packages are explained below. Broadening the application of this item results in a reduction. Note items 72912, 72914 and 72916 brought forward without change in application.
73180-A (D135-S95)	Food, cooked, cured. Item amended to include reference to new package 2086. The details of the new package itself are explained below. Broadened application of this item results in a reduction.
73200-A (D135-S95)	Food, prepared, NOI. Item amended to include reference to new Package 2086. The details of the new package itself are explained below. Broadened application of this item results in a reduction.

73240-A (D141-S10)	Fruit, preserved, in gel. This shipper proposal to amend item to include reference to new Packages 2086 and 2094 and also provide for a new process of packing preserved fruit in a gel form in hermetically sealed metal cans, which broadened application results in a reduction. The transportation characteristics are identical and will ensure proper application of the tariff provisions. Removal of some prior permitted packages restricts the application and thus results in an increase.
73280-A 73282-A (D135-S95)	Fruit. Item 73280 amended to include reference to new Package 2086. The details of the new package itself are explained below. Broadening the application of item 73280 results in a reduction. Note item 73282 brought forward without change in application.
73320-A (D135-S95)	Fruit, in wine. Item amended to include reference to new Packages 2086 and 2094. The details of the new packages are explained below. Broadened application of this item results in a reduction.
73340-A 73350-A (D135-S95)	Fruit or Fruit Peel. Items amended to include reference to new packages 2086 and 2094. The details of the new packages are explained below. Broadened application of these items results in a reduction.
73500-A (D135-S95)	Jams, Jellies. Item amended to include reference to new Package 2086 and 2094. The details of the new packages are explained below. Broadened application of this item results in a reduction.
73540-A 73550-A 73552-A (D135-S95)	Juice, citrus fruit. Items 73540 and 73550 amended to include reference to new Packages 2086 and 2094. The details of the new packages are explained below. Broadened application of these items results in a reduction. Note item 73552 brought forward without change in application.
73590-A (D135-S95)	Juice, fruit. Item amended to include reference to new Package 2086. The details of the new package itself are explained below. Broadened application of this item results in a reduction.
73600-A (D140-S126)	Juice, fruit. Item amended to include reference to new Packages 2086 and 2094. The details of the new packages are explained below. Broadened application of this item results in a reduction.
73840-A (D135-S95)	Meat Substitutes. Item amended to include reference to new Package 2086. The details of the new package itself are explained below. Broadened application of this item results in a reduction.
*74035 (D140-S16)	Milk or Cream Substitutes. This was a shipper's proposal seeking specific classes on frozen milk or cream substitutes. The classes proposed were the same as now in effect on numerous other frozen food items. The shipping characteristics of 34 pounds per cubic foot density and 20 cents per pound value are also similar to other frozen food products at the same classes. Therefore, the proposal appeared to be reasonable and a new item was established.

74110-A	Molasses, NOI. Item amended to include reference to new Packages
74112-A	2086 and 2094. The details of the new package itself are explained
74114-A	below. Broadened application of this item results in a reduction.
(D140-S126)	Note item 74112 and 74114 brought forward without change in appli- cation.
74300-A	Pickles, NOI. Items 74300 and 74710 amended to include reference
74304-A	to new package 2086. The details of the new package itself are
74710-B	explained below. Broadening the application of these items
(D135-S95)	results in a reduction. Note item 74304 brought forward without change in application.
*74864	Spreads, table, vegetable oil base with flavoring. New item added
(D141-S13)	to the classification to specifically provide for this commodity. Classes assigned reflect the transportation characteristics of the product.
75150-A	Items 75150, 75170 and 75180 amended to include reference to new
75170-A	packages 2086 and 2094. The details of the new packages are
75180-A	explained below. Broadened application of these items results in
(D135-S95)	a reduction.
75340-C	Relocation of package reference has the effect of both broadening
(D137-S72)	and restricting the prior application and may result in both increases and reductions.
79022-A	Furniture group. Item republished to cancel reference to packages
(Memo)	65F and 81F which references were left in reissue NMFC A10 in error. Restricting the packaging provisions of this item results in a technical increase.
79340-A	Furniture group. Item 79340 brought forward without change in
79342-A	application. Note item 79342 republished to correct the word
(Memo)	"car" to read "vehicle", for consistency in shipping provisions, resulting in neither an increase nor a reduction.
86380-A	Geographical Globes. Item description amended to reflect present
(D137-S43)	day industry practice of including atlases, maps, sound record- ings or educational material with globes. The classes assigned under Subs 1 and 2 are reflective of the characteristics of the globes embraced thereby. Broadening provisions to include additional commodities and increasing classes results in both an increase and a reduction.
87160-A	Cancellation of these two items; with identical provisions being
87180-A	shown in new item 171400, results in neither an increase nor a
(Memo)	reduction.
88200-A	Glassware. Item 88200 was originally published at the request of
88202-A	one large glass article shipper for use on shipments of mixed
(D141-S36)	truckloads of glassware. The item is no longer used because of the provisions of item 88150 which cover the same material as listed in this item. Therefore, the item is not used and has been cancelled. Item 88202 was reference note to item 88200, which has now been cancelled, therefore the item is no longer needed. Restricting the provisions of the classification to no longer apply on these commodities, as such, result in an increase.

88500-C 88502-C 88503-A (D139-S60)	Glass Tubing. This is a shipper proposal to amend item 88500 of the National Motor Freight Classification to provide for a new package (Package 2091) for glass tubing. The Package was tested under test shipment permit with good results and the item should be amended to reflect the new package. This is a broadening of the packaging provisions, and results in a reduction. Note item 88502 and 88503 brought forward without change in application.
---	---

93390-A (D142-S42)	This was a National Classification Board proposal after investigation indicated the commodity was obsolete. No objection to the cancellation has been registered by any shipper or carrier. Restricting the classification to no longer apply on this commodity per se, results in an increase.
-----------------------	---

101080-A (D140-S2)	Boards, Ironing. This action, changing the minimum weight factors, results in increases in minimum weights which are justified by the development of facts indicating densities and resultant loadabilities are heavier than presently indicated and that the present minimum weight factors are inappropriately low in combination with the levels of classes published. Publication of recommended minimum weight factors is consistent with many other provisions in the classification containing such minimum weight factors in conjunction with these classes, which increased minimum weight requirements result in an increase. Restricting the item to no longer apply "folded flat" also results in an increase.
-----------------------	--

105210-A (Memo)	Fixtures. Item republished to correct alphabetical error in listing of commodities within this item, resulting in neither an increase nor a reduction.
--------------------	--

107020-A (D141-S3)	Staples, ingot mold. This National Classification Board proposal resulted after determination that this item was obsolete and no shipper or carrier registered an objection. The National Classification Board has nothing to indicate this product moves in motor carrier service. Restricting the Classification to no longer apply on this commodity, as such, results in an increase.
-----------------------	---

*108260 *108262 (D140-S42)	This was a shipper proposal seeking the establishment of a specific item in the classification for iron or steel rain gutter system kids for homes. The shipper is presently classifying the kits as a mixed package under item 640, because of no specific description. The shipping characteristics of 14.58 pounds per cubic foot density and 39 cents per pound value are reasonable for the classes proposed. Further, many of the articles in the kit are now provided for at the same less than truckload classes in item 36440.
119540-A 119560-A *120990 122920-A 122950-A 122960-A 123020-A (D138-S63)	Machinery. These revisions update items 119560, 122920, 122950, 122960 and 123020 in the National Motor Freight Classification in that obsolete "Packages" are being removed. Reference to such packages are being eliminated from individual items. The changes result in an increase. Provisions of new item 120990 were a shipper proposal seeking a specific description on a particular type of machine at classes considered to be reasonable to attract adequate motor carrier service. The density of 5.76 pounds per cubic foot and the value of \$3.00 per pound are reasonable for the AQ class recommended.
134530-A 134532-A 134534-A 134536-A 134620-A 134680-A 134700-B 134740-A 134780-A 134880-A 134882-A (D135-S95)	Lard. Items 134530, 134620, 134680, 134700, 134740, 134780 and 134880 amended to include reference to new Package 2086. The details of the new package itself are explained below. Broadened application of the above items result in a reduction. Note items 134532 and 134882 brought forward without change in application.
139800-A (D141-S16)	Item description amended to include nickel cathodes and granules, which have characteristics similar to other commodities embraced in the entry, which broadened application results in a reduction.
147180-A *147182 (D141-S35)	Camp or tourist trailer outfits item description amended for tariff clarification and to embrace runner mounted outfits bearing similar transportation characteristics. Restricting the provisions of this item by reference to new note item 147182 results in an increase. New note added for clarification and to embrace runner mounted outfits bearing similar transportation characteristics.
*147490 (D141-S20)	Electric Lighting Outfits. This National Classification Board proposal establishes a new item in the classification to provide a specific listing and classes assigned reflect transportation characteristics. The density average of 1.90 pounds per cubic foot, range from 1.38 pounds to 2.49 pounds as reflected by four manufacturers. No objection has been registered by any shipper or carrier, and this will insure the proper application of the tariff provisions.

*148000 (D136-S56)	Shops, military repair. New item added to the classification to specifically provide for these articles. Classes assigned reflect the transportation characteristics of this commodity.
150010-A 150020-A 150030-A (D135-S95)	Paints. Item 150010 amended to include reference to new Packages 2086 and 2094. The details of the new packages are explained below. Broadened application of this item results in a reduction. Items 150020 and 150030 cancelled and identical provisions included in item 150010, resulting in neither an increase nor a reduction.
150050-A 150070-A (D135-S95)	Paint. Items amended to include reference to new Package 2086 and Package 2094. The details of the new packages are explained below. Broadened application of these items result in a reduction.
150110-A (D135-S95)	Putty. Item amended to include reference to new Package 2086. The details of the new package itself are explained below. Broadened application of this item results in a reduction.
150270-A 150290-A 150300-A (D135-S95)	Zinc Oxide. Item 150270 amended to include reference to new Packages 2086 and 2094. The details of the new packages are explained below. Broadened application of this item results in a reduction. Items 150290 and 150300 cancelled and identical provisions included in item 150270, resulting in neither an increase nor a reduction.
152020-A (D141-S7)	Bags, Envelopes, Sound Recording. This National Classification Board proposal will update terminology used by the recording industry as well as correct error when published as 30.1 rather than 30.2 minimum weight factor. No objections were registered by any shipper or carrier. Broadening and restricting the application of this item results in both an increase and a reduction.
*152610 (D139-S12)	New item being added to classification at shipper's request to specifically provide for these articles. The classes assigned are appropriate for the shipping characteristics of the subject nursery stock containers.
153160-A (D139-S12)	Flower or Plant Pots. Item description amended to read, in part, "Flower or Plant Pots NOI" for tariff clarification by removing conflict with new item 152610. Restricting the application of this item (NOI) results in an increase insofar as this item is concerned.
154630-B 154634-A 154636-A 154638-A 154640-A (D141-S18)	Paraphernalia, exhibition or show. This National Classification Board proposal is for clarification and to place a limitation on materials to be displayed or exhibited. This will also correct error in publication of Supplement 18 and to ensure proper application of the tariff provisions, which revised application may result in both increases and reductions. No objection has been registered by any shipper or carrier. Items 154634, 154638 and 154640 brought forward without change in application.

156300-C 156302-A (D139-S59)	Plastic Sheet or Plate. This is a National Classification Board proposal and is intended to update the classification by the removal of obsolete packages. Answers to questionnaires indicate that the packages are obsolete and should be cancelled and reference to such packages removed from the involved item numbers. This cancellation results in an increase since the removal of the packages technically restricts the classification application. Note item brought forward without change in application.
156900-A 156902-A (D139-S59)	Plastic Laminates. This is a National Classification Board proposal and is intended to update the classification by the removal of obsolete packages. Answers to questionnaires indicate that the packages are obsolete and should be cancelled and reference to such packages removed from the involved item numbers. This cancellation results in an increase since the removal of the packages technically restricts the classification application. Note item brought forward without change in application.
158080-A 158082-A 159040-A (D140-S71)	Bath Tubs, plastic; Shower Bath Stalls. This amendment to item 158080 was a shipper proposal seeking the establishment of specific classes on fibre-reinforced plastic bath tubs, when shipped in a knocked down form. When shipped "knocked down" the cubbage is decreased from 80.25 cubic feet to 53.27 cubic feet, a reduction of 44 percent which exceeds the provisions of item 110, sec. 12 (c) of the classification providing the qualification for the application of knocked down classes. The shipping characteristics of 5.13 to 5.55 pounds per cubic foot density and the values of 86¢ to \$1.17 per pound warrant the recommended classes, which broadened application results in a reduction. Note item 158082 brought forward without change in application. The amendment to item 159040 was a shipper proposal seeking the establishment of specific classes on fibre-reinforced plastic shower stalls, when shipped in a knocked-down form. When shipped "knocked down" as compared to "set-up", the cubbage is decreased from 92.66 cubic feet to 53.27 cubic feet, a reduction of 43 percent, which exceeds the provisions of item 110, sec. 12 (c) of the classification providing the qualification for the application of knocked down classes. The shipping characteristics of 5.08 to 5.51 pounds per cubic foot density and the values of 86 cents to \$1.17 per pound warrant the recommended classes, which broadened application results in a reduction.
166010-A (D141-S6)	Chests, express messenger. This National Classification Board proposal resulted after determination that the item was obsolete and no shipper or carrier registered an objection. National Classification Board has nothing to indicate this product moves in motor carrier service. Restricting the classification to no longer apply on this commodity per se, results in an increase.

168600-A This was a National Classification Board proposal after investiga-
(D142-S19) tion indicated the commodity was obsolete. No objection to the
 cancellation has been registered by any shipper or carrier. Re-
 stricting the classification to no longer apply on this commodity
 per se, results in an increase.

*171400 Rovings, yarn or strand. New item containing provisions heretofore
(Memo) shown under 87160 and 87180.

171720-A Latex, liquid. Item amended to include reference to new Packages
(D135-S95) 2086 and 2094. The details of the new packages are explained
 below. Broadened application of this item results in a reduction.

175120-D These items brought forward without change in application merely
175122-D to clarify the mechanics of publication and preclude any possible
175124-D misapplication or confusion which might be caused by prior publi-
(Memo) cation errors.

177120-A Item 177120 amended to include reference to new package 2086. The
177140-A details of the new package itself are explained below. Broadened
177160-A application of this item results in a reduction. Items 177140,
177180-A 177160 and 177180 cancelled and identical provisions included in
(D135-S95) item 177120 resulting in neither an increase nor a reduction.

177740-A This National Classification Board proposal will clarify and
177750-A correct the intent of the items by inserting the word "with"
177760-A and ensure proper application of the tariff provisions, resulting
177780-A in neither an increase nor a reduction. Items 177760 and 177802
177800-A brought forward without change in application.
177802-A
(D141-S5)

177840-A Deletion of "see Note, item 177842" necessary due to cancellation
177842-A of 177842. Changing application of this item to no longer be
(D141-S5) subject to note item provisions results in a reduction. The note
item 177842 heretofore was restrictive in application. Cancellation
of such restrictive provision broadens the application and therefore
results in a reduction. National Classification Board received no
objections from either carriers or shippers as to this cancellation.

179660-B Straws, drinking, paper or plastic.
(D140-S123) Item description amended to include plastic drinking straws which
have transportation characteristics similar to those of paper
straws. Paper straws have a range in density of 3.98 to 10.28
pounds per cubic foot, with an average density of 6.5 pounds
per cubic foot. Plastic straws have a density range of 3.2 to
10.2 pounds per cubic foot, with an average density of 5.9
pounds per cubic foot. The average value of straws is 45 cents
per pound. In addition, the LTL and TL classes have been in-
creased to the level suggested by the Interstate Commerce Commission
in its formal handling of the level of interstate classes in I&S
Docket M-22426. Broadened commodity description results in a
reduction; LTL and TL classes are increased; and minimum weight
reduced.

181520-A Tanks, oil, steel, NOI, 17 gauge or thinner. This National
(D141-S17) Classification Board proposal resulted after determination that
the item was obsolete and no shipper or carrier registered an
objection. The National Classification Board has nothing to
indicate this product moves in motor carrier service. Restrict-
ing the classification to no longer apply on this commodity as
such, results in an increase.

188120-A Undertakers' cooling boards. This National Classification Board
(D141-S24) proposal resulted after determination that the item was obsolete
and no shipper or carrier registered an objection. The National
Classification Board has nothing to indicate this product moves
in motor carrier service. Restricting the classification to no
longer apply on this commodity, as such, results in an increase.

-
- 188925-A
(D140-S3) Carts, Distributors or Spreaders. This National Classification Board proposal will change unusual truckload minimum weight factors and increase class 65 to class 70 to be in line with normally established provisions. No compelling reasons have been advanced by any shipper or carrier to continue provisions not consistent with other items. Increased truckload class and increased minimum weight factor results in an increase.
-
- *193690
(D141-S22) Boards, foundation, water impendence. New item added to the classification to specifically provide for this commodity. Classes assigned are reflective of the transportation characteristics of this commodity.
-
- 197970-A
(D141-S21) Nets, glue. This National Classification Board proposal resulted after determination that the item was obsolete and no shipper or carrier registered an objection. The National Classification Board has nothing to indicate that this product moves in motor carrier service. Restricting the classification to no longer apply on this commodity, as such, results in an increase.
-
- 200602-C
(Memo) Castings or extrusions. Item AGAIN republished to correct further printers error. Placing item number in proper place results in neither an increase nor a reduction.
-
- Pkg. 184
(D138-S63) This revision updates the National Motor Freight Classification in that obsolete "Packages" are being removed. Reference to such packages are being eliminated from individual items. The changes result in an increase.
-
- Pkg. 203
(D140-S125) Experimental package that moved in common motor carrier transportation under provisions of test shipment permit T-737. Test results indicated that the package can adequately protect its during the hazards of transit and classification should be amended to provide its use. Broadening the classification application results in a reduction.
-
- Pkg. 407
(D139-S59) This is a National Classification Board proposal and is intended to update the classification by the removal of obsolete packages. Answers to questionnaires indicate that the packages are obsolete and should be cancelled and reference to such packages removed from the involved item numbers. This cancellation results in an increase since its removal technically restricts the classification application.
-
- Pkg. 774
(D135-S97) This is a shipper proposal requesting an amendment of Package 774 which would eliminate the use of slit fibreboard tubes on the short edges of the tempered glass and reduce the minimum test of the corrugated fibreboard from 275 to 200 pound test material. The National Classification Board approved the proposal based on information submitted by the proponent which indicated favorable performance of the revised package over the last six years. Broadening and restricting the application of this package could result in both an increase and a reduction.
-

- Pkg. 829
(D139-S62) This is a shipper proposal and is the direct result of a test shipment program authorizing the testing of a new package for the shipment of television sets. The results of tests warrant the amendment of Package 829. The change results in a broadening of the package provisions, and therefore results in a reduction.
- Pkg. 979
Pkg. 1010
Pkg. 1049
Pkg. 1062
Pkg. 1063
Pkg. 1081
Pkg. 1103
(D138-S63) This revision updates the National Motor Freight Classification in that obsolete "Packages" are being removed. Reference to such packages are being eliminated from individual items. The changes result in an increase.
- Pkg. 1150
(D139-S59) This is a National Classification Board proposal and is intended to update the classification by the removal of obsolete packages. Answers to questionnaires indicate that the packages are obsolete and should be cancelled and reference to such packages removed from the involved item numbers. This cancellation results in an increase since its removal technically restricts the classification application.
- Pkg. 1390
(D137-S72) It was originally intended by the National Classification Board that package 1390 be restricted to TL shipments. Republication will correct that error which restriction results in increase and in addition will provide for the use of regular stocked containers, which broadened application results in a reduction.
- Pkg. 2086
(D135-S95)
(D139-S61) These two docket subjects were submitted by the same shipper and are the result of over two years of testing in the laboratory as well as by actual shipment in common motor carriage under test shipment permit. The container has proven compatible to all commodities being recommended for shipment in this plastic container. In excess of 150,000 containers have been tested and reported upon under test shipment permit 660. Laboratory tests and reports of shipments leave no doubt that the container should be authorized for the commodities tested. This is a broadening of the packaging provisions and therefore results in a reduction.
- Pkg. 2091
(D139-S60) This is a shippers proposal and is to provide for a new type of packaging. The package was tested under Test Shipment Permit 683 and the results were good and, as such, the provisions should be approved. This package is for truckload shipments only.
- Pkg. 2092
(D137-S39) A fibreboard box that had moved favorably for many years by common motor carrier transportation under item 220. Upon establishment of item 222 the box became in violation of the classification. A package specification was prepared to cover those boxes previously utilized successfully. Broadening the classification application results in a reduction.
- Pkg. 2094
(D140-S126) This docket subject was submitted after an extended period of time. Considerable time was consumed in making laboratory tests prior to the actual issuance of test permits by the National Classification Board, in fact something in excess of two years. The container has FDA approval for foodstuffs and has been tested not only with foodstuffs but many other commodities, and should be authorized. In justification of approval, over 1000 shipments have been made involving in excess of 10,000 containers with an exceedingly low claim record. Broadened packaging provisions result in a reduction.

RULES

ITEM (RULE) 110-C

DEFINITIONS AND EXPLANATION OF TERMS, PUNCTUATION AND REFERENCES

The following general definitions will apply when such terms are used in this classification or in tariffs governed by this classification. Where different definitions are provided for the same terms in connection with rates, classes, rules or other provisions, such definitions will take precedence.

Sec. 1. "Carrier," "Consignee," "Consignor" or "Shipper" includes the authorized representatives or agents of such "carrier," "consignee," "consignor" or "shipper".

Sec. 2. "Truck" or "Vehicle" means any vehicle or vehicles propelled or drawn by a power unit and used on highways in the transportation of property.

Sec. 3 (a). "Point" means a particular city, town, village, community or other area which is treated as a unit for the application of rates.

Sec. 3 (b). "Place" means a particular street address or other designation of a factory, store, warehouse, place of business, private residence, construction camp or the like, at a point.

Sec. 3 (c). "Site" means a particular platform or specific location for loading or unloading at a place.

Sec. 3 (d). "Address" means a particular street address (not a U.S. Post Office Box Number) where street address is available and should include Post Office Zip Code.

Sec. 4. Explanation of words "Rate" or "Class":

Sec. 4 (a). "Rate" means the figure stated in cents, dollars and cents, or fractions thereof, to be used in computing the charge on property transported.

Sec. 4 (b). "Class" means the numerals or letters, or combinations thereof, assigned to an article or group of articles in this classification or in exceptions thereto, for the purpose of determining the applicable rate.

Sec. 5. A shipment is a lot of freight tendered to the carrier by one consignor at one place at one time for delivery to one consignee at one destination on one bill of lading.

Sec. 6 (a). "Volume" (Vol.) rates or classes are those for which a volume minimum weight (Vol. min. wt.) is provided, and charges will be assessed at the volume minimum weight shown in tariffs governed hereby, except that actual weight will apply when in excess of the volume minimum weight.

Sec. 6 (b). "Truckload" (TL) rates or classes are those for which a truckload minimum weight (indicated by minimum weight factors in this classification, see also item (rule) 997) is provided, and charges will be assessed at the truckload minimum weight shown in this classification or in tariffs governed hereby, except that actual weight will apply when in excess of the truckload minimum weight.

Sec. 6 (c). "Less than Truckload" (LTL) rates or classes are those applicable to a quantity of freight less than the volume or truckload minimum weight specified for the same article.

Sec. 6 (d). "Any Quantity" (AQ) rates or classes are those applicable to the articles regardless of the quantity or weight of the shipment.

Sec. 7. Explanation of Words "and" and "or" and the use of Parentheses:

Sec. 7 (a). "And" is used to couple the terms between which it appears.

Sec. 7 (b). "Or" provides for alternation or use of either or both of the terms between which it appears.

Sec. 7 (c). In the description of articles the term appearing between parentheses constitutes another description of the identical article immediately preceding the parentheses.

Sec. 8 "Density." Where classes are applicable according to the density of articles as tendered for shipment, the word "density" means "pounds per cubic foot." The cubage of loose articles or pieces, or packaged articles shall be determined by multiplying the greatest straight-line dimensions (not circumferential) of length, width and depth in inches, including all projections, and dividing by 1728 cubic inches (one cubic foot). The density shall be the result of the division of the weight per article, piece or package by the cubage ascertained.

Sec. 9. Indentations: Where any part of the description of an article is found set away from the left margin in a position subordinate to the text preceding it, the description is to be read with its context and particularly with the preceding heading or headings. The effect of its position upon the meaning of a description should be carefully observed. Example: Item 1010, "Abrasive Group," controls items 1030 to 2050. Item 1070 "Crude or Lump" being further indented, is governed by the description just above it in item 1050.

Sec. 10. Unless otherwise provided, where individual items designate an article as being "enameled," the term means porcelain or vitreous enamel.

Sec. 11 (a). "In the rough" means wooden articles that are not further manufactured than sawed, hewn, planed or bent.

Sec. 11 (b). "In the white" means wooden articles that are further manufactured than provided for in (a), but including not more than one coat of priming.

Sec. 11 (c). "Finished" means wooden articles after they have passed the state of manufacture provided for in (b).

Sec. 12. Meanings of forms of shipments explained:

Sec. 12 (a). "SU" (Set Up) means articles in their assembled condition, or disassembled, folded or telescoped but not meeting the conditions described in Sec. 12, paragraphs (b) through (f). Where an article does meet the conditions described in Sec. 12, paragraphs (b) through (f), but such provisions are not published in item descriptions, the SU classes will apply.

Sec. 12 (b). "SU in sections" or "In SU sections" means articles taken apart in sections regardless of bulk or cubage, except that where other forms of shipment are provided in the same item and the meaning for such forms of shipment as described in (c) through (f) herein is complied with, the ratings for such other forms of shipment will apply.

Sec. 12 (c). "KD" (Knocked Down) means that an article must be taken apart, folded or telescoped in such a manner as to reduce its bulk at least 33 1/3 percent from its normal shipping cubage when set up or assembled.

Sec. 12 (d). "KD flat" means that an article must be taken apart, folded or telescoped in such a manner as to reduce its bulk at least 66 2/3 percent from its normal shipping cubage when set up or assembled.

Sec. 12 (e). "Folded" means that an article must be folded in such a manner as to reduce its bulk at least 33 1/3 percent from its normal shipping cubage when not folded.

Sec. 12 (f). "Folded flat" means that the article must be folded in such a manner as to reduce its bulk at least 66 2/3 percent from its normal shipping cubage when not folded.

(Continued)

RULES—Continued

ITEM (RULE) 110-C—Concluded

Sec. 13 (a). "Nested" means that three or more different sizes of an article must be placed each smaller within the next larger or that three or more of the same articles must be placed one within the other so that each upper article will not project above the next lower article by more than one-third of its height.

Sec. 13 (b). "Nested solid" means that three or more of the same article must be placed one within or upon the other so that the outer side surfaces of the one above will be in contact with the inner side surfaces of the one below and so that each upper article will not project above the next lower article by more than $\frac{1}{4}$ inch.

Sec. 13 (c). Rates or classes provided for "nested" articles will not apply when articles of different name or material, whether grouped in one description or shown separately, are nested or placed one within the other.

Sec. 14. "Iron" as used in the description of an article includes "Steel" and vice versa.

Sec. 15. Unless otherwise specifically provided:

Sec. 15 (a). The word "rubber" refers to natural or synthetic rubber or rubber compounds.

Sec. 15 (b). The word "foam" used in conjunction with "rubber" or the words "foam rubber" refer to cellular rubber produced by the introduction of gas or air into latex and vulcanizing.

Sec. 15 (c). The word "sponge" used in conjunction with "rubber" or the words "sponge rubber" refer to cellular rubber produced by the introduction of gas or air into non-liquid rubber and vulcanizing.

Sec. 15 (d). The words "plastic" or "plastics" refer to materials consisting of or articles made from synthetic gums or resins, cellulose derivatives, casein solids, coal tar or petroleum resins or rubber hydrochloride, with or without inert fillers, see Note, and whether or not reinforced or laminated with fibres, glass flakes or with macerated or sheet paper or fabric.

*Note The term "fillers" refers to organic or inorganic materials in finely divided or fibrous form (ground, chopped or pulverized) used to produce desired physical, chemical or electrical properties of finished materials or articles. Examples of fillers are:

Wood flour;	Alpha cellulose;	Asbestos;	Glass fibres;
Nut shell flour;	Soybean meal;	Mica;	Synthetic fibres;
Cotton flock;	Carbon black;	Earths;	Vegetable fibres.

Sec. 16. Unless otherwise provided, where reference is made to gauge, it means U. S. Standard Gauge shall be used for determining thickness of sheet or plate steel; Browne & Sharpe Gauge shall be used for determining thickness of rods and sheet of aluminum, copper, brass and bronze; and U. S. Steel Wire Gauge shall be used for determining thickness of iron or steel wire. The table at Footnote A sets forth the nominal thicknesses. Where classification provisions are based on gauge and where only thickness is available, the table in Footnote A must be used to convert thickness to comparable gauge.

FOOTNOTE A—

TABLE OF STANDARD GAUGES

Gauge Number	Nominal Thickness in Decimals of an Inch			Gauge Number	Nominal Thickness in Decimals of an Inch		
	United States Steel Wire (STL. W. G.)	Browne & Sharpe (B. & S. G.)	United States Standard (Revised) U. S. S. G.		United States Steel Wire (STL. W. G.)	Browne & Sharpe (B. & S. G.)	United States Standard (Revised) U. S. S. G.
0000000	.4900	.....	..	18	.0475	.040303	.0478
000000	.4615	.580000	..	19	.0410	.035890	.0418
00000	.4305	.516500	..	20	.0348	.031961	.0359
0000	.3938	.460000	..	21	.03175	.028462	.0329
000	.3625	.409642	..	22	.0286	.025346	.0299
00	.3310	.364796	..	23	.0258	.022572	.0269
0	.3065	.324861	..	24	.0230	.020101	.0239
1	.2830	.289297	..	25	.0204	.017900	.0209
2	.2625	.257627	..	26	.0181	.015941	.0179
3	.2437	.229423	.2391	27	.0173	.014195	.0164
4	.2253	.204307	.2242	28	.0162	.012641	.0149
5	.2070	.181940	.2092	29	.0150	.011257	.0135
6	.1920	.162023	.1943	30	.0140	.010025	.0120
7	.1770	.144285	.1793	31	.0132	.008928	.0105
8	.1620	.128490	.1644	32	.0128	.007950	.0097
9	.1483	.114423	.1494	33	.0118	.007080	.0090
10	.1350	.101897	.1345	34	.0104	.006305	.0082
11	.1205	.090742	.1196	35	.0095	.005615	.0075
12	.1055	.080808	.1046	36	.0090	.005000	.0067
13	.0915	.071962	.0897	37	.0085	.004453	.0064
14	.0800	.064084	.0749	38	.0080	.003965	.0060
15	.0720	.057068	.0673	39	.0075	.003531	....
16	.0625	.050821	.0598	40	.0070	.003144	....
17	.0540	.045257	.0538				

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

RULES—Concluded**ITEM (RULE) 535-H****EXPIRATION DATES**

Items or other provisions making reference hereto, expire with the date indicated below, unless sooner cancelled, changed or extended.

Item or Package	Provisions which expire	Date expiring
Item (rule) 222-B	(Provisions of Note 1 of item (rule) 222 expired with December 31, 1968 as scheduled.)	
Item (rule) 222-E	(Expiration date provided in connection with Section 1 of this item (rule) is hereby cancelled. Provisions of Section 1 of current item (rule) continue to apply.)	
Item (rule) 257-A	(Expiration date provided in connection with item (rule) 257 is hereby cancelled. Provisions of this item (rule) continue to apply.)	
Item (rule) 260-A	(Expiration date provided in connection with Note 2 is hereby cancelled. Provisions of Note 2 continue to apply.)	
① Item (rule) 425	All provisions of rule	February 15, 1971.
Package 500	(Expiration date provided in connection with Package 500 is hereby cancelled. Provisions of Package 500 continue to apply.)	
▲ Package 2086	All provisions of package	December 31, 1971.
▲ Package 2094	All provisions of package	December 31, 1971.

Item	ARTICLES	CLASSES		(MW)
		LTL	TL	
4620-A	Adhesives NOI, Adhesive Cements NOI, Adhesive Glues NOI, or Adhesive Pastes NOI, see Notes, items 4622 and 4624:			
Sub 1	In glass in barrels or boxes	77½	35	30.2
Sub 2	In metal or plastic collapsible tubes, in boxes	70	35	30.2
Sub 3	In inner containers other than collapsible tubes or glass, in boxes; in bulk in bags, barrels, boxes, drums, kits, pails or tubs; or in Packages 587, 1398, ▲2086 or ▲2094; also TL, in tank trucks, see item (rule) 370, or in Package 576	60	35	30.2
△4622-A	Note—Will also apply when one flat applicator for each inner container is included in the shipment.			
△4624-A	Note—Applies whether dry or liquid or other than dry or liquid.			
9640-A	AGRICULTURAL IMPLEMENTS, OTHER THAN HAND, GROUP, subject to item 8900:			
10240-A	Harrow Carts. Cancel. ♦Obsolete.			
	Soybean Harvesters and Threshers combined. Cancel. ♦Obsolete.			
13440-A	ALUMINUM, subject to item 13100:			
	Flushers, engine cooling, radiator. Cancel. ♦Obsolete.			
14790-A	ASBESTOS, subject to item 14600:			
	Filler Blocks, acetylene gas cylinder. Cancel. ♦Obsolete.			
*15545	ATHLETIC GOODS GROUP, subject to item 15500:			
15970-A	Balls, hand or squash, rubber, hollow, in boxes	92½	55	24.2
	Box Ball Alleys and Fixtures. Cancel. ♦Obsolete.			
20580-A	BAGS, subject to item 20500:			
20890-A	Banana, hair or felt lined. Cancel. ♦Obsolete.			
	Paper, padded, NOI; or insulated, other than double-wall paper bags; in boxes or machine pressed bales. ♦100	♦70	♦16.2	
♦♦22330-A	BASKETS OR HAMPERS, subject to item 22150:			
	Berry, Fruit or Vegetable Shipping, NOI, subject to item 22300:			
*22332	Sheet or stave veneer, without covers or with covers detached, bodies nested, see Note, item 22332, in packages; also TL, loose	110	See item 22680	
	Note—Applies on those baskets commonly known as "bushel" in sizes not less than ¼ bushel, on fruit or vegetable hampers, on "Jersey peach baskets" and on the type of overhanded shipping container commonly known as a "Climax basket." Overhanded baskets must have handles detached or folded to sides.			
22340-A	Bushel, round bottom. Cancel. ♦♦See item 22330.			
22342-A	Note—Cancel. ♦♦See item 22332.			
22350-A	Other than round bottom bushel baskets. Cancel. ♦See item 22330.			
22352-A	Note—Cancel. ♦♦See item 22332.			

For EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

Item	ARTICLES	CLASSES		(MW)
		LTL	TL	
	BOILERS GROUP, subject to item 25400:			
	Stoves or Ranges, iron or steel, subject to item 27340:			
27520-A	Gas NOI, see Note, item 27521; Gasoline NOI; Oil NOI, other than hand or wheel portable motor operated blower type; Gas Radiators NOI; or Charcoal, Coal, Oil or Wood and Gas combined NOI; see Notes, items 27414, 27452 and 27524, in barrels, boxes, crates or Packages 211, 972, 1025 or 1082	85	{ 60 45	16.2 24.2
*27521	Note One gas operated lamp attachment may be included for each stove when in same package. Provisions also apply on accompanying liquefied petroleum gas cylinders, empty or filled.			
△27522-A	Note Also applies on stoves or ranges or parts containing metals other than iron or steel, provided the weight of such metals does not exceed 20 percent of total weight.			
△27524-A	Note Also applies on oil stoves not porcelain enameled, in corrugated fibre boxes testing not less than 200 pounds. Dimensions must not exceed 90 united inches.			
	BROOMS GROUP, subject to item 32770:			
	Brushes, subject to item 33100:			
33140-A	Plastic bristle, see Note, items 33162 and 33163, in packages	85	45	24.2
*33150	Plastic or hair bristle, with tubular handles with hose connection, with or without soap dispensers, in boxes	200	100	10.2
33440-A	Buffing or Polishing Compounds, NOI, including Boat, Floor, Furniture or Vehicle Polish or Wax, see Note, item 33442, in barrels, boxes or pails, or Packages 8, 602, 913, 42086 or 42094; also TL, in tank trucks, see item (rule) 370	55	35	36.2
△33442-A	Note One cleaning or polishing cloth or one mop head, but not both articles, may be included in the same shipping container for each inner container.			
	BUILDING MATERIALS, MISCELLANEOUS, GROUP, subject to item 33570:			
34700-A	Fireplaces or Mantels, Cancel. Obsolete.			
35100-A	Paving Blocks or Tiles, cast iron, Cancel. Obsolete.			
35240-A	Plasterboard Joint System, consisting of plastering compound with paper, metal or fabric tape, with or without applicator, or Plasterboard Joint or Topping Cement or Compound, in multiple wall or double wall paper bags, barrels, boxes, pails or Packages 593, 42086 or 42094	55	35	30.2
35480-A	Underlayment Compounds, floor covering, NOI, see Note, item 35482, in bags, barrels, boxes, pails or Packages 42086 or 42094	60	35	36.2
△35482-A	Note Applies only on compounds, mixed or not mixed, used for leveling of floors prior to application of floor coverings.			
	BUILDING METAL WORK GROUP, subject to item 35600:			
36340-A	Doors, NOI, iron or steel, or wood covered with iron or steel or tin plate, galvanized, plain or primed, with or without hardware applied, see Notes, items 36354 and 36356, in boxes, crates or wrapped packages; also TL, loose or in packages	70	37½	36.2
36354-A	Doors, NOI, Sash NOI, or Window or Door Frames NOI, subject to item 36350: Note Will apply on moldings, metal door hinges, lock sets, screws, metal automatic door checks or other accessories for installation when forming an integral part of doors, frames, sash or screens which they accompany, combined weight of such accessories not to exceed 15 percent of the weight upon which charges are assessed.			
36580-A	Frames, door or window, iron or steel or wood covered with iron or steel or tin plate, see Note, item 36354:			
Sub 1	SU	100	{ 85 70	12.2 16.2
Sub 2	KD	70	40	30.2
	BUILDING WOODWORK GROUP, subject to item 37500:			
438150-A	Screen Doors or Window Screens, see Note, item 38152, in packages; also TL, loose	100	55	20.2
438152-A	Note Shipments in bundles must have screening protected.			
	CAMERA GROUP, subject to item 39600:			
39640-A	Dry Plates or Films, unexposed, NOI, in boxes or in Packages 4203 or 1201	100	70	30.2
439770-A	Screens, projection, portable, roller type, other than motor operated, with or without stands, in boxes or crates	85	55	24.2
439772-A	Note Cancel. No further application.			
	CANDY GROUP, subject to item 39900:			
40000-A	Chocolate Coating, in bags, bales, barrels, boxes or Packages 806 or 42086	65	40	36.2
40050-A	Ice Cream Coating, NOI, in barrels, boxes or Package 42086	65	40	36.2

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

Item	ARTICLES	CLASSES		VW
		LTL	TL	
CARRIERS, SHIPPING, GROUP, subject to item 40770:				
41005-A	Carriers or Containers, packaged goods shipping, cage type, with or without casters or wheels:			
Sub 1	SK	300	300	AQ
Sub 2	KD flat	92½	45	24.2
*41016	Containers, aluminum liquid bulk commodity shipping, used, see Notes, items 41017 and 41026	175	100	12.2
*41017	Note: Container must be cylindrical shape, mounted on steel skids and wall material thickness must be more than ¼ inch but less than ½ inch.			
CHEMICALS GROUP, subject to item 42600:				
Ammonium, subject to item 42390:				
42960-A	Bifluoride, see Note, item 42602:			
Sub 1	In bulk in barrels, drums or Packages 393 or 42086	55	35	36.2
Sub 2	In glass in barrels or boxes	70	50	30.2
44620-A	Glycols:			
	Diethylene;			
	Dipropylene;			
	Ethylene;			
	Hexylene (2-Methyl-2, 4-Pentanediol);			
	Polyethylene;			
	In Packages 27, 48, 603, 42086 or in barrels or boxes; also TL, in tank trucks, see item (rule) 370...	65	35	30.2
	Methoxy Polyethylene;			
	Propylene;			
	Polypropylene;			
	Triethylene;			
	Neopentyl (2,2-Dimethyl-1, 3-Pentanediol);			
48580-B	Cleaning, Scouring or Washing Compounds, NOI; or Soap, NOI; liquid; see Notes, items 48582 and 48584:			
Sub 1	In carboys other than plastic carboys	100	45	24.2
Sub 2	In plastic carboys	70	40	30.2
Sub 3	In barrels, boxes, kits or pails or Packages 602, 917, 1274, 1333, 42086 or 42094:			
Sub 4	LTL	55		
Sub 5	TL, or in mixed TL with textile softeners NOI		35	36.2
Sub 6	TL, in tank trucks, see item (rule) 370		35	
48581-A	Cleaning, Scouring or Washing Compounds, NOI; or Soap; other than liquid; or Soap Powder; see Notes, items 48582 and 48584:			
Sub 1	In barrels, boxes, pails or tubs, in pails in crates, in cloth bags, in double bags, in paper-lined waterproof cloth bags, in multiple-wall paper bags, in Packages 703, 2036, 2039, 42086 or 42094, in bulk in barrels with cloth tops, or wrapped in fiberboard (only when in solid mass):			
Sub 2	LTL	55		
Sub 3	TL, or in mixed TL with textile softeners NOI		35	36.2
△48582-B	Note—One hand applicator may be included in the same shipping container for each inner container, or one dipping basket only may be included in each barrel, kit or pail. Weight of hand applicators or dipping baskets must not exceed 10 percent of the weight upon which charges are assessed.			
△48584-B	Note—Soap or compounds may contain not to exceed 1 percent bluing or whitening agent.			
50143-A	Compounds, boiler cleansing, preserving, scale preventing or scale removing, liquid or paste:			
Sub 1	In carboys	100	45	24.2
Sub 2	In containers in barrels or boxes, or in barrels, or Packages 42086 or 42094; also TL, in tank trucks, see item (rule) 370	55	35	36.2
50145-A	Compounds, carbon, gum or sludge removing, NOI, see Note, item 50147, in barrels or boxes or Packages 42086 or 42094	70	37½	36.2
△50147-A	Note—Applies on compounds designed to remove, loosen, soften or retard the formation of carbon, gum or sludge in internal combustion engines.			
50234-A	Compounds, iron or steel rust preventing or removing, other than petroleum, NOI:			
Sub 1	In carboys other than plastic carboys	100	45	24.2
Sub 2	In paper lined water-proofed cloth bags, or in glass or metal cans or metal tubes, in barrels, boxes, plastic carboys or Package 42094	77½	35	36.2
Sub 3	In bulk in barrels, see Note, item 50235; also TL, in tank trucks	65	35	36.2
△50235-A	Note—Also applies on shipments in flexible square or rectangular molded plastic containers of three gallons capacity, but not over five gallons capacity, contained in fibreboard boxes.			
50300-A	Compounds, smoke flue cleaning, dry, in barrels, boxes or paper lined cloth bags, or in Packages 42086 or 42094	60	37½	36.2
50340-A	Compounds, water clarifying, hardening, purifying or softening, not medicated nor perfumed, NOI:			
Sub 1	Dry, in double bags, in barrels or boxes or in Packages 3, 248, 1319, 1446 or 42094	65	37½	36.2
Sub 2	Liquid or paste, in barrels	70	37½	36.2
CONDUITS, EARTHEN, GROUP, subject to item 50500:				
50600-A	Drain Tile Heads, concrete, Cancel. 42086 or 42094.			
57100-A	Deodorants or Disinfectants, NOI, other than medicinal and other than toilet preparations. See item 60000 for classes dependent upon agreed or released value:			
Sub 1	In carboys	100	45	24.2
Sub 2	In containers in barrels or boxes	85	45	30.2
Sub 3	In bulk in barrels, boxes, kits, pails, or Packages 17, 42086 or 42094	60	35	30.2

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

Item	ARTICLES	CLASSES		(MW)
		LTL	TL	
465370-A	FARM EQUIPMENT GROUP , subject to item 64600: Floors , poultry coop or brooder, wire, in panels or nested, in packages	85	55	24.2
67280-A	FEED GROUP , subject to item 66700: Husks (Shucks) , corn, Cancell. (Obsolete).			
70680-B	FLOOR COVERINGS OR RELATED ARTICLES , subject to item 70500: Carpets, Carpeting, Carpet Remnants or Rugs , NOI, soft surface (pile) fabric, power machine tufted or power loom woven, in boxes or in Packages 413, 2070 or 42092	100	70	18.1
72040-A	FOODSTUFFS GROUP , subject to item 72000: Baking Powder , in barrels, boxes, pails, tubs or five-ply paper bags, Packages 42086 or 42094	60	35	36.2
72760-A	Dessert Preparations , such as ice cream, jelly, pie or pudding preparations, other than frozen, NOI, see Note, item 72762, in five-ply multiple-wall paper bags; in barrels or boxes; in cans, kits or pails in crates; or in kits, pails or wooden butter tubs; or in Packages 197, 1280, 42086 or 42094	60	35	40.2
Δ72762-A	Note—Inner containers may contain a small quantity of dry or liquid flavoring.			
72910-A	Extracts NOI: Flavoring Compounds NOI; Imitation Flavors NOI; or Bottlers' Flavoring Compounds NOI; liquid, paste or dry, see Notes, items 72912, 72914 and 72916, in barrels or boxes or dry, in bulk in paper lined cloth bags or four-ply multiple-wall paper bags or in Packages 42086 or 42094	70	40	30.2
Δ72912-A	Note—Also applies on natural or imitation concentrated fruit or vegetable juices for flavoring beverages, beverage syrups, candy, confectionery or ice cream.			
Δ72914-A	Note—Inner containers may include plastic or metal molds, or paper, plastic or wooden sticks not in excess of 5 percent of gross weight of package.			
Δ72916-A	Note—There may be included in each package a quantity of sodium salts not in excess of 5 percent of the gross weight of the package.			
73180-A	Food , cooked, cured, preserved or prepared, frozen, NOI, in containers in barrels or boxes, in Packages 1298 or 42086, or in metal cans of not less than 3½ gallons capacity, tops securely fastened, loose	100	37½	36.2
73200-A	Food , prepared, NOI, in barrels, boxes, or Packages 69 or 42086. See item 60000 for classes dependent upon agreed or released value	85	45	30.2
73240-A	Fruit , canned or preserved, in juice or syrup, or in liquid other than brine or alcoholic liquor; Fruit , preserved, in gel, in hermetically sealed metal cans; Crushed Fruit; Fruit Butter, Jam, Jellies or Pulp ; in barrels or boxes, in glass or metal cans in crates, or in Packages 223, 500, 1264, 2086 or 2094	60	35	36.2
73280-A	Fruit , fresh, cold pack (frozen fresh fruit, either sweetened or not sweetened), prepaid, in containers in barrels, boxes, crates, or in Packages 192, 881, 1365 or 42086, in bulk in barrels or pails, or in one-piece seamless bags made of rubber latex in boxes; or in metal cans of not less than 3 gallons capacity, loose; also TL, in bulk in boxes, see Note, item 73282, or in Packages 923 and 924; also Fresh Whole Plums , frozen, in truckload, in bulk in baskets with slatted or solid covers	100	37½	36.2
Δ73282-A	Note—Fibre boxes must be lined with moisture-proof paper unless inside of box has been treated to make it moisture-proof. Fibre boxes may be securely closed with metal straps or wire.			
73320-A	Fruit , NOI, in brine, in barrels or boxes or Packages 42086 or 42094	60	35	36.2
73340-A	Fruit or Fruit Peel , candied, crystallized, glazed or stuffed, NOI, in barrels, boxes, kits or pails, or in metal cans in crates, or in Packages 42086 or 42094. See item 60000 for classes dependent upon agreed or released value	65	40	36.2
73350-A	Fruit or Fruit Peel , drained, in kits, pails, tubs or metal cans in crates, in glass or in metal cans in barrels or boxes, or in bulk in barrels, boxes, in Packages 1264, 42086, or 42094, kits, pails or tubs, or in metal cans of not less than 3½ gallons capacity, top securely fastened, loose	60	35	36.2
73500-A	Jams, Jellies or Preserves , edible, NOI, in kits, pails, tubs or metal cans in crates; in bulk in barrels, kits, pails, or tubs; or in glass or metal inner containers in boxes; or in Packages 1264, 42086 or 42094	60	35	36.2
73540-A	Juice , citrus fruit, frozen, in metal or fibre cans in barrels or boxes, in bulk in barrels, in metal cans in crates, or in Packages 382, 387, 1164, 1415 or 42086	100	37½	36.2
73550-A	Juice , citrus fruit, other than frozen, NOI, see Note, item 73552, in barrels or boxes or in Packages 500, 1415, 42086 or 42094; also TL in Package 1164	60	35	36.2
Δ73552-A	Note—Also applies on fruit juice coloring, the gross weight of which does not exceed 5 percent of gross weight of shipment when shipped with fruit juices in same outer container.			
73590-A	Juice , fruit, artificial or natural, frozen, NOI, in barrels or boxes, or in pails or metal cans in crates or Package 42086	100	37½	36.2
73600-A	Juice , fruit, artificial or natural, other than frozen, NOI, in barrels, boxes or pails, or in metal cans in crates, or in Packages 500, 592, 1264, 1331, 42086 or 42094	60	35	36.2
73840-A	Meat Substitutes , processed from vegetables, soya bean products, peanuts, grain products or seasoning, in glass or metal cans in barrels or boxes, or in metal cans in crates, or in Packages 500 or 42086	60	35	36.2
*74035	Milk or Cream Substitutes , other than milk, cream or milk solids, frozen, in inner containers in boxes	100	37½	36.2

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

Item	ARTICLES	CLASSES		MW
		LTL	TL	
	FOODSTUFFS GROUP, subject to item 72000:			
74110-A	Molasses, NOI, or Syrup, not medicated, NOI, see Note, item 74112, in containers in barrels or boxes, in kits, or in bulk in barrels, see Note, item 74114, or in Packages 1304, 42086, or 42094; also TL in tank trucks, see item (rule) 370; or in Package 500	60	35	36.2
△74112-A	Note When in bulk in barrels or kits, bungings must be secured by metal fasteners; when in friction top cans or pails in boxes, the cans or pails must fit tightly within the box.			
△74114-A	Note Will not apply on molasses in puncheons.			
74300-A	Pickles, NOI, see Note, item 74304:			
Sub 1	In barrels, boxes, kits or pails or Packages 579, 1361 or 42086	60	35	36.2
Sub 2	In tank trucks, see item (rule) 370		35	40.2
△74304-A	Note Applies on nuts or vegetables, NOI, pickled in brine or vinegar, and on fruits, NOI, pickled in vinegar.			
74710-B	Sauces, viz.: Catsup; Dressing, salad, also in Package 2078; Horseradish, prepared; Mayonnaise, also in Package 2078; Mustard, prepared; Sauce, pepper; Sauces, basic food such as marinara, pizza, spaghetti or Spanish sauce; Sauces, table, NOI; Other than dry, in barrels, boxes, kits or pails, or in Packages 392, 1204, 1304, 1429, 2000 or 42086	60	35	36.2
*74864	Spreads, table, vegetable oil base with flavoring, other than oleomargarine, in boxes	77½	50	20.2
75150-A	Syrup, corn, rye, sorghum or wheat, unmixed (glucose), in containers in boxes, or in barrels; also TL in tank trucks, see item (rule) 370, or in Packages 500, 42086 or 42094	60	35	36.2
75170-A	Syrup, flavoring or fruit, in barrels or boxes, or in Packages 452, 1331, 2035, 42086 or 42094; also TL in tank trucks, see item (rule) 370, or in Package 500	60	35	36.2
75180-A	Syrup, malt or malted, not medicated, in containers in barrels, boxes or crates, in bulk in barrels, or Package 42086 or 42094; also TL in tank trucks, see item (rule) 370, or in Package 500	60	35	36.2
◆75340-C	Vegetables, cold pack (fresh or green vegetables, frozen, sweetened or not sweetened), prepaid; in containers in barrels, boxes, crates; in Packages 192, 881, 1437; or in bulk in barrels or pails, or in one-piece seamless bags made of rubber latex in boxes; also TL in bulk, in boxes, see Note, item 73282, or in Packages 400, 924 or 1390	100	37½	36.2
	FURNITURE GROUP, subject to item 79000:			
79022-A	Note— (a) Any articles of furniture may be packed in wooden boxes or wood framed fibreboard boxes provided all finished surfaces or upholstered parts are first protected against damage by adequate padding material. Shipping orders and bills of lading must describe package as wood box or wood framed fibreboard box. The class applicable will be the lowest provided in the specific item for the article of furniture in the form in which shipped. (b) Where bursting tests are specified for containers, wrappers or interior packing, fibreboard must comply with the board weight requirements of Note, item 79021, for the tests specified; where united inches are specified, it means inside length, width and depth added; where basis weight is referred to, weights are per ream of 500 sheets 24 x 36 inches. (c) Packages 1F, 2F, 3F, 6F, 7F, 8F Paragraph 3 (b), 10F except for box springs or mattresses, 14F, 15F, 16F, 19F except when articles are KD flat the arrows and the word "UP" may be omitted, 20F, 21F, 23F, 24F, 25F, 26F, 28F, 31F Paragraph (6), 33F, 34F, 36F, 37F, 38F, 39F, 40F, 41F, 42F, 43F, 45F, 46F, 47F, 49F, 50F, 51F, 52F, 53F, 54F, 55F, 57F, 58F, 59F, 60F, 61F, 62F, 64F, 66F, 68F, 69F, 70F, 71F, 72F, 73F, 75F, 77F, 80F, 82F, 83F, 84F, 85F, 86F, 87F, 88F, 89F, 91F, 92F, 93F, 94F, 95F, 96F and 97F, must be conspicuously marked on at least one panel as follows: <div style="text-align: center;">↑ UP FURNITURE ↑ FRAGILE, HANDLE WITH CARE OR UP ↑ FURNITURE, INCLUDING MIRRORS OR GLASS ↑ FRAGILE, HANDLE WITH CARE</div> (d) Packages 1F, 2F, 3F, 6F, 7F, 8F, Paragraph 3 (b), 10F, 14F, 15F, 16F, 19F, 20F, 21F, 23F, 24F, 25F, 26F, 28F, 31F, Paragraph (6), 33F, 34F, 36F, 37F, 38F, 39F, 40F, 41F, 42F, 43F, 45F, 46F, 47F, 49F, 50F, 51F, 52F, 53F, 54F, 55F, 57F, 58F, 59F, 60F, 61F, 62F, 63F, 64F, 66F, 67F, 68F, 69F, 70F, 71F, 72F, 73F, 75F, 77F, 80F, 82F, 83F, 84F, 85F, 86F, 87F, 88F, 89F, 91F, 92F, 93F, 94F, 95F, 96F, 97F, 205, 218, 826, 829, 958, 978, 1021, 1099, 1135 and 2029 must be conspicuously marked with package number and must bear certificate of maker showing name and address of maker and bursting test per square inch.			

(Continued on next page)

Item	ARTICLES	CLASSES		(NW)
		LTL	TL	
79022-A (Con- cluded)	FURNITURE GROUP , subject to item 79000: Note Concluded. (e) Shipping orders and bills of lading must show package number of the package in which furniture is shipped. Where in the separate description of the article, specific package is not provided, but other form of shipping such as "loose" or "bundles" is provided such description must be shown. On TL shipments, package numbers or other package description may be omitted from shipping orders and bills of lading when shipper certifies on bills of lading and shipping orders as follows: "The packages or packing used for this shipment conform to the specifications of applicable Freight Classification." (f) Unless otherwise provided, where in individual packages the specifications require a 4-piece wood frame, whether or not diagonally braced, it must not be attached to the article. (g) Articles with sliding doors in operating position must have such doors securely anchored and blocked in place.			
△79340-A	Church , subject to item 79280:			
Sub 1	Wooden Pews: SU, in Packages 1F, 2F, 3F, 5F, 21F, 28F, 30F or 37F, see Note, item 79342	125	See item 82700	
Sub 2	Back and seat attached, or in one piece, nested, and with ends detached, in Packages 1F, 2F, 3F, 5F, 19F, 21F, 28F, 30F or 37F, see Note, item 79342	85	See item 82700	
Sub 3	KD flat, in Packages 1F, 2F, 3F, 5F, 19F, 21F, or 30F, see Note, item 79342	85	See item 82700	
79342-A	Note Pews in TL may be shipped protected by cloth or excelsior padding of adequate thickness at all points of contact and securely racked in vehicle; or KD flat wrapped in 200 pound test double-faced corrugated fibreboard and securely fastened in vehicle by use of unit load method of blocking and bracing.			
♦486380-A	Geographical Globes , with or without stands, atlases, maps, sound recordings or instructional or educational material, in boxes:			
Sub 1	Bases removed and globes taken apart with halves placed one within the other	100	70	20.2
Sub 2	NOI	200	110	10.2
87160-A	GLASS FIBRE . Cancel. ♦See item 171400.			
87180-A	Rovings or Yarn; or Strand . Cancel. ♦See item 171400.			
88200-A	GLASSWARE GROUP , subject to item 87500:			
88202-A	Glassware , NOI. Cancel. ♦Obsolete.			
88500-C	Note —Cancel. ♦No further application.			
△88502-C	Rods or Tubing (Pipe) , straight, NOI, see Notes, items 88502 and 88503, in boxes or in Packages 838, 896, 1060, 1148, 1195, 1216, 1370, 1404, 1440, 2007, 2027, 2028 or 2066; also TL, in bundles wrapped in 2 plies of single-faced corrugated fibreboard, ends protected, bundles securely sealed, the weight of contents not exceeding 50 pounds, or in Packages 939, 941 or ♦2091	70	35	30.2
△88503-A	Note —Rods or tubing consisting of 90 percent or more of silica or quartz are classified as glassware, NOI. Note —Pipe or tubing having fittings attached or pipe or tubing assembled or joined angularly to each other is subject to the provisions for glassware, NOI.			
93390-A	HARDWARE GROUP , subject to item 92900: Bodies , oil well reamer or socket. Cancel. ♦Obsolete.			
101080-A	HOUSEHOLD UTENSILS GROUP , subject to item 100500:			
Sub 1	Ironing Boards , with legs or standards, or Ironing Tables (Ironing Stands) , ♦KD, with or without cloth covers or pads:			
Sub 2	Steel, in boxes	85	55	♦20.2
	Other than steel, in packages	92½	65	♦18.2

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

Item	ARTICLES	CLASSES		(MW)
		LTL	TL	
▲105210-A	IRON OR STEEL , subject to item 104000: Fixtures, concrete form retaining or supporting, 12 gauge or thicker steel, viz.: Braces; Hooks; Brackets; Walers; Clamps; Wedges; Clips; In packages 60 35 10.2	60	35	10.2
107020-A	Staples, ingot mold, Cancel. ♦Obsolete.			
*108260 *108262	Kits , rain gutter, iron or steel, galvanized, see Note, item 108262, in boxes 100 70 20.2 Note Kits consists of gutters, downspouts, end caps, end pieces, connectors, hangers, strainers, elbows, joint sealing compound and other fittings or accessories necessary to comprise a complete set for finished installation of a rain gutter system.	100	70	20.2
119540-A	MACHINERY GROUP , subject to item 114000: Dishwashing Machines (Dishwashers) or Dishwashing Machines and Sink Cabinets, with or without sinks, combined, household, in boxes, crates, or ♦Packages 1082, 1095, 1134, 1254, 1418 or 1455; also TL, on skids 100 60 16.2	100	60	16.2
119560-A	Dishwashing Machines, other than household type, in boxes, crates, ♦or on skids 92½ 60 16.2	92½	60	16.2
*120990	Feeders, bar or tube, in crates on skids 150 150 AQ	150	150	AQ
122920-A	Household Laundry , subject to item 122900: Drying Machines (Dryers), in boxes, crates, or ♦Packages 1022, 1054, 1082, 1254, 1362 or 1419 100 60 16.2	100	60	16.2
122950-A	Ironing Machines (Ironers) , subject to item 122940: Folded in cabinets, in boxes, crates, or ♦Packages 207 or 1041 100 45 24.2	100	45	24.2
122960-A	Other than in cabinets: Sub 1 With tables or legs, SU, in boxes, crates, or ♦Packages 207 or 1041 100 60 16.2	100	60	16.2
Sub 2	Without tables or legs or with legs removed or folded, in boxes or crates 92½ 45 24.2	92½	45	24.2
123020-A	Washing Machines (Washers) , see Note, item 123022, with or without dishwashing attachments, in boxes, crates, or ♦Packages 180, 1022, 1082, 1116, 1362, 1419 or 1444 100 60 16.2	100	60	16.2
134530-A	MEATS OR SHORTENING GROUP , subject to item 134400: Lard, NOI; Rendered Pork Fats; Vegetable Oil Shortening, liquid, semi-solid or plastic; or Shortening, NOI, see Note, item 134536; in containers in barrels, boxes or crates, or in bulk in barrels, boxes, Packages 275 or ♦2086, pails or tubs, see Note, item 134534, or TL, in metal cans, loose, see Note, item 134532, or in tank trucks, see item (rule) 370 65 37½ 30.2	65	37½	30.2
△134532-A	Note - TL shipments in metal cans, loose, must have covers securely fastened to prevent displacement, and must be so loaded, cushioned and braced to prevent shifting and damage in transit.			
△134534-A	Note - Also applies in solidified or flaked form in double-wall paper bags.			
△134536-A	Note - Provisions on shortening, NOI, apply only when made of meat fats or blends of meat fats and vegetable oils, and only when represented and labeled as shortening.			
134620-A	Meats , cooked, cured or preserved, with or without vegetable, milk, egg or fruit ingredients, NOI, other than frozen, in glass or metal cans in barrels or boxes, or in metal cans in crates, or in Packages 223, 500, 1307, 1400 or ♦2086 60 35 36.2	60	35	36.2
134680-A	Meats , cured, NOI, pickled, in bulk in barrels, boxes, kits, pails, tubs, barrels with cloth tops, or Packages 579 or ♦2086; TL, loose or in bulk in barrels, kits or Package 579 65 37½ 30.2	65	37½	30.2
134700-B	Meats , fresh, NOI, frozen or not frozen, LTL in packages; or Meats , fresh salted, LTL, in barrels or boxes or in barrels with cloth tops, or in Packages 167 or ♦2086; TL, loose or in packages 100 55 21.2	100	55	21.2
134740-A	Poultry , dressed or eviscerated, or Poultry Parts , other than cooked, in barrels, with or without cloth tops, boxes, crates or in metal cans or in Package ♦2086: Sub 1 Frozen 100 55 20.2	100	55	20.2
Sub 2	Other than frozen 77½ 50 20.2	77½	50	20.2
134780-A	Sausage , cooked, cured or preserved, NOI; wrapped or in bulk in barrels or boxes; in barrels with cloth tops; in paper-lined crates; in packages, see Note, item 134662; or in Packages 167 or ♦2086 65 37½ 30.2	65	37½	30.2
134880-A	Stearine , vegetable; including Solidified (Hydrogenated) Vegetable Oils, see Note, item 134882, LTL, in bags, barrels, boxes or tubs or in Package ♦2086; TL, loose or in packages, or in tank trucks, see item (rule) 370 65 37½ 30.2	65	37½	30.2
△134882-A	Note - Applies on vegetable stearine manufactured either by the cold press process or by the hydrogenation of vegetable oils, but will not apply on vegetable oil shortening in semi-solid or plastic form.			

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

Item	ARTICLES	CLASSES		(MW)
		LTL	TL	
139800-A	NICKEL GROUP , subject to item 139740: Bars, Billets, Briquettes, Cathodes, Cubes, Granules, Ingots, Pigs, Rods, Shot, or Slabs, loose (LTL, only if weighing each 40 pounds or over) or in packages	65	45	30.2
♦147180-A *147182	OUTFITS GROUP , subject to item 147000: Camp or Tourist Trailer, in boxes or crates, see Note, item 147182 Note Classes apply only on tents combined with skid or runner mounted bodies or two wheeled carts with wheels removed, with draw-bar or tongue removed, with or without equipment of furniture or furnishings for living.	150	100	10.1
*147490	Electric Lighting, NOI, consisting of generators and engines combined, with telescoping mast and lighting fixtures, mounted on trailers	300	300	AQ
*148000	Shops, military repair, consisting of tools, work tables and other equipment necessary for the operation of such shops, in portable metal shelters, not wheeled, self-propelled nor mounted on vehicles, loose	110	70	16.2
150010-A Sub 1 Sub 2 ▲150020-A ▲150030-A 150050-A Sub 1 Sub 2 150070-A Sub 1 Sub 2 150110-A 150270-A Sub 1 Sub 2 Sub 3 Sub 4 ▲150290-A ▲150300-A	PAINTS GROUP , subject to item 149500: Paints, cold water: Dry, in barrels, boxes, double bags, pails or paper bags, or Packages ♦2086 or ♦2094; also TL, in cloth bags. Paste, in barrels, boxes or pails or Packages ♦2086 or ♦2094 Cancel. See item 150010. Cancel. See item 150010. Paints, NOI, dry: In containers in barrels or boxes; in pails or metal cans in crates; in double bags or double-wall paper bags or in bulk in boxes, kits or pails. In bulk in barrels or Packages ♦2086 or ♦2094; also TL, in bulk in paper bags. Paints, Stains or Varnishes, NOI, Bronzing Liquids, Lacquers, Shellacs or Wood Fillers, liquid or paste: In metal tubes in boxes In containers other than metal tubes in barrels or boxes, or in bulk in barrels, kits or pails or Packages 602, 603, 688, 1398, ♦2086 or ♦2094; also TL, in tank trucks, see item (rule) 370 Putty, in containers in barrels, boxes or crates, or in bulk in barrels, steel putty drums, kits, pails or tubs, or steel lined drums or tubs with metal or wooden covers, or Package ♦2086 Zinc Oxide: Dry: In double bags, in paper bags, in containers in barrels or boxes, in bulk in boxes, or in pails in crates In bulk in barrels, kits or pails or Packages ♦2086 or ♦2094; also TL, in cloth bags or in bulk. Paste or ground in oil, in containers in barrels or boxes, or in pails in crates, or in bulk in barrels, or in steel white-lead drums, kits or pails, or Packages ♦2086 or ♦2094 Cancel. See item 150270. Cancel. See item 150270.	55 55 60 55 85 55 55 55 60 55 55 55	35 35 35 35 35 35 35 35 35 35 35 35 35 35	36.2 36.2 36.2 36.2 36.2 36.2 36.2 36.2 36.2 36.2 36.2 36.2 36.2 36.2
♦♦152020-A *152610 153160-A Sub 1 Sub 2	PAPER ARTICLES GROUP , subject to item 152000: Bags, Envelopes, Folders, Pockets or Sleeves, disc type sound recordings, in boxes. Containers, nursery stock, die cut plastic coated paperboard, staple assembled, nested, in boxes Flower or Plant Pots NOI, Flower or Plant Pot Covers (Jackets), Bulb Boxes, Jardinieres, Vases, Centerpieces, Basket, Cone or Vase Liners, or Planters, fibreboard, paperboard, pulpboard or molded pulp, in boxes; also TL, loose or in paper wrapped packages: Not nested Nested	70 125 200 175	37.1 70 150 125	30.2 16.2 10.1 10.1
♦♦154630-B △154634-A 154636-A △154638-A △154640-A	Paraphernalia , exhibition or show, NOI, see Notes, items 154634 and 154636; or Booths or Stalls , exhibition, NOI, KD, see Note, item 154638; in boxes, crates or trucks, see Note, item 154640; also TL, loose Note—Classes apply on articles or material for the display of exhibits. ♦Note—Classes also apply on articles or materials to be displayed or exhibited not to exceed 10 percent of weight upon which charges are assessed. Note—Classes apply on materials which serve to form a booth or stall for the display of articles or exhibits. Classes also apply on necessary lighting, installation equipment, decorations or floor covering not to exceed 10 percent of weight upon which charges are assessed. Note—Articles need not be boxed or crated when they are folded and secured in such a manner to provide a self-contained unit having no exposed finished surfaces, suitable to withstand the ordinary hazards of transportation.	100	70	24.2
156300-C Sub 1 Sub 2 △156302-A	PLASTIC MATERIALS, OTHER THAN EXPANDED GROUP , subject to item 156100: Sheet or Plate, NOI, self-supporting (rigid), see Note, item 156302, in boxes, crates, or Packages 384, 930 or 1029: Exceeding 9 feet 6 inches in more than one dimension Not exceeding 9 feet 6 inches in more than one dimension Note—Applies whether or not corrugated, crimped, channeled or ribbed, but not otherwise curved, bent or formed.	85 60	45 35	30.2 30.2

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

Item	ARTICLES	CLASSES		(MW)
		LTL	TL	
156900-A	PLASTIC OR RUBBER ARTICLES, OTHER THAN EXPANDED, GROUP , subject to item 156500: Laminates , see Note, item 156902, viz.: Bars, Blocks, Rods or Sheets , in boxes or crates or in Packages 384, 930, 1029, 1035, 1128 or 2031	60	35	30.2
△156902-A	Note Applies only on layers of sheets of fabric or paper impregnated with thermosetting resins, hardened and set under heat and pressure.			
158080-A	PLUMBERS' GOODS GROUP , subject to item 158000: Bath Tubs , plastic, with or without glass or other fibre reinforcement, with or without walls or wall sections attached or molded thereto, with or without metal molding:			
Sub 1	Nested:			
Sub 2	5 or more in boxes	110	110	AQ
Sub 3	Less than 5, in boxes	150	150	AQ
Sub 4	On pallets or skids, see Note, item 158082	100	70	14.2
Sub 5	Not nested, in boxes:			
Sub 6	SU	300	300	AQ
Sub 7	KD	200	100	12.2
△158082-A	Note - Applies only when packed as follows: Not less than 20 tubs nested on pallets or skids with wooden frames at top of package. Frame to be secured to pallet or skid at each corner by means of steel rods threaded and bolted.			
159040-A	Shower Bath Stalls , plastic or plastic combined with metal, with or without frames or doors, with or without receptors attached or molded to walls, in boxes:			
Sub 1	SU	300	300	AQ
Sub 2	KD	200	100	12.2
166010-A	RAILWAY GROUP , subject to item 165100: Chests , express messenger. Cancel. ♦Obsolete.			
168600-A	Watering Tanks or Troughs , poultry car. Cancel. ♦Obsolete.			
*171400	Rovings or Yarn , glass fibres; or Strand , glass fibre, in continuous lengths or chopped, in packages	70	40	30.2
171720-A	RUBBER MATERIALS GROUP , subject to item 171600: Latex , liquid, in barrels, or in containers in boxes, or in Packages ♦2086 or ♦2094; also TL, in tank trucks, see item (rule) 370	60	35	40.2
△175120-D	SHEET STEEL ARTICLES GROUP , subject to item 174300: Sheet Steel Articles , NOI, see Note, item 175122:			
Sub 1	Not nested or of a thickness greater than the metal from which made, in barrels, metal baskets, boxes or crates, see Note, item 175124; also TL, packed in packing material, or other than enameled, loose or in packages	100	55	20.2
Sub 2	Nested, in barrels, metal baskets, boxes or crates; also TL, packed in packing material, or other than enameled, loose or in packages	85	55	20.2
Sub 3	Nested solid, folded flat, or of a thickness not greater than the metal from which made, in barrels, metal baskets, boxes or crates; also TL, packed in packing material, or other than enameled, loose or in packages	77½	55	20.2
△175122-D	Note—Also applies on sheet steel utensils with copper bottoms.			
△175124-D	Note—Also applies on shipments of bedpans, each in fibre boxes.			
177120-A	Specimens , prepaid:			
Sub 1	Animals, birds, fish or reptiles, preserved in alcohol or formaldehyde, in barrels, kits or pails or in Package ♦2086	85	55	24.2
Sub 2	Botanical or insect, in barrels or boxes	100	70	20.2
Sub 3	Mineral or petrified wood, in barrels, boxes or crates	85	55	24.2
▲177140-A	Cancel. See item 177120.			
▲177160-A	Cancel. See item 177120.			
▲177180-A	Cancel. See item 177120.			
▲177740-A	SPRING ASSEMBLIES GROUP , subject to item 177720: With Coiled or Spiral Wire Springs :			
▲177750-A	Framed, with or without woven wire fabric tops:			
Sub 1	Not compressed	200	65	15.2
Sub 2	With framing member of wire not less than 3 gauge, each assembly compressed to ¼ inch or more but not exceeding 1 inch in thickness, in wired bundles or crates	70	37½	36.2
Sub 3	With framing member of other than wire or of wire less than 3 gauge:			
Sub 4	Each assembly compressed to not exceeding ¼ its normal thickness, but exceeding 1 inch thick, or interlaced and compressed to not exceeding the equivalent of ¼ normal thickness of each spring, in wired bundles or crates	100	60	18.2
Sub 5	Each assembly compressed to ¼ inch or more but not exceeding 1 inch in thickness, in wired bundles or crates	85	60	18.2
Sub 6	Each assembly compressed to less than ¼ inch in thickness in packages; also TL, loose	70	37½	36.2
△177760-A	Not framed, mounted on supports, interlaced:			
Sub 1	Not compressed, in packages; also TL, loose	85	60	18.2
Sub 2	Compressed, in packages; also TL, loose	70	40	30.2

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

Item	ARTICLES	CLASSES		(MW)
		LTL	TL	
	SPRING ASSEMBLIES GROUP , subject to item 177720:			
▲177780-A	With Coiled or Spiral Wire Springs and with wood board base full area of assembly, in boxes; also TL, in metal strapped wood cased bundles; having a density of:			
Sub 1	Less than 10 pounds per cubic foot	150	70	14.2
Sub 2	10 pounds per cubic foot or greater	92½	45	24.2
▲177800-A	With Coiled Wire Springs , not framed, see Note, item 177802:			
Sub 1	Not compressed, in boxes or crates	200	85	10.2
Sub 2	Compressed:			
Sub 3	Each assembly compressed to not exceeding ½ its normal thickness but exceeding 1 inch thick, in burlapped bales or in boxes or crates	100	60	18.2
Sub 4	Each assembly compressed to ½ inch or more in thickness but not exceeding 1 inch thick, in packages; also TL, loose	85	60	18.2
Sub 5	Each assembly compressed to less than ½ inch thick, in packages	70	37½	36.2
△177802-A	Note Also applies on assemblies of coiled wire springs, each spring being enclosed in a cloth pocket, or a series of springs enclosed in a cloth pocket, but each spring separated by stitched partitions.			
▲177840-A	Spring Assemblies, Cushion, Mattress Inner Filler or Seat , framed, in mixed TL with spring assemblies, cushion, mattress inner filler or seat, not framed; sisal mattress pads; springs, NOI, wire, iron or steel; or wire, iron or steel, plain		60 40	18.2 30.2
177842-A	Note—Cancel. ▲No further application.			
179660-B	Straws , drinking, paper ▲or plastic, in boxes or Package 841	▲125	▲85	▲14.2
	TANKS , subject to item 180750:			
181520-A	Oil, steel, NOI, 17 gauge or thinner. Cancel. ▲Obsolete.			
188120-A	Undertakers' Cooling Boards . Cancel. ▲Obsolete.			
	VEHICLES, OTHER THAN SELF-PROPELLED , subject to item 188500:			
188925-A	Carts, Distributors or Spreaders , hand, fertilizer or seed, lawn type:			
Sub 1	Other than plastic:			
Sub 2	SU, in boxes	150	100	10.2
Sub 3	KD, in packages	100	70 45 300	▲15.2 ▲24.2 AQ
Sub 4	Plastic, separate or combined with metal or rubber, in boxes	300		
	WALLBOARD GROUP , subject to item 193460:			
*193690	Boards , foundation, water impendence, consisting of clay and fibreboard or pulpboard combined, in wrapped bundles, edges and corners protected by fibreboard or wood	60	35	40.2
	WIRE GOODS GROUP , subject to item 197760:			
197970-A	Glue Nets . Cancel. ▲Obsolete.			
	ZINC OR ZINC ALLOYS , subject to item 200480:			
▲200602-C	Castings or Extrusions , subject to item 200600: Note —Applies only when zinc content of alloy is not less than 90 percent. Except for permitted inserts, applies only when consisting of one piece of metal, requiring work to be performed on them before being ready for assembly with other parts or articles or for use by themselves. Buffing, polishing, painting, similar surface finishing operations or heat treating are not considered to be such required work. Castings or extrusions may have fins, sinkerheads, gates or other rough edges removed, they may be tumbled or cleaned and they may be painted or otherwise coated for protective purposes. Articles not requiring work must be classed under the specific or general (NOI) description provided therefor; in the absence of such a specific or general (NOI) provision, the provisions for zinc articles, NOI, are applicable.			

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

SPECIFICATIONS FOR NUMBERED PACKAGES

(For application, see item (rule) 680, Sec. 1 (c).)

Miscellaneous

(Cancels "Package 184", page 602 of classification.)

Package 184.

Cancel. ♦(Obsolete.

(Add "Package 203" to page 603 of classification.)

♦Package 203

Photographic dry plates must be separated by interleaving paper with the top plate protected by a chipboard sheet not less than .100 inch thick and the bottom plate protected by a pad of corrugated fibreboard testing not less than 275 pounds. After two sleeves of corrugated fibreboard testing not less than 275 pounds completely enclose the plates, they must then be protected by a moisture-vapor proof wrapper. Package must rest on 1/4 inch thick wood base with sides and ends reinforced by wood strips not less than 1 1/2 inches in width and having a thickness equal to the height of the package. This complete unit must be placed in a corrugated fibreboard box meeting all the requirements of item 222 for boxes testing not less than 275 pounds except the gross weight must not exceed 140 pounds and dimension must not exceed 105 united inches.

(Cancels "Package 407", page 613 of classification.)

Package 407

Cancel. ♦(Obsolete.

(Cancels "Package 774", page 622 of classification.)

♦♦Package 774

Curved rear or side window glass, tempered, may be shipped in wrappers of corrugated fibreboard testing not less than 200 pounds, the fibreboard meeting all the requirements of item 222, Secs. 2 and 3. Edges of wrapper must extend beyond all edges of glass a minimum of 2 inches. Wrapper must be securely closed by metal stitches or staples positioned not less than 6 inches apart and banded the short dimension at 2 points by metal straps or filament reinforced pressure sensitive tape meeting the requirements of item 680, Sec. 9 (a). Wrapper must have 2 hand holes at top.

(Cancels "Package 829", page 56 of Supplement 27.)

♦Package 829

In fibreboard boxes meeting the following requirements:

Maximum weight of boxes and contents (Pounds)	Maximum inside dimensions, length, width and depth added (Inches)	Minimum combined weight of component plies of solid fibreboard exclusive of adhesive (Pounds per 1,000 square feet)	Minimum combined weight of facing of corrugated fibreboard, including center liner or liners in double-wall or triple-wall boxes (Pounds per 1,000 square feet)	Minimum test per square inch of combined board, either solid or corrugated (See item (rule) 680, Sec. 10) (Pounds)
Double-faced corrugated boxes, with one corrugated medium				
20	40	114	52	125
40	60	149	75	175
65	75	190	84	200
90	90	237	138	275
120	100	283	180	350
140	110	330	...	500
160	120	360	...	600
Double-wall corrugated boxes, with two corrugated mediums				
65	75	...	92	200
90	90	...	110	275
120	100	...	126	350
140	110	...	222	500
160	120	...	270	600
Triple-wall corrugated boxes, with three corrugated mediums				
275	120	...	264	Minimum puncture test 1100

(Package 829 concluded on next page)

SPECIFICATIONS FOR NUMBERED PACKAGES—Continued

Miscellaneous—Continued

Package 829—Concluded

For box and contents exceeding 65 pounds and not over 110 pounds, dimensions not exceeding 90 united inches, box must be made of double-wall corrugated fibreboard testing not less than 200 pounds.

For box and contents exceeding 90 pounds, and not over 140 pounds, dimensions not exceeding 100 united inches, box must be made of double-wall corrugated fibreboard testing not less than 275 pounds.

For box and contents exceeding 140 pounds, and not over 175 pounds, dimensions not exceeding 115 united inches, box must test not less than 400 pounds, except boxes made of double-wall corrugated fibreboard may test not less than 350 pounds.

For box and contents exceeding 175 pounds, and not over 230 pounds, dimensions not exceeding 135 united inches, box must be made of double-wall corrugated fibreboard testing not less than 500 pounds.

For box and contents exceeding 230 pounds, and not over 270 pounds, dimensions not exceeding 135 united inches, box must be made of double-wall corrugated fibreboard testing not less than 600 pounds.

For box and contents exceeding 270 pounds, and not over 325 pounds, dimensions not exceeding 135 united inches, two complete double-faced corrugated fibreboard boxes each testing not less than 350 pounds must be used, one fitting closely inside the other, or one triple-wall corrugated fibreboard box having a Beach puncture test of not less than 700 units must be used. Such boxes may also be used for any weight exceeding 120 pounds, but not exceeding 325 pounds.

For box and contents exceeding 325 pounds and not over 345 pounds, dimensions not exceeding 140 united inches, box must be made of triple-wall corrugated fibreboard having a Beach puncture test of not less than 900 units.

For box and contents exceeding 345 pounds but not over 365 pounds, dimensions not exceeding 145 united inches, box must be made of triple-wall corrugated fibreboard having a Beach puncture test of not less than 1100 units.

For box and contents exceeding 270 pounds and not over 350 pounds, dimensions not exceeding 145 united inches. Boxes may be made of double-wall corrugated fibreboard having a Beach puncture test of not less than 1050 units. Fibreboard must have a minimum combined weight of facings not less than 258 pounds per 1000 square feet and the corrugated medium must have a total weight of not less than 85 pounds per 1000 square feet.

Boxes must be closed in accordance with item (rule) 222, Sec. 7:

Articles must be supported or suspended in boxes and must be so protected that there will be no shifting and so that no part will come within less than 1 inch from inside surface of box, except top may come within not less than one-half inch from inside surface of box, except the following articles must be so supported or suspended as to prevent shifting within box and minimum inside clearances must be as set forth below.

Article	Clearances (between article and inside of box) not less than:	
	At top	All other
Television or vision receiving sets, or television or vision receiving sets and talking machines or radio receiving sets combined.....	1/2 inch	1 inch
Radio receiving sets, talking machines, or wire or tape recorders, separate or combined:		
Weighing 20 pounds or less.....	3/8 inch	3/8 inch
Weighing more than 20 pounds but not more than 90 pounds.....	1/2 inch	3/4 inch
Weighing more than 90 pounds.....	1/2 inch	1 inch

(Cancels "Package 979", page 636 of classification.)

Package 979

Cancel. ♦Obsolete.

(Cancels "Package 1010", page 638 of classification.)

Package 1010

Cancel. ♦Obsolete.

(Cancels "Package 1049", page 58 of Supplement 27.)

Package 1049

Cancel. ♦Obsolete.

(Cancels "Package 1062", page 643 of classification.)

Package 1062

Cancel. ♦Obsolete.

(Cancels "Package 1063", page 643 of classification.)

Package 1063

Cancel. ♦Obsolete.

(Cancels "Package 1081", page 645 of classification.)

Package 1081

Cancel. ♦Obsolete.

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

SPECIFICATIONS FOR NUMBERED PACKAGES—Continued**Miscellaneous—Continued***(Cancels "Package 1103", page 647 of classification.)***Package 1103**

Cancel. ♦Obsolete.

*(Cancels "Package 1150", page 652 of classification.)***Package 1150**

Cancel. ♦Obsolete.

*(Cancels "Package 1390", page 674 of classification.)***♦♦Package 1390**

In regular slotted or two-piece containers made of double-wall corrugated fibreboard having a Beach puncture test of not less than 950 units with combined weight of facings not less than 237 pounds per 1,000 square feet and combined weight of corrugated mediums not less than 85 pounds per 1,000 square feet except top cover of two-piece container may be made of single-wall corrugated fibreboard testing not less than 350 pounds. All fibreboard must meet the requirements of item 222, Secs. 2 and 3. Container must be equipped with a full height liner made of the same material specification as the container. Two-piece container must consist of a half-slotted container and a top cover, each having flanges not less than 5 inches wide.

Container must be securely closed with metal straps or wire, by pressure sensitive tape or by unwoven rayon cord straps each not less than 1/4 inch in width having a tensile strength of not less than 467 pounds with not less than 12 percent of stretch at break.

Gross weight not to exceed 1,550 pounds. Shipper load, consignee unload.

*(Add "Package 2086" to page 689 of classification.)***♦ⓈPackage 2086**

In a molded, open-head, polyethylene or ethylene copolymer pail not exceeding 5 gallon capacity and having a minimum thickness of 90 mils. Pail must be securely closed by a cover of not less than 26 gauge steel equipped with a liquid tight gasket affixed by at least 16 lugs spaced not more than 1/4 inch apart or by a ring seal of not less than .013 inch thick made from electrolytic tin plate. A wire bale not less than 7 gauge must be secured by retainers which are an integral part of the sidewall of the pail.

Pail must show (1) manufacturer's name or an identifying symbol or trademark of manufacturer in lieu of the manufacturer's name and which symbol or trademark must be registered with the National Classification Board; (2) minimum thickness; (3) capacity in gallons; (4) year of manufacture; and (5) letters "NRC" to signify that pail is a non-reusable container and is not to be used again as a shipping container after contents have been removed. These inscriptions must be plainly and durably marked on the pail in letters and numerals that are legible and not less than 1/4 inch in height.

The rated (marked) capacity means the capacity stated in gallons plus the following outage (additional capacity): Not less than 4 percent; nor more than 4 percent plus one quart. Gross weight not to exceed 75 pounds.

Pails must meet the following performance standards without failure. (Failure defined as the leaking or spillage of contents):

1. Pails must be filled to marked capacity with commodity and conditioned to 0 degrees F. or below for a minimum of 4 hours. Drop tests must be performed with the pail flat on its side and also at a 45 degrees angle on the bottom chime onto solid concrete from a height of 48 inches. No container shall be required to withstand more than one drop. A minimum of three containers must be tested at each of the above mentioned areas without failure.
2. Three pails must be filled with commodity to marked capacity, conditioned at 130 degrees F. for 4 hours, stacked 3-high and vibrated for one hour at 1 "G" to a verticle linear motion. Each pail must perform without failure.

*(Add "Package 2091" to page 689 of classification.)***♦Package 2091**

In double-wall corrugated fibreboard boxes complying with Secs. 2 and 3 of item 222 for boxes testing not less than 350 pounds, when the box does not exceed 120 united inches and weight of contents does not exceed 200 pounds. Box must be lined with single-face corrugated fibreboard. A 125 pound test single-wall corrugated fibreboard pad must be placed at each end of the box. Any void in the box must be filled with single-face corrugated fibreboard.

Glass tubing, one inch or less in diameter, must be separated, after the box has been half filled, by two sheets of single-face corrugated fibreboard.

Glass tubing in excess of one inch in diameter must be separated between each layer by a sheet of single-face corrugated fibreboard.

Shipper must load and consignee must unload.

*(Add "Package 2092" to page 689 of classification.)***♦Package 2092**

In corrugated fibreboard boxes testing not less than 250 pounds with the combined weight of facings not less than 111 pounds per 1,000 square feet. Fibreboard must be constructed and tested in accordance with item 222, Secs. 2 and 3. Gross weight must not exceed 275 pounds and

SPECIFICATIONS FOR NUMBERED PACKAGES—Concluded

Miscellaneous—Concluded

(Add "Package 2094" to page 689 of classification.)

ⓔⓂ Package 2094

In a molded, open head, polyethylene or ethylene copolymer pail not exceeding 5 gallon capacity and having a minimum wall thickness of 65 mils, a minimum bottom thickness of 80 mils and a cover thickness of not less than 70 mils. Cover of pail must have a liquid tight sealing gasket and be securely closed. A wire bale not less than 9 gauge must be secured by retainers which are an integral part of the side-wall of the pail.

Pail must show (1) manufacturer's name or an identifying symbol or trademark of manufacturer in lieu of the manufacturer's name and which symbol or trademark must be registered with the National Classification Board; (2) minimum thickness; (3) capacity in gallons; (4) year of manufacture; and (5) letters "NRC" to signify that pail is a non-reusable container and is not to be used again as a shipping container after contents have been removed. These inscriptions must be plainly and durably marked on the pail in letters and numerals that are legible and not less than 1/4 inch in height.

The rated (marked) capacity means the capacity stated in gallons plus the following outage (additional capacity): Not less than 4 percent; nor more than 4 percent plus one quart. Gross weight not to exceed 60 pounds.

Pails must meet the following performance standards without failure. (Failure defined as the leaking or spillage of contents):

1. Pails must be filled to marked capacity with commodity and conditioned to 0 degrees F. or below for a minimum of 4 hours. Drop tests must be performed with the pail flat on its side and also at a 45 degrees angle on the bottom chime onto solid concrete from a height of 48 inches. No container shall be required to withstand more than one drop. A minimum of three containers must be tested at each of the above mentioned areas without failure.
2. Three pails must be filled with commodity to marked capacity, conditioned at 130 degrees F. for 4 hours, stacked 3-high and vibrated for one hour at 1 "G" to a vertical linear motion. Each pail must perform without failure.

EXPLANATION OF REFERENCE MARKS

(For explanation of abbreviations, see page 713 of classification)

Refer- ence Mark	EXPLANATION	Refer- ence Mark	EXPLANATION
↓	Indicates reduction.	ⓂⓌ	Minimum weight factor, see item (rule) 997.
↑	Indicates increase.	ⓔ	Subject to expiration date shown in item (rule) 535.
▲	Indicates change in wording which results in neither in- creases nor reductions.	§	Also see postponement notice, page 2 of Supplement 27.
△	Matter in this item is brought forward without change in application from item being cancelled.		
*	Indicates new item.		

—finis—

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS APPENDIX.

(Decision No. 74109)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ENGLEWOOD TRANSIT CO., A COLORADO)
CORPORATION, 1125 WEST 46TH AVENUE,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23924-PP

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

January 7, 1970

Appearances: Peter J. Crouse, Esq., Denver, Colorado,
for Applicant;
T. Peter Craven, Esq., Denver, Colorado,
for Westway Motor Freight, Inc., and
Goldstein Transportation & Storage, Inc.,
Protestants.

PROCEDURE AND RECORD

Under date of August 11, 1969, Applicant filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 23924-PP to the application.

Protests were received on August 27, 1969, from the following motor carriers for hire: Westway Motor Freight, Inc. and Goldstein Transportation & Storage, Inc.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on October 20, 1969, at 10:00 o'clock A.M. The hearing on October 20, 1969, by agreement of all parties of interest, was continued to be held at the aforesaid place on November 19, 1969.

The hearing was held at the aforesaid time and place.

E. G. Perry, Jr., President of the Applicant corporation and Donald L. Cooke, Supervisor of Systems and Control of Jeffco Manufacturing Company, testified in support of the application. Kemp Shacklett, Vice-President of Northwest Transport Service, the parent company of the Protestant Carriers, testified for Protestants.

Applicant's Exhibits numbered 1, 2, 3 and 4, and Protestants' Exhibits numbered 5, 6, 7 and 8 were received and admitted into evidence.

Official Notice was taken by the Examiner of Rule 385 in Case 1585. Applicant moved that the Examiner take Official Notice of Decision No. 59465, dated October 19, 1963, which Motion was objected to by Protestants. The Examiner took the Motion under advisement.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Applicant, Englewood Transit Company, is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of these proceedings.
3. Applicant does hold previously granted authority from this Commission, to-wit: Certificates of Authority PUC No. 415 and PUC No. 415-I and Permit No. A-623. The aforesaid authorities with regard to the handling of shipments to the point of destination would have to be on an occasional service basis, however, whereas, the herein Application No. 23924-PP is, in essence, a petition for scheduled service, and therefore, there exists no basic conflict between or duplication with the aforesaid authorities.
4. By the herein application, Applicant seeks authority as a Class "B" contract carrier to transport the following designated commodities within the following described territory or area:

"Transportation of empty sheet iron, steel, aluminum or other metal containers from the plant site of Jeffco Manufacturing Co. in Jefferson County, Colorado, to points within the City of Pueblo, Colorado."

5. Applicant owns sufficient equipment and facilities, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.
6. The chief corporate officers as well as the employees of the Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission.
7. Applicant is amply insured.
8. Applicant proposes to enter into a carriage contract with a customer. At the hearing, however, Applicant did not prove by competent evidence that it expects to and will place the authority, if granted, into reasonably immediate use, since there is no traffic to move under the authority as applied for herein at the present time nor will there be any in the reasonably near future. The hopes (emphasis supplied) of Applicant's shipper witness that in the future there may be traffic developed between the plant site of the Jeffco Manufacturing Company and some customer or customers in the City of Pueblo, Colorado, is just that, a hope, not supported by actual facts, and the evidence presented by said witness is speculative and nebulous. The application of Applicant is, therefore, at best, premature.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The Motion to take Official Notice of Decision No. 59465 should be sustained, but in view of the Findings of Fact, supra, and Recommended Order, infra, the Motion has become moot.
2. The authority applied for by Applicant is not supported by competent evidence that, if granted, it will be put into reasonably immediate use, and the application should, therefore, be denied.
3. Pursuant to the provisions of Section 115-6-9 (2), CRS 1963, as amended, the Commission enters the following

RECOMMENDED ORDER

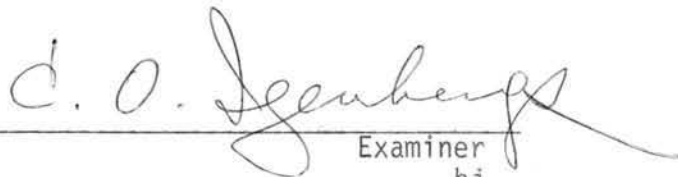
THE COMMISSION ORDERS:

1. That Application No. 23924-PP, being an application of Englewood Transit Co., a Colorado corporation, 1125 West 46th Avenue, Denver, Colorado, for a Class "B" Permit to operate as a contract carrier by motor vehicle for hire, be, and hereby is, denied, subject to the provisions of Paragraph 3 of this Recommended Order.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
YELLOW CAB, INC., 3455 RINGSBY COURT,)	
DENVER, COLORADO, 80216, FOR AN ORDER)	
CONSOLIDATING, CLARIFYING AND EXTEND-)	APPLICATION NO. 24067-Extension
ING PUC NO. 2204, PUC NO. 2204-I, AND)	<u>Consolidation and Clarification</u>
PUC NO. 1223, INTO A SINGLE CERTIFICATE)	
TO BE KNOWN, REISSUED AND OPERATED AS)	
PUC NO. 2204 AND 2204-I.)	

IN THE MATTER OF THE APPLICATION OF)	
CHECKER CAB, INC. 3455 RINGSBY COURT,)	
DENVER, COLORADO, OWNER, AND YELLOW)	
CAB, INC., 3455 RINGSBY COURT, DENVER,)	
COLORADO, LESSEE, FOR AN ORDER CONSOLI-)	APPLICATION NO. 24068-Extension
DATING, CLARIFYING AND EXTENDING PUC)	<u>Consolidation and Clarification</u>
NO. 2378, PUC NO. 2450, AND PUC NO.)	
1529, INTO A SINGLE CERTIFICATE TO BE)	
KNOWN, REISSUED AND OPERATED AS PUC)	
NO. 2378 AND PUC NO. 2378-I.)	

January 7, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 24, 1969, Local Union No. 775 of International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, by its attorneys, George T. Ashen, Esq. and Marshall A. Fogel, Esq., filed a Petition to Intervene as its interest may appear in the above-captioned proceedings and caused copies of said Petition to be served by mail upon Walter M. Simon, Esq., attorney for Applicants.

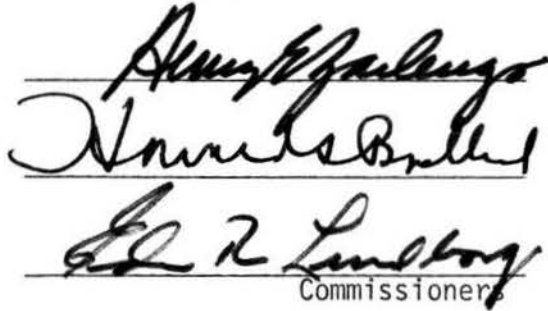
The Commission states and finds that applicant for intervention, Local Union No. 775 of International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, is a party who may or might be interested in or affected by any order which may be entered in these proceedings and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS:

That the Petition to Intervene by Local Union No. 775 of International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, as its interest may appear, be, and the same hereby is granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1970.
hj

(Decision No. 74111)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAN ISABEL ELECTRIC ASSOCIATION, INC.,)
d/b/a/ SAN ISABEL ELECTRIC SERVICES,)
INC., 316 WEST 15TH STREET, PUEBLO,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
AS A PUBLIC UTILITY DISTRIBUTING)
ELECTRIC ENERGY IN PORTIONS OF THE)
COUNTY OF PUEBLO, STATE OF COLORADO.)

APPLICATION NO. 24096

January 7, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 26, 1969, McCulloch Properties, Inc., by its attorneys, filed a Petition For Leave To Intervene in the above-captioned proceeding and caused copies of said Petition to be served by mail upon Alvin J. Meiklejohn, Jr., Esq., and Harry S. Petersen, Esq., attorneys for Applicant, and Joseph F. Nigro, Esq.

The Commission states and finds that applicant for intervention, McCulloch Properties, Inc., is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.


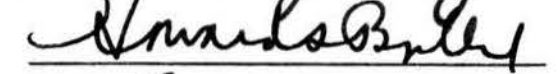

O R D E R

THE COMMISSION ORDERS:

That the Petition to Intervene by McCulloch Properties, Inc.,

be, and the same hereby is, granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1970.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ITEM 1398, COLORADO MOTOR
CARRIERS' ASSOCIATION, AGENT,
TARIFF NO. 14, COLORADO PUC
NO. 13*(*THE MOTOR TRUCK COMMON
CARRIERS' ASSOCIATION, AGENT, SERIES)

INVESTIGATION AND SUSPENSION
Docket No. 642

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

January 7, 1970

Appearances: Orville Dunlap, Montrose,
Colorado, for Orville
Dunlap and Harold Dunlap,
dba Orville Dunlap & Son,
Respondents;

John J. Conway, Esq., Denver,
Colorado, for Western Slope
Truck Line, Inc., and
Norwood Truck Line, Inc.,
Protestants;

Ralph H. Knull and Lawrence C. Abdoo,
Denver, Colorado, of the Staff
of the Commission

PROCEDURE AND RECORD

Under date of August 26, 1969, the Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, filed 6th Revised Page No. 87-S to Tariff No. 14, PUC No. 13, setting forth the following rates, scheduled to become effective September 26, 1969.

Item No.	
1398	The following charges will apply on shipments of livestock transported by Orville Dunlap and Harold Ross Dunlap, dba Orville Dunlap & Son, between the Montrose Sale Barn, Montrose, Colorado, and Railroad Loading Chutes at Montrose, Colorado: Cattle - \$5.00 per rail carload Sheep - \$7.50 per rail carload / (R) Livestock, other than sheep or goats, minimum weight 38,000 pounds per unit, from Delta, Grand Junction, Montrose and Olathe and points within a 10-mile radius of each, to Denver and points within a 50-mile radius -- 75¢ per 100 pounds. (Applies via Orville Dunlap & Son and Leonard C. Rich only.)

/ denotes addition
(R) denotes reduction

Protests were received following the filing of the aforesaid rate schedule, on September 16, 1969, from Western Slope Truck Line, Inc., and Norwood Truck Line, Inc.

Upon consideration of the aforesaid schedule and the protests filed, the Commission, by Decision No. 73586, dated September 19, 1969, in which it stated that the proposed schedule, if permitted to become effective, may result in rates and charges which may be in violation of the Public Utilities Law of the State of Colorado, suspended the operation of the said schedule to and including January 24, 1970, assigned Investigation and Suspension Docket No. 642 to the Schedule, and ordered that said Investigation and Suspension Docket No. 642 be set for a public hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on November 25, 1969, at 10:00 o'clock a.m.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing in this matter. Proper and due Notice was given to all interested persons, firms or corporations of the forthcoming public hearing.

Upon request of Protestants' attorney, the time for the hearing was reset at 2:00 o'clock p.m. on the same date and the same place as originally scheduled.

Hearing was held at the aforesaid time and place.

Mr. Leonard C. Rich, one of the proponents of the new rate schedule, did not appear at the hearing. Counsel for Protestants moved that the reference to Leonard C. Rich be stricken from the proposed tariff because the said Leonard C. Rich did not appear at the hearing to support the tariff. The Examiner took the Motion to Strike under advisement.

Orville Dunlap, partner in the firm of Orville Dunlap & Son, testified in support of the proposed rate schedule and sponsored Respondents' Exhibit No. 1.

Doug Garner, Manager of Norwood Truck Line, Inc., and Ray Hawks, Manager of Western Slope Truck Line, Inc., testified on behalf of Protestants.

Lawrence C. Abdoo, Associate Rate Expert of the Commission, testified on behalf of the Staff of the Commission.

Respondents' Exhibit No. 1, Protestants' Exhibits A, B and C, and Staff Exhibit D were received and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Respondents, Orville Dunlap and Harold Ross Dunlap, doing business as Orville Dunlap and Son, are an irregular route common carrier, authorized to operate in the State of Colorado under authority granted in Certificates of Authority PUC No. 876, PUC No. 1204, PUC No. 1346-I, PUC No. 1861-I, and a contract carrier under Permits Nos. B-4910, B-5654 and B-6292.
2. Pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Respondents and the subject matter of these proceedings.
3. Respondents' witness, Orville Dunlap, admitted on the stand that they seek to increase traffic handled by their line by raising the minimum weight requirements and lowering the rate per hundred weight.
4. The proposed rates may be prejudicial to the extent that shippers located near and yet outside of the radial areas as proposed would have to pay a considerably higher rate than those located within the radial area.
5. Respondents failed to prove by competent evidence that the proposed rates are just and reasonable. In particular, Respondents failed to present any cost data or cost studies to justify or prove their argument that the proposed rates are compensatory and therefore just and reasonable.
6. The findings of fact as set forth in the Discussion, infra, are made a part of these FINDINGS OF FACT.

DISCUSSION

Respondents seek to file a lower rate and a higher minimum weight requirement for the transportation of livestock from Delta, Grand Junction, Montrose and Olathe, all in the State of Colorado, and points within a ten (10) mile radius of each of the aforesaid locations to Denver and points within a fifty (50) mile radius thereof.

From the evidence presented, it has to be concluded that the carrier is basing his case on the hope that he would be able to divert traffic from the Ogden-Salt Lake City, Utah, livestock markets to the Denver and Greeley livestock markets. This is a purely theoretical speculation and it is not supported by competent evidence. It has been held by the Commission in the past that the important element in determining the justness and reasonableness of reduced rates is whether or not they are reasonably compensatory, or, in other words, that the earnings produced by such rates offset the fully allocated costs of the carrier and leave a reasonable profit. This the Respondents have failed to show.

The Commission, in Decision No. 66530, dated January 4, 1956, stated:

"The Commission, on the record, is unable to determine as to the compensativeness, or lack of, of the rates and charges under investigation in this proceeding. The burden of showing that the rates and charges under investigation are just and reasonable and otherwise lawful rests with the Respondent."

In Decision No. 72493, dated February 6, 1969, the Commission reiterated its position by stating at page 7 of the Decision:

"This record is bare of any credible evidence upon which this Commission could make a determination as to whether or not the rates and charges herein proposed would be compensatory. We have said that the burden of proof is on the Respondent -- the proponent of the rates and charges being investigated -- to demonstrate by credible evidence that the proposed rates and charges are lawful. A minimum showing in this regard is to demonstrate that the rates and charges will be compensatory to the carrier or carriers involved."

We find that the Respondents in this proceeding did not present any cost evidence whatsoever. The only cost testimony of any kind was presented by the Staff based on the carrier's overall costs extracted from its Annual Report for the year 1968 (Exhibit D). The said testimony indicates that the proposed rates would produce revenue that would be considerably below the carrier's total expenses.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact and the DISCUSSION, supra, it is concluded, that:

1. The Motion to Strike any reference in the proposed rate schedule to Leonard C. Rich should be sustained but the Motion has become moot in view of the language of the Recommended Order, infra.

2. The proposed rate schedule is not just and reasonable and is therefore not lawful.
3. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, the Commission enters the following

RECOMMENDED ORDER

THE COMMISSION ORDERS:

That subject to the provisions of Paragraph 5 of this Recommended Order,

1. Orville Dunlap and Harold Ross Dunlap, doing business as Orville Dunlap & Son, and Leonard C. Rich, be, and hereby are, ordered and required to cancel the provisions of item 1398, second paragraph, in Colorado Motor Carriers' Association, Agent, Tariff No. 14, Colorado PUC No. 13* (*The Motor Truck Common Carriers Association, Agent, Series).

2. The cancellation of the rates herein shall be accomplished and become effective within thirty (30) days after the effective date of this Order by posting and filing the necessary cancellation page upon not less than five (5) days' notice to the public and to this Commission in the manner prescribed by law and the Rules and Regulations of this Commission.

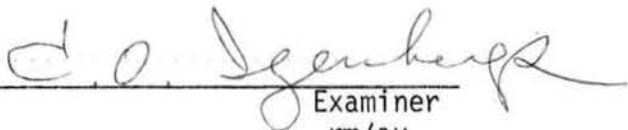
3. The herein proceedings should be, and hereby are, discontinued.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

5. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended

Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
rm/av

(Decision No. 74113)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

BYRON JACKSON INC.
Post Office Box 47
Farmington, New Mexico 87401

AUTHORITY NO. M 708

CASE NO. 5004-M-Ins.

January 6, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 22, 1969 , in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

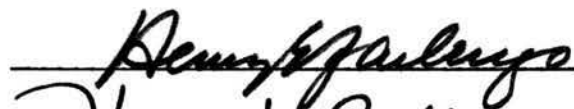
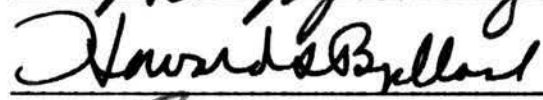
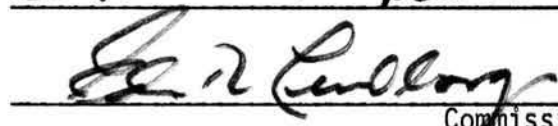
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 6th day of January, 1970 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF COLORADO AVIATION, INC., DOING)
BUSINESS AS COLORADO AIRLINES,)
2120 BROADWAY, DENVER, COLORADO)
80202, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
OPERATE AS A COMMON CARRIER BY)
AIRCRAFT (EXCEPT HELICOPTER).)

APPLICATION NO. 24111

January 7, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 26, 1969, Rocky Mountain Airways, Inc., by its attorney, Robert S. Wham, filed a Petition to Intervene in the above-captioned proceeding and caused copies of said Petition to be served by mail upon Roger Sollenbarger, Esq., attorney for Applicant.

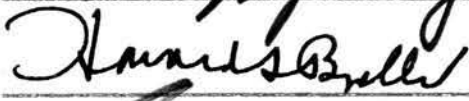
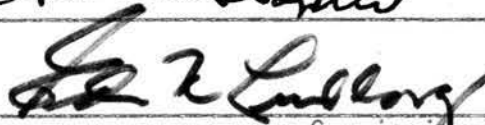
The Commission states and finds that applicant for intervention, Rocky Mountain Airways, Inc., is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS:

That the Petition to Intervene by Rocky Mountain Airways, Inc., be, and the same hereby is, granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
7th day of January, 1970.

vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF COLORADO AVIATION, INC., DOING)
BUSINESS AS COLORADO AIRLINES,)
2120 BROADWAY, DENVER, COLORADO)
80202, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
OPERATE AS A SCHEDULED COMMON)
CARRIER BY AIRCRAFT (EXCEPT)
HELICOPTER).)

APPLICATION NO. 24110

January 7, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 26, 1969, Rocky Mountain Airways, Inc., by its attorney, Robert S. Wham, filed a Petition to Intervene in the above-captioned proceeding and caused copies of said Petition to be served by mail upon Roger Sollenbarger, Esq., attorney for Applicant.


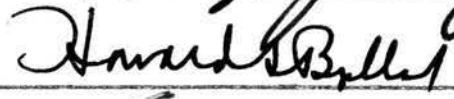
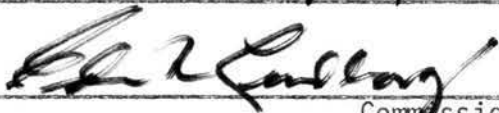
The Commission states and finds that applicant for intervention, Rocky Mountain Airways, Inc., is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS:

That the Petition to Intervene by Rocky Mountain Airways, Inc., be, and the same hereby is, granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
7th day of December, 1970.

vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ABE BRAVERMAN, DOING BUSINESS AS)
"BETTER BRANDS OF COLORADO," 102)
WEST COSTILLA, COLORADO SPRINGS,)
COLORADO, FOR AUTHORITY TO TRANS-)
FER INTERSTATE OPERATING RIGHTS)
TO ESTELLE BRAVERMAN AND ESTELLE)
BRAVERMAN AS EXECUTRIX OF THE)
ESTATE OF ABE BRAVERMAN, DOING)
BUSINESS AS "BETTER BRANDS OF)
COLORADO," 102 WEST COSTILLA,)
COLORADO SPRINGS, COLORADO.)

PUC NO. 2803-I - Transfer

January 7, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Abe Braverman, doing business as "Better Brands of Colorado," Colorado Springs, Colorado, was granted a certificate of public convenience and necessity, being PUC No. 2803-I, authorizing operation as a common carrier by motor vehicle for hire:

"Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of 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."

Authority is herein sought to transfer said PUC No. 2803-I to Estelle Braverman and Estelle Braverman as Executrix of the Estate of Abe Braverman, doing business as "Better Brands of Colorado," Colorado Springs, Colorado.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized as set forth in the Order following.

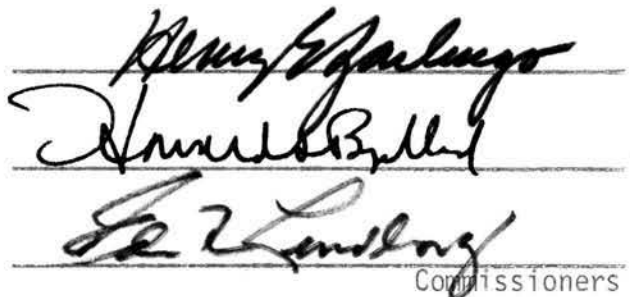
O R D E R

THE COMMISSION ORDERS:

That PUC No. 2803-I -- with authority as set forth in the Statement preceding -- be, and hereby is, authorized to be transferred from Abe Braverman, doing business as "Better Brands of Colorado," Colorado Springs, Colorado, to Estelle Braverman and Estelle Braverman as Executrix of the Estate of Abe Braverman, doing business as "Better Brands of Colorado," Colorado Springs, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
7th day of January, 1970.

vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF CRESTED BUTTE AIR SERVICE, INC.,)
P.O. BOX 294, CRESTED BUTTE, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY AUTHOR-)
IZING OPERATION AS A COMMON CARRIER)
BY AIRPLANE.)

APPLICATION NO. 24030

January 7, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 29, 1969, Rocky Mountain Airways, Inc., by its attorney, Joffre M. Johnson, Esq., filed a Motion to Intervene in the above-captioned proceeding and caused copies of said Motion to be served by mail upon Roger Sollenbarger, Esq., attorney for Applicant.

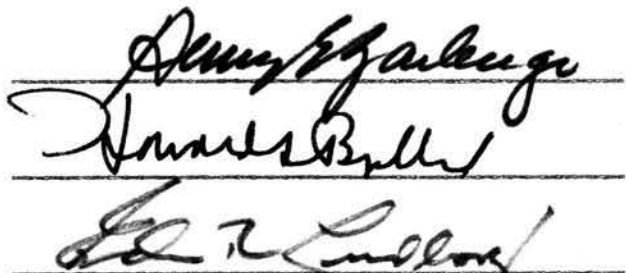
The Commission states and finds that applicant for intervention, Rocky Mountain Airways, Inc., is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS:

That the Motion to Intervene by Rocky Mountain Airways, Inc., be, and the same hereby is, granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
7th day of January, 1970.

vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

Gail F. Doyle
320 Scott
Dalhart, Texas 79022

AUTHORITY NO. 6507-I

CASE NO. 1862-H-Ins.

January 7, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 22, 1969 in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.


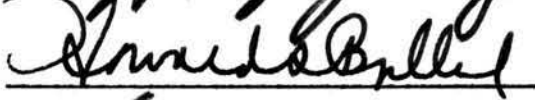
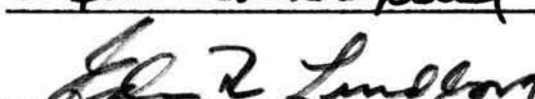
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

ORDER

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1970 .

(Decision No. 74119)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

GAIL F. DOYLE
320 Scott
Dalhart, Texas 79022

AUTHORITY NO. M 12400

CASE NO. 5055-M-Ins.

January 7, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 22, 1969, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

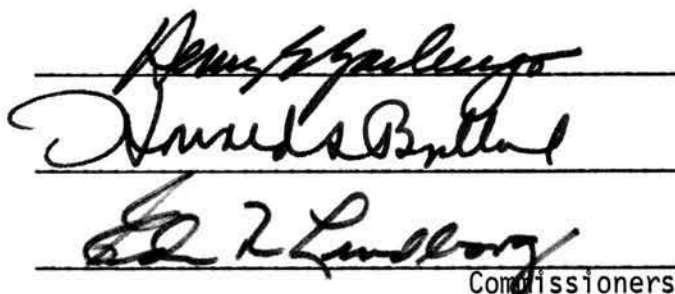
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1970 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GRAND VALLEY POWER LINES, INC., GRAND)
JUNCTION, COLORADO, FOR AUTHORITY TO)
ISSUE SECURITIES IN THE PRINCIPAL)
AMOUNT OF \$269,000 AND THE APPLICATION)
OF THE PROCEEDS FOR CERTAIN SPECIFIED)
PURPOSES.)

APPLICATION NO. 24091-Securities

January 8, 1970

Appearances: Eugene H. Mast, Esq., Grand Junction,
Colorado, for Applicant;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission, and
James D. Grundy, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On December 9, 1969, Grand Valley Power Lines, Inc., (hereinafter referred to as Grand Valley or Applicant) filed with this Commission the above entitled application, (1) for authority to issue a Mortgage Note for \$269,000 payable to the United States of America bearing interest at the rate of two percent (2%) per annum and payable within thirty-five (35) years after the date thereof; secured by supplemental mortgage; and (2) to approve an Amended Loan Contract dated October 17, 1969, amending the Loan Contract between Grand Valley and the United States of America dated June 22, 1951 and setting a maximum which may be borrowed by the Applicant at \$3,004,000.

The matter was set for hearing after due notice to all interested parties on December 29, 1969 at 10 o'clock a.m. in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and at such time and place was heard by Commissioner Howard S. Bjelland, to whom the matter was assigned pursuant to law. At the conclusion of the hearing, the matter was taken under advisement.

No protests were filed with regard to this application, and no one appeared at the hearing in opposition to the granting of the authority sought therein.

Exhibits A through J were offered and admitted into evidence. Revised Exhibits B, C and H updated to November 30, 1969 were offered and admitted into evidence.

Applicant is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing and selling electricity to its members and non-members on its lines in the Counties of Mesa, Delta and a portion of Garfield in the State of Colorado and owns and operates certain electric distribution and related facilities in said Counties. Grand Valley served 4,036 customers as of November 30, 1969.

The Applicant's witness, A. J. Letey, General Manager of Grand Valley, identified Applicant's Exhibit E as the form of the Amending Loan Contract dated October 17, 1969 between Grand Valley and the United States of America and Applicant's Exhibit F as the form of the proposed Mortgage Note between Grand Valley and the United States of America and Exhibit G, the form of Supplemental Mortgage proposed between Grand Valley and the United States of America and testified summarily as follows:

The loan has been approved by the Rural Electrification Administration and the Board of Directors of Grand Valley subject to the approval of this Commission.

Grand Valley needs the loan funds sought to be approved in this application for the improvement in its electrical system and for the construction, completion, extension and improvement of its properties and for the improvement and maintenance of its service and for other lawful purposes.

Grand Valley's cost estimate, Exhibit D, was prepared from an engineering study made by consulting engineer A. D. Loftin. Exhibit J, the power requirement study, prepared by the Rural Electrification Administration was used by the consulting engineer as a basis for the preparation of Exhibit D. The cost estimate covers construction requirements for approximately two years.

Grand Valley proposes to use the \$269,000 from its loan for the construction and installation of the following electric facilities:

Distribution

26.1 miles of new single phase pole line	\$ 75,000
.8 miles of new three phase pole line	4,500
2.5 miles of new single phase tie-lines	6,000
.9 miles of new two phase tie-lines	3,300
.6 miles new three phase tie-lines	5,400
3.0 miles of conversion and line changes (single phase to two phase)	4,200
2.6 miles of conversion and line changes (single phase to three phase)	14,200
2.5 miles of conductor change (three phase to three phase)	18,800
212 transformers and 206 meters for new consumers	55,500
80 transformers and 20 meters increased capacity of existing consumers	19,000
20 sets of service wires	1,600
Sectionalizing equipment	3,600
Regulators	7,500
188 security lights	47,500
Right-of-way easements	2,500
TOTAL	<u>\$268,600</u>

Applicant's witness, Lyle E. Shriver, Office Manager of Grand Valley, testified as follows: Exhibit A shows the long-term debt of Grand Valley at December 31, 1968. The exhibit shows the interest on long-term debt for the calendar year 1968 and the prepayments on debt at December 31, 1968.

Revised Exhibit B and revised Exhibit C show the financial position of the Applicant. Revised Exhibit B, the balance sheet at November 30, 1969, shows cash funds available to Applicant to be \$343,886.85; that is, \$58,910.06 in cash, \$234,977.91 in restricted funds and \$49,998.88 in REA loan funds. The balance sheet shows total margins and equities of \$935,250.21. Revised Exhibit C, the statement of operations, shows that Grand Valley's operations for 11 months in 1969 have resulted in net margins of \$53,944.74.

Revised Exhibit H shows the actual capital structure of Grand Valley as of November 30, 1969 to be 38.4% equity and 61.6% long-term debt.

Exhibit I, the financial forecast, was prepared from a retail rate study made by R. W. Beck and Associates for Grand Valley. The forecast projects Grand Valley's operations for the years 1969 through 1974. The exhibit indicates Grand Valley's net margin will be \$72,880 in 1969, \$82,146 in 1971

and \$91,623 in 1974. The exhibit shows a rate of return of 4.51% in 1969, 4.83% in 1971 and 5.09% in 1974 with the equity ratio ranging from a low of 37.9% to a high of 38.9% during these years. The witness testified that revenues will be sufficient to meet debt service payments on the new loan for which approval is presently being sought.

The annual debt service payments to the Rural Electrification Administration presently amount to \$111,000. Advance payments on long-term debt amount to \$184,000 and will cover approximately 1-3/4 years' debt service payments.

Colorado Ute Electric Association has allocated capital credits to Grand Valley for the years 1966, 1967 and 1968 in the amount of \$60,185. The witness testified that these capital credits had not been recorded on the books of Grand Valley. Colorado Ute had a deficit equity and Grand Valley questions the propriety of recording the capital credits on their books until after the actual cash is received.

The Uniform System of Accounts adopted by this Commission sets forth the accounting procedure to be followed by a distribution cooperative when capital credits are received from a generation and transmission cooperative. The prescribed accounting is to debit account 123.1, Patronage Capital from Associated Cooperatives and credit account 201.2, Patronage Capital Assignable. This Commission feels the accounting prescribed by the Uniform System of Accounts should be adhered to in the handling of such capital credits. Therefore, capital credits received from Colorado Ute Electric Association should be recorded and allocated to its distribution cooperative consumers in such a manner that they can be readily determined by years and by consumers at any time such information may be required.

Grand Valley has not refunded any capital credits resulting from its own operations to its consumers to date. However, Grand Valley plans to refund the capital credits for the years 1949 through 1956 during the year 1970. This refund will amount to approximately \$40,000.

FINDINGS OF FACT

From the record herein, the Commission finds as fact that:

1. Applicant, Grand Valley Power Lines, Inc., is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.

2. This Commission has jurisdiction over the Applicant and the subject matter in this application.

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

4. The financial position of the Applicant and its ability to serve will not be impaired by this borrowing.

5. The Commission is fully advised on the premises.

6. The Amendment, dated October 17, 1969, to the Amending Loan Contract between Grand Valley Power Lines, Inc., and the United States of America dated June 22, 1951 as amended, Applicant's Exhibit E herein, should be authorized and approved.

7. The Mortgage Note payable to the United States of America designated Colorado 7-X Mesa, in the amount of \$269,000, Applicant's Exhibit F in this proceeding, is not inconsistent with the public interest and that the purpose or purposes thereof are permitted by, and are consistent with, the provisions of Chapter 115, Colorado Revised Statutes, 1963 and therefore should be authorized and approved.

8. The supplemental mortgage to the United States of America securing the Mortgage Note identified herein as Exhibit G should be authorized and approved.

9. The capital credits received from the generation and transmission cooperative shall be recorded on the books of Applicant in accordance with the Uniform System of Accounts and allocated to Applicant's members.

10. Within one hundred twenty (120) days of the final execution of the instruments authorized herein, Applicant should file, with the Commission, one (1) conformed, executed copy of such instruments.

11. Since Chapter 115-1-4, Colorado Revised Statutes, 1963 requires that the security applications be disposed of within thirty (30)

days, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the hearing Commissioner be omitted and that this decision should be the initial decision of the Commission.

It is the conclusion of the Commission that the application should be granted and that the following order should be entered.

O R D E R

THE COMMISSION ORDERS:

That the issuance of the Mortgage Note payable to the United States of America, designated as Colorado 7-X Mesa in the amount of \$269,000, Exhibit F, herein be, and the same hereby is, authorized and approved.

That the Amendment dated October 17, 1969, to the Amending Loan Contract between Grand Valley Power Lines, Inc. and the United States of America dated June 22, 1951 be, and the same hereby is, authorized and approved.

That the supplemental mortgage to the United States of America identified herein as Exhibit G securing the Mortgage Note be, and the same hereby is, authorized and approved.

That within one hundred twenty (120) days of the execution of the Mortgage Note for \$269,000 authorized herein, Grand Valley Power Lines, Inc. shall file with this Commission, one (1) conformed copy of such executed note and one (1) conformed copy of each other document made and entered into in connection herewith.

That nothing herein contained should be construed to imply any recommendation or guarantee of or any obligation with regard to said securities on the part of the State of Colorado.

That the capital credits received from the generation and transmission cooperative shall be recorded on the books of Applicant in accordance with the Uniform System of Accounts and allocated to Applicant's members.

That the Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem proper and desirable.

That the authority herein granted shall be exercised from and the date of this Order, and the Order herein contained shall be effective forthwith.

That the within Decision and Order shall be the initial Decision and Order of the Commission as provided for in Chapter 115-6-9 (6), CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1970.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY)
CERTIFICATES OF PUBLIC CONVENIENCE)
AND NECESSITY UNDER CHAPTER 115-9-4)
(2), CRS 1963, FOR THE TEMPORARY OR)
SEASONAL MOVEMENT OF SUGAR BEETS)
AND SUGAR BEET PULP.)

APPLICATION NO. 24150
EMERGENCY DISTRICT 1-70

January 7, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Chief of Transportation, Transportation Section, of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of sugar beets and sugar beet pulp in the Counties of Adams, Arapahoe, Baca, Bent, Boulder, Crowley, Delta, Kiowa, Kit Carson, Larimer, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma, Colorado.

Request, pursuant to the above, has been made for an Order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets and sugar beet pulp in the counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of sugar beets and sugar beet pulp in the Counties of Adams, Arapahoe, Baca, Bent, Boulder, Crowley, Delta, Kiowa, Kit Carson, Larimer, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma, Colorado and that the present or future public convenience and necessity requires or will require the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting

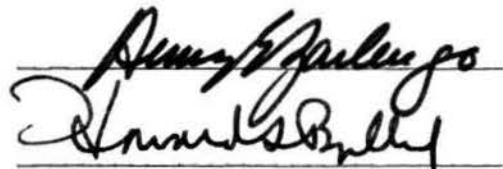
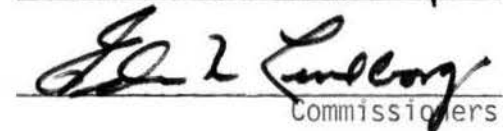
said commodities, as provided in Chapter 115, Article 9, Section 4(2), CRS 1963, and as set forth in the Order following:

O R D E R

THE COMMISSION ORDERS:

That temporary certificates, be, and hereby are authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting sugar beets and sugar beet pulp in the Counties of Adams, Arapahoe, Baca, Bent, Boulder, Crowley, Delta, Kiowa, Kit Carson, Larimer, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma, State of Colorado; provided however, that said certificates shall be effective for only a period of NINETY (90) DAYS commencing January 7, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 7th day of January, 1970.
pm

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

Midwest Burlap & Bag Company
1401 Thomas Beck Road
Des Moines, Iowa 50315

AUTHORITY NO. M-1742

CASE NO. 5024-M-Ins.

January 8, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 22, 1969 in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

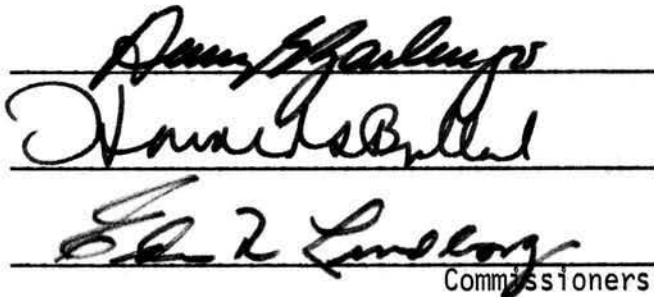
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 8th day of January 1970

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DON SWANSON, BOX 195, MORRISON,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24134-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

January 9, 1970

The above-entitled application under CRS 1963, 115-6-20(4), being under consideration, and

It appearing, That applicant has established the following: That appropriate application has been made to this Commission for permanent authority as follows:

"Transportation of

- (1) 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 (50) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to rail-road loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION:

Items 1,2,3, and 4 of this emergency temporary authority are restricted against the use of tank vehicles when transporting road-surfacing materials."

It further appearing, That there is an immediate and urgent need for the transportation service herein sought; that failure to immediately grant Emergency Temporary Authority will result in undue delay in availability of equipment to contractors for pending construction projects.

And it further appearing, That said circumstances constitute an emergency requiring the immediate issuance of Emergency Temporary Authority.

It is ordered, That Don Swanson be, and is hereby, granted Emergency Temporary Authority for a period of fifteen (15) days, commencing January 9, 1970, as a contract carrier by motor vehicle, for the

"Transportation of

- (1) 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 (50) miles of said pits and supply points;

- (2) 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 (50) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

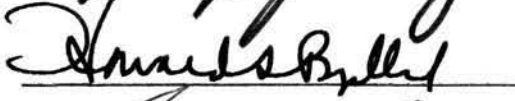
RESTRICTION:

Items 1, 2, 3, and 4 of this emergency temporary authority are restricted against the use of tank vehicles when transporting road-surfacing materials;"

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of January, 1970.
pm

(Decision No. 74124)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EUEL T. ALLEN, DOING BUSINESS AS)
"EUEL T. ALLEN LOGGING," 121 HILL)
STREET, BOX 752, STEAMBOAT SPRINGS,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24135-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

January 9, 1970

The above-entitled application under CRS 1963, 115-6-20(4), being under consideration, and

It appearing, That applicant has established the following: That appropriate application has been made to this Commission for permanent authority as follows:

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction and roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to rail-road loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3, and 4 of this emergency temporary authority are restricted against the use of tank vehicles when transporting road-surfacing materials."

It further appearing, That there is an immediate and urgent need for the transportation service herein sought; that failure to immediately grant Emergency Temporary Authority will result in undue delay in availability of equipment to contractors for pending construction projects.

And it further appearing, That said circumstances constitute an emergency requiring the immediate issuance of Emergency Temporary Authority.

It is ordered, That Euel T. Allen, doing business as "Euel T. Allen Logging," be, and is hereby, granted Emergency Temporary Authority for a period of fifteen (15) days, commencing January 9, 1970, as a contract carrier by motor vehicle, for the

"Transportation of

- (1) 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 one hundred (100) miles of said pits and supply points;

- (2) 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 one hundred (100) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3, and 4 of this emergency temporary authority are restricted against the use of tank vehicles when transporting road-surfacing materials;"

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Faulkner
Donald B. Miller
Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 9th day of January, 1970.
pm

(Decision No. 74125)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
A A A MOVING & STORAGE, INC., 2430	)	<u>APPLICATION NO. 23960-Transfer</u>
EAST 40TH AVENUE, DENVER, COLORADO,)	
FOR AUTHORITY TO TRANSFER PUC NO. 507	)	<u>RECOMMENDED DECISION OF</u>
AND PUC NO. 507-I to G. I. EXPRESS	)	<u>CHRISTIAN O. IGENBERGS,</u>
COMPANY, A COLORADO CORPORATION, 1140	)	<u>EXAMINER.</u>
WEST 5TH AVENUE, DENVER, COLORADO.)	

January 9, 1970

Appearances: Joseph F. Nigro, Esq., Denver, Colorado,
for Transferor and Transferee.

PROCEDURE AND RECORD

Under date of August 27, 1969, Applicants filed the above-entitled application for authority to transfer Certificates of Authority PUC No. 507 and PUC No. 507-I as specifically set forth in said application.

The Commission, pursuant to law, designated Christian O. Igenbergs as an Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the aforesaid application for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on November 17, 1969, at 10:00 o'clock A.M. Hearing was held at the aforesaid time and place.

W. Emerson Gamble and David Sheppard testified in support of the application. No person appeared to intervene or to protest the granting of the application.

Applicants' Exhibits numbered 1 and 2 were admitted into evidence.

Official notice was taken of Certificates of Authority PUC No. 507 and PUC No. 507-I on file with this Commission.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Transferor herein is the present owner and operator of PUC No. 507 and PUC No. 507-I, which are the subject matter of these proceedings.
2. These authorities have been continually operated in the past and are presently in good standing with the Commission.
3. Transferee herein presently holds authority from this Commission, to-wit: Certificates of Authority PUC No. 2589 and PUC No. 2589-I. Said authority has been sold and an application for approval of the sale has been filed with the Commission to transfer PUC No. 2589 and PUC No 2589-I (Application No. 24072-Transfer) and, therefore, there is no duplication or overlapping of operating rights.
4. The parties have entered into an Agreement to transfer the operating authorities under Certificates of Authority PUC No. 507 and PUC No. 507-I and the consideration to be paid is fair and reasonable.
5. The aforesaid Certificate is presently encumbered and the said encumbrances are to be and will be assumed and continued by Transferee.
6. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for operation of the authority sought to be transferred herein.
7. The chief corporate officers as well as the employees of Transferee are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.
8. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfer is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer as sought by Applicants should be granted as hereinafter set forth.

2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, the Commission enters the following

RECOMMENDED ORDER

THE COMMISSION ORDERS:

1. That A A A Moving & Storage, Inc., 2430 East 40th Avenue, Denver, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificates of Authority PUC No. 507 and PUC No. 507-I to G. I. Express Company, a Colorado corporation, 1140 West 5th Avenue, Denver, Colorado, subject to the existing encumbrances against said authority and subject to the provisions of Paragraph 8 of this Recommended Order.

2. That henceforth the full and complete authority under Certificates of Authority PUC No. 507 and PUC No. 507-I shall read and be as follows, to-wit:

"Transportation -- on call and demand -- of

(1) Furniture, fixtures and household goods

In the Counties of Denver, Adams, Arapahoe, and Jefferson, State of Colorado, and for occasional service throughout the State of Colorado.

RESTRICTION:

- (a) Transportation of commodities other than household goods between points served singly or in combination of scheduled carriers shall require rates to be charged that shall be at least twenty percent (20%) in excess of those charged by scheduled carriers.
- (b) The owner or operator herein is prohibited without further order from this Commission from establishing an office in any other City or Town, than Denver, Colorado; and further is prohibited without further order from this Commission from having an agent employed in any other City or Town than Denver, Colorado, for the purpose of developing or conducting business.

- (2) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of 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."

3. 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.

4. 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.

5. The right of Transferee to operate under this Order shall depend upon the prior filing of an annual report by Transferor herein, covering the operations under said Certificate up to the time of transfer of said Certificate.

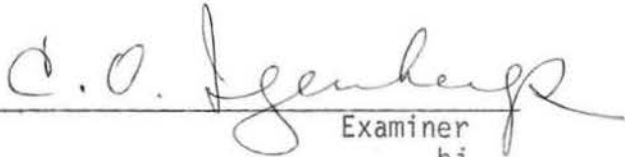
6. That transfer of interstate operating rights herein authorized is subject to the Federal Motor Carrier Act of 1935, as amended.

7. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

8. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision

shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
hj

(Decision No. 74126)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ELWOOD ZIEGENFUSS, 1125 NORTH)
IOWA, COLORADO SPRINGS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A CONTRACT CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 23850-PP
SUPPLEMENTAL ORDER

January 6, 1970

Appearances: Elwood Ziegenfuss,
Colorado Springs,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 26, 1969, Recommended Decision of Christian O. Igenbergs, Examiner, being Decision No. 73634, was issued granting to the Applicant herein the right to operate as a Class "B" contract carrier by motor vehicle for hire.

Said Applicant has failed to comply with requirements set forth in said Decision No. 73634, that is, has failed to pay the issuance fee.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in said Decision No. 73634 that operating rights granted thereby should be revoked as set forth in the Order following.

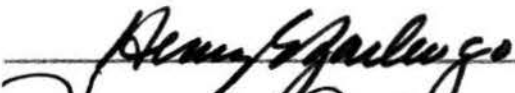
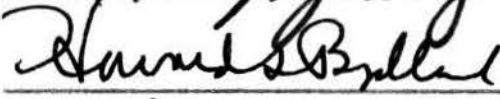
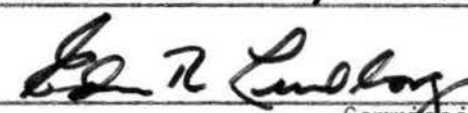
O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Elwood Ziegenfuss, Colorado Springs, Colorado, by Decision No. 73634, dated September 26, 1969, be, and the same hereby are, revoked for failure of Applicant to comply with requirements set forth in said Decision No. 73634.

This Order shall become effective twenty-one (21) days from
date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
6th day of January, 1970.
vr

(Decision No. 74127)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALFRED CHARLES WINDEN, GENERAL DELIVERY,)
WELLINGTON, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR THE)
TRANSPORTATION OF ASHES, TRASH, AND)
OTHER REFUSE FROM ALL POINTS WITHIN)
WELLINGTON, COLORADO TO DESIGNATED AND)
~~APPROVED DUMPS AND DISPOSAL SITES~~)
LOCATED IN LARIMER COUNTY, STATE OF)
COLORADO.)

APPLICATION NO. 24144-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

January 9, 1970

The above-entitled application under CRS 1963, 115-6-20(4), being under consideration, and

It appearing, That applicant has established the following: That appropriate application has been made to this Commission for permanent authority as follows:

"Transportation of

(1) Ashes, trash, and other refuse

From all points within Wellington, Colorado to designated and approved dumps and disposal sites located in Larimer County, State of Colorado."

It further appearing, That there is an immediate and urgent need for the emergency temporary authority herein sought.

It further appearing, That the service to be rendered is that of a Common Carrier by Motor Vehicle.

It further appearing, That failure to immediately grant emergency temporary authority may result in the Town of Wellington, Colorado being without rubbish and garbage removal service and a serious health problem may ensue.

And it further appearing, That said circumstances constitute an emergency requiring the immediate issuance of emergency temporary authority.

It is ordered, That Alfred Charles Winden be, and is hereby,
granted emergency temporary authority for a period of FIFTEEN (15) DAYS
commencing January 9, 1970 as a common carrier by motor vehicle for the
"Transportation of

(1) Ashes, trash, and other refuse

From all points within Wellington, Colorado to designated
and approved dumps and disposal sites located in Larimer
County, State of Colorado,"

conditioned upon full compliance with all applicable statutory and Commission
requirements, rules and regulations.

And it is further ordered, That the authority herein granted shall
create no presumption that corresponding temporary or permanent authority
will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado
this 9th day of January, 1970.
hj

(Decision No. 74128)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER-CLIMAX TRUCK LINE, INC., 4250)
ONEIDA STREET, DENVER, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS UNDER)
PERMIT NO. B-6530.)

APPLICATION NO. 23925-PP-Extension

EXTENSION OF TIME FOR
FILING EXCEPTIONS

January 8, 1970

Appearances: Raymond B. Danks, Esq.,
Denver, Colorado, for Applicant;
T. Peter Craven, Esq., Denver,
Colorado, for Ruan Transport
Corporation, Protestant.

STATEMENT AND FINDINGS OF FACT

On December 18, 1969, the Recommended Decision of Christian O. Igenbergs, Examiner, was filed with this Commission and served upon the parties. Section 115-6-9 (2), CRS 1963, as amended, provides that exceptions shall be filed within twenty (20) days after service of the Recommended Decision upon the parties or within such extended period of time as the Commission may authorize in writing.

On December 31, 1969, Protestants, Ruan Transport Corporation, by its attorney, T. Peter Craven, has filed with the Commission a petition requesting an extension of time within which to file exceptions to the Recommended Decision of the Examiner until twenty (20) days after the certification of the transcript by the reporter.

The Commission states and finds that said request is in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Protestant Ruan Transport Corporation, be, and hereby is, granted

an extension of time within which to file exceptions to the Recommended Decision of the Examiner until twenty (20) days after the certification of the transcript of the proceedings by the official reporter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry B. Gault
Donald B. Butler
Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 8th day of January, 1970.
ls.

(Decision No. 74129)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION OF)
EARL F. BUCKINGHAM AND DOROTHY M.)
BUCKINGHAM, DOING BUSINESS AS)
"ACTION PICKUP & DELIVERY", 950)
SOUTH HARRISON, DENVER, COLORADO, TO) APPLICATION NO. 22631-Transfer
SUBSTITUTE "COLORADO TRANSFER & STORAGE,)
INC.", a Colorado corporation, 2401)
SOUTH DOWNING STREET, DENVER, COLORADO,)
AS TRANSFEREE IN THE WITHIN TRANSFER)
PROCEEDING.)

IN THE MATTER OF THE PETITION OF)
EARL F. BUCKINGHAM AND DOROTHY M.)
BUCKINGHAM, DOING BUSINESS AS "PUEBLO)
TRANSFER AND STORAGE CO.", 950 SOUTH) APPLICATION NO. 22632-Transfer
HARRISON, DENVER, COLORADO, TO SUBSTI-)
TUTE "COLORADO TRANSFER & STORAGE,)
INC.", a Colorado corporation, 2401)
SOUTH DOWNING STREET, DENVER, COLORADO,)
AS TRANSFEREE IN THE WITHIN TRANSFER)
PROCEEDING.)

IN THE MATTER OF THE PETITION OF)
EARL F. BUCKINGHAM AND DOROTHY M.)
BUCKINGHAM, TO SUBSTITUTE "COLORADO) APPLICATION NO. 22633-Transfer
TRANSFER & STORAGE, INC.", a Colorado)
corporation, 2401 SOUTH DOWNING STREET,)
DENVER, COLORADO, AS TRANSFEREE IN THE)
WITHIN TRANSFER PROCEEDING.)

IN THE MATTER OF THE PETITION OF)
EARL F. BUCKINGHAM AND DOROTHY M.)
BUCKINGHAM, DOING BUSINESS AS)
"COLORADO SPRINGS TRANSFER AND STORAGE",) APPLICATION NO. 22628-Transfer
950 SOUTH HARRISON STREET, DENVER,)
COLORADO, TO SUBSTITUTE "COLORADO TRANS-)
FER & STORAGE, INC.", a Colorado corpor-)
ation, 2401 SOUTH DOWNING STREET, DENVER,)
COLORADO, AS TRANSFEREE IN THE WITHIN)
TRANSFER PROCEEDING.)

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

January 14, 1970

Appearances: Jean P. Jones, Esq., Denver,
Colorado, for Petitioners, Earl F.
Buckingham and Dorothy M. Buckingham;
Dalton O. Ford, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

On October 13, 1967, the Commission entered its Decision No. 70231 in Application No. 22631-Transfer wherein the transfer of PUC No. 3537 from Goldstein Transportation and Storage, Inc. to Earl F. Buckingham and Dorothy M. Buckingham, doing business as "Colorado-Denver Warehouse and Delivery Co.", was authorized, and later amended by Decision No. 72965 to read doing business as "Action Pickup and Delivery Co."

The Commission in Decision No. 70506, dated December 7, 1967, granted Petitioners additional time to accept the transfer until ninety (90) days following entry of the final order to be entered by the Interstate Commerce Commission in Docket No. MC-F-9760. Said Docket No. MC-F-9760 is still pending and transferees, Earl F. Buckingham and Dorothy M. Buckingham are operating under said Certificate PUC No. 3537 under temporary authority approved by the Commission. The transfers sought in Applications No. 22632-Transfer, No. 22633-Transfer and No. 22628-Transfer were subject to the same disposition by Commission Decisions No. 70504, 70505 and No. 70507 respectively.

On December 9, 1969, Earl F. Buckingham and Dorothy M. Buckingham petitioned the Commission to enter an Order substituting Colorado Transfer & Storage, Inc., a Colorado corporation, as Transferee in the aforesaid Applications No. 22631-Transfer, No. 22632-Transfer, No. 22633-Transfer and No. 22628-Transfer. On December 17, 1969, Earl F. Buckingham and Dorothy M. Buckingham filed a Supplemental Petition wherein Petitioners set forth supplemental information not contained in the original Petition to Substitute.

On December 24, 1969, the Commission in Decision No. 74055 entered an Order wherein it was found that the Commission had no knowledge of the ability of the proposed transferee to operate said Certificates or that the corporation, Colorado Transfer & Storage, Inc. should be substituted as Transferee in the aforesaid applications and, accordingly, that the petitions should be set for hearing before the Commission. The Commission then ordered

that the petition filed by Transferees, Earl F. Buckingham and Dorothy M. Buckingham, filed on December 9, 1969, and the Supplemental Petition, filed by Transferees, Earl F. Buckingham and Dorothy M. Buckingham, on December 17, 1969, be set for hearing at 10:00 o'clock A.M., December 29, 1969 in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, pursuant to said Decision No. 74055, so that Petitioners might introduce pertinent evidence to show the qualifications of the proposed substitute Transferee, Colorado Transfer & Storage, Inc.

The Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting a hearing on the Petition and Supplemental Petition and such hearing was held at the aforesaid time and place on a joint record.

At the time of the hearing the Petitioners, Earl F. Buckingham and Dorothy M. Buckingham, were not present, but were represented by their attorney, who offered, and the Examiner admitted, into evidence Exhibit Nos. 1, 2 and 3.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. That in Decision No. 70231 issued in Application No. 22631-Transfer, Goldstein Transportation & Storage, Inc. was authorized to transfer PUC No. 3537 to Earl F. Buckingham and Dorothy M. Buckingham, doing business as Colorado-Denver Warehouse & Delivery Co. That in Decision No. 70506 issued in said transfer proceeding, Petitioners were granted additional time to accept the transfer until 90 days following entry of the final order of the Interstate Commerce Commission in Docket No. MC-F-9760. That in Decision Nos. 70232 and 70505 issued in Application No. 22632-Transfer, PUC No. 3538

was subject to the same disposition. In Decision Nos. 70233 and 70507 issued in Application No. 22633-Transfer, PUC No. 3539 was the subject of the same disposition, and in Decision Nos. 70226 and 70504 issued in Application No. 22628-Transfer, PUC Nos. 416 and 416-I were the subject of the same disposition, except in each instance there was a different business name.

2. Interstate Commerce Commission Docket MC-F-9760 is still pending and Earl F. Buckingham and Dorothy M. Buckingham are operating under all of said Certificates under temporary authority approved by the Commission.

3. Earl F. Buckingham and Dorothy M. Buckingham desire to operate said Certificates in corporate form and have incorporated under the name of Colorado Transfer & Storage, Inc.

4. Colorado Transfer & Storage, Inc. is a Colorado corporation which was incorporated on November 18, 1969.

5. The names and addresses of the directors and incorporators of Colorado Transfer & Storage, Inc. are as follows:

<u>Name</u>	<u>Address</u>
Earl F. Buckingham	No. 9 Sunset Drive, Littleton, Colorado 80120
Dorothy M. Buckingham	No. 9 Sunset Drive, Littleton, Colorado 80120
Lawrence Hancock, Jr.	2025 Snyder Ave., Colorado Springs, Colo. 80909
Kenneth E. Bradley	3179 East Maplewood Ave., Littleton, Colo. 80120

6. Earl F. Buckingham and Dorothy M. Buckingham desire that Colorado Transfer & Storage, Inc. be substituted as Transferee in Applications No. 22631-Transfer, No. 22632-Transfer, No. 22633-Transfer and No. 22628-Transfer.

7. Colorado Transfer & Storage, Inc. has sufficient equipment, experience and net worth, all of which are ample and suitable to operate the authority that is subject to the aforementioned transfer proceedings.

8. Any indebtedness accruing to the operation of PUC Certificate Nos. 3537, 3538, 3539, 416 and 416-I by Earl F. Buckingham and Dorothy M. Buckingham as individuals will be assumed by Colorado Transfer & Storage, Inc.

9. The address shown herein of Colorado Transfer & Storage, Inc., namely, "2401 South Downing Street, Denver, Colorado" is correct, having been changed from "45 West 5th Avenue, Denver, Colorado", as shown on the original petition.

10. The substitution of Colorado Transfer & Storage, Inc. as Transferee in the within transfer proceedings is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The substitution of Colorado Transfer & Storage, Inc. as Transferee in Applications No. 22631-Transfer, No. 22632-Transfer, No. 22633-Transfer and No. 22628-Transfer does not involve the transfer of the control and operation of PUC Nos. 3537, 3538, 3539, 416 and 416-I, as the operation and control of said Certificates will continue to remain in the hands of Earl F. Buckingham and Dorothy M. Buckingham.

2. Colorado Transfer & Storage, Inc. is financially fit and has sufficient equipment and experience and in all means is qualified to be substituted as Transferee in Applications No. 22631-Transfer, No. 22632-Transfer, No. 22633-Transfer, and No. 22628-Transfer.

3. The petition to substitute as sought by Earl F. Buckingham and Dorothy M. Buckingham should be granted as hereinafter set forth.

4. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, the Commission enters the following:

RECOMMENDED ORDER

THE COMMISSION ORDERS:

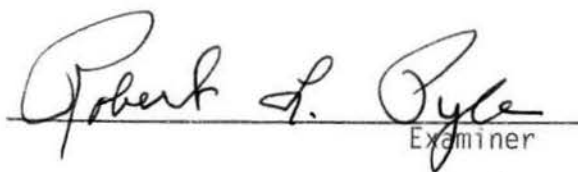
1. That Colorado Transfer & Storage, Inc., 2401 South Downing Street, Denver, Colorado, be, and hereby is, substituted as Transferee in Applications No. 22631-Transfer, No. 22632-Transfer, No. 22633-Transfer, and No. 22628-Transfer, subject to the provisions of Paragraph 3 of this Recommended Order.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may

file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ls

(Decision No. 74130)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DOROTHY HOPE TRUJILLO)
470 WILLS STREET)
CENTER, COLORADO 81125)

PERMIT NO. B-6184
SUPPLEMENTAL ORDER

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

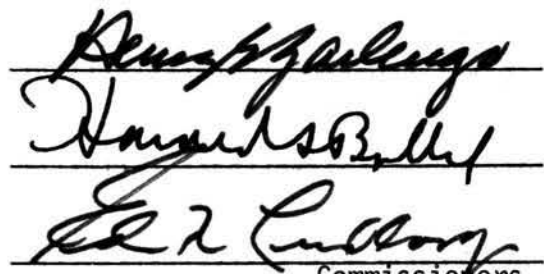
The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of December 13, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74131)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DEE C. CARTER)
949 NORTH ORCHARD)
CANON CITY, COLORADO 81212.)

PERMIT NO. B-7246
SUPPLEMENTAL ORDER

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

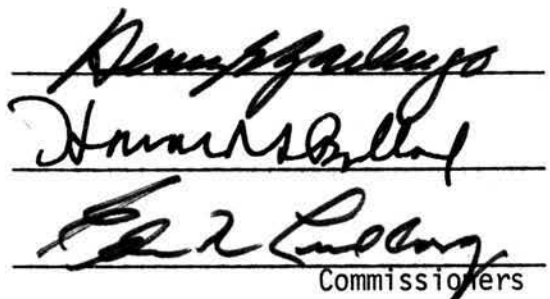
The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of December 14, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74132)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
EMERSON FINCH, ROBERT FINCH, &)
JOHN SWARM, DBA F S F TRUCK LINE)
BOX 132)
FOUNTAIN, COLORADO 80817)

PUC NO. 2057-I

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

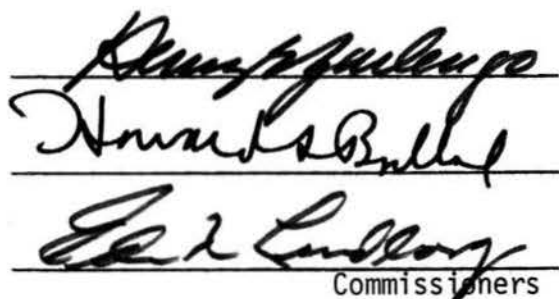
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 30, 1969, to and including June 30, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.

vr

(Decision No. 74133)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HAZEL C. WILLIAMS)
602 NORTH ASH)
CORTEZ, COLORADO 81321)

PERMIT NO. B-7342

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

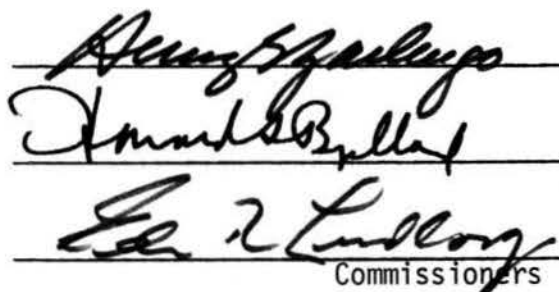
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 13, 1969, to and including June 13, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74134)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CLIFFORD M. COOPER)
BOX 110)
SILVERTHORNE, COLORADO 80435)

PERMIT NO. B-6841-I

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

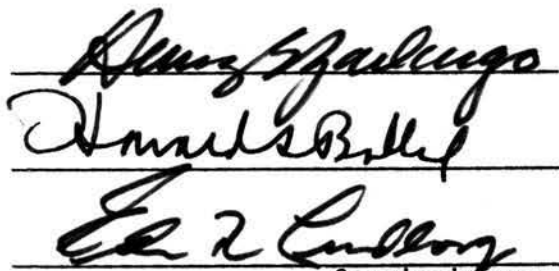
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 17, 1969, to and including June 17, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.

vr

(Decision No. 74135)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
FRED GENTZ)
ROUTE 2)
STERLING, COLORADO 80751)

PERMIT NO. B-3024

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

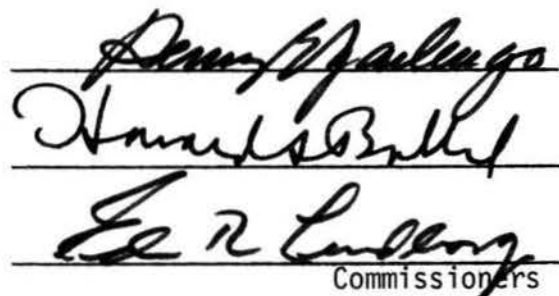
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 1, 1970, to and including July 1, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.

vr

(Decision No. 74136)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
A. L. Brant, Sr.
4916 West Concord Avenue
Orlando, Florida 32804

PUC NO. 7261-I

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

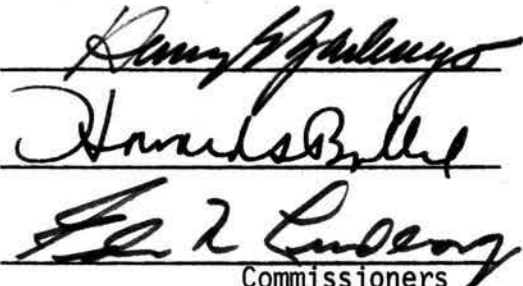
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 18, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74137)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
CRAIG MEUSEL & AUBREY S. McJUNKINS
M & M HAY COMPANY
ROUTE 1, BOX 82
BROOMFIELD, COLORADO 80020

PUC NO. 7452-I

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.


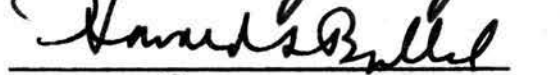

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 1, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74138)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
DENVER DENTAL LABORATORY
111 SOUTH MADISON STREET
DENVER, COLORADO 80209

PERMIT NO. B-6279

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

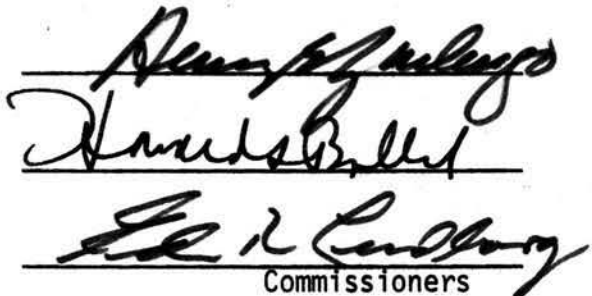
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 8, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74139)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CRESTED BUTTE AIR SERVICE, INC., P.O.)	
BOX 294, CRESTED BUTTE, COLORADO, FOR)	<u>APPLICATION NO. 24030</u>
A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY AUTHORIZING OPERATION)	
AS A COMMON CARRIER BY AIRPLANE.)	

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 7, 1970, the Commission entered Decision No. 74117 in the above-entitled matter.

It now appears that an error exists in the 4th line of the first paragraph of the Order contained in said Decision No. 74117, viz., the name of "Roger Sollenbarger, Esq., attorney for Applicant" should read "John Conway, Esq., attorney for Applicant".

The Commission states and finds that Decision No. 74117 should be amended, nunc pro tunc, as of January 7, 1970, as set forth in the Order following.


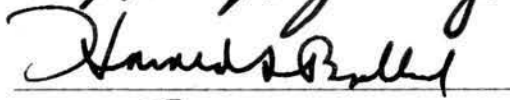
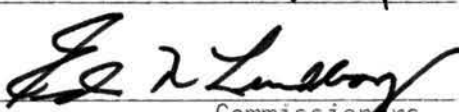
O R D E R

THE COMMISSION ORDERS:

That Decision No. 74117, dated January 7, 1970, be, and the same hereby is, amended, nunc pro tunc, as of said 7th day of January, 1970, by striking therefrom the words "Roger Sollenbarger, Esq., attorney for Applicant" and inserting in lieu thereof, "John Conway, Esq., attorney for Applicant".

That, except as herein amended, Decision No. 74117 shall remain
in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
hj

(Decision No. 74140)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

LOUIS D. LANE)
P. O. BOX 1745)
ARBOLES, COLORADO 81121)

PERMIT NO. M-736

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.



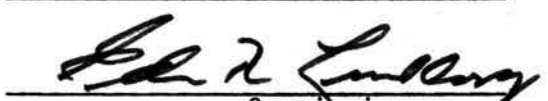
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 8, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
hj

(Decision No. 74141)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

LOURN L. McLAIN)
ROUTE 1, BOX 282)
FORT LUPTON, COLORADO 80621)

PERMIT NO. M-13657

- - - - -
January 12, 1970
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

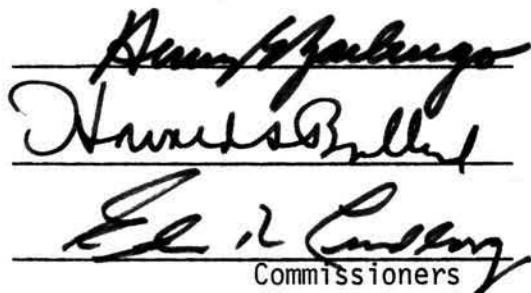
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 18, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
hj

(Decision No. 74142)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
C. A. STANLEY doing business as)
C. A. STANLEY PLUMBING & HEATING) PERMIT NO. M-15699
Box 636)
Eagle, Colorado 81631)

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

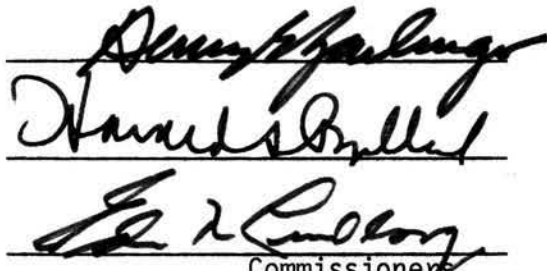
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
hj

(Decision No. 74143)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

W. E. TURNER)

Route 1, Box 106)

Buena Vista, Colorado 81211)

PERMIT NO. M-9591

- - - - -
January 12, 1970
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.


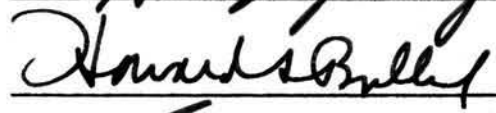
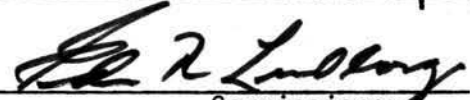
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 18, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
hj

(Decision No. 74144)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

PUEBLO PACKING CO.
311 West Third Street
Pueblo, Colorado 81002)

PERMIT NO. M-3109

- - - - -
January 12, 1970
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

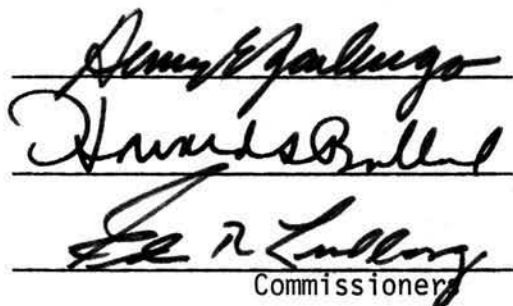
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 15, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
hj

(Decision No. 74145)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
FRANK SHEWEY DBA)
PATTERSON HARDWARE CO.)
126 F STREET)
SALIDA, COLORADO 81201)

PERMIT NO. M-2278

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

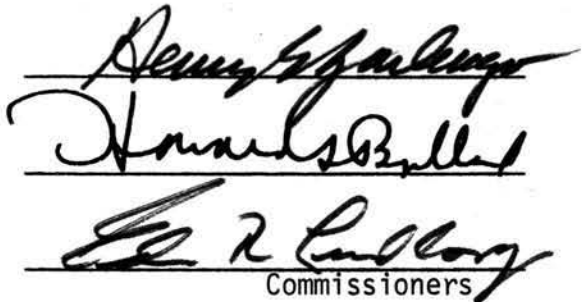
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 18, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74146)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOE SHEAN)
STRATTON)
COLORADO 80836)

PERMIT NO. M-3671

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

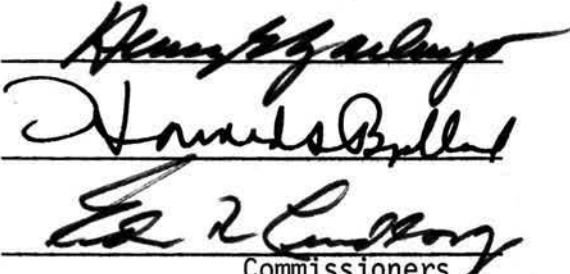
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 29, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74147)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
THE ALBERT SECHRIST MANUFACTURING)
COMPANY)
4990 ACOMA STREET)
DENVER, COLORADO 80216)

PERMIT NO. M-7489

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

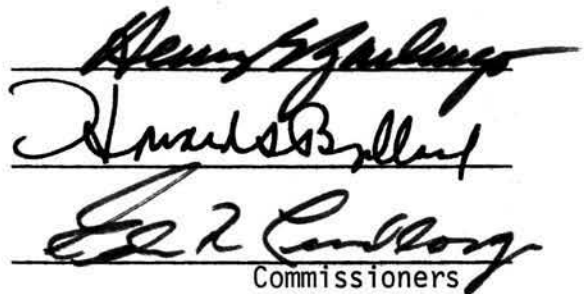
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 31, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.

vr

(Decision No. 74148)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CRAIG MEUSEL & AUBREY S. McJUNKINS)
DBA M & M HAY COMPANY)
ROUTE 1, BOX 82)
BROOMFIELD, COLORADO 80020)

PERMIT NO. M-9997

- - - - -
January 12, 1970
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.


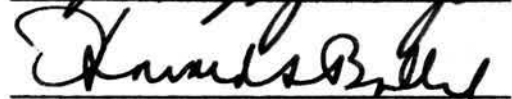
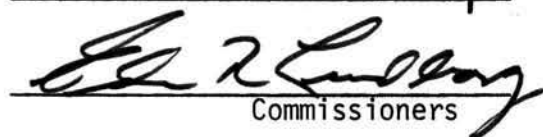
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 22, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74149)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CHARLES R. BAUMAN DBA)
MOBILE HOME TOWING)
ROUTE 1, BOX 101)
GLENWOOD SPRINGS, COLORADO 81601)

PERMIT NO. M-12303

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.




The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 4, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74150)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
GOULD-NATIONAL BATTERIES, INC.
7801 EAST 40TH AVENUE
DENVER, COLORADO 80207

PERMIT NO. M-14021

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.


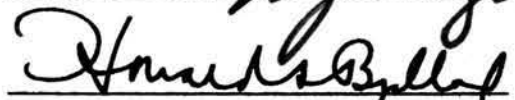

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective November 24, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74151)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
FRED AND WANDA WAGNER DBA)
WANDA'S NEW & USED FURNITURE)
7417 GRANDVIEW)
ARVADA, COLORADO 80002)

PERMIT NO. M-15389

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

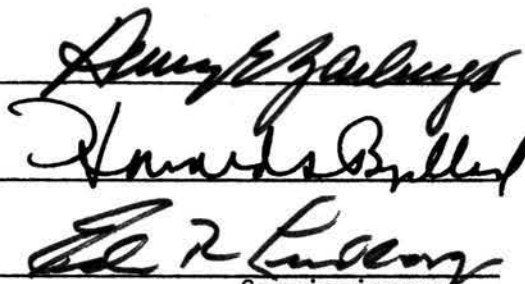
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 20, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74152)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DENVER DENTAL LABORATORY COMPANY)
111 SOUTH MADISON STREET)
DENVER, COLORADO 80209)

PERMIT NO. M-15404

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

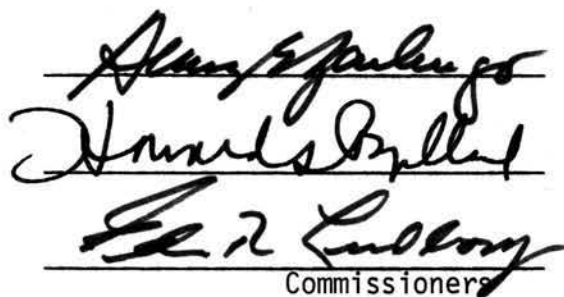
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 8, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74153)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAMES T. FUJITA DBA)
HANDY SPOT MARKET)
3795 SOUTH SANTA FE)
ENGLEWOOD, COLORADO 80110)

PERMIT NO. M-15522

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

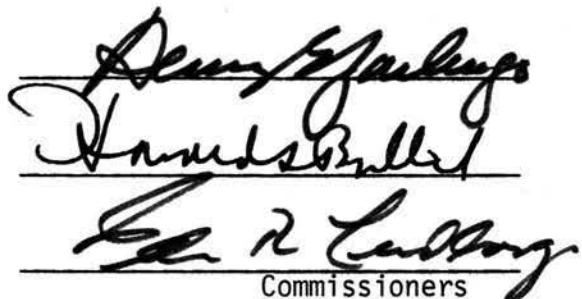
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 1, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
vr

(Decision No. 74154)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN ANDREWS & ROBERT STALLINGS dba)
YUMA COUNTY GRAIN COMPANY)
BOX 272)
YUMA, COLORADO 80759)

PERMIT NO. M-13248

January 12, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.


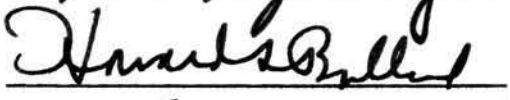

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 29, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 12th day of January, 1970.
hj

(Decision No. 74155)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

NORTON FRICKEY and
WILLIAM E. MYRICK,
dba FRICKEY AND MYRICK,

Complainants,

vs.

THE MOUNTAIN STATES TELEPHONE
AND TELEGRAPH COMPANY

Respondent.

CASE NO. 5408

January 13, 1970

Appearances: Norton Frickey, Esq., Denver, Colorado,
for Complainants;

T. D. Ledingham, Esq., Denver, Colorado,
for Respondent.

S T A T E M E N T

BY THE COMMISSION:

The Amended Complaint in the above-captioned Case was filed on November 10, 1969 and an Order to Satisfy or Answer was issued to the Respondent by the Commission on November 12, 1969. On December 2, 1969, Motion to Dismiss the Amended Complaint was filed by the Respondent. The Commission set the said Motion for hearing to commence at 10 o'clock A.M. January 7, 1970, at the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado.

At said time and place the oral argument was heard on the Motion and, at the conclusion of the hearing, the matter was taken under advisement. Several other motions and requests had also been filed by the parties relative to the taking of depositions and other matters.

F I N D I N G S

THE COMMISSION FINDS THAT:

1. Complainants are attorneys at law and subscribers to telephone service from the Respondent in the City and County of Denver, State of Colorado.

2. Respondent is a public utility providing telephone service, and its Colorado intrastate operations, including rates and service standards, are within the jurisdiction of the Commission.

3. The Amended Complaint herein does not conform to the Rules of Practice and Procedure Before the Commission relative to formal complaints.

4. The Amended Complaint herein fails to state a claim upon which relief can be granted by the Commission.

5. If the Amended Complaint herein is dismissed all other motions heretofore filed herein become moot.

The Commission concludes that the Motion to Dismiss by Respondent should be granted, that the Amended Complaint should be dismissed without prejudice, and that the following Order should be entered.

O R D E R


THE COMMISSION ORDERS THAT:

1. The Motion by Respondent to dismiss the Amended Complaint filed November 10, 1969 be, and hereby is, granted and the said Amended Complaint be, and hereby is, dismissed without prejudice.

2. All other motions heretofore filed in the above-captioned matter, having become moot, be, and hereby are denied.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1970.
hj

(Decision No. 74156)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN CORPORATIONS,)
PARTNERSHIPS, AND/OR PERSONS TO COMPLETE)
ACTIONS INSTITUTED BEFORE THE COMMISSION)
FOR AUTHORITY TO OPERATE AS COMMERCIAL)
CARRIERS BY MOTOR VEHICLE (NOT FOR HIRE))
OVER THE PUBLIC HIGHWAYS OF THE STATE OF)
COLORADO.)

January 13, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the hereinafter stated corporations, partnerships, and/or persons as specifically set forth in the Order part of this Decision have paid to the Commission the required filing fee for authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado but have either (1) failed to file an application requesting such authority or (2) have failed, after filing an application for such authority, to file either a request for identification cards or the required certificate of insurance -- all of which is required by law and the Commission's Rules and Regulations Governing Commercial Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the above -- further disclose that all of said corporations, partnerships, and/or persons have previously been duly notified by the Commission of their failure to comply with one or more of the above specifically stated items.

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons as listed in the Order part of this Decision should be dismissed.

O R D E R

THE COMMISSION ORDERS:

That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

Sammy P. Abeyta	Box 305, Del Norte, Colorado 81132
David L. Maloney dba Adens Coal & Wood Yard	1006 South 25th Street, Colorado Springs 80904
Great Mountain, Inc., dba Alamo Furniture & Appliances	409 North Santa Fe, Pueblo, Colorado 81003
Alsport, Inc.	84 Whittlesey Avenue, Norwalk, Ohio 44857
American Seating Company	901 Broadway, Grand Rapids, Michigan 49502
Herman C. Andersen	Route 3, Aurora, Colorado 80010
Ray Andrews & Harold Merkt dba Andrews & Merkt Trucking	Box 537, Center, Colorado 81125
Bell Manufacturing Corp.	P.O. Box 789, Kalispell, Montana 59901
Berggren & Sons, Inc.	Box 64, Scottsbluff, Nebraska 69361
Capital Corrugating Co., Inc.	1239 Clay Street, Kansas City, Missouri 64116
Jack N. Conway dba Capitol Grease Co.	2115 S.E. 13th, Oklahoma City, Oklahoma 73100
Cardinal of Adrian	831 Division Street, Adrian, Michigan 49221
Chamble Carpet Mills	Cartersville, Georgia 30120
William J. Novak dba Char El Mobile Homes	4750 Laurel Road, Billings, Montana 59101
Cheyenne Fiber Glass Products, Inc.	1116 Hugur, Cheyenne, Wyoming 82001
Cimarron Trust Estate	Kenton, Oklahoma 73946
Coachmen Industries, Inc.	Box 30, Middlebury, Indiana 46540
Cobra Industries, Inc., dba Cobra	P.O. Box 1251, Elkhart, Indiana 46514
Co-Op Grain & Supply	General Delivery, Roseland, Nebraska 68973

Couparral Company, Inc.	1460 Sibley Highway 13, St. Paul, Minn. 55118
Glenn W. Cox dba Cox Lumber & Hardware	P.O. Box 77, Arriba, Colorado 80804
Crews Storage & Carbonic Co.	119 Denargo Market, Denver, Colorado 80216
Eaton Masonry, Inc.	Route 1, Hesperus, Colorado 81326
Arnold Eckholt dba Eckholt's Feed & Grain	3600 South Santa Fe Drive Englewood, Colorado 80110
Elk River Homes, Inc.	Route 1, Box 164B, Southwest City, Mo. 64863
Exhibitors Service, Inc.	216 West 17th, Kansas City, Missouri 64108
Raymond C. Gilden	P.O. Box 574, Hugo, Colorado 80821
Goldbold, Inc.	Marfa, Texas 79843
Billy Golobe	Route 1, Box 160, Brighton, Colorado 80601
Albert Gomez	Route 3, 1101 Railroad Ave., Alamosa, Colo. 81101
Ted Rothe & Kenneth E. Williams dba Greeley Pawn Shop	402 - 11th Avenue, Greeley, Colorado 80631
Daniel T. Highwood dba H-H Used Furniture	620 South 9th, Canon City, Colorado 81212
Ronald L. Haffner	P.O. Box 233, Hudson, Colorado 80642
Dave Hart dba Hart's Second Hand Store	315 North 11th Avenue, Greeley, Colo. 80631
Hastings Casket Co., Inc.	Hastings, Nebraska 68901
Albert W. Helzer	3102 Moore Lane, Fort Collins, Colo. 80521
Hesco Furnishings, Inc.	P.O. Box 607, Hesston, Kansas 67062
Billy B. Higginbotham	3059 D Road, Grand Junction, Colorado 81501
P. Raymond Jaramillo	Route 2, Box 368-A, Alamosa, Colorado 81101
William O. Jenkins	2210 East 3rd Street, Amarillo, Texas 79104
Rolly Johnson, Jr., dba Johnson Granite Supply	200 West Mill Street, Liberty, Mo. 64068
Lauri Kallio dba Kallio Fixtures	Route 1, North Highway 77, Fremont, Nebr. 68025
Karg Land & Cattle Co., Inc.	P.O. Box 4, Atwood, Colorado 80722
Karl Rogers dba Karls Tire & Cycle	2207 East Main, Farmington, New Mexico 87401
Eugene Dietzgen Co.	3875 Elm Street, Denver, Colorado 80207

F. Kindt Welding Service	Box 391, Biddle, Montana 59314
Ernest C. Lewis dba Lewis Skelly Swink	Highway 50, Box 483, Swink, Colorado 81077
M and D Store Fixtures	Cambridge City, Indiana 47327
Max Wolf dba M & W Market	400 South Greeley Highway, Cheyenne, Wyoming 82001
Stephen F. Malouff	P.O. Box 101, Alamosa, Colorado 81101
Master Builders Division, Martin Marietta Corporation	2490 Lee Boulevard, Cleveland, Ohio 44118
Henry E. McGee	1721 Poplar, Canon City, Colorado 81212
Sam Medina	P.O. Box 681, San Luis, Colorado 81152
Mid-State Camper Manufacturing, Inc.	407 South Main Street, Broken Arrow, Oklahoma 74012
Helen L. Morgan	Box 222, Gill, Colorado 80624
Harry D. Morton dba Morton Equipment Service & Supply	Box 248, Eads, Colorado 81036
Robert E. Musser dba Musser Piano Co.	Grand Avenue, Glenwood Springs, Colo. 81601
Stanley W. Neukirch dba Neukirch Electric	P.O. Box 15, Buena Vista, Colorado 81211
Bruce Owen	300 West Beech, Lamar, Colorado 81052
Ron Passero	1502 Santa Fe Drive, Pueblo, Colo. 81004
Sid Kelecker, Joe Neil Petramala & Mike Petramala dba Petramala & Kelecker Farms	Route 1, LaJunta, Colorado 81050
Robert W. & Edward J. Phillips dba J. J. Phillips & Sons/ Blende & Co.	2003 Santa Fe Drive, Pueblo, Colorado 81006
Lod Polivka	6000 West 1st Avenue, Lakewood, Colorado 80236
Ralph S. & Clarence C. Hale dba Quick Supply Co.	N.W. 66th & Toni Drive, Des Moines, Iowa 50313
Charles R. Deyoe & Juan E. Aguilar dba Red-D-Cast Co.	P.O. Box 146, Evans, Colorado 80620
Reeves Plastic Pipe Co., Inc.	153 Vallejo Street, Denver, Colorado 80223
Renn Sales (Calgary) Ltd.	3240 - 11 Street S.E., Calgary, Alberta, Canada

Revell Oil Field Construction, Inc.	Box 88, Russell, Kansas 67665
Ted Robinson	809 Blanco, Aztec, New Mexico 87410
Joe J. Rodriguez dba Rodriguez & Sons Produce	618 East Overland, El Paso, Texas 79901
Elwood & Tommy Rogers dba E. A. Rogers & Son	Route 2, Box 22, Olathe, Colorado 81425
Sage & Smith Funeral Home, Inc.	Box 270, Goodland, Kansas 67735
Ray D. Schafer dba Schafer Oil Co.	Box 670, Syracuse, Kansas 67878
Frank R. Schrah	418 South Newton Street, Denver, Colo. 80219
Robert Nugent dba Sign Craft Neon	P.O. Box 220, Limon, Colorado 80828
Stan's Vending Service, Inc.	R.R. 3, Box 302-C, Pueblo, Colorado 81004
Texas Rockwool, Division of Susquehanna Corporation	P.O. Box 703, Belton, Texas 76513
William F. Thompson	525 Cactus, Pueblo, Colorado 81005
Floyd DuBoise dba Tom's Peanuts	2905 Yale Drive, Farmington, New Mexico 87401
Anthony L. Scavello dba Tony's Restaurant & Bar	P.O. Box 174, Bailey, Colorado 80421
Unico, Inc.	4707 Lima Street, Denver, Colorado 80239
Uniroyal, Inc.	1230 Ave. of the Americas, New York, N.Y. 10020
Ronald L. Jacobus dba V & R Excavating	941 Quitman, Denver, Colorado 80204
Kenneth Jones dba Valley Construction Co.	912 East Olive, Lamar, Colorado 81052
W. T. Walker	Route 1, Box 237-B, Belen, New Mexico 87002
Warco, Inc.	Route 1, Box 162-C, Lubbock, Texas 79408
Fred E. Ward	365 Main Street Springfield, Colorado 81073
Weyerhaeuser Company	7517 F Street, Omaha, Nebraska 68127
The Alan White Company, Inc.	Highway 82 E, Stamps, Arkansas 71860
Jeff Y. Williamson	5008 Kingston, Wichita Falls, Texas 76310
E. R. Schwartz Manufacturing Co.	Lester, Minnesota

This Order shall become effective ten days from the date
hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Paulengo
David B. Bell

Ed R. Lindberg
Commissioners

Dated at Denver, Colorado, this
13th day of January, 1970.
vr

(Decision No. 74157)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO AVIATION, INC., DOING BUSINESS)
AS "COLORADO AIRLINES," 2120 BROADWAY,)
DENVER, COLORADO, FOR TEMPORARY AU-)
THORITY TO OPERATE AS A COMMON CARRIER)
BY AIRCRAFT, FOR THE TRANSPORTATION OF)
PERSONS AND PROPERTY, ON CALL AND DE-)
MAND, FROM, TO AND BETWEEN ALL POINTS)
IN THE STATE OF COLORADO, WITH A BASE)
OF OPERATIONS AT BRECKENRIDGE AND)
AIRPORTS WITHIN A TWENTY (20) MILE)
RADIUS THEREOF.)

APPLICATION NO. 24111-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 13, 1970

The above-entitled application under CRS 1963, 115-6-20 (1)
being under consideration, and

It appearing, That there is an immediate and urgent need for the
air carrier service described in the appendix attached hereto, and that
there is no air carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted temporary
authority, conditioned upon full compliance with all applicable statutory
and Commission requirements, rules and regulations, to engage in the business
of transportation by aircraft to the extent and in the manner set forth
in the appendix attached hereto.

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and ap-
plicant has received notice in writing from the Commission that compliance
has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements and with requirements of the Federal
Aviation Administration as to the limitations placed on applicant's Air

Taxi/Commercial Operators Certificate shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1970.
hj

(Decision No. 74157)
January 13, 1970

APPENDIX

Application No. 24111-TA

Colorado Aviation, Inc.
Doing Business As
"Colorado Airlines"
2120 Broadway
Denver, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by aircraft as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common Air Carrier

SERVICE AUTHORIZED:

Temporary authority to operate as a common carrier by aircraft with authority as follows:

"Transportation -- on call and demand -- by fixed-wing aircraft -- of

(1) Passengers and property

Between the Breckenridge Airport on the one hand, and all points within the State of Colorado on the other hand."

(Decision No. 74158)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATION OF
RESPONDENT, RED BALL MOTOR FREIGHT,
INC., P.O. BOX 47407, DALLAS,
TEXAS, UNDER CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 8.

CASE NO. 5416
ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING

January 14, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Respondent, Red Ball Motor Freight, Inc., was granted Certificate of Public Convenience and Necessity PUC No. 8, by the Commission, which authorized the Respondent to conduct certain transportation operations as a common carrier by motor vehicle for hire for the following, to-wit:

Transportation of Freight and Express:

- (a) Between Denver and Trinidad, Colorado over U.S. Highways 85 and 87, serving all intermediate points and the off-route points of Larkspur, Palmer Lake, Monument, Manitou Springs, Broadmoor, Security Village, Peterson Field, Fort Carson, Brantzell's Store, Hatchett, Cattle Ranch, Crow's Store, Rye, Greenhorn, Toltec, Pictou, Maitland, Gordon, Del Carbon, Strong, Kibler, Alamo, Farr, Ravenwood, Ideal, Pryor, Lester and Rouse.
- (b) Between Pueblo and the Colorado-Kansas State Line via U.S. Highway 50 serving all intermediate points; between Pueblo and Rocky Ford via Colorado Highway 96, and Colorado Highway 71 serving all intermediate points; and serving the off-route points of Triplex, Wiley, McClave, and the Pueblo Ordnance Depot: PROVIDED, however, that no service shall be rendered between Pueblo and Las Animas and Las Animas to Pueblo.
- (c) Between Holly and Walsh, Colorado, via Lycan over Colorado Highway 89 from Holly to its intersection with U.S. Highway 160, thence over U.S. Highway 160 to Walsh, serving all intermediate points.

- (d) Serving an area including a 3½ mile radius of the City Limits of Pueblo, Colorado, on shipments having a prior or subsequent movement on said carrier's line, including the Pueblo Air Base, and serving an area extending 5 miles beyond and contiguous to the City Limits of Denver, Colorado, on shipments having a prior or subsequent movement over said carrier's line, including service to and from the Ramo-Woolridge Plant site located near the intersection of South Colorado Boulevard and the County Line between Arapahoe and Douglas Counties.
- (e) Service to and from off-route points includes service to, from and between said off-route points and all intermediate points on the designated routes; 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.

The Staff of the Public Utilities Commission of the State of Colorado has conducted an investigation relating to the motor vehicle operations of the Respondent, Red Ball Motor Freight, Inc., under Certificate of Public Convenience and Necessity PUC No. 8. The investigation, as conducted, disclosed that the Respondent is violating the Public Utility Law and the Rules and Regulations of the Commission by abandoning that portion of its operating authority, as contained in Certificate of Public Convenience and Necessity PUC No. 8, which authorizes service to points south of Pueblo, Colorado all being contrary to Rule 10 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle.

In view of the above and foregoing, the Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts herein; to hear such arguments as may be material, and to determine what Order or penalty, if any, should be made or imposed by this Commission.


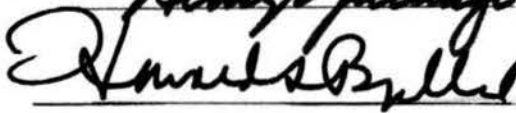
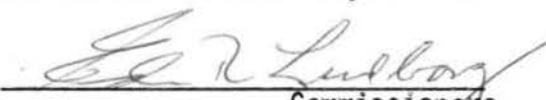
O R D E R

THE COMMISSION ORDERS:

That the herein entitled Case be, and the same hereby is, set for hearing before the Commission at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 o'clock a.m. on March 26, 1970, at which said time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

That the Respondent, Red Ball Motor Freight, Inc., be, and hereby is, directed to appear before the Commission on said date, as specifically set forth above, to show cause why the Commission should not take such action and enter such Order or penalty as may be appropriate, or if warranted, an Order cancelling and revoking Certificate of Public Convenience and Necessity PUC No. 8.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1970.
pm

(Decision No. 74159)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, RUAN TRANSPORT CORP-)
ORATION, KEOSAQUA AT THIRD, P.O.)
BOX 855, DES MOINES, IOWA, UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 1515 AND)
PUC NO. 1515-I.)

CASE NO. 5415
ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING

January 13, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Respondent, Ruan Transport Corporation, was granted Certificate of Public Convenience and Necessity PUC No. 1515 and PUC No. 1515-I, by the Commission, which authorized the Respondent to conduct certain transportation operations as a common carrier by motor vehicle for hire.

The files and records of the Commission disclose that the Respondent has violated the Public Utility Law and the Rules and Regulations of the Commission by failing and neglecting to file financial statements of its affiliate companies including the financial statements from any of its officers that are doing business as a company or individual with the Respondent as ordered by Commission Decision No. 73786, dated October 30, 1969.

In view of the above and foregoing, the Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts herein; to hear such arguments as may be material; and to determine what Order or penalty, if any, should be made or imposed by this Commission.

O R D E R

THE COMMISSION ORDERS:

That the herein entitled Case be, and the same hereby is, set for hearing before the Commission at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 o'clock a.m. on March 30, 1970, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

That the Respondent, Ruan Transport Corporation, be, and hereby is, directed to appear before the Commission on said date, as specifically set forth above, to show cause why the Commission should not take such action and enter such Order or penalty as may be appropriate, or if warranted, an Order cancelling and revoking Certificate of Public Convenience and Necessity PUC No. 1515 and PUC No. 1515-I.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1970.
pm

(Decision No. 74160)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF REQUIRING REGULAR)	
ROUTE SCHEDULED MOTOR VEHICLE COMMON	)	CASE NO. 1585
CARRIERS OF PROPERTY TO COLLECT)	
SAMPLES OF COLORADO INTRASTATE	)	SUPPLEMENTAL ORDER TO
TRAFFIC DURING CALENDAR YEAR 1970.	)	<u>DECISION NO. 74067</u>

January 13, 1970

Appearances: Alvin J. Meiklejohn, Jr., Esq.
Denver, Colorado, for Respondent
Motor Carriers;
Warren D. Braucher, Esq., Denver,
Colorado, for the Staff of the
Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission, by Decision No. 73718, in Case No. 1585, instituted a proceeding for the purpose of determining the nature and amount of traffic transported in Colorado intrastate and interstate commerce by regular route scheduled motor vehicle common carriers of property.

By Decision No. 74067, dated December 29, 1969, Case No. 1585, the Commission ordered certain statistical studies to be made by the therein Respondent Motor Vehicle Carriers.

The Commission states and finds that through inadvertence Appendix A -- Entitled Interstate -- appended to and made a part of Decision No. 74067 was incorrect in that it required the same information as that required in Appendix A -- Entitled Intrastate -- instead of a break down of revenues derived from the weight categories of 0-100, 101-150, 151-200, 201-250. To accurately reflect the aforesaid, an amended and corrected Appendix A -- Entitled Interstate -- is appended hereto and made a part of this Decision.

In the interest of clarification, the Commission states and finds that where reference is made to test period in all Appendices appended to Decision No. 74067 such period shall be construed to mean test date and the date shown on the freight bill shall determine the test date.

The Commission further states and finds that the Respondent Motor Vehicle Carriers who already are using a coding procedure to identify intrastate shipments should be relieved and exempted from complying with the ordering provision of paragraph two (2) on page three (3) as set forth in Decision No. 74067.


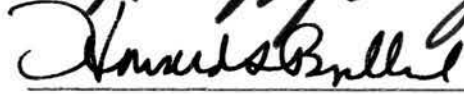
O R D E R

THE COMMISSION ORDERS:

- (1) That Appendix A -- Entitled Interstate -- appended to Commission Decision No. 74067, be, and hereby is, amended and corrected in the manner as set forth in amended Appendix A -- Entitled Interstate -- appended hereto and made a part of this Decision.
- (2) That all reference to test period in all Appendices appended to Decision No. 74067, shall be construed to mean test date and the date shown on the freight bill shall determine the test date.
- (3) That any Respondent Motor Vehicle Carrier using a coding procedure to identify intrastate shipments shall be relieved and exempted from complying with paragraph two (2) on page three (3) of the Order provision as set forth in Decision No. 74067, dated December 29, 1969.
- (4) That except as herein amended, Decision No. 74067, dated December 29, 1969, shall remain in full force and effect.

- (5) That jurisdiction hereof is hereby retained and the Commission may enter such further or additional Order or Orders as in its judgment may be just and proper.
- (6) That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1970.
pm

I N T E R S T A T E

Name of Carrier _____

PRO NUMBER	ORIGIN	DESTINATION	DATE	ACTUAL WEIGHT	MINIMUM CHARGE	REVENUE FROM WEIGHT CATEGORY			
						0-100	101-150	151-200	201-250

Total number of interstate shipments
billed during test period _____

Total interstate tonnage for test period _____

Total interstate revenue for test period _____

Accessorial revenue, such as COD Fee, Storage, Order
Notify Fee, etc., not to be included in reporting data
above, show total accessorial revenue on this line
for test period _____

(Decision No. 74161)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORTHERN NATURAL GAS COMPANY, 2223)
DODGE STREET, OMAHA, NEBRASKA 68102,)
FOR AN ORDER AUTHORIZING THE ISSUANCE)
OF 155,191 SHARES OF ITS COMMON STOCK,)
PAR VALUE \$10 PER SHARE, AND 11,150)
SHARES OF ITS CUMULATIVE PREFERRED)
STOCK, PAR VALUE \$100 PER SHARE; AND)
FOR AN ORDER AUTHORIZING THE ISSUANCE)
OF CERTAIN LONG TERM PROMISSORY NOTES)
IN THE AMOUNT OF \$12,584,000.)

APPLICATION NO. 24124-Securities

January 14, 1970

Appearances: George M. Hopfenbeck, Jr., Esq.,
Davis, Graham & Stubbs, Denver, Colorado; and
Dean W. Wallace, Esq., Omaha, Nebraska,
for Applicant;
John R. Barry, Esq., Denver, Colorado,
for the City of Lamar, Colorado;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission; and
M. R. Garrison, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

Northern Natural Gas Company (Applicant) filed Application No. 24124-Securities with this Commission on December 22, 1969. With such application, Applicant seeks authority of this Commission to issue 155,191 shares of its common stock, par value \$10 per share; 11,150 shares of its cumulative preferred stock, par value \$100 per share; and certain long-term promissory notes in the amount of \$12,584,000. Said application was set for hearing after due notice to all interested parties, in compliance with the statutes of the State of Colorado and the rules and regulations of this Commission, at 10 o'clock a.m., Monday, January 5, 1970, in Room 507, Columbine Building, Denver, Colorado and at such time and place was heard by Commissioner Henry E. Zarlengo, to whom the matter was assigned pursuant to law.

No protests were filed with the Commission with regard to this application, and no one appeared at the hearing in objection to the granting of the authority sought therein.

At the conclusion of the hearing, the matter was taken under advisement.

Applicant is a Delaware corporation and a certified copy of the Certificate of Incorporation was offered and admitted into evidence as Exhibit A-1. The principal office and address of Applicant is 2223 Dodge Street, Omaha, Nebraska 68102.

Applicant, in Application No. 24066 filed with this Commission on November 20, 1969, is seeking authority to acquire the assets of Plateau Natural Gas Company, a Colorado corporation and a public utility company operating in the State of Colorado. If such authority is granted, Applicant will be engaged in the purchase, transmission, distribution and sale of natural gas in the State of Colorado, as well as in New Mexico, Kansas and Texas. Applicant also owns and operates a pipeline system through which it transmits natural gas purchased principally in the States of New Mexico, Texas, Oklahoma and Kansas to points in the States of Kansas, Nebraska, South Dakota, Iowa, Illinois, Minnesota, Wisconsin and Michigan, where such gas is either distributed locally through Applicant's Peoples Natural Gas Division or sold at town borders for consumption and resale by non-affiliated gas utilities and municipalities.

The authorized capital of Applicant is \$305,000,000, consisting of 15,000,000 authorized shares of common stock, par value \$10 per share, aggregate par value \$150,000,000; 1,500,000 authorized shares of cumulative preferred stock, par value \$100 per share, aggregate par value \$150,000,000; and 5,000,000 authorized shares of second preferred stock, par value \$1 per share, aggregate par value \$5,000,000. The exact amount of Applicant's capital stock outstanding as of June 30, 1969 was 9,312,402 shares of common stock, par value \$10 per share, and 665,597 shares of preferred stock, par value \$100 per share.

A description and amount of long-term debt of the Applicant outstanding as of June 30, 1969 and a summary of the principal provisions of the indentures under which such indebtedness was issued is contained in Exhibit A-10, which was offered and admitted into evidence.

Total capitalization of Applicant as of June 30, 1969 was \$879,149,000 compared to Plateau Natural Gas Company's \$21,107,000 which will represent 2.34 percent of total capitalization after acquisition.

As of June 30, 1969, Applicant had outstanding short-term bank loans of \$29,490,000 and short-term commercial paper of \$34,600,000 and subsidiary companies had short-term loans of \$2,974,000.

Applicant, as above stated, by a separate application filed with this Commission, Application No. 24066, is seeking authority to acquire all the assets of Plateau Natural Gas Company, a Colorado corporation. The common stock proposed to be issued by Applicant will be exchanged for the assets of Plateau Natural Gas Company. The preferred stock will be exchanged for all the outstanding preferred stock of Plateau Natural Gas Company. Plateau is a corporation involved in the distribution of natural gas through 3,800 miles of gathering, transmission and distribution facilities to approximately 25,000 domestic, commercial, industrial and irrigation customers. Plateau Natural Gas Company operates in the States of Colorado, Kansas, New Mexico, and Texas. The description of the common stock to be issued by Applicant is contained in Exhibit A-1, which was offered and admitted into evidence. The description of the preferred stock to be issued by Applicant is contained in two certificates of voting powers, which are marked Exhibits A-2 and A-3, which were offered and admitted into evidence.

The long-term unsecured promissory notes to be issued by Applicant will be exchanged for the first mortgage bonds and long-term promissory notes issued by Plateau Natural Gas Company. The terms and conditions applicable to the issuance of such long-term promissory notes, the description of the notes to be issued, the description of the mortgage bonds and notes to be exchanged therefor, and the indemnity of the present holders thereof are contained in Exhibit A-11, which was offered and admitted into evidence.

The issuance of the common stock, the preferred stock, and the long-term promissory notes whose authorization is sought in this application has been approved by the Board of Directors of Applicant.

Applicant estimates that the cost of issuing the securities covered by this application will approximate \$10,000.

Applicant believes the issuance and sale of the securities sought in this application will be in the interest of both Plateau Natural Gas Company and Applicant.

Exhibits A-1 through A-11 were offered and admitted into evidence, which included actual and pro forma balance sheets of Applicant and its subsidiaries at June 30, 1969; Applicant's and its subsidiaries' actual and pro forma income statements for the twelve (12) months ended June 30, 1969; Applicant's and its subsidiaries' statement of earned surplus for the twelve (12) months ended June 30, 1969; and Applicant's and its subsidiaries' actual and pro forma capital structure at June 30, 1969.

FINDINGS OF FACT

From the record herein, the Commission finds as fact that:

1. Applicant, Northern Natural Gas Company, a Delaware corporation, is authorized to do business in the State of Colorado.
2. Upon approval by this Commission of Applicant's separate application, Application No. 24066, to acquire all the assets of Plateau Natural Gas Company, a Colorado corporation, Applicant will be a public utility in Colorado, as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.
3. This Commission has jurisdiction over the Applicant and the subject matter of this application.
4. The above and foregoing Statement is made a part of these Findings by reference.
5. The Commission is fully advised in the premises.
6. The proposed issuance by Applicant of 155,191 shares of its common stock, 11,150 shares of its cumulative preferred stock, and the issuance of certain long-term promissory notes in the amount of \$12,584,000, all as hereinbefore set forth, is reasonably required and necessary for Applicant's proper corporate financing in respect to the acquisition of the assets of the Plateau Natural Gas Company.

7. The proposed securities issuances are not inconsistent with the public interest; and the purpose or purposes thereof are permitted by law and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963, as amended.
8. Since Chapter 115-1-4, Colorado Revised Statutes, 1963, requires that security applications be disposed of within thirty (30) days, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the hearing Commissioner be omitted and that this Decision should be the initial decision of the Commission.

It is the conclusion of the Commission that the application should be granted and the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

That the Applicant, Northern Natural Gas Company, be, and it hereby is, authorized and empowered to issue 155,191 shares of its common stock, par value \$10 per share; 11,150 shares of its cumulative preferred stock, par value \$100 per share; and certain long-term promissory notes in the amount of \$12,584,000.

That within ninety (90) days after the issuance and delivery of the shares of common stock, preferred stock and promissory notes, Applicant shall file with the Commission a verified report showing the issuance of such securities and the cost and expenses incurred by Applicant incident to such issue and the journal entries reflecting such transactions on the books of the Applicant, accompanied by a new balance sheet.

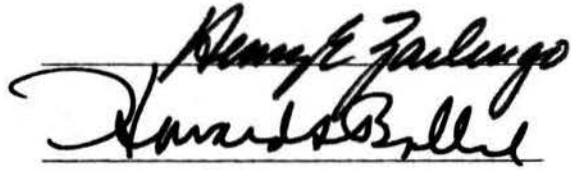
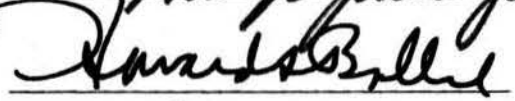
That nothing herein contained shall be construed to imply any recommendation or guarantee of, or any obligation with regard to, said securities on the part of the State of Colorado.

That the Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem to be proper or desirable.

That the authority herein granted shall be exercised from and after the date of this Order and the Order herein contained shall be effective forthwith.

That the within Decision and Order shall be the initial Decision and Order of the Commission as provided for in Chapter 115-6-9 (6), Colorado Revised Statutes, 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1970.
hj

(Decision No. 74162)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO MOTORWAY, INC., 1755 GLENARM)
PLACE, DENVER, COLORADO, IN THE ALTER-)
NATIVE (A) FOR THE CLARIFICATION OF)
ITS AUTHORITY UNDER PUC NO. 5 TO)
INCLUDE TRANSPORTATION OF PASSENGERS)
IN CHARTER SERVICE FROM AND BETWEEN)
DENVER, LOVELAND, LONGMONT AND FORT)
COLLINS, TO AND FROM ALL POINTS WITH-)
IN THE STATE OF COLORADO, AND BETWEEN)
ALL POINTS IN THE CITY AND COUNTY OF)
DENVER; OR (B) FOR THE EXTENSION OF)
ITS AUTHORITY UNDER PUC NO. 5 TO IN-)
CLUDE THE RIGHT TO PROVIDE SAID)
CHARTER SERVICE.)

APPLICATION NO. 23716
CLARIFICATION AND/OR EXTENSION

January 14, 1970

Appearances: David Butler and William Carney, Esqs.,
Denver, Colorado, for Applicant;
Walter M. Simon, Esq., Denver, Colorado,
for Colorado Transportation Co.,
Protestant;
John R. Barry, Esq., Denver, Colorado, for
Denver-Colorado Springs-Pueblo Motorway,
Inc., Continental Bus System, Inc. (Rocky
Mountain Lines Division), Denver-Salt Lake
Pacific Stages, Inc., American Bus Lines,
Inc., Continental Central Lines and Trans-
continental Bus System, Inc., Protestants;
R. B. Danks, Esq., Denver, Colorado, for
Denver Tramway Charter Co., Protestant;
Lloyd C. Espinosa and Dalton O. Ford, Denver,
Colorado, of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 21, 1969, the Recommended Decision of Robert L. Pyle, Examiner, being Decision No. 73874, was entered in the above-entitled matter granting the application as indicated therein. Thereafter, a MOTION TO AMEND ORDER was received from the Applicant calling attention to an oversight in the aforementioned Decision and, further, the Commission, upon its own motion, made a certain correction in said Decision which resulted in Supplemental Decision No. 73967, dated December 8, 1969.

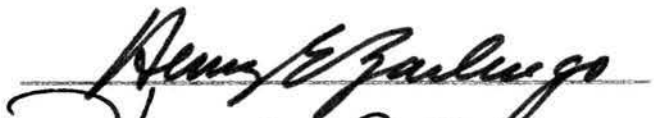
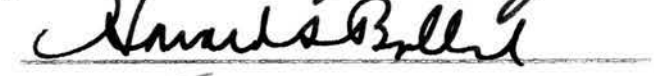

Thereafter, the Commission received Exceptions from Applicant, Colorado Motorway, Inc., and from Protestants, Denver-Colorado Springs-Pueblo Motorway, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), Denver-Salt Lake-Pacific Stages, Inc., American Bus Lines, Inc., Continental Central Lines and Transcontinental Bus System, Inc., through their attorney, John R. Barry, and Exceptions from Denver Tramway Charter Co., through its attorney, R. B. Danks, and Exceptions from Rocky Mountain Motor Company, Inc., through its attorney, Walter M. Simon, which Exceptions were denied by Commission Decision No. 74049. The Commission has now received an APPLICATION FOR REHEARING filed on behalf of Rocky Mountain Motor Company, Inc., doing business as "Colorado Transportation Co.," through its attorney, Walter M. Simon, and the PETITION OF DENVER TRAMWAY CHARTER CO. FOR REHEARING OR RECONSIDERATION, through its attorneys, Hughes and Dorsey, by R. B. Danks.

O R D E R

THE COMMISSION ORDERS:

1. That the APPLICATION FOR REHEARING filed by Rocky Mountain Motor Company, Inc., doing business as "Colorado Transportation Co.," and the PETITION OF DENVER TRAMWAY CHARTER CO. FOR REHEARING OR RECONSIDERATION be, and hereby are, denied.
2. 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
14th day of January, 1970.

vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

LITE CRAFT NEON INC.
4593 North Broadway
Boulder, Colorado 80302

AUTHORITY NO. M 2235

CASE NO.5075-M-Ins.

January 13, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 12, 1970 , in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

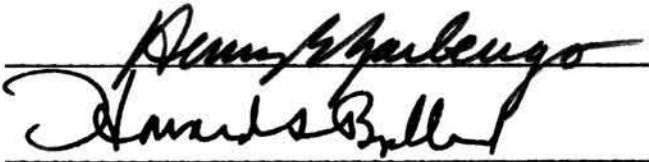
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of January, 1970 .

(Decision No. 74164)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PETE DOSEN)
BOX 588)
AGUILAR, COLORADO 81020)

PERMIT NO. B-5469

January 14, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.


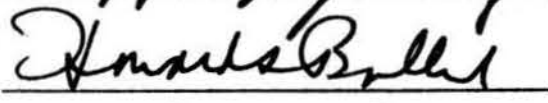
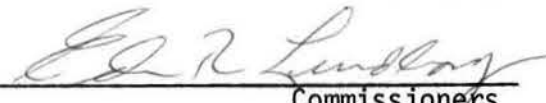
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 1, 1970, to and including July 1, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1970.

vr

(Decision No. 74165)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DONALD J. WILSON)
6242 PIERSON COURT)
ARVADA, COLORADO 80002)

PERMIT NO. B-6303

January 14, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.



O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 11, 1970, to and including July 11, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 14th day of January, 1970.

vr

(Decision No. 74166)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRED H. REESE, JR., DOING BUSINESS AS)
"VALLEY FEED & PROVISION CO.," BOX)
958, GREELEY, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER INTERSTATE OPERATING)
RIGHTS TO VALLEY FEED & PROVISION CO.,)
A CORPORATION, BOX 958, GREELEY,)
COLORADO.)

PUC NO. 5415-I - Transfer

January 15, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Fred H. Reese, Jr., doing business as "Valley Feed & Provision Co.," Greeley, Colorado, was granted a certificate of public convenience and necessity, being PUC No. 5415-I, authorizing operation as a common carrier by motor vehicle for hire:

"Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of 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."

Said certificate-holder now seeks authority to transfer said PUC No. 5415-I to Valley Feed & Provision Co., a corporation, Greeley, Colorado.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Fred H. Reese, Jr., doing business as "Valley Feed & Provision Co.," Greeley, Colorado, be, and hereby is, authorized to transfer all right,

title and interest in and to PUC No. 5415-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Valley Feed & Provision Co., a corporation, Greeley, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
15th day of January, 1970.
vr

(Decision No. 74167)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LA PLATA RIVER CORPORATION, BOX 66,)
HESPERUS, COLORADO, FOR AUTHORITY)
TO LEASE PUC NO. 5966 TO MOUNTAIN)
SHADOWS CAR RENTAL, INC., 3255 MAIN)
AVENUE, DURANGO, COLORADO.)

APPLICATION NO. 23656-Lease
SUPPLEMENTAL ORDER

January 15, 1970

Appearances: Irvin L. Mason, Esq.,
Durango, Colorado,
for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 22, 1969, the Commission entered Decision No. 73055, authorizing La Plata River Corporation, Hesperus, Colorado, to lease PUC No. 5966 to Mountain Shadows Car Rental, Inc., Durango, Colorado.

The requirements which are a condition precedent to the lease of said certificate upon our records were never complied with, and the records of the Commission show that said operating rights are the property of La Plata River Corporation, Hesperus, Colorado.

The Commission states and finds that Decision No. 73055, dated May 22, 1969, entered by the Commission in Application No. 23656-Lease, should be set aside and the records of the Commission show that La Plata River Corporation is the owner of said PUC No. 5966.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 73055, dated May 22, 1969, authorizing the lease of PUC No. 5966 be, and the same hereby is, vacated, set aside, and held for naught, and that the Secretary of the Commission is hereby directed to change the records of the Commission to show that La Plata River Corporation, Hesperus, Colorado, is the owner of said PUC No. 5966.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
15th day of January, 1970.
vr

(Decision No. 74168)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JOE NEMECIO ABEYTA AND S. FRANK)
ABEYTA, SAGUACHE, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
B-5937 TO S. FRANK ABEYTA, BOX)
534, SAGUACHE, COLORADO.)

APPLICATION NO. 23544-PP-Transfer
SUPPLEMENTAL ORDER

January 15, 1970

Appearances: Joe Abeyta, Saguache, Colorado,
a Transferor, pro se;
S. Frank Abeyta, Saguache,
Colorado, a Transferor and
Transferee, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 72661, dated March 13, 1969, the Commission authorized Joe Nemecio Abeyta and S. Frank Abeyta, Saguache, Colorado, to transfer Permit No. B-5937 to S. Frank Abeyta, Saguache, Colorado.

The requirements which are a condition precedent to the transfer of said permit upon our records were never complied with, and the records of the Commission show that said operating rights are the property of Joe Nemecio Abeyta and S. Frank Abeyta, Saguache, Colorado.

The Commission states and finds that Decision No. 72661, dated March 13, 1969, entered by the Commission in Application No. 21843-Transfer, should be set aside and the records of the Commission show that Joe Nemecio Abeyta and S. Frank Abeyta are the owners of Permit No. B-5937.

O R D E R

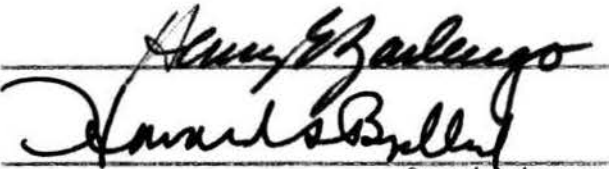
THE COMMISSION ORDERS:

That Decision No. 72661, dated March 13, 1969, authorizing transfer of Permit No. B-5937 be, and the same hereby is, vacated, set aside, and held for naught, and that the Secretary of the Commission is hereby

directed to change the records of the Commission to show that Joe Nemecio Abeyta and S. Frank Abeyta, Saguache, Colorado, are the owners of Permit No. B-5937.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
15th day of January, 1970.
vr

(Decision No. 74169)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JACK B. KELLEY, DOING BUSINESS AS)
"JACK B. KELLEY CO.," 3801 VIRGINIA)
STREET, AMARILLO, TEXAS, FOR AUTHOR-)
ITY TO TRANSFER INTERSTATE OPERATING)
RIGHTS TO JACK B. KELLEY, INC., 3801)
VIRGINIA STREET, AMARILLO, TEXAS.)

PUC NO. 3998-I - Transfer

January 15, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Jack B. Kelley, doing business as "Jack B. Kelley Co.," Amarillo, Texas, was granted a certificate of public convenience and necessity, being PUC No. 3998-I, authorizing operation as a common carrier by motor vehicle for hire:

"Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of 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."

Said certificate-holder now seeks authority to transfer said PUC No. 3998-I to Jack B. Kelley, Inc., Amarillo, Texas.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Jack B. Kelley, doing business as "Jack B. Kelley Co.," Amarillo, Texas, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 3998-I -- with authority as set

forth in the Statement preceding, which is made a part hereof, by reference -- to Jack B. Kelley, Inc., Amarillo, Texas, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
15th day of January, 1970.

vr

(Decision No. 74170)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALTER POOLE, DOING BUSINESS AS "POOLE)
TRUCK LINE," BOWLES ROAD, EVERGREEN,)
ALABAMA, FOR AUTHORITY TO TRANSFER)
INTERSTATE OPERATING RIGHTS TO POOLE)
TRUCK LINE, INC., P.O. DRAWER 500,)
BOWLES ROAD, EVERGREEN, ALABAMA.)

PUC NO. 4205-I - Transfer

January 15, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Walter Poole, doing business as "Poole Truck Line," Evergreen, Alabama, was granted a certificate of public convenience and necessity, being PUC No. 4205-I, authorizing operation as a common carrier by motor vehicle for hire:

"Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of 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."

Said certificate-holder now seeks authority to transfer said PUC No. 4205-I to Poole Truck Line, Inc., Evergreen, Alabama.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Walter Poole, doing business as "Poole Truck Line," Evergreen, Alabama, be, and hereby is, authorized to transfer all right,

title and interest in and to PUC No. 4205-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Poole Truck Line, Inc., Evergreen, Alabama, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
15th day of January, 1970.

vr

(Decision No. 74171)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WAYNE HARDIN AND MYRON PETERSON,)
DOING BUSINESS AS "P-H TRUCKING,")
OSHKOSH, NEBRASKA, FOR AUTHORITY TO)
TRANSFER INTERSTATE OPERATING RIGHTS)
TO WAYNE HARDIN, DOING BUSINESS AS)
"P & H TRUCKING," BOX 402, OSHKOSH,)
NEBRASKA.)

PUC NO. 7336-I - Transfer

January 15, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Wayne Hardin and Myron Peterson, doing business as "P-H Trucking," Oshkosh, Nebraska, were granted a certificate of public convenience and necessity, being PUC No. 7336-I, authorizing operation as a common carrier by motor vehicle for hire:

"Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of 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."

Said certificate-holders now seek authority to transfer said PUC No. 7336-I to Wayne Hardin, doing business as "P & H Trucking," Oshkosh, Nebraska.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Wayne Hardin and Myron Peterson, doing business as "P-H Trucking," Oshkosh, Nebraska, be, and hereby are, authorized to transfer

all right, title and interest in and to PUC No. 7336-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Wayne Hardin, doing business as "P & H Trucking," Oshkosh, Nebraska, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
15th day of January, 1970.

vr

(Decision No. 74172)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

Louis D. Lane
Post Office Box 1745
Arboles, Colorado 81121

AUTHORITY NO. M-736

CASE NO. 5069-M-Ins.

January 14, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 12, 1970 , in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.




The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 14th day of January 1970 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GOLDSTEIN TRANSPORTATION & STORAGE,)
INC., 5231 MONROE STREET, DENVER,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A COMMON CARRIER)
BY MOTOR VEHICLE FOR THE TRANS-)
PORTATION OF GENERAL COMMODITIES)
IN SCHEDULED SERVICE BETWEEN DENVER,)
COLORADO, ON THE ONE HAND, AND)
TRINIDAD, COLORADO, ON THE OTHER)
OVER U.S. HIGHWAYS 85 AND 87 AND)
INTERSTATE HIGHWAY 25, SERVING)
ALL INTERMEDIATE POINTS.)

APPLICATION NO. 22815-TA
ORDER GRANTING TEMPORARY AUTHORITY
IN PART

January 14 , 1970

The above-entitled application under CRS 1963, 115-6-20(1), being under consideration, and

It appearing, That there is an immediate and urgent need for the motor carrier service described in the appendix attached hereto, and that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted temporary authority, conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations, to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this order shall not be commenced until all requirements have been met and applicant has received notice in writing from the Commission that compliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted becoming effective, failure of the applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG,
NECESSARILY ABSENT AND NOT PARTICIPATING

Dated at Denver, Colorado
this 14th day of January, 1970.
sll

(Decision No. 74173)
January 14 , 1970

APPENDIX

Application No. 22815-TA

Goldstein Transportation & Storage, Inc.
5231 Monroe Street
Denver, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of the notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common

SERVICE AUTHORIZED:

Temporary authority to operate as a common carrier by motor vehicle with authority as follows:

"Transportation -- on schedule -- of

(1) General commodities

Between Denver, Colorado, and points within five (5) miles thereof and Trinidad, Colorado and points within three (3) miles thereof over U.S. Highways 85 and 87 and Interstate Highway 25 serving all intermediate points including Colorado Springs, Colorado, and points within five (5) miles thereof; Pueblo, Colorado, and points within five (5) miles thereof; and Walsenburg, Colorado, and points within three (3) miles thereof.

RESTRICTION:

All transportation service rendered between Denver, Colorado and a five (5) mile radius thereof and Pueblo, Colorado and a five (5) mile radius thereof and points intermediate thereto shall originate or terminate at points south of Pueblo, Colorado."

(Decision No. 74174)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT H. WALLACE, 1023½ NORTH WALNUT,)
COLORADO SPRINGS, COLORADO FOR TEMPO-)
RARY AUTHORITY TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24129-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 16, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regula-
tions within fifteen (15) days from the date hereof, this order shall
be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado, this
16th day of January, 1970.
vr

(Decision No. 74174)
January 16, 1970

APPENDIX

Application No. 24129-PP-TA

Robert H. Wallace
1023½ North Walnut
Colorado Springs, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract Carrier

SERVICE AUTHORIZED:

Temporary authority to operate as a contract carrier by motor vehicle with authority as follows:

"Transportation of

- (1) 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 (50) miles of said pits and supply points;

- (2) 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 (50) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3, and 4 of this temporary authority are restricted against the use of tank vehicles when transporting road-surfacing materials."

(Decision No. 74175)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF DON SWANSON, BOX 195, MORRISON,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A CONTRACT CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 24134-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 16, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto,
and that there is no carrier service available capable of meeting such
need.

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regula-
tions within fifteen (15) days from the date hereof, this order shall
be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
16th day of January, 1970.
vr

(Decision No. 74175)
January 16, 1970

APPENDIX

Application No. 24134-PP-TA

Don Swanson
Box 195
Morrison, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract Carrier

SERVICE AUTHORIZED:

Temporary authority to operate as a contract carrier by motor vehicle with authority as follows:

"Transportation of

- (1) 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 (50) miles of said pits and supply points;

- (2) 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 (50) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3, and 4 of this temporary authority are restricted against the use of tank vehicles when transporting road-surfacing materials."

(Decision No. 74176)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF EUEL T. ALLEN, DOING BUSINESS)
AS "EUEL T. ALLEN LOGGING," 121)
HILL STREET, BOX 752, STEAMBOAT)
SPRINGS, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24135-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 16, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regula-
tions within fifteen (15) days from the date hereof, this order shall be
of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
16th day of January, 1970.
vr

APPENDIX

Application No. 24135-PP-TA

Euel T. Allen
Doing Business As
"Euel T. Allen Logging"
121 Hill Street
Box 752
Steamboat Springs, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract Carrier

SERVICE AUTHORIZED:

Temporary authority to operate as a contract carrier by motor vehicle with authority as follows:

"Transportation of

- (1) 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 one hundred (100) miles of said pits and supply points;

- (2) 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 one hundred (100) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred (100) miles of said pits and supply points.

RESTRICTION:

Items 1, 2, 3, and 4 of this temporary authority are restricted against the use of tank vehicles when transporting road-surfacing materials."

(Decision No. 74177)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MELVIN LARRY HOAGLAND, BOX 23, SOUTH)
FORK, COLORADO, FOR TEMPORARY AUTHOR-)
ITY TO OPERATE AS A CONTRACT CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 24141-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 15, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted tem-
porary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that compliance
has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regulations
within fifteen (15) days from the date hereof this order shall be of no
further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 15th day of January, 1970.
hj

(Decision No. 74177)
January 15, 1970

APPENDIX

Application No. 24141-PP-TA

Melvin Larry Hoagland
Box 23
South Fork, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract Carrier

SERVICE AUTHORIZED:

Temporary authority to operate as a contract carrier by motor vehicle with authority as follows:

"Transportation of

- (1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred fifty (150) miles of said forests;

- (2) Rough lumber

From sawmills within a one hundred fifty (150) mile radius of forests to markets in the State of Colorado.

RESTRICTION:

Items 1 and 2 of this temporary authority are restricted against town-to-town service."

(Decision No. 74178)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALFRED HENRY KEITH, BOX 23, SOUTH)
FORK, COLORADO, FOR TEMPORARY AUTHOR-)
ITY TO OPERATE AS A CONTRACT CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 24142-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 15, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable stat-
utory and Commission requirements, rules and regulations, to engage in the
business of transportation by motor vehicle to the extent and in the manner
set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that compli-
ance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regulations

within fifteen (15) days from the date hereof this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 15th day of January, 1970.
hj

(Decision No. 74178)
January 15, 1970

APPENDIX

Application No. 24142-PP-TA

Alfred Henry Keith
Box 23
South Fork, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract Carrier

SERVICE AUTHORIZED:

Temporary authority to operate as a contract carrier by motor vehicle with authority as follows:

"Transportation of

- (1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred fifty (150) miles of said forests;

- (2) Rough lumber

From sawmills within a one hundred fifty (150) mile radius of forests to markets in the State of Colorado.

RESTRICTION:

Items 1 and 2 of this temporary authority are restricted against town-to-town service."

(Decision No. 74179)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALFRED CHARLES WINDEN, GENERAL DELIV-)
ERY, WELLINGTON, COLORADO, FOR TEM-)
PORARY AUTHORITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
THE TRANSPORTATION OF ASHES, TRASH,)
AND OTHER REFUSE FROM ALL POINTS)
WITHIN WELLINGTON, COLORADO TO DESIG-)
NATED AND APPROVED DUMPS AND DISPOSAL)
SITES LOCATED IN LARIMER COUNTY,)
STATE OF COLORADO.)

APPLICATION NO. 24144-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 16, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable statu-
tory and Commission requirements, rules and regulations, to engage in the
business of transportation by motor vehicle to the extent and in the manner
set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this or-
der shall not be commenced until all requirements have been met and appli-
cant has received notice in writing from the Commission that compliance has
been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 16th day of January, 1970.
hj

(Decision No. 74179)
January 16, 1970

APPENDIX

Application No. 24144-TA

Alfred Charles Winden
General Delivery
Wellington, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common Carrier

SERVICE AUTHORIZED:

Temporary authority to operate as a common carrier by motor vehicle with authority as follows:

"Transportation of

(1) Ashes, trash, and other refuse

From all points within Wellington, Colorado to designated and approved dumps and disposal sites located in Larimer County, State of Colorado."

(Decision No. 74180)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RALPH JOHNSON, AGATE, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO. A-448)
TO R & K TRUCKING, INC., A COLORADO)
CORPORATION, P. O. BOX 682, LIMON,)
COLORADO.)

APPLICATION NO. 23887-PP-
Transfer

IN THE MATTER OF THE APPLICATION OF)
R & K TRUCKING, INC., A COLORADO)
CORPORATION, P. O. BOX 682, LIMON,)
COLORADO, (IN THE EVENT AUTHORITY)
SOUGHT IN APPLICATION NO. 23887-PP-)
Transfer IS GRANTED), FOR AUTHORITY)
TO EXTEND OPERATIONS UNDER PERMIT NO.)
A-448.)

APPLICATION NO. 23888-PP-
Extension

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

January 15, 1970

Appearances: John R. Barry and John J. Conway,
Esqs., Denver, Colorado, for
Applicants.
Edward C. Hastings, Esq.,
Denver, Colorado, for Denver-
Limon-Burlington Transfer Company,
Protestant.

PROCEDURE AND RECORD

Under date of July 16, 1969, Applicants filed the above-entitled application for authority to transfer Permit No. A-448 from Ralph Johnson to R & K Trucking, Inc., a Colorado corporation, and under date of July 16, 1969, Applicant, R & K Trucking, Inc., a Colorado corporation, filed the above-entitled application to extend operations under Permit No. A-448, if authority is granted under the application to transfer the said authority.

The Commission, pursuant to law, designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on these applications and, after due and proper notice to all interested persons, firms or corporations, set the herein matters for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado,

on December 8, 1969, at 10:00 o'clock A.M. The hearings were held at the aforesaid time and place.

Applications No. 23887-PP-Transfer and 23888-PP-Extension were heard on a joint record.

Prior to the taking of evidence, Applicant, R & K Trucking, Inc., moved to amend its application so that the extension would seek only an office for the solicitation of business in Limon, Colorado, authority to serve the town of Limon, Colorado, together with a restriction against the rendering of any transportation service when in competition with line-haul motor vehicle common carriers between points on U. S. Highway No. 40 except Agate, Colorado, whereupon Protestant withdrew.

Applicants' Exhibits numbered 1, 2, 3, 4, 5, 6, and 7 were tendered and admitted into evidence.

Ralph Johnson and Ralph Kinkade testified in support of the transfer application and Ralph Kinkade and Cliff Arfsten testified in support of the extension application. No person testified in protest of the granting of these applications.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. This is an application to transfer Permit No. A-448 from Ralph Johnson to R & K Trucking, Inc., a Colorado corporation, which was Application No. 23887-Transfer, which was held on a joint record with Application No. 23888-Extension, which was an application by R & K Trucking, Inc. for authority to extend operations under Permit No. A-448 so as to allow for an office for the solicitation of business in Limon, Colorado, to serve the town of Limon, Colorado, with a restriction as hereinafter set forth.

2. The Transferor herein is the present owner and operator of said Permit No. A-448, which is the subject of this proceeding.
3. This authority has been continually operated in the past and is presently in good standing with the Commission.
4. Transferee also holds Certificate of Authority PUC No. 435 and PUC No. 435-I and Permit No. B-7127. However, there is no duplication or conflict with the authority sought to be transferred herein.
5. It is the intent and the desire of the parties that the office in Agate, Colorado, will be abandoned if an office is allowed pursuant to the request for extension in Limon, Colorado. Further, it is the intent and desire of the parties that this authority be operated as a "B" Permit and that the designation as an "A" Permit be dropped.
6. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
7. The Permit is free and clear of any debts, encumbrances or obligations.
8. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority sought to be transferred herein.
9. The chief corporate officers as well as the employees of the Transferee corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.
10. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
11. The transfer is compatible with the public interest.
12. The present authority under Permit No. A-448 presently reads as follows:

"Freight between Denver and Agate, Colorado, and

Freight from point to point within the area extending north to the south line of Arapahoe County, south to the State Highway No. 86, east to the west line of Lincoln County and west to the West Bijou Creek and between points in said area and Denver, without the right to transport freight under the extension of the type ordinarily handled by line-haul common carriers between points, except Agate, served by Denver-Limon-Burlington Transportation Co. on U. S. Highway No. 40."

13. The application, as amended, to grant the use of an office in the town of Limon, Colorado, to serve the town of Limon, Colorado, to abandon the office in Agate, with the restriction as hereinafter set forth, was not protested.
14. Both the Applicant and the Protestant, Denver-Limon-Burlington Transfer Company, which later withdrew its Protest, agreed to and otherwise approved the redraft of the authority as hereinafter set forth.
15. The extension as applied for and the redraft of the authority as a "B" Permit is compatible with the public interest and should be granted as hereinafter set forth.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer as sought by Applicants should be granted as hereinafter set forth.
2. The extension of authority under Permit No. A-448 should be granted.
3. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, the Commission enters the following

RECOMMENDED ORDER

THE COMMISSION ORDERS:

1. That Ralph Johnson, Agate, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. A-448 to R & K Trucking, Inc., a Colorado corporation, P. O. Box 682, Limon, Colorado, subject to encumbrances, if any, against said authority, subject to the provisions of Paragraph 9 of this Recommended Order.

2. That R & K Trucking, Inc., a Colorado corporation, Limon, Colorado, be, and hereby is, authorized to extend operations under Permit No. A-448 by:

"allowing for an office for the solicitation of business in Limon, Colorado, to serve the town of Limon, Colorado, and to abandon the office in Agate, Colorado."

3. That henceforth the authority shall be designated as a "B" Permit designated as Permit No. B-448 and said authority thereunder shall read as follows:

"Transportation of

(1) Farm machinery and commodities in bulk

Between all points within the following described area: Commencing at the northeast corner of Elbert County; thence west along the Elbert-Arapahoe County Line to the West Bijou Creek; thence along the West Bijou Creek to Colorado Highway No. 86; thence east along Colorado Highway No. 86 as extended to the Elbert-Lincoln County Line; thence north along said county line to the point of beginning; and to and from said points from and to points in Denver, Colorado.

(2) Farm machinery and commodities in bulk

Between points in area set forth in Item No. 1 and Denver, Colorado, on the one hand, and the Town of Limon, Colorado, on the other hand.

RESTRICTION:

Items No. 1 and 2 are restricted as follows:

- (a) Restricted against the rendering of any transportation service when in competition with scheduled line-haul motor vehicle common carriers, between points on U. S. Highway No. 40 except Agate, Colorado.
- (b) No office or branch shall be established in any other town or city than Limon, Colorado, and, further, no agent or other person shall be employed for the purpose of developing or conducting business in any other town or city than Limon, Colorado."

4. 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.

5. That the tariff of rates, rules and regulations of the 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.

6. The right of Transferee to operate under this Order shall depend upon a prior filing of an annual report by Transferor herein, covering the operations under the aforesaid Permit up to the time of transfer of said Permit.

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

8. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

9. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rm/hj

(Decision No. 74181)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEO E. KING, BURLINGTON, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 23987

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

January 15, 1970

Appearances: Dean Johnson, Esq.,
Burlington, Colorado,
for Applicant.

PROCEDURE AND RECORD

Under date of September 17, 1969, Applicant filed the above-entitled application with the Commission, requesting the issuance of a Certificate of Public Convenience and Necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on September 30, 1969, was granted such temporary authority.

The Commission assigned No. 23987 to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as an Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Burlington, Colorado, on January 8, 1970, at 11:00 o'clock A.M.

The hearing was held at the aforesaid time and place.

Leo E. King and Lester R. McLain testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Applicant's Exhibit No. 1 was tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact, that:

1. Applicant is an individual.
2. Applicant in this matter operates a public utility, as defined in Chapter 115, CRS 1963, as amended.
3. This Commission has jurisdiction over said Applicant and the subject matter of these proceedings.
4. Applicant does hold previously granted authority from this Commission, to-wit: Permit No. M-5694.
5. Applicant owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.
6. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
7. There is a present and special need for the service as proposed by Applicant.
8. Applicant did prove by competent evidence that the radial authority is, in fact, needed for a five (5) mile radius from the Town of Burlington, Colorado, instead of the twenty (20) miles as requested in the application.
9. There is presently no such service available.
10. The authority as applied for will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority as sought by Applicant should be granted as hereinafter set forth.

2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, the Commission enters the following

RECOMMENDED ORDER

THE COMMISSION ORDERS:

Subject to the provisions of Paragraph 6 of this Recommended Order,

1. That Leo E. King, Burlington, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

"Transportation of

(1) Ashes, trash, and other refuse

From all points within the Town of Burlington, Colorado, and a five (5) mile radius thereof, to designated and approved dumps and disposal sites within the County of Kit Carson, State of Colorado;"

and this Order shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. That Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

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

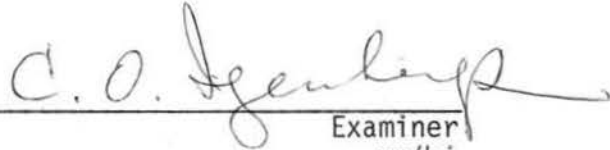
4. That this Order is subject to compliance by Applicant with all present and future laws and rules and regulations of the Commission.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of

time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rm/hj

(Decision No. 74182)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAN ISABEL ELECTRIC ASSOCIATION, INC.,)
DOING BUSINESS AS "SAN ISABEL ELECTRIC)
SERVICES, INC.", FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO)
SUPPLY THE PUBLIC ELECTRIC SERVICE FOR)
HEAT, LIGHT, POWER AND OTHER PURPOSES)
IN THE TERRITORY DESCRIBED IN THE)
APPLICATION AND LOCATED IN PUEBLO)
COUNTY, COLORADO.)

APPLICATION NO. 23873

SUPPLEMENTAL INTERIM ORDER

January 15, 1970

Appearances: Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, and
David E. Driggers, Esq.,
Denver, Colorado, for
San Isabel Electric Association, Inc.;

Harry S. Petersen, Esq.
Pueblo, Colorado, and
Joseph F. Nigro, Esq.,
Denver, Colorado, for
Central Telephone & Utilities Corporation;

B. W. O'Brien, Esq., ,
Los Angeles, California, and
John P. Akolt, Esq.,
Denver, Colorado, for
McCulloch Properties, Inc.;

Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On December 26, 1969, McCulloch Properties, Inc., Intervenor,
filed a motion entitled "Supplemental Motion of Intervenor for Order
Authorizing Immediate Permanent Primary and Secondary Underground Electric
Service for Light, Heat, Power and Other Purposes in the Territory
Described in this Application." By this Motion, Intervenor seeks an
order of the Commission temporarily dividing the area to be served known

as Pueblo-West (which area is more fully described in the Application herein) between the two utilities providing certain electric service in the area, to wit: San Isabel Electric Association, Inc. (San Isabel) and Central Telephone & Utilities Corporation, Southern Colorado Power Company Division (Southern), and authorizing each utility to provide on a temporary basis permanent electric service in the area allocated to it.

The Commission has previously entered an order generally freezing the service and facilities of each utility pending the disposition of said Application and the Protest thereto and has further issued orders authorizing extensions of certain electric lines of a temporary nature. Pursuant to previous orders of the Commission, motions have been filed by each of the utilities for authorization to extend other electric lines on a temporary basis.

Said Motion of McCulloch Properties, Inc., was duly set for hearing to commence at 10 o'clock a.m. on January 7, 1970 at the Commission's hearing room, 1845 Sherman Street, Denver, Colorado, at which time and place the matter and other pending motions were heard by the Commission. (Testimony was heard and exhibits were admitted into evidence.) At the conclusion of the hearing the matter was taken under advisement.

The Commission takes official notice of its Decision No. 73996 dated December 11, 1969, and, on its own motion, of the 1968 annual reports filed with the Commission by the two utilities, San Isabel and Southern.

FINDINGS OF FACT

From the record herein the Commission finds as fact that:

1. San Isabel is a public utility engaged in the transmission, distribution and sale of electrical energy in Pueblo County and other areas in the State of Colorado under the jurisdiction of the Commission.

2. Southern is a public utility engaged in the generation, transmission, distribution and sale of electrical energy in Pueblo County and other areas in the State of Colorado under the jurisdiction of the Commission.

3. The subject matter of this proceeding is within the jurisdiction of the Commission.

4. McCulloch Properties, Inc., is a developer engaged in the development, in Pueblo County, known as Pueblo-West. The boundaries of Pueblo-West are more definitely described in the Application herein, and such description is incorporated herein by reference.

5. Neither utility at present has an exclusive certificate of public convenience and necessity to serve the area known as Pueblo-West, although each has extended certain lines in the area. To the extent such extensions have been made pursuant to Chapter 115-5-1, CRS 1963, as amended, the utility involved has acquired the right and duty to serve customers along such lines.

6. A conflict between the two utilities arose with the beginning of the development of Pueblo-West, and both utilities had knowledge of such conflict at least as early as the first week of July, 1969, but the Commission was not advised by the utilities that actual and immediate conflict existed until the filing of the Complaint by Southern on September 5, 1969.

7. Pueblo-West is bisected by U.S. Highway 50, running approximately east and west. Other roads of importance in the area include the road called "Nichols Road," running along the center line extended of Section 9, Township 20 South, Range 66 West; and a road called "Primitive Road," running along the south section line of Section 9, Township 20 South, Range 66 West.

8. The principal facilities and lines of the two utilities include a line owned by Southern running along the south side of present U.S. Highway 50 and a line owned by San Isabel running along Primitive Road.

9. McCulloch Properties, Inc., has an immediate and actual need for permanent electric service in Pueblo-West and public convenience and necessity require rendition of such service. Furthermore the public interest will suffer if such service is not immediately available.

10. Public convenience and necessity, and the public interest, further require that an immediate temporary division of the service area in the Pueblo-West Area be ordered pending decision of the Commission in Application No. 23873. The Application is now set for hearing commencing January 19, 1970, and the possibility exists that a judicial review may be sought of the Commission decision therein by either or both parties, in which event final determination of a permanent certificate of public convenience and necessity may yet be several years in the future.

11. Considering the location of, and the type of facilities of both utilities, and keeping in mind the necessity to prevent unnecessary and wasteful duplication of facilities now and in the future, the following service area division of the area known as Pueblo-West between the two utilities on a temporary basis is required:

- A. All of the area lying north of present U.S. Highway 50 should be temporarily certificated to Southern.
- B. All of the area lying west of Nichols Road should be temporarily certificated to San Isabel.
- C. All of the area lying south of Primitive Road should be certificated to San Isabel.
- D. Tract 331 should be certificated to San Isabel.
- E. Tract 334 should be certificated to Southern.
- F. The hotel-motel complex and civic center area, lying between U.S. Highway 50 and Primitive Road, should be certificated to Southern.

G. The balance of the area bounded by the Primitive Road on the south, Nichols Road on the west, U.S. Highway 50 on the north and the boundary of Pueblo-West on the east should be divided as follows:

- (1) The area lying between U.S. Highway 50 and a line generally following the center line of the green belt south of the said highway (such line is defined in Exhibit A attached hereto and made a part hereof by reference), to Southern.
- (2) The area lying between the said line identified on Exhibit A hereof and Primitive Road, to San Isabel.

For purposes of further identification of said area, reference is made to Exhibit A which, by reference, is incorporated herein.

12. Both utilities are ready, willing and able in every way, financially and otherwise, to provide such electric service in the area.

The Commission concludes that temporary certificates of public convenience and necessity should be granted to each of said utilities until further order of the Commission and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. San Isabel Electric Association, Inc., and Central Telephone & Utilities Corporation, Southern Colorado Power Division, be, and hereby are, granted temporary and mutually exclusive certificates of public convenience and necessity to provide electric service in portions of the area known as Pueblo-West being developed by McCulloch Properties, Inc., in Pueblo County, State of Colorado, as described for each utility in Finding No. 11.

2. The said temporary certificates of public convenience and necessity shall remain in full force and effect until such time as the Commission enters a final decision in Application No. 23873.

3. San Isabel and Southern shall without delay install any permanent electric facilities requested by McCulloch or any other customer in Pueblo-West in the service area allocated to each utility hereunder pursuant to its filed tariffs.

4. Each utility may continue to provide service to customers presently served, wherever located, on a temporary basis until permanent and/or different service is requested by the customer and the certificated utility has the permanent facilities available for service. In no event shall either utility continue to serve outside of its temporary exclusively certificated area after it is requested to terminate such service by the customer or for a period in excess of one year from the date of this Order.

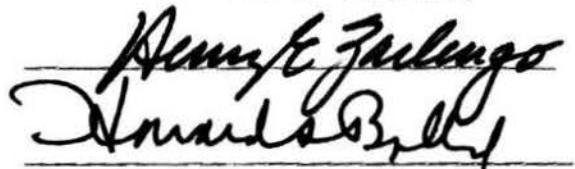
5. The Commission retains such jurisdiction and may make such further order or orders as may be necessary to adjust the boundary lines of the certificated areas of each utility hereunder in the event that final subdivision plans make it imperative to do so in order that only one utility shall serve each separately platted tract.

6. The motion to amend the prayer in the Protest by Southern be, and hereby is, granted.

7. The pending motions heretofore filed by San Isabel and Southern for authorization to provide temporary service, having become moot, are hereby denied.

This Order shall be effective forthwith.

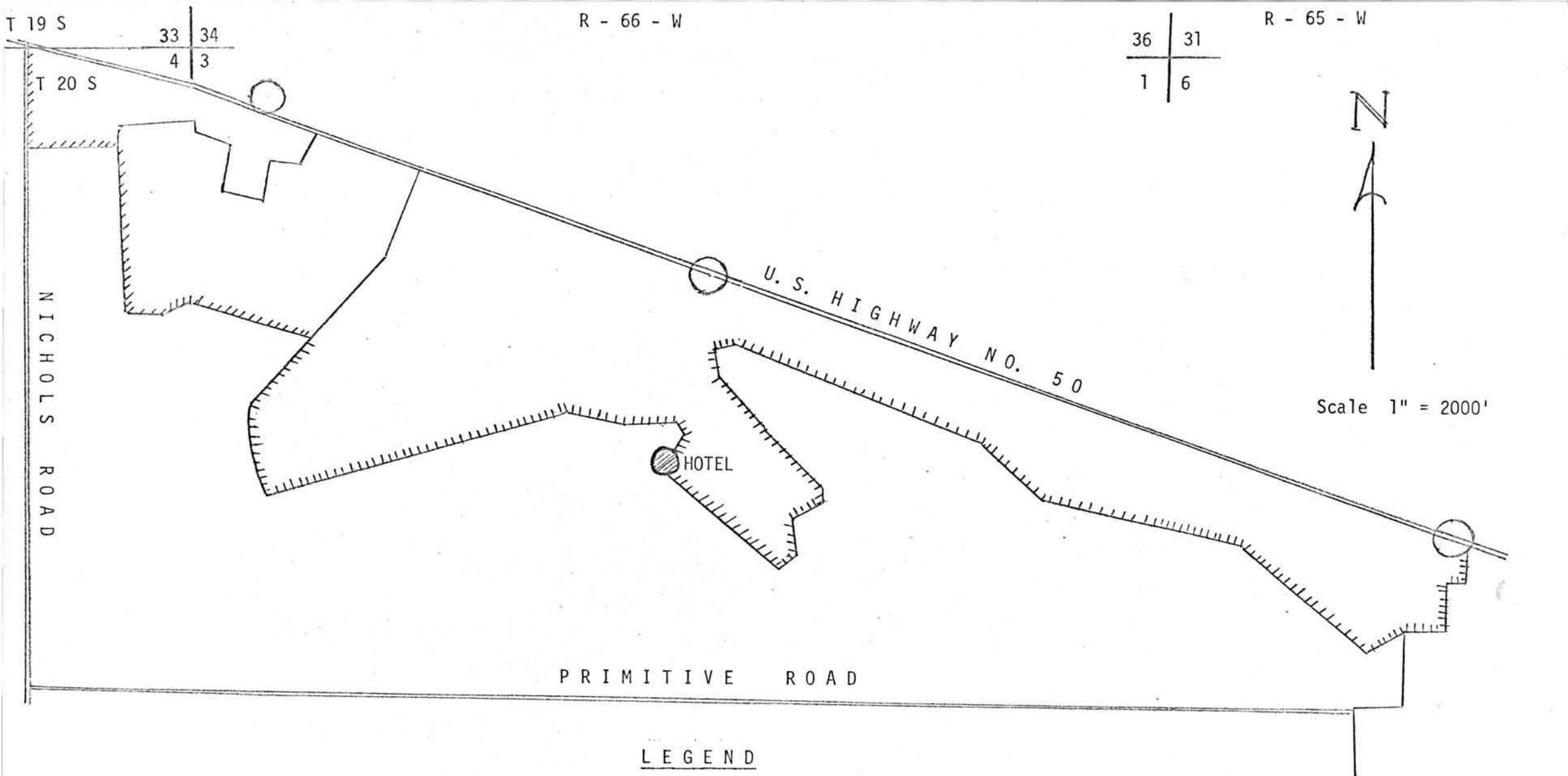
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 15th day of January, 1970.
hj/hbp



LEGEND



Area between U.S. Highway No. 50 and Division Line
CERTIFICATED to Southern Colorado Power Division of
Central Telephone & Utilities, Inc.

Area south of Division Line CERTIFICATED to San Isabel Electric.

Application No. 23873
January 15, 1970
Decision No. 74182

EXHIBIT "A"

(Decision No. 74183)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

DENVER-CLIMAX TRUCK LINE, INC.)
4250 ONEIDA STREET)
DENVER, COLORADO 80216)
Complainant,)
vs.)
GILPIN COUNTY EXPRESS AND TRUCK LINE)
P. O. BOX 303)
CENTRAL CITY, COLORADO 80427)
Respondent.)

CASE NO. 5400

EXTENSION OF TIME FOR
FILING EXCEPTIONS

January 16, 1970

Appearances: R. B. Danks, Esq., Denver, Colorado,
for Complainant;
Herbert M. Boyle, Esq., Denver, Colorado,
for Respondent
Lloyd C. Espinosa and John R. Wells,
Denver, Colorado, of the Staff of
the Commission.

STATEMENT AND FINDINGS OF FACT

On December 30, 1969, the Recommended Decision of Christian O. Igenbergs, Examiner, was filed with this Commission and served upon the parties. Section 115-6-9 (2), CRS 1963, as amended, provides that exceptions shall be filed within twenty (20) days after service of the Recommended Decision upon the parties or within such extended period of time as the Commission may authorize in writing.

On January 15, 1970, Respondent, Gilpin County Express and Truck Line, by its attorney, Herbert M. Boyle, filed with the Commission a petition requesting an extension of time within which to file exceptions to the Recommended Decision of the Examiner until twenty (20) days after the certification of the transcript by the reporter.

The Commission states and finds that said request is in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the Respondent, Gilpin County Express and Truck Line, be,
and hereby is, granted an extension of time within which to file exceptions
to the Recommended Decision of the Examiner until twenty (20) days after the
certification of the transcript of the proceedings by the official reporter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 16th day of January, 1970.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CABS, INC., DOING BUSINESS AS "DOLLAR)	
CAB LINE," OPERATING ZONE CABS, 2358	)	<u>APPLICATION NO. 24043-Extension</u>
WASHINGTON STREET, DENVER, COLORADO,)	
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY AUTHORIZING EXTENSION OF)	
OPERATIONS UNDER PUC NO. 1221.)	

January 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 19, 1969, Yellow Cab, Inc. and Checker Cab, Inc., by their attorney, Walter M. Simon, filed a Motion for Leave To Intervene in the above-captioned proceeding and caused copies of said Motion to be served by mail upon John F. Mueller, Esq., attorney for Applicant.

On January 14, 1970, Independent Drivers Association of Denver, by its attorneys, Gerash and Kaiser, filed a Petition For Leave To Intervene in the above-captioned proceeding and caused copies of said Petition to be served by mail upon John F. Mueller, Esq., attorney for Applicant.


The Commission states and finds that applicants for intervention, Yellow Cab, Inc., Checker Cab, Inc., and Independent Drivers Association of Denver, are parties who may or might be interested in or affected by any order which may be entered in this proceeding and that the interventions should be authorized.

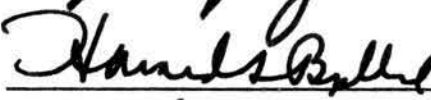
O R D E R

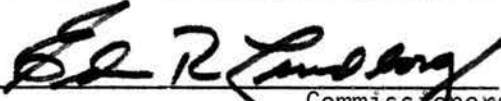
THE COMMISSION ORDERS:

That the Petitions For Leave To Intervene by Yellow Cab, Inc., Checker Cab, Inc., and Independent Drivers Association of Denver, be, and the same hereby are, granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 16th day of January, 1970.
1s

(Decision No. 74185)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JEFFCO TAXICAB SERVICE, INC., A COLO-)
RADO CORPORATION, JEFFERSON CITY,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
AS A MOTOR VEHICLE COMMON CARRIER FOR)
HIRE.)

APPLICATION NO. 24036

January 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 14, 1970, Independent Drivers Association of Denver, by its attorneys, Gerash and Kaiser, filed a Petition For Leave To Intervene in the above-captioned proceeding and caused copies of said Petition to be served by mail upon John P. Thompson, Esq., attorney for Applicant.

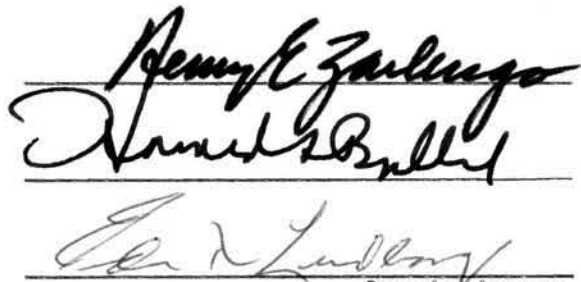
The Commission states and finds that applicant for intervention, Independent Drivers Association of Denver, is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS:

That the Petition For Leave To Intervene by Independent Drivers Association of Denver, be, and the same hereby is, granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 16th day of January, 1970.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MIGUEL A. SANCHEZ, DOING BUSINESS AS)
MONTBELLOW TRANSPORTATION SERVICE, 663)
LOGAN STREET, DENVER, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY AUTHORIZING OPERATION AS A)
COMMON CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 24015

January 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 14, 1970, Independent Drivers Association of Denver, by its attorneys, Gerash and Kaiser, filed a Petition For Leave To Intervene in the above-captioned proceeding and caused copies of said Petition to be served by mail upon Jake R. Valdez, Esq., attorney for Applicant.


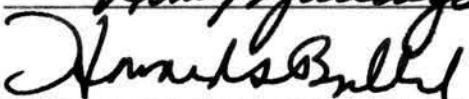

The Commission states and finds that applicant for intervention, Independent Drivers Association of Denver, is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS:

That the Petition For Leave To Intervene by Independent Drivers Association of Denver, be, and the same hereby is, granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 16th day of January, 1970.

(Decision No. 74187)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ROY E. HANEY, ROUTE 2, LOT 31,)
PINNACLE PARK, GREELEY, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 24138-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 19, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regula-
tions within fifteen (15) days from the date hereof, this order shall
be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
19th day of January, 1970.
vr

(Decision No. 74187)
January 19, 1970

APPENDIX

Application No. 24138-PP-TA

Roy E. Haney
Route 2, Lot 31
Pinnacle Park
Greeley, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract Carrier

SERVICE AUTHORIZED:

Temporary authority to operate as a contract carrier by motor vehicle with authority as follows:

"Transportation of

(1) Farm products and natural fertilizer

Between all points within Weld County, State of Colorado.

RESTRICTION:

(a) Restricted against transportation of livestock, bulk milk and dairy products."

(Decision No. 74188)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF FRED GREENWALT, 4502 JOSEPHINE)	
STREET, DENVER, COLORADO, FOR AUTHOR-	)	APPLICATION NO. 24139-Transfer-TA
ITY TO TRANSFER CERTIFICATE PUC NO.	)	<u>ORDER GRANTING TEMPORARY APPROVAL</u>
3306 TO JOHN C. ROWE, DOING BUSINESS)	
AS "ROWE'S DISPOSAL," 5134 ST. PAUL)	
STREET, DENVER, COLORADO.)	

January 19, 1970

The above-entitled application under CRS 1963, 115-6-20 (2),
being under consideration, and

It appearing, That applicant has established the following:
That appropriate application has been made to this Commission for perma-
nent authority to transfer Certificate PUC No. 3306 to the above-named
transferee.

It further appearing, That failure to grant Temporary Approval
may result in destruction of or injury to the applicant or interfere sub-
stantially with the future usefulness in the performance of adequate and
continuous service.

It is ordered, That applicant be, and is hereby, granted tempo-
rary approval, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that com-
pliance has been effected and service may be insituted.

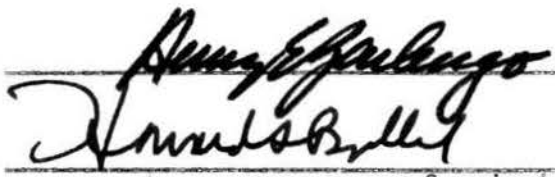
It is further ordered, That upon the approval herein granted
becoming effective, failure of the applicant to maintain compliance with

statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
19th day of January, 1970.
vr

(Decision No. 74188)
January 19, 1970

APPENDIX

Application No. 24139-Transfer-TA

John C. Rowe
Doing Business As
"Rowe's Disposal"
5134 St. Paul Street
Denver, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common Carrier

SERVICE AUTHORIZED:

Temporary approval to operate under Certificate PUC No. 3306, with authority as follows:

"Transportation of

(1) Ashes, trash, and other refuse,

Between points within 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."

(Decision No. 74189)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOYCE BALLARD, DOING BUSINESS AS)
"BALLARD TIMBER COMPANY", 461 ROSE)
STREET, CRAIG, COLORADO, FOR A CLASS)
"B" PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23892-PP

January 19, 1970

STATEMENT AND FINDINGS

BY THE COMMISSION:

The above-entitled application was, upon due and proper notice to all interested parties, set for hearing on Friday, October 10, 1969, at 10 o'clock a.m., at the Moffat County Courthouse, Craig, Colorado.

Pursuant to law, the Commission designated Girts Krumins Examiner for the purpose of hearing the application. At the said time and place of the hearing the Applicant did not appear personally, although his attorney did appear. Upon motion by the Applicant's attorney, the case was continued upon the condition that the Applicant request a resetting within thirty (30) days.

The Commission finds that no such request has been received and the allotted time has expired. The application should therefore be dismissed.


O R D E R

THE COMMISSION ORDERS THAT:

The above-entitled Application No. 23892 be, and hereby is, dismissed.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
19th day of January, 1970.

vr

(Decision No. 74190)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION }
OF BUCK HORN, 1302 PARKVIEW, LAMAR, }
COLORADO, FOR TEMPORARY AUTHORITY }
TO OPERATE AS A CONTRACT CARRIER }
BY MOTOR VEHICLE. }

APPLICATION NO. 24143-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 19, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regula-
tions within fifteen (15) days from the date hereof, this order shall be
of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
19th day of January, 1970.
vr

(Decision No. 74190)
January 19, 1970

APPENDIX

Application No. 24143-PP-TA

Buck Horn
1302 Parkview
Lamar, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract Carrier

SERVICE AUTHORIZED:

Temporary authority to operate as a contract carrier by motor vehicle with authority as follows:

"Transportation of

(1) Livestock feed

Between all points within an area comprised of the Counties of Prowers, Bent, Baca, Kiowa and Otero, State of Colorado."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
IOWA ELECTRIC LIGHT AND POWER COMPANY,)
CEDAR RAPIDS, IOWA, FOR PERMISSION TO)
FILE TARIFFS ON LESS THAN 30 DAYS)
(STATUTORY) NOTICE.)

APPLICATION NO. 24158

January 16, 1970

S T A T E M E N T

BY THE COMMISSION:

On January 15, 1970, James M. Davidson, Vice President of Iowa Electric Light and Power Company, Cedar Rapids, Iowa, filed an application with this Commission requesting permission to put into effect on less than 30 days (statutory) notice new gas rates to reflect the reduction in the tariff rider resulting from the change in the federal income tax surcharge from 10% to 5% effective January 1, 1970.

Applicant's present tariffs provide that certain of its gas tariffs shall be adjusted to reflect the federal income tax surcharge, and the present filing sets forth in the tariff sheets the rates to be charged as a result of the reduction in the federal income tax surcharge.

Applicant further states that if permitted to file the reduced rates, it proposes to bill the reduced rates with all meter readings on and after January 19, 1970. It will not pro rate the customer gas bills resulting from the reduction beginning January 1, 1970 of the decrease in the surcharge from 10% to 5%, but will bill all gas usage on and after January 19, 1970 at the reduced rate, which will be beneficial to all customers. Inasmuch as the proposed tariff filing is a reduction in gas rates to the customers, the request should be granted.

F I N D I N G S

THE COMMISSION FINDS THAT:

Iowa Electric Light and Power Company should be permitted to place into effect the new tariff sheets as set forth in the Order to follow reflecting the reduction in the federal income tax surcharge from 10% to 5% for all gas billed to its customers with meter readings on and after January 19, 1970.

O R D E R

THE COMMISSION ORDERS THAT:


The gas rates filed with this Commission on January 15, 1970, to become effective for all meter readings on and after January 19, 1970, be, and hereby are, approved. Said gas rates are set forth on the following tariff sheets:

2nd Revised Sheet No. 3 to replace 1st Revised Sheet No. 3
2nd Revised Sheet No. 4 to replace 1st Revised Sheet No. 4
2nd Revised Sheet No. 5 to replace 1st Revised Sheet No. 5
2nd Revised Sheet No. 10 to replace 1st Revised Sheet No. 10
2nd Revised Sheet No. 11 to replace 1st Revised Sheet No. 11.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 16th day of January, 1970.
hbp

(Decision No. 74192)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, DWIGHT E. FOUST, DOING)
BUSINESS AS "BRYANT TRANSFER," 119) CASE NO. 5411
EAST LINCOLN, BOX 2086, FORT COLLINS,)
COLORADO, UNDER CERTIFICATE OF PUBLIC) RECOMMENDED DECISION OF
CONVENIENCE AND NECESSITY PUC NO. 4249.) HARRY A. GALLIGAN, JR.,
-----) EXAMINER.

January 19, 1970

Appearances: Robert L. Pyle, Esq., Denver,
Colorado, for the Staff of the
Commission;
Dwight E. Foust, Fort Collins,
Colorado, doing business as
"Bryant Transfer," pro se;
Frank T. Johnson, Jr., Esq., Fort
Collins, Colorado, for H. L.
Bryant and Crystal S. Bryant,
Intervenors.

PROCEDURE AND RECORD

Under date of November 19, 1969, the Commission entered its Decision No. 73859 which, after calling attention to an investigation of the Staff of the Commission relating to the motor vehicle operations of Respondent, Dwight E. Foust, doing business as "Bryant Transfer," found that sufficient cause existed for the holding of a hearing to determine whether or not said Respondent had, in fact, as the owner and operation of Certificate of Public Convenience and Necessity PUC No. 4249, engaged in transportation practices in violation of the Public Utilities Law, the Rules and Regulations of the Commission and the public policy of the State of Colorado in the following respect, to-wit:

"By repeatedly performing transportation beyond the scope of authority contained in Certificate PUC No. 4249 contrary to Rule No. 6 of the Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire."

The Commission, in said Decision No. 73859, further ordered that the Case be set for hearing before the Commission at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10:00 o'clock A.M., on January 8, 1970, and that January 9, 1970, be reserved on the calendar of the Commission in the event an additional hearing day is required. Respondent, Dwight E. Foust, doing business as "Bryant Transfer," was ordered and directed to appear before the Commission at said time and place to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate, including, but not limited to, a cease and desist Order, or, if warranted, an Order cancelling and revoking Certificate PUC No. 4249 of the Respondent.

Thereafter, and more particularly, under date of December 18, 1969, the Commission entered its Decision No. 74029 which allowed for the intervention of H. L. Bryant and Crystal S. Bryant in the proceeding as their interests may appear.

Pursuant to law, the Commission designated Harry A. Galligan, Jr., as Examiner for the purpose of conducting the hearing and said hearing was held at the aforesaid time and place.

Mr. David L. Jackson, an employee of the Staff of the Commission, appeared and testified concerning the investigation of the authority by the Commission and Mr. Dwight E. Foust appeared and testified for Respondent.

Staff Exhibits numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Respondent is the owner and operator of Certificate of Authority PUC No. 4249, which generally allows for the transportation of freight between all points within the City of Fort Collins, State of Colorado, transportation of coal, feed, household goods and building materials between all points in Larimer County and transportation of pallets, lumber and lumber products between the plant site of Valley Pallet and Wood Products, Inc., located near Fort Collins, Colorado, on the one hand, and, on the other, points in the State of Colorado, all of which is subject to certain restrictions not material to this proceeding.
2. The Staff of the Commission conducted an investigation concerning the motor vehicle operations of Respondent, Dwight E. Foust, doing business as "Bryant Transfer," under his Certificate of Authority PUC No. 4249 between the period from the month of January, 1969, through the month of July, 1969, during which period of time said Respondent did, in fact, transport commodities which are not authorized under Certificate of Authority PUC No. 4249 and, further, transported commodities outside and beyond the scope of the authority contained in Certificate of Authority PUC No. 4249.
3. Respondent did, in fact, engage in transportation practices in violation of the Public Utilities Law, the Rules and Regulations of the Commission and the public policy of the State of Colorado in the following respect, to-wit:

"By repeatedly performing transportation beyond the scope of authority contained in Certificate of Authority PUC No. 4249 contrary to Rule No. 6 of the Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire."
4. Respondent realized a gross income from out of authority moves and hauls during the period of investigation from January, 1969, through July, 1969, of \$1,861.81, which represented twenty-one percent (21%) of his gross income and seventeen percent (17%) of his gross transportation services.
5. Under date of October 23, 1968, Respondent, Dwight E. Foust, doing business as "Bryant Transfer," was given notice and warning concerning the operation of his Certificate of Authority PUC No. 4249 and his attention was called to the fact of his transporting goods for hire which was outside the scope of his authority.
6. Respondent offered no excuse for the illicit transportation services he had been rendering.

7. By Stipulation and Agreement of all the parties, which included the Staff of the Commission, the Respondent and the Intervenors, it was stipulated and agreed "that Certificate of Authority PUC No. 4249 would be placed in suspension for a period of six (6) months from date hereof which would give Respondent, Dwight E. Foust, doing business as 'Bryant Transfer', an opportunity to sell and dispose of the authority; however, in the event that the said Dwight E. Foust, doing business as 'Bryant Transfer', was still the owner of said Certificate of Authority PUC No. 4249 at the end of said period, then and in that event Certificate of Authority PUC No. 4249 would be cancelled."
8. Said Stipulation and Agreement is now and hereby approved by the Examiner.

CONCLUSIONS ON FINDINGS OF FACT

After careful consideration of the record, and all and any parts thereof, and based on the aforesaid findings of fact, it is concluded, that:

1. Respondent is guilty of engaging in transportation practices in violation of the Public Utilities Law, the Rules and Regulations of the Commission and the public policy of the State of Colorado in the following respect, to-wit:

"By repeatedly performing transportation beyond the scope of authority contained in Certificate of Authority PUC No. 4249 contrary to Rule 6 of the Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire."
2. Respondent is, therefore, found guilty as complained of in the ORDER TO SHOW CAUSE AND NOTICE OF HEARING, being Decision No. 73859, in Case No. 5411, dated November 19, 1969.
3. Said Respondent should be required to place Certificate of Authority PUC No. 4249 in suspension for a period of six (6) months from date hereof at which time if he is still the owner of said authority, it should be cancelled.
4. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That subject to the provisions of Paragraph 4 of this Order,

1. Respondent, Dwight E. Foust, doing business as "Bryant Transfer," be, and hereby is, found guilty of engaging in transportation services in violation of the Public Utilities Law, the Rules and Regulations of this Commission and the public policy of the State of Colorado in the following respect, to-wit:

"By repeatedly performing transportation beyond the scope of authority contained in Certificate of Authority PUC No. 4249 contrary to Rule 6 of the Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire."

2. Said authority, being Certificate of Authority PUC No. 4249, be, and hereby is, placed in suspension as of this date for a period of six (6) months from date hereof, at the end of which time, if Respondent, Dwight E. Foust, doing business as "Bryant Transfer," is then the owner of said authority, then, and in that event, said authority shall be cancelled and revoked without further hearing.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
POUDRE VALLEY RURAL ELECTRIC ASSOCIA-)
TION, INC., 220 EAST OLIVE STREET,)
FORT COLLINS, COLORADO, FOR A CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A PUBLIC)
UTILITY DISTRIBUTING ELECTRIC ENERGY)
IN PORTIONS OF THE COUNTIES OF)
LARIMER, WELD, AND BOULDER, STATE OF)
COLORADO.)

APPLICATION NO. 19574-Amended

IN THE MATTER OF THE APPLICATION OF)
HOME LIGHT AND POWER COMPANY, A COR-)
PORATION, 810 NINTH STREET, GREELEY,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
AS A PUBLIC UTILITY, IN THE DISTRI-)
BUTION OF ELECTRICAL ENERGY IN THE)
COUNTY OF WELD, STATE OF COLORADO.)

APPLICATION NO. 19606-Amended

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
A CORPORATION, 550 FIFTEENTH STREET,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A PUBLIC UTILITY IN)
THE DISTRIBUTION OF ELECTRICAL)
ENERGY IN PORTIONS OF THE COUNTIES)
OF LARIMER, WELD, AND BOULDER, STATE)
OF COLORADO.)

APPLICATION NO. 20356
As assigned by Commission Order

POUDRE VALLEY RURAL ELECTRIC ASSOCIA-)
TION, INC., a corporation,)
220 East Olive Street,)
Fort Collins, Colorado,)

Complainant,)

vs.)

HOME LIGHT AND POWER COMPANY,)
a corporation,)
810 Ninth Street,)
Greeley, Colorado, and)

PUBLIC SERVICE COMPANY OF COLORADO,)
a corporation,)
550 Fifteenth Street,)
Denver, Colorado,)

Defendants.)

CASE NO. 5234

January 16, 1970

STATEMENT AND FINDINGS

BY THE COMMISSION:

The Commission has received a request from Home Light and Power Company for an extension of time to February 5, 1970 for the filing of information ordered in paragraph 2A of Decision No. 73822 with respect to areas in controversy between Home Light and Power Company and Poudre Valley Rural Electric Association, Inc. (Poudre Valley). Poudre Valley has not filed an objection to the granting of the extension of time. A prior extension of time was granted by the Commission in Decision No. 74069 to January 15, 1970. The request for the further extension is for the purpose of conducting additional meetings between the two parties in the hope an agreement can be reached.

The Commission finds the request is reasonable and should be granted.

O R D E R

THE COMMISSION ORDERS THAT:

The time for filing the information required by ordering paragraph 2A of Decision No. 73822 with respect to areas in controversy between Home Light and Power Company and Poudre Valley Rural Electric Association, Inc., be, and hereby is, extended to February 5, 1970. Except as modified herein, Decisions 73822 and 74002 shall remain in full force and effect.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 16th day of January, 1970.
hbp

(Decision No. 74194)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TRAVIS L. PARK, DOING BUSINESS AS)
"CONTINENTAL DISTRIBUTING CO.," 557)
NOLAND, GRAND JUNCTION, COLORADO, FOR)
AUTHORITY TO TRANSFER INTERSTATE OPER-)
ATING RIGHTS TO WESLEY O. WOOD, DOING)
BUSINESS AS "CONTINENTAL DISTRIBUTING)
CO.," 557 NOLAND, BOX 761, GRAND)
JUNCTION, COLORADO.)

PUC NO. 6053-I - Transfer

January 19, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Travis L. Park, doing business as "Continental Distributing Co.," Grand Junction, Colorado, was granted a certificate of public convenience and necessity, being PUC No. 6053-I, authorizing operation as a common carrier by motor vehicle for hire:

"Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of 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."

Said certificate-holder now seeks authority to transfer said PUC No. 6053-I to Wesley O. Wood, doing business as "Continental Distributing Co.," Grand Junction, Colorado.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Travis L. Park, doing business as "Continental Distributing Co.," Grand Junction, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 6053-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Wesley O. Wood, doing business as "Continental Distributing Co.," Grand Junction, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
NECESSARILY ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,
this 19th day of January, 1970.
hj

(Decision No. 74195)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
Ted Mosteller dba
Wyco Construction and Sale Company
P.O. Box 1029
1012 Second Avenue
Greeley, Colorado 80630

AUTHORITY NO. 7245-I
CASE NO. 1891-H-Ins.

January 16, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 12, 1970 , in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.


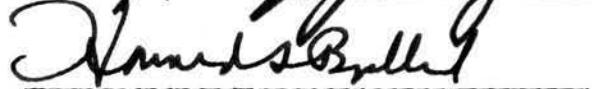

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 16th day of January, 1970 .

be

(Decision No. 74196)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE MOUNTAIN STATES)
TELEPHONE AND TELEGRAPH COMPANY,)
DENVER, COLORADO, DISCONTINUING)
COMBINATION FLAT AND SEMI-PUBLIC)
TELEPHONE SERVICE IN THE GREELEY,)
FORT COLLINS AND BOULDER EXCHANGES)
OF SAID COMPANY.)

CASE NO. 5399

SUPPLEMENTAL ORDER

January 19, 1970

Appearances: Tom Ledingham, Esq.,
Denver, Colorado, for
Mountain States Telephone and
Telegraph Company;
Hugh H. Drake, Esq.,
Fort Collins, Colorado, for
Sigma Alpha Epsilon Fraternity;
Mrs. Robert Lockard,
Englewood, Colorado, President
of the Board of Alpha Omicron Pi;
Mrs. William B. Phillips,
Boulder, Colorado, for
Alpha Gamma Delta;
Miss Irene Kline,
Greeley, Colorado, for
Alpha Phi;
Girts Krumins, Esq.,
Denver, Colorado, for the
Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On November 25, 1969, the Recommended Decision of Commissioner Howard S. Bjelland was issued, which, inter alia, provided that the Mountain States Telephone and Telegraph Company should prepare a study to be submitted to this Commission not later than May 1, 1970. The details of the contents of the study were set forth in the Recommended Order in paragraph 3 thereof.

On January 14, 1970, Mountain States Telephone and Telegraph Company, by its attorney, filed a motion for extension of time within

which to make the study required under paragraph 3 of the Commissioner's Recommended Order. In its Motion the Company itemized the elements on which it will make the study, and it estimated it will need an extension of time to and including October 1, 1970.

FINDINGS

THE COMMISSION FINDS:

That the request for an extension of time within which to make the study should be granted.

ORDER

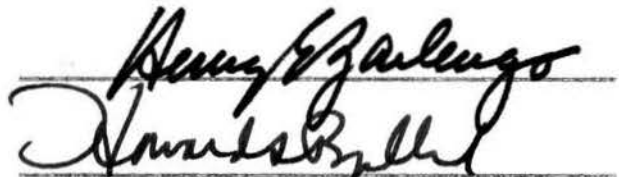
THE COMMISSION ORDERS THAT:

The Mountain States Telephone and Telegraph Company be, and hereby is, granted an extension of time within which to make the study, as set forth in Recommended Decision No. 73883 of November 25, 1969, to and including October 1, 1970.

Except as modified herein, Decision No. 73883 shall remain in full force and effect, as the Decision of the Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
19th day of January, 1970.

vr

(Decision No. 74197)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
IDAHO SPRINGS LUMBER COMPANY)
BOX 130)
IDAHO SPRINGS, COLORADO 80452)

PERMIT NO. B-7110

January 19, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.


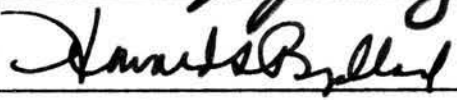
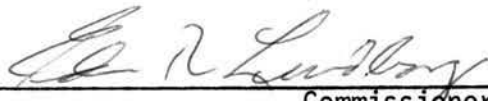
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 7, 1970, to and including July 7, 1970.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1970.
vr

(Decision No. 74198)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GEORGE E. OLIVER)
ROUTE 2, BOX 210)
MONTROSE, COLORADO 81401)

PERMIT NO. B-6629

January 19, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 19, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1970.
vr

(Decision No. 74199)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

EUGENE H. BASSETT)

923 POTTER DRIVE)

COLORADO SPRINGS, COLORADO 80909)

PERMIT NO. B-6772

January 19, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.


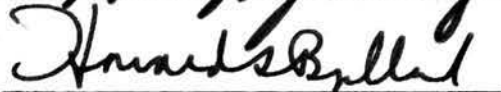
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 7, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 19th day of January, 1970.

vr

(Decision No. 74200)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LESLEY ESTES, DOING BUSINESS AS "ESTES)
TRUCKING COMPANY," P.O. BOX 551, RIFLE,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 781 TO DON WARD, INC., DOING)
BUSINESS AS "DON WARD & CO.," 241 WEST)
56TH AVENUE, DENVER, COLORADO.)

APPLICATION NO. 23967-Transfer

IN THE MATTER OF THE APPLICATION OF)
LESLEY ESTES, DOING BUSINESS AS "ESTES)
TRUCKING COMPANY," P.O. BOX 551, RIFLE,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 802 AND PUC NO. 802-I TO DON)
WARD, INC., DOING BUSINESS AS "DON)
WARD & CO.," 241 WEST 56TH AVENUE,)
DENVER, COLORADO.)

APPLICATION NO. 23968-Transfer

IN THE MATTER OF THE APPLICATION OF)
LESLEY ESTES, DOING BUSINESS AS "ESTES)
TRUCKING COMPANY," P.O. BOX 551, RIFLE,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 1971 TO DON WARD, INC., DOING)
BUSINESS AS "DON WARD & CO.," 241 WEST)
56TH AVENUE, DENVER, COLORADO.)

APPLICATION NO. 23969-Transfer

IN THE MATTER OF THE APPLICATION OF)
LESLEY ESTES, DOING BUSINESS AS "ESTES)
TRUCKING COMPANY," P.O. BOX 551, RIFLE,)
COLORADO, FOR AUTHORITY TO TRANSFER)
PUC NO. 3406 TO DON WARD, INC., DOING)
BUSINESS AS "DON WARD & CO.," 241 WEST)
56TH AVENUE, DENVER, COLORADO.)

APPLICATION NO. 23970-Transfer

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

January 20, 1970

Appearances: John P. Thompson, Esq.,
Denver, Colorado,
for Transferor.
Peter J. Crouse, Esq.,
Denver, Colorado,
for Transferee.
Edward T. Lyons, Esq.,
Denver, Colorado, for
Rio Grande Motor Way, Inc.;
Larson Transportation Company;
Ashton Trucking Co.;
Goldstein Transportation & Storage, Inc.;
Groendyke Transport, Inc.;
Ruan Transport Corporation;
Ward Transport, Inc.; and
Westway Motor Freight, Inc., Protestants.

PROCEDURE AND RECORD

Under date of September 4, 1969, Applicants filed the above-entitled applications for authority to transfer Certificates of Authority PUC No. 781, PUC No. 802, PUC No. 802-I, PUC No. 1971 and PUC No. 3406, to operate as a common carrier by motor vehicle, from Lesley Estes, doing business as "Estes Trucking Company," to Don Ward, Inc., doing business as "Don Ward & Co."

The Commission assigned Nos. 23967-Transfer, 23968-Transfer, 23969-Transfer and 23970-Transfer to the respective applications.

The Commission, pursuant to law, designated Christian O. Igenbergs as an Examiner for the purpose of conducting the hearing on these applications and, after due and proper notice to all interested persons, firms or corporations, set the aforesaid applications for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on November 20, 1969, at 10:00 o'clock A.M.

Upon request of Protestants, the Secretary of the Commission on November 13, 1969, issued a Subpoena Duces Tecum for the production at the hearing by Applicant Estes of the following documents:

Copies of freight bills or bills of lading reflecting all transportation which has been performed by Estes Trucking Company under and pursuant to Certificate of Public Convenience and Necessity PUC No. 781, PUC No. 802, PUC No. 802-I, PUC No. 1971 and PUC No. 3406, during the period from January 1, 1968, to and including the date when the applications under consideration in these proceedings were filed with this Commission. The Subpoena Duces Tecum was duly served upon Applicant Estes by Walter S. Strepka, Deputy Sheriff for the County of Garfield, State of Colorado, and the documents were produced at the hearing by Applicant, as ordered.

Hearing was held at the aforesaid time and place.

Applications No. 23967-Transfer, 23968-Transfer, 23969-Transfer and 23970-Transfer were heard on a joint record.

Lesley Estes and Don Ward testified in support of the above applications. Don Smith, of Ward Transport, Inc.; Edward Schipper, of Ruan Transport Corporation; L. G. Decker, of Ashton Trucking Co.; Jess Seals, of Groendyke Transport, Inc.; Wally Fletchinger, of Rio Grande Motor Way, Inc.; and Kemp Shacklett, of Northwest Transport Service, Inc., testified in behalf of the Protestants.

Applicants' Exhibits numbered 1 through 7, inclusive, and Protestants' Exhibits numbered 8 through 22, inclusive, were received and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Lesley Estes is an individual, doing business as "Estes Trucking Company," and is the present owner and operator of the following authorities granted by this Commission, to-wit: Certificates of Authority PUC No. 781, PUC No. 802, PUC No. 802-I, PUC No. 1971 and PUC No. 3406, which said authorities Applicant Estes intends to transfer to Don Ward, Inc., doing business as "Don Ward & Co.," Transferee.
2. Transferee, Don Ward, Inc., doing business as "Don Ward & Co.," is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
3. Transferee holds previously granted authority from this Commission, to-wit: Certificates of Authority PUC No. 360, PUC No. 360-I, PUC No. 848, PUC No. 889, PUC No. 779, PUC No. 779-I, PUC No. 865, PUC No. 1816, PUC No. 2177, PUC No. 2177-I, PUC No. 3902, PUC No. 3240, PUC No. 3240-I, and Permits Nos. A-509, B-1770, B-1770-I, B-5507, B-5529, B-5595, and B-4087.

4. There appears to be some overlap and/or duplication between the various authorities now held by Transferee and the authorities to be acquired from Transferor, which said overlap and/or duplication Transferee is ready and willing to eliminate, but this should be done upon proper application to clarify and redescribe all the subject authorities and after a proper hearing is had. An attempt to clarify and redescribe said authorities in the herein proceedings would not be in accordance with proper procedure and, therefore, not in the public interest.
5. Protestants failed to show by competent evidence that the transfer would, in any way, impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes, and the protests of Rio Grande Motor Way, Inc., Larson Transportation Company, Ashton Trucking Co., Goldstein Transportation & Storage, Inc., Groendyke Transport, Inc., Ruan Transport Corporation, Ward Transport, Inc., and Westway Motor Freight, Inc., should be dismissed.
6. The authorities sought to be transferred are presently in good standing with the Commission.
7. The parties have entered into an Agreement to transfer the operating authorities and the consideration to be paid is fair and reasonable.
8. The subject Certificates are free and clear of any debts, encumbrances or obligations.
9. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authorities sought to be transferred herein.
10. The chief corporate officers as well as the employees of the Transferee corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if these applications are granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.
11. If these transfers are approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
12. The transfers are compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The protests of Protestants should be, and hereby are, dismissed.

2. The transfers as sought by Applicants should be granted as hereinafter set forth.
3. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Lesley Estes, doing business as "Estes Trucking Company," P.O. Box 551, Rifle, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificates of Authority PUC No. 781, PUC No. 802, PUC No. 802-I, PUC No. 1971, and PUC No. 3406 to Don Ward, Inc., doing business as "Don Ward & Co.," 241 West 56th Avenue, Denver, Colorado, subject to encumbrances, if any, against said authorities and subject to the provisions of Paragraph 7 of this Order.

2. That henceforth the full and complete authorities under said Certificates of Authority shall read and be as follows, to-wit:

CERTIFICATE OF AUTHORITY PUC NO. 781:

"Transportation, not on schedule, of freight and livestock, from point to point within a radius of fifteen (15) miles of Carbondale.

Transportation, not on schedule, of general commodities, except used household goods and furniture, between points within a radius of thirty-five (35) miles of Carbondale, and to and from points in said area, from and to points in the State of Colorado, excepting service in competition with line-haul motor common carriers between points served by them on schedule, and also the right to transport used furniture and household goods between points within a radius of thirty-five (35) miles of Carbondale, and from points in said area, to points in the State of Colorado, and from points in that part of the State of Colorado west of the Continental Divide to points within a radius of thirty-five (35) miles of Carbondale, Colorado."

CERTIFICATES OF AUTHORITY PUC NO. 802 AND PUC NO. 802-I:

"Transportation, not on schedule, of general freight and livestock from point to point within that part of Garfield County which is west of a line drawn north and south through New Castle, Colorado; livestock from

all points in said area to markets in Pueblo and Denver; farm machinery and farm products and supplies, coal, furniture, and household goods (excluding merchandise), from and to points in said area, to and from points within the State, applicant not to establish a line-haul service under said authority; and transportation, on call and demand, of brick and building materials to and from points in Mesa and Garfield Counties, to and from points in the territory already authorized to be served, as well as to extend his delivery of livestock to all points in the State of Colorado; and transportation of livestock from all points in Colorado, to points in the territory authorized to serve, which is that part of Garfield County lying west of a line drawn north and south through New Castle, Colorado;

Freight 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."

CERTIFICATE OF AUTHORITY PUC NO. 1971:

"Transportation of general commodities, between points within a twenty-mile radius of Rifle, Colorado, and to and from points in that area, to and from points in the State of Colorado, excluding livestock to and from points in Rio Blanco County."

CERTIFICATE OF AUTHORITY PUC NO. 3406:

"Transportation of farm products, including livestock and wool in grease, farm and ranch supplies, farm machinery and equipment and building materials between points in Rio Blanco County, and from and to points in Rio Blanco County to and from points in the State of Colorado; oil well tools, machinery and drilling equipment between points in Rio Blanco County, only, without the right to serve between Meeker and Rifle and Meeker and Craig in competition with the line-haul service of Comet Motor Express Company, of Craig, Colorado."

3. 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 this

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

4. 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.

5. The right of Transferee to operate under this Order shall depend upon the prior filing of an annual report by Transferor herein, covering the operations under said Certificates up to the time of transfer of said Certificates.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

C. O. Igenberg
Examiner
vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

APPLICATION NO. 23931-PP

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

January 21, 1970

Appearances: William A. (Bill) Williams,
La Porte, Colorado, pro se.
Peter Cosgriff, Esq., Leadville,
Colorado, for Blaine Sheesley,
Protestant.
William A. Wilson, Esq., Denver,
Colorado, for Parker-Makinster
Protestant.

Under date of August 14, 1969, William A. (Bill) Williams filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After the filing of the application, the following protests were received by the Commission: on August 25, 1969, the protest of Blaine Sheesley, and on September 8, 1969, the protest of Parker-Makinster.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on November 3, 1969, at 10:00 o'clock A.M. By agreement between all the parties and the Commission, the hearing was continued to November 10, 1969.

The hearing was held at the aforesaid time and place. Applicant appeared pro se, stating that his counsel, David G. Atkinson, Esq., Fort Collins, Colorado, was ill and could not appear, and stating further that he, Applicant, was ready to proceed with the hearing.

Counsel for Protestant, Parker-Makinster, offered to the Examiner a document marked for identification as Protestant's Exhibit numbered 1, in the form of a Stipulation between Applicant and Protestant, and in the nature of an amendment to the application, whereby the services of Applicant shall be restricted to two (2) customers only, to-wit: the National Forest Service and the City of Longmont at the campgrounds of said City in the Roosevelt National Forest. In view of the restrictive nature of the amendment, the Examiner granted leave to amend the application by the addition of the above restriction.

After the granting of the amendment to the application, counsel requested leave to withdraw on behalf of Protestant, Parker-Makinster, except for the receipt of a copy of the Recommended Decision and was granted such Leave to Withdraw by the Examiner.

William A. (Bill) Williams testified in support of the application. Protestant presented no evidence but Moved to Dismiss the application on the grounds that Applicant has failed to establish a present and immediate need of the authority applied for and that the Commission has no jurisdiction over a part of the transportation services proposed by Applicant. The Motion to Dismiss was taken under advisement by the Examiner.

Applicant's Exhibits numbered 2, 3, 4, and 5 and Protestant's Exhibit numbered 1 were received into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Applicant is an individual.
2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of these proceedings.
3. Applicant does not hold previously granted authority from this Commission.
4. By the amended application, Applicant seeks Class "B" contract carrier authority to transport the following designated commodities within the following described territory or area:

"Transportation of trash and garbage collection and disposal in the following areas: Estes Park Ranger District of Roosevelt National Forest; Fairplay Ranger District of Pike National Forest; Salida Ranger District of San Isabel National Forest; Canon City Ranger District of San Isabel National Forest; all restricted to the service of two customers only, to-wit: The National Forest Service, Department of Agriculture, and the City of Longmont at their campgrounds located within the Roosevelt National Forest."
5. The granting of the authority as applied for is still protested only for the territory lying in the Counties of Lake and Chaffee, State of Colorado, which said territory is essentially the southern half of the County of Lake and the northern half of the County of Chaffee.
6. The Commission does have jurisdiction over transportation services rendered over public highways regardless whether or not such public highways traverse the National Forests.
7. The National Forest Service lets trash hauling and cleanup services within the National Forests by annual bid, and this Commission should not interfere in its usual concern of regulation with the number of persons who wish to bid for the performance of said services for the National Forest Service.
8. The Commission should likewise not preclude the participation of carriers in such bidding by arbitrarily denying the proposed transportation services and, thus, in fact, preventing Applicant from participating in the bidding.
9. Since the award of the services for hauling trash and cleanup is granted by the National Forest Service on the basis of bids, there is nothing in the record that the authority as petitioned for by Applicant would, in fact, impair the efficient public service of Protestant or any other authorized common carrier adequately serving the same territory over the same general route or routes.

10. Applicant owns sufficient equipment and facilities, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.
11. The Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission.
12. Applicant is amply insured.
13. Applicant proposes to enter into carriage contracts with customers.
14. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority sought by Applicant should be granted as hereinafter set forth.
2. The protest of Protestant, Blaine Sheesley, should be, and hereby is, dismissed.
3. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 6 of this Order,

1. William A. (Bill) Williams, 124 Tharp Drive, P. O. Box 472, La Porte, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

- (1) Ashes, trash and other refuse

From points within the following areas:

- (a) Estes Park Ranger District of Roosevelt National Forest,
- (b) Fairplay Ranger District of Pike National Forest,
- (c) Salida Ranger District of San Isabel National Forest,
- (d) Canon City Ranger District of San Isabel National Forest,

to designated and approved dumps and disposal sites located within said areas and Buena Vista, Colorado.

RESTRICTION:

- (a) All transportation service rendered under this permit shall be restricted to serving two customers, only, viz: The National Forest Service, Department of Agriculture, and the City of Longmont, Colorado, at the camp grounds of said City located within the Roosevelt National Forest;"

and this Order shall be deemed to be, and be, a PERMIT therefor.

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

3. That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance and has secured authority sheets.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended

Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

C. O. Seaburg
Examiner
hj

(Decision No. 74202)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF BUCK HORN, 1302 PARKVIEW, LAMAR,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CONTRACT)
CARRIER FOR THE TRANSPORTATION OF)
FEED FROM POINT TO POINT WITHIN)
AN AREA COMPRISED OF THE FOLLOW-)
ING COUNTIES: PROWERS, BENT,)
BACA, KIOWA, AND OTERO, STATE OF)
COLORADO.)

APPLICATION NO. 24143-PP-ETA
ORDER DENYING EMERGENCY TEMPORARY
AUTHORITY


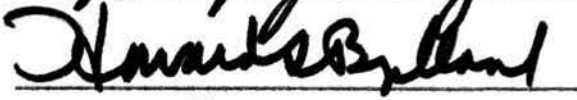

January 21, 1970

The above-entitled application under CRS 1963, 115-6-20 (4),
being under consideration, and

It appearing, That the applicants have not shown that there
is an immediate and urgent need for the relief herein sought.

It is ordered, That the application for emergency temporary
authority be, and is hereby denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
21st day of January, 1970.
vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF JACK REASONER AND RICHARD)	
MUNDELL, DOING BUSINESS AS "GILPIN	)	APPLICATION NO. 24130-TA
COUNTY TRASH SERVICE," ROUTE 4,	)	<u>ORDER GRANTING TEMPORARY AUTHORITY</u>
110 KARLAN DRIVE, GOLDEN, COLORADO,)	
FOR TEMPORARY AUTHORITY TO OPERATE)	
AS A COMMON CARRIER BY MOTOR VEHICLE.))	

January 21, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.


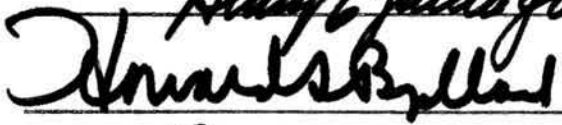

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regulations

within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
21st day of January, 1970.

vr

(Decision No. 74203)
January 21, 1970

APPENDIX

Application No. 24130-TA

Jack Reasoner and Richard Mundell
Doing Business As
"Gilpin County Trash Service"
Route 4, 110 Karlan Drive
Golden, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common Carrier

SERVICE AUTHORIZED:

Temporary authority to operate as a common carrier by motor vehicle with authority as follows:

"Transportation of

- (1) Ashes, trash and other refuse

From all points located within an area comprised of Gilpin County, Colorado, to designated and approved dumps and disposal sites located within said area."

(Decision No. 74204)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GEORGE HOLLADAY, 151 SOUTH OGDEN)
STREET, DENVER, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY, PUC NO.)
3507, TO KIRK'S DISPOSAL, INC., 4090)
NELSON STREET, WHEATRIDGE, COLORADO.)

APPLICATION NO. 24145-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

January 21, 1970

The above-entitled application under CRS 1963, 115-6-20 (2),
being under consideration, and

It appearing, That applicant has established the following:
That appropriate application has been made to this Commission for perma-
nent authority to transfer Certificate PUC No. 3507 to the above-named
transferee.

It further appearing, That failure to grant Temporary Approval
may result in destruction of, or injury to the applicant or interfere
substantially with the future usefulness in the performance of adequate
and continuous service.

It is ordered, That applicant be, and is hereby, granted tempo-
rary approval, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

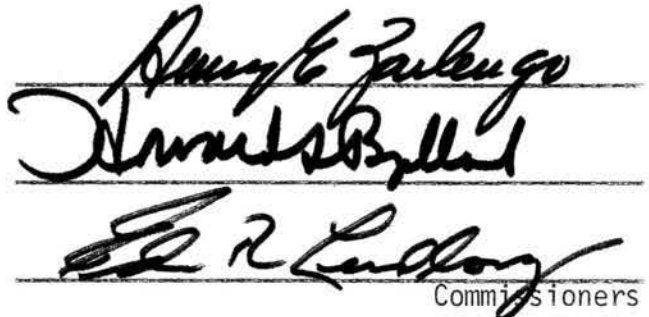
It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the approval herein granted becoming effective, failure of the applicant to maintain compliance with statutory and Commission requirements shall constitute sufficient grounds for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with all applicable statutory and Commission requirements, rules and regulations within fifteen (15) days from the date hereof, this order shall be of no further force and effect.

It is further ordered, That the approval herein granted shall create no presumption that corresponding permanent approval will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
21st day of January, 1970.
vr

(Decision No. 74204)
January 21, 1970

APPENDIX

Application No. 24145-Transfer-TA

Kirk's Disposal, Inc.
4090 Nelson Street
Wheatridge, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY APPROVAL IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Common Carrier

SERVICE AUTHORIZED:

Temporary approval to operate under Certificate PUC No. 3507, with authority as follows:

"Transportation of

- (1) Ashes, trash and waste materials,

From points in the City and County of Denver, to regularly designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, Denver and Jefferson, State of Colorado."

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
POUDRE VALLEY RURAL ELECTRIC ASSOCIA-
TION, INC., 220 EAST OLIVE STREET,
FORT COLLINS, COLORADO, FOR A CERTI-
FICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO OPERATE AS A PUBLIC
UTILITY DISTRIBUTING ELECTRIC ENERGY
IN PORTIONS OF THE COUNTIES OF
LARIMER, WELD, AND BOULDER, STATE OF
COLORADO.

APPLICATION NO. 19574-Amended

IN THE MATTER OF THE APPLICATION OF
HOME LIGHT AND POWER COMPANY, A COR-
PORATION, 810 NINTH STREET, GREELEY,
COLORADO, FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO OPERATE
AS A PUBLIC UTILITY, IN THE DISTRI-
BUTION OF ELECTRICAL ENERGY IN THE
COUNTY OF WELD, STATE OF COLORADO.

APPLICATION NO. 19606-Amended

IN THE MATTER OF THE APPLICATION OF
PUBLIC SERVICE COMPANY OF COLORADO,
A CORPORATION, 550 FIFTEENTH STREET,
DENVER, COLORADO, FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS A PUBLIC UTILITY IN
THE DISTRIBUTION OF ELECTRICAL
ENERGY IN PORTIONS OF THE COUNTIES
OF LARIMER, WELD, AND BOULDER, STATE
OF COLORADO.

APPLICATION NO. 20356
As assigned by Commission Order

POUDRE VALLEY RURAL ELECTRIC
ASSOCIATION, INC., a corporation,
220 East Olive Street,
Fort Collins, Colorado,

Complainant,

vs.

HOME LIGHT AND POWER COMPANY,
a corporation,
810 Ninth Street,
Greeley, Colorado, and

PUBLIC SERVICE COMPANY OF COLORADO,
a corporation,
550 Fifteenth Street,
Denver, Colorado,

Defendants.

CASE NO. 5234

January 19, 1970

SUPPLEMENTAL ORDER

S T A T E M E N T

BY THE COMMISSION:

On January 19, 1970, Poudre Valley Rural Electric Association, Inc., and Public Service Company of Colorado entered, by and through their respective attorneys, into a stipulation as follows:

"The parties, Poudre Valley Rural Electric Association, Inc., and Public Service Company of Colorado, will on or before January 26, 1970, file with the Commission and serve upon each other a written description of the territory which they:

- A. Claim to be Category 4 in the terms of the Home Light and Power Decision;
- B. Claim should be certificated to them; and
- C. which has not been certificated to them under the terms of Commission Decision No. 62653 as amended by Decision No. 63362 of 7-24-64.

In addition, the Parties shall file an appropriate amendment to their key or composite maps showing thereon the area above described.

The parties will then, on or before February 2, 1970, file the answer described in paragraph 2B as prescribed by the Commission in its Decision No. 73822 of November 7, 1969."

In view of the above Stipulation the Motion to Strike and Postpone filed by Poudre Valley becomes moot. The Petition for Prehearing Conference and to Postpone Filing Dates is moot except for paragraph 8 on page 5 requesting that the hearing on Case No. 5298 be vacated to be set at a later date. This portion of the Petition should be granted.

F I N D I N G S

THE COMMISSION FINDS THAT:

1. The Stipulation should be accepted and the following Order entered.
2. Request set forth in paragraph 8, page 5 of the Petition should be granted as set forth in the Order to follow.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Stipulation of the Parties, as quoted in the Statement herein, be, and hereby is, accepted, and the Parties are ordered to comply with the terms thereof.

2. The Motion and Petition heretofore filed by Poudre Valley on January 16, 1970, for a prehearing conference and to strike exhibits filed by Public Service Company of Colorado, having become moot, are hereby denied.

3. The hearing presently set for Case No. 5298 on Monday, February 16, 1970 at 10 o'clock A.M., 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, is hereby vacated.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

CHAIRMAN HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 19th day of January, 1970.
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MYRON ALAN GOLDSTEIN, EDWARD L. REILLY)
AND JULIUS I. GINSBERG, FOR AUTHORITY)
TO TRANSFER ALL OF THEIR CAPITAL STOCK)
IN AND TO GILPIN COUNTY FREIGHT SERVICE,)
INC., RECORD OWNER OF PUC NO. 1127 TO)
LEONARD L. HANEY, ROBERT J. HANEY AND)
DONALD R. HANEY.)

APPLICATION NO. 23851-
Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
MYRON ALAN GOLDSTEIN, EDWARD L. REILLY)
AND JULIUS I. GINSBERG, FOR AUTHORITY)
TO TRANSFER ALL OF THEIR CAPITAL STOCK)
IN AND TO GILPIN COUNTY FREIGHT SERVICE,)
INC., RECORD OWNER OF PERMIT NO. B-3009,)
TO LEONARD L. HANEY, ROBERT J. HANEY AND)
DONALD R. HANEY.)

APPLICATION NO. 23852-PP
Stock Transfer

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

January 20, 1970

Appearances: Edward C. Hastings, Esq., Denver, Colorado,
for Applicant.
Herbert M. Boyle, Esq., Denver, Colorado,
for Gilpin County Express and Truck Line,
Protestant.
Leslie R. Kehl, Esq., Denver, Colorado,
for Westway Motor Freight, Inc., and
Goldstein Transportation & Storage, Inc.,
Protestants.

PROCEDURE AND RECORD

Under date of July 7, 1969, Applicants filed the above-entitled applications for authority to transfer all their outstanding capital stock in and to Gilpin County Freight Service, Inc., record owner of Certificate of Authority PUC No. 1127 and Permit No. B-3009, as specifically set forth in said applications.

The Commission assigned Nos. 23851-Stock Transfer and 23852-PP-

Stock Transfer to the respective above-entitled applications.

The following protests were received by the Commission after the filing of the applications: on July 24, 1969, a protest for and on behalf of Patrick E. Monahan and Lavina R. Monahan, doing business as "Gilpin County Express and Truck Line", and on July 28, 1969, protests for and on behalf of Westway Motor Freight, Inc., and Goldstein Transportation and Storage, Inc.

The Commission, pursuant to law, designated Christian O. Igenbergs as an Examiner for the purpose of conducting the hearing on these applications and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on September 23, 1969, at 10:00 o'clock A.M. The hearing was reset to be held at the aforesaid place on December 30, 1969, at 10:00 o'clock A.M. Due and proper notice was given to all interested parties of the resetting of the hearing.

Hearing was held at the aforesaid time and place.

Applications No. 23851-Stock Transfer and 23852-PP-Stock Transfer were heard on a joint record.

Edward L. Reilly, President of Gilpin County Freight Service, Inc., Leonard L. Haney, Manager of the aforesaid carrier, Robert J. Haney and Donald R. Haney testified in support of the applications.

Jerry McMorris, President of NW Transport Service, Inc., and Patrick D. Monahan, Partner and Operator of Gilpin County Express and Truck Line, testified for Protestants.

Applicants' Exhibits numbered 1, 2, 3, 3A, 4, 5, 6, 7, 8 and 17 and Protestants' Exhibits numbered 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 22 were received and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Applicant corporation, Gilpin County Freight Service, Inc., is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant corporation is the present owner and operator of Certificate of Authority PUC No. 1127 and Permit No. B-3009.
3. Myron Alan Goldstein, Edward L. Reilly and Julius I. Ginsberg are the owners of all the outstanding capital stock of Gilpin County Freight Service, Inc.
4. Protestants contend that there has been a "non-user" of the authorities and that said authorities have, in fact, been dormant or abandoned.
5. Although said authorities have not been operated in the past to the extent as might be possible, the owners thereof have, in fact, handled the business they obtained and have not abandoned the authorities.
6. Certificate of Authority PUC No. 1127 and Permit No. B-3009 are presently in good standing with the Commission.
7. Myron Alan Goldstein, Edward L. Reilly and Julius I. Ginsberg petition this Commission for authority to transfer all of their outstanding capital stock of Gilpin County Freight Service, Inc., to Leonard L. Haney, Robert J. Haney and Donald R. Haney, as co-partners and owners of said stock.
- 8.. Transferees, Robert J. Haney and Donald R. Haney, do not hold previously granted authority from this Commission. Transferee, Leonard L. Haney, holds authority under PUC No. 7609-I, which has no bearing on the herein applications.
9. The parties have entered into an Agreement for the transfer of all of the issued and outstanding capital stock of Gilpin County Freight Service, Inc., and the consideration to be paid is fair and reasonable.
10. The subject authorities are, at present, free and clear of any debts, encumbrances or obligations.
11. Transferees own sufficient equipment, have sufficient experience and net worth, all of which are ample and suitable for operation of the authorities sought to be transferred herein.
12. Transferees are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if these applications are granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.

13. If these transfers are approved, Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
14. The transfers are compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfers herein as sought by Applicants should be granted as hereinafter set forth.
2. The protests of Protestants should be, and hereby are, dismissed.
3. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 6 of this Order,

1. Myron Alan Goldstein, Edward L. Reilly and Julius I. Ginsberg, 818 Majestic Building, Denver, Colorado, be, and hereby are, authorized to transfer all of their issued and outstanding capital stock of Gilpin County Freight Service, Inc., a Colorado corporation, to Leonard L. Haney, Robert J. Haney and Donald R. Haney, 3870 Blake Street, Denver, Colorado, subject to encumbrances, if any, against Certificate of Authority PUC No. 1127 and Permit No. B-3009.

2. Henceforth the full and complete authorities shall read as follows, to-wit:

CERTIFICATE OF AUTHORITY PUC NO. 1127:

"Transportation -- on schedule -- of

(1) General commodities

Between Denver, Colorado, and the following named points:

- a. Central City, Colorado;
- b. Russell Gulch;
- c. Blackhawk, Colorado;

Over U.S. Highway No. 40 and Colorado Highway No. 119 with an alternate route via Golden Gate Canon.

Transportation -- on call and demand -- of

(2) Ore and concentrates

From mines located within a twenty (20) mile radius of Central City, Colorado, to mills and railroad loading points located within Leadville, Colorado; Malta, Colorado; and Colorado City, Colorado.

(3) Mining and milling machinery and mine supplies

From Central City and Blackhawk, Colorado, to mines located within a twenty (20) mile radius of Central City, Colorado.

(4) General commodities

Between all points within the County of Gilpin, State of Colorado."

PERMIT NO. B-3009:

"Transportation of

(1) Coal

From mines located in northern Colorado to all points within the Cities of Aurora and Denver.

(2) Coal

From all points within the City and County of Denver, Colorado, to all points within the City of Aurora, Colorado.

(3) Ashes

From points in Aurora, Colorado, to dumps within a three (3) mile radius thereof.

(4) Grain

Between all points within a fifty (50) mile radius of Aurora, Colorado.

RESTRICTION:

Item No. 4 is restricted against serving points within Golden, Colorado, and points within a fifteen (15) mile radius thereof.

(5) Sand, gravel, and other road-surfacing materials

From pits and supply points in the State of Colorado to jobs within a radius of fifty (50) miles of said pits and supply points.

RESTRICTIONS:

(a) Item No. 5 is restricted against rendering service in the Counties of Boulder, Clear Creek and Gilpin, State of Colorado.

(b) Item No. 5 is restricted against the transportation of petroleum and petroleum products in tank vehicles."

3. That said transfer of stock shall become effective only if and when, but not before, said Transferors and Transferees, in writing, have advised the Commission that said stock 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 any of them, kept and performed. Failure to file written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authorities granted herein to make the stock transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

GOLDEN TRANSFER CO.,
311 KIMBARK,
LONGMONT, COLORADO, AND
SORENSEN TRUCK SERVICE, INC.,
306 KIMBARK,
LONGMONT, COLORADO,

Complainants,

vs.

CASE NO. 5413

R. E. ROBINSON, DOING BUSINESS
AS "BOWERS & SONS,"
2050 BLAKE STREET,
DENVER, COLORADO;
WATSON BROS. VAN LINES & HEAVY
HAULING CO., A NEBRASKA
CORPORATION,
3514 SOUTH 25TH STREET,
OMAHA, NEBRASKA; AND
BULK TRANSPORTERS, INC.,
P. O. BOX 392,
GILCREST, COLORADO,

Respondents.

January 22, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 18, 1969, formal complaint was filed in the above-entitled matter by Complainants alleging certain violations by the Respondents.

On December 3, 1969, Orders to Satisfy or Answer were directed to the Respondents.

On December 11, 1969, Satisfaction of Complaint Coupled with Motion to Dismiss was filed with the Commission by Respondents.

On December 24, 1969, Motion to Set Complaint Down for Hearing was filed with the Commission by the Complainants.

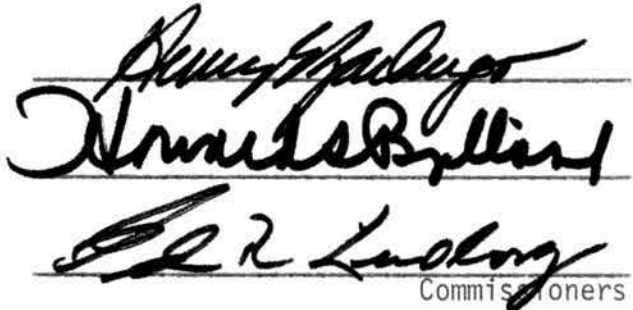
The Commission finds that the Motion to Dismiss and the Case should be set for hearing as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Motion to Dismiss filed by the Respondents and that Case No. 5413 be, and the same hereby are, set for hearing at 10:00 A.M., February 4, 1970, at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
22nd day of January, 1970.
vr

(Decision No. 74208)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CENTRAL TELEPHONE & UTILITIES CORP.)
(FORMERLY WESTERN POWER & GAS)
COMPANY, INC.), FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO EXERCISE RIGHTS UNDER A FRANCHISE)
GRANTED TO APPLICANT BY THE CITY OF)
CANON CITY, IN FREMONT COUNTY,)
COLORADO.)

APPLICATION NO. 24081

RECOMMENDED DECISION OF
HOWARD S. BJELLAND,
COMMISSIONER.

January 22, 1970

Appearances: Harry S. Petersen, Esq.,
of Petersen, Evensen and Mattoon,
of Pueblo, Colorado, for Applicant;
J. M. McNulty, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission for a certificate of public convenience and necessity to exercise franchise rights in the City of Canon City, Fremont County, Colorado, for the supplying of electrical energy for light, power, heating and other purposes in said City, and to the rural customers in the vicinity thereof.

The matter was set for hearing after due notice to all interested parties in the hearing room of the Public Utilities Commission, at 1845 Sherman Street, Denver, Colorado, on January 12, 1970, at 9:00 o'clock A.M. At said time and place the matter was heard by Commissioner Howard S. Bjelland, to whom the matter was duly assigned. No one appeared at the hearing in opposition to the authority sought to be granted in this application.

At the conclusion of the hearing, the matter was taken under advisement.

The Hearing Commissioner transmits herewith the records and exhibits in this proceeding, together with his Recommended Decision and Recommended Order.

FINDINGS OF FACT

From the record herein, the Hearing Commissioner finds as fact that:

1. Applicant is a public utility within the meaning of the Public Utilities Act of the State of Colorado, and is a Kansas corporation authorized to do business within the State of Colorado. Its Articles of Incorporation as Amended and a copy of the Authorization of the Applicant to do business in the State of Colorado are on file with the Commission. Since the securing of the franchise referred to herein, Applicant's name has been changed from Western Power & Gas Company, Inc., to Central Telephone & Utilities Corporation, also sometimes referred to as Central Telephone & Utilities Corp.

2. Applicant is engaged in the business of generating electrical energy by steam power plants located at Pueblo in Pueblo County, Colorado, Canon City in Fremont County, Colorado, and at Rocky Ford in Otero County, Colorado, and in transmitting and distributing such electrical energy by means of transmission and distribution lines in the Counties of Pueblo, Otero, Bent, Crowley, El Paso, Fremont, Teller and Custer in the State of Colorado. The principal Colorado office and post office address of Applicant is Pueblo, Colorado.

3. On January 15, 1968, the City Council of the City of Canon City adopted Ordinance No. 1, Series 1968, as amended, of the City of Canon City, entitled as follows:

"AN ORDINANCE GRANTING TO WESTERN POWER AND GAS COMPANY, INC., ITS SUCCESSORS AND ASSIGNS, SUBJECT TO THE APPROVING VOTE OF THE TAXPAYING ELECTORS OF CANON CITY, COLORADO, HEREINAFTER CALLED THE 'CITY', THE RIGHT AND FRANCHISE TO FURNISH SAID CITY AND ITS INHABITANTS ELECTRICITY FOR ILLUMINATING, HEATING, POWER AND ALL OTHER PURPOSES TO WHICH THE SAME MAY BE APPLICABLE, AND FOR SUCH PURPOSES TO ERECT, MAINTAIN, RENEW, REPLACE, ADD TO, EXTEND AND OPERATE A PLANT AND SYSTEM THEREFOR, INCLUDING

THE EXISTING PLANT AND SYSTEM OF SAID COMPANY, AND GRANTING A RIGHT OF WAY OVER, UPON, ALONG, UNDER AND ACROSS THE STREETS, ALLEYS, BRIDGES, VIADUCTS AND PUBLIC PLACES OF SAID CITY AND ALL FUTURE ADDITIONS THERETO, AS THE SAME NOW OR SHALL HEREAFTER EXIST, FOR THE ERECTION, CONSTRUCTION AND MAINTENANCE OF POSTS, POLES, CONDUITS, MAINS, WIRES, CABLES AND APPURTENANT APPLIANCES THEREFOR, AND CALLING A SPECIAL ELECTION OF SAID TAXPAYING ELECTORS TO DETERMINE WHETHER SUCH FRANCHISE SHALL OR SHALL NOT BE APPROVED."

The term of the franchise is for a period of 25 years. A certified copy of the franchise contained in the Ordinance (Exhibit "A") together with a certificate of the results of the vote of the qualified taxpaying electors of the City of Canon City, held on March 5, 1968, showing the approval of said electors of the acts of the City Council of the City of Canon City granting to Applicant said franchise, and the certificate of acceptance of said Ordinance by the Company (Exhibit "D") were presented and offered into evidence.

4. There is no other utility engaged in the distribution of electrical energy in said City or in the area adjacent thereto.

5. Applicant has an adequate power supply available from its steam generating stations located at Pueblo, Canon City and Rocky Ford, all made available through interconnecting transmission lines throughout its entire area and to the City of Canon City. Applicant owns and operates its distribution system within said City. The City, as of the time of the granting of said franchise, had a population of approximately 9,234 and the Applicant served approximately 3,367 customers therein.

6. Public convenience and necessity require, and will require, the exercise by Central Telephone & Utilities Corporation, formerly Western Power & Gas Company, Inc., of the franchise rights granted in and by Ordinance No. 1, Series 1968, as amended, of the City of Canon City approved by the qualified taxpaying electors of said City voting at a special election called and held for this purpose on March 5, 1968, for the generation, transmission, distribution and sale of electricity in said City by Central Telephone & Utilities Corporation, formerly Western Power & Gas Company, Inc.

CONCLUSION

It is the conclusion of the Hearing Commissioner that the authorization sought in the application should be granted and that the following Order should be entered.

RECOMMENDED ORDER

THE COMMISSION ORDERS THAT:

1. Public convenience and necessity require, and will require, the exercise by Central Telephone & Utilities Corporation, formerly Western Power & Gas Company, Inc., of franchise rights granted in and by Ordinance No. 1, Series 1968, as amended, of the City of Canon City, State of Colorado, approved March 5, 1968, identified as Exhibit "A" herein, and by reference made a part hereof, to furnish electricity for illuminating, heating, power and other purposes by Central Telephone & Utilities Corporation, formerly Western Power & Gas Company, Inc., in said City, and this Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. Central Telephone & Utilities Corporation shall install, operate and maintain its electric system and service supply in the area above designated in accordance with its schedules of rates, 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.

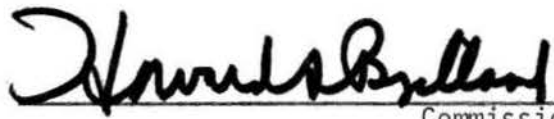
3. Central Telephone & Utilities Corporation shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and shall continue to keep its practices in accordance with the Rules Regulating the Service of Electric Utilities, in accordance with the Commission's requirements.

4. This Order shall be effective as of the date this Recommended Decision becomes the Decision of the Commission.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file

exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties, or within such extended period as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
vr

(Decision No. 74209)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN SIMMONS, DOING BUSINESS AS)
"BILL'S ASH AND TRASH SERVICE," 1411)
ARCH STREET, COLORADO SPRINGS, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO. 2573)
TO DEPENDABLE TRASH SERVICE, INC., A)
COLORADO CORPORATION, 1411 ARCH STREET,)
COLORADO SPRINGS, COLORADO.)

APPLICATION NO.
23952-Transfer

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

January 21, 1970

Appearances: Gerald W. Bennett, Esq.,
Colorado Springs, Colorado,
for Transferor and Transferee.

PROCEDURE AND RECORD

Under date of August 20, 1969, Applicants filed the above-entitled application for authority to transfer Certificate of Authority PUC No. 2573 from John Simmons, doing business as "Bill's Ash and Trash Service," to Dependable Trash Service, Inc., a Colorado corporation.

The Commission, pursuant to law, designated Christian O. Igenbergs as an Examiner for the purpose of conducting a hearing on this application and set the herein matter for a hearing to be held in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, on October 23, 1969, at 2:00 o'clock P.M.

At the hearing, Gerald W. Bennett, Esq., attorney for Transferor and Transferee, moved for a continuance and as grounds therefor, stated that neither he nor the parties had been served with "Notice of Hearing," wherefore, said parties were not prepared to proceed. The Motion was granted by the Examiner. The Examiner issued his recommended decision, being Decision No. 73865, continuing the hearing to a later date to be determined by the Commission.

The Commission, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, on January 12, 1970, at 1:00 o'clock P.M. The continued hearing was held at the aforesaid time and place.

John Claude Simmons testified in support of the application. No person appeared to intervene or to protest the granting of the application.

Official notice was taken by the Examiner of the following documents on file with the Commission: the Articles of Incorporation, the Sales Agreement, the Equipment List and evidence of Insurance.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Transferor herein is the present owner and operator of PUC No. 2573, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. The sole purpose of this transfer is to place the authority under corporate status.
4. Transferee herein holds no previously granted authority from this Commission.
5. The Certificate is free and clear of any debts, encumbrances or obligations.
6. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for operation of the authority sought to be transferred herein.
7. The chief corporate officers as well as the employees of Transferee are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.

8. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfer is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer as sought by Applicants should be granted as hereinafter set forth.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That John Simmons, doing business as "Bill's Ash and Trash Service," 1411 Arch Street, Colorado Springs, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Authority PUC No. 2573 to Dependable Trash Service, Inc., a Colorado corporation, 1411 Arch Street, Colorado Springs, Colorado, subject to encumbrances, if any, against said authority, and subject to the provisions of Paragraph 6 of this Order.

2. That henceforth the full and complete authority under Certificate of Authority PUC No. 2573 shall read and be as follows, to-wit:

"Transportation of

(1) Ashes, trash and other refuse

From all points within the City of Colorado Springs, Colorado, and a ten (10) mile radius of the intersection of Pikes Peak and Nevada Avenues to designated and approved dumps and disposal sites located within a thirty (30) mile radius of said intersections."

3. 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.

4. The right of Transferee to operate under this Order shall depend upon the prior filing of an annual report by Transferor herein, covering the operations under said Certificate up to the time of transfer of said Certificate.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

D.O. [Signature]
Examiner
rm/hj

(Decision No. 74210)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
WEST END FURNITURE, INC.)
2432 WEST COLORADO AVENUE)
COLORADO SPRINGS, COLORADO 80904)

PERMIT NO. M-612

January 22, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

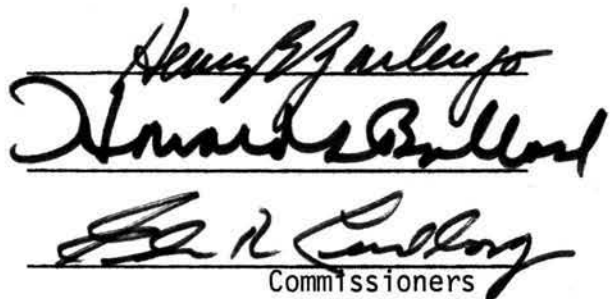
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 24, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of January, 1970.

vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAN ISABEL ELECTRIC ASSOCIATION, INC.,)
DBA SAN ISABEL ELECTRIC SERVICES, INC.,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO SUPPLY THE PUBLIC)
ELECTRIC SERVICE FOR LIGHT, HEAT, POWER)
AND OTHER PURPOSES IN THE TERRITORY)
DESCRIBED IN THIS APPLICATION LOCATED)
IN PUEBLO COUNTY, COLORADO.)

APPLICATION NO. 23873

February 4, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 23, 1969, Central Telephone & Utilities Corporation, by its attorneys, filed a Motion For Leave To Amend Prayer in its Protest filed August 29, 1969.

On January 6, 1970, Applicant San Isabel Electric Association, Inc., by its attorney, filed its Objection to the said Motion.

The Commission finds that the said Motion For Leave To Amend Prayer should be granted and the Commission finds that the Objection to the said Motion For Leave To Amend Prayer should be denied.

O R D E R

THE COMMISSION ORDERS:

That Central Telephone & Utilities Corporation, be, and hereby is, granted Leave To Amend Its Prayer in protest to Application No. 23873 as follows:

"Wherefore, Southern prays that the Commission deny the application of San Isabel to render service in said territory or any part thereof; that it order San Isabel to cease and desist rendering or attempting to render service in said area and prohibit San Isabel from extending its electrical lines and facilities in the territory in question, and that the

Commission enter its order that said territory be served by Southern under the rights and authority presently held by Southern, or in the alternative, by the issuance to it by this Commission of a Certificate of Public Convenience and Necessity for such purpose, and for such other and further relief as the Commission deems proper."

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
4th day of February, 1970.

hj

(Decision No. 74212)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAN ISABEL ELECTRIC ASSOCIATION, INC.,)
DOING BUSINESS AS "SAN ISABEL ELECTRIC)
SERVICES, INC.", FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY TO)
SUPPLY THE PUBLIC ELECTRIC SERVICE FOR)
HEAT, LIGHT, POWER AND OTHER PURPOSES)
IN THE TERRITORY DESCRIBED IN THE)
APPLICATION AND LOCATED IN PUEBLO)
COUNTY, COLORADO.)

APPLICATION NO. 23873

SUPPLEMENTAL INTERIM ORDER

February 4, 1970

Appearances: Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, and
David E. Driggers, Esq.,
Denver, Colorado, for
San Isabel Electric Association, Inc.;

Harry S. Petersen, Esq.,
Pueblo, Colorado, and
Joseph F. Nigro, Esq.,
Denver, Colorado, for
Central Telephone & Utilities Corporation;

B. W. O'Brien, Esq.,
Los Angeles, California, and
John P. Akolt, Esq.,
Denver, Colorado, for
McCulloch Properties, Inc.;

Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On January 15, 1970, the Commission entered Supplemental Interim Order, Decision No. 74182, in the within matter. On January 29, 1970, Central Telephone & Utilities Corporation filed a pleading entitled, "Exceptions to Portions of Supplemental Interim Order (Decision No. 74182 dated January 15, 1970) Also Petition for Reconsideration." On January 30,

1970, San Isabel Electric Association, Inc., filed "Petition for Reconsideration of Decision No. 74182." Further, on January 30, 1970, McCulloch Properties, Inc., Intervenor, filed a Petition in these proceedings requesting that the Commission enter an order denying the aforesaid petitions for reconsideration, or that a hearing be held on said petitions at the earliest practicable time convenient to this Commission.

The Commission, after careful consideration of the aforesaid petitions and each and every allegation thereof, finds that said petitions for reconsideration should be denied, and that thereby the petition of McCulloch Properties, Inc. becomes moot.

O R D E R


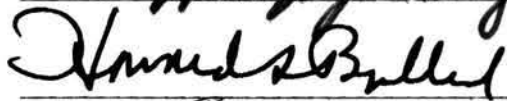
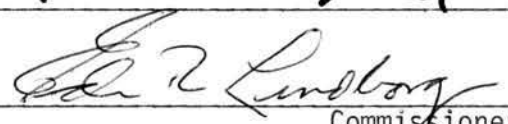
THE COMMISSION ORDERS THAT:

1. Petition for Reconsideration of Decision No. 74182 by Central Telephone & Utilities Corporation and the Petition for Reconsideration of Decision No. 74182 by San Isabel Electric Association, Inc., be, and hereby are, denied.

2. The Petition of McCulloch Properties, Inc., having become moot, be, and hereby is, denied.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
4th day of February, 1970.
hj

(Decision No. 74213)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, TRAILER HOMES RENTAL)
AND SALES, INC., 2485 U.S. 6 AND)
50, GRAND JUNCTION, COLORADO,)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO.)
3642 AND PUC NO. 3642-I.)

CASE NO. 5404

SUPPLEMENTAL ORDER

February 5, 1970

Appearances: W. D. Braucher, Esq.,
Denver, Colorado, for the
Staff of the Commission.
David Mulligan and
Anthony Zarlengo, Esqs.,
Denver, Colorado,
for Respondent.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 30, 1969, the Commission entered Decision No.
74066 in the above-entitled case, which provided as follows, to-wit:

"3. Said Respondent's Certificate of Authority, being PUC No. 3642 and PUC No. 3642-I, be, and the same hereby is, revoked and cancelled; provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Five Hundred (\$500) Dollars to the Treasurer of the State of Colorado on or before February 1, 1970, for the use and benefit of the State of Colorado, under and pursuant to the provisions of the Public Utilities Act, in which event and upon the presentation of evidence of said payment to this Commission that portion of this Order pertaining to the cancellation and revocation of said authority shall be null and void and of no effect and said authority shall be fully operative."

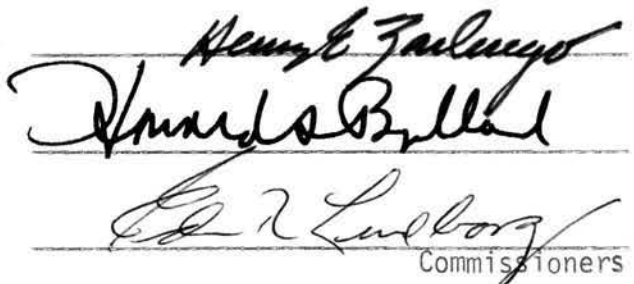
Inasmuch as Respondent, Trailer Homes Rental and Sales, Inc., has elected to and has paid the sum of Five Hundred Dollars (\$500) on or before February 1, 1970, as provided in Decision No. 74066, the Commission states and finds that PUC Certificate No. 3642 and PUC No. 3642-I should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That the provision of Decision No. 74066, dated December 30, 1969, providing for the revocation of Certificate PUC No. 3642 and PUC No. 3642-I of Respondent, Trailer Homes Rental and Sales, Inc., be, and the same hereby is, vacated, set aside and held for naught, and that the operating rights thereunder shall remain in full force and effect and be fully operative.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
5th day of February, 1970.
vr

(Decision No. 74214)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
C. E. ROEMER
P.O. BOX 46
CENTER, COLORADO

PERMIT NO. M-9962

January 22, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

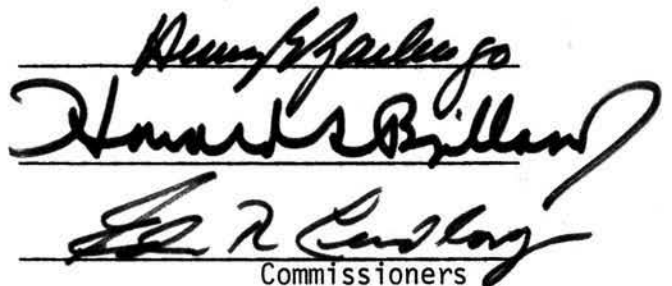
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 1, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of January, 1970.
vr

(Decision No. 74215)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
J. C. MULLINS DBA)
MULLINS FEED STORE)
NORTH GUNBARREL)
MONTE VISTA, COLORADO 81144)

PERMIT NO. M-11984

January 22, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

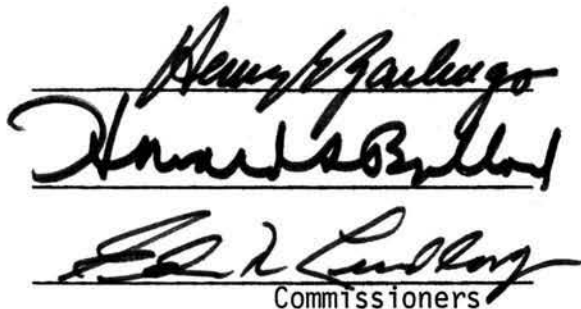
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 18, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of January, 1970.

vr

(Decision No. 74216)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
H. A. SIMMONS)
RFD)
FRANKLIN, NEBRASKA 68939)

PERMIT NO. M-13625

January 22, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

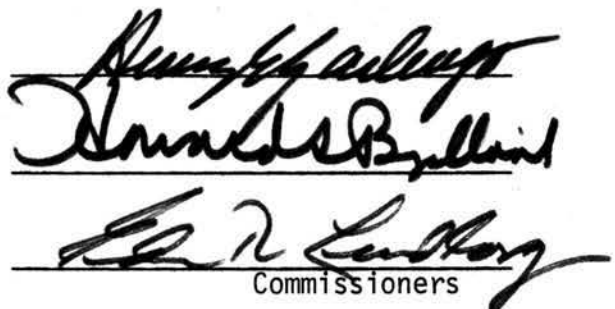
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 12, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of January, 1970.

vr

(Decision No. 74217)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ROBERT STEVEN JEFFRYES DBA)
BOB JEFFRYES TRUCKING)
4TH & EUCLID)
CARBONDALE, COLORADO 81623)

PERMIT NO. M-15286

- - - - -
January 22, 1970
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

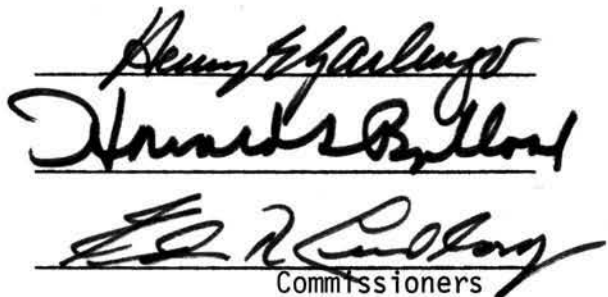
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 29, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of January, 1970.

vr

(Decision No. 74218)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HANFORD P. COCKMAN DBA)
H. P. "LUCKY" COCKMAN)
P. O. BOX 239)
CASTLE ROCK, COLORADO 80104)

PERMIT NO. M-15540

January 22, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

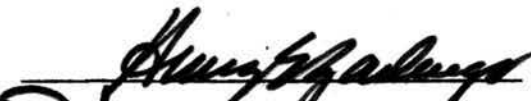
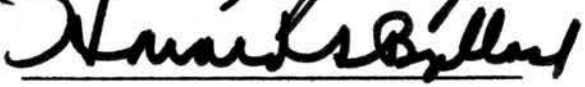

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 22, 1969.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 22nd day of January, 1970.
vr

(Decision No. 74219)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
VINCENT, JOE AND CARLO SAURINI)
DBA FROZEN BROWNY)
7070 DEXTER STREET)
COMMERCE CITY, COLORADO 80022)

PERMIT NO. M-15803

January 22, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

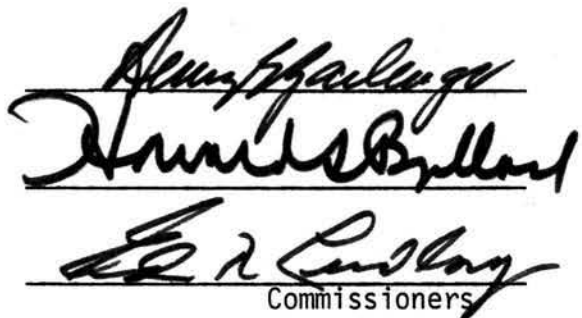
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 23, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 22nd day of January, 1970.
vr

(Decision No. 74220)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
KENNETH FELTE AND LAUREN FELTE, DOING)	
BUSINESS AS "FELTE BROS.," BOX 85,)	<u>APPLICATION NO. 24033-PP</u>
SEVERANCE, COLORADO, FOR A CLASS "B")	
PERMIT TO OPERATE AS A CONTRACT)	<u>RECOMMENDED DECISION OF</u>
CARRIER BY MOTOR VEHICLE FOR HIRE.)	<u>CHRISTIAN O. IGENBERGS,</u>
-----)	<u>EXAMINER.</u>

January 22, 1970

Appearances: Kenneth Felte, Severance,
Colorado, pro se.

PROCEDURE AND RECORD

Under date of October 20, 1969, Kenneth Felte and Lauren Felte, doing business as "Felte Bros.," filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24033-PP to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Auditorium, Larimer County Courthouse, Fort Collins, Colorado, on January 13, 1970, at 10:00 o'clock A.M.

The hearing was held at the aforesaid time and place. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Kenneth Felte testified in support of the application.

Official notice was taken of Insurance documents on file.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Applicants are a partnership doing business as "Felte Bros."
2. Applicants in this matter propose to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicants and the subject matter of these proceedings.
3. Applicants do not hold previously granted authority from this Commission.
4. Applicants own sufficient equipment, have sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.
5. Applicants are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission.
6. Applicants are amply insured.
7. There is a present and special need for the service of Applicants.
8. Applicants have entered into a special carriage contract with a customer.
9. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
10. The authority sought by Applicants will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority as sought by Applicants should be granted as hereinafter set forth.

2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 6 of this Order,

1. Kenneth Felte and Lauren Felte, doing business as "Felte Bros.," Box 85, Severance, Colorado, be, and hereby are, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

(1) Farm Products and Natural Fertilizer

Between all points within an area comprised of the following named counties: Weld, Larimer, Boulder, Adams, Arapahoe, Morgan, Washington, Logan, Denver, and Gilpin, State of Colorado.

RESTRICTION:

This Permit is restricted against the transportation of livestock, milk and dairy products;"

and this Order shall be deemed to be, and be, a PERMIT therefor.

2. All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

3. This Order is the Permit herein provided for, but it shall not become effective until Applicants have filed a statement of their customers, the necessary tariffs, required insurance and have secured authority sheets.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rm/hj

(Decision No. 74221)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES G. ARY AND JOHN L. ARY, DOING)
BUSINESS AS "ARY BROTHERS TRUCKING,")
160 SO. COTTONWOOD, CANON CITY,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A CONTRACT CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24071-PP

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

January 22, 1970

Appearances: James G. Ary and John L.
Ary, Canon City, Colorado,
pro se.

PROCEDURE AND RECORD

Under date of November 17, 1969, James G. Ary and John L. Ary, doing business as "Ary Brothers Trucking," filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

Applicants requested temporary authority for the interim period prior to the granting of permanent authority, and on December 5, 1969, were granted such temporary authority.

The Commission assigned No. 24071-PP to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, on January 12, 1970, at 1:00 o'clock P.M.

The hearing was held at the aforesaid time and place. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

James G. Ary and John L. Ary testified in support of the application.

Official notice was taken of the following documents on file with the Commission: Customer List, Equipment List and Insurance Certificate.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Applicants are a partnership doing business as "Ary Brothers Trucking."
2. Applicants in this matter propose to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicants and the subject matter of these proceedings.
3. Applicants do not hold previously granted authority from this Commission.
4. Applicants own sufficient equipment, have sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.
5. Applicants are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission.
6. Applicants are amply insured.
7. There is a present and special need for the service of Applicants.
8. Applicants have entered into a special carriage contract with a customer.
9. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

10. The authority sought by Applicants will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority as sought by Applicants should be granted as hereinafter set forth.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 6 of this Order,

1. James G. Ary and John L. Ary, doing business as "Ary Brothers Trucking," 160 So. Cottonwood, Canon City, Colorado, be, and hereby are, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

- (1) 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 one-hundred fifty (150) miles of said pits and supply points;

- (2) 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 one-hundred fifty (150) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one-hundred fifty (150) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one-hundred fifty (150) miles of said pits and supply points;

RESTRICTION:

Items numbered 1, 2, 3, and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials;

(5) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one-hundred fifty (150) miles of said forests;

(6) Rough lumber

From sawmills in said one-hundred fifty (150) mile radius to markets in the State of Colorado;

RESTRICTION:

Items numbered 5 and 6 of this Permit are restricted against town-to-town service;"

and this Order shall be deemed to be, and be, a PERMIT therefor.

2. All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

3. This Order is the Permit herein provided for, but it shall not become effective until Applicants have filed a statement of their customers, the necessary tariffs, required insurance and have secured authority sheets.

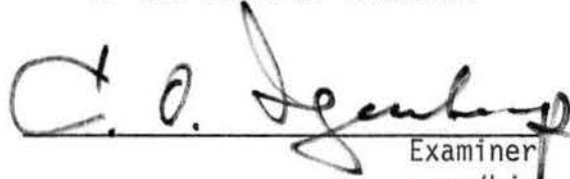
4. The right of Applicants to operate hereunder shall depend upon their compliance with all present and future laws and rules and regulations of the Commission.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed

within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rm/hj

(Decision No. 74222)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
V & V CONSTRUCTION COMPANY, A COLORADO)
CORPORATION, 701 NORTH PETROLEUM,)
FLORENCE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24078-PP

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

January 22, 1970

Appearances: Virgil L. Beavers, Florence,
Colorado, pro se.

PROCEDURE AND RECORD

Under date of November 25, 1969, V & V Construction Company filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24078-PP to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, on January 12, 1970, at 1:00 o'clock P.M.

The hearing was held at the aforesaid time and place. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Virgil L. Beavers testified in support of the application.

Official notice is taken of the following documents on file with the Commission: Equipment List, Insurance Certificate and Articles of Incorporation.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of these proceedings.
3. Applicant does hold previously granted authority from this Commission, to-wit: Permit No. M-923.
4. Applicant requests that, in the event this application is granted, said operating rights be known as "Permit No. B-5920," being the number of a Permit formerly held by it.
5. Applicant owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.
6. The chief corporate officers as well as the employees of the Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the requirements of the Commission.
7. Applicant is amply insured.
8. There is a present and special need for the service of Applicant.
9. Applicant has entered into special carriage contracts with customers.
10. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

11. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority as sought by Applicant should be granted as hereinafter set forth.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 7 of this Order,

1. V & V Construction Company, a Colorado corporation, 701 North Petroleum, Florence, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

- (1) 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 (50) miles of said pits and supply points;

- (2) 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 (50) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials;"

and this Order shall be deemed to be, and be, a PERMIT therefor.

2. Said operating rights be known as "Permit No. B-5920," being the number of a Permit formerly held by Applicant.

3. All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

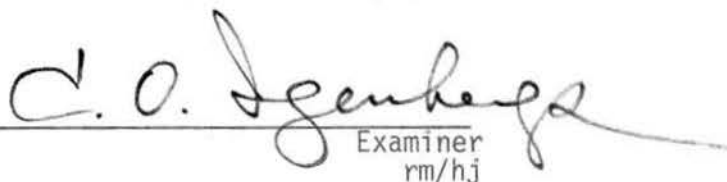
4. This Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of its customers, the necessary tariffs, required insurance and has secured authority sheets.

5. 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.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject ~~to the~~ provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rm/hj

(Decision No. 74223)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
EDSEL H. HIGHLAND, 425 E. FIRST,)	
LOVELAND, COLORADO, FOR EMERGENCY)	
TEMPORARY AUTHORITY TO OPERATE AS A)	APPLICATION NO. 24162-PP-Extension ETA
CONTRACT CARRIER BY MOTOR VEHICLE)	<u>ORDER GRANTING EMERGENCY TEMPORARY</u>
FOR THE TRANSPORTATION OF NATURAL)	<u>AUTHORITY</u>
FERTILIZER BETWEEN ALL POINTS WITHIN)	
AN AREA COMPRISED OF THE COUNTIES OF)	
WELD AND LARIMER, STATE OF COLORADO.)	

January 23, 1970

The above-entitled application under CRS 1963, 115-6-20 (4), being under consideration, and

It appearing, That applicant has established the following: That appropriate application has been made to this Commission for permanent authority as follows:

"Transportation of

(1) Natural fertilizer

Between all points within an area comprised of the Counties of Weld and Larimer, State of Colorado."

It further appearing, That there is an immediate and urgent need for the transportation service herein sought.

It further appearing, That the service to be rendered is that of a contract carrier by motor vehicle.

It further appearing, That failure to immediately grant emergency temporary authority may result in a lack of equipment during the peak needs in the agricultural industry.

And it further appearing, That said circumstances constitute an emergency requiring the immediate issuance of emergency temporary authority.

It is ordered, That Edsel H. Highland be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days commencing January 23, 1970 as a contract carrier by motor vehicle for the

"Transportation of



(1) Natural fertilizer

Between all points within an area comprised of the
Counties of Weld and Larimer, State of Colorado."

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1970.
hj

(Decision No. 74224)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MELVIN R. CASTOR AND GEORGE P. CASTOR,)
GENERAL DELIVERY, DOLORES, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE AS)
A CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24117-PP-TA
SUPPLEMENTAL ORDER

January 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 2, 1970, the Commission entered Decision No. 74082 in the above styled application, granting to applicant herein the right to operate with temporary authority as a contract carrier by motor vehicle for hire.

Said applicant has failed to comply with the requirements set forth in said Decision No. 74082, viz., has failed to file a Certificate of Public Liability and Property Damage Insurance.

The Commission states and finds that inasmuch as applicant has not fulfilled requirements set forth in Decision No. 74082, operating rights granted thereby should be revoked, as set forth in the order following.



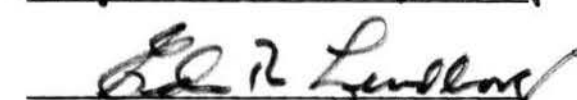
O R D E R

THE COMMISSION ORDERS:

That the temporary operating rights granted to Melvin R. Castor and George P. Castor by Decision No. 74082, dated January 2, 1970, be, and the same hereby are, revoked, for failure of applicant to comply with requirements set forth in said Decision No. 74082.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1970.
hj

(Decision No. 74225)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS UNDER CERTIFICATES OF AUTHORITIES, PUC NOS. 1255 AND 1308)	<u>CASE NO. T-14</u>
)	
)	
)	
BY: DAVID BAKER, ROUTE 2, DURANGO, COLORADO 81301, RESPONDENT)	<u>SUPPLEMENTAL ORDER</u>
)	
)	
)	

January 22, 1970

Appearance: Irven T. Burke,
Denver, Colorado of the
Staff of the Commission

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 19, 1969, the Commission entered Decision No. 74038 in the above entitled case, which provides in Paragraphs One and Two, Recommended Order, as follows:

"That the authority of Respondent, David Baker, being Certificates of Authorities, PUC Nos. 1255 and 1308 be, and the same hereby are, revoked and cancelled as of January 9, 1970, provided, however, that in lieu of said revocation and cancellation, Respondent shall file the required tariff and pay the sum of one hundred dollars (\$100.00) to the Treasurer of the State of Colorado, to be deposited to the Public Utilities Commission Motor Carriers Fund No. 4-4318, on or before January 9, 1970, in which event, if said tariff be filed, and if said full payment be made, the revocation and cancellation of said authorities shall be null and void and of no effect, and said authorities shall be fully operative."

On January 9, 1970, Respondent, David Baker, paid to the Treasurer of the State of Colorado the sum of one hundred dollars (\$100.00) by personal check, and has filed the required tariff, in accordance with the terms of the alternative penalty provision of said Decision No. 74038.

Inasmuch as the Respondent has elected to pay and has paid the sum of one hundred dollars (\$100.00) before January 9, 1970, and filed the required tariff, as provided in Decision No. 74038, the Commission states and finds that Certificates Nos. 1255 and 1308 should not be revoked and should remain in full force and effect.

O R D E R

THE COMMISSION ORDERS:

That the portion in Paragraph One, Recommended Order, of Decision No. 74038, dated December 19, 1969, providing for the revocation of Certificates Nos. 1255 and 1308, be and the same hereby is, vacated, set aside and held for naught, and that said operating rights shall remain in full force and effect and be fully operative.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
22nd day of January, 1970.

hj

(Decision No. 74226)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF VALLEY REFUSE REMOVAL, INC.,
560 COLORADO AVENUE, GRAND JUNCTION,
COLORADO, FOR AUTHORITY TO EXTEND
OPERATIONS UNDER PERMIT NO. B-4773. }

APPLICATION NO. 23913-PP-Extension

EXTENSION OF TIME FOR
FILING EXCEPTIONS

January 21, 1970

Appearances: Keith G. Mumby, Esq.,
Grand Junction, Colorado,
for Applicant;
H. G. Lashbrook,
Grand Junction, Colorado, for
Lashbrook Sanitation Service,
Protestant.

STATEMENT AND FINDINGS OF FACT

On December 2, 1969, the Recommended Decision of Christian O. Igenbergs, Examiner, was filed with this Commission and served upon the parties. Section 115-6-9 (2), CRS 1963, as amended, provides that exceptions shall be filed within twenty (20) days after service of the Recommended Decision upon the parties or within such extended period of time as the Commission may authorize in writing.

On December 15, 1969, Protestant, Lashbrook Sanitation Service, filed with the Commission a Petition requesting an extension of time within which to file exceptions to the Recommended Decision of the Examiner.

The time for filing of Exceptions pursuant to Decision No. 74058 is set to expire January 21, 1970. The transcript of the record ordered by H. G. Lashbrook, Protestant, was completed on January 21, 1970, and forwarded to said Protestant at that time.

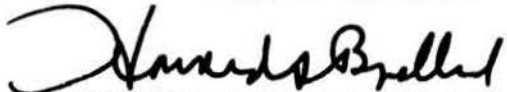
The Commission states and finds that the time for filing of Exceptions in the within matter should be extended for a period of twenty (20) days from January 21, 1970, and that such extension is on the Commission's own motion.

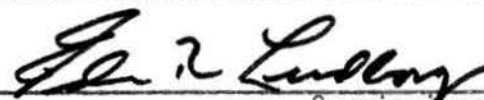
O R D E R

THE COMMISSION ORDERS:

That the Protestant, Lashbrook Sanitation Service, be, and hereby is, granted extension of time within which to file Exceptions until twenty (20) days from January 21, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
21st day of January, 1970.
vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ESTABLISHMENT OF SHORT LINE)
ROUTES AND RATES BETWEEN POINTS)
LOCATED ALONG U. S. HIGHWAY NO. 85)
ON THE ONE HAND AND U. S. HIGHWAY 287)
ON THE OTHER, NORTH OF DENVER, COLORADO)

CASE NO. 1585

January 23, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 28, 1969, by Decision No. 73896, extension of
authority was granted to the following applicants: --

Frederic A. Bethke
d/b/a Bethke Truck Lines
Certificate No. 5199, and

Edson Express, Inc.
Certificates Nos. 26 and 26-I

for a scheduled service between points located along U.S. Highway No. 85
on the one hand and U.S. Highway No. 287 on the other, north of Denver,
Colorado. It is deemed not necessary to cite the exact authorities herein
as it would serve no useful purpose.

On January 21, 1970, J. R. Smith, Chief of Tariff Bureau,
Colorado Motor Carriers' Association, Agent, caused certain revised pages
to its Local and Joint Class and Commodity Tariff No. 12-B, Colorado PUC
No. 19, to be issued and filed with the Commission, scheduled to become
effective January 23, 1970, as set forth in Appendix A attached hereto.

In order that continuity in rates and charges may prevail for
all affected common and contract motor vehicles, the Commission is of
the opinion that an Order should be entered in Case No. 1585, prescribing
the rates and charges resulting from the reductions filed. The rates and
charges are subject, however, to the general Rules and Regulations provided
in the current tariff.

Decision No. 73896 provides among other provisions that the authority is restricted against the transportation of any shipments moving to, from or through Denver or points within six (6) miles thereof, and shall not be tacked or combined with any other operating rights of the applicant.

Since the recommended decision and Order of the Commission granting these extensions has now passed the protest period and the reduction in rates and charges appear to be just and reasonable, the Commission states and finds that the Order should be entered in Case No. 1585. Any Contract carrier so affected may publish its tariff in compliance with this Order on one day's notice to the Commission and general public, by citing the decision number and date of this Order in its respective tariff.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings and Appendix "A" herein, be, and are hereby, made a part hereof.
2. That the rates and charges as set forth in Appendix "A" of this Order, subject to the rules and regulations as provided in the aforesaid tariffs, shall be the prescribed rates, rules and regulations of the Commission.
3. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish, or cause to be published tariffs reflecting the changes prescribed herein.
4. That 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.
5. That on and after January 23, 1970, 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) percent.

6. That on and after January 23, 1970, 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) percent.


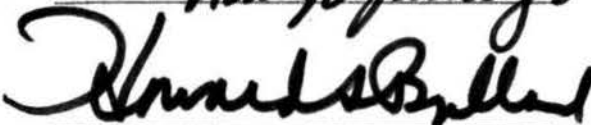
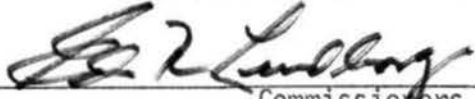
7. That this Order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

8. That the Order as 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. That this Order shall become effective forthwith.

10. That jurisdiction is retained to make such further Orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
23rd day of January, 1970. av

Colorado Motor Carriers' Association, Agent
Local and Joint Class Commodity Rates
Tariff No. 12-B, Colorado PUC No. 19

SECTION 1							
Class Rate Bases							
For application, see Item 410							
For class rates, see Sections 2 and 3							
INDEX No.	BETWEEN AND	MILES	LTL	EATON MINIMUM WEIGHT--POUNDS			ROUTE No. SEE SECTION 7
				5,000	5000A (V)	10,000	
11890	BERTHOUD (I)	32	142	121	118	98	(E) ; 7; 28
12290	FT. COLLINS (I)	23	132	112	110	91	(E) ; 7
12590	JOHNSTOWN (I)	25	132	112	110	91	(E) ; 7
12750	LONGMONT (I)	45	152	129	127	105	(E) ; 7; 28
12760	LOVELAND (I)	27	139	118	115	95	7; (E)
INDEX No.	BETWEEN AND	MILES	LTL	GREELY MINIMUM WEIGHT--POUNDS			ROUTE No. SEE SECTION 7
				5,000	5000A (V)	10,000	
16590	BERTHOUD (I)	28	139	118	115	95	(E) ; 7; 28
17000	FORT COLLINS (I)	31	142	121	118	98	(E) ; 7
17330	JOHNSTOWN (I)	18	129	110	108	89	(E) ; 7
17490	LONGMONT (I)	39	149	127	125	102	(E) ; 7; 28
17510	LOVELAND (I)	21	132	112	110	91	7; 37
INDEX No.	BETWEEN AND	MILES	LTL	LUCERNE MINIMUM WEIGHT--POUNDS			ROUTE No. SEE SECTION 7
				5,000	5000A (V)	10,000	
19790	BERTHOUD (I)	32	142	121	118	98	(E) ; 7; 28
20190	FT. COLLINS (I)	27	139	118	115	95	(E) ; 7; (E)
20490	JOHNSTOWN (I)	22	132	112	110	91	(E) ; 7
20650	LONGMONT (I)	43	152	129	127	105	(E) ; 7; 28
20660	LOVELAND (I)	24	132	112	110	91	7; (E)

(I) EFFECTIVE JANUARY 23, 1970, ON COLORADO INTRASTATE TRAFFIC. ISSUED IN COMPLIANCE WITH ORDER OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO, DECISION NO. 73896 DATED NOVEMBER 28, 1969.

↓ DENOTES REDUCTION
♦ DENOTES INCREASE
/ DENOTES ADDITION

ROUTE NO. 7 - BETHKE TRUCK LINES - DIRECT ROUTE NO. 37 - MILLER BROS. INC. - DIRECT
ROUTE NO. 28 - EDSON EXPRESS, INC. - DIRECT

(E) DENOTES ELIMINATED

- (E) ROUTE NO. 196 - BETHKE TRUCK LINES, DENVER, COLORADO EDSON EXPRESS, INC.
- (E) ROUTE NO. 18 - BETHKE TRUCK LINES, DENVER, COLORADO, DENVER-LOVELAND TRANSPORTATION, INC.
- (E) ROUTE NO. 194 - BETHKE TRUCK LINES, DENVER, COLORADO, DENVER-LARAMIE-WALDEN TRUCK LINE
- (E) ROUTE NO. 210 - BETHKE TRUCK LINES, DENVER, COLORADO, MILLIKEN JOHNSTOWN TRUCK LINES, INC.

ROUTE 18 PROVIDED SERVICE TO LOVELAND
ROUTE 194 PROVIDED SERVICE TO FORT COLLINS
ROUTE 196 PROVIDED SERVICE TO BERTHOUD AND LONGMONT
ROUTE 210 PROVIDED SERVICE TO JOHNSTOWN

(Decision No. 74228)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, THE WANDELL & LOWE)
TRANSFER AND STORAGE COMPANY, A)
COLORADO CORPORATION, 4425 SINTON)
ROAD, COLORADO SPRINGS, COLORADO,)
UNDER CERTIFICATES OF PUBLIC CON-)
VENIENCE AND NECESSITY, PUC NO.)
342 AND PUC NO. 342-I.)

CASE NO. 5417
ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING

January 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the above-named Respondent was granted the following
Certificates of Public Convenience and Necessity, PUC No. 342 and PUC No.
342-I, to conduct certain operations as a common carrier by motor vehicle
for hire for the following, to-wit:

"For the conduct of a transfer, moving and general cartage
business in the Counties of El Paso, Teller, Fremont and
Douglas in the State of Colorado and for occasional serv-
ice throughout the State of Colorado, and in each of the
counties thereof,

subject to the terms and conditions hereinafter stated;

For the transportation of commodities other than house-
hold goods between points served singly or in combination
by scheduled carriers the applicant shall charge rates
which shall be as much as twenty per cent (20%) higher
in all cases than those charged by scheduled carriers.

The applicant shall not be permitted without further au-
thority from the Commission to establish a branch office
or to have an agent employed in any other town or city
than Colorado Springs for the purpose of developing
business.

To conduct a transfer, moving and General cartage business,
including the transportation of household goods, between
all points in the City of Colorado Springs, Colorado.

INTERSTATE AUTHORITY: 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.

The applicant shall not operate on schedule between any points."

The Staff of the Public Utilities Commission of the State of Colorado has conducted an investigation relating to the motor vehicle operations of the Respondent, The Wandell & Lowe Transfer and Storage Company, Colorado Springs, Colorado, under said Certificates of Public Convenience and Necessity, PUC No. 342 and PUC No. 342-I. Said investigation discloses that the Respondent has engaged in transportation practices in violation of the Public Utilities Law and the Rules and Regulations of the Commission in the following respect, to-wit:

That a transfer of the capital stock effecting a change in control of The Wandell & Lowe Transfer and Storage Company, a Colorado corporation operating under Certificates of Public Convenience and Necessity, PUC No. 342 and PUC No. 342-I, has occurred without first having been authorized to transfer said control by the Public Utilities Commission of the State of Colorado contrary to Rule 5 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire.

The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such arguments as may be material and to determine what order or penalty, if any, shall be made or imposed by the Commission.

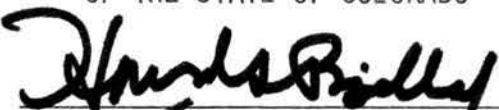
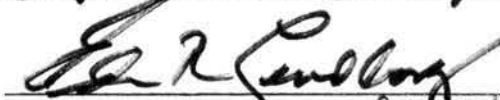
O R D E R

THE COMMISSION ORDERS:

That the herein-entitled case be, and the same hereby is, set for hearing before the Commission at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10:00 o'clock A.M., on April 6, 1970, and that April 7, 1970, be reserved on the calendar of the Commission in the event an additional hearing day is required, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

That Respondent, The Wandell & Lowe Transfer and Storage Company, be, and hereby is, directed to appear before the Commission on April 6, 1970, as specifically set forth above, to show cause why the Commission should not take such action and enter such Order or penalty as may be appropriate, including, but not limited to, a cease and desist Order, or if warranted, an Order cancelling and revoking Certificates of Public Convenience and Necessity, PUC No. 342 and PUC No. 342-I, of the Respondent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
27th day of January, 1970.
vr

(Decision No. 74229)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BUDDIE D. SHEETS, DOING BUSINESS AS)
"B & E CLEANING SERVICE," FALCON)
ROUTE, PEYTON, COLORADO, FOR TEMPO-)
RARY AUTHORITY TO OPERATE AS A COMMON)
CARRIER FOR THE TRANSPORTATION OF)
ASHES, TRASH AND OTHER REFUSE IN A)
PORTION OF EL PASO AND ELBERT COUNTIES,)
COLORADO.)

APPLICATION NO. 24146-TA
ORDER DENYING TEMPORARY AUTHORITY

January 27, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That the applicant has not shown that there is
an immediate and urgent need for the relief herein sought.

It is ordered, That the application for temporary authority
be, and is hereby, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Jenkins
Howard S. Brillant
Ed L. Lusk
Commissioners

Dated at Denver, Colorado, this
27th day of January, 1970.

vr

(Decision No. 74230)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. H. KILGROE AND JAMES A. KILGROE,)
DOING BUSINESS AS "L. H. KILGROE CON-)
STRUCTION CO.," 7991 WEST 6TH AVENUE,)
LAKEWOOD, COLORADO, FOR TEMPORARY AU-)
THORITY TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 23999-PP-TA
SUPPLEMENTAL ORDER

January 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 22, 1969, the Commission entered Decision No. 73715 in the above-styled application, granting to applicants herein the right to operate with temporary authority as a contract carrier by motor vehicle for hire.

Said applicants have failed to comply with the requirements set forth in said Decision No. 73715, viz., has failed to file a tariff and a Designation for Service of Notices - Orders - Process.

The Commission states and finds that inasmuch as applicants have not fulfilled requirements set forth in Decision No. 73715, operating rights granted thereby should be revoked, as set forth in the Order following.

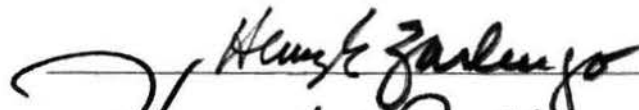
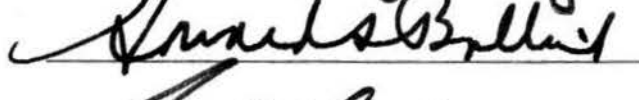
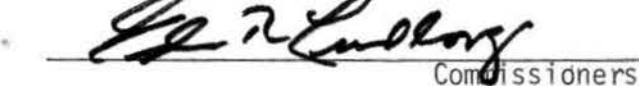
O R D E R

THE COMMISSION ORDERS:

That the temporary operating rights granted to L. H. Kilgroe and James A. Kilgroe, doing business as "L. H. Kilgroe Construction Co.," by Decision No. 73715, dated October 22, 1969, be, and the same hereby are, revoked for failure of applicants to comply with requirements set forth in said Decision No. 73715.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
27th day of January, 1970.
vr

(Decision No. 74231)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAN RAMSEY, DOING BUSINESS AS "DAN)
RAMSEY TRUCKING," GENERAL DELIVERY,)
DOLORES, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24116-PP-TA
SUPPLEMENTAL ORDER

January 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 2, 1970, the Commission entered Decision No. 74081 in the above-styled application, granting to applicant herein the right to operate with temporary authority as a contract carrier by motor vehicle for hire.

Said applicant has failed to comply with the requirements set forth in said Decision No. 74081, viz., has failed to file a Certificate of Public Liability and Property Damage Insurance.

The Commission states and finds that inasmuch as applicant has not fulfilled requirements set forth in Decision No. 74081, operating rights granted thereby should be revoked, as set forth in the Order following.


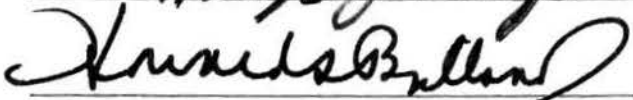

O R D E R

THE COMMISSION ORDERS:

That the temporary operating rights granted to Dan Ramsey, doing business as "Dan Ramsey Trucking," by Decision No. 74081, dated January 2, 1970, be, and the same hereby are, revoked for failure of applicant to comply with requirements set forth in said Decision No. 74081.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
27th day of January, 1970.
vr

(Decision No. 74232)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WENSTON TOLLESON, P.O. BOX 36, FAIR-)
VIEW STATION, ESPANOLA, NEW MEXICO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 24089-PP-TA
SUPPLEMENTAL ORDER

January 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 23, 1969, the Commission entered Decision No. 74048 in the above-styled application, granting to applicant herein the right to operate with temporary authority as a contract carrier by motor vehicle for hire.

Said applicant has failed to comply with the requirements set forth in said Decision No. 74048, viz., has failed to file a Certificate of Public Liability and Property Damage Insurance.

The Commission states and finds that inasmuch as applicant has not fulfilled requirements set forth in Decision No. 74048, operating rights granted thereby should be revoked, as set forth in the Order following.

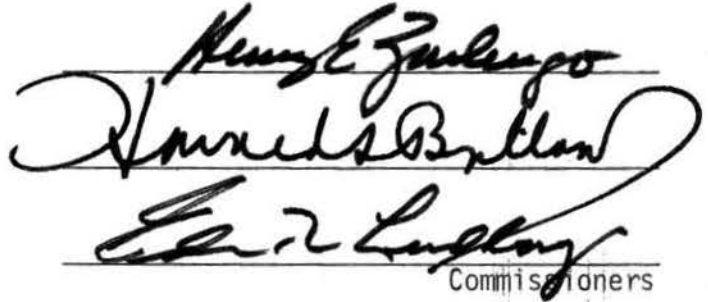
O R D E R

THE COMMISSION ORDERS:

That the temporary operating rights granted to Wenston Tolleson by Decision No. 74048, dated December 23, 1969, be, and the same hereby are, revoked for failure of applicant to comply with requirements set forth in said Decision No. 74048.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
27th day of January, 1970.
vr

(Decision No. 74233)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CRESTED BUTTE AIR SERVICE, INC., P.O.)
BOX 294, CRESTED BUTTE, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING OPERATION)
AS A COMMON CARRIER BY AIRPLANE.)

APPLICATION NO. 24030

January 23, 1970

STATEMENT AND FINDINGS OF FACT

On December 29, 1969, Rocky Mountain Airways, Inc. filed a Motion to Intervene in the above-captioned proceeding.

On January 6, 1970, Crested Butte Air Service, Inc., Applicant herein, filed its Motion To Strike Protest and Motion To Intervene of Rocky Mountain Airways, Inc.

On January 7, 1970, this Commission entered its Decision No. 74117 in which the Motion to Intervene by Rocky Mountain Airways, Inc. was granted.

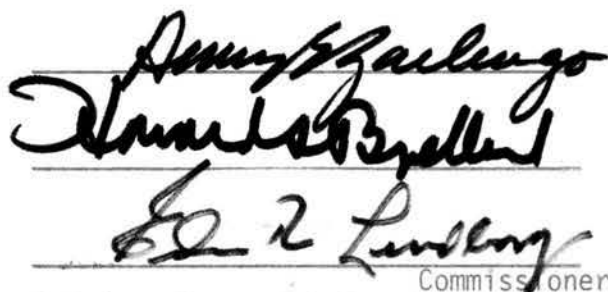
The Commission has previously found in Decision No. 74117 that Rocky Mountain Airways, Inc. is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that therefore Applicant's Motion To Strike Protest and Motion To Intervene should be denied.

ORDER

THE COMMISSION ORDERS:

That Applicant's Motion To Strike Protest and Motion To Intervene be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 23rd day of January, 1970.

(Decision No. 74234)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ALAN W. REISE, DOING BUSINESS AS)	
"MANITOU EXPRESS CO.," 614 SOUTH 29TH	)	<u>APPLICATION NO. 24009-Transfer</u>
STREET, COLORADO SPRINGS, COLORADO,)	
FOR AUTHORITY TO TRANSFER PUC NO. 189	)	<u>RECOMMENDED DECISION OF</u>
AND PUC NO. 189-I TO RICHARD C. POWELSON,	)	<u>ROBERT L. PYLE, EXAMINER.</u>
DOING BUSINESS AS "MANITOU EXPRESS CO.,")	
614 SOUTH 29TH STREET, COLORADO SPRINGS,)	
COLORADO.)	

January 26, 1970

Appearances: John P. Thompson, Esq., Denver, Colorado,
for Transferor and Transferee.

PROCEDURE AND RECORD

Under date of October 1, 1969, Applicants filed the above-entitled application for authority to transfer Certificates of Authority PUC No. 189 and PUC No. 189-I, to operate as a common carrier by motor vehicle, from Alan W. Reise, doing business as "Manitou Express Co.," to Richard C. Powelson, doing business as "Manitou Express Co."

The Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on December 23, 1969, at 10:00 o'clock A.M. The hearing was held at the afore-said time and place.

Alan W. Reise and Richard C. Powelson testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Applicants' Exhibits numbered 1, 2, 3, and 4 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Transferor herein is the present owner and operator of PUC No. 189 and PUC No. 189-I, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee herein holds no previously granted authority from this Commission.
4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
5. There is an existing lien upon the authority which has been previously approved by the Commission.
6. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for operation of the authority sought to be transferred herein.
7. Transferee is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission and has or will make adequate provision for insurance.
8. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfer is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer as sought by Applicants should be granted as hereinafter set forth.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 9 of this Order,

1. Alan W. Reise, doing business as "Manitou Express Co.," 614 South 29th Street, Colorado Springs, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificates of Authority PUC No. 189 and PUC No. 189-I to Richard C. Powelson, doing business as "Manitou Express Co.," 614 South 29th Street, Colorado Springs, Colorado, subject to encumbrances, if any, against said authority.

2. Henceforth the full and complete authority under Certificates of Authority PUC No. 189 and PUC No. 189-I shall read and be as follows, to-wit:

- "(1) Transportation of freight and express -- on schedule -- between Manitou Springs and Colorado Springs, Colorado.
- (2) Transportation -- on call and demand -- of household goods and new and used office furniture and equipment from point to point within Colorado Springs, Colorado.
- (3) INTERSTATE AUTHORITY: 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."

3. The approval of the existing lien be, and hereby is, continued.

4. The 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.

5. 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.

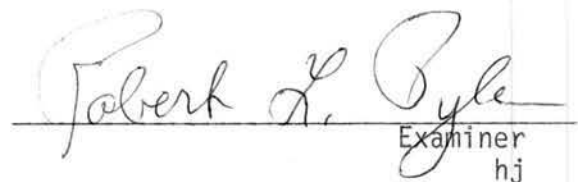
6. The right of Transferee to operate under this Order shall depend upon the prior filing of an annual report of Transferor herein, covering the operations under said Certificate up to the time of transfer of said Certificate.

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

8. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

9. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF LESTER E. SMITH, P. O. BOX 43,)	APPLICATION NO. 24003-Transfer
STERLING, COLORADO, FOR AUTHORITY)	
TO TRANSFER PUC NO. 1276 TO V-Y)	RECOMMENDED DECISION OF
TRUCK LINE, INC., P. O. BOX 43,)	ROBERT L. PYLE, EXAMINER
CROOK, COLORADO.)	

January 29, 1970

Appearances: John P. Thompson, Esq.,
Denver, Colorado, for
Transferor and Transferee.

PROCEDURE AND RECORD

Under date of September 30, 1969, Applicants filed the above-entitled application for authority to transfer Certificate of Authority PUC No. 1276, to operate as a common carrier by motor vehicle, from Lester E. Smith to V-Y Truck Line, Inc., a Colorado corporation.

The Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on December 8, 1969, at 10:00 o'clock A.M. The hearing was held at the aforesaid time and place.

Lester E. Smith and Maynard Yost testified in support of the application. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Applicants' Exhibits numbered 1, 2, 3, 4, 5, 6, 7, 8, and 9 were tendered and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Transferor herein is the present owner and operator of PUC No. 1276, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee holds previously granted authority from this Commission, to-wit: Certificates of Authority PUC No. 819 and PUC No. 819-I and Permit No. M-1215.
4. There appears to be some overlap and/or duplication between the authorities now held by Transferee and the authority to be acquired from Transferor, which said overlap and/or duplication Transferee is ready and willing to eliminate, but this should be done upon proper application to clarify and redescribe all the subject authorities and after a proper hearing is had. An attempt to clarify and redescribe said authorities in the herein proceedings would not be in accordance with proper procedure and, therefore, not in the public interest.
5. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
6. The Certificate is free and clear of any debts, encumbrances or obligations. However, an encumbrance is to be placed upon the authority, which encumbrance should be approved by the Commission upon the filing of the proper documents.
7. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for operation of the authority sought to be transferred herein.
8. The chief corporate officers as well as the employees of Transferee are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.

9. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
10. The transfer is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer as sought by Applicants should be granted as hereinafter set forth.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 7 of this Order,

1. Lester E. Smith, P. O. Box 43, Sterling, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Authority PUC No. 1276 to V-Y Truck Line, Inc., a Colorado corporation, P. O. Box 43, Crook, Colorado, subject to encumbrances, if any, against said authority.

2. The encumbrance to be placed upon the authority be, and hereby is, approved upon the filing of the proper documents.

3. 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.

4. 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.

5. The right of Transferee to operate under this Order shall depend upon the prior filing of an annual report by Transferor herein, covering the operations under said Certificate up to the time of transfer of said Certificate.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
NORTHERN NATURAL GAS COMPANY, 2223)	
DODGE STREET, OMAHA, NEBRASKA, FOR)	APPLICATION NO. 24066
AUTHORITY TO ACQUIRE EXISTING CERTIF-)	
ICATES OF PUBLIC CONVENIENCE AND NE-)	RECOMMENDED DECISION
CESSITY AND TO PURCHASE NATURAL GAS)	HENRY E. ZARLENGO
TRANSMISSION AND DISTRIBUTION FACILI-)	COMMISSIONER
TIES AND OTHER ASSETS FROM PLATEAU)	
NATURAL GAS COMPANY, 20 BOULDER CRES-)	
CENT, COLORADO SPRINGS, COLORADO.)	

January 27, 1970

Appearances: Thomas N. Wright, Esq., of Omaha, Nebraska,
and
John A. Phillips, Esq., of Phillips & Gresham,
Colorado Springs, Colorado, for Applicants,
Northern Natural Gas Company and Plateau
Natural Gas Company;
John R. Barry, Esq., of Denver, Colorado, for
Intervenor, the City of Lamar;
Girts Krumins, Esq., of Denver, Colorado, for
the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

On November 20, 1969 Northern Natural Gas Company (Northern) and Plateau Natural Gas Company (Plateau) filed with the Public Utilities Commission of the State of Colorado their joint application identified above as Application No. 24066. The application was set for hearing on January 5, 1970 at 10:00 o'clock a.m. in the Hearing Room of the Commission, at which time the application was called up for hearing before Commissioner Henry E. Zarlengo, to whom the matter was duly assigned. At the conclusion of said hearing, the application was taken under advisement.

The City of Lamar intervened in the proceedings stating that its interest was limited to insuring that Northern would continue to honor Plateau's existing contract with the City of Lamar for the sale of gas for use in its generating plant.

The Hearing Commissioner transmits herewith the record and exhibits in this proceeding together with his Recommended Decision and Recommended Order.

F I N D I N G S

From the record herein the Hearing Commissioner finds as fact that:

1. Applicant, Northern, is a Delaware corporation, qualified to do business in the State of Colorado, and is a company engaged, inter alia, in the business of purchase, distribution and sale of natural gas.

2. Applicant, Plateau, is a Colorado corporation, and is a public utility subject to the jurisdiction of this Commission, engaged, inter alia, in the business of purchase, distribution and sale of natural gas in the State of Colorado and elsewhere.

3. The Commission has jurisdiction over the subject matter of these proceedings.

4. Applicant, Plateau, now holds from this Commission certificates of public convenience and necessity heretofore granted by this Commission as follows:

<u>APPL. NO.</u>	<u>DECISION NO.</u>	<u>DATE</u>	<u>DESCRIPTION</u>
11351	37414	9/5/51	Portland - Fremont County
11818	40573	6/16/53	Castle Rock & Fountain Area - El Paso County
13023	43973	2/17/55	Fountain Area - El Paso County
14243	45692	4/19/56	Acquire Midwest, Pikes Peak and Kansas-Colorado Utilities distribution properties
14270	46025	6/20/56	Cortez Area - Montezuma County
14270	46283	8/10/56	Supplemental Order
14965	47270	2/4/57	Medium Security Penitentiary - Fremont County
15638	48663	9/5/57	Penrose Area - Fremont County
15613	48832	10/3/57	Dolores Area - Montezuma County
16411	50563	7/7/58	Mancos Area - Montezuma County
17235	52910	8/21/59	Black Forest Area - Certain areas of Adams, Arapahoe, Douglas, Elbert, El Paso and Teller Counties
17836	54829	8/10/60	Palmer Lake and Monument - Douglas and El Paso Counties

APPL. NO.	DECISION NO.	DATE	DESCRIPTION
17836	55969	2/27/61	Supplemental Order
18688	57211	9/20/61	Ute Pass Area - El Paso and Teller Counties
18607	57472	11/2/61	Arriba, Seibert, Flagler & Burlington - Lincoln County
18608	57473	11/2/61	Kit Carson and Lincoln Counties
18607	57913	1/19/62	1st Supplemental Order
18607	58662	5/31/62	2nd Supplemental Order - Stratton Area - Kit Carson and Lincoln Counties
18608	57914	1/19/62	Hugo & Burlington Areas - Kit Carson and Lincoln Counties
18735	58508	5/1/62	Franktown - El Paso and Douglas Counties
18735	65258	6/28/65	Amendment to 58508 - Douglas County
19120	59205	9/4/62	Certain areas of Adams and Arapahoe Counties
19462	59949	1/16/63	Genoa Area - Lincoln County
19463	59948	1/16/63	Genoa Area - Lincoln County
19684	60656	5/8/63	Acquire Cortez Natural Gas Co. & its certificates
19684	60799	5/31/63	Rehearing denied (Cortez)
19885	61184	8/12/63	Kiowa and Elizabeth and adjacent areas - Elbert County
19885	61773	11/15/63	Supplemental Order - Kiowa Area - Elbert County
19971	61438	9/23/63	Acquire Cortez Natural Gas Co. and its certificates
20030	61620	10/24/63	Pritchett - Baca County
20265	62788	4/21/64	Two Buttes - Baca County
21597	66383	12/2/65	Burlington Franchise
21598	66381	12/2/65	Palmer Lake Franchise
21599	66382	12/2/65	Monument Franchise
21670	66625	1/17/66	Acquire Kansas-Colorado Utilities certificates
22402	69136	3/8/67	Limon and Hugo Franchises
22402	69612	6/7/67	Supplemental Order
23582	72730	3/24/69	Florence Franchise
23982	73835	11/14/69	Acquire Gunnison Utilities Co. - Gunnison County

5. The transfer of the above-mentioned certificates of public convenience and necessity from Plateau to Northern and the acquisition of the properties and other assets of Plateau by Northern, pursuant to the terms of the Agreement and Plan of Reorganization (Exhibit "C" herein) are not inconsistent with the public interest and should be authorized if the following conditions are met:

(a) Any acquisition adjustment resulting from the transfer is immediately written off against Surplus.

(b) Northern continues to file annual reports to the Commission on the same basis as heretofore filed by Plateau, i.e., showing a breakdown of plant, revenues and expenses among the various towns and operating divisions within the State of Colorado.

(c) Northern maintains such books and records at one of its offices within the State of Colorado as are necessary for the determination of plant investment, depreciation reserve, revenues and expenses applicable to its Colorado operations.

(d) No action of Northern will be taken without prior authorization by the Commission that would commingle the gas supply to its Colorado system with the gas supply to its other systems, tend to jeopardize any gas reserves now dedicated for its Colorado customers by their use elsewhere, or to roll-in gas purchase costs applicable to its Colorado system with those in the rest of Northern's system.

(e) Northern assumes all service contracts with Plateau's customers in effect on the effective date of the transfer.

6. The acquisition and operation of the public utility properties of Plateau by Northern subject to conditions enumerated above will not be detrimental to Plateau's existing customers.

It is the conclusion of the Hearing Commissioner that the application should be granted and the following Order entered.

RECOMMENDED ORDER

THE COMMISSION ORDERS THAT:

1. The transfer of the certificates of public convenience and necessity now held by Applicant, Plateau, described in Finding No. 4 above, to Applicant, Northern, and the purchase of the gas distribution systems, related facilities and other assets and liabilities of Plateau by Northern pursuant to the terms of the agreement between the parties, be, and hereby are, authorized and approved subject to the following conditions:

- (a) Any acquisition adjustment resulting from the transfer shall be immediately written off against Surplus.
- (b) Northern shall file annual reports to the Commission on the same basis as heretofore filed by Plateau, i.e., showing a breakdown of plant, revenues and expenses among the various towns and operating divisions within the State of Colorado.
- (c) Northern shall maintain such books and records at its offices within the State of Colorado as are necessary for the determination of plant investment, depreciation reserve, revenues and expenses applicable to its Colorado operations.
- (d) No action of Northern shall be taken without prior authorization by the Commission that would commingle the gas supply to its Colorado system with the gas supply to its other systems, tend to jeopardize any gas reserves now dedicated for its Colorado customers by their use elsewhere, or to roll-in gas purchase costs applicable to its Colorado system with those in the rest of Northern's system. Northern shall make no physical interconnection not now existing of any system supplying its Colorado customers with any other pipeline or gathering system of Northern without prior authorization of this Commission.

(e) Northern shall assume all service contracts with Plateau's customers in effect on the effective date of the transfer.

2. Applicant, Northern, within ninety (90) days after the acquisition of all the assets of Plateau, shall file with the Commission a report showing the proposed journal entries on the books of Northern to reflect the acquisition of the Plateau assets.

3. Applicant, Northern, shall operate the utility property to be acquired from Plateau in accordance with the rules and regulations of this Commission with respect to service, construction, maintenance, operation, accounting and all other matters applicable to gas utilities.

4. If the transfer of assets from Plateau to Northern has not been consummated within one year from the effective date of this Order, the authority granted herein shall become null and void.

5. Northern shall adopt the existing tariff of Plateau in accordance with Rule No. 23 of the Rules of Practice and Procedure before this Commission within ninety (90) days after the completion of the transfer of assets from Plateau to Northern.

6. This Order shall become effective as of the date this Recommended Decision becomes the Decision of the Commission.

As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Commissioner's Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended

Decision shall become the Decision of the Commission and subject to the pertinent provisions of Article 6, Chapter 115, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
hj

(Decision No. 74237)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FREDERIC A. BETHKE, DOING BUSINESS)	APPLICATION NO. 23303-Extension
AS "BETHKE TRUCK LINES," GILCREST,)	<u>AMENDED</u>
COLORADO, FOR A CERTIFICATE OF PUB-)	<u>SUPPLEMENTAL ORDER TO DECISION NO. 73896</u>
LIC CONVENIENCE AND NECESSITY)	
AUTHORIZING EXTENSION OF OPERATIONS)	
UNDER PUC NO. 5199.)	

January 29, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 28, 1969, the Recommended Decision of Girts Krumins, Examiner, in the above-entitled matter was filed with this Commission and served upon the parties.

The Commission is in receipt of a letter, dated December 22, 1969, signed by Marion F. Jones, Esq., attorney for Frederic A. Bethke, doing business as "Bethke Truck Lines," which said letter states that, by inadvertence, the amendment to Application No. 23303-Extension, presented to the Examiner at the hearing of the subject matter on September 24, 1969, had omitted the request for authority to be granted to Applicant Frederic A. Bethke to use Colorado Highway 14 between Fort Collins and Ault, Colorado, for travel purposes only, without service at any intermediate points. The aforesaid letter contains a request for a supplemental order granting such authority and further states that Colorado Cartage Company, Protestant at the hearing on Application No. 23303-Extension, has no objection to such grant.

The Commission states and finds that the aforesaid request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

1. That Decision No. 73896 be amended, by inserting in Paragraph 1 of the Recommended Order, at the end of the first sentence thereof, immediately prior to the word "Restriction:" the following words, to-wit:

"with the right to use Colorado Highway 14 between Fort Collins and Ault, Colorado, for operating convenience only."

2. That the full Paragraph 1 of Decision No. 73896 shall henceforth read as follows, to-wit:

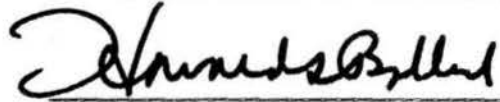
"That Frederic A. Bethke, doing business as Bethke Truck Lines, be and hereby is authorized to extend his authority under PUC Certificate No. 5199 to perform a scheduled service between the following points:

Between points on U.S. Highway 287 between Longmont and Fort Collins, inclusive, and including points within six miles of Longmont, six miles of Loveland and six miles of Fort Collins, and those within two miles on either side of said highway, on the one hand, and, on the other hand, points on U.S. Highway 85 between Fort Lupton and Ault, inclusive, including as off-route points those within six miles of Fort Lupton and within six miles of Greeley via U.S. Highways 287, 87 (Interstate 25), 34 and 85, and Colorado Highways 119, 52, 66, 56, 60, 402 and 256, or any combination of such highways, serving all intermediate points on all such highways and the off-route points specified, with the right to use Colorado Highway 14 between Fort Collins and Ault, Colorado, for operating convenience only. Restriction: This authority is restricted against the transportation of any shipments moving to, from or through Denver, or points within six miles thereof, and shall not be tacked or combined with any other operating rights of the Applicant. It is further restricted against the transportation of any shipments between points located on U.S. Highway 287 on U.S. Highway 87 (Interstate 25), and further subject to the restriction that if any duplication exists with any presently authorized common carrier authority, no duplicating operating authorities are hereby authorized. Further subject to the requirement that that portion of Permit A-519 herein duplicated shall be canceled."

3. That except as herein amended Decision No. 73896 shall remain in full force and effect.

4. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado, this
29th day of January, 1970.

vr

(Decision No. 74238)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF

James D. Stephenson
4558 Wyandot Street
Denver, Colorado 80221

AUTHORITY NO. B-3729

CASE NO. 1872-H-Ins.

January 27, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 22, 1969, in the above-entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

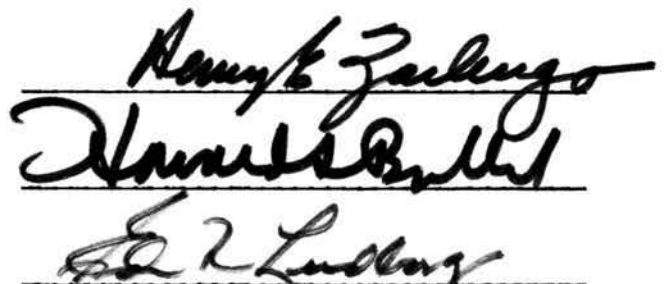
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

That the herein authority be, and the same hereby is, reinstated, as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 27th day of January, 1970 .

be

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ROBERT GRAUBERGER AND TOM CECIL, DOING	)	APPLICATION NO. 24031-PP
BUSINESS AS "C & G CUSTOM FARM SERVICE,")	
ROUTE 1, BOX 221, KERSEY, COLORADO, FOR	)	RECOMMENDED DECISION OF
A CLASS "B" PERMIT TO OPERATE AS A	)	CHRISTIAN O. IGENBERGS,
CONTRACT CARRIER BY MOTOR VEHICLE FOR	)	EXAMINER.
HIRE.)	

January 28, 1970

Appearances: James H. Shelton, Esq.,
Greeley, Colorado,
for Applicants.

PROCEDURE AND RECORD

Under date of October 22, 1969, Applicants filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24031-PP to the application.

Concurrently, Applicants requested emergency temporary authority and temporary authority for the transportation service sought to be performed in accordance with the application for permanent authority. The Commission granted Applicants emergency temporary authority by Decision No. 73778, dated October 30, 1969, such authority to be in force for a period of time of fifteen (15) days commencing on October 30, 1969. On November 10, 1969, by Decision No. 73829, the Commission granted Applicants temporary authority to perform the transportation services applied for until further notice or until such time as the application for permanent authority is either granted or denied.

On November 4, 1969, Applicants submitted to the Commission a letter in the form of an amendment to the application, requesting that the right to transport bulk milk be excluded from the application.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on the application for permanent authority and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Auditorium, Larimer County Courthouse, Fort Collins, Colorado, on January 13, 1970, at 10:00 o'clock A.M.

The hearing was held at the aforesaid time and place. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Robert Grauberger testified in support of the application.

Official notice was taken of the following documents on file with the Commission: Equipment List, Customer List and Certificates of Insurance.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Applicants are a partnership doing business as "C & G Custom Farm Service," and the partners are Robert Grauberger and Tom Cecil.
2. Applicants in this matter operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicants and the subject matter of these proceedings.
3. Applicants do not hold previously granted authority from this Commission.

4. Applicants own sufficient equipment, have sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.
5. Applicants are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission.
6. Applicants are amply insured.
7. There is a present and special need for the service of Applicants.
8. Applicants have entered into a special carriage contract with a customer.
9. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
10. The authority sought by Applicants will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority as sought by Applicants should be granted as hereinafter set forth.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 6 of this Order,

1. Robert Grauberger and Tom Cecil, doing business as "C & G Custom Farm Service," Route 1, Box 221, Kersey, Colorado, be, and hereby are, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

- (1) Farm products, hay pellets, and beet pulp pellets

Between all points within a seventy-five (75) mile radius of Greeley, Colorado, and to and from said points located within Weld County, Colorado, from and to points in the State of Colorado.

RESTRICTION:

Restricted against the transportation of livestock, bulk milk and dairy products;"

and this Order shall be deemed to be, and be, a PERMIT therefor.

2. All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

3. This Order is the Permit herein provided for, but it shall not become effective until Applicants have filed a statement of their customers, the necessary tariffs, required insurance, and have secured authority sheets.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rm/hj

(Decision No. 74240)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE THE INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF COLO.)
PUC NO. 4 - ELECTRIC, COLO. PUC)
NO. 4 - GAS AND THE INTEGRATION OF)
COLO. PUC NO. 2 - ELECTRIC INTO)
COLO. PUC NO. 4 - ELECTRIC OF THE)
PUBLIC SERVICE COMPANY OF COLORADO,)
550 - 15TH STREET, DENVER, COLORADO.)

INVESTIGATION AND SUSPENSION

DOCKET NO. 640

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
550 - 15TH STREET, DENVER, COLORADO,)
FOR A TEMPORARY RIDER TO ITS GAS AND)
ELECTRIC RATES AND TARIFFS.)

APPLICATION NO. 23963

January 28, 1970

Appearances: Bryant O'Donnell, Esq., Denver, Colorado and
Robert F. Thompson, Esq., Denver, Colorado,
for Public Service Company of Colorado,
Applicant;
William Andrew Wilson, Esq., Denver, Colorado,
for the City of Broomfield;
Robert P. Vogel, Esq., Denver, Colorado, and
Howard B. Gelt, Esq., Denver, Colorado, for
Denver Welfare Rights Organization and
Crusade for Justice;
Donald P. MacDonald, Esq., Denver, Colorado,
for The Democratic Party, et al;
Kenneth Bueche, Esq., Boulder, Colorado,
Leonard M. Campbell, Esq., Denver, Colorado, and
Philip E. Riedesel, Esq., Denver, Colorado for
The Colorado Municipal League;
Thomas T. Grimshaw, Esq., Denver, Colorado,
for The Homebuilders Association;
Ben Klein, Esq., Denver, Colorado, pro se;
Gary Hart, Esq., Denver, Colorado, for
the Colorado Electric Consumers Association;
Leland Coulter, Esq., Aurora, Colorado,
for the City of Aurora;
Brian Goral, Esq., Denver, Colorado,
for the City and County of Denver;
Mr. Elbridge Burnham, Denver, Colorado, pro se;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

PROCEDURE AND RECORD

Public Service Company of Colorado (Public Service or Company) on
July 3, 1969, filed with the Commission its Advice Letter No. 594-Electric and

No. 140-Gas, accompanied by 225 revised tariff sheets applicable to electric service and 98 revised tariff sheets applicable to gas service, to become effective on September 15, 1969. By Decision No. 73268 the Commission suspended the effective date of said tariff sheets and set the matter for hearing to commence at 10 o'clock A.M. on October 23, 1969 in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

Application No. 23963 was filed by the Company on September 4, 1969, seeking on a temporary basis to impose a surcharge upon all electric rates, except wholesale, and upon all gas rates, in an amount equal to the revenue required to offset the effect of the federal income tax surcharge. By Decision No. 73646 the Commission allowed the surcharge to become effective October 4, 1969, subject to refund after the determination of the Company's rate base, revenues, expenses and rate of return in Investigation and Suspension Docket No. 640, which was set for hearing as above stated, and the two matters were consolidated for hearing.

Upon due and proper notice to all interested parties the hearings were duly conducted by the Commission commencing on the day and date above stated. Upon motion by the Colorado Municipal League, protestant, the proceedings were divided into so-called Phase 1 and Phase 2 proceedings; namely, determination of rate base and the test year revenues, expenses, net operating earnings, and fair rate of return in Phase 1; and determination of the revenues that would be produced by the proposed rates and the so-called spread of the rates in Phase 2. After several recesses provided for the purpose of preparation of cross examination and the direct case of Staff and Protestants, Phase 1 hearings were concluded on January 23, 1970, and the matter was taken under advisement. Motions to sever I&S Docket No. 640 from Application No. 23963 were denied.

The Company Exhibits 1 through 22, including 21A, were offered and admitted in evidence, as were Protestant's Exhibits A through Z and Staff Exhibits 1 through 17. During the hearings motions for refund

of both the revenues collected under the surcharge riders in Application No. 23963 and other alleged excess revenues since October 4, 1969 were also filed by the Municipal League. The specific tariffs and schedules of rates under investigation herein are more fully described in Decision No. 73268 and Decision No. 73646, which are incorporated herein by reference.

FINDINGS OF FACT

From the record herein the Commission finds as fact that:

1. Public Service Company of Colorado is a public utility engaged in the business of generation, transmission, distribution and sale of electric energy and distribution and sale of natural gas in various areas in the State of Colorado. To a lesser degree, Public Service is also engaged in steam distribution and water and bus operations. The utility operations, including its gas and electric departments, are under the jurisdiction of the Commission, and the Commission has jurisdiction over the subject matter of these proceedings.

2. The test year for determination of rate base, rate of return and revenue requirements for Public Service Company in this proceeding is the twelve-month period ending March 31, 1969.

3. The rate base of the Applicant for the electric department for the test year is \$464,056,607, properly consisting of:

A. Average plant in service, including allocations	\$512,645,226
B. Average plant held for future use	173,941
C. Average prepayments	391,903
D. Average materials and supplies	10,405,494
E. Construction work in progress	54,712,393
F. Deduction of contributions in aid	5,426,434
G. Deduction of customer advances for construction	818,983
H. Deduction of the applicable reserve for depreciation and amortization	108,026,933

4. The total operating revenue of the electric department of Public Service Company, after in-period adjustments, amounts to \$114,719,445 for the test year. The operating revenue deductions for the same period before in-period adjustments were \$84,234,950. Necessary in-period adjustments reduce this figure by \$760,151 and the proper reallocation of customer accounting expenses results in a further reduction of \$176,833 resulting in an adjusted figure of operating revenue deductions in the amount of \$83,297,966.

5. Net operating revenue for the electric department as adjusted for the test year is \$31,421,479, while interest during construction for the same period is \$2,521,405. The net operating earnings of the electric department without considering the expense of the federal income tax surcharge after all necessary and proper adjustments in the test year is \$33,942,884, resulting in a rate of return of 7.31% on rate base.

6. The rate base of Public Service gas department for the test year is \$98,948,083 properly consisting of:

A. Average utility plant in service, including allocations	\$141,771,339
B. Average gas stored underground	175,635
C. Average plant held for future use	1,743
D. Average prepayments	84,548
E. Average materials and supplies	953,982
F. Average construction work in progress	4,108,068
G. Average cash working capital	764,505
H. Deduction of contributions in aid	16,115,263
I. Deduction of customer advances for construction	1,169,163
J. Deduction of appropriate reserves for depreciation and amortization	31,627,311

7. The test year revenues for the gas department of Public Service amounted to \$59,921,638. Proper in-period adjustments of revenues include addition of \$200,649, with respect to acquisition of Gas Facilities,

Inc., and the deduction of \$575,018 attributable to normalization of firm gas sales, resulting in adjusted test year revenues of \$59,547,269. The net operating revenue deductions for the same period before adjustments amounted to \$53,586,435. The normalization of gas sales results in a decrease in operating revenue deductions of \$401,638, while the appropriate in-period adjustments further reduce the amount by \$237. The proper reallocation of customer accounting expense results in an increase in operating revenue deductions for the gas department of \$176,833. After all the adjustments listed, the operating revenue deductions for the gas department amount to \$53,361,393, resulting in net operating revenue for the test year of \$6,185,876. After adding interest during construction of \$41,438, the net operating earnings of the gas department, not considering the expense of the federal income tax surcharge for the test year, is \$6,227,314, or 6.29% return on rate base.

8. The rate base of Public Service Company combined gas and electric departments for the test year is \$563,004,690, while the adjusted net operating earnings without considering the income tax surcharge expense is \$40,170,198, resulting in a rate of return of 7.13% on rate base.

9. Wage increases outside the test year are not proper adjustments to test year operating expenses unless special conditions prevail. No such special conditions are shown in this record.

10. Estimates by Public Service Company of its adjusted net operating earnings for the full year of 1969 indicate that it is not suffering unduly from current inflation or from the wage increases which became effective after the test year. Rather, the figures indicate that the adjusted rate of return showed a slight improvement over the test year. No special adjustment is necessary for regulatory lag, abnormal inflation, or attrition in this proceeding.

11. Construction work in progress, which is necessary to provide utility service to the public, is properly classified in the rate base as long as net operating revenues are adjusted by the full amount of the

interest charged construction during the year to determine net operating earnings and the rate of return.

12. Dues, donations and contributions of Public Service included in operating expenses are reasonable and necessary business expenses and must be considered in determining total operating revenue deductions for rate-making purposes in this proceeding.

13. The fair rate of return of the combined gas and electric departments of Public Service at this time is 7.5%, which rate of return is both adequate and necessary to service its debt, pay a reasonable dividend, provide for reasonable accumulation of surplus, attract new capital, and maintain the financial integrity of the Company.

14. The fair rate of return applicable only to the gas department of Public Service at this time is 7.7%.

15. The expense of the federal income tax surcharge imposed at the 10% rate during the test year, now reduced to 5%, and scheduled to expire on June 30, 1970, need not be considered in determining any deficiency in net operating earnings as long as such surcharge is passed on to customers in the form of a surcharge on rates and charges.

16. The required net operating earnings, based on the test year conditions and after applying the fair rate of return of 7.5% to the appropriate value of Public Service's property devoted to providing gas and electric service to the public (rate base), are not more than \$42,225,352.

17. The required net operating earnings for the gas department, based on the test year conditions and after applying the fair rate of return of 7.7% to the appropriate value of Public Service's property devoted to providing gas service to the public (rate base), are not more than \$7,619,002.

18. The Company earned less than a fair rate of return on both electric and gas operations during the test year as well as the calendar year 1969, without considering the expense of the federal income tax surcharge.

19. The imposition of the surcharge on the Company's gas and electric rates effective October 4, 1969 has not quite offset the corresponding tax increase relative to the federal income tax surcharge and has not resulted in earnings in excess of the fair rate of return of either the gas or the electric department.

DISCUSSION

Test Year

The test year must necessarily be a past period for which all information is available to avoid needless estimating and speculating. In this proceeding much of the financial information presented by Public Service concerns its operations during the twelve-month period ending March 31, 1969. This is quite reasonable since the proposed rates were filed on July 3, 1969. Therefore, since the most recent figures relating to a complete twelve-month period are used for the period ending March 31, 1969, we have used such period as the test year in our determinations.

Rate Base

The controversial items of this proceeding with respect to rate base may be classed as follows:

1. Whether a year-end or average rate base should be used.
2. Whether or not construction work in progress should be included.
3. What proportion of customer advances should be deducted.
4. How should necessary cash working capital be determined.
5. Should certain tax and operating reserves be deducted.

The Company is not urging a fair value or present value determination of rate base as contrasted to an original cost rate base, except to state that the present value would be higher than the original cost. The Commission has consistently in the recent past utilized an original cost rate base for the reason that original cost of utility property is a readily ascertainable figure that is extremely reliable. As long as the rate of

return is determined on the basis consistent with original cost, as has been done in this proceeding, original cost rate base is the only one that is applicable.

Further, we have used average rate base rather than a year-end rate base. The revenues and expenses and the resulting net operating earnings for a twelve-month period are, of course, accumulated month by month and are in fact average figures for the year rather than an annualization of the revenues and expenses as of the last day of the period. For proper matching of revenues, expenses and rate base it is then also necessary, in our view, to determine the proper rate base on a month-to-month basis and use an average figure. To use the year-end rate base would distort this relationship. We are fully cognizant that this Commission has used year-end rate base in other proceedings, but this has been done for the express purpose of creating an offset to attrition, recognizing that investment on utility property because of inflation may be rising at a faster rate than the net operating earnings of the utility that provide the return. Offsets to attrition or abnormal inflation have also been made in other ways. The record herein, however, discloses that no attrition has really taken place as far as the Company's gas and electric departments are concerned, and that even the inflationary pressures during the year 1969 have been effectively overcome.

Construction Work In Progress

Construction work in progress does not, of course, produce revenues before being placed in service, and, therefore, under the strict theory of matching revenues, expenses and plant, it is not a proper item in the rate base. It is equally true that a utility company must continuously have plant under construction, especially in a growing situation, and may have considerable investment in such property that is not yet revenue producing and investment therein is capital investment. For this reason the final cost of such construction includes the capitalized interest

during the construction period. This interest during construction should represent the capital costs of the utility that are applicable to investment and plant while such plant is under construction. Thus the interest during construction is a legitimate cost of property which later forms a part of the rate base on which the utility company may earn a return when it is placed in service. It is necessary, however, that if construction work in progress is included in rate base, that net operating earnings be credited with an amount equal to the interest charged construction during the year, but as long as the rate used for computing interest during construction equals the rate of return applicable to the entire rate base, this process would result in a zero effect as to the revenue requirements. We therefore strongly urge that interest during construction in the future be charged at the rate equal to the cost of capital, which at this time is equal to the fair rate of return determined herein. Since interest charged construction during the test year was at a rate which is less than the fair rate of return determined herein, the Company, if construction work in progress were not included, would not be fairly compensated for its capital costs relating to such construction. A growing and prospering utility must continuously construct plant improvements and extensions to provide service required by the public. Not allowing construction work in progress as an element of rate base, as long as net operating earnings are credited with interest charged construction, would only place an impediment to necessary construction and not be in the public interest at this time, particularly when new plant is being constructed at inflated costs.

As far as customer advances for construction are concerned, the Company has deducted only 40% of such advances, while Protestant, the Colorado Municipal League, has deducted 100% and the Staff has deducted a figure equal to the lowest average figure for the last five years. We concur with the Staff in this matter, realizing that the amounts in the advances account fluctuate because of refunds and transfers to the contributions in aid account. However, we do not see any particular dis-

inction between advances and contributions except that advances are subject to refund for a five-year period. The past record of the Company, as the Staff has utilized it, is the best indicator of what should be deducted.

Working capital is likewise an item of controversy. Undoubtedly any business, including a utility, requires working capital to appropriately conduct its business. Accordingly, we have determined that materials and supplies and prepayments are proper items to be included in the rate base. The controversy in the record is with respect to cash working capital. The Company has urged that a formula utilized in the previous rate case with some adjustments be used, and further contends that if tax accruals other than for federal income taxes are used to offset such cash working capital requirements, minimum and compensating bank balances should also be considered. The Staff position is to allow the cash working capital claimed by the Company, but further offset by the amount of average accrual of property taxes; while the Colorado Municipal League witness proposed that cash working capital be somewhere between the Staff and Company figures. The Commission has carefully considered all the facts in the record with reference to the cash working capital requirements, and during such consideration it has become quite obvious that the actual average cash balances of the Company during the test year would be more than offset by the accrued taxes collected as part of the cost of service from customers in the form of rates and not yet paid to the appropriate taxing authority. Property taxes are, of course, the biggest item and one which is held for the longest period of time, almost a year on the average. We therefore accept the Staff recommendation as to cash working capital.

The Municipal League has also deducted the tax reserves resulting from normalization of tax expense prior to the 1960 rate case, the reserve for deferred income taxes resulting from rapid amortization of defense facilities, and the investment tax credit reserve. We do not concur with this treatment. None of these tax reserves are increasing,

and they are being amortized over a period of time thus resulting in benefits to both the customers and the Company. Our findings in this regard might be different if these reserves were either static or increasing, but under the circumstances where they are continuously declining through amortization to net operating earnings, it is our finding that the deductions of such reserves would be an attempt to double the benefit to ratepayers inappropriately.

Likewise, we do not concur that certain operating reserves should be deducted. These reserves -- primarily for injuries and damages -- are not excessive and are funds set aside for the purpose of meeting potential Company liabilities.

Revenues and Expenses

The principal controversies in this record as to the revenues and expenses of the Company's gas and electric departments involve normalization adjustment of gas revenues, amortization of investment tax credit, and interest charged construction. Since we have included construction work in progress in rate base, we are likewise crediting net operating earnings with the full amount of interest charged construction during the test year as discussed above. As to normalization of gas revenues, the only difference is that Staff has not included an adjustment for curtailment of services to interruptible gas customers. It should be noted that by normalization an attempt is made to adjust the total gas revenues -- not only those that might be lost or gained because of differences in the length of curtailment. We concur with the Staff position that interruptible gas revenues affecting industrial customers are subject to many variables, curtailment possibly not even being a major one, and any attempt to normalize industrial sales on the basis of curtailments under present conditions is futile. Therefore, only normalization of firm gas sales revenues is being used in this decision.

As far as expenses are concerned, the normalization adjustment is, of course, adjusted similarly as far as the cost of purchased gas is concerned.

Other items of controversy include dues, donations, and charitable contributions, and the period of amortization of the investment tax credit reserve. As for any dues, donations and charitable contributions, we have found that the amount is reasonable, amounting after taxes to only about one-tenth of one percent of operating revenues. As long as such expense is reasonable and a necessary business expense, and as is obvious that the only income of the utility of any consequence is from rates and charges for utility services, such income must be sufficient to cover the cost of dues, donations and contributions as necessary to the corporate entity.

The Municipal League proposes an accelerated period of amortization of the investment tax credit reserve, stating that it should be amortized over the same period as the reserve resulting from accelerated depreciation. In this regard it is noted that the accelerated depreciation reserve was last added to before 1960 and the property to which this reserve is applicable is, on the average, considerably older than the property to which the investment tax credit is applicable. We therefore have determined that a difference in the periods of amortization is appropriate, and we have accepted the methods and the periods used by the Company and Staff.

Miscellaneous Expense Items

Certain other minor adjustments have been proposed by the parties, including such items as expenses booked after the test year resulting from cancellation of coal contracts for the Cameo Steam Plant, allegedly excessive consulting fees and country club dues, non-recurring expense incurred in connection with a thrust bearing failure at Arapahoe Steam Plant, rate case expenses, and inclusion of a contingency item in computing income taxes. These proposed adjustments tend to offset each other, and each one is of a minor nature; consequently, we have ignored them all as the effect would be minimal in any event.

Rate of Return

Testimony bearing upon the fair rate of return was presented by three witnesses. The Company witness recommended a fair rate of return of 7.5% based primarily upon comparable equity earnings of similar combination utilities and the embedded costs of debt and preferred stock. The Municipal League witness recommended a fair rate of return of 6.25%, based upon earnings-price ratios of Public Service and ten other utility companies adjusted for pressure, financing and certain other judgment factors, as well as the embedded cost of debt and preferred stock. The Staff witness recommended a differential slightly over two-tenths of 1 percent (0.2%) between the gas and electric departments, but did not testify on the overall rate of return.

In our determination we have carefully analyzed the testimony and exhibits of all three witnesses. First of all, it appears that the gas department of Public Service is more susceptible to the adverse effects of inflation than the electric department, and possibly may also have additional risks connected with uncertainties of future gas supply, as gas is an exhaustible natural resource. With respect to effects of inflation as they affect the different departments of Public Service, we have also considered statistical data for a period of years presented by another Municipal League witness. Accordingly, while our finding with respect to overall rate of return is 7.5%, we have also found concerning the gas department, because of the factors considered and apparent differences in the actual earnings in the gas and electric industries, that a rate of return 0.2% higher, or 7.7%, is applicable to the Company's gas operations. In arriving at the overall 7.5% fair rate of return we carefully considered the evidence presented by the Company as well as the Municipal League. The Municipal League witness arrived at a 6.25% fair rate of return utilizing earnings-price ratios over a considerable period of time, including periods during which earnings-price ratios were about one-half of what they are today. If current earnings-price ratios or five-year lead earnings-price

ratios are utilized with similar adjustments, as used by the Municipal League witness, the resulting fair rate of return on equity would approximate the same 13% that was testified to by the Company witness. It should be further noted that the witnesses used rates of return on average equity in their comparisons and studies which is consistent with the use of an average rate base that we have used here.

In considering fair rate of return we have made such allowances that are, in our judgment, necessary to reflect effects of recent inflation, so that any further adjustment for inflationary effects or trends, either in the rate base or by any other factor, is not necessary or proper. The actual dollar return of the Company depends both on rate of return and on rate base and one cannot be developed independently of the other. Both the rate base and the fair rate of return have therefore been developed on a consistent basis utilizing original cost and actual dollar investment as well as actual dollar earnings, both for this Company and the other utilities which were used for comparative purposes.

CONCLUSIONS

The Commission concludes that Public Service Company of Colorado should be authorized to retain the surcharge collected upon its gas and electric rates and charges, pursuant to certain tariff riders relating to the federal income tax surcharge, and no refund of revenues collected under such riders should be required. Further, that additional hearings of the so-called "Phase 2" nature are required to determine whether or not the rates heretofore filed by the Company and subject to investigation herein would produce revenues in excess of revenues required to produce a fair rate of return in accordance with the Findings herein, and whether they are unjustly discriminatory. The Company should further be authorized to file new schedules of rates not unjustly discriminatory superseding those under investigation herein which under test year conditions and in conformance with the Findings herein would not produce a rate of return in excess of

the fair rate of return; provided, however, that if new and different rate schedules are filed which would result in an increase in rates for any customer or group of customers as compared to the rates now under investigation herein, the customers affected by such increase shall be given the statutory 30-day notice thereof, all as provided for in the Order hereinbelow.

O R D E R

THE COMMISSION ORDERS THAT:

1. The surcharge collected pursuant to Decision No. 73646 entered in Application No. 23963 by Public Service Company upon its gas and electric rates in connection with the federal income tax surcharge shall not be, and hereby is not, required to be refunded to customers.

2. The matter be and hereby is set for further hearing commencing:

Date:	February 9, 1970
Time:	10:00 o'clock A.M.
Place:	Hearing Room 507 Columbine Building 1845 Sherman Street Denver, Colorado 80203

for the purpose of receiving evidence bearing upon the question of whether the gas and electric rates under investigation would produce net operating earnings for either department in excess of a fair rate of return in accordance with the Findings herein and whether such rates are unjustly discriminatory.

3. The Company be, and hereby is, authorized to file new schedules of gas and electric rates not unjustly discriminatory superseding the schedules of rates under investigation herein to become effective upon the thirty days' notice to the Commission, such rates not to produce earnings, based on the test year conditions, in excess of the fair rate of return on either the gas or electric operations of the Company in accordance with the Findings herein; provided, however, that if any rate filed under this paragraph results in an increase in charges to any customer, or group of customers, as compared to the schedules of rates

now under investigation, the Company shall give written notice of not less than 30 days to each such customer adversely affected thereby.

4. All motions for refund and motions not previously ruled on be, and hereby are, denied.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Zaulinger
Donald Butler
Edw. R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 28th day of January, 1970.
1s

(Decision No. 74241)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

APPLICATION OF PUBLIC SERVICE COMPANY)	
OF COLORADO, 550 - 15TH STREET, DENVER,)	APPLICATION NO. 24125
COLORADO, TO AMEND ITS GAS AND ELECTRIC)	
TARIFFS ON LESS THAN 30 DAYS' NOTICE.)	<u>SUPPLEMENTAL ORDER</u>

January 28, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 74071, entered on December 30, 1969, the Commission authorized Public Service Company of Colorado to put into effect temporary riders to its existing gas and electric rates providing for a surcharge of 0.951% to apply on all electric rate schedules, except wholesale rates, and a surcharge of 0.320% applicable upon all gas rate schedules. This surcharge is permitted to remain effective as long as the 5% federal income tax surcharge is imposed upon the Company. The said Decision further stated that the Commission would determine, at the conclusion of the hearings then in progress in I&S Docket 640 and Application No. 23963, if Public Service Company of Colorado should be entitled to keep the amount of the surcharge on its gas and electric rates or if it should be refunded in full or in part.

The Commission finds that the hearings in I&S Docket 640 and Application No. 23963 have been concluded and Decision No. 74240 entered. The Commission hereby takes official notice of the said Decision No. 74240 and finds that the imposition of the above-mentioned surcharge to offset the federal income tax surcharge does not and will not result in earnings by the Company in excess of the fair rate of return as determined in I&S Docket No. 640 and that no refund should be required.

O R D E R


THE COMMISSION ORDERS THAT:

Public Service Company of Colorado be, and hereby is, authorized to continue the imposition of the surcharge pursuant to temporary riders described in Decision No. 74071, which Decision is incorporated herein by reference, and that the Company not be, and hereby is not, required to refund any part of the revenue collected, or to be collected, pursuant to said tariff riders.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of January, 1970.
ls

(Decision No. 74242)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
A. STRICKER, JR., RICHARD L. STRICKER,)	APPLICATION NO. 23853-PP-Extension
AND J. P. GERRINGER, DOING BUSINESS)	
AS "A. STRICKER & SONS," 4866 BENTON)	RECOMMENDED DECISION OF
STREET, DENVER, COLORADO, FOR AUTHOR-)	<u>CHRISTIAN O. IGENBERGS,</u>
ITY TO EXTEND OPERATIONS UNDER PERMIT)	<u>EXAMINER.</u>
NO. B-4834, AND FOR RELIEF FROM CASE)	
NO. 1585 FOR AUTHORITY TO CHARGE)	
HOURLY RATES.)	

January 30, 1970

Appearances: Harold D. Torgan, Esq.,
Denver, Colorado, for Applicants.
T. Peter Craven, Esq.,
Denver, Colorado, for
Red Ball Motor Freight, Inc.;
Bethke Truck Lines;
North Eastern Motor Freight, Inc.;
Westway Motor Freight, Inc.; and
Goldstein Transportation and Storage, Inc.,
Protestants.
John P. Thompson, Esq.,
Denver, Colorado, for
Denver-Loveland Transportation, Inc., and
Denver-Laramie-Walden Truck Line, Inc.,
Protestants.
William F. Schenkein, Esq.,
Denver, Colorado, for
Ephraim Freightways, Inc.,
Protestant.

PROCEDURE AND RECORD

Under date of June 30, 1969, Applicants filed the above-entitled application with this Commission for authority to extend operations as a contract carrier by motor vehicle as specifically set forth in said application.

The Commission assigned No. 23853-PP-Extension to the application.

The following protests were received after the application was filed: On July 3, 1969, the protest of Red Ball Motor Freight, Inc.; on August 1, 1969, the protests of Bethke Truck Lines, North Eastern Motor

Freight, Inc., Westway Motor Freight, Inc., and Goldstein Transportation and Storage, Inc.; on August 11, 1969, the protests of Denver-Salt Lake-Pacific Stages, Inc., Continental Bus System, Inc., Denver-Colorado Springs-Pueblo Motorway, Inc., and American Bus Lines, Inc.; Denver-Loveland Transportation, Inc., and Denver-Laramie-Walden Truck Lines, Inc.; on August 18, 1969, the Petition to Intervene and Protest of Ephraim Freightways, Inc. The last aforesaid protest was not timely filed, but the Commission, by Decision No. 73609, dated September 9, 1969, granted the Petition to Intervene and Protest of the aforesaid Protestant, Ephraim Freightways, Inc.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on November 3, 1969, at 10:00 o'clock A.M. The hearing was held at the aforesaid time and place, continued to November 19, 1969, at 1:30 o'clock P.M. at the same place and again continued to November 24, 1969, at 9:00 o'clock A.M., when and where it was concluded.

Protestants, Denver-Salt Lake-Pacific Stages, Inc.; Continental Bus System, Inc.; Denver-Colorado Springs-Pueblo Motorway, Inc.; and American Bus Lines, Inc., did not appear at the hearing.

A. Stricker, Jr., Applicant; Murray Hillibrand, President of Merchandise Management, Inc.; and Milton H. Phillips, President of Brunswick Sales Company, testified in support of the application. Paul D. Amen, President of Denver-Loveland Transportation, Inc., and Denver-Laramie-Walden Truck Lines, Inc., testified for and on behalf of the aforesaid Protestants; Kemp Shacklett, Vice-President of North West Transport Service, Inc., testified for and on behalf of Protestants, North Eastern Motor Freight, Inc.;

Westway Motor Freight, Inc., and Goldstein Transportation and Storage, Inc.; Paul L. King testified for and on behalf of Protestant, Ephraim Freightways, Inc., and Jerry Stratman for and on behalf of Protestant, Red Ball Motor Freight, Inc.

Applicants' Exhibits numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 1A and 3A and Protestants' Exhibits A, B, C, D, E, F, G, H, I, J and K were tendered and admitted into evidence.

Official notice was taken by the Examiner of Decision No. 59859 and Colorado Motor Carriers' Association (J. R. Smith, Agent) Tariff No. CMCA 12B.

Upon request of counsel for Protestants, the Examiner granted leave to file Simultaneous Briefs on behalf of Applicants and Protestants, said Briefs being due on December 15, 1969.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Applicants are a partnership, doing business as "A. Stricker & Sons." The partners are A. Stricker, Jr., Richard L. Stricker, and J. P. Gerringer.
2. Applicants operate as a contract carrier by motor vehicle for hire in the State of Colorado, and this Commission has jurisdiction over Applicants and the subject matter of these proceedings.
3. Applicants presently hold authority under Permit No. B-4834, which said authority reads as follows, to-wit:

"UNDER: Decision No. 54422:

Transportation of

drugs and sundries (those items usually sold by wholesale and retail drug stores),

between the warehouses of McKesson and Robbins, Inc., in Denver, Colorado, on the one hand, and retail drug stores located within seventy-five miles of Denver, Colorado, on the other hand, including point to point service within the City and County of Denver, Colorado;

all for McKesson Robbins, Inc., only;

(b) transportation of

drugs and sundries (those items usually sold by wholesale and retail drug stores),

between warehouses of the Republic Drug Company and William W. Myer Drug Stores Company, on the one hand, and warehouses of the retail drug stores of the respective companies, located within 16 miles of the intersection of Colfax Avenue and Broadway in Denver, Colorado, on the one hand; including point to point service within the corporate limits of the City and County of Denver, Colorado;

all for Republic Drug Company and William W. Myer Drug Stores Company, only, provided, however, that no service is authorized under this paragraph west of Simms Street in Jefferson County, Colorado;

(c) applicants shall not perform service for any customers not hereinabove specifically named without having first obtained authority from this Commission so to do.

Extended to include the right to transport

miscellaneous general commodities sold, or to be sold, by Associated Traders, Inc., for that company, only,

between points within the City of Denver, Colorado, and within sixteen miles of the intersection of Colfax and Broadway, in Denver, Colorado, but excluding service west of Simms Street, in Jefferson County, Colorado, and to include authority to serve Republic Drug Company, so as to permit service to a new Republic Drug Store, at 20th and Youngfield Streets, in Jefferson County, Colorado.

Decision No. 59589: EXTENDED TO INCLUDE

the right to transport

drugs and sundries (those items usually sold by wholesale and retail drug stores),

from and to the warehouse, or warehouses, of Republic Drug Stores, to and from the retail drug stores of Republic Drug Company within a seventy-five mile radius of the intersection of Colfax Avenue and Broadway, in Denver, Colorado."

4. The authority to which extension is hereby sought, Permit No. B-4834, has been continually operated in the past and is presently in good standing with the Commission.
5. Applicants, under the present authority, are relieved from the provisions of Case No. 1585 and are authorized to charge hourly rates in accordance with a tariff filed with the Commission.
6. Since the last grant of authority to Applicants by Decision No. 59589, dated November 8, 1962, two of Applicants' customers, William W. Myer Drug Stores and Associated Traders, Inc., have gone out of business.

7. The business with another major customer of Applicants, namely, Republic Drug Stores, has greatly decreased because a number of "Republic" drugstores have been replaced by the so-called "Super D" drugstores, especially in the Denver area.
8. "Super D" is a registered trade name, owned by the Fleming Company, Inc., whose home office is located in Topeka, in the State of Kansas, but who also owns and maintains a warehouse for the distribution of drugs and sundries at 3001 Brighton Boulevard, in Denver, Colorado. Said warehouse is, in fact, a "Fleming" warehouse, although, since it is the distribution facility in Denver for drugs and sundries to and from drugstores authorized to use and display the trade name "Super D", it is also known as the "Super D" warehouse. The recommended decision, infra, should, therefore, correctly state the name of the warehouse involved herein as the "Warehouse of the Fleming Company, Inc."
9. Merchandise Management, Inc., is a company, authorized to do business in Colorado and a franchisee of the Fleming Company for the use of the trade name "Super D", who grants the right to drugstores in Colorado to use and display the trade name "Super D Drugstore".
10. Applicants, in their application, pray that Permit No. B-4834 be extended to include the right to transport drugs and sundries (those items usually sold by wholesale and retail drugstores) from and to the warehouse or warehouses of the Brunswick Wholesale Drug Company and the "Super D" warehouse to and from retail drugstores within a seventy-five mile radius of the intersection of Colfax Avenue and Broadway in Denver, Colorado, and further pray for authority to be relieved from the provision of Case No. 1585, in that they be authorized to continue to charge hourly rates.
11. Basically, Applicants seek, by the extension prayed for, to transport generally to and from the same drugstores as they have before, but who are now using a different trade name or are buying from a different wholesaler, with a deletion of the firms who have gone out of business and with the addition of the Brunswick Wholesale Drug Company and the warehouse of the Fleming Company.
12. Applicants have specialized in retail drugstore delivery from wholesale warehouses for some 40 years, and are serving their customers not only on schedule but also on immediate demand and in emergency service, performing, in addition, the distribution of the merchandise to the appropriate departments of the individual drugstores, when so required. Particular attention is paid to deliveries of narcotics.
13. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicants.

14. Applicants own sufficient equipment, have sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.
15. Applicants are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicants have or will make adequate provision for insurance.
16. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
17. Applicants have entered into special carriage contracts with customers.
18. The granting of the herein application is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. Protestants did not prove by competent evidence that the granting of the herein application would impair their efficient public service and the protests of all Protestants be, and hereby are, dismissed.
2. The Motion to Strike from the record all reference to "Super D" be, and hereby is, denied.
3. The authority as sought by Applicants should be granted as hereinafter set forth, deleting from the existing authority service to the defunct William W. Myer Drug Stores and Associated Traders, Inc.
4. Applicants should be relieved from the provisions of Case No. 1585 and authorized to file tariffs of hourly rates.
5. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 6 of this Order,

1. A. Stricker, Jr., Richard L. Stricker, and J. P. Gerringer, doing business as "A. Stricker & Sons," 4866 Benton Street, Denver, Colorado, be, and hereby are, authorized to extend operations under Permit No. B-4834 to include the following:

"Transportation of drugs and sundries from and to the warehouses of Brunswick Wholesale Drug and Fleming Company, Inc., to and from retail drugstores located within a seventy-five (75) mile radius of Colfax Avenue and Broadway, Denver, Colorado."

2. Henceforth the full and complete authority under Permit No. B-4834 shall read and be as follows, to-wit:

"Transportation of

(1) Drugs and sundries

From and to the warehouses of McKesson & Robbins, Inc., located within Denver, Colorado, to and from retail drugstores located within Denver and a seventy-five (75) mile radius thereof.

RESTRICTION:

Item No. (1) is restricted to serving one customer, only, viz.: McKesson & Robbins, Inc.

(2) Drugs and sundries

From and to the warehouses of Republic Drug Stores, to and from retail drugstores of Republic Drug Stores located within a seventy-five (75) mile radius of Colfax Avenue and Broadway, Denver, Colorado.

(3) Drugs and sundries

From and to the warehouses of Brunswick Wholesale Drug and the Fleming Company, Inc., to and from retail drugstores located within a seventy-five (75) mile radius of Colfax Avenue and Broadway, Denver, Colorado."

3. Applicants be, and hereby are, relieved from the provisions of Case No. 1585, and are hereby authorized to change hourly rates in lieu of the rates prescribed by Case No. 1585.

4. This Order is subject to compliance by Applicant with all present and future laws and rules and regulations of the Commission.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who

may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE 'PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

C. O. Seuberg
Examiner
vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BURGER'S EXPRESS, INC., DOING BUSI-)
NESS AS "BURGER'S EXPRESS & TRANSFER,)
INC.," 5541 CENTRAL, BOULDER,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER PERMIT NO. B-532.)

APPLICATION NO. 23916-PP-Extension

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

February 3, 1970

Appearances: William C. Wise, Esq.,
Boulder, Colorado,
for Applicant.
John H. Lewis, Esq.,
Denver, Colorado,
for Miller Bros., Inc.,
Protestant.

PROCEDURE AND RECORD

Under date of July 31, 1969, Applicant filed the above-entitled application with this Commission for authority to extend operations as a contract carrier by motor vehicle as specifically set forth in said application.

The Commission assigned No. 23916-PP-Extension to the application. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for hearing to be held in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on October 22, 1969, at 10:00 o'clock A.M. The hearing was held at the aforesaid time and place.

At the hearing, Applicant moved to amend its application to the effect that the authority as applied for should be limited to serve the following customers only:

General commodities for Montgomery Ward and Woolco, Inc., of Boulder; new and used furniture and major appliances only for American Furniture; Fairchild's Furniture; Gardner Upholstery; Public Service Company of Colorado; J. C. Penney Company; Sears, Roebuck and Company; K-Mart; Fred Schmid Appliance Company; Svec's Upholstery; Red Barn Furniture Company; Mesa T.V. and Appliance; Nolan Office Supply; Design Products, Inc.; Abers of Boulder; and U. S. Department of Commerce, all of Boulder, Colorado.

The amendment, being restrictive in nature, was granted by the Examiner, whereupon the Protestant asked for leave to withdraw and was granted such Leave to Withdraw by the Examiner.

The Examiner granted Applicant leave to submit letters from representative shippers in support of the application as late-filed exhibits.

Ross F. Robbins, sole stockholder and president of Applicant corporation, and Marvin Pfannenstiel, department manager for Montgomery Wards' Appliance Store in Boulder, testified in support of the application.

Applicant's Exhibit No. 1 was received and admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

On December 22, 1969, counsel for Applicant submitted as late-filed exhibits letters in support of the application from the following customers: American Furniture Company, Woolco Department Store and Fairchild's Furniture, Inc.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon the evidence of record, the following is found as fact:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant presently holds authority from this Commission under Permit No. B-532, which reads as follows:

"Transportation of

(1) General commodities

From Boulder, Colorado, to points in the following-described area:

Commencing in the City of Ault, Colorado, where U.S. Highway No. 85 and Colorado Highway No. 14 intersect; thence south along said U.S. Highway No. 85 to its intersection with Interstate Highway No. 70; thence west along Interstate Highway No. 70 to its intersection with 44th Avenue (Colorado Highway No. 58); thence continuing west along Colorado Highway No. 58 to its intersection with U.S. Highway No. 6; thence continuing west along U.S. Highway No. 6 to Colorado Highway No. 119; thence northerly on Colorado Highway No. 119 to Nederland; thence continuing northerly on Colorado Highway No. 160 to Raymond; thence east along Colorado Highway No. 7 to Lyons; thence continuing east on Colorado Highway No. 66 to its junction with U.S. Highway No. 287; thence north along U.S. Highway No. 287 to the City of Fort Collins; thence east along Colorado Highway No. 14 to the City of Ault, Colorado, the place of beginning.

(2) Trade-ins, repossessions and returned merchandise

From points in the above-described area as specifically set forth (with the exception of Denver, Colorado) to Boulder, Colorado.

(3) General commodities

Between all points in Boulder, Colorado."

3. The authority to which extension is hereby sought, Permit No. B-532, has been continually operated in the past and is presently in good standing with the Commission.
4. By this amended application, Applicant seeks to extend the authority under Permit No. B-532 to include the following:

"Transportation of

- (1) General commodities under contract with Montgomery Wards of Boulder, or Woolco, Inc., of Boulder; and
- (2) New and used furniture and major appliances only, under contract with the following-named businesses:
 - (a) American Furniture - Boulder, Colorado
 - (b) Fairchild's Furniture - Boulder, Colorado
 - (c) Gardner Upholstery - Boulder, Colorado
 - (d) Public Service Company of Colorado - Boulder, Colorado
 - (e) J. C. Penney Company - Boulder, Colorado
 - (f) Sears, Roebuck and Company - Boulder, Colorado
 - (g) K-Mart - Boulder, Colorado
 - (h) Fred Schmid Appliance Company - Boulder, Colorado
 - (i) Svec's Upholstery - Boulder, Colorado
 - (j) Red Barn Furniture Company - Boulder, Colorado
 - (k) Mesa T.V. and Appliance - Boulder, Colorado
 - (l) Nolan Office Supply - Boulder, Colorado
 - (m) Design Products, Inc. - Boulder, Colorado
 - (n) Abers of Boulder - Boulder, Colorado
 - (o) U.S. Department of Commerce - Boulder, Colorado

from Boulder, Colorado, to points in Estes Park, and a two-mile radius thereof, and serving points on Colorado Highway 66 between Lyons and Estes Park.

Restriction: Paragraphs (1) and (2) above are restricted to delivery service at private homes, and such restriction to apply only to that part of Applicant's authority covered by this Amendment.

- (3) Trade-ins, repossessions and returned merchandise from Estes Park and a two-mile radius thereof, and points along Colorado Highway 66 between Lyons and Estes Park to Boulder, Colorado."
5. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.
 6. Applicant owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the authority applied for herein.
 7. The chief corporate officers as well as the employees of the Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant corporation has or will make adequate provision for insurance.
 8. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
 9. Applicant has entered into special carriage contracts with customers.
 10. There is a present and special need for the service of Applicant.
 11. The authority will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority as sought by Applicant should be granted as hereinafter set forth.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 5 of this Order,

1. Burger's Express, Inc., doing business as "Burger's Express & Transfer, Inc.," 5541 Central, Boulder, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-532 to include the following:

"Transportation of

- (1) General commodities under contract with Montgomery Wards of Boulder, or Woolco, Inc., of Boulder; and
- (2) New and used furniture and major appliances only, under contract with the following-named businesses:
 - (a) American Furniture - Boulder, Colorado
 - (b) Fairchild's Furniture - Boulder, Colorado
 - (c) Gardner Upholstery - Boulder, Colorado
 - (d) Public Service Company of Colorado - Boulder, Colorado
 - (e) J. C. Penney Company - Boulder, Colorado
 - (f) Sears, Roebuck and Company - Boulder, Colorado
 - (g) K-Mart - Boulder, Colorado
 - (h) Fred Schmid Appliance Company - Boulder, Colorado
 - (i) Svec's Upholstery - Boulder, Colorado
 - (j) Red Barn Furniture Company, Boulder, Colorado
 - (k) Mesa T.V. and Appliance - Boulder, Colorado
 - (l) Nolan Office Supply - Boulder, Colorado
 - (m) Design Products, Inc. - Boulder, Colorado
 - (n) Abers of Boulder - Boulder, Colorado
 - (o) U.S. Department of Commerce - Boulder, Colorado

from Boulder, Colorado, to points in Estes Park, and a two-mile radius thereof, and serving points on Colorado Highway 66 between Lyons and Estes Park.

RESTRICTION: Paragraphs (1) and (2) above are restricted to delivery service at private homes, and such restriction to apply only to that part of Applicant's authority covered by this Amendment.

- (3) Trade-ins, reposessions and returned merchandise from Estes Park and a two-mile radius thereof, and points along Colorado Highway 66 between Lyons and Estes Park to Boulder, Colorado."

2. Henceforth the full and complete authority under Permit No. B-532 shall read and be as follows, to-wit:

"Transportation of

- (1) General commodities

From Boulder, Colorado, to points in the following-described area:

Commencing in the City of Ault, Colorado, where U.S. Highway No. 85 and Colorado Highway No. 14 intersect; thence south along said U.S. Highway No. 85 to its intersection with Interstate Highway No. 70; thence west along Interstate Highway No. 70 to its intersection with 44th Avenue (Colorado Highway No. 58); thence continuing west along Colorado Highway No. 58 to its intersection with U.S. Highway No. 6; thence continuing west along U.S. Highway No. 6 to Colorado Highway No. 119; thence northerly on Colorado Highway No. 119 to Nederland; thence continuing northerly on Colorado Highway No. 160 to Raymond; thence east along Colorado Highway No. 7 to Lyons; thence continuing east on Colorado Highway No. 66 to its junction with U.S. Highway No. 287; thence north along U.S. Highway No. 287 to the City of Fort Collins; thence east along Colorado Highway No. 14 to the City of Ault, Colorado, the place of beginning.

(2) Trade-ins, repossessions and returned merchandise

From points in the above-described area as specifically set forth (with the exception of Denver, Colorado) to Boulder, Colorado.

(3) General commodities

Between all points in Boulder, Colorado.

(4) General commodities

Between Boulder, Colorado, and points located within Estes Park, Colorado, and a two (2) mile radius thereof, and those points located on Colorado Highway No. 66 between Lyons, Colorado, and Estes Park, Colorado.

RESTRICTION:

Item No. (4) of this Permit is restricted as follows:

(a) Restricted to rendering transportation service for the following-named customers only, viz.:

- 1] Montgomery Ward & Co., Boulder, Colorado,
- 2] Woolco, Inc., Boulder, Colorado.

(b) Restricted against rendering transportation service between stores and/or warehouses.

(5) Furniture and appliances

Between Boulder, Colorado, and points located within Estes Park, Colorado, and a two (2) mile radius thereof and those points located on Colorado Highway No. 66 between Lyons, Colorado, and Estes Park, Colorado.

RESTRICTION:

Item No. (5) of this Permit is restricted as follows:

(a) Restricted to rendering transportation service for the following-named customers only, viz.:

- 1] American Furniture - Boulder, Colorado
- 2] Fairchild's Furniture - Boulder, Colorado
- 3] Gardner Upholstery - Boulder, Colorado
- 4] Public Service Company of Colorado - Boulder, Colorado
- 5] J. C. Penney Company - Boulder, Colorado
- 6] Sears, Roebuck and Company - Boulder, Colorado
- 7] K-Mart - Boulder, Colorado
- 8] Fred Schmid Appliance Company - Boulder, Colorado
- 9] Svec's Upholstery - Boulder, Colorado
- 10] Red Barn Furniture Company - Boulder, Colorado
- 11] Mesa T.V. and Appliance - Boulder, Colorado
- 12] Nolan Office Supply - Boulder, Colorado
- 13] Design Products, Inc - Boulder, Colorado
- 14] Abers of Boulder - Boulder, Colorado
- 15] U.S. Department of Commerce - Boulder, Colorado

(b) Restricted against rendering transportation service between stores and/or warehouses."

3. This Order is subject to compliance by Applicant with all present and future laws and rules and regulations of the Commission.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

5. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
D.D.M. CONCRETE COMPANY, INC., P.O.)	APPLICATION NO. 24083-PP
BOX 4557, 407 NORTH CHELTON ROAD,)	
COLORADO SPRINGS, COLORADO, FOR A)	RECOMMENDED DECISION OF
CLASS "B" PERMIT TO OPERATE AS A)	CHRISTIAN O. IGENBERGS,
CONTRACT CARRIER BY MOTOR VEHICLE)	EXAMINER.
FOR HIRE.)	
- - - - -	

- - - - -
January 28, 1970
- - - - -

Appearances: Mel L. Roehrich, Colorado Springs,
Colorado, pro se.

PROCEDURE AND RECORD

Under date of November 28, 1969, D.D.M. Concrete Company, Inc., filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on December 23, 1969, was granted such temporary authority.

The Commission assigned No. 24083-PP to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, on January 12, 1970, at 1:00 o'clock P.M.

The hearing was held at the aforesaid time and place. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Mel L. Roehrich testified in support of the application.

Official notice was taken of the following documents on file with the Commission: Equipment List, Customer List and Insurance Certificate.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Applicant is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant in this matter operates as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of these proceedings.
3. Applicant does not hold previously granted authority from this Commission.
4. Applicant owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.
5. The chief corporate officers as well as the employees of Applicant corporation are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission.
6. Applicant is amply insured.
7. There is a present and special need for the service of Applicant.
8. Applicant has entered into special carriage contracts with customers.
9. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
10. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority as sought by Applicant should be granted as hereinafter set forth.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 6 of this Order,

1. D.D.M. Concrete Company, Inc., a Colorado corporation, P.O. Box 4557, 407 North Chelton Road, Colorado Springs, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

- (1) 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 one-hundred (100) miles of said pits and supply points;

- (2) 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 one-hundred (100) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one-hundred (100) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one-hundred (100) miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials;

and this Order shall be deemed to be, and be, a PERMIT therefor.

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


3. This Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of its customers, the necessary tariffs, required insurance, and has secured authority sheets.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rm/hj

(Decision No. 74245)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. O. FERRIS AND RONALD FERRIS,)
DOING BUSINESS AS "FERRIS & SONS, ")
P. O. BOX 94, KIT CARSON, COLORADO,)
FOR AUTHORITY TO TRANSFER PERMIT NO.)
B-1416 TO FRED A. ARDREY, 3615 WEST)
HIGH STREET, COLORADO SPRINGS,)
COLORADO.)

APPLICATION NO. 24054-PP-
Transfer

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

January 28, 1970

Appearances: R. O. Ferris, Kit Carson,
Colorado, Transferor, pro se.
Cuba Y. Hollaway, Esq.,
Colorado Springs, Colorado,
for Transferee.

PROCEDURE AND RECORD

Under date of November 10, 1969, Applicants filed the above-entitled application for authority to transfer Permit No. B-1416, to operate as a contract carrier by motor vehicle, from R. O. Ferris and Ronald Ferris, doing business as "Ferris & Sons," to Fred A. Ardrey.

The Commission, pursuant to law, designated Christian O. Igenbergs as an Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Auditorium, County Office Building, 27 East Vermijo, Colorado Springs, Colorado, on January 12, 1970, at 1:00 o'clock P.M. The hearing was held at the aforesaid time and place.

R. O. Ferris and Fred A. Ardrey testified in support of the application. No person appeared to intervene or to protest the granting of the application.

Official notice was taken of the following documents on file with the Commission: Customer List, Financial Statement and List of Equipment.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Transferors herein are the present owners and operators of Permit No. B-1416, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee herein presently holds authority from this Commission, to-wit: Permit No. B-6511 and PUC No. 6886-I.
4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
5. The Permit is free and clear of any debts, encumbrances or obligations.
6. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for operation of the authority sought to be transferred herein.
7. Transferee is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission and has or will make adequate provision for insurance.
8. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfer is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer as sought by Applicants should be granted as hereinafter set forth.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That R. O. Ferris and Ronald Ferris, doing business as "Ferris & Sons," P. O. Box 94, Kit Carson, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Permit No. B-1416 to Fred A. Ardrey, 3615 West High Street, Colorado Springs, Colorado, subject to encumbrances, if any, against said authority, and subject to the provisions of Paragraph 7 of this Order.

2. That henceforth the full and complete authority under Permit No. B-1416 shall read and be as follows, to-wit:

"Transportation of

- (1) Farm products (including livestock)

Between all points within the following described area: Commencing at the southeast corner of Cheyenne County; thence north along the Colorado-Kansas State line; thence west along the Cheyenne-Kit Carson County line as extended to a point where a line drawn north and south through Boyero intersects; thence south along said line to a point where the Cheyenne-Kiowa County line as extended intersects; thence east along the Cheyenne-Kiowa County line to the point of beginning, and from and to farms located within said area to and from points within the State of Colorado.

- (2) Used household goods, furniture, and farm equipment

Between points located within the area described in Item 1, and from farms located within said area to all points within the State of Colorado.

RESTRICTION:

- (a) Restricted against rendering transportation service from farms to other points within said area excluding farm to farm service.

(3) Processed feed and building materials

From all points within the State of Colorado to points within the following described area: Commencing at the southwest corner of Cheyenne County; thence east along the Cheyenne-Kiowa County line a distance of 30.5 miles; thence north to a point on the Cheyenne-Kit Carson County line; thence west along the Cheyenne-Kit Carson County line a distance of 30.5 miles to the Cheyenne-Lincoln County line; thence south along said County line to the point of beginning."

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

4. The right of Transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations of the Commission, and the prior filing of an annual report by Transferors herein covering the operations under the Permit up to the time of the transfer of said Permit.

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

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty

(20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

C.O. Genberg
Examiner

rm/hj

(Decision No. 74246)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
STANLEY E. GRIFFITH AND THELMA G.)
GRIFFITH, DOING BUSINESS AS "ACE CAB)
CO.," MOUNTAIN AVENUE AT LINDEN, FORT)
COLLINS, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 376 TO BOB G. VAIL)
AND WILLIAM ORMSBY, DOING BUSINESS AS)
"ACE CAB CO.," 315 RIVERSIDE, FORT)
COLLINS, COLORADO.)

APPLICATION NO. 24052-
Transfer

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

January 28, 1970

Appearances: Alden V. Hill, Esq., Fort
Collins, Colorado, for
Transferors and Transferees.

PROCEDURE AND RECORD

Under date of November 5, 1969, Applicants filed the above-entitled application for authority to transfer Certificate of Authority PUC No. 376, to operate as a common carrier by motor vehicle, from Stanley E. Griffith and Thelma G. Griffith, doing business as "Ace Cab Co.," to Bob G. Vail and William Ormsby, doing business as "Ace Cab Co."

The Commission assigned No. 24052-Transfer to the application for permanent authority.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the Auditorium, Larimer County Courthouse, 20 West Oak Street, Fort Collins, Colorado, on January 13, 1970, at 10:00 o'clock A.M.

Stanley E. Griffith, Bob G. Vail and William E. Ormsby testified in support of the application. No person appeared to intervene or to protest the granting of the application.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Transferors herein are the owners and operators of PUC No. 376, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferees herein hold no previously granted authority from this Commission.
4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
5. The Certificate is free and clear of any debts, encumbrances or obligations. However, an encumbrance is to be placed upon the authority, which encumbrance should be approved by the Commission upon the filing of the proper documents.
6. Transferees own sufficient equipment, have sufficient experience and net worth, all of which are ample and suitable for the operation of the authority sought to be transferred herein.
7. Transferees are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission and have or will make adequate provision for insurance.
8. If this transfer is approved, Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfer is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The transfer as sought by Applicants should be granted as hereinafter set forth.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

1. That Stanley E. Griffith and Thelma G. Griffith, doing business as "Ace Cab Co.," Mountain Avenue at Linden, Fort Collins, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Certificate of Authority PUC No. 376 to Bob G. Vail and William Ormsby, doing business as "Ace Cab Co.," 315 Riverside, Fort Collins, Colorado, subject to encumbrances, if any, against said authority, and subject to the provisions of Paragraph 8 of this Order.

2. That henceforth the full and complete authority under Certificate of Authority PUC No. 376 shall read and be as follows, to-wit:

"Transportation -- in taxi service -- of

(1) Passengers

Between all points within the City of Fort Collins, Colorado, and to and from said points from and to points within a seventy-five (75) mile radius thereof.

Transportation -- in sightseeing service -- of

(2) Passengers

From Fort Collins, Colorado, on the one hand, to points and places within a seventy-five (75) mile radius thereof, on the other hand.

RESTRICTION:

Item No. 2 is restricted as follows:

- (a) Restricted to the use of taxicab equipment.
- (b) All service rendered shall be to points named in the tariff as on file with the Commission.
- (3) Packages and messages

Between all points within the City of Fort Collins, Colorado, and a twenty (20) mile radius thereof.

RESTRICTION:

(a) Item No. 3 restricted to packages weighing 100 pounds or less.

(4) Passengers

Between all points within a fifteen (15) mile radius of the intersection of Mountain and College Avenue, Fort Collins, Colorado.

RESTRICTION:

Item No. 4 is restricted as follows:

(a) Vehicle used shall not exceed twelve (12) passenger capacity.

(b) Restricted against rendering any service to points within Loveland, Colorado."

3. That the encumbrances to be placed upon the authority be, and hereby is, approved upon the filing of the proper documents.

4. 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.

5. 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.

6. The right of Transferees to operate under this Order shall depend upon the prior filing of an annual report of Transferors herein, covering the operations under said Certificate up to the time of transfer of said Certificate.

7. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

8. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rm/hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM G. BREWER, DOING BUSINESS AS)
"BREWER LOGGING CO., " P. O. BOX 695,)
ALAMOSA, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 24041-PP

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

January 28, 1970

Appearances: None

PROCEDURE AND RECORD

Under date of November 3, 1969, William G. Brewer, doing business as "Brewer Logging Co.," filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24041-PP to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Alamosa, Colorado, on January 14, 1970, at 10:00 o'clock A.M.

The hearing was held at the aforesaid time and place. No person appeared at the hearing in support of or to protest the granting of the authority petitioned for in the application.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Neither Applicant nor any other person appeared at the hearing in support of the application.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority as sought by Applicant should be denied.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 3 of this Order,

1. Application No. 24041-PP, being an application of William G. Brewer, doing business as "Brewer Logging Co.," P.O. Box 695, Alamosa, Colorado, for a Class "B" Permit to operate as a contract carrier by motor vehicle for hire, be, and hereby is, denied.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended

Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

C. O. Igenberg
Examiner
rm/hj

(Decision No. 74248)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLIFFORD L. PRIDEMORE, ROUTE 1, BOX)
130, BUENA VISTA, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
CONTRACT CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 24088-PP

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

January 28, 1970

Appearances: Clifford L. Pridemore,
Buena Vista, Colorado,
pro se.

PROCEDURE AND RECORD

Under date of December 2, 1969, Clifford L. Pridemore filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 24088-PP to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Gunnison, Colorado, on January 26, 1970, at 2:00 o'clock P.M.

The hearing was held at the aforesaid time and place. No person appeared at the hearing to protest the granting of the authority petitioned for in the application, and no written protests or petitions for intervention were received.

Clifford L. Pridemore testified in support of the application.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Applicant is an individual.
2. Applicant in this matter proposes to operate as a contract carrier by motor vehicle and, pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over said Applicant and the subject matter of these proceedings.
3. Applicant does hold previously granted authority from this Commission, to-wit: Permit No. M-4991.
4. Applicant owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.
5. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission.
6. Applicant is amply insured.
7. There is a present and special need for the service of Applicant.
8. Applicant has entered into special carriage contracts with customers.
9. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
10. The authority sought by Applicant will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority as sought by Applicant should be granted as hereinafter set forth.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 6 of this Order,

1. Clifford L. Pridemore, Route 1, Box 130, Buena Vista, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire, for the following:

"Transportation of

- (1) 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 (50) miles of said pits and supply points;

- (2) 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 (50) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials;"

and this Order shall be deemed to be, and be, a PERMIT therefor.

2. All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

3. This Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance and has secured authority sheets.

4. 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.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and entered as of the date hereinabove set out.

6. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rm/hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

DENVER LARAMIE WALDEN TRUCK LINES, INC.;)	
DENVER-LOVELAND TRANSPORTATION, INC.;)	
EDSON EXPRESS, INC.; AND OVERLAND MOTOR)	
EXPRESS, INC., DOING BUSINESS AS BOULDER-	)	CASE NO. 5314
DENVER TRUCK LINE,)	
	)	<u>RECOMMENDED DECISION</u>
COMPLAINANTS,)	
	)	<u>HOWARD S. BJELLAND,</u>
VS.	)	<u>COMMISSIONER</u>
)	
MILLER BROTHERS, INC.,)	
)	
RESPONDENT.)	

January 28, 1970

Appearances: John P. Thompson, Esq., Denver, Colorado,
for Denver Laramie Walden Truck Lines,
Inc., Denver-Loveland Transportation,
Inc., Edson Express, Inc., and Overland
Motor Express, Inc., doing business
as Boulder-Denver Truck Line, Complainants;
John R. Barry, Esq., Denver, Colorado,
for Miller Brothers, Inc., Respondent;
John J. Conway, Esq., Denver, Colorado,
for The Contract Carriers Conference of
the Colorado Motor Carriers' Association,
Intervenor;
John H. Lewis, Esq., Denver, Colorado, and
Truman A. Stockton, Jr., Esq., Denver, Colo., and
William F. Schenkein, Esq., Denver, Colorado for
Ephraim Freightways, Inc., Intervenor;
Alvin J. Meiklejohn, Jr., Esq., Denver, Colorado,
for The Regular Route Common Carriers Conference
of the Colorado Motor Carriers' Association,
Intervenor;
Robert L. Kessler, Esq., Denver, Colorado,
for the Staff of the Commission, and
Lloyd C. Espinosa, Denver, Colorado, and
Oscar E. Franz, Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

On January 5, 1966, Denver Laramie Walden Truck Line, Inc.,
Denver-Loveland Transportation, Inc., Edson Express, Inc., and Overland
Motor Express, Inc., doing business as Boulder-Denver Truck Line, all herein-
after referred to collectively as Complainants, filed the instant complaint

against Miller Brothers, Inc., hereinafter referred to either by full corporate name or as Respondent. On January 24, 1966, pursuant to a Commission Order to Satisfy or Answer issued on January 6, 1966, Miller Brothers, Inc. filed an answer to the complaint. During the course of the proceeding, the Contract Carriers Conference of the Colorado Motor Carriers' Association, the Regular Route Common Carriers Conference of the Colorado Motor Carriers' Association, and Ephraim Freightways, Inc. were permitted to intervene in the proceeding by Commission Decisions No. 66900, 70636, and 66907, respectively. On April 15, 1966, the Staff of the Commission filed Notice of Participation. Prior to the hearing in this complaint proceeding, the Commission issued various subpoenas for discovery purposes and ruled upon various motions filed by the parties relative to such discovery procedures. Upon conclusion of the discovery proceedings the Commission in Decision No. 70546, dated December 12, 1967, set the matter for hearing beginning at 10:00 o'clock A.M. on January 15, 1968.

After due and proper notice to all interested parties, the matter was heard by Commissioner Howard S. Bjelland in the Hearing Room of the Commission in Denver, Colorado, beginning at 10:00 o'clock A.M. on January 15, 1968, and continuing on January 16, March 19, and March 20.

Upon the conclusion of the taking of testimony, the Hearing Commissioner directed the filing of briefs by the parties and took the matter under advisement. The briefing process was completed in December of 1969 and the matter is now ready for determination.

Pursuant to the provisions of Article 6, Chapter 115, 1963 Colorado Revised Statutes, as amended, Commissioner Howard S. Bjelland transmits herewith to the Commission the record and exhibits in this proceeding together with this written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

THE ISSUES

The Complaint in this proceeding is a rather lengthy document, consisting of some nine pages. Considering all of the pleadings filed in

this case, however, it would appear that the major issues are but two in number, i.e.,

Issue No. 1 - Is Miller Brothers, Inc., the Respondent, acting as a motor vehicle common carrier under such corporation's contract carrier Permit No. A-445?

Issue No. 2 - Is Miller Brothers, Inc., the Respondent, authorized to provide motor vehicle common carrier service between Denver and Longmont and intermediate points under such corporation's common carrier Certificate No. 2251?

All other issues raised in the Complaint appear to be part of the major issue as to whether Miller Brothers, Inc. is operating as a common carrier under Permit No. A-445.

FINDINGS OF FACT

After due and careful consideration of the record in this case, the Hearing Commissioner, from such record, finds as fact that:

1. Denver Laramie Walden Truck Line, Inc., is a motor vehicle carrier, as such term is defined in Article 9, Chapter 115, 1963 Colorado Revised Statutes, as amended, and is the owner and operator of PUC No. 51. Pursuant to said PUC No. 51, such corporation is authorized to transport and does transport general freight and express in daily scheduled regular route (line haul) motor vehicle common carrier service, in both directions between Denver, Colorado, and points within five miles thereof, on the one hand, and on the other, Fort Collins, Colorado and points within one mile thereof, and points on U. S. Highway 287 north of Fort Collins to the Colorado-Wyoming State Line. It maintains terminal facilities at Denver and Fort Collins. Its address is 48 East 56th Avenue, Denver, Colorado.

2. Denver-Loveland Transportation, Inc. is a motor vehicle carrier, as such term is defined in Article 9, Chapter 115, 1963 Colorado Revised Statutes, as amended, and is the owner and operator of PUC No. 205. Pursuant to said PUC No. 205, such corporation is authorized to transport

and does transport general freight in daily scheduled regular route (line haul) motor vehicle service between Denver, Colorado, and points within three miles thereof (except certain excluded municipalities) on the one hand, and on the other hand, Loveland, Colorado, Wildspur, Colorado, and the Cloverleaf Kennel Club near Loveland. PUC No. 205 also authorizes Denver-Loveland to perform, and it does perform, local cartage service in Boulder, Larimer and Weld Counties. Loveland is located in Larimer County, and Greeley in Weld County. It maintains terminal facilities at Loveland and shares terminal facilities at Denver. Its address is 255 South Cleveland, Loveland, Colorado.

3. Edson Express, Inc. is a motor vehicle carrier, as such term is defined in Article 9, Chapter 115, 1963 Colorado Revised Statutes, as amended, and is the owner and operator of PUC No. 40. Pursuant to said PUC No. 40, such corporation is authorized to transport and does transport general freight and express in daily scheduled regular route (line haul) motor vehicle common carrier service between Denver, Colorado, and points within five miles thereof, on the one hand, and on the other hand, Longmont, Colorado, and points within five miles thereof, Berthoud, Colorado and points within one mile thereof, and Mead, Colorado, and points within one mile thereof serving all intermediate points between Longmont, Berthoud and Mead. It maintains terminal facilities at Denver and Longmont. Its address is P.O. Box 925, Longmont, Colorado.

4. Overland Motor Express, Inc. is a motor vehicle carrier as such term is defined in Article 9, Chapter 115, 1963 Colorado Revised Statutes, as amended, and is the owner and operator of PUC No. 2635. Such corporation is authorized to transport and does transport general freight and express in daily scheduled regular route (line haul) motor vehicle common carrier service between Denver, Colorado, and points within three miles thereof, on the one hand, and on the other, Boulder, Colorado and points within five miles thereof and points intermediate between Denver and Boulder, including Broomfield and Lafayette, Colorado. It maintains terminal facilities at Denver and Boulder. Its address is P. O. Box 271, Boulder, Colorado.

5. The term "motor vehicle carrier" is defined in Article 9, Chapter 115, 1963 Colorado Revised Statutes, as amended, as:

" . . . every person . . . owning, controlling, operating or managing any motor vehicle used in serving the public in the business of the transportation of . . . property for compensation as a common carrier"

A "common carrier" is defined in Article 1, Chapter 115, 1963 Colorado Revised Statutes, as amended, as:

" . . . every person, directly or indirectly affording a means of transportation . . . within this state by . . . motor vehicle . . . by indiscriminately accepting and carrying, for compensation, . . . property"

All of the Complainants are common carriers under the laws of the State of Colorado. The terms "contract carrier" and "private carrier" are used interchangeably in this Recommended Decision.

6. Each of the Complainants through interline relationships with other motor vehicle common carriers, participates in the through movement of general freight between points Complainants are respectively authorized to serve, on the one hand, and all principal cities and towns in Colorado on the other. Through similar arrangements, Complainants also participate in through movement of interstate and foreign traffic, through the Denver, Colorado gateway, pursuant to authority from the Interstate Commerce Commission. Each also performs all services normally associated with such movements, such as pickup and delivery service, trailer interchange, and the like.

7. Complainants, generally, individually or collectively, provide a motor vehicle common carrier general freight service in the same general area in which Respondent provides freight service.

8. Miller Brothers, Inc. is a Colorado corporation formed in 1962 as successor to the partnership of Ivan and Dwight Miller, who with their wives own the stock of Respondent corporation. Ivan and Dwight Miller have engaged in the trucking business in Colorado, subject to regulation by this Commission, since 1938. Respondent owns and operates (as to separate territories) both common and private carrier authorities from this Commission, set forth in detail in Exhibits 1 to 4.

9. Respondent's common carrier authorities are PUC No. 1321 and PUC No. 2251. Its common carrier authority PUC No. 1321 in general authorizes call and demand service locally between points within 15 miles of Estes Park, and between such points on the one hand, and on the other hand points in Colorado except Denver. Its common carrier authority PUC No. 2251 in general authorizes scheduled common carrier service over ten separately designated routes; nine of these (originating at various cities) begin or end at Estes Park; the tenth authorizes service from Grand Lake to Granby. Only one of these routes (Route No. 1) originates at Denver. Several of the routes by their language specifically authorize service to points intermediate along the designated route. The Denver-Estes Park Route does not mention intermediate service.

10. Respondent's private carrier authorities are PUC No. A-445 and PUC No. B-1957. PUC No. A-445 is an accumulation of separately granted operating authorities for private carrier service to northern Colorado points. Territorially, it authorizes private carrier service in general (a) between Denver and Nunn with certain off-route service; (b) between Denver and Fort Collins with certain off-route service; alternate route permission between Denver, Greeley and Fort Collins, and between Denver, Fort Collins and Greeley and intermediate points and the named off-route points of Pierce and Nunn; and (c) over designated routes, between Greeley, Ault, Fort Collins, Loveland and Longmont, without intermediate service except at the points named. Respondent's private carrier authority PUC No. B-1957 in general authorizes transportation of farm products and farm supplies locally between points within 25 miles of Greeley, but not in and out of that radius, specifically excluding service within that radius as to LaSalle, Windsor and Fort Lupton.

11. Respondent is engaged in the active operation of all of these operating authorities. It does not confine its operation to limited commodities, but transports general commodities in a wide range of weights. It maintains approximately 50 full-time employees and operates approximately 75 trucks, of which approximately 30 are over-the-road tractor-trailer

combinations, mostly van type of the usual kind used by general freight carriers, some of which are mechanically refrigerated. It maintains a 27-door terminal at Denver, in addition to terminals at Greeley, Fort Collins, Loveland, Longmont, and Estes Park. Its personnel are distributed approximately 16 at Denver, 22 at Greeley, 3 at Longmont, 6 at Fort Collins, 2 at Loveland and 1 at Estes Park. The operation has not changed since 1965, except to grow larger. Of its 1965 revenues, \$353,477 were received from its private carrier line haul (i.e., PUC No. A-445) service, and \$68,711 from its common carrier service. Its total revenues in 1966 were approximately \$650,000. It operates its equipment separately over its various routes. It operates seven to ten schedules daily at substantially fixed times, Denver to Greeley, two to Loveland, two to Fort Collins, two to Longmont, one Denver to Estes Park; these are operated five days per week, and with rare exceptions, as to each city, follow the same route to that city every day. They are supplemented with "peddle trucks" operating out of the various communities to outlying points and to their northern Colorado points of service. Pickup and delivery service is provided, except at small remote outlying points, as to which "on-hand" cards are mailed as the freight is received, and the consignee comes to the nearest terminal of Respondent to get his freight. "Cross-dock" operations are conducted at all terminals. Illustratively, a shipper's freight (private carrier, common carrier, and interstate common carrier) is picked up at one time at the shipper's dock in Denver on a pickup truck, transported to the Denver terminal, where it is unloaded onto the dock, sorted, loaded onto over-the-road trailers, transported to Greeley, where it is unloaded onto the dock, sorted, and placed upon a delivery truck for delivery to the consignee.

12. Respondent accepts prepaid shipments, shipments requiring it to collect from the consignee the freight charges, and shipments requiring it to collect from the consignee both the freight charges and the invoice price of the goods themselves. Respondent is a party to Colorado Motor Carriers' Association Tariff 12-A and to the National Motor Freight Classification Manual. It assesses its charges for both its common carrier service and its private carrier service according to this Tariff and Classification.

It states that in an exceptional case it may charge more than the tariff for private carrier service, but its evidence mentions no particular instance when it did so. Tariff 12-A and our Private Carrier Regulations require a joint-line (higher) rate to be charged when competing with joint-line scheduled common carriers; Respondent does not do this. The Tariff also requires the carrier to charge for the full mileage the goods are transported; Respondent does not do this. The Tariff also requires the carrier to charge for all transportation services rendered; Respondent does not do this.

13. Respondent distributes to shippers preprinted forms of Bill of Lading for the future use of the shipper; these show Respondent's name, principal terminals in private and common territory both; and points Respondent serves in both private and common carrier territory. This single form of Bill of Lading is used for shipments to both common carrier territory and private carrier territory. Respondent issues freight bills shipment by shipment for the collection of its freight charges; these freight bills also show Respondent's terminals, telephone number, and points of service in private and common carrier territory both, and are the freight bills used in both private carrier and common carrier service by Respondent.

14. Respondent also distributes in Denver cards showing its Denver telephone number, and its points of service in both private and common carrier territory; these hold out "twice daily service" to all of these points. Respondent holds no common carrier authority whereby it could provide common carrier service to the private carrier points from Denver. Respondent also placed in the Official Motor Freight Guide, a magazine distributed to shippers, an advertisement holding out service in the same manner. Respondent's name is listed in bold type at extra cost in the Loveland telephone directory.

15. Commission regulations require private carriers to file with the Commission current lists of its customers. The list in evidence, filed by Respondent, lists over 1,400 private carrier customers served under its PUC No. A-445. Respondent also serves customers not listed on the customer list. An example is in evidence where it handled traffic when neither the

consignor nor the consignee was on the customer list; and Respondent served numerous new customers during the test period, when no amendments to the customer list were filed. Respondent serves hundreds of customers in serving each of its principal private carrier destination points. Complainants in connection with this proceeding examined selected records of Respondent for a five-month period, and prepared and placed in evidence a series of exhibits showing month-by-month what this examination disclosed with respect to the diversity of customers served by Respondent in private carrier territory. These exhibits refer to the facts disclosed by the examination conducted for the first half-month of each of the five months. In the total of the five half-months, Respondent served 270 different consignors and 307 different consignees as to Longmont; each month, an average of approximately 40 new consignors and 40 new consignees appeared, who had not been served in any previous month of the sample. As to Loveland, a total of 398 different consignors and 261 different consignees were served; each month, an average of approximately 65 new consignors and 45 new consignees appeared, who had not been served in any previous month of the sample. As to Fort Collins, a total of 612 different consignors and 574 different consignees were served; each month an average of approximately 85 new consignors and 80 new consignees appeared who had not been served in any previous month of the sample. As noted, all of these figures are for half-month sampling; no figures are in evidence as to what a sampling of the full months would disclose. No sampling was done concerning Respondent's service to Greeley; none of the Complainants serves Greeley from Denver. Ivan Miller stated, however, that over 50% of his private carrier tonnage is to Greeley. Respondent accepts freight from any new customer who calls, provided only that the customer is willing to sign a slip of paper authorizing Respondent to add that customer to Respondent's customer list. The blank slip is then given to the driver; if the customer signs the slip, the driver picks up the freight on the spot. Respondent filed no changes in its customer listing with the Commission during the months included in the sample.

16. Commission regulations require private carriers to retain for inspection copies of all written contracts with customers, and as to oral contracts require the private carrier immediately to make a written memorandum thereof, in a book kept for the purpose, which memorandum shall include the name of the shipper, the name of the person with whom the contract was negotiated, the date and term of the contract, the commodities to be transported, the principal origin and destination points of the carrier, and all other material provisions of the contract. The Complaint alleges that Respondent keeps no such contracts or memoranda; Respondent denied this allegation. Complainants after hearing of their petition for an Order to Produce these records, investigated Respondent's records on the subject and subsequently took the deposition of Ivan Miller. Respondent now admits that it keeps no such records, and at the time of hearing of the merits of the case was keeping none. The only records it does keep on this subject are customer slips previously described herein, and a book in which only the names and addresses of the customers are listed.

17. The Complaint alleges that Respondent has interchanged (interlined) with other carriers' traffic originating at or destined to its private carrier points, to and from points beyond the scope of its private carrier authority, and has also in single-line service, itself served points beyond its private carrier authority. Respondent admits that it did indeed interchange traffic consisting of explosives originating beyond its territory at Louviers, and destined to its territory, for a period of seven years, with Castle Rock Transfer, a common carrier serving the origin point of Louviers. One of the shipments in evidence was billed by Respondent as though it had a Denver origin. Respondent also accepted and divided the through revenue on a shipment with one of the Complainants from Longmont to Fort Lupton. It also participated in several truck-load movements of fresh meat from Greeley to Colorado Springs, beyond its territory, supplying the vehicle, driver, picking up the meat at the shipper's place of business at Greeley and delivering it to the consignee's place of business at Colorado Springs. It contends the shipment was actually transported under the authority of

another carrier, whom it did not produce as a witness. Our regulations require private carriers to prepare manifests listing the freight they carry; these are also used in complying with the ton mile taxes applicable to truck transportation; Respondent listed these meat shipments on its manifests. Respondent also transported and delivered shipments west of any point intermediate between Denver and Fort Collins, 13 miles west of Loveland, for example. It also accepted freight destined to Red Feather Lakes, a point 25 miles northwest of the Fort Collins terminus of its permit.

18. The Complaint alleges that Respondent operates as a common carrier Denver-Longmont and intermediate points without authority from this Commission so to do. Respondent admits that it does operate as a common carrier in that territory, contending that its PUC No. 2251 authorizes it to do so. PUC No. 2251 is a portion of the authority formerly numbered PUC No. 55, which Respondent acquired by mesne transfers from the original owner. As applicable here, PUC No. 55 was issued by the Commission in 1926. The portion of PUC No. 55 now owned by Respondent has since been renumbered as PUC No. 2251. This authority in 1926 authorized scheduled common carrier service between Estes Park and a number of cities, over 17 specifically designated routes. As to some of these routes, intermediate service was expressly authorized; as to others intermediate service was not mentioned. Intermediate service was not mentioned in the Denver-Longmont-Estes Park Route now owned by Respondent. The Miller partnership accepted in writing the Commission's 1954 Order allowing them to acquire such portion of that operating authority in the present language of the operating authority, as did the Respondent corporation in the transfer proceeding in 1962. Respondent Miller Brothers, Inc. has no authority to operate as a common carrier under PUC No. 2251 between Denver and Longmont and intermediate points.

19. Complainants all operate scheduled common carrier service pursuant to authority from this Commission: Denver Laramie Walden between Denver and Fort Collins and points north of Fort Collins; Denver-Loveland

Transportation, Inc. between Denver and Loveland; Edson Express, Inc. between Denver and Longmont; and Overland Motor Express, Inc. between Denver and Boulder, serving all intermediate points including Broomfield, Louisville and Lafayette. In addition, Denver-Loveland Transportation, Inc. operates a common carrier call and demand service between points in Boulder, Larimer and Weld Counties and occasionally throughout the State. In connection with their scheduled common carrier services, Complainants participate in the same Tariff and Classification as Respondent, and provide all of the same services as Respondent to their respective territories; pickup and delivery service, cross-dock handling, prepaid, C.O.D., and collect shipments, billing shipment-by-shipment, regular schedules, terminal facilities, and interline service. Each service performed by Respondent is performed in the same territory and in the same manner by Complainants, and is performed by Respondent the same way in Respondent's common carrier service as it is performed in Respondent's private carrier service. Each Complainant could handle more traffic without difficulty.

20. Respondent Miller Brothers, Inc. under Permit No. A-445 is in fact holding itself out to the general public to serve as a common carrier. Respondent Miller Brothers, Inc., under Permit No. A-445, is in fact indiscriminately accepting, discharging, and laying down freight. Respondent Miller Brothers, Inc. in fact is operating as a common carrier under Permit No. A-445, in violation of and contrary to the laws of the State of Colorado.

CONCLUSIONS ON FINDINGS OF FACT

Based on the findings of fact hereinabove set forth, the Hearing Commissioner concludes that appropriate cease and desist orders be entered, and recommends that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS:

1. That Miller Brothers, Inc., be, and hereby is, ordered to cease and desist from operating as a common carrier under Permit No. A-445.

2. That Miller Brothers, Inc. be, and hereby is, ordered to cease and desist from operating as a common carrier under PUC No. 2251 between Denver and Longmont and intermediate points.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner
hj

(Decision No. 74250)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER-CLIMAX TRUCK LINES, INC.,)
4250 ONEIDA STREET, DENVER, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO EXTEND OPERATIONS UNDER CONTRACT)
CARRIER PERMIT NO. B-6350.)

APPLICATION NO. 23925-PP-Extension ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY
SUPPLEMENTAL ORDER

January 28, 1970

The above-entitled application under CRS 1963, 115-6-20(4), being under consideration, and

It appearing, That Applicant has caused appropriate application to be filed with this Commission to extend operations under Contract Carrier Permit B-6350.

It further appearing, That by Commission Decision No. 73675, dated October 16, 1969, the Commission issued an Order denying emergency temporary authority.

It further appearing, That Applicant has now received Recommended Decision No. 74128, which recommends the above application be granted. Applicant now requests further consideration on the basis of the said Decision.

It further appearing, That there is an immediate and urgent need for the transportation service herein sought.

It further appearing, That the service to be rendered is that of a contract carrier by motor vehicle.

And it further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

It is ordered, That Denver-Climax Truck Lines, Inc., be, and is hereby, granted emergency temporary authority for a period of fifteen (15) days commencing January 28, 1970, as a contract carrier by motor vehicle for the:

"Transportation of

Sulfuric Acid (in bulk)

Between Denver, Colorado and the Cotter Company plant located near Canon City, Colorado.

RESTRICTION:

Restricted to rendering transportation service for the following named customer only: Allied Chemical Corporation, Denver, Colorado."

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 28th day of January, 1970.
cj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

ROCKY MOUNTAIN GYPSUM, INC.
210 HARRISON STREET
FORT LUPTON, COLORADO

Complainant

vs.

DENVER AND RIO GRANDE WESTERN RAILROAD CO.
1531 STOUT STREET
DENVER, COLORADO, AND
CHICAGO, BURLINGTON & QUINCY
RAILROAD CO.
200 UNION DEPOT
DENVER, COLORADO

Respondents.

CASE NO. 5383

RECOMMENDED DECISION OF
HENRY E. ZARLENGO
CHAIRMAN

January 29, 1970

NOTICE TO PARTIES

Section 115-6-9 (2), CRS 1963, as amended, provides that copies of the Commissioner's Recommended Decision and Requirements shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, this Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

CERTIFICATION

I certify that after the Recommended Decision was entered, it, the record, and the exhibits, were all promptly transmitted to the Commission and that a copy of said Decision is simultaneously with the execution of this certification being mailed, first class, to all parties.

Dated at Denver, Colorado,
this 29th day of January, 1970.

Tony A. Falligan, Jr.
Secretary.

APPEARANCES

John P. Thompson, Esq., Denver, Colorado,
for Complainant;
Royce D. Sickler, Esq., Denver, Colorado,
for Respondent, Denver and Rio Grande
Western Railroad Company
W. L. Peck, Esq., Denver, Colorado
for Respondent, Chicago, Burlington &
Quincy Railroad Company;

Christian O. Igenbergs, Esq., Denver, Colorado
for the Staff of the Commission;
Ralph H. Knull, Denver, Colorado, and,
Lawrence C. Abdoo, Denver, Colorado,
of the Staff of the Commission.

STATEMENT, FINDINGS OF FACT, AND CONCLUSIONS

On November 6, 1968, the within Complaint was filed with this Commission whereby the Complainant (hereinafter referred to as "Rocky Mountain Gypsum") alleged, inter alia, that Respondents, Denver and Rio Grande Western Railroad Company (hereinafter referred to as "Rio Grande") and Chicago, Burlington and Quincy Railroad Company (hereinafter referred to as "Burlington") have refused to establish a just and reasonable, non-discriminatory commodity rate for shipments by Complainant of gypsum, mine-run, in bulk, in open-top side-dump railroad freight cars, not protected by tarpaulin or other protective covering, from Range, Colorado, to Medbury, Colorado. Complainant prays that this Commission enter an Order requiring Respondents to file and maintain until further notice, in appropriate rate tariffs, a rate filing at Three (\$3.00) Dollars per two thousand (2,000) pounds for shipments of the above commodity in the aforesaid manner, subject to the following conditions:-

- (a) The minimum weight shipper per car shall be 70 tons.
- (b) Applies only when 20,000 tons or more are tendered during a Calendar Year; except shall apply during Calendar Year 1969 if 10,000 tons or more are tendered during that Calendar Year.

The Commission, on November 8, 1968, issued its Order to Satisfy or Answer to the Respondents allowing twenty (20) days for Answer to the Complainant. Respondents moved for an extension of time within which to answer, which said Motion was denied by the Commission by Decision No. 72229, dated November 27, 1968. Answer was thereafter timely filed by Respondents, and copies of said Answer were served on the attorneys for the Complainant.

The Commission set the Complaint for hearing on December 30, 1968, at 10 o'clock a.m., in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, with due notice to all

interested parties.

On December 9, 1968, Respondent Rio Grande published Amendment 5 to Freight Tariff 6372-L, to become effective January 9, 1969, thus publishing a rate for shipments of gypsum. Said publication established this rate at Four and 17/100 (\$4.17) Dollars, subject to the increase contained in ICC Ex Parte 256, instead of the Three (\$3.00) Dollars requested by Complainant.

On December 16, 1968, Complainant petitioned this Commission for a suspension of the aforesaid Amendment No. 5 to Freight-Tariff 6372-L of the Rio Grande.

After careful consideration of the Petition for suspension of each and every allegation thereof, the Commission denied said Petition by Decision No. 72358, Dated December 27, 1968.

The herein Complaint was first heard at the aforesaid time and place before Chairman Henry E. Zarlengo, to whom the subject matter had been duly assigned for hearing.

The following witnesses testified in substance and to the effect as follows:

Russell S. Pugh -- that he is an attorney for Rocky Mountain Gypsum; that the said company holds title to gypsum deposits in Eagle County, near Range, Colorado.

Othel Kirby -- that he is secretary of Complainant, Rocky Mountain Gypsum; that Complainant owns gypsum deposits near Range, Colorado, suitable as an additive in the manufacture of cement; that said deposits contain three to five million tons of gypsum of a ninety-nine (99%) percent pure grade; that he believes he would have a market for the gypsum by selling it to the Rocky Mountain Cement Company at their plant near Medbery, Colorado; that the top delivery price for which the gypsum could be sold to said company at the aforesaid location at Medbery, Colorado, is Four and 85/100 (\$4.85) Dollars per two thousand (2,000) pounds; that the mining, loading and overhead expenses for two thousand (\$2,000) pounds of gypsum are estimated to be One and 85/100 (\$1.85) Dollars, thus leaving Three (\$3.00) Dollars as the maximum rate Complainant could afford to pay

for the transportation of gypsum from Range to Medbery, Colorado; that transportation by truck is available, but the cost for same is so high as to be economically prohibitive; that the deposits of gypsum owned by Complainant are located approximately two and one-half (2½) miles from the railway siding of Respondent, Rio Grande, at Range, Colorado, but, at the present, there is no ramp at said siding to permit the loading of gypsum into rail cars; that he has asked Respondents to establish a freight rate for movements of gypsum from Range to Medbery, Colorado; that shipments of said gypsum would be twenty thousand (20,000) tons annually, except in the year 1969, when it would be ten thousand (10,000) tons; that Respondents agreed to submit to the Colorado-Utah-Wyoming Committee a rate of Three (\$3.00) Dollars for shipments of gypsum as requested by Complainant; that said rate of Three (\$3.00) Dollars was not published but that instead Respondents published a rate of Four and 17/100 (\$4.17) Dollars by Amendment 5 to Freight-Tariff 6372-L; that at the freight rate as published and specified in the aforesaid Amendment 5, Complainant cannot move any gypsum from Range to Medbery, Colorado because the rate is too high.

Upon request of Complainant, official notice was taken of Rate Tariffs as follows:

DRGW 6448-E, DRGW 6372-L, DRGW 5025-F, DRGW 7493-B
CWU 12-C, Item 5360, CWU 12-C Supp. 46, Item 7245-C.

After Complainant rested its case, Respondents moved to dismiss the Complaint and in support of the Motion, presented testimony by Larry Schumaker, Controller of Rocky Mountain Cement Company.

Witness Schumaker testified in substance and to the effect as follows: that he is Controller of Rocky Mountain Cement Company; that the said Company will be in the business of manufacturing cement at a location near and east of Lyons, Colorado; that the said Company has negotiated a contract to purchase gypsum from sources other than Complainant; that said Company presently holds a five-year lease to mine gypsum at a quarry of U.S. Gypsum 45 miles north of Lyons, Colorado, and has considered gypsum deposits near Larkspur, Colorado; that gypsum would be transported

from the U.S. Gypsum quarry to the plant near Lyons by truck.

At the conclusion of the testimony of Witness Schumaker, Respondents again moved to dismiss on the grounds that: (1) Complainant has not shown that the Three (\$3.00) Dollar rate as requested is just and reasonable; (2) Complainant has not shown that the existing Four and 17/100 (\$4.17) Dollar rate is unjust and unreasonable; (3) Complainant has not shown a present need for the movement of shipments; (4) Rocky Mountain Cement Company has obtained a supply of gypsum from other sources.

Complainant argued that the commodity cannot move under the existing rate on file, and that Complainant has presented evidence of railroad rates in other Colorado areas for similar commodities.

Chairman Zarlengo took the Motion to Dismiss under advisement and ordered Respondents to file a brief within fifteen (15) days, with Complainant having ten (10) days thereafter to answer.

The Commission, after careful consideration of the record, and the argument contained in the briefs, by Decision No. 72893, dated April 24, 1969, denied Respondents' Motion to Dismiss and set the hearing to be resumed and continued at 10:00 o'clock a.m. on June 10, 1969, in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado.

The hearing was resumed at the aforesaid time and place before Chairman Henry E. Zarlengo.

The following witnesses testified in substance and to the effect as follows:

Richard E. Davis -- that he is Assistant Chief Transportation Officer of Respondent Rio Grande and that he is sponsoring Respondent's Exhibits numbered 1, 2, 3, and 4.

Respondent's Exhibit No. 1 purports to be a system map of the Rio Grande; Exhibit No. 2, a map of the Rio Grande trackage at Range, Colorado; Exhibit No. 3 a profile of the Rio Grande system at Range, Colorado; Exhibit No. 4, a profile of the Rio Grande system from Orestad, Colorado to Denver, Colorado.

The witness further testified that the shipments of gypsum as proposed by Complainant would have to be made by "way-trains", not "unit-trains"; that freight cars of the proper type are not located in the vicinity of Range, Colorado, but would have to come from Denver, Pueblo, Salt Lake City or Grand Junction; that the cost of a suitable ramp to be built at Range, Colorado, would be approximately Three Thousand Five Hundred (\$3,500) Dollars and that the Rio Grande would have to acquire additional land rights to build the ramp; that the switching at Range, Colorado, would be likely to tie up some mainline traffic, which said traffic consists of 13 to 15 trains within any 24-hour period; that the costs of operating "way-trains" are higher than the costs of operating "unit-trains", because the former are slower and the crews accumulate more overtime; that when "way-trains" are used to transport gypsum, the costs are the same as for "way-trains" of coal; that the movements of coal under Rio Grande Tariff 7493-B are movements not of "way-trains" but of "unit-trains".

Respondents' Exhibits numbered 1, 2, 3 and 4 were admitted into evidence.

William C. Carter -- that he is Terminal Superintendent in Denver for Respondent Burlington; that Medbery, Colorado, is located on the Burlington rail line approximately eight (8) miles east of Lyons, Colorado; that the interchange of the proposed shipments would take place in Denver; that the Burlington moves freight trains from Denver to Medbery, Colorado, on Mondays, Wednesdays and Fridays; that no additional trains would be needed should the proposed gypsum movements materialize.

Vern E. Haas -- that he is Assistant Manager -- Pricing of the Rio Grande and is sponsoring Respondent's Exhibit No. 5. Respondent's Exhibit No. 5 purports to be a typewritten statement of the testimony of Witness Haas. Respondent's Exhibit No. 5 was objected to by Complainant and was denied admission into evidence.

Witness Haas testified to the effect that the present rate for the proposed movement of gypsum as published in Amendment 5 to Rio Grande

Tariff 6372-L is Four and 17/100 (\$4.17) Dollars, subject to ICC Ex Parte 256, thus being, in effect, Four and 17/100 (\$4.17) Dollars plus the Ex Parte 256 increase.

Frank T. Olsen -- that he is Assistant Manager of Commerce for Respondent Burlington and is sponsoring Respondent's Exhibit No. 6. Respondent's Exhibit No. 6 purports to be a multi-page typewritten statement of Witness Olsen, together with seven (7) printed appendices containing various comparisons of distances and rates for the transportation by rail of gypsum in Colorado and neighboring states at the ICC Docket 17000-11-A scale level. Witness Olsen further testified that one of the purposes of presenting Exhibit No. 6 is to compare gypsum rates with ICC sand and gravel rates, as there is substantial similarity in the transportation of the two commodities; that the so-called Formula 17000-11-A was used for this purpose; that in Colorado a 121 to 131 percent sand and gravel rate is used for gypsum under the above Formula; that in applying Formula 17000-11-A to mine-run gypsum movements from Range to Medbery, Colorado, the return would be between Four and 39/100 (\$4.39) Dollars and Four and 69/100 (\$4.69) Dollars; that he had not made an investigation of actual costs for the movement of gypsum as proposed by Complainant but rather used Formula 17000-11-A as the basis for costs in the Western Trunk Line Area which does not include Mountain territory.

Respondent's Exhibit No. 6 was admitted into evidence.

Thomas J. Halpin -- that he is Assistant Director of the Executive Committee, Western Railroad Traffic Association, Division of Costs and Economics, and is sponsoring Respondent's Exhibit No. 7. Respondent's Exhibit No. 7 purports to be a pro-forma statement showing out-of-pocket, constant and fully distributed costs for mine-run gypsum rock shipments moving in open railroad gondola cars, having tare weight of 26.45 tons, moving from Range to Medbery, Colorado, based on Regions VI and VIII, year 1967, with single line unit costs further adjusted to include the cost of one interchange.

Witness Halpin further testified that he has studied the costs of the gypsum movements as proposed by Complainant; that a rate at a

fully distributed cost level for said movement would be \$4.036; that said costs do not include costs for weighing, the line-haul from Range to Dotsero, Colorado, and increases in costs since 1967; that a return on investment has not been included in said rate; that a four (4%) percent return on fixed investment should be considered and added to the fully distributed costs.

Respondent's Exhibit No. 7 was admitted into evidence.

At the conclusion of the hearing, the subject matter was taken under advisement.

In considering all the evidence of record, the statement made by this Commission in Decision No. 72893 may well be repeated and paraphrased thus: The evidence presented by both Complainant and Respondents is still quite general and vague. It does not establish the justness and reasonableness of either the requested rate of Three (\$3.00) Dollars or the published rate of Four and 17/100 (\$4.17) Dollars.

Evidence is also scant as to whether Complainant does or does not have a market for his product. There is some evidence in the record indicating that Complainant may acquire a market if he is successful in receiving a favorable commodity rate from the railroads.

Any additional development contributing toward the growth of the economy of this State is viewed favorably by this Commission, and for this reason, even though the evidence of record is so scant, an effort should be made to establish a just and reasonable rate for the proposed shipments. The difficulty in this case is the paucity of cost data on which a just and reasonable rate could be based.

The evidence presented by Complainant will be considered first.

Witness Kirby, in essence, testified that at the present time any rate above Three (\$3.00) Dollars would prevent the proposed shipments of gypsum to move from Range to Medbery, Colorado.

Although this may or may not be true, prescription of a requested rate solely because a prospective shipper finds said rate economically feasible in order to establish a market for his product, would clearly be an abuse of the authority vested in this Commission by the

Legislature. Complainant presented some evidence with regard to shipments of a similar commodity, namely, coal and the rates contained in the railroad tariffs applicable to such shipments. Official notice was taken of several tariffs.

DRGW Tariff 6448-E is an index of freight tariffs and not helpful for our purposes; DRGW 6372-L is, of course, the tariff which contains the published rate of Four and 17/100 (\$4.17) Dollars; DRGW 5024-F is a mileage tariff; Amendment No. 5 to DRGW Tariff 7493-B is the tariff for shipments of coal from the northwestern part of the State to the Cherokee power plant of the Public Service Company of Colorado. While the commodities, routes and distances may be comparable, nevertheless, the rates contained in the aforesaid Tariff 7493-B are not useful here because these are rates for the movement of unit trains, not way-trains, and there is evidence in the record, not disputed by Complainant, that the cost of operating way-trains is higher than the cost of operating unit trains.

The evidence of record presented by Complainant does not provide enough facts which could be used to establish a just and reasonable rate.

The evidence of record presented by the Respondent railroads is not blessed with a sufficiency of cost data either.

The Respondent's Exhibit No. 6 makes the attempt to show that the rate for the proposed shipments is actually depressed and that said rate should be somewhere between Four and 39/100 (\$4.39) Dollars and Four and 69/100 (\$4.69) Dollars.

Witness Olsen admitted that the method employed at arriving at the aforesaid figures was by means of the ICC 17000-11-A Formula, a rather mechanical process. Since this method cannot be considered a true cost study, the resultant rates of the Four and 39/100 (\$4.39) Dollars or Four and 69/100 (\$4.69) Dollars, have to be rejected.

Respondent's Exhibit No. 7 purports to show that the rate for the proposed shipments at a fully distributed cost level would be \$4.036. Again, this Exhibit is not truly a study of the actual costs of the particular subject movements proposed. The source of the Exhibit is ICC Rail Form "A" and the ICC statistics for railroad Region VI and Region

VIII carriers. Of necessity, the rate of \$4.036 is arrived at on the basis of average cost data of several railroads which operate in Regions VI and VIII and, thus, again said rate is arrived at by a more or less mechanical process rather than being derived from an actual cost study of a particular movement.

The above discussion clearly shows that we cannot arrive at a just and reasonable rate, based on the evidence of record presented by either Complainant or Respondents. A full scale cost study by the Staff of this Commission would not be feasible because of the time and cost which such a study would entail.

In the absence of other dependable cost data, both this Commission and the ICC have established just and reasonable rates by comparison of said rates with rates of the same or a similar commodity moving in the same general territory. This method will be employed in establishing a just and reasonable rate here.

A study of the tariffs on file with this Commission reveals a scarcity of rates for the shipment of gypsum in this State. The rates published are not exactly for the same mine-run gypsum, in the same general territory or for similar distances and, therefore, not truly comparable.

There is some evidence in the record that coal shipments in way-trains may be comparable. Colorado is a coal-producing state and there are a sufficient number of rates on file with this Commission for the shipment of said commodity by rail. We shall consider the rates for shipment of coal in the same general territory as the proposed subject shipments of gypsum. DRGW Tariffs 6429-E and 5025-F are used as the source and the following data is established:

<u>Destination</u>	<u>Mileage</u>	<u>Item</u>	<u>Rate/2,000 lbs.</u>
Denver to Cameo	257.9	922	\$4.13
Oak Hills to Denver	172.0	2550B	2.90
Bowie to Cameo	105.9	921-C	1.90
Palisade to Montrose	85.3	531-J	3.16
Craig to Denver	231.6	250-0	3.59
Craig to Pueblo	350.9	260-D	4.58
Canon City to Montrose	362.3	531-J	6.23

By employing simple arithmetic, the following ton-mile rates can be established:

Denver to Cameo	1.60¢	per ton mile
Oak Hills to Denver	1.68	per ton mile
Bowie to Cameo	1.79	per ton mile
Palisade to Montrose	3.70	per ton mile
Craig to Denver	1.55	per ton mile
Craig to Pueblo	1.31	per ton mile
Canon City to Montrose	1.72	per ton mile

Averaging the seven (7) above figures, the average rate per ton mile is 1.907¢. Complainant proposes a Three (\$3.00) Dollar rate for two thousand (2,000) pounds of gypsum to be transported 20.14 miles, which results in a ton-mile rate of 1.490¢. Employing an equation we arrive at the following:

$$\begin{aligned}
 1.490 &= \$3.00 \\
 1.907 &= X \\
 \frac{1.907 \times 3}{1.49} &= \$3.83
 \end{aligned}$$

We shall employ the aforesaid method to establish a just and reasonable rate for the proposed subject shipments of gypsum.

Based upon the record and Exhibits herein and the testimony hereinabove set out, the COMMISSIONER FINDS:

That these are proceedings upon complaint of Rocky Mountain Gypsum, a Colorado corporation, duly authorized and existing under the laws of the State of Colorado, a prospective shipper, against Respondent railroads, Rio Grande and Burlington, for the establishment of a rate of Three (\$3.00) Dollars for the shipment from Range to Medbery, Colorado, of gypsum, mine-run, in bulk, in open-top side-dump railroad freight cars, not protected by tarpaulin or other protective covering, subject to the following conditions:

- (a) The minimum weight shipped per car shall be 70 tons;
- (b) Applies only when 20,000 tons or more are tendered during a Calendar Year; except shall apply during Calendar Year 1969 if 10,000 tons or more are tendered during that Calendar Year;

that Respondents, Rio Grande and Burlington, established a joint commodity rate of Four and 17/100 (\$4.17) Dollars for said proposed shipments by publication of Amendment 5 to DRGW Freight Tariff 6372-L, which said rate became effective on January 9, 1969; that the Respondents herein are public

utilities, as defined in Chapter 115, CRS 1963, as amended; that this Commission has jurisdiction over said Respondents and the subject matter of these proceedings; that a just and reasonable rate for the proposed shipment of gypsum as hereinafter set forth be established at Three and 83/100 (\$3.83) Dollars; that the existing Four Dollar and Seventeen Cent (\$4.17) rate applicable over the lines of the Respondent Railroads, should be canceled, and the proceeding discontinued.

RECOMMENDED ORDER AND REQUIREMENTS

THE COMMISSION ORDERS:

That Case No. 5383, be, and hereby is, vacated.

That the Denver and Rio Grande Western Railroad Company and the Chicago, Burlington & Quincy Railroad Company, be, and hereby are, notified and required to cancel Item 3082, Amendment 5 to Freight Tariff 6372-L, on or before February 18, 1970.

That the said Railroads, be, and hereby are, required to establish a rate of 383 cents per two thousand (2,000) pounds, not subject to the Ex Parte increases 256 or 259-B, from Range, Colorado, to Medbery, Colorado, to apply as follows:

"Gypsum Rock, mine run, not crushed, ground or pulverized, in open top cars only, not protected by tarpaulin or other protective covering. Minimum weight marked capacity of car used, except when loaded to full visible capacity, actual weight but not less than 140,000 pounds, will apply."

That said rate be made effective on February 18, 1970, upon notice to this Commission and to the general public by not less than ten (10) days' filing and posting in the manner prescribed by law and the rules and regulations of this Commission.

That jurisdiction is retained by this Commission to make such further Order or Orders as may be deemed necessary in the premises.

This Recommended Decision shall be EFFECTIVE on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Chairman

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES B. GRAHAM, DOING BUSINESS AS)
"GRAHAM EXCAVATING CO.," RT. 1,)
BOX 459 (PINE VALLEY), EVERGREEN,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24079-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

January 28, 1970

The above-entitled application under CRS 1963, 115-6-20(4), being under consideration, and

It appearing, That applicant has established the following: That appropriate application has been made to this Commission for permanent authority as follows:

"Transportation of

- (1) 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 (50) miles of said pits and supply points;
- (2) 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 (50) miles of said pits and supply points;
- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;
- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3, and 4 of this emergency temporary authority are restricted against the use of tank vehicles when transporting road-surfacing materials."

It further appearing, That there is an immediate and urgent need for the transportation service herein sought; that failure to immediately grant emergency temporary authority will result in undue delay in availability of equipment to contractors for pending construction projects.

And it further appearing, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

It is ordered, That James B. Graham, doing business as "Graham Excavating Co." be and is hereby, granted emergency temporary authority for a period of fifteen (15) days, commencing January 28, 1970, as a contract carrier by motor vehicle, for the

"Transportation of

- (1) 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 (50) miles of said pits and supply points;

- (2) 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 (50) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

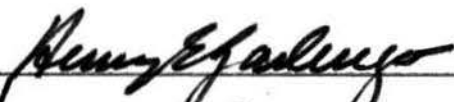
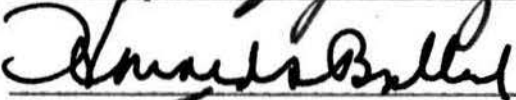

RESTRICTION:

Items 1, 2, 3, and 4 of this emergency temporary authority are restricted against the use of tank vehicles when transporting road-surfacing materials;"

conditioned upon full compliance with all applicable statutory and Commission requirements, rules and regulations.

And it is further ordered, That the authority herein granted shall create no presumption that corresponding temporary or permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 28th day of January, 1970.
cj

(Decision No. 74253)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORMAN D. RUE, SOUTH FORK, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE AS)
A CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 24155-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 29, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regula-
tions within fifteen (15) days from the date hereof, this order shall
be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Salgado
Donald B. Bell
Ed A. Cuskey
Commissioners

Dated at Denver, Colorado, this
29th day of January, 1970.
vr

(Decision No. 74253)
January 29, 1970

APPENDIX

Application No. 24155-PP-TA

Norman D. Rue
South Fork, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a contract carrier by motor vehicle with authority as follows:

"Transportation of

- (1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred fifty (150) miles of said forests;

- (2) Rough lumber

From sawmills within a one hundred fifty (150) mile radius of forests to markets in the State of Colorado.

RESTRICTION:

Items 1 and 2 of this temporary authority are restricted against town-to-town service."

(Decision No. 74254)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EUGENE JAEGER, DOLORES, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 24154-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 29, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.

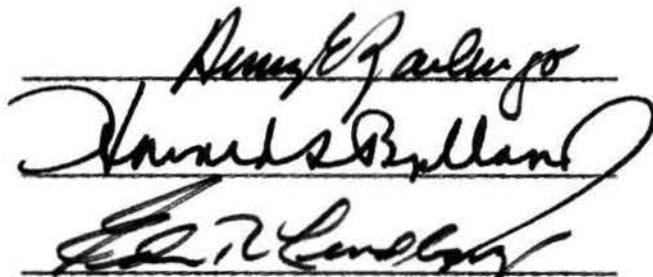
It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that compli-
ance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regula-
tions within fifteen (15) days from the date hereof, this order shall be
of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
29th day of January, 1970.

vr

(Decision No. 74254)
January 29, 1970

APPENDIX

Application No. 24154-PP-TA

Eugene Jaeger
Dolores, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a contract carrier by motor vehicle with authority as follows:

"Transportation of

- (1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred (100) miles of said forests;

- (2) Rough lumber

From sawmills within a one hundred (100) mile radius of forests to markets in the State of Colorado.

RESTRICTION:

Items 1 and 2 of this temporary authority are restricted against town-to-town service."

(Decision No. 74255)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JIMMY SANCHEZ, 1117 EDISON, ALAMOSA,)
COLORADO, FOR TEMPORARY AUTHORITY TO)
OPERATE AS A CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 24152-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 29, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.


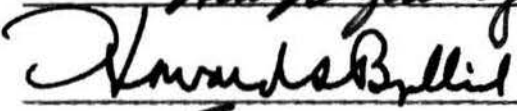

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regula-
tions within fifteen (15) days from the date hereof, this order shall
be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
29th day of January, 1970.

vr

APPENDIX

Application No. 24152-PP-TA

Jimmy Sanchez
1117 Edison
Alamosa, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time

as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a contract carrier by motor vehicle with authority as follows:

"Transportation of

- (1) 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 (50) miles of said pits and supply points;

- (2) 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 (50) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3, and 4 of this temporary authority are restricted against the use of tank vehicles when transporting road-surfacing materials."

(Decision No. 74256)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF EDESEL H. HIGHLAND, 425 EAST)
FIRST, LOVELAND, COLORADO, FOR)
TEMPORARY AUTHORITY TO OPERATE)
AS A CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 24162-PP-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 30, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
that there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.


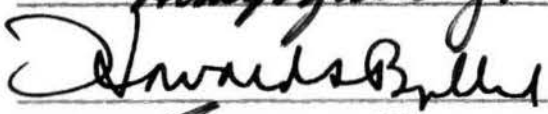
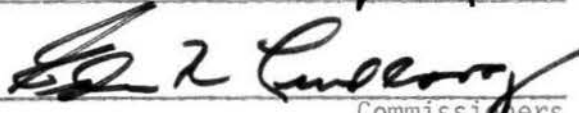
It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regula-
tions within fifteen (15) days from the date hereof, this order shall
be of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
30th day of January, 1970.
vr

(Decision No. 74256)
January 30, 1970

APPENDIX

Application No. 24162-PP-Extension-TA

Edsel H. Highland
425 East First
Loveland, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 165 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a contract carrier by motor vehicle with authority as follows:

"Transportation of

(1) Natural fertilizer

Between all points within an area comprised of the Counties of Weld and Larimer, State of Colorado."

(Decision No. 74257)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GERALD CROSS, BOX 377, CORTEZ,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A CONTRACT CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 24153-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

January 30, 1970

The above-entitled application under CRS 1963, 115-6-20 (1),
being under consideration, and

It appearing, That there is an immediate and urgent need for
the motor carrier service described in the appendix attached hereto, and
there there is no carrier service available capable of meeting such need.

It is ordered, That applicant be, and is hereby, granted tempo-
rary authority, conditioned upon full compliance with all applicable
statutory and Commission requirements, rules and regulations, to engage
in the business of transportation by motor vehicle to the extent and in
the manner set forth in the appendix attached hereto.


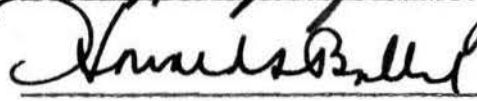

It is further ordered, That the service provided for in this
order shall not be commenced until all requirements have been met and
applicant has received notice in writing from the Commission that com-
pliance has been effected and service may be instituted.

It is further ordered, That upon the authority herein granted
becoming effective, failure of the applicant to maintain compliance with
statutory and Commission requirements shall constitute sufficient grounds
for suspension, change or revocation of the said authority.

It is further ordered, That if applicant fails to comply with
all applicable statutory and Commission requirements, rules and regula-
tions within fifteen (15) days from the date hereof, this order shall be
of no further force and effect.

It is further ordered, That the authority herein granted shall create no presumption that corresponding permanent authority will be granted hereafter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
30th day of January, 1970.
vr

(Decision No. 74257)
January 30, 1970

APPENDIX

Application No. 24153-PP-TA

Gerald Cross
Box 377
Cortez, Colorado

By order of the Commission which this appendix is a part hereof, entered under the name and number shown above, applicant, upon compliance with the conditions set forth therein and after receipt of notice in writing from the Commission that said conditions have been met, is authorized to engage in the business of transportation by motor vehicle as follows:

TIME FOR WHICH TEMPORARY AUTHORITY IS GRANTED - 180 days or until such time as the decision of the Commission on the corresponding permanent application of the applicant becomes final, whichever occurs first.

TYPE OF CARRIER - Contract

SERVICE AUTHORIZED:

Temporary authority to operate as a contract carrier by motor vehicle with authority as follows:

"Transportation of

- (1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred (100) miles of said forests;

- (2) Rough lumber

From sawmills within a one hundred (100) mile radius of forests to markets in the State of Colorado.

RESTRICTION:

Items (1) and (2) of this temporary authority are restricted against town-to-town service."

(Decision No. 74258)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HOME TRANSFER & STORAGE COMPANY,)
A WASHINGTON CORPORATION, 1906)
SOUTHEAST 10th AVENUE, PORTLAND,)
OREGON.)

PUC NO. 4365-I

January 30, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate holder requesting authority to change its corporate name from Home Transfer & Storage Company, a Washington corporation, to Coast Transport, Inc., in the conduct of operations under PUC No. 4365-I.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.


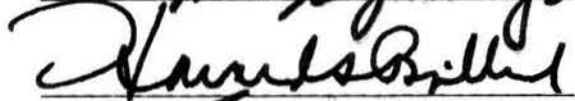

O R D E R

THE COMMISSION ORDERS:

That Home Transfer & Storage Company, a Washington corporation, be, and hereby is, authorized to change its corporate name to Coast Transport, Inc., in the conduct of operations under PUC No. 4365-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of January, 1970.
hj

(Decision No. 74259)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELWOOD ZIEGENFUSS, 1125 NORTH IOWA,)
COLORADO SPRINGS, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
CONTRACT CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 23850-PP
SECOND SUPPLEMENTAL ORDER

January 30, 1970

Appearances: Elwood Ziegenfuss, Colorado Springs,
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 6, 1970, the Commission entered Decision No. 74126 in the above-styled application, revoking operating rights granted to the above-styled Applicant by Decision No. 73634, dated September 26, 1969, for failure of said Applicant to comply with requirements set forth in said Decision No. 73634.

It now appears that Applicant has complied with all requirements of Decision No. 73634, and requests reinstatement of operating rights granted thereby.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

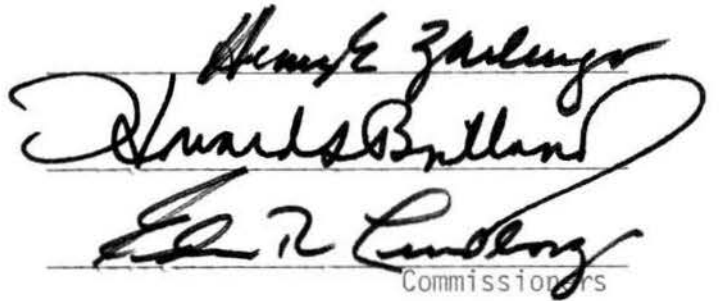
O R D E R

THE COMMISSION ORDERS:

That Decision No. 74126, dated January 6, 1970, be, and the same hereby is, vacated, set aside, and held for naught, as of said

6th day of January, 1970, and operating rights heretofore granted to Elwood Ziegenfuss by Decision No. 73634, dated September 26, 1969, be, and the same hereby are, restored to active status, as of said date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of January, 1970.
hj

(Decision No. 74260)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION TO TRANSFER)
CERTIFICATE OF AUTHORITY PUC NO. 871 FROM)
OLIVER FELLIN, SR., AND ANGELO J. FELLIN,)
PARTNERS, TO OLIVER FELLIN, SR., THENCE TO)
TRANSFER FROM THE ESTATE OF OLIVER FELLIN,)
SR., DECEASED, TO HIS HEIRS AT LAW, THENCE)
TO TRANSFER FROM THE ESTATE OF ALICE C.)
FELLIN, DECEASED (AN HEIR AT LAW OF OLIVER)
FELLIN, SR., DECEASED, AN UNDIVIDED 1/2)
INTEREST TO HER HEIRS AT LAW), THENCE TO)
TRANSFER FROM ALENE S. RIVER, SERAFINA F.)
CALHOON AND VIOLA MARIE OSBORNE (HEIRS AT)
LAW OF OLIVER FELLIN, SR., DECEASED, AND)
ALICE C. FELLIN, DECEASED) TO OLIVER L.)
FELLIN, JR., THENCE TO TRANSFER FROM OLIVER)
L. FELLIN, JR., DECEASED, TO DAVID G. WOOD,)
ADMINISTRATOR OF THE ESTATE OF OLIVER L.)
FELLIN, JR., DECEASED.)

APPLICATION NO. 23206-
Transfer-Amended

IN THE MATTER OF THE APPLICATION OF DAVID G.)
WOOD, ADMINISTRATOR OF THE ESTATE OF OLIVER)
L. FELLIN, JR., DECEASED, FORMERLY DOING)
BUSINESS AS "FELLIN BROTHERS," OURAY, COLO-)
RADO, (IN THE EVENT AUTHORITY SOUGHT IN AP-)
PLICATION NO. 23206-Transfer-Amended IS)
GRANTED) FOR AUTHORITY TO TRANSFER CERTIFI-)
CATE OF AUTHORITY PUC NO. 871 TO RED MOUN-)
TAIN TRANSPORTATION COMPANY, A COLORADO)
CORPORATION, R. R. 2, BOX 170, MONTROSE,)
COLORADO.)

APPLICATION NO. 23207-
Transfer-Amended

IN THE MATTER OF THE APPLICATION TO TRANSFER)
PERMIT NO. A-872 FROM OLIVER FELLIN, SR.,)
AND ANGELO J. FELLIN, PARTNERS, TO OLIVER)
FELLIN, SR., THENCE TO TRANSFER FROM THE)
ESTATE OF OLIVER FELLIN, SR., DECEASED, TO)
HIS HEIRS AT LAW, THENCE TO TRANSFER FROM)
THE ESTATE OF ALICE C. FELLIN, DECEASED (AN)
HEIR AT LAW OF OLIVER FELLIN, SR., DECEASED,)
AN UNDIVIDED 1/2 INTEREST TO HER HEIRS AT)
LAW), THENCE TO TRANSFER FROM ALENE S. RIVER,)
SERAFINA F. CALHOON AND VIOLA MARIE OSBORNE)
(HEIRS AT LAW OF OLIVER FELLIN, SR. DECEASED,)
AND ALICE C. FELLIN, DECEASED) TO OLIVER L.)
FELLIN, JR., THENCE TO TRANSFER FROM OLIVER)
L. FELLIN, JR., DECEASED, TO DAVID G. WOOD,)
ADMINISTRATOR OF THE ESTATE OF OLIVER L.)
FELLIN, JR., DECEASED.)

APPLICATION NO. 23208-PP
Transfer-Amended

IN THE MATTER OF THE APPLICATION OF DAVID)
G. WOOD, ADMINISTRATOR OF THE ESTATE OF)
OLIVER L. FELLIN, JR., DECEASED, FORMERLY)
DOING BUSINESS AS "FELLIN BROTHERS,")
OURAY, COLORADO, (IN THE EVENT AUTHORITY)
SOUGHT IN APPLICATION NO. 23208-PP-Trans-)
fer-Amended IS GRANTED) FOR AUTHORITY TO)
TRANSFER PERMIT NO. A-872 TO RED MOUNTAIN)
TRANSPORTATION COMPANY, A COLORADO CORPO-)
RATION, R. R. 2, BOX 170, MONTROSE, COLO-)
RADO.)

APPLICATION NO. 23209-PP-
Transfer-Amended

January 30, 1970

Appearances: Charles A. Petrie and Victor Roushar, Esqs.,
Montrose, Colorado, for Applicants;
Warren D. Braucher, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc., and
Robert F. Schuler, doing business as
"Telluride Transfer Co.," Protestants.

STATEMENT AND FINDINGS OF FACT

On November 19, 1969, Recommended Decision No. 73860 was sub-
mitted by Robert L. Pyle, Examiner.

On December 18, 1969, the Commission entered an Order granting
the Applicants an extension of time in which to file Exceptions to the
Recommended Decision of the Examiner until January 12, 1970.

On January 12, 1970, John J. Conway, Esq., attorney for Appli-
cants, filed Exceptions to said Recommended Decision.

Upon consideration of the record in the above-entitled proceed-
ing including the Recommended Decision and Order by Examiner Robert L.
Pule, and it appearing that the Exceptions filed on January 12, 1970 do
not show any material errors in the Examiner's Statement and Findings of
Fact, in his evaluation of the facts, his Conclusions of Law or Findings,
nor do they raise any material matter of fact or law not adequately con-
sidered and properly disposed of by the Examiner in his Recommended Deci-
sion and Order, and are not of such nature as to require the issuance of
a full decision by the Commission discussing the evidence submitted and
the arguments advanced by the parties in light of such Exceptions;

WHEREFORE, and good cause appearing therefor;

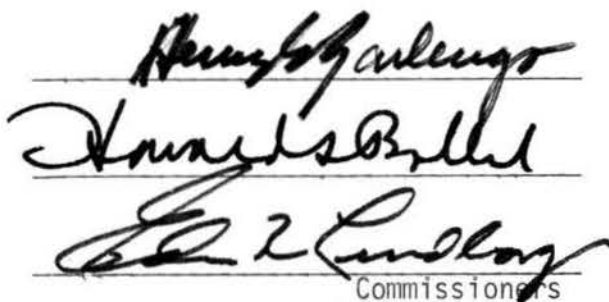
We find that the evidence considered in the light of the Exceptions does not warrant a result different from that reached by the Examiner and that the Statement and Findings of Fact, the Discussion and Conclusions, and the Ultimate Findings of Examiner Pyle being proper and correct in all material respects should be, and they are hereby, affirmed and adopted as our own, and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the Exceptions of Applicants be, and hereby are, overruled and denied.
2. That the Recommended Decision and Order by Examiner Robert L. Pyle, being Decision No. 73860, dated November 19, 1969, be, and hereby is, affirmed and adopted as our own.
3. That the Recommended Decision and Order of Examiner Robert L. Pyle, be, and hereby is, adopted as the Order of the Commission without change in any of the requirements thereof except as set forth hereinbelow.
4. That this Decision and Order shall become effective twenty-one (21) days from the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of January, 1970.
hj

(Decision No. 74261)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GLEN E. COCHRAN AND WARREN GILBREATH,)
DOING BUSINESS AS "SKY HI JEEP SERVICE,")
ROUTE 1, MONTE VISTA, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO OPERATE AS A COMMON CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23781
SUPPLEMENTAL ORDER

January 30, 1970

Appearances: Warren Gilbreath, Monte Vista, Colorado,
for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 18, 1969, Recommended Decision No. 73379 of Christian O. Igenbergs, Examiner, was issued in the above-styled application, granting to Applicants herein a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire.

Said Applicants have failed to comply with requirements set forth in said Decision No. 73379, having failed to file a certificate of insurance covering public liability and property damage.

The Commission states and finds that inasmuch as Applicants have not fulfilled requirements set forth in Decision No. 73379, operating rights granted thereby should be revoked as set forth in the Order following.

O R D E R


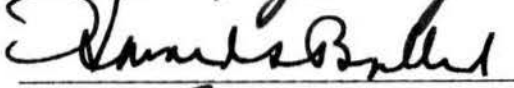
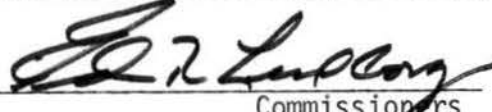
THE COMMISSION ORDERS:

That operating rights granted to Glen O. Cochran and Warren

Gilbreath, doing business as "Sky Hi Jeep Service," Monte Vista, Colorado,
by Decision No. 73379, be, and the same hereby are, revoked.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 30th day of January, 1970.
hj

(Decision No. 74262)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SOUTHEAST)
COLORADO POWER ASSOCIATION, A COLORADO CORPO-)
RATION, 901 WEST THIRD STREET, LA JUNTA,)
COLORADO, FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO FURNISH ELECTRICAL)
SERVICE FOR LIGHTS, POWER, HEAT, AND ALL)
OTHER PURPOSES IN THE TERRITORY DESCRIBED IN)
SAID APPLICATION LOCATED IN THE COUNTIES OF)
PROWERS AND BENT IN THE STATE OF COLORADO.)

APPLICATION NO. 23806

January 30, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 23, 1969, the hearing in the above-entitled matter was continued until February 3, 1970 at Denver, Colorado.

On stipulation of the parties hereto, the hearing continued until February 3, 1970 should be continued to March 3, 1970.

O R D E R

THE COMMISSION ORDERS:

That the hearing in the above-entitled matter is hereby continued as follows:

Date: Tuesday, March 3, 1970

Time: 10:00 o'clock A.M.

Place: Hearing Room
507 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of January, 1970.
hj

(Decision No. 74263)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MACY H. CARROLL, BOX 127, SOUTH FORK,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A CONTRACT CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23979-PP

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER.

February 2, 1970

Appearances: Elizabeth A. Conour, Esq.,
Del Norte, Colorado, for Applicant.

PROCEDURE AND RECORD

Under date of September 15, 1969, Macy H. Carroll filed the above-entitled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned No. 23979-PP to the application for permanent authority. Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting the hearing on this application and, after due and proper notice to all interested persons, firms or corporations, set the herein matter for a hearing to be held in the District Court, Courthouse, Alamosa, Colorado, on January 14, 1970, at 10:00 o'clock A.M.

The hearing was held at the aforesaid time and place. Applicant did not appear at the hearing. Counsel for Applicant stated that Applicant has not indicated a desire to prosecute the application and, counsel, therefore, did not wish to proceed with the hearing.

The Examiner took the subject matter under advisement.

Pursuant to the provisions of Chapter 115, CRS 1963, as amended, said Examiner now transmits herewith his recommended decision.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact:

1. Applicant did not appear at the hearing and did not prosecute his application.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded, that:

1. The authority as sought by Applicant should be denied.
2. Pursuant to Section 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following

O R D E R

THE COMMISSION ORDERS:

That, subject to the provisions of Paragraph 3 of this Order,

1. Application No. 23979-PP, being an application of Macy H. Carroll, Box 127, South Fork, Colorado, for a Class "B" Permit to operate as a contract carrier by motor vehicle for hire, be, and hereby is, denied.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by Section 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such

Recommended Decision shall become the Decision of the Commission and subject to the provisions of Section 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

C.O. Igenhues
Examiner
rm/hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF NORTHWEST WATER CORPORATION, A)
CORPORATION, TO DETERMINE ITS RATE)
BASE, AND A RATE OF RETURN.)

APPLICATION NO. 21020

January 30, 1970

S T A T E M E N T

BY THE COMMISSION:

On January 29, 1970, counsel for the Staff of the Commission requested by memorandum, a copy of which was sent to Irving Hayutin, Esq., to extend the date for filing of its Statement of Position in the above-captioned matter to March 10, 1970.

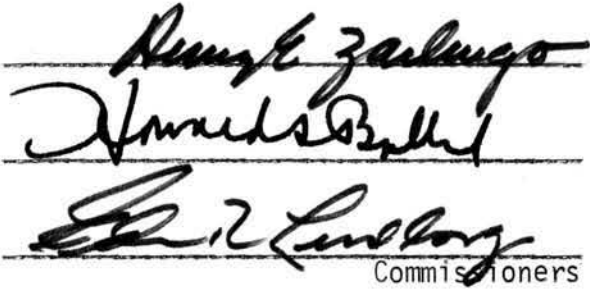
Counsel for the Staff of the Commission has shown good cause why the time for filing the aforesaid Statement of Position should be extended and the Commission finds herein that such extension should be granted.

O R D E R

THE COMMISSION ORDERS:

That the time for filing the Statement of Position by counsel for the Staff of the Commission be, and hereby is, extended to March 10, 1970.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
30th day of January, 1970.
vr

(Decision No. 74265)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF LUTHER)
J. ANDERSEN AND LUCILLE R. ANDERSEN, DOING)
BUSINESS AS "MURDOCK MOVING AND STORAGE CO.,")
1939 WEST 32ND AVENUE, DENVER, COLORADO, FOR) APPLICATION NO. 24010-Transfer
AUTHORITY TO TRANSFER PUC NO. 2711 TO DENVER)
MOVING AND STORAGE, INC. 2030 SOUTH DAHLIA)
STREET, DENVER, COLORADO.)

IN THE MATTER OF THE APPLICATION OF LEONARD)
DeLUE, D. J. SEBERN, T. W. RINKER AND E. L.)
DeLUE, DOING BUSINESS AS "ARMORED MOTORS)
SERVICE," 970 YUMA STREET, DENVER, COLORADO,) APPLICATION NO. 24048-PP-
TO EXTEND OPERATIONS UNDER PERMIT NO. B-958.) Extension

January 30, 1970

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 1, 1969, Application No. 24010-Transfer was filed with this Commission to transfer PUC No. 2711 from Murdock Moving and Storage Co. to Denver Moving and Storage, Inc., which application has been set for hearing on February 2, 1970.

On November 4, 1969, Application No. 24048-PP-Extension was filed with this Commission to extend operations under Permit No. B-958.

On January 28, 1970, a Motion For Continuance And Consolidation was filed by Denver Moving and Storage, Inc. and said Motion requested consolidation of Application No. 24010-Transfer with Application No. 24048-PP-Extension and that the same be heard on March 3, 1970 at 10:00 o'clock A.M. at which time Application No. 24048-PP-Extension had previously been set for hearing.

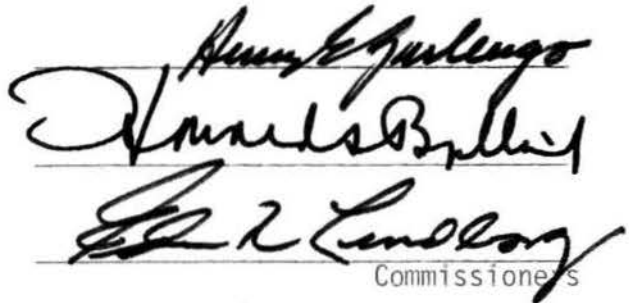
After consideration of the Motion For Continuance And Consolidation filed by Denver Moving and Storage, Inc., and being advised in the premises, the Commission finds that said Motion should be granted and that the aforesaid applications should be consolidated and heard on March 3, 1970.

O R D E R

THE COMMISSION ORDERS:

That Application No. 24010-Transfer and Application No. 24048-PP-Extension be, and hereby are, consolidated for hearing and the same shall be heard at 10:00 o'clock A.M., March 3, 1970, at the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 30th day of January, 1970.
hj

(Decision No. 74266)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATION OF RESPONDENT,)
RED BALL MOTOR FREIGHT, INC., P.O. BOX)
47407, DALLAS, TEXAS, UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 8.)

CASE NO. 5416
SUPPLEMENTAL ORDER

February 3, 1970

STATEMENT AND FINDINGS OF FACT

Under date of January 14, 1970, in Case No. 5416, the Commission entered its Decision No. 74158 ordering the Respondent, Red Ball Motor Freight, Inc., under its Certificate of Public Convenience and Necessity PUC No. 8 to appear before the Commission at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10:00 o'clock A.M., on March 26, 1970, to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate or, if warranted, an Order cancelling and revoking Certificate of Public Convenience and Necessity PUC No. 8 based on an allegation that said Respondent had abandoned a portion of its operating authority as contained in Certificate of Public Convenience and Necessity PUC No. 8.

Under date of January 22, 1970, Respondent filed a MOTION TO DISMISS said proceedings setting forth as grounds therefor that Red Ball Motor Freight, Inc. had, as a matter of fact, for a period of about one (1) month been interlining its intrastate freight destined to points in the area alleged to have been abandoned, that said practice has now been discontinued and that Red Ball Motor Freight, Inc. is now and will, in the future, continue to perform service in the area alleged to have been abandoned.

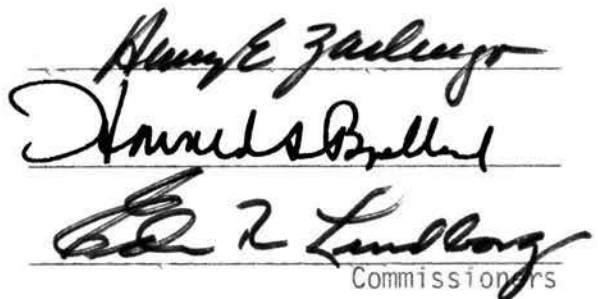
The Commission has given careful consideration to Respondent's MOTION TO DISMISS, has investigated the matters pertaining thereto and finds that Respondent, Red Ball Motor Freight, Inc., is now and will, in the future, continue to perform service under its routes alleged to have been abandoned; and that the ORDER TO SHOW CAUSE AND NOTICE OF HEARING heretofore issued be, and the same should be, dismissed.

O R D E R

THE COMMISSION ORDERS:

1. That the Commission's ORDER TO SHOW CAUSE AND NOTICE OF HEARING, being Decision No. 74158, dated January 14, 1970, in Case No. 5416, be, and the same hereby is, dismissed.
2. That this Order shall become effective as of the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
3rd day of February, 1970.
hj

(Decision No. 74267)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PONDEROSA AVIATION, INC., DOING BUSI-)
NESS AS "PONDEROSA AIRLINES, INC.,")
P.O. BOX 309, STEAMBOAT SPRINGS, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO OPERATE AS)
A SCHEDULED COMMON CARRIER BY AIRPLANE.)

APPLICATION NO. 24093

IN THE MATTER OF THE APPLICATION OF)
ROCKY MOUNTAIN AIRWAYS, INC., 1421)
COURT PLACE, DENVER, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A COMMON)
CARRIER BY AIRPLANE.)

APPLICATION NO. 24035

February 3, 1970

S T A T E M E N T

BY THE COMMISSION:

On October 23, 1969, Applicant Rocky Mountain Airways, inc., by its attorneys Schneider, Shoemaker, Wham and Cooke, filed its application for a certificate of public convenience and necessity authorizing certain air service.

On November 28, 1969, Applicant Ponderosa Aviation, Inc., doing business as "Ponderosa Airlines, Inc.", by its attorney John J. Conway, filed its application for a certificate of public convenience and necessity for similar air service.

Application No. 24035 has been protested by Ponderosa Airlines, Inc., and conversely Application No. 24093 has been protested by Rocky Mountain Airways, Inc.

On January 23, 1970, Ponderosa Airlines, Inc., Applicant in Application No. 24093 filed its Motion To Consolidate its Application No.

24093 with Application No. 24035 with the consolidated matter to be set for hearing at a later date.

After review of the Motion of Applicant Ponderosa Airlines, Inc., the Commission finds that Application No. 24035 should be consolidated with Application No. 24093 and that the hearing date for the consolidated applications should be set at a later date after notice to all parties in interest.

O R D E R

THE COMMISSION ORDERS:

That Application No. 24035 and Application No. 24093 should be, and hereby are, consolidated.

That Application No. 24035 and Application No. 24093 shall be heard on a consolidated record at a date and time to be set by the Commission with notice to all interested parties.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
3rd day of February, 1970.
hj

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

 * * *

IN THE MATTER OF THE APPLICATION OF)
MONARCH AVIATION, INC., FOR AN EXTEN-)
SION OF ITS CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PERMIT)
SCHEDULED FLIGHTS BETWEEN ANY AND ALL)
OF THE FOLLOWING ENUMERATED CITIES:)
GRAND JUNCTION, DELTA, MONTROSE, GUN-)
NISON AND DENVER, COLORADO, WITH AT)
LEAST ONE STOP AT ONE OF THE FOREGOING)
CITIES.)

APPLICATION NO. 24163-Extension

- - - - -

- - - - -
February 3, 1970
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 26, 1970, Frontier Airlines, Inc., by its Senior Vice President and General Counsel Richard A. Fitzgerald and its Assistant Secretary and Attorney David N. Bricton, filed petition for a Leave To Intervene And Protest in the above-captioned proceeding and caused copies of said Petition to be served by mail upon William H. Nelson, Esq., attorney for Applicant.

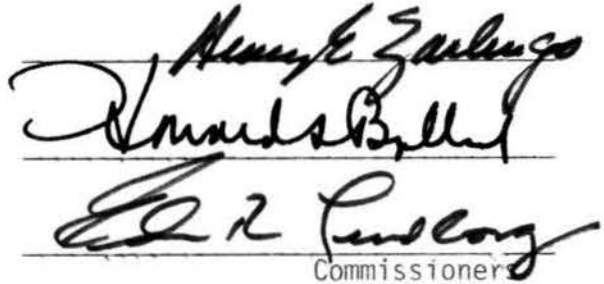
The Commission states and finds that applicant for intervention, Frontier Airlines, Inc., is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.

O R D E R

THE COMMISSION ORDERS:

That the Leave To Intervene And Protest by Frontier Airlines, Inc., be, and the same hereby is, granted.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

Dated at Denver, Colorado, this
3rd day of February, 1970
hj

(Decision No. 74269)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF COLORADO MOBILE TELEPHONE)
COMPANY FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY TO)
BEGIN TO OFFER, RENDER, FURNISH)
OR SUPPLY MOBILE RADIOTELEPHONE)
COMMON CARRIER SERVICE TO THE PUB-)
LIC IN THE CITY AND COUNTY OF)
DENVER AND VICINITY.)

APPLICATION NO. 24038

February 3, 1970

S T A T E M E N T

BY THE COMMISSION:

On December 11, 1969, Notice of Hearing in the within application was served upon the parties setting the within matter for hearing at 10:00 o'clock A.M., Monday, February 9, 1970, in Room 507, Columbine Building, 1845 Sherman Street, Denver, Colorado.

On January 21, 1970, Protestant, Answerphone, Inc., by its attorney, Luis D. Rovira, filed its Motion to Vacate Hearing Order.

On January 22, 1970, Protestants, Mobile Radio-Telephone Service, Inc., and Empire Dispatch, Inc., by their attorney, Pierpont Fuller, filed a Motion to Vacate Hearing Order.

On January 26, 1970, Applicant filed its Reply to Motion to Vacate Hearing Order.

The Commission has carefully considered the allegations contained in the aforesaid Motions and being fully advised in the premises finds that the Motions to Vacate the Hearing Order by Answerphone, Inc., Mobile Radio-Telephone Service, Inc., and Empire Dispatch, Inc., should be denied.

O R D E R

THE COMMISSION ORDERS:

That the Motions to Vacate Hearing Order by Protestants, Answerphone,

Inc., Mobile Radio-Telephone Service, Inc., and Empire Dispatch, Inc., be,
and the same hereby are, denied.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin E. Zuckergo
Howard Butler
Ed R. Luskay
Commissioners

Dated at Denver, Colorado, this
3rd day of February, 1970.

vr