

(Decision No. 83865)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26956-Extension
ROCKY MOUNTAIN TOURS, INC., 925)	
CLEVELAND, LOVELAND, COLORADO 80537,)	
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)	ORDER GRANTING PETITION TO
AND NECESSITY AUTHORIZING EXTENSION OF)	INTERVENE AND PROTEST.
OPERATIONS UNDER PUC NO. 526.)	

- - - - -
October 12, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 9, 1973, Colorado Motorway, Inc., and Denver-Boulder Bus Company, by their attorney David Butler, filed with the Commission a Petition to Intervene and Protest in the above-captioned proceeding.

The Commission states and finds that Petitioners for Intervention are persons 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

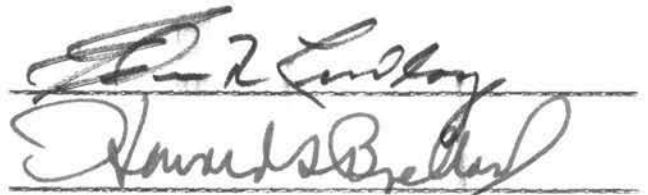
THE COMMISSION ORDER THAT:

Colorado Motorway, Inc., and Denver-Boulder Bus Company be, and hereby are, granted leave to intervene as requested in the petition filed October 9, 1973.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF SAN JUAN TOURS,
INC., TO PUBLISH ON LESS THAN
STATUTORY NOTICE, A REDUCED FARE
FOR PASSENGERS BETWEEN DENVER,
COLORADO AND PINWOOD SPRINGS,
COLORADO.

APPLICATION NO. 27041

October 12, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 10, 1973, David C. Pierce, Vice President and General Manager, San Juan Tours, Inc., filed Local Passenger Tariff No. 2, Colorado PUC No. 2, and Local Passenger Time Schedule No. 2, adding Pinewood Springs, Colorado as a point of service on its Denver-Stapleton International and Estes Park Run, providing a reduced rate of \$4.75 per person. In support of the reduced fare Applicant states as follows:

"That Applicant has provided the transportation requested based on the fare to the next most distant point or from the next preceding point as may apply, in accordance with long standing industry practice. This practice has been incorporated into the rules in event of similar situation arising in the future.

Pinewood Springs has been named in the tariff and time schedule as a flag stop and an intermediate fare which is a reduction stated.

Other rules and regulations have been restated for clarity and brevity. None of these result in either increases or decreases in fares.

The foregoing recitals show that the changes proposed are required for public convenience and necessity and should become effective in the earliest lawful date."

The Commission finds that good cause has been shown to allow the publication of this fare and the change in the Time Schedule provided, however, that Applicant cancels Rule No. 1 as provided in Tariff No. 2, on less than statutory notice, and the following Order should be entered.

O R D E R

THE COMMISSION ORDERS:

1. That San Juan Tours, Inc., be, and it is hereby, authorized to publish the amended changes as set forth in the Statement of this Order, on (1) one day's notice to the general public and the Commission.

2. That San Juan Tours, Inc., be, and it hereby is, required to cancel Rule No. 1, Local Passenger Tariff No. 2, Colorado PUC No. 2.

3. That this order shall be effective forthwith.

DONE IN OPEN MEETING this 12th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE MATTER OF FILING NEW)
RATES FOR CONVAIR 580 AIRCRAFT)
AND INCREASED RATES FOR 340/440)
CONVAIR AIRCRAFT IN CHARTER)
SERVICE, BY ASPEN AIRWAYS, INC.,)
ON LESS THAN STATUTORY NOTICE.)

APPLICATION NO. 27042

October 12, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By application dated October 2, 1973, Aspen Airways, Inc., by its Director of Traffic, Wayne Lucore, requested permission to establish rates on recently acquired 580 Convair Aircraft, and to increase rates on 340/440 Convair Aircraft in charter service, to become effective on less than statutory notice.

Respondent states that this is the first increase in rates published in three (3) years and that increases sought are necessary to be able to continue to offer this type of service to the public.

The Commission finds that the proposed tariff provisions would be in the public interest and should be allowed.

O R D E R

THE COMMISSION ORDERS:

1. That Aspen Airways, Inc., be, and it hereby is, authorized to publish increased rates on 340/440 Convairs and file new rates for 580 Convair Aircraft on less than statutory notice.
2. That said publication shall become effective 15 days after filing with the Public Utilities Commission.

3. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 12th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
necessarily absent and not
participating.

P. W. C.

(Decision No. 83868)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JACK A. LANG, DOING BUSINESS AS)	
"W. W. 'SHAG' LANG," P. O. BOX 1209,	)	APPLICATION NO. 26936-PP
CRAIG, COLORADO, FOR AUTHORITY TO)	
OPERATE AS A CLASS "B" CONTRACT	)	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)	

- - - - -
October 16, 1973
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

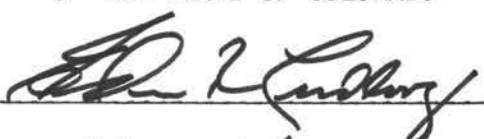

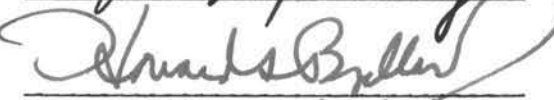
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83868
October 16, 1973

W. W. "Shag" Lang

Transportation of

Barite and bentonite, in bags

Within the following described areas:

- (a) From all points located within Craig, Colorado, to all points located within the Counties of Moffat, Rio Blanco, Grand, Routt, and Jackson, State of Colorado;
- (b) Between oil and gas well drilling sites and workover well locations located within the Counties of Moffat, Rio Blanco, Grand, Routt, and Jackson, State of Colorado.

RESTRICTION: This Permit is restricted to rendering transportation service for only Magcobar Operations, Oilfield Products Division of Dresser Industries, Inc.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RAYMOND E. MARCOTTE AND DOUGLAS LENZ,)	APPLICATION NO. 26952-PP
1930 FLORENCE STREET, AURORA, COLORADO,)	
FOR AUTHORITY TO OPERATE AS A CLASS "B")	ORDER OF THE COMMISSION
CONTRACT CARRIER BY MOTOR VEHICLE.)	

- - - - -
October 16, 1973
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

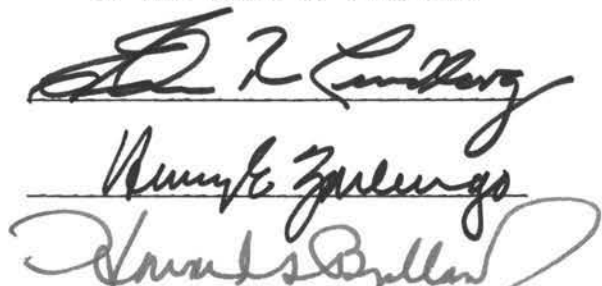
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83869
October 16, 1973

Raymond E. Marcotte and Douglas Lenz

Transportation of

Appliances

Between all points located within an area comprised of the Counties of Adams, Arapahoe, Denver, Jefferson, and Boulder, State of Colorado.

RESTRICTION: This Permit is restricted to rendering transportation service for only Appliance Kare, Dayton Street Furniture, 1145 Dayton Street, Aurora, Colorado; Used Appliance Mart, 397 Federal Blvd. and 1023 South Federal Blvd., Denver, Colorado; and Walter Bobay Appliance, 2595 West Evans Avenue, Denver, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CECIL E. TOMBLESON, 305 NORTH 9TH	)	APPLICATION NO. 26960-PP
STREET, LAMAR, COLORADO, FOR AUTH-)	
ORITY TO OPERATE AS A CLASS "B"	)	ORDER OF THE COMMISSION
CONTRACT CARRIER BY MOTOR VEHICLE.)	

October 16, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

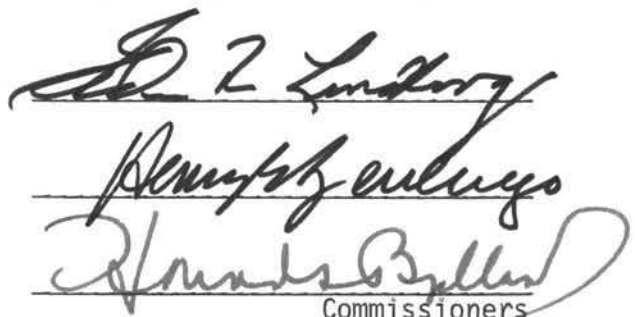
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83870
October 16, 1973

Cecil E. Tombleson

Transportation of

Buildings

Between points located within a radius of one hundred (100) miles of the intersection of Main and Olive Streets, Lamar, Colorado.

(Decision No. 83871)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
D. H. WRIGHT TRUX, INC., P. O. BOX)
254, JAMESTOWN, COLORADO, FOR EMER-)
GENCY TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CONTRACT CARRIER)
PERMIT NO. B-8064.)

APPLICATION NO. 27049-PP-Extension-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

October 16, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

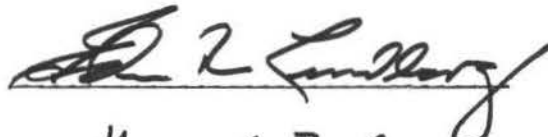
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

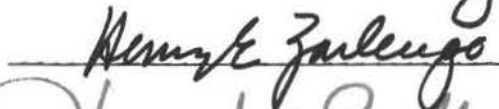
IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

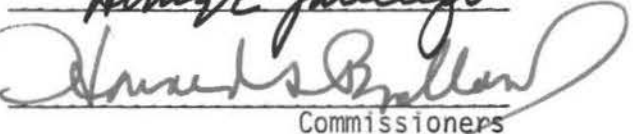
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 16th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Appendix
Decision No. 83871
October 16, 1973

D. H. Wright Trux, Inc.

Transportation of

Solvents of petroleum, chemicals and chemical products

Between all points located within a one hundred (100) mile radius of the plant sites of Arapahoe Chemical, Inc. located at or near Boulder, Colorado.

RESTRICTION: This emergency temporary authority is restricted to rendering transportation service for only Arapahoe Chemical, Inc., Boulder, Colorado.

(Decision No. 83872)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWARD F. HIMES, DOING BUSINESS AS)
"HIMES TRUCKING," 7025 NEWPORT,)
COMMERCE CITY, COLORADO, FOR EMER-)
GENCY TEMPORARY AUTHORITY TO OPER-)
ATE AS A CLASS "B" CONTRACT CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 27048-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

October 16, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

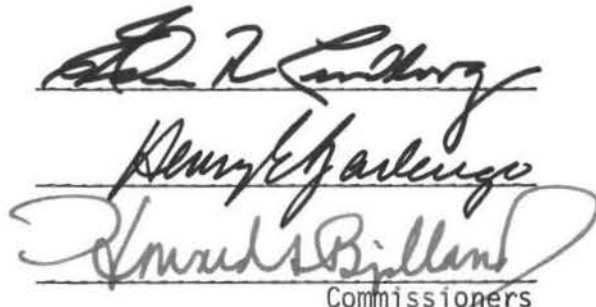
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 16th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83872
October 16, 1973

Himes Trucking

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

(Decision No. 83873)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN AVIATION, INC., 3607 YUCCA)
PLACE, LOVELAND, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. AC-46)
TO THE PRATT AGENCY INVESTMENT)
COMPANY, INC., DOING BUSINESS AS)
"COMPASS AIRWAYS, LTD.", 604 NORTH)
DOUGLAS AVENUE, LOVELAND, COLORADO.)

APPLICATION NO. 26806-Transfer

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

GRANTING APPLICATION WITH
MODIFICATION OF CERTIFICATE.

October 15, 1973

Appearances: Ernest Porter, Esq.,
Denver, Colorado,
for Applicant;
B. F. Napheys, III, Esq.,
Fort Collins, Colorado,
for Protestant.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on July 5, 1973 and timely protest was filed by Valley Airpark, Inc. After due and proper notice to all interested parties the application was set for hearing on Friday, September 7, 1973, beginning at 10 a.m. in the Municipal Building, Loveland, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned. The case was continued for further hearing and concluded on Monday, September 10, 1973.

Exhibits numbered 1 through 15 were tendered and admitted into evidence.

Testimony was elicited on behalf of Applicant from Mr. Aaron E. White, President of Western Aviation, Inc., Mr. Kenneth Pratt, President of Applicant Transferee, The Pratt Agency Investment Company, Inc., doing business as Compass Airways, Ltd., Mr. Kosta Constantine, Manager of Fort Collins-Loveland Airport, and Manager of Goodrich Aviation, Inc., at said airport, and Mr. Herbert Wilson, Vice President of Pratt Agency Investment Company, Inc. and Chief Pilot for Compass Airways, Ltd.

Mr. Clifford Russell, President of Valley Airpark, Inc., of Fort Collins, Colorado, testified for that company, a protestant to the transfer.

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

Pursuant to Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the records and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon together with a recommended order or requirement.

FINDINGS OF FACT

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

1. By Decision No. 67565, Western Aviation, Inc., was granted Certificate AC-46, which, pursuant to letter of authority, authorized:

"Transportation by airplane, of passengers and property, not on schedule, but on call and demand, in irregular service between all points in the State of Colorado. Applicant shall not establish an office or branch for the purpose of developing business, except at Fort Collins, Colorado, and airports located within a radius of fifteen miles thereof. Tariffs and rates for transportation of passengers between points served by air carriers operating on scheduled over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points, to be non-competitive therewith." (Exhibit 1).

2. Aaron E. White was president of Western Aviation, Inc., up to and until April 13, 1972. On or about February 1, 1972, Western Aviation, Inc. (hereinafter referred to as Western or Transferor) sold the assets of said corporation to Goodrich Aviation, Inc. (hereinafter referred to as Goodrich) (See Exhibit 10), said Agreement included licenses and certificates, and specifically was intended to embrace Certificate AC-46 as one of the assets to be transferred. Western intended to and did dispose of the entire business; it has not engaged in any transportation by air since that date; had no aircraft under its ownership or

control and was finished with the business other than to assist the transferee in technical ways, including cooperating in getting the transfer of Certificate AC-46 approved.

3. There are presently no encumbrances against said authority (Exhibit 2).

4. Goodrich subsequently discussed the matter of transfer with the staff of the Commission and maintained insurance as required, covering charter operations under AC-46. After these consultations with the staff of the Commission and further evaluation of its operations at the Fort Collins-Loveland Airport, which operations consist principally of maintenance of aircraft, sales of aircraft and flight instruction, Goodrich decided against operating further charter operations under AC-46 and sold the Certificate to the transferee, Pratt Agency Investment Company, Inc., doing business as Compass Airways, Ltd. (hereinafter referred to as Compass). At no time, either in the transfer from Western to Goodrich or from Goodrich to Compass, was any application filed or approval sought from the Public Utilities Commission.

5. The Fort Collins-Loveland Airport is located about ten miles southeast of Fort Collins, Colorado, and about four miles northeast of Loveland, Colorado, at an elevation of 5,019 feet above sea level, has one hard surfaced runway, 6,500 feet long by 100 feet wide, which is lighted, and has a weight bearing capacity sufficient to land jet aircraft. The runway heading is 150° and 330° magnetic. The other runway is gravel and is about 1,700 feet long, with reflective runway markers, and is on a heading of 060° and 240° magnetic. There are two FAA approved instrument approaches, the airport has rotating beacon, medium intensity runway lights, runway end identifying strobe lights.

6. The airport repair facilities operated by Goodrich at this airport offered major airframe and power plant repairs, 80/87 octane, 100/130 octane and also available high pressure and low pressure oxygen. Airport advisories on radio, on frequency 122.8.

7. Protestant Valley Airpark, Inc., operates from the Fort Collins Valley Airpark. The Fort Collins Valley Airpark, which is located two miles east of Fort Collins, Colorado, is a privately owned and funded airport as contrasted to the Fort Collins-Loveland Airport, described above, which is a joint enterprise of the two municipal corporations. The Fort Collins Valley Airpark has an elevation of 4,930 feet above sea level, has one hard surfaced runway 4,700 feet long, and the runway heading is 110° and 290° magnetic, has a weight bearing capacity of 3,800 lbs., as contrasted to the Fort Collins-Loveland Airport of 130,000 lbs. This airport has no instrument approaches available, has low intensity runway lights and does not have a rotating beacon or runway end identifying strobe light. The airport offers major airframe and power plant repairs, 80/87 octane, and 100/130 octane fuel and has high pressure oxygen available. Airport advisories on the radio on frequency 122.8.

8. It appears from both a public convenience and necessity aspect and that of public safety that the Fort Collins-Loveland Airport is preferable for the safety of passengers and continued operations under Certificate AC-46 is in the public interest and there is no other PUC carrier operating off the Fort Collins-Loveland Airport nor has there been in the recent past.

9. Compass operates five different aircraft, two of which are owned and three of which are leased. Compass owns a 1973 pressurized Cessna 414, twin-engine plane which can operate up to 30,000 feet without oxygen and is a seven place airplane, has two continental turbo super-charged fuel injected engines, which will permit flying at altitudes in excess of 30,000 feet. Compass owns a twin-engine, 1969 Cessna T-337 which has a similar altitude capacity which does not attain as much speed, but for the comfort of its six place passengers has built in oxygen. The company also has under lease from Boska Aviation, Inc., a 1971 Cessna 206, single-engine airplane, and two 1973 Cessna 177, single-engine airplanes, one with retractable gear and one with fixed gear, leased from Goodrich.

Each of these airplanes has undergone the 50 and 100 hour inspections and is maintained in airworthy condition. Compass has not experienced any accidents and its safety record is unblemished.

10. This application was protested by Valley Airpark, Inc., of which Mr. Clifford Russell is president. Valley Airpark, Inc. (hereinafter referred to as Valley or Protestant) alleged in its protest that such a hiatus of service existed as to create a vacuum or dormancy in the service and authority. The protest also alleged illegal operations under Certificate AC-46 and that Compass should not be allowed to profit by its own wrong doings.

11. Compass has been flying charter, intrastate, purportedly under AC-46 authority consistently and has flown for the forest service and ambulance service as well as other charter business and had done so up to the time they were advised by the Commission's staff that to do so without authority or transfer of the Certificate was unlawful. Thus it would appear that the public was actually being served by Compass under AC-46 and there was service being rendered.

12. The Certificate involved in this proceeding PUC No. AC-46 has never in fact been abandoned. The parties involved in this proceeding as well as Goodrich acknowledged in good faith at all times but simply neglected to gain the approval of the Public Utilities Commission with respect to the previous transfers of the certificate. The Certificate itself remained fully operative during the time it was owned by Western Aviation, during the period of time it was in theory owned by Goodrich, and during the time that it was under lease, so to speak, to Compass. No action or show cause proceeding was ever instituted by the Public Utilities Commission, or anyone else, against the operator or operators of the Certificate, and there was never any intent on the part of the operators to abandon the Certificate. This is in fact a transfer proceeding so as to gain Commission approval of the transfer of the Certificate, and it is found as a matter of fact that the Certificate is presently in good standing with the Commission.

13. Any illegal acts have not been shown to be willful or intentional, and there was no attempt on the part of Western, Goodrich or Compass, at any time, to evade the law or the Commission's Rules and Regulations or to mislead the Commission. In fact, the record shows good faith, though clumsy efforts, to comply with the requirements of the statutes and the Commission's Rules and Regulations as far as obtaining a transfer is concerned, and in ceasing to operate when the unlawfulness was called to the attention of Compass.

14. Notwithstanding conferences between the staff and the personnel of Goodrich and Compass, which would indicate operations under Certificate AC-46 and should have alerted the staff to conduct an investigation which might have resulted in the suspension or revocation of AC-46, there was no investigation, there was no suspension, there was no revocation, there was not even a complaint filed by anyone.

15. Mr. Clifford Russell, President of Valley Airpark, Inc., and General Manager of Valley Airpark, is responsible for the operations of Valley Airpark, which operates a flight school and charter, and part of his duties is to see that the FAA rules are properly enforced and observed by people using the airport. Valley Airpark, Inc. operates under Certificate AC-18, and they own or lease the following aircraft: Three Cherokee 140's, consisting of a 1970 four place, a 1971 two place and a 1973 three place; two Cherokee 235's four place, one a 1969 and one a 1973; two Cherokee Arrows, four place retractable, a 1971 and 1972 model; one Piper Seneca, 1973 twin engine, and one Aztec, six place, twin engine. Leases for equipment are on file with the Commission, the maintenance is performed by Sheldon Aircraft Service at Valley Airpark.

16. The showing on this record, as reflected by the evidence adduced at the hearing, is that the Transferee is financially and physically equipped to conduct the operations under Certificate AC-46, that the equipment described is adequate to accommodate the demands under the certificate, and that the equipment is well maintained and safe for the operations. It is further found that the airport (Fort Collins-Loveland)

out of which Compass operates will better serve the public. It is in the public interest and the public convenience and necessity require that the application to transfer Certificate AC-46 to the Applicant be approved as hereinafter granted and restricted.

17. Applicant has a net worth of \$27,959 as shown by Exhibit No. 8; has ample equipment as shown by Exhibit No. 7; has operating personnel who are amply experienced, as shown by Exhibit No. 5; and consideration is fair and reasonable.

18. The President of Transferee Corporation is not now familiar with the rules and regulations of the Commission, but agreed to acquaint himself with them and abide by them. Adequate provision has been made for insurance.

19. The granting of the application will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The application should be granted as hereinafter set forth.
2. This is not a complaint case and no finding of unlawfulness of operations under Certificate AC-46 is made.

3. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The authority contained in Certificate of Public Convenience and Necessity, AC-46, be transferred to Pratt Agency Investment Company, Inc., doing business as Compass Airways, Ltd. and henceforth Certificate of Public Convenience and Necessity AC-46 shall read and be as follows:

Transportation, on call and demand, of

Passengers and property

By fixed wing aircraft, in irregular service

Between all points in the State of Colorado.

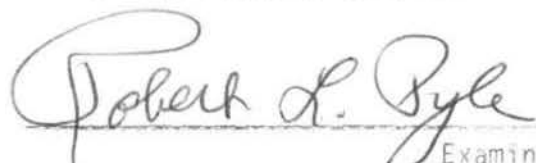
RESTRICTIONS: This authority is restricted as follows:

- a. To a base of operations at the Fort Collins-Loveland Airport.
- b. No office or branch for the solicitation or development of business shall be established at any place other than Loveland, Colorado, and the Fort Collins-Loveland Airport.
- c. Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule, over fixed routes and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed route carriers by air so operating on schedule between said points, to be noncompetitive therewith.

2. This Recommended Order 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 in 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE DISAGREEMENT)	
BETWEEN EAGLE VALLEY TELEPHONE	)	CASE NO. 5528
COMPANY AND THE MOUNTAIN STATES)	
TELEPHONE AND TELEGRAPH COMPANY	)	ORDER DENYING JOINT MOTION OF
RELATING TO THE METHOD OF PROVIDING	)	THE MOUNTAIN STATES TELEPHONE
EQUIPMENT FOR THE TIMING AND TICKET-	)	AND TELEGRAPH COMPANY AND
ING OF DDD TOLL CALLS ORIGINATING	)	EAGLE VALLEY TELEPHONE COMPANY
IN THE EXCHANGES OF EAGLE, GYPSUM,	)	TO DESIGNATE HEARING OFFICER
AND EDWARDS.	)	AND PERMIT PREHEARING CONFERENCE.

October 12, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 9, 1973, Mountain States Telephone and Telegraph Company and Eagle Valley Telephone Company, by their attorneys G. M. Westa and Monte Pascoe, filed with the Commission a pleading entitled "Joint Motion of the Mountain States Telephone and Telegraph Company and Eagle Valley Telephone Company to Designate Hearing Officer and Permit Pre-Hearing Conference" in the above-captioned matter.

The Commission states and finds that said pleading does not set forth sufficient grounds for the granting thereof, and that the following order should be entered.

O R D E R



THE COMMISSION ORDERS THAT:

The pleading entitled "Joint Motion of the Mountain States Telephone and Telegraph Company and Eagle Valley Telephone Company to Designate Hearing Officer and Permit Pre-Hearing Conference" filed October 9, 1973, by Mountain States Telephone and Telegraph Company and Eagle Valley Telephone Company, be, and hereby is, denied.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PROPERTY LEASING AND DEVELOPMENT	)	APPLICATION NO. 26712-Transfer-Portion
COMPANY, A COLORADO CORPORATION,)	
DOING BUSINESS AS NORTHERN COLORADO	)	RECOMMENDED DECISION OF
TRANSFER AND STORAGE, LOVELAND,	)	HOWARD S. BJELLAND,
COLORADO, FOR AUTHORITY TO TRANSFER	)	COMMISSIONER
A PORTION OF P.U.C. NO. 538, TO)	
DISTRIBUTION CENTER, INC., DOING	)	GRANTING APPLICATION
BUSINESS AS NEW ULM FREIGHT LINES)	
OF COLORADO.)	

- - - - -
October 16, 1973
- - - - -

Appearances: John P. Thompson, Esq.,
Denver, Colorado,
for Transferor;
Roger Sollenbarger, Esq.,
Lakewood, Colorado,
for Transferee.

PROCEDURE AND RECORD

On May 30, 1973, Applicants filed the above-titled application with this Commission for authority to transfer a portion of Certificate of Public Convenience and Necessity PUC No. 538 from Property Leasing and Development Company, doing business as Northern Colorado Transfer and Storage, to Distribution Center, Inc., doing business as New Ulm Freight Lines of Colorado.

The Commission assigned Docket No. 26712-Transfer Portion to application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

No protests were filed subsequent to the notice of the application.

Pursuant to law, the Commission assigned the application to Commissioner Howard S. Bjelland for the purpose of conducting a hearing 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 Thursday, August 23, 1973, at 10 a.m. The hearing date was subsequently vacated and reset for hearing on Thursday, September 13, 1973. This last hearing was also vacated and reset for hearing on Thursday, October 11, 1973, at 10 a.m. The hearing was held at the said time and place.

As a preliminary matter, Commissioner Bjelland announced that he was familiar with Applicant-Transferee's attempts to obtain authority in the past, which attempts were unsuccessful.

Exhibits 1 through 14, inclusive, were tendered and admitted into evidence.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes 1963, as amended, Commissioner Howard S. Bjelland now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. Transferor herein is a Colorado corporation duly organized and existing under the laws of the State of Colorado, and is the present owner of Certificate of Public Convenience and Necessity PUC No. 538, which is the subject matter of this proceeding. Said Certificate provides for:

"Transportation of freight, generally, from point to point within the territory extending ten miles north of Loveland, fifteen miles east, ten miles south, and to the Larimer County lines on the west, and between points within said territory and other points within the State of Colorado, subject to the following conditions:

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

(b) Applicant shall not operate on schedule between any points:

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

2. The application seeks to transfer Certificate of Public Convenience and Necessity PUC No. 538 with the imposition of an additional restriction, which is as follows:

"(d) All shipments must either originate at or be destined to the warehouse or distribution facilities of Distribution Center, Inc."

3. If the restriction set forth in paragraph 2 above is imposed, the parties also seek the cancellation of that portion of Certificate of Public Convenience and Necessity PUC No. 538 which remains.

4. Letters of Authority demonstrating the operating capabilities of existing motor carriers who are now presently authorized to serve all or a portion of the territory authorized to be served by Property Leasing and Development Company were tendered as exhibits 3 through 10. Actual competition will not be diminished by a grant of the herein application.

5. Exhibit No. 2, a traffic study abstract, was presented which demonstrates the viability of Certificate of Public Convenience and Necessity PUC No. 538 for service and handling general commodities to and from the warehouse of Distribution Center, Inc. (Applicant-Transferee) for the mobile home and modular home industry.

6. The following appeared as public witnesses in support of the application:

(a) Jack Ratzlaff, general manager Skyline Corporation, Brighton, Colorado, a manufacturer of mobile homes who relies heavily upon the specialized service rendered by Transferor in the handling of commodities from the warehouse of Transferee to the manufacturing facilities of Skyline.

(b) Robert Schroeder, president, Central Homes, Inc., Division of U.S. Industries, Greeley, Colorado, a manufacturer of mobile homes and modular home units, relying heavily upon the specialized services rendered by Transferor from Transferee's warehouse.

(c) John Houser, sales representative for Owens-Corning Fiberglas Company, Denver, Colorado, testified that he could not rely upon the services of railroad carriers from his manufacturing plants to the plants of his users in the mobile home and modular home industries but required the specialized services of Transferor and Transferee as a marriage of their services and desires to see continued use by Distribution Center, Inc. of the motor carrier authority as presently held by Northern Colorado Transfer and Storage.

Each of the above witnesses stated that unless there was a continuation of the service upon which they had come to rely, they would be inconvenienced and financially pressed by that loss.

7. The Commission has jurisdiction over the Transferor, Transferee, and the subject matter in this proceeding.

8. The parties have entered into an Agreement to transfer the operating authorities. Each party stated that he felt the Agreement was fair, adequate, and financially reasonable. No creditors will be harmed by a transfer of the authority. The purchase price is sufficient, fair, and reasonable.

9. Transferee has sufficient equipment consisting of several special vehicles, which equipment is ample and suitable for the operation of the authority sought to be transferred herein.

10. The terminal facilities of Transferee would not change but would remain the same as the public has come to rely upon.

11. The officers and personnel of the Transferee are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, have promised to abide by said rules and regulations, as well as the safety requirements of the Commission, and have made or will make adequate provision for insurance.

12. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

13. The granting of this application will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

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

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Commissioner that the Commission enter the following order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Property Leasing and Development Company, Loveland, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 538 as modified by further restrictions set forth below.

2. Henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 538 shall read and be as follows, to-wit:

"Transportation of freight generally, from point to point within the territory extending ten (10) miles north of Loveland, fifteen (15) miles east, ten (10) miles south, and to the Larimer County line on the west, and between points within said territory and other points within the State of Colorado, subject to the following conditions:

(a) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, Applicant shall charge rates which, in all cases, shall be at least twenty percent (20%) in excess of those charged by scheduled carriers;

(b) Applicant shall not operate on schedule between any points;

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

(d) All shipments must either originate at or be destined to the warehouse or distribution facilities of Distribution Center, Inc.

3. The remaining portion of Certificate of Public Convenience and Necessity PUC No. 538 be, and hereby is, cancelled.

4. Said transfer shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that the 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 this Commission, upon proper application.

5. The common carrier 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.

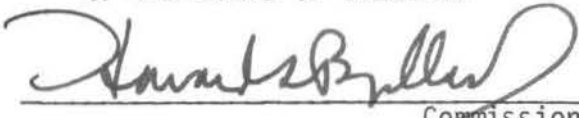
6. The right of Transferee to operate under this Order shall depend upon a prior filing of an annual report by Transferor herein, covering the operations under the aforesaid Certificate up to the time of transfer of said Certificate.

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 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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM R. SMILANIC, 1384 SO. EUDORA,	)	APPLICATION NO. 26995-PP
DENVER, COLORADO, FOR AUTHORITY TO)	
OPERATE AS A CLASS "B" CONTRACT	)	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)	

October 19, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83876
October 19, 1973

William R. Smilanic

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
MARION D. BAIRD, DOING BUSINESS AS
"MARION BAIRD," 382 3RD STREET,
BOX 551, STEAMBOAT SPRINGS, COLO-
RADO, FOR AUTHORITY TO OPERATE AS A
CLASS "B" CONTRACT CARRIER BY MOTOR
VEHICLE.

)
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)

APPLICATION NO. 27004-PP
ORDER OF THE COMMISSION

October 19, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

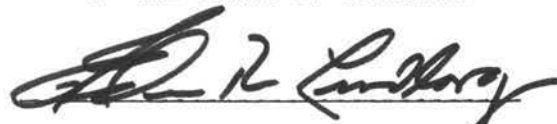
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

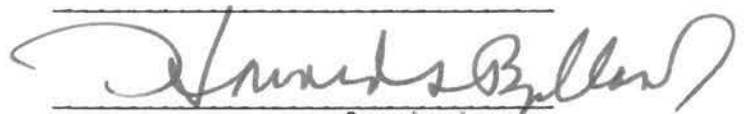
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83877
October 19, 1973

Marion Baird

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LEE E. FUCHS AND DEAN FUCHS, DOING)	APPLICATION NO. 27005-PP
BUSINESS AS "4-F TRUCKING & EXCAVATING,")	
P. O. BOX 649, OAK CREEK, COLORADO, FOR)	ORDER OF THE COMMISSION
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	

October 19, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

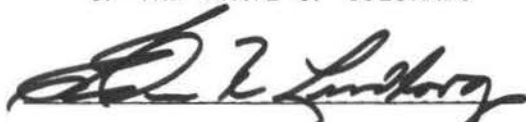
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

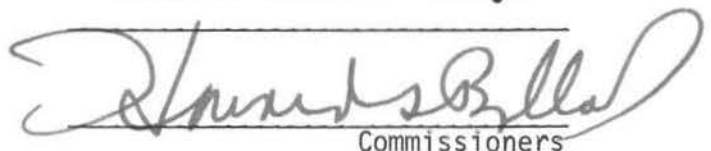
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83878
October 19, 1973

4-F Trucking & Excavating

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

(Decision No. 83879)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MOUNTAIN VIEW ELECTRIC ASSOCIATION,)
INC., A COLORADO CORPORATION, LIMON,)
COLORADO, FOR AN ORDER EXTENDING AND)
ALTERING ITS CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY IN EL PASO)
COUNTY, COLORADO, IN THE MANNER SET)
FORTH IN THIS APPLICATION, TO INCLUDE)
AN AREA PRESENTLY CERTIFICATED TO THE)
CITY OF COLORADO SPRINGS, COLORADO,)
A MUNICIPAL CORPORATION.)

APPLICATION NO. 26908
RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

October 23, 1973

Appearances: Robert T. James, Esq.,
Colorado Springs, Colorado,
for Applicant Mountain View
Electric Association, Inc.;
Louis Johnson, Esq.,
Colorado Springs, Colorado,
for The City of Colorado Springs;
Newton Free,
Colorado Springs, Colorado,
for the Cimarron Corporation;
Kent A. Teall,
Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

Under date of August 22, 1973, Applicant filed the above-entitled application seeking an order from the Commission (1) approving an Agreement dated May 29, 1973, between Mountain View Electric Association, Inc. and The City of Colorado Springs, (2) granting Applicant a Certificate of Public Convenience and Necessity to serve an area containing approximately 7.19 acres located in the E1/2 of Section 6, Township 14 South, Range 65 West, El Paso County, Colorado, presently within the territory duly certificated to The City of Colorado Springs, Colorado, and (3) deleting an area containing approximately 3.02 acres located in the W1/2 of Section 5, Township 14

South, Range 65 West, El Paso County, Colorado, from Applicant's Certificate of Public Convenience and Necessity.

The Commission, pursuant to law, designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application and, after due and proper notice to all interested persons or corporations, set the herein matter for hearing to be held in the auditorium of the El Paso County Office Building, 27 East Vermijo Street, Colorado Springs, Colorado, on Friday, October 12, 1973, at 10:00 o'clock A.M. The hearing was held at the aforesaid time and place.

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

Applicant's General Manager, A. C. Payne, testified in support of the application.

Exhibit's A through D, inclusive, were admitted into evidence.

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

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the records and exhibits of this proceeding together with written recommended decision which contains his findings of fact and conclusions thereon, together with a recommended order or requirement.

FINDINGS OF FACT

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

1. Applicant, Mountain View Electric Association, Inc. is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes 1963.

It is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing, and selling electricity to its consumers on its lines in the Counties of Elbert, Arapahoe, El Paso, Pueblo, Washington, Lincoln and Douglas, all in the State of Colorado.

The Applicant herein is a corporation organized under the Laws of the State of Colorado, and its Articles of Incorporation and all amendments thereto properly certified are on file with this Commission.

By Decision No. 49651, dated February 18, 1958, Mountain View Electric Association, Inc., was declared to be a public utility by this Commission. Subsequent decisions of the Commission granted Mountain View Electric Association, Inc., certificates of public convenience and necessity of its service territory.

2. The Commission has jurisdiction over the Applicant and the subject matter of this application.

3. As a part of Applicant's service area included in its Certificate of Public Convenience and Necessity, Applicant presently serves an area in Township 14 South, Range 65 West, El Paso County, Colorado, east of the following described boundary line:

Commencing at the SW corner of Section 33, Township 14 South, Range 65 West; thence North along the Westerly boundary lines of Sections 33, 28, 21, 16 and 9 to the NW corner of said Section 9; thence West along the Southerly line of Section 5, Township 14 South, Range 65 West to the SE corner of Lot 234, Cimarron-Westridge Filing No. 1, as shown in Plat Book T-2, page 15, El Paso County, Colorado, thence Northerly along the Easterly line of said Lot 234 and along the Easterly line of said Lot 234 extended to the center of Omaha Boulevard; thence Westerly along the center of said Omaha Boulevard to a point where the centerline of said Omaha Boulevard inter-

sects the centerline of Tahlequah Drive thence in a northerly and easterly direction along the centerline of said Tahlequah Drive to a point where the centerline of Tahlequah Drive intersects the centerline of Osage Way extended, thence Northwesterly along the centerline of said Osage Way to the center of the cul de sac of said Osage Way, thence Northerly along the Easterly boundary line of Lot 167 extended, and along the Easterly boundary line of Lot 167 to the NE corner of said Lot 167, thence Westerly along the Northerly boundary line of said Lot 167 to the SE corner of Lot 166; thence Northwesterly along the Easterly boundary line of said Lot 166 and along the said Easterly boundary line of said Lot 166 extended to a point where said extended boundary line intersects the Westerly boundary line of Section 5; thence North along the Westerly boundary line of said Section 5 to the NW corner of said Section 5, all in Township 14 South, Range 65 West, El Paso County, Colorado.

The City of Colorado Springs, a municipal corporation, serves to the West of said boundary line in said Township 14 South, Range 65 West.

4. A portion of Sections 5 and 6, in said Township 14 South, Range 65 West, El Paso County, Colorado, has been platted by The Cimarron Corporation, and a road named "Peterson Road" is under construction in a general North-South direction, on or near the present boundary line between the areas served by Mountain View Electric Association, Inc. and The City of Colorado Springs.

5. In order to avoid duplication of facilities, Applicant and The City of Colorado Springs have entered into an Agreement dated May 29, 1973; modifying the boundary line between the said two utilities in Sections 5 and 6 of Township 14 South, Range 65 West, El Paso County, Colorado, subject to the consent and approval of this Commission. A true copy of said Agreement dated May 29, 1973, was duly admitted into evidence and marked as "Exhibit B."

6. The present and future public convenience and necessity requires and will require an amendment to the boundary line of the Certificate of Public Convenience and Necessity, heretofore issued to Applicant as hereinafter ordered and set forth.

7. Applicant is fit, willing and able to perform the service in the area hereinafter granted and to conform to the applicable statutory requirements and the Commission's Rules and Regulations thereunder.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid Findings of Fact, it is concluded, that:

1. Application No. 26908 should be granted.
2. Pursuant to 115-6-9(2), 1963 CRS, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS:

1. The following portion of Section 5, Township 14 South, Range 65 West, El Paso County, Colorado, lying westerly of Peterson Road should be and is hereby, deleted from the territory included within the Certificate of Public Convenience and Necessity of Applicant Mountain View Electric Association, Inc., to-wit:

A tract of land located in the West half of Section 5 being located in Township 14 South, Range 65 West of the 6th P. M. in El Paso County, Colorado, described as follows: Commencing at the Northwest corner of said Section 5, thence S. 00°24'56" W along the West line of said Section 5 for 2628.44 feet to the West 1/4 corner of said Section 5, thence S 00°41'10" W along the West line of said Section for 129.44 feet to the centerline of proposed Peterson Road, which is the point of beginning,

thence, (1) S 00°41'10" W for 979.05 feet along said West Section line to a point on the centerline of Palmer Park Boulevard, (2) along the said centerline of Palmer Park Boulevard on a curve to the left having a radius of 1975.00 feet and a central angle of 7°55'19" for an arc length of 273.07 feet, said curve having a chord bearing of N 78°30'19" E for 272.85 feet to the centerline of Peterson Road, (3) along said centerline of said Peterson Road N 15°27'21" W for 959.30 feet to the point of beginning, containing 3.02 acres of land, more or less.

2. That Applicant Mountain View Electric Association, Inc., be and it hereby is, granted a Certificate of Public Convenience and Necessity to render electric service in the following described areas:

Beginning at a point in the Southwest corner of the Southwest Quarter of Section 18, Township 8 South, Range 65 West, 6th P. M., the point of beginning, thence East 5 miles to the Northeast corner of Section 23, Township 8 South, Range 65 West; thence South 6 miles to the Southeast corner of Section 14, Township 9 South, Range 65 West; thence East 7 miles to the Southeast corner of Section 13, Township 9 South, Range 64 West; thence North 2 miles to the Southwest corner of Section 6, Township 9 South, Range 63 West; thence approximately 2.8 miles in a Northeasterly direction, beginning at said Southwest corner of Section 6, Township 9 South, Range 63 West, to the Northwest corner of Section 33, Township 8 South, Range 63 West; thence East 4 miles to the Northeast corner of Section 36, Township 8 South, Range 63 West; thence South 1 mile to the Southeast corner of Section 36, Township 8 South, Range 63 West; thence East 2 miles to the Northeast corner of Section 5, Township 9 South, Range 62 West; thence North 6 miles to the Northwest corner of Section 4, Township 8 South, Range 62 West; thence approximately 19.5 miles in a Northeasterly direction to the Northwest corner of Section 6, Township 6 South, Range 59 West; thence East approximately 18 miles to the Southwest corner of Section 31, Township 5 South, Range 56 West; thence North 6 miles to the Northwest corner of Section 6, Township 5 South, Range 56 West; thence East 13 miles to the Northeast corner of Section 6, Township 5 South, Range 54 West; thence South 3 miles to the Southwest corner of Section 17, Township 5 South, Range 54 West; thence East 4 miles to the Southwest corner of Section 13, Township 5 South, Range 54 West; thence South

3 miles to the Southeast corner of Section 35, Township 5 South, Range 54 West; thence East approximately 12 miles to the Northeast corner of Section 1, Township 6 South, Range 52 West; thence South 12 miles to the Southeast corner of Section 36, Township 7 South, Range 52 West; thence West 17 miles to the Northwest corner of Section 5, Township 8 South, Range 54 West; thence South 9 miles to the Southeast corner of Section 18, Township 9 South, Range 54 West; thence West 1 mile to the Southwest corner of Section 18, Township 9 South, Range 54 West; thence South 3 miles to the Southeast corner of Section 36, Township 9 South, Range 55 West; thence West 6 miles to the Northwest corner of Section 6, Township 10 South, Range 55 West; thence Southerly approximately 12 miles along the East boundary line of Range 56 West to the Southwest corner of Section 31, Township 11 South, Range 55 West; thence East 12 miles to the Southwest corner of Section 31, Township 11 South, Range 53 West; thence North approximately 12 miles along the East boundary line of Range 54 to the Northwest corner of Section 6, Township 10 South, Range 53 West; thence East 12 miles to the Northeast corner of Section 1, Township 10 South, Range 52 West; thence Southerly along the East boundary line of Range 52 West a distance of approximately 44 miles to the Southeast corner of Section 13, Township 17 South, Range 52 West; thence West 2 miles to the Southwest corner of Section 14, Township 17 South, Range 52 West; thence South 3 miles to the Southeast corner of Section 34, Township 17 South, Range 52 West; thence Westerly approximately 36 miles along the South boundary line of Township 17 South, Ranges 52, 53, 54, 55, 56, 57 and 58 West to the Southwest corner of Section 35, Township 17 South, Range 58 West; thence North 4 miles to the Northwest corner of Section 14, Township 17 South, Range 58 West; thence East 2 miles to the Northeast corner of Section 13, Township 17 South, Range 58 West; thence North 6 miles to the Northwest corner of Section 18, Township 16 South, Range 57 West; thence West 3 miles to the Southwest corner of Section 10, Township 16 South, Range 58 West; thence North 2 miles to the Northwest corner of Section 3, Township 16 South, Range 58 West; thence West 2 miles to the Southwest corner of Section 32, Township 15 South, Range 58 West; thence North 5-1/2 miles to the Southwest corner of the North 1/2 of Section 5, Township 15 South, Range 58 West; thence West 8 miles to the Southeast corner of the North 1/2 of Section 2, Township 15 South, Range 60 West; thence North 1/2 mile to the Northeast corner of Section 2, Township 15 South, Range 60 West; thence West one mile to the Northwest corner of Section 2, Township 15 South, Range 60 West; thence South 1/2 mile to the

Southwest corner of the North 1/2 of Section 2, Township 15 South, Range 60 West; thence West 4 miles to the Southwest corner of the North 1/2 of Section 6, Township 15 South, Range 60 West; thence North 1/2 mile to the Northwest corner of Section 6, Township 15 South, Range 60 West; thence West 2-1/2 miles to the Southwest corner of the SE 1/4 of Section 34, Township 14 South, Range 61 West; thence North 1-1/2 miles to the center of Section 27, Township 14 South, Range 61 West; thence West 2 miles to the center of Section 29, Township 14 South, Range 61 West; thence North 2 miles to the center of Section 17, Township 14 South, Range 61 West; thence West 1-1/2 miles to the Northwest corner of the South 1/2 of Section 18, Township 14 South, Range 61 West; thence South 21-1/2 miles to the Southeast corner of Section 36, Township 17 South, Range 62 West; thence West 7 miles to the Northeast corner of Section 2, Township 18 South, Range 63 West; thence South 5 miles to the Southeast corner of Section 26, Township 18 South, Range 63 West; thence West 9 miles to the Northwest corner of Section 33, Township 18 South, Range 64 West; thence South 1/2 mile to the Southeast corner of the North 1/2 of Section 32, Township 18 South, Range 64 West; thence West 4 miles to the Southwest corner of the North 1/2 of Section 35, Township 18 South, Range 65 West; thence North 5-1/2 miles to the Northwest corner of Section 2, Township 18 South, Range 65 West; thence West 4 miles to the Southwest corner of Section 31, Township 17 South, Range 65 West; thence North 6 miles to the Northwest corner of Section 6, Township 17 South, Range 65 West; thence East 1-1/2 miles to the Southwest corner of the East 1/2 of Section 32, Township 16 South, Range 65 West; thence North 2 miles to the Northwest corner of the East 1/2 of Section 29, Township 16 South, Range 65 West; thence East 1/2 mile to the Northeast corner of Section 29, Township 16 South, Range 65 West; thence North 2-1/4 miles to the Northwest corner of the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 9, Township 16 South, Range 65 West; thence East 1 mile to the Northeast corner of the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 9, Township 16 South, Range 65 West; thence North 3/4 mile to the Northeast corner of Section 9, Township 16 South, Range 65 West; thence West 3/4 mile to the Southwest corner of the E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 4, Township 16 South, Range 65 West; thence North 1 mile to the Northwest corner of the E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 4, Township 16 South, Range 65 West; thence West 1/4 mile to the Northwest corner of Section 4, Township 16 South, Range 65 West; thence North 11 miles to the Southwest corner of Section 4, Township 14 South, Range 65 West; thence West on the South line of Section 5, Township 14 South, Range 65 West to the Southeast corner of Lot 234, Cimarron-Westridge Filing No. 1 as shown in Plat Book T-2, Page 15, El Paso County, Colorado; thence North along the Easterly boundary

line of said Lot 234 and along the Easterly boundary of said Lot 234 extended to a point in the center of Omaha Boulevard; thence West along the center of Omaha Boulevard to a point where the center of Omaha Boulevard intersects the center of Tahlequah Drive extended; thence Northeasterly along the center of said Tahlequah Drive to a point where the center line of Tahlequah Drive intersects the center line of Osage Way extended; thence Northwesterly along the center line of Osage Way to the center of the cul de sac of said Osage Way; thence Northerly along the Easterly boundary line of Lot 167 of said Cimarron-Westridge Filing No. 1 extended, and along the Easterly boundary line of said Lot 167 to the Northeast corner of said Lot 167; thence Westerly along the Northerly boundary line of said Lot 167 to the Southeast corner of Lot 166 of said Cimarron-Westridge Filing No. 1; thence Northwesterly along the Easterly boundary line of said Lot 166 and along the said Easterly boundary line of said Lot 166 extended to a point where said extended boundary line intersects the Westerly boundary line of Section 5, Township 14 South, Range 65 West; thence North along the westerly boundary line of said Section 5 to a point on the centerline of Palmer Park Boulevard, thence Northeasterly along the said centerline of Palmer Park Boulevard on a curve for 272.85 feet to the centerline of Peterson Road, thence Northwesterly along the said centerline of Peterson Road North $15^{\circ}27'21''$ West for 959.30 feet to a point on the Westerly boundary line of said Section 5, thence North $15^{\circ}27'21''$ West along said Peterson Road for 532.74 feet; thence along said centerline of Peterson Road for a distance of 1988.09 feet to a point on the Westerly line of said Section 5, Township 14 South, Range 65 West; thence North along the Westerly boundary line of said Section 5 a distance of approximately 285.07 feet to the Northwest corner of Section 5, Township 14 South, Range 65 West; thence North 3 miles to the Southwest corner of Section 17, Township 13 South, Range 65 West, thence West 2 miles to the Southwest corner of Section 13, Township 13 South, Range 66 West; thence North 2 miles to the Southwest corner of Section 1, Township 13 South, Range 66 West; thence West 3 miles to the Southwest corner of Section 4, Township 13 South, Range 66 West; thence North 1 mile to the Northwest corner of Section 4, Township 13 South, Range 66 West; thence West along the North boundary line of Section 5, Township 13 South, Range 66 West to the East boundary line of the Air Force Academy site; thence following the East boundary line of the Air Force Academy site approximately 6.2 miles in a Northwesterly direction to the North boundary line of the Air Force Academy site on South line of Section 36, Township 11 South, Range 67 West; thence West approximately 3.7 miles to the Northwest corner

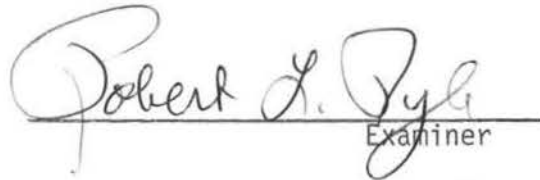
of the E½E½ of Section 5, Township 12 South, Range 67 West; thence South 1 mile on the quarter section line to the South line of Section 5, said Township and Range; thence East 1/4 mile to the Southeast corner of Section 5, Township 12 South, Range 67 West; thence South 2 miles to the Southwest corner of Section 16, Township 12 South, Range 67 West; thence East 1/2 mile on the section line to the Northeast corner of the Northwest quarter of Section 21, Township 12 South, Range 67 West; thence South 1/2 mile to the Southeast corner of the Northwest quarter of Section 21, Township 12 South, Range 67 West; thence West 1/2 mile to the Northwest corner of the Southwest quarter of Section 21, Township 12 South, Range 67 West; thence South 1/2 mile to the Southwest corner of the Southwest quarter of Section 21, Township 12 South, Range 67 West; thence West 2 miles on the section line to the Southwest corner of Section 19, Township 12 South, Range 67 West; thence North 8 miles to the Northwest corner of Section 18, Township 11 South, Range 67 West; thence East 2 miles on the Section line to the Northeast corner of Section 17, Township 11 South, Range 67 West; thence South 1/4 mile to the Southwest corner of the N½N½ of Section 16, Township 11 South, Range 67 West; thence East 1-1/2 miles to the Southeast corner of the N½NW¼ of Section 15, Township 11 South, Range 67 West; thence North 2-1/4 miles to the Northwest corner of the Northeast quarter of Section 3, Township 11 South, Range 67 West; thence East 1-1/2 miles to the Southwest corner of Section 36, Township 10 South, Range 67 West; thence North 1-1/2 miles to the Northwest corner of the Southwest quarter of Section 25, Township 10 South, Range 67 West; thence approximately 4.3 miles in a Northeasterly direction to the Southwest corner of Section 15, Township 10 South, Range 66 West; thence approximately 3.5 miles in a Northeasterly direction to the Northeast corner of the Southeast quarter of Section 34, Township 9 South, Range 66 West; thence West 1 mile to the Northwest corner of the Southwest quarter of Section 34, Township 9 South, Range 66 West; thence North 1 mile to the Northwest corner of the Southwest quarter of Section 27, Township 9 South, Range 66 West; thence East 1 mile to the Northeast corner of the Southeast quarter of Section 27, Township 9 South, Range 66 West; thence approximately 7.7 miles in a Northeasterly direction to the point of beginning; located in Arapahoe, Elbert, El Paso, Washington, Lincoln, Douglas and Pueblo Counties, Colorado.

3. That 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 herein above set out.

4. That as provided by 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
WAYNE T. DALY, 3305 W. 80TH, WEST-
MINSTER, COLORADO, FOR AUTHORITY TO
OPERATE AS A CLASS "B" CONTRACT
CARRIER BY MOTOR VEHICLE.

)
) APPLICATION NO. 27014-PP
)
) ORDER OF THE COMMISSION
)

- - - - -
October 19, 1973
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

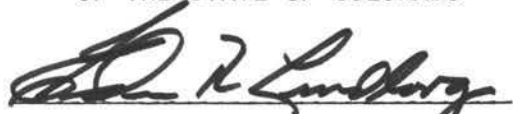
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83880
October 19, 1973

Wayne T. Daly

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
PEEK & MCKENDRY ENT. INC., 12500 W.
CEDAR DRIVE, LAKEWOOD, COLORADO,
FOR AUTHORITY TO OPERATE AS A CLASS
"B" CONTRACT CARRIER BY MOTOR
VEHICLE.

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)
)
)
)

APPLICATION NO. 27020-PP
ORDER OF THE COMMISSION

- - - - -
October 19, 1973
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

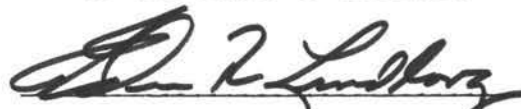
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.


This Order shall become effective forthwith.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO- ABSENT


Commissioners

Appendix
Decision No. 83881
October 19, 1973

Peek & McKendry Ent. Inc.

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALBERT HILBRAND AND FRIEDITH)
HILBRAND, 54 EAST DANTE LANE, PUEBLO)
WEST, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27021-PP
ORDER OF THE COMMISSION

- - - - -
October 19, 1973
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83882
October 19, 1973

Albert Hilbrand and Friedith Hilbrand

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

(Decision No. 83883)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION) OF SCA SERVICES, INC. FOR AUTHOR-) IZATION TO PURCHASE THE OUTSTAND-) ING CAPITAL STOCK OF ALEX GERLACH) & SON DISPOSAL CO., RECORD OWNER) OF PUC NO. 3344.)	APPLICATION NO. 26389- Stock Transfer-Amended
IN THE MATTER OF THE APPLICATION) OF SCA SERVICES, INC., FOR AUTHOR-) IZATION TO PURCHASE THE OUTSTAND-) ING CAPITAL STOCK OF ALEX GERLACH) & SON DISPOSAL CO., RECORD OWNER) OF PUC NO. 5342.)	APPLICATION NO. 26390- Stock Transfer-Amended
IN THE MATTER OF THE APPLICATION) OF SCA SERVICES, INC. FOR AUTHOR-) IZATION TO PURCHASE THE OUTSTAND-) ING CAPITAL STOCK OF ALEX GERLACH) & SON DISPOSAL CO., RECORD OWNER) OF PERMIT NO. B-6128.)	APPLICATION NO. 26391-PP- Stock Transfer-Amended
IN THE MATTER OF THE APPLICATION) OF MONARCH DISPOSAL CO. FOR AUTHOR-) IZATION TO TRANSFER PUC NO. 3156) TO ALEX GERLACH & SON DISPOSAL CO.)	APPLICATION NO. 26572- Transfer Amended
IN THE MATTER OF THE APPLICATION) OF GREEN MOUNTAIN DISPOSAL COMPANY) FOR AUTHORIZATION TO TRANSFER) PUC NO. 3452 TO ALEX GERLACH &) SON DISPOSAL CO.)	APPLICATION NO. 26573- Transfer Amended
IN THE MATTER OF THE APPLICATION) OF GREEN MOUNTAIN DISPOSAL) COMPANY FOR AUTHORIZATION TO) TRANSFER PUC NO. 5341 TO ALEX) GERLACH & SON DISPOSAL CO.)	APPLICATION NO. 26574- Transfer Amended

DECISION OF THE COMMISSION
GRANTING APPLICATIONS

October 16, 1973

Appearances: Leslie R. Kehl, Esq.,
Denver, Colorado, for
Transferors and Transferees;
Girts Krumins, Esq., and
John E. Archibold, Esq.,
Denver, Colorado, for the
Staff of the Commission.

S T A T E M E N T

On June 12, 1973, Examiner Robert L. Pyle issued his Recommended Decision No. 83132 in these matters. On June 29, 1973, the Commission, by its Decision No. 83272, stayed and postponed said Recommended Decision, pending a final determination by the Commission, and directed the official reporter to prepare a transcript of the proceedings. After reviewing the transcript and the balance of the record of the proceedings before the Examiner, the Commission on September 11, 1973, by Decision No. 83666, set the matter for further hearing before the Commission. Said Decision No. 83666 more fully sets forth the scope of such further hearing.

Accordingly, the matter was further heard by the Commission on October 3, 1973, after due and proper notice to all parties. At this hearing, additional testimony was taken and Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, N, O and P were offered and admitted into evidence. These exhibits were prepared and sponsored by Commission Staff and generally set forth the competitive situation in the area in which the certificates involved in the instant applications overlap. In particular, Exhibit "O" is a large map setting forth competitive trash carrier routes in the area, as determined by a Staff study.

At the conclusion of the hearings, the matter was taken under advisement by the Commission.

After careful consideration of the entire record herein, including the record before the Examiner in these proceedings, as well as the record as a result of the said further hearing before the Commission, and upon reconsideration of the matter upon its own motion pursuant to 115-6-9(2), CRS 1963 (1969 Supp.), the Commission hereby enters its decision and order without regard to the findings of fact and conclusions of the Examiner herein.

FINDINGS OF FACT

The Commission finds as fact that:

1. Stock transferors are Alex Gerlach, Helen Gerlach and Bruce Gerlach, who collectively hold all of the outstanding capital

stock of Alex Gerlach & Son Disposal Co. (Gerlach), holder of Certificates of Public Convenience and Necessity PUC Nos. 3344 and 5342, and Permit No. B-6128.

2. Asset transferors are Monarch Disposal Co. (Monarch), holder of PUC No. 3156, and Green Mountain Disposal Company (Green Mountain), holder of Certificates of Public Convenience and Necessity PUC Nos. 3452 and 5341. All outstanding capital stock of Monarch Disposal Co. and Green Mountain Disposal Company is presently held by SCA Services, Inc., pursuant to authorization previously granted by the Public Utilities Commission.

3. The transferee for the stock of Alex Gerlach & Son Disposal Co. is SCA Services, Inc., 99 High Street, Boston, Massachusetts, which company is listed on the New York Stock Exchange and is primarily in the business, either directly or through its subsidiaries, of providing service for the transportation and disposal of various wastes in multiple states and metropolitan areas throughout the United States. SCA Services, Inc., is also, as heretofore stated, the sole stockholder of Monarch Disposal Co. and Green Mountain Disposal Company, the asset transferors herein.

4. The asset transferee is Alex Gerlach & Son Disposal Co., which company, as previously mentioned, is the holder and operator of various authorities granted by this Commission providing for the transportation of waste materials.

5. The transaction for which authorization is sought herein falls basically into two parts. The first part is that which is contained in the initial application and seeks approval of an agreement and plan of reorganization (Exhibit No. 4) whereby all of the outstanding stock of Gerlach would be delivered to SCA in exchange for a designated number of shares of the outstanding stock of SCA. As a part of the transaction, employment agreements are to be entered, with both Alex Gerlach and Bruce Gerlach, who, together with Helen Gerlach, are the principal officers

and supervisory officials of Alex Gerlach & Son Disposal Co. Accordingly, the transaction contemplates the continuation of the present management and employees of Gerlach, with however the ownership and ultimate control residing in SCA.

6. The second part of the within transaction is contingent upon the approval of the first part, i.e., the acquisition of the Gerlach stock by SCA. In the event the stock acquisition of Gerlach is approved, there will be brought under the common control of SCA Services, Inc., all of the following authorities:

Alex Gerlach & Son Disposal Co.

PUC No. 3344

Transportation of

Ashes, trash and other refuse

From all points within the City and County of Denver, Colorado, to designated and approved dumps and disposal sites within the following Counties of the State of Colorado: Adams, Arapahoe, Denver and Jefferson.

PUC No. 5342

Transportation of

Ashes, trash and other refuse

From all points within Jefferson County, State of Colorado, to designated and approved dumps and disposal sites in Jefferson County, State of Colorado.

Permit No. B-6128

Transportation of

Ashes, trash and other refuse

From only the Sigman Meat Co., Inc., and Davis Bros. Wholesale Florists, to designated and approved dumps and disposal sites within the following Counties of the State of Colorado: Adams, Arapahoe, Denver and Jefferson.

Monarch Disposal Co.

PUC No. 3156

Transportation, on call and demand

Ashes, trash and refuse

From and between points in the following described territory, to dumps and disposal places as may be designated or approved by the Health Authorities: Beginning at the intersection of Cornell Avenue and Federal Boulevard; thence north along Federal Boulevard to its intersection with West Colfax Avenue; thence along West Colfax Avenue to a point five miles west of the City of Golden, Colorado; thence south along a line extending five miles west of Golden, Colorado, to a point where said line intersects West Cornell Avenue extended; thence east to the point of beginning;

Dirt

In that territory situated in the City and County of Denver described as follows: West Colfax Avenue, on the north, Cornell Avenue, on the south, Sheridan Boulevard, on the west and Federal Boulevard, on the east;

Dirt and garbage

In that territory situated in the County of Jefferson, State of Colorado, described as follows: Bounded by the center line of West First Avenue, on the north; Sheridan Boulevard, on the east; West Jewell Avenue, on the south, and Kipling Street along West Alameda Avenue to an imaginary line one mile west of Morrison, on the west;

Provided that there be no transportation of dirt or garbage in that part of the above-described territory in the territory described as follows:

Kipling Street, on the east, Ulysses Street on the west, West Alameda Avenue as extended to Ulysses Street, on the north, and an imaginary line running parallel to and being two thousand feet south of Alameda Avenue, on the south,

And provided further, that no dirt shall be transported under authority herein granted that does not arise from and is incidental to, the hauling of trash, and for his trash and garbage customers, all of said hauling to be on call and demand;

Ashes, trash, and other waste materials;

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.

Green Mountain Disposal Company (Corp)

PUC No. 3452

Transportation of ashes, trash, and other refuse,

Between points within the City and County of Denver, State of Colorado, 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;

Transportation of fertilizer,

Between points within the City and County of Denver, State of Colorado.

PUC No. 5341

Transportation of ashes, trash, rubbish, and other debris,

In the territory known and described as follows:

Beginning at First Avenue and Sheridan Boulevard; thence due west on First Avenue, as extended, to the Hog Back Road, thence in a southerly direction along the Hog Back Road to where the Hog Back Road and Morrison Road intersects (U.S. 285); thence east and northeast following Morrison Road (U.S. 285) to Sheridan Boulevard; thence north along Sheridan Boulevard; to the point of beginning.

Since the foregoing authorities contain substantial overlapping authorizations, it is proposed by the Applicants herein as the second part of the within transaction that a merger be authorized whereby all of the assets and liabilities of Monarch Disposal Co. and Green Mountain Disposal Company be transferred to Alex Gerlach & Son Disposal Co. with operations thereafter to be performed as a division, or divisions, of the surviving corporation. As a part of this merger, all of the outstanding stock of both Monarch Disposal Co. and Green Mountain Disposal Company would be cancelled and thus the operations would be vested in Alex Gerlach & Son Disposal Co., with all of the stock of Gerlach being held by SCA Services, Inc., who already controls Monarch and Green Mountain. The merger would result in corporate simplification and, as a part thereof, all duplicating operating rights are proposed to be cancelled.

7. Concerning the overlapping of the various authorities, a careful review thereof reveals that the commodity description is "Ashes, trash and other refuse," in Certificates of Public Convenience and

Necessity PUC No. 5342, PUC No. 3344 and a portion of Certificates of Public Convenience and Necessity PUC No. 3452 and PUC No. 3156. Additionally, under Certificate of Public Convenience and Necessity PUC No. 5341, the commodity description is "Transportation of ashes, trash, rubbish, and other debris,". Clearly the term "other refuse" would encompass both "rubbish and other debris" and thus the description in Certificate of Public Convenience and Necessity PUC No. 5341 may be considered for all practical purposes to be coextensive with that heretofore mentioned in the other certificates. It may likewise be found that collectively these certificates and portions thereof providing for the transportation of ashes, trash and other refuse cover all points in the Counties of Denver and Jefferson. Thus, with all duplications eliminated, insofar as the transportation of waste materials is concerned, the combined common carrier authorities may be set forth as follows:

Transportation of

Ashes, trash and other refuse

From all points within Jefferson and Denver Counties, Colorado, to such points where the same may lawfully be delivered or disposed of.

The language with reference to delivery and disposal as aforesaid is provided as now being applicable to all waste transporter authorities pursuant to Case No. 5453, as set forth expressly in Decision No. 79404, dated January 13, 1972, later adopted by the Commission.

There then remains under other categories in the various certificates the following:

Transportation of

Fertilizer

Between points within the City and County of Denver, State of Colorado.

Transportation of dirt

In that territory situated in the City and County of Denver, described as follows:

West Colfax Avenue on the north, Cornell Avenue on the south, Sheridan Boulevard on the west and Federal Boulevard, on the east.

Dirt and garbage

In that territory situated in the County of Jefferson, State of Colorado, described as follows:

Bounded by the centerline of West First Avenue, on the north; Sheridan Boulevard, on the east; West Jewell Avenue, on the south, and Kipling Street along West Alameda Avenue to an imaginary line one mile west of Morrison, on the west;

provided that there be no transportation of dirt or garbage in that part of the above-described territory in the territory described as follows:

Kipling Street, on the east, Ulysses Street on the west, West Alameda Avenue as extended to Ulysses Street, on the north, and an imaginary line running parallel to and being two thousand feet south of Alameda Avenue, on the south,

And provided further, that no dirt shall be transported under authority herein granted that does not arise from and is incidental to, the hauling of trash, and for his trash and garbage customers, all of said hauling to be on call and demand.

The remaining authority is a contract carrier authorization under Permit No. B-6128 and, although the commodity description "ashes, trash, and other refuse" is identical, it appears that the authorization covers service for two specific customers and that such service may be provided for those customers without respect to any territorial limitations whatsoever and accordingly the contract carrier authorization is not specifically overlapped by the common carrier authorities heretofore specified. Further, the statute applicable in such cases provides that where there is an overlap, the carrier shall operate under his common carrier authorization and therefore no problem should be posed with reference to Permit No. B-6128. The permit should be reworded to accommodate the delivery and disposal provisions as previously added to the other authorizations herein and therefore the permit as corrected should read as follows:

"Transportation of

Ashes, trash and other refuse

From only the Sigman Meat Co., Inc., and Davis Bros. Wholesale Florists to such locations where the same may lawfully be delivered or disposed of."

With the foregoing rewording, all duplications are eliminated.

8. The certificates presently held by Gerlach in Jefferson County completely overlap the certificates presently held by Green Mountain and Monarch. By bringing all these certificates under common control and consequently cancelling the certificates of Green Mountain and Monarch, competition now existing between Gerlach, on the one hand, and Green Mountain and Monarch, on the other hand, will be eliminated. Potentially, these carriers are competitors throughout the certificated area of Green Mountain and Monarch. However, large portions of this area are completely or relatively undeveloped, so that the actual competitive area, that is, the area where the carriers have regular competitive routes, is considerably smaller. The shaded area shown on Exhibit "0" delineates the territory where the carriers involved in these applications are presently engaged in active competition on a regular basis and hereinafter shall be referred to as "the competitive area."¹ The competitive area lies on both sides of West Jewell Avenue as follows: north of West Jewell Avenue and south of West Alameda Avenue, from South Sheridan Boulevard to approximately Indiana Street; and south of West Jewell Avenue and north of West Cornell Avenue, between South Wadsworth Boulevard and South Simms Street. Gerlach regularly serves approximately 1,300 residential and 75 commercial customers in the competitive area. Green Mountain and Monarch Companies have some 7,454 residential and 422 commercial customers--most of which are in the competitive area. Outside the competitive area, Green Mountain and Monarch also regularly serve an area between West 6th Avenue and West Alameda from Sheridan Boulevard to Independence Street and from Youngfield to Indiana.²

¹The Staff witness referred to this area as "the contested area."

²All street locations are approximate. The map introduced as Exhibit "0" depicts the situation more accurately.

9. Eight other common carriers are presently actively engaged on a regular basis in the transportation of trash and refuse in the area covered by the Green Mountain and Monarch certificates. These carriers are:

Metropolitan Trash, Inc.;
U.S. Cargo Corporation;
Evergreen Disposal Service;
Colorado Disposal Inc.;
B&W Disposal Service;
Wheatridge Disposal Service, Inc.;
Mountain View Rubbish Removal, Inc.;
United States Disposal Systems, Inc.;
(formerly Best-Way Disposal Service
and Golden Ash & Trash Service Co.).

There are other carriers that have the authority to serve in the area covered by Green Mountain and Monarch certificates, but which do not actively provide such service on a regular basis at this time. They are, nevertheless, potential competitors.

10. In addition to Gerlach, Green Mountain and Monarch, the following carriers also provide regular route service within the competitive area:

Metropolitan Trash, Inc.;
U.S. Cargo Corporation;
Evergreen Disposal Service (a very small
portion of the area);
United States Disposal Systems, Inc.;
Colorado Disposal, Inc.; and
Mountain View Rubbish Removal, Inc.

In addition, a contract carrier, Mountain Disposal Company, serves approximately 500 trash removal customers in the competitive area.

11. The six common carriers actively engaged in transportation of trash and refuse in the competitive area, as enumerated in the finding above, have regular routes, each of which covers parts of the competitive area as well as other areas. The information in the record is not detailed enough to determine with precision the exact number of customers that each of these carriers has in the competitive area. However, on the routes that overlap the competitive area, the following customers are served:

U.S. Cargo Corporation, Route 182 and Route 184 --
909 residential customers, 475 commercial customers

Metropolitan Trash, Inc., Route 6 -- 175 commercial
customers

Colorado Disposal, Inc., Monday Route -- 6,000 resi-
dential customers

Evergreen Disposal Service, Wednesday Route -- 287
residential customers, 29 commercial customers

United States Disposal Systems, Inc.:
Best-Way Disposal Service -- 1,500 commercial customers
Golden Ash and Trash Service, Monday and Wednesday
Routes -- 850 residential customers, 70 commercial
customers

Mountain View Rubbish Removal, Inc., Tuesday Route --
170 residential customers

12. The solid waste disposal, or trash hauling industry, is characterized by the participation of one-man operators as well as large national companies with multi-state holdings. In the Denver metropolitan area, three national companies are currently operating, as follows:

Browning-Ferris Industries;
Waste Management, Inc.; and
SCA Services, Inc.

None of the trash carriers operating in the competitive area are owned or controlled by Browning-Ferris. Green Mountain and Monarch are, of course, controlled by SCA Services, Inc., which also seeks the control of Gerlach in this proceeding. Waste Management, Inc., controls Colorado Disposal, Inc. (see Exhibit I). United States Disposal Systems, Inc., is a new entity, and is a consolidation of a number of locally owned trash carriers in the metropolitan area. This consolidation has received final Commission approval; the actual operations may or may not be consolidated on the date of this decision. Upon completion of such consolidation, United States Disposal Systems, Inc., will be a locally owned carrier of considerable resources. The other carriers in the competitive area are what might be termed independent operations of varying size.

13. In addition to the regular service provided, there is also considerable rate competition between the carriers serving the competitive

area, as shown on Exhibit "P". The existence of different rate structures as far as parties to this proceeding are concerned, however, poses a slight problem. Within the competitive area, the rates of Gerlach are different from the rates of Green Mountain and Monarch. Upon merger, there would only be one carrier and it could not continue to charge and maintain two different sets of rates. While existing customers could possibly be "grandfathered", a problem would certainly arise as far as new customers are concerned. Discrimination as between customers of the same public utility would occur. It is therefore essential that a single rate structure be established upon the merger becoming effective within the territory where the merging carriers now hold duplicating authority. There is nothing wrong per se, however, with having different rate structures in different territorial areas.

Furthermore, the merger should not be authorized if adverse effects upon the public cannot be eliminated. Thus, the only alternative, if the merger should be authorized, is to do so upon the condition that the initial rates to be charged by the surviving carrier within the areas where existing certificates overlap shall be the lowest of the existing rates of the merging carriers.

14. The proposed merges would, of course, result in a slight diminution in the number of competing ash and trash carriers in the competitive area. On the other hand, it would enhance the competitive balance in the remainder of Jefferson County by placing control of a relatively small carrier in a large national company, to wit: SCA Services, Inc. This would tend to maintain a better balance in that, in addition to a large number of small carriers, the number of large carriers would also be increased. It is the Commission's opinion that an ideal competitive balance in any area would consist of several large carriers as well as a number of medium size and smaller carriers. SCA Services, Inc., because of its financial resources in particular (see finding below), is in a

position to be, in some respects, considerably more competitive with organizations such as Browning-Ferris and Waste Management than a carrier the size of Gerlach.

In the aggregate, therefore, the change in the competitive situation in Jefferson County as a result of the proposed acquisition and merger would not adversely affect the public interest to any material extent; indeed, the competitive situation may be somewhat enhanced. The small and medium sized operation in the waste disposal business has its own inherent advantages in terms of more personal services and specialization that large national concerns may be unable to do. Thus, it is in the public interest to have a completely balanced competitive picture with having several carriers in each category of size.

15. All three carriers who are parties to this proceeding also hold authority to transport trash and refuse from points within the City and County of Denver. A small portion of their business, however, is now in the City and County of Denver and there are more than 100 other carriers who are authorized to, and do, provide service in Denver. Thus, the merger as proposed would have no measurable impact upon the competitive situation, actual or potential, within the City and County of Denver.

16. The Commission has jurisdiction over the transferors and transferees and the subject matter of the within proceeding.

17. The various authorities as heretofore specified have been continuously and actively operated in the past and are now in good standing before the Public Utilities Commission.

18. The certificates being transferred, as well as those for which control only is being transferred, are free and clear from all debts, encumbrances or other obligations.

19. SCA Services, Inc., as the controlling stockholder, is a company fully familiar with the operation of an ash, trash and other refuse service, not only in the area involved in the present authorizations, but in other areas throughout the United States. Further, it is SCA's current intention to continue the utilization through employment contracts of

local personnel who are already specifically familiar with the operations under the various authorities. Concerning Alex Gerlach & Son Disposal Co., which would be the recipient of various authorities in the event of approval of the proposed transaction, this company is a current operating company providing waste services at the present time and is therefore fully qualified to receive the specified authorities. Under the circumstances as set forth herein, both transferees are fully qualified experience-wise to conduct the specified operations.

20. With reference to financial fitness, the present transactions do not involve the removal of any of the assets from any of the separate businesses. Specifically, following the entire transaction, all of the assets of each of the companies will remain in the surviving corporation and be available for the conduct of the respective operations. The balance sheets of these companies are in evidence before the Commission. Concerning the controlling stockholder, SCA, its financial position as shown by Exhibit No. 3, reveals substantial assets and a clear ability on the part of the controlling stockholder to make such additional investments in the operating company as may be required to provide adequate and responsive service to the public. Accordingly, all transferees herein are fully fit financially to continue the provision of services under the specified certificates.

21. The various responsible officials of each of the transferees herein are generally familiar with the rules and regulations of the Public Utilities Commission and, if the application is granted, all parties agree to abide by said rules and regulations, as well as the safety requirements of the Commission and all other appropriate rules and regulations. It further appears that asset transferee intends to and will engage in bona fide motor carrier operations under the rights as set forth herein, and that the stock transferee will continue, through ownership of the company, to likewise provide services under the specified authorities.

22. The granting of the application as amended is in the public interest. Likewise, since the transaction is by necessity a two-step proceeding, it will be in the public interest to allow the consummation of the stock transfer portion of the proceeding, separate and apart from the merger portion thereof, provided that the merger, together with the cancellation of duplicative operating rights as hereinafter specifically provided in the ordering portion hereof, shall be completed within thirty (30) days after the consummation of the stock transfer.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The transfers as sought by the Applicants herein should be granted as hereinafter set forth.

2. The following order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Alex Gerlach, Helen Gerlach and Bruce Gerlach be, and hereby are, authorized to transfer all of their respective stock holdings in Alex Gerlach & Son Disposal Co. to SCA Services, Inc., which transfer may be completed separate and apart from the remaining transfers as approved herein.

2. Monarch Disposal Co. be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3156 to Alex Gerlach & Son Disposal Co.

3. Green Mountain Disposal Company be, and hereby is, authorized to transfer all right, title and interest in and to Certificates of Public Convenience and Necessity PUC No. 3452 and PUC No. 5341 to Alex Gerlach & Son Disposal Co.

4. All duplicating operating rights under Certificates of Public Convenience and Necessity PUC No. 3344, PUC No. 3156, PUC No. 3452

and PUC No. 5341 be cancelled concurrently with the operating rights transfers as provided for in paragraphs 2 and 3 hereof and that, upon the consummation of said operating rights transfers, the various certificates shall be merged into Certificate of Public Convenience and Necessity PUC No. 5342 and the full and complete authority under said merged certificate shall be known as Certificate of Public Convenience and Necessity PUC No. 5342, and shall read and be as follows, to wit:

(1) Transportation of

Ashes, trash and other refuse

From all points within Jefferson and Denver Counties, Colorado, to such points where the same may lawfully be delivered or disposed of.

(2) Transportation of

Fertilizer

Between points within the City and County of Denver, State of Colorado.

(3) Transportation of dirt

In that territory situated in the City and County of Denver, described as follows:

West Colfax Avenue on the north, Cornell Avenue on the south, Sheridan Boulevard on the west, and Federal Boulevard on the east.

(4) Dirt and garbage

In that territory situated in the County of Jefferson, State of Colorado, described as follows:

Bounded by the center line of West First Avenue, on the north; Sheridan Boulevard, on the east; West Jewell Avenue, on the south; and Kipling Street along West Alameda Avenue to an imaginary line one (1) mile west of Morrison, on the west;

Provided that there be no transportation of dirt or garbage in that part of the above-described territory in the territory described as follows:

Kipling Street on the east, Ulysses Street on the west, West Alameda Avenue as extended to Ulysses Street on the north, and an imaginary line running parallel to and being two thousand feet south of Alameda Avenue on the south,

And provided further, that no dirt shall be transported under authority herein granted that does not arise from and is incidental to, the hauling of trash, and for his trash and garbage customers, all of said hauling to be on call and demand.

5. Henceforth, the full and complete authority under Permit No. B-6128 shall read and be as follows, to wit:

Transportation of

Ashes, trash and other refuse

From only the Sigman Meat Co., Inc., and Davis Bros. Wholesale Florists to such locations where the same may lawfully be delivered or disposed of.

The stock transfer and operating rights transfers as set forth herein are mutually dependent upon each other and both must be consummated, or neither shall be consummated. However, the consummation of the stock transfer may be completed prior to the consummation of the operating rights transfers, in which event the carriers shall within thirty (30) days after the consummation of the stock transfer complete and consummate the merger and operating rights transfer as provided for herein. Upon failure of the parties to consummate the transfer of the operating rights within the specified time limit, or such additional time as may be authorized by the Commission, this Order shall become null and void in its entirety and both the stock transfer application and the operating rights transfer applications shall be deemed denied, with control under the stock transfer authorization to revert on the day of such denial to the prior stockholders.

6. The authorization for the transfers herein is further expressly contingent upon the requirement that upon consummation of the merger, the initial rates within the territory presently certificated to Green Mountain Disposal Company and Monarch Disposal Company shall be the lower of the then existing rates of the parties to the merger in such territory; provided, however, that this requirement shall not be construed to prevent any future rate changes pursuant to law and the rules and regulations of the Commission. The transferee shall make an appropriate tariff filing to become effective upon the consummation of the merger in accordance herewith.

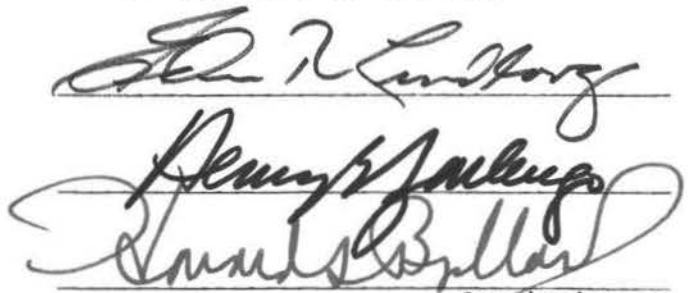
7. The transfers as provided for herein shall become effective only if and when, but not before, the transferors and transferees, in writing, have advised the Commission that the stock, or the operating rights, as the case may be, have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or any of them, kept and performed. Subject to the provisions herein with reference to the 30-day delay in the transfer of the operating rights, the failure to file the 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 this Commission, upon proper application.

8. The right of the transferees to operate under this Order shall depend upon the filing of an annual report by the transferors herein covering the operations under the aforesaid authorities up to the time of transfer of those authorities.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RALPH W. LYON, PEARL LYON AND)	
ELIZABETH E. McKEEVER, DOING BUSINESS	)	APPLICATION NO. 26913
AS "RAMPART SANITATION" FOR A CERTI-)	
FICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY AUTHORIZING EXTENDED OPER-	)	ORDER GRANTING MOTION FOR
ATIONS AS A COMMON CARRIER BY MOTOR	)	EXTENSION OF TIME IN WHICH
VEHICLE FOR HIRE, UNDER CERTIFICATE	)	TO FILE ANSWERS TO WRITTEN
NO. 7211 FOR THE TRANSPORTATION OF	)	INTERROGATORIES
ASH, TRASH AND OTHER REFUSE.)	

October 16, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 11, 1973, the above-named applicants filed a Motion for Extension of Time to Friday, October 26, 1973, in which to file answers to the written interrogatories of Refuse Management, Inc., doing business as "Freddie's Trash Box and Superior Sanitation, Inc." in the above-captioned application. The Commission finds and states that good grounds exist for the granting of the within request and concludes that the following order should be entered.

O R D E R

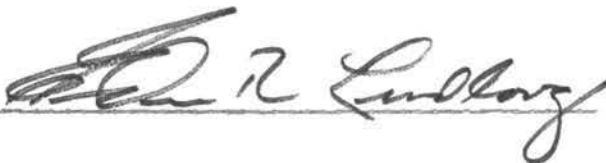
THE COMMISSION ORDERS THAT:


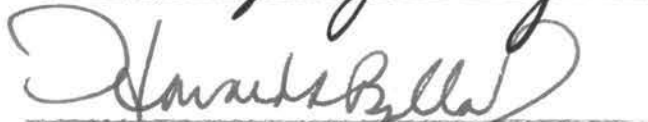
Applicants, Ralph W. Lyon, Pearl Lyon and Elizabeth E. McKeever, doing business as "Rampart Sanitation," be, and hereby are, granted an extension of time to Friday, October 26, 1973, in which to file answers to the written interrogatories of Refuse Management, Inc., doing business as "Freddie's Trash Box and Superior Sanitation, Inc."

This order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
hbp

(Decision No. 83885)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN RATES OF	)	DOCKET NO. 778
SALIDA GAS SERVICE COMPANY, SALIDA,)	
COLORADO, FILED UNDER ADVICE LETTER	)	ORDER DENYING EXCEPTIONS
NO. 7.)	

October 16, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 20, 1973, in Decision No. 83712 Thomas M. McCaffrey, Examiner, entered his Recommended Decision in the above-captioned matter. The Order in said Recommended Decision authorized the Respondent, Salida Gas Service Company (Salida Gas) to file gas rates and tariffs in accordance with Appendix A which was attached to said Recommended Decision.

On October 2, 1973, Salida Gas filed Exceptions to the Recommended Decision of the Examiner solely to correct certain typographical errors in Appendix A to the said Decision.

On September 28, 1973, Salida Gas filed Application No. 27010 which sought authorization of the Commission, without formal hearing and based upon the verified application, to file upon less than statutory notice, to become effective on October 15, 1973, certain increases in its gas rates to reflect increased wholesale gas costs.

On October 5, 1973, the Commission, in Decision No. 83835, authorized Salida Gas to file, to become effective on not less than one (1) day's notice on October 15, 1973, the proposed new gas tariffs as were shown in Exhibit B attached to its application.

To put into effect the gas tariffs authorized to be filed by Decision No. 83835, Salida Gas, by its Advice Letter No. 13, filed on October 15, 1973 the following tariff sheets:

COLORADO PUC NO. 2 - GAS

<u>Colo. PUC Sheet Number</u>	<u>Title of Sheet</u>	<u>Cancels Colo. PUC Sheet Number</u>
Fourth Revised 10	Natural Gas Rates Residential Service	Third Revised 10
Third Revised 11	Natural Gas Rates Commercial Service	Second Revised 11
Second Revised 18	Natural Gas Rates Interruptible Industrial Service	First Revised 18

The Exceptions filed to Decision No. 83712 correctly pointed out typographical errors in Appendix A to said Recommended Decision. However, inasmuch as the tariffs filed by Advice Letter No. 13 in implementation of Decision No. 83835 would supersede the tariffs of a corrected Appendix A to Decision No. 83712, the Exceptions have become moot.

The following Order should be entered.

O R D E R

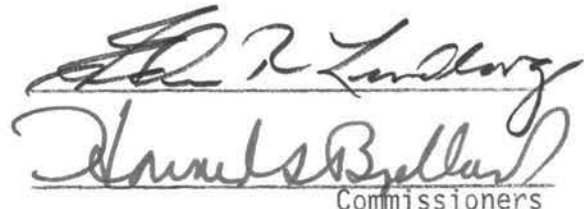
THE COMMISSION ORDERS THAT:

The Exceptions of Salida Gas Service Company filed on October 2, 1973, having become moot, be, and the same hereby are, denied.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTS

js

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: COLORADO MOTOR TARIFF BUREAU, INC.
JOINTLY WITH WARD TRANSPORT, INC. AND
RUAN TRANSPORT CORPORATION, FILED
APPLICATION NO. 15, TO PUT INTO EFFECT
NEW INCREASED RATES ON LOWER MINIMUM
GALLONS PER SHIPMENT TO COMPLY WITH
HIGHWAY WEIGHT LAWS, ON LESS THAN
STATUTORY NOTICE

APPLICATION NO. 27052

CASE NO. 1585

October 16, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Application No. 15, filed October 12, 1973, the Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of carriers party to its Tariff No. 7-A, Ward Transport, Inc., its Tariff No. C-4, and Ruan Transport Corporation, its Tariff No. Colo. PUC No. 5, request permission to file new increased rates with lower minimum gallons per shipment on Petroleum Products weighing less than 6.6 pounds per gallon and those weighing more than 6.6 pounds per gallon, in order to comply with the strict enforcement of the weight laws on the Interstate Highway systems.

The Applicants wish to publish a 7300-gallon minimum with an $8\frac{1}{2}$ ($8\frac{1}{2}\%$) percent increase over the rates of the 8000 gallon minimum for petroleum products weighing less than 6.6 pounds per gallon, and publish a 6300 gallon minimum with a $9\frac{1}{2}$ ($9\frac{1}{2}\%$) percent increase over the rates of the 7000 gallon minimum on Petroleum Products weighing more than 6.6 pounds per gallon.

Said rates on the proposed minimum gallonage would apply only when transportation is over the interstate highway system, and the existing rates and minimums will be retained for transportation over highways other than the interstate system.

- a. That this change in the rate scales is proposed to recover the carriers' out-of-pocket loss of revenue only and that, if effective, its use will not improve or alter the carriers' profit.

The carriers state that there is an urgent and immediate need for the above-stated new rates and minimums due to loss of revenue in hauling lighter loads on the interstate highways.

The Commission finds that good cause having been shown, the above-mentioned lower minimum gallon shipments with increased rates should be allowed to become effective.

O R D E R

THE COMMISSION ORDERS:

1. That the Colorado Motor Tariff Bureau, Inc., Ward Transport, Inc., and Ruan Transport Corporation, be, and they hereby are, authorized to publish a new scale of rates on a 7300-gallon minimum. Said rates to be an $8\frac{1}{2}$ ($8\frac{1}{2}\%$) percent increase over the existing 8000 gallon rates for petroleum products weighing less than 6.6 pounds per gallon, and a new scale of rates on 6300 gallon minimum, which rates to be $9\frac{1}{2}$ ($9\frac{1}{2}\%$) percent increase over the 7000-gallon minimum rates for petroleum products weighing more than 6.6 pounds per gallon.
2. That said new minimums and rates shall become effective, after filing with the Public Utilities Commission, on October 22, 1973.
3. That the Rates and Charges as set forth above shall be the prescribed rates and charges of the Commission.
4. 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.
5. That all contract carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall publish or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.
6. That on and after October 22, 1973, 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 all call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) percent.

7. That on and after October 22, 1973, all contract 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" Contract Carriers shall be subject to the penalty rule of twenty (20) percent.

8. That this Order shall not be construed so as to compel a contract carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such contract carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

9. 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.

10. That this Order shall become effective forthwith.

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

DONE IN OPEN MEETING this 16th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
DISSENTING.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

The Applicant is being authorized, inter alia, to file to become effective upon less than 30 days' notice as required by statute a tariff which provides for increases in the rates for the transportation of petroleum products of 8½% and 9½% (1) without hearing; (2) without evidence of good

cause shown for less than thirty (30) days' notice as required by law; (3) upon a notice which, in addition to its impropriety because of its reduced period, is not a good, sufficient or reasonable notice to interested parties; and (4) without good and sufficient evidence before the Commission to support the authorization of such increases.

A large number of carriers are involved. Good and sufficient evidence is not before the Commission upon which it can be determined whether or not such carriers, or any of them, can absorb the alleged increases in costs, or some part thereof, and still retain a fair rate of return.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
V. M. IRVIN, 1245 PARK AVENUE, CANON	)	APPLICATION NO. 27000-TA
CITY, COLORADO, FOR TEMPORARY AUTH-)	
ORITY TO OPERATE AS A COMMON CARRIER	)	ORDER GRANTING TEMPORARY AUTHORITY
BY MOTOR VEHICLE.)	

- - - - -
October 19, 1973
- - - - -

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

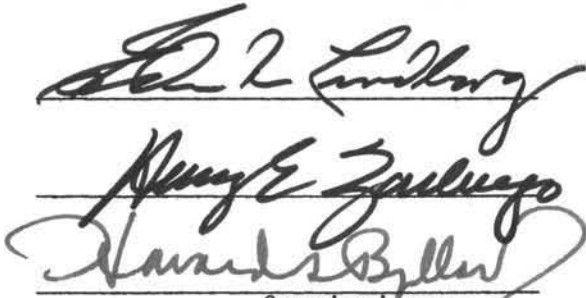
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof 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 no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83887
October 19, 1973

V. M. Irvin

Transportation of

Liquid waste

From all points located within the Counties of Fremont, El Paso, and Pueblo, State of Colorado, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 83888)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CUSTOM WALLBOARD STOCKING SERVICE, INC.,)
820 MATTHEWS STREET, FT. COLLINS, COLO-)
RADO, FOR TEMPORARY AUTHORITY TO OPER-)
ATE AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27007-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

October 19, 1973

The above-entitled application under CRS 1963, 115-6-20, 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(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof 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 no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83888
October 19, 1973

Custom Wallboard Stocking Service, Inc.

Transportation of

Wallboard and accessory items used for the installation of wallboard

From all points located within the Counties of Boulder, Larimer, and Weld, State of Colorado, to construction sites located within the Counties of Boulder, Larimer, Weld, Jefferson, Adams, Denver, Arapahoe, Jackson, Grant, Summit, Clear Creek, Gilpin, and Eagle, State of Colorado.

RESTRICTION: This temporary authority is restricted against rendering transportation service for more than fifteen (15) customers at any one time.

(Decision No. 83889)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
BOULDER-YELLOW CAB, INC., 2680
ARAPAHOE STREET, BOULDER, COLORADO,
FOR TEMPORARY AUTHORITY TO OPERATE
AS A CLASS "B" CONTRACT CARRIER BY
MOTOR VEHICLE.

)
) APPLICATION NO. 27008-PP-TA
)
) ORDER GRANTING TEMPORARY AUTHORITY
)
)

- - - - -
October 19, 1973
- - - - -

The above-entitled application under CRS 1963, 115-6-20, 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(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof 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 no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83889
October 19, 1973

Boulder-Yellow Cab, Inc.

Transportation of

Passengers and their baggage and parcels

Between the IBM Chesapeake Building, Niwot, Colorado, and the IBM Main Plant Building, Niwot, Colorado.

RESTRICTION: This temporary authority is restricted as follows:

- (a) Transportation of parcels shall not exceed fifty (50) pounds.
- (b) To rendering transportation service for only International Business Machines Corporation.

(Decision No. 83890)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
GROSCH-TUCKER, INC., DOING BUSINESS
AS "GROSCH-TUCKER, INC. OF MISSOURI,"
1521 CLEVELAND PLACE, DENVER, COLO-
RADO, FOR TEMPORARY AUTHORITY TO
OPERATE AS A CLASS "B" CONTRACT
CARRIER BY MOTOR VEHICLE.

)
)
) APPLICATION NO. 27011-PP-TA
)
) ORDER GRANTING TEMPORARY AUTHORITY
)
)

- - - - -
October 19, 1973
- - - - -

The above-entitled application under CRS 1963, 115-6-20, 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.

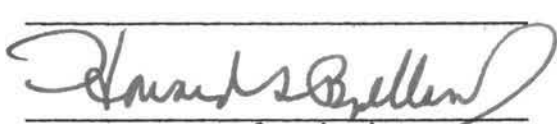
IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83890
October 19, 1973

Grosch-Tucker, Inc. of Missouri

Transportation of

- (1) Convention and trade-show exhibits, display equipment and paraphernalia for sales meetings and exposition

Between all points within a thirty (30) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

- (2) Convention and trade-show exhibits, display equipment and paraphernalia for sales meetings and exposition

From all points located within the City and County of Denver, State of Colorado, on the one hand, and all points located within the State of Colorado, on the other hand.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	APPLICATION NO. 27051
OF NORTHERN NATURAL GAS COMPANY)	
FOR AN ORDER AUTHORIZING IT TO)	ORDER OF THE COMMISSION
PUT INTO EFFECT EMERGENCY GAS)	AUTHORIZING TARIFF FILING
RATE ADJUSTMENT.)	ON LESS THAN STATUTORY NOTICE

October 16, 1973

S T A T E M E N T

BY THE COMMISSION:

On October 15, 1973, Peoples Natural Gas Division of Northern Natural Gas (Peoples), a Delaware Corporation and utility subject to the jurisdiction of this Commission, filed the above application seeking authorization of the Commission, without formal hearing, and on less than thirty (30) days' statutory notice, to file an emergency gas rate adjustment to its existing natural gas rates now on file with the Commission.

The gas tariffs sought to be filed on less than statutory notice of thirty (30) days are proposed to be filed to become effective on not less than one (1) day's notice and would result in increases in Peoples' retail gas revenues amounting to approximately \$7,667 annually.

Peoples obtains its natural gas supply for the Town of Gunnison and surrounding area in Gunnison County from the Western Slope Gas Company, which Company received authority from the Public Utilities Commission of the State of Colorado to increase its rates on less than statutory notice. Peoples was obligated to pay such increased rates on and after October 1, 1973.

The increased rates of Western Slope Gas Company are estimated to increase the annual cost of gas purchased by Peoples from the Western Slope Gas Company by approximately \$7,598, based on volumes purchased through

August 31, 1973. Peoples proposes to increase its rates to cover the increase in the cost of gas brought about by the increased rates of the Western Slope Gas Company, and the increased franchise taxes resulting from the pass-along of the increased Western Slope Gas Company rates.

Peoples' natural gas rates presently on file with this Commission produced revenues which result in an approximate rate of return to Peoples of 8.49 percent for the year ended June 30, 1973, as more fully shown in Exhibit A attached to the application.

Peoples' proposed emergency gas rate adjustment to rates F and V is contained in Exhibit B to its application.

Peoples further states that in the event the Western Slope Gas Company should subsequently refund to Peoples, all or part of its increase in rates, Peoples will refund to its customers the applicable amount of any refund so received in such manner as shall be approved by this Commission.

FINDINGS OF FACT

The Commission finds that the application herein will increase Peoples' gas rates by an amount calculated to produce, on an annual basis, additional revenue substantially equivalent to the total of the annual increase in the cost of gas to be purchased by Peoples from the Western Slope Gas Company and the increased franchise taxes resulting from the pass-along of the increased Western Slope Gas Company rates; and that, good cause having been shown therefor, Peoples should be authorized to file the tariffs contained in Exhibit B to become effective upon one (1) day's notice.

The following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Applicant, Peoples Natural Gas Division of Northern Natural Gas Company be, and hereby is, authorized to file to become effective upon not less than one (1) day's notice, the tariff provisions shown in Exhibit B attached to the application, which exhibit is hereby made a part hereof by reference, provided however, that all rates to be filed shall be rounded to the nearest tenth of a cent.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
DISSENTING.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

The Applicant is being authorized, inter alia, "to file to become effective upon not less than one (1) day's notice" a tariff which provides for an increase in retail gas rates "calculated to produce, on an annual basis, additional revenue substantially equivalent to the total of the annual increase in the cost of gas to be purchased by Peoples from the Western Slope Gas Company and increased franchise taxes resulting from the pass-along of the increased Western Slope Gas Company rates," (1) without hearing; (2) without evidence of good cause shown for less than thirty (30) days' notice as required by law; (3) upon a notice which, in addition to its impropriety because of its reduced period, is not a good, sufficient or reasonable notice to interested parties; and (4) without good and sufficient evidence before the Commission to support the authorization of such increases.

Good and sufficient evidence is not before the Commission upon which it can be determined whether or not the Applicant can absorb the increase, or some part thereof, and still retain a fair rate of return.

To approve such increase under the circumstances to offset increases in wholesale costs to Applicant destroys incentive on the part of the Applicant to resist by whatever means possible increases in wholesale costs and encourages the wholesaler to seek further increases.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
did

(Decision No. 83892)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HANSEL KNIGHT, DOING BUSINESS AS
"K & Y TRUCKING CO.," 1342 WASHINGTON,
LOVELAND, COLORADO, FOR TEMPORARY
AUTHORITY TO OPERATE AS A CLASS "B"
CONTRACT CARRIER BY MOTOR VEHICLE.

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APPLICATION NO. 27012-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
October 19, 1973
- - - - -

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

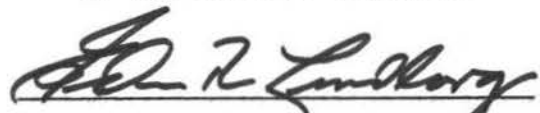
IT APPEARING, That there is an immediate and urgent need for the motor
carrier service described in the Appendix attached hereto, and that there is no
carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted
temporary authority for a period of 180 days commencing as of the day and date
hereof 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 no operations shall be commenced until all
requirements have been met and notice in writing has been received from the
Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83892
October 19, 1973

K & Y Trucking Co.

Transportation of

Livestock feed and farm products

Between all points located within a fifty (50) mile radius of the intersection of Lincoln Avenue and Eisenhower Street, Loveland, Colorado, and between said points, on the one hand, and points located within the State of Colorado, on the other hand.

RESTRICTION: This temporary authority is restricted as follows:

- (a) Against transporting livestock, bulk milk, and dairy products; and
- (b) Against the transportation of liquid feed in bulk, in tank vehicles.

(Decision No. 83893)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMIE D. EIFFERT, 285 SOUTH JAY)
STREET #27, LAKEWOOD, COLORADO, FOR)
TEMPORARY APPROVAL TO CONDUCT OPER-)
ATIONS UNDER CONTRACT CARRIER PERMIT)
NO. B-4873.)

APPLICATION NO. 27015-PP-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

- - - - -
October 19, 1973
- - - - -

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

IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

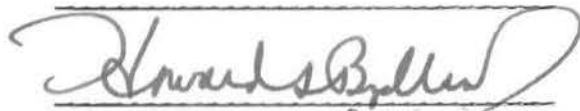
IT IS ORDERED, That Transferee(s) be granted temporary approval for a period of 165 days effective as of the day and date hereof, to engage in the business of transportation by motor vehicle to the extent of the authority granted by this Commission under the authority set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferee(s) shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 83894)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD LEE GROKETT, DOING BUSINESS)
AS "DON'S TRUCK LINE," RURAL ROUTE)
2, LIMON, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27027-TA

ORDER DENYING TEMPORARY AUTHORITY

- - - - -
October 19, 1973
- - - - -

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 83895)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
KEITH L. RATCLIFFE, R. R. #1, BOX
127, KERSEY, COLORADO, FOR TEMPORARY
AUTHORITY TO OPERATE AS A CLASS "B"
CONTRACT CARRIER BY MOTOR VEHICLE.

)
) APPLICATION NO. 27029-PP-TA
)
) ORDER GRANTING TEMPORARY AUTHORITY
)

October 19, 1973

The above-entitled application under CRS 1963, 115-6-20, 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(s) named in the caption above be granted
temporary authority for a period of 180 days commencing as of the day and date
hereof 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 no operations shall be commenced until all
requirements have been met and notice in writing has been received from the
Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83895
October 19, 1973

Keith L. Ratcliffe

Transportation of

Grain, feed, and feed ingredients

Between Northern Colorado Grain Co. facilities located in Greeley, Colorado, on the one hand, and points located within a seventy-five (75) mile radius of the intersection of U.S. Highway 85 by-pass and 18th Street, Greeley, Colorado, on the other hand.

RESTRICTION: This temporary authority is restricted as follows:

- (a) To rendering transportation service for only Northern Colorado Grain Co.;
- (b) Against the transportation of liquid feed in tank trucks.

(Decision No. 83896)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEROY K. WHITT, DOING BUSINESS AS)
"WHITT TRANSFER & STORAGE CO.,")
506 WEST 3RD STREET, PUEBLO, COLO-)
RADO, FOR TEMPORARY APPROVAL TO)
CONDUCT OPERATIONS UNDER CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 2288.)

APPLICATION NO. 27030-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

- - - - -
October 19, 1973
- - - - -

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

IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Transferee(s) be granted temporary approval for a period of 180 days effective as of the day and date hereof, to engage in the business of transportation by motor vehicle to the extent of the authority granted by this Commission under the authority set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferee(s) shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 83897)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27050
NORTHERN NATURAL GAS COMPANY FOR AN)	
ORDER AUTHORIZING IT TO PUT INTO)	ORDER OF THE COMMISSION
EFFECT EMERGENCY GAS RATE ADJUSTMENT.)	AUTHORIZING TARIFF FILING
	ON LESS THAN STATUTORY NOTICE

- - - - -
October 16, 1973
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On October 15, 1973, Peoples Natural Gas Division of Northern Natural Gas (Peoples), a Delaware Corporation and utility subject to the jurisdiction of this Commission, filed the above application seeking authorization of the Commission, without formal hearing, and on less than thirty (30) days' notice, to file an emergency gas rate adjustment to its existing natural gas rates now on file with the Commission.

The gas tariffs sought to be filed on less than statutory notice of thirty (30) days are proposed to be filed to become effective on not less than one (1) day's notice and would result in increases in Peoples retail gas revenues amounting to approximately \$15,384.00 annually.

Peoples obtains its natural gas supply for the Ute Pass area of El Paso and Teller Counties from the Department of Public Utilities of the City of Colorado Springs, which department filed an application with the Public Utilities Commission of the State of Colorado to increase rates on less than statutory notice. The net increase in rates filed by the City of Colorado Springs resulted from the net effect of Colorado Interstate's rate settlement in FPC Docket RP72-113, its general increase filing at FPC Docket RP73-93 and the 2.39¢ per MCF PGA increase. The Department of Public Utilities of the City of Colorado Springs requested to effectuate the increased rates on and after October 10, 1973.

The increased rates of the Department of Public Utilities are estimated to increase the annual cost of gas purchased by Peoples from the Department of Public Utilities by approximately \$15,094, based on volumes purchased for the twelve months ended August 31, 1973. Peoples proposes to increase its rates to cover the increase in the cost of gas brought about by the increased rates of the Department of Public Utilities and the increase of franchise taxes resulting from the pass-along of the increased Department of Public Utilities rates.

Peoples natural gas rates presently on file with this Commission produced revenues which result in an approximate rate of return to Peoples of 8.49 percent for the year ended June 30, 1973, as more fully shown in Exhibit A attached to the application.

Peoples' proposed emergency gas rate adjustment to rate C is contained in Exhibit B to its application. Peoples further states that in the event the Department of Public Utilities and/or City of Colorado Springs should subsequently refund to Peoples all or part of its increase in rates, Peoples will refund to its customers the applicable amount of any refund so received in such manner as shall be approved by this Commission.

FINDINGS OF FACT

The Commission finds that the application herein will increase Peoples gas rates by an amount calculated to produce, on an annual basis, additional revenue substantially equivalent to the total of the annual increase in the cost of gas to be purchased by Peoples from the Department of Public Utilities of the City of Colorado Springs, and the increased franchise taxes resulting from the pass-along of the increased Department of Public Utilities rates; and that, good cause having been shown therefor, Peoples should be authorized to file the tariffs contained in Exhibit B to become effective upon one (1) day's notice.

The following Order should be entered.

O R D E R

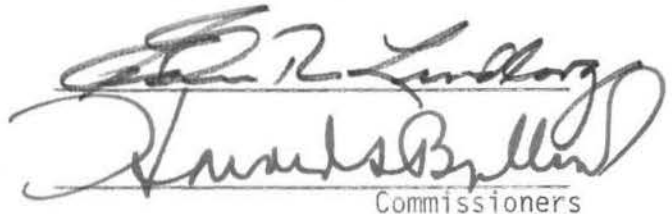
THE COMMISSION ORDERS THAT:

Applicant, Peoples Natural Gas Division of Northern Natural Gas Company be, and hereby is, authorized to file to become effective upon not less than one (1) day's notice, the tariff provision shown in Exhibit B attached to the application, which exhibit is hereby made a part hereof by reference, provided however, that all rates to be filed shall be rounded to the nearest tenth of a cent.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTS

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

The Applicant, Peoples Natural Gas Division of Northern Natural Gas Company, is being authorized, inter alia, "to file to become effective upon not less than one (1) day's notice" a tariff which provides for increases in retail gas rates of approximately \$15,384 annually (1) without hearing; (2) without evidence of good cause shown for less than thirty (30) days' notice as required by law; (3) upon a notice which, in addition to its impropriety because of its reduced period, is not a good, sufficient or reasonable notice to interested parties; and (4) without good and

sufficient evidence before the Commission to support the authorization of such increases.

Good and sufficient evidence is not before the Commission upon which it can be determined whether or not Applicant can absorb the increase, or some part thereof, and still retain a fair rate of return.

To approve such increase under the circumstances to offset increases in wholesale costs to Applicant destroys incentive on the part of the Applicant to resist by whatever means possible increases in wholesale costs and encourages the wholesaler to seek further increases.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
js

(Decision No. 83898)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	APPLICATION NO. 26570-PP-Amended
OF SPD TRUCK LINE, INC., OPALENA)	
AT COTTAGE, ABILENE, KANSAS, FOR)	RECOMMENDED DECISION OF
A CLASS "B" PERMIT TO OPERATE AS)	ROBERT L. PYLE, EXAMINER
A CONTRACT CARRIER BY MOTOR)	GRANTING APPLICATION
VEHICLE FOR HIRE.)	

- - - - -
October 17, 1973
- - - - -

Appearances: Edward T. Lyons, Jr., Esq.,
Denver, Colorado,
for Applicant.
Joseph F. Nigro, Esq.,
Denver, Colorado, for
G.I. Moving & Storage Co.,
Murph's Express, Inc.,
Thomas & Son Transfer Line, Inc.,
United States Transfer & Storage Co.,
and Weicker Transfer & Storage Co.,
Protestants.

PROCEDURE AND RECORD

By the subject application, filed April 12, 1973, as subsequently amended, the Applicant seeks a Class "B" Permit to operate as a contract carrier by motor vehicle for hire, for the transportation of such commodities as are dealt in or used by wholesale or retail discount or variety stores, over irregular routes, between all points in the State of Colorado, subject to a restriction to serving two customers only, namely, Duckwall Stores, Inc., and Western Merchandise Company.

Protests of the application were filed on behalf of G. I. Moving & Storage Co.; Murph's Express, Inc.; Thomas & Son Transfer Line, Inc.; United States Transfer & Storage Co.; Edson Express, Inc.; and Trans-Western Express, Ltd. The protests of the latter two carriers were withdrawn by a communication to the Commission from their counsel, dated September 17, 1973.

After due and proper notice to all interested parties, a hearing on the application was held on September 28, 1973, before Examiner Robert L. Pyle, to whom the matter was assigned pursuant to law. At the hearing, the Applicant presented testimony in support of the application by Mr. Leo Foltz and Mr. L. E. Garrison, both of Abilene, Kansas, and in connection therewith offered Exhibits 1 through 6, which were duly received in evidence.

At the commencement of the hearing, it was stipulated between counsel for the Applicant and counsel for the Protestants, G. I. Moving & Storage Co.; Murph's Express, Inc.; Thomas & Son Transfer Line, Inc.; United States Transfer & Storage Co.; and Weicker Transfer & Storage Co., that official notice could be taken of the certificates of public convenience and necessity held by the named carriers. Other than this stipulation, these Protestants offered no evidence in opposition to the application, and did not participate further in the hearing.

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

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with his recommended order or requirement.

FINDINGS OF FACT

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

1. Applicant SPD Truck Line, Inc., hereinafter referred to by name or as Applicant, is a Kansas corporation duly authorized to do business within the State of Colorado. Its principal office is located in Abilene, Kansas. It is a wholly owned subsidiary of Duckwall Stores,

Inc. The parent company operates numerous variety stores, several discount department stores, and a number of fabric shops in the states of Kansas, Colorado, New Mexico and Texas, and together with another subsidiary corporation, Western Merchandise Company, supplies these stores and shops with the major part of their stock in trade. Since Duckwall Stores, Inc., and Western Merchandise Company are affiliated companies engaged in a common enterprise as far as this proceeding is concerned, both of them will be referred to hereinafter simply as Duckwall.

2. There are presently 21 Duckwall variety stores, six of the discount department stores, and one fabric shop in operation within the State of Colorado. These stores are located at numerous points within the state. Additional stores are being planned at the present time, and it is the policy of Duckwall to establish additional stores and shops wherever it is feasible to do so. Almost any community within the state could be the potential site of such a facility. For this reason, in order to accommodate the distribution requirements of Duckwall, a motor carrier should be authorized to serve statewide destinations.

3. The traffic which Duckwall ships to its Colorado stores has in the past originated at the shipper's central warehouse facility at Abilene, Kansas, and has therefore moved entirely in interstate commerce. This distribution pattern is changing, however, and Duckwall has recently acquired additional warehouse facilities in Denver, Colorado, which will be utilized to supply a portion of the needs of the Colorado stores. In addition, Duckwall purchases a variety of commodities which are used or dealt in by its stores from independent vendors within the State of Colorado. Shipments are sometimes made directly from these vendors to the individual stores. As of 1971, Duckwall was doing business with vendors at 36 different locations within the State of Colorado, and the number of such vendors would be even greater today. Because of the competitive purchasing policies which Duckwall pursues, the identity and location of these

vendors will change from time to time. In order to originate shipments from the facilities of these vendors, Duckwall accordingly has a present or foreseeable future need for a transportation service able to serve statewide origins within Colorado.

4. The traffic which Duckwall ships to its Colorado stores, including the traffic which originates directly from vendor origins, covers the full range of the type of commodities which are typically dealt in by variety and discount department stores. There are literally hundreds of such items, and a broad description of operating authority such as that which the Applicant seeks in this proceeding will be necessary in order to satisfy the transportation requirements under consideration. During 1971, Duckwall shipped 4,391,455 pounds of the involved commodities from its Abilene warehouse to its Colorado stores, and an additional 276,260 pounds were shipped to these stores from vendor locations within Colorado. Both categories of traffic have increased substantially as of the present time. As has been noted previously, a large portion of the traffic formerly shipped from the Abilene warehouse will now move from Duckwall's warehouse facilities in Denver.

5. Previously, Duckwall has relied primarily upon meeting its own transportation needs as a commercial carrier of its own traffic using privately owned motor vehicles. This has come about because of the extremely specialized nature of the service which is required and the lack of any suitable common carrier service. Now, however, due to the circumstance that there are actually two different shipping entities involved, the continuation of commercial carriage is no longer feasible because of the legal restrictions which would limit the joint use of the same fleet of trucks by more than one shipper. The present application has been designed to furnish the two involved shipping companies with a satisfactory substitute.

6. The evidence establishes that the two-company enterprise we are referring to as Duckwall has a definite present or future private

or personal need for the proposed service of the Applicant. The shipping requirements under consideration are extremely specialized and not generally available from common carriers, and the proposed service of the Applicant has been specifically tailored to meet these requirements. The service which the Applicant will provide will be closely coordinated with both Duckwall and the individual stores to which deliveries will be made, and will involve such features as peddle-type deliveries to the stores, deliveries to the stores timed to coincide with their own convenience and internal requirements, split pick-ups between warehouse and vendor shipping facilities, interstore movements, the return of merchandise to the warehouses, and the use of special high-cube trailers of a type not generally operated by common carriers of general commodities. The operations of the Applicant within Colorado will be inextricably intertwined with similar operations within Kansas and in interstate commerce between points in Kansas, Colorado, New Mexico and Texas. For instance, the Applicant's trucks will be dispatched from Kansas with interstate freight to be delivered en route at Colorado stores, and the same trucks will then be reloaded in Colorado for delivery both at points within this state and at interstate stops en route back to Abilene. The Applicant had already obtained temporary authority from the Interstate Commerce Commission to provide the interstate phase of the service, and has a corresponding application for permanent authority pending before that agency. The State of Kansas has already authorized comparable operations within its jurisdiction.

7. Authorization of the proposed service of the Applicant will not impair the existing public service of any authorized motor vehicle common carrier now serving the same territory. In this respect, the evidence establishes that there is in fact no common carrier now providing or offering to provide the same type of service, and the granting of this application will therefore have no competitive effect upon any such

carrier. Moreover, the evidence establishes that the type of service which common carriers provide would be entirely inadequate and uneconomical from the viewpoint of the supporting shippers.

8. The Applicant has demonstrated that it is fit, willing and able properly to perform the proposed service and to conform to this Commission's rules and regulations. As of September 2, 1973, the Applicant had total assets of \$154,924.45 and liabilities of only \$4,310.87, resulting in a net worth of \$150,613.58. Through the first eight months of 1973 it has derived a net profit from operations, before provision for taxes, of \$19,613.58. It operates nine units of power equipment, and 18 specially designed trailers, which will be used in the proposed service. The Applicant clearly has sufficient financial ability and equipment to satisfy the transportation requirements under consideration. Its representatives are familiar with this Commission's applicable rules and regulations, and the Applicant will comply therewith if this application is granted.

CONCLUSIONS ON FINDINGS OF FACT

Based upon the foregoing findings of fact, it is concluded that:

1. Application No. 26570-PP-Amended should be granted.
2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

ORDER

THE COMMISSION ORDERS THAT:


1. Application No. 26570-PP-Amended, being an application of SPD Truck Line, Inc., of Abilene, Kansas, is hereby granted, and said Applicant is hereby granted a Class "B" Permit to operate as a contract carrier by motor vehicle for hire, for the transportation of

Such commodities as are dealt in or used by wholesale or retail discount or variety stores, over irregular routes, between all points in the State of Colorado. RESTRICTION: This Permit shall be restricted to serving two customers only, said customers being Duckwall Stores, Inc. and Western Merchandise Company.

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 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 it 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr

(Decision No. 83899)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FELIX DURAN, JAMES DURAN, AND FRANK)
ECKHARDT, JR., DOING BUSINESS AS)
"DURAN AND ECKHARDT TRUCKING," P.O.)
BOX 416, LASALLE, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27053-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
October 19, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

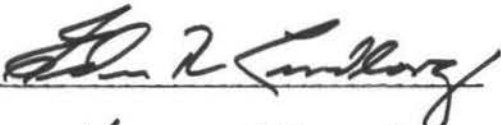


AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83899
October 19, 1973

Duran and Eckhardt Trucking

Transportation of

Farm products

Between all points within an area comprised of the Counties of Weld, Morgan, Adams, Arapahoe, Boulder, Larimer, Sedgwick, Washington, Logan, Phillips, Yuma, Denver, and Jefferson, State of Colorado.

RESTRICTION: This Emergency Temporary Authority is restricted against the transportation of livestock, bulk milk, and dairy products.

(Decision No. 83900)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. G. HIBBERT, DOING BUSINESS AS)
"ROAD RUNNER ENTERPRISES," P. O.)
BOX 1942, STEAMBOAT SPRINGS, COLO-)
RADO, FOR EMERGENCY TEMPORARY AUTH-)
ORITY TO EXTEND OPERATIONS UNDER)
CONTRACT CARRIER PERMIT NO. B-8046.)

APPLICATION NO. 27054-PP-Extension-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
October 19, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

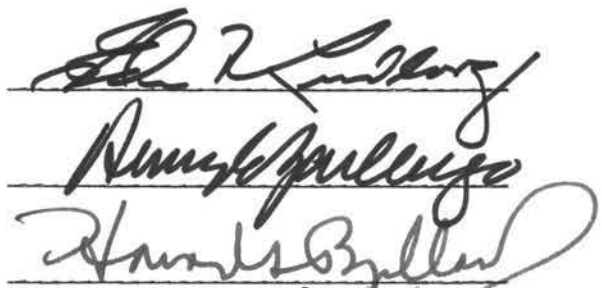
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83900
October 19, 1973

Road Runner Enterprises

Transportation of

Baled hay

From all points located within the County of Routt, State of Colorado, to all points located within as area comprised of the Counties of Moffat, Routt, Rio Blanco, Jackson, Larimer, Weld, Boulder, Adams, Arapahoe, Denver, Jefferson, Douglas, and El Paso, State of Colorado.

(Decision No. 83901)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GERALD G. WOOD, DOING BUSINESS AS)
"WOOD AND SONS," ROUTE 1, SUN)
PRAIRIE, WISCONSIN, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27066-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
October 19, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

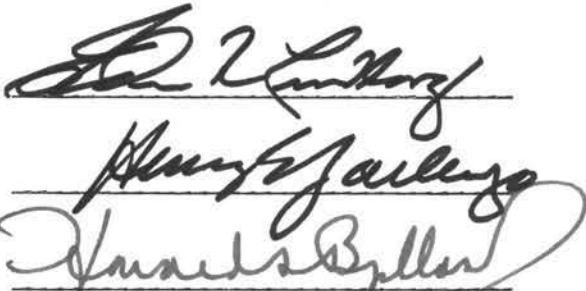
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83901
October 19, 1973

Wood and Sons

Transportation of

Bulls (other than ordinary)

From points located within the State of Colorado, to the American Breeders Service, Inc. facilities located near Wellington, Colorado.

- RESTRICTIONS:
- (1) Transportation service rendered under this Emergency Temporary Authority is restricted to only the movement of bulls to be used for breeding purposes;
 - (2) This Emergency Temporary Authority is restricted to rendering transportation service for only American Breeders Service, Inc., DeForest, Wisconsin.

(Decision No. 83902)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALTER D. WHEELER AND LINDA JEAN)
WHEELER, DOING BUSINESS AS "DIAMOND)
TRUCKING," 328 3RD STREET, BOX 553,)
STEAMBOAT SPRINGS, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27069-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
October 23, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

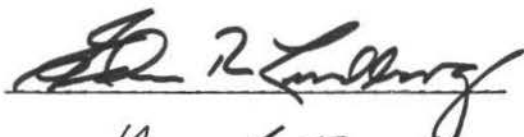


AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 23rd day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83902
October 23, 1973

Diamond Trucking

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DOUG'S TOWING SERVICE, INC., 5320	)	APPLICATION NO. 26904-PP
IRVING STREET, DENVER, COLORADO, FOR)	
AUTHORITY TO OPERATE AS A CLASS "B"	)	ORDER OF THE COMMISSION
CONTRACT CARRIER BY MOTOR VEHICLE.)	

October 23, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

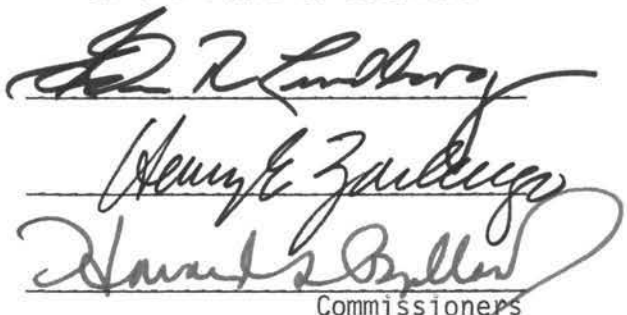
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 23rd day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83903
October 23, 1973

Doug's Towing Service, Inc.

Transportation of

Motor vehicles

From all points located within the State of Colorado, to National Auto Salvage Auction, Inc., 2100 West Oxford Street, Englewood, Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the transportation of trucks and tractors having greater than 3/4 ton manufacturers rated capacity.
- (b) To rendering transportation service for only National Auto Salvage Auction, Inc.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF VAIL LIMOUSINE)	
SERVICE, INC., DOING BUSINESS AS "ROCKY MOUNTAIN	)	APPLICATION NO.
AIR FREIGHT DELIVERY SERVICE, INC.," 1421 COURT	)	25196-PP-Amended
PLACE, DENVER, COLORADO, FOR A CLASS "B" PERMIT)	
TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	

ORDER GRANTING EXTENSION OF TIME FOR FILING EXCEPTIONS

October 19, 1973

Appearances: Robert S. Wham, Esq.,
Denver, Colorado,
for Applicants;
John S. Mueller, Esq.,
Denver, Colorado, for
Gary C. Bogue, doing business
as "Roaring Fork Express Company,"
Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 28, 1973, Recommended Decision No. 83785 of Thomas M. McCaffrey, Examiner, was entered and served upon the parties.

On October 15, 1973, John F. Mueller, attorney for Protestant, Gary C. Bogue, doing business as "Roaring Fork Express Company," filed with the Commission a letter requesting an extension of time in which to file exceptions to Recommended Decision No. 83785, until and including October 29, 1973.

The Commission states and finds that said request for an extension of time is in the public interest and should be granted.

O R D E R

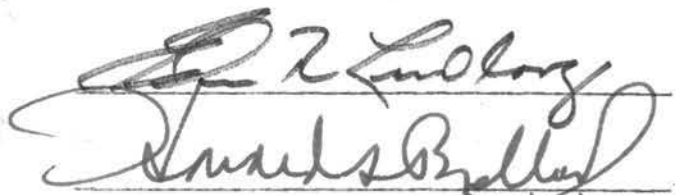
THE COMMISSION ORDERS THAT:

Protestant, Gary C. Bogue, doing business as "Roaring Fork Express Company," be, and hereby is, granted an extension of time within which to file exceptions to the said Recommended Decision of the Examiner to and including October 29, 1973.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 83905)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PAUL HENDRYX AND DORMA HENDRYX,)
DOING BUSINESS AS "COMMUNITY)
SANITATION," BOX A, MONUMENT,)
COLORADO 80132.)

PUC NO. 6396

October 19, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Commission Decision No. 82805 dated April 17, 1973, the Commission authorized the suspension on the motor vehicle operations under the above-entitled authority from April 17, 1973, to and including October 17, 1973.

On October 15, 1973, the owner of the above-entitled authority, by and through his counsel, Hayden W. Kane, requested an extension of the suspension until an unspecified later date.

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

O R D E R

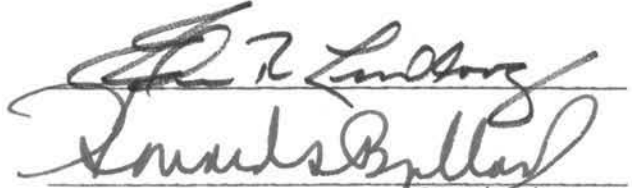
THE COMMISSION ORDERS THAT:

The suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from October 17, 1973, to and including April 17, 1974.

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.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CHARLES V. OWENS, DOING BUSINESS AS)	APPLICATION NO. 27022
YVEX, 650 RUSSELL STREET, CRAIG,)	
COLORADO 81265, FOR A CERTIFICATE)	COMMISSION ORDER GRANTING
OF PUBLIC CONVENIENCE AND NECESSITY)	MOTION TO INTERVENE AND
TO OPERATE AS A COMMON CARRIER BY)	PROTEST
MOTOR VEHICLE FOR HIRE.)	

- - - - -
October 19, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 15, 1973, Denver-Colorado Springs-Pueblo Motorway, Continental Bus Systems, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), Continental Central Lines, Continental American Lines, Denver-Salt Lake-Pacific Stages, Inc., by their attorney, John R. Barry, filed with the Commission a Motion to Intervene and Protest in the above-captioned proceeding.

The Commission states and finds that Movants for Intervention are persons 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:

Denver-Colorado Springs-Pueblo Motorway, Continental Bus Systems, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), Continental Central Lines, Continental American Lines, Denver-Salt Lake-Pacific Stages, Inc., be, and hereby are, granted leave to intervene as requested in the Motion filed October 15, 1973.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 83907)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM L. BLAIR AND KENNETH W.)
BLAIR, DOING BUSINESS AS "BLAIR &)
SONS," P. O. BOX 403, OLATHE,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER CONTRACT CARRIER)
PERMIT NO. B-6024.)

APPLICATION NO. 27023-PP-Extension

ORDER OF THE COMMISSION

October 19, 1973

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered;

WE FIND, That there is a present and special need for the transportation services as hereinafter extended and ordered; and that it does not appear that the grant of authority as hereinafter extended and ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

AND WE FURTHER FIND, That Applicants named in the caption above are fit willing and able properly to perform the extended service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to extend operations under said Contract Carrier Permit No. B-6024 to include the following:

"Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius as restricted below.

(2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

(a) Against town-to-town service; and

(b) Against rendering of any transportation service beyond a radius of 200 miles from the point(s) of origin."

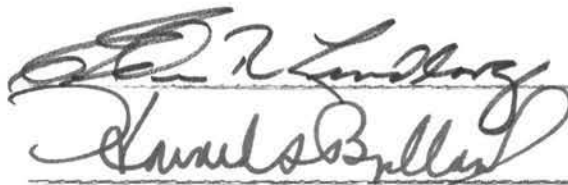
IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit, as extended, shall read and be as set forth in the Appendix attached hereto and this order shall be deemed to be a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced until a statement of customers, the necessary tariffs, required insurance, have been filed and authority sheets have been issued.

AND IT IS FURTHER ORDERED, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

Appendix

Decision No. 83907
October 19, 1973

Blair & Sons

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: Items Nos. 1, 2, 3, and 4 of this Permit are restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
(b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

- (5) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

- (6) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: Items Nos. 5 and 6 of this Permit are restricted as follows:

- (a) Against town-to-town service; and
(b) Against rendering of any transportation service beyond a radius of 200 miles from the point(s) of origin.

Appendix

Decision No. 83907

October 19, 1973

Page 2

Blair & Sons

(7) Coal

From mines to points within a radius of one hundred (100) miles of Olathe, Colorado.

(8) Farm implements and farm products (excluding livestock)

Between points within the counties of Mesa, Delta and Montrose, and from and to said points to and from points in the State of Colorado.

RESTRICTION: Item No. 8 of this Permit is restricted as follows:

- (a) Against delivery in the city limits of Denver, and an area within five miles of the city limits of Denver.
- (b) Against delivery in the city limits of Colorado Springs and Pueblo, and an area within three miles of the city limits of either Colorado Springs or Pueblo.
- (c) Against delivery in the city limits of Golden, and an area within two miles of the city limits of Golden.

(Decision No.83908)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JACK R. SHIDELER, VONA, COLORADO,)	APPLICATION NO. 27003-PP-Extension
FOR AUTHORITY TO EXTEND OPERATIONS)	
UNDER CONTRACT CARRIER PERMIT NO.)	
B-7851.)	ORDER OF THE COMMISSION

October 19, 1973

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered;

WE FIND, That there is a present and special need for the transportation services as hereinafter extended and ordered; and that it does not appear that the grant of authority as hereinafter extended and ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

AND WE FURTHER FIND, That Applicant named in the caption above is fit, willing and able properly to perform the extended service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations.

An appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under said Contract Carrier Permit No. B-7851 to include the following:

Transportation of

Farm products

Between all points located within Kit Carson County, State of Colorado, and from said points on the one hand, to Denver, Colorado, and Commerce City, Colorado, on the other hand.

RESTRICTION: This Permit is restricted against transporting livestock, bulk milk, and dairy products.

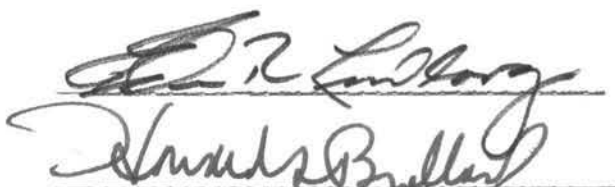
IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit, as extended, shall read and be as set forth in the Appendix attached hereto and this order shall be deemed to be a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced until a statement of customers, the necessary tariffs, required insurance, have been filed and authority sheets have been issued.

AND IT IS FURTHER ORDERED, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

Appendix

Decision No. 83908
October 19, 1973

Jack R. Shideler

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: Items Nos. 1, 2, 3, and 4 of this Permit are restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 75 miles from the point(s) of origin.

- (5) Farm products

Between all points located within Kit Carson County, State of Colorado, and from said points on the one hand, to Denver, Colorado, and Commerce City, Colorado, on the other hand.

RESTRICTION: Item No. 5 of this Permit is restricted against transporting livestock, bulk milk, and dairy products.

(Decision No. 83909)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE CITY OF LOVELAND, COLORADO, AND)
THE COUNTY OF LARIMER, STATE OF)
COLORADO, FOR AUTHORITY TO REPLACE)
THE EXISTING AUTOMATIC FLASHING)
SIGNALS AT 29TH STREET JUST NORTH)
OF THE CITY OF LOVELAND, COLORADO,)
WITH AUTOMATIC CANTILEVER TYPE)
FLASHING LIGHT SIGNALS.)

APPLICATION NO. 26875

RECOMMENDED DECISION OF
THOMAS M. McCaffrey,
EXAMINER

- - - - -
October 23, 1973
- - - - -

Appearances: Lynn A. Hammond, Esq.,
Loveland, Colorado, for
City of Loveland and County
of Larimer, Colorado, Applicants;
Willard L. Peck, Esq.,
Denver, Colorado, for
Colorado and Southern Railway Company;
John H. Baier, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND STATEMENT

BY THE COMMISSION:

On August 3, 1973, the city of Loveland, Colorado, and county of Larimer, State of Colorado, Applicants, filed the above-titled application for authority to replace the existing automatic flashing signals at 29th Street just north of the city of Loveland, Colorado.

The Commission assigned Docket No. 26875 to the application and, after due and proper notice to all interested persons, firms, or corporations, set the matter for hearing to be held in the City Council Chambers, Municipal Building, Loveland, Colorado, at 10:00 a.m. on Friday, September 28, 1973. The hearing was held at the said time and place by Thomas M. McCaffrey, Examiner, to whom the matter was assigned pursuant to law.

No one appeared at the hearing to protest the granting of this application. Two public witnesses testified in support of the application.

Exhibit No. 1, a large map of the Loveland area delineating the subject crossing site and surrounding area, was offered and admitted into evidence. Official notice was taken of the agreement between the Colorado and Southern Railway and Larimer County, Colorado, filed with the application together with the following items:

Exhibit A - A sketch showing the proposed grade crossing protection;

Exhibit B - A diagram of the proposed crossing signal;

Exhibit C - Copies of the estimated cost of materials and labor to adjust signal circuiting and pole line and to extend the crossing;

Exhibit D - Copies of the estimated cost of installing cantilever type signals.

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

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, including the recommended order or requirement.

FINDINGS OF FACT

THE COMMISSION FINDS:

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

1. The Commission has jurisdiction over the parties and subject matter in this proceeding.

2. The purpose of this application is to secure Commission approval for the replacement, operation, and maintenance of the existing automatic flashing light signals and addition of cantilever type signals at site where 29th Street crosses the Colorado and Southern Railway tracks immediately north of the Loveland, Colorado, city limits in Larimer County.

3. No person or firm has filed with this Commission any objection or protest to the approval sought in this application, and no one appeared at the hearing to intervene or protest.

4. The subject crossing is located approximately 1000 feet west of U.S. Highway 287 on 29th Street adjoining the city limits of Loveland, Colorado. The city has recently widened 29th Street from a two-lane to a four-lane roadway west of the tracks. To the east of the tracks 29th Street remains two lanes, but is also to be widened from the crossing to Madison Avenue approximately one mile east of U.S. 287. It is this widening with the attendant rapid increase in vehicular traffic, that has necessitated the placement of the existing signals.

5. There has been considerable residential development west of the tracks, with new developments presently under construction or to be built in the near future to the north and south of 29th Street. Indicative of the population growth in this area is the opening this year of the Mary Blair Elementary School, located $3\frac{1}{4}$ miles east of the crossing on 29th Street, and Conrad Ball Junior High, located approximately 3000 feet east of the crossing. Loveland High School is $1\frac{1}{2}$ mile to the west of the tracks on 29th Street. Mary Blair Elementary has an enrollment of 371 students, Conrad Ball Junior High 858, and Loveland High a student body of 1,426. For Mary Blair and Conrad Ball students residing west of the tracks, 29th Street is the only access to and from school. In addition to the increased pedestrian and bicycle traffic that these new schools create, high school students, who are permitted to drive cars to school, add to the rapid increase in traffic across these tracks. Traffic counts taken during the week of July 16, 1973, on 29th Street showed an average daily count of 7,114 vehicles immediately east of the crossing with a peak hourly load of 589 between 5 and 6 p.m. on Tuesday of that week. These figures, which do not, of course, include the pedestrian and bicycle traffic, increase considerably upon opening of school.

6. There are two scheduled trains per day in each direction for a total of four crossings per day, plus a local switch train that regularly operates every other day in the area (daily during beet season). These scheduled trains pass the crossing at approximately 25 miles per hour. The speed limit for vehicular traffic is 30 miles per hour.

7. The width of 29th Street as widened west of the tracks is 57 feet curb to curb. New planking proposed to be installed will be 60 feet in length. Lanes have not yet been marked on the widened portion of 29th Street, and the City of Loveland, in addition to providing for four traffic lanes, will also designate a smaller lane for bicycle traffic and a sidewalk for pedestrians. Curb and gutter will also be constructed.

8. Present protection devices at the subject crossing consist of two masts with signals mounted on them. These devices, which were previously suitable for two lanes of low-volume traffic on 29th Street, are inadequate for the present traffic over this crossing. The existing masts will be moved to each side of widened 29th Street, and 20-foot cantilever arms with 2 flashing lights on each arm will be installed. The cantilever arms with flashing light signals will extend above both lanes of traffic in each direction. There will also be a warning bell, which is to be installed at or near the bicycle lane and pedestrian walkway. Track circuiting will provide a minimum warning time of 22 seconds before the approach of a train at the crossing from either direction. The signals and circuiting will be in conformance with the standards and specifications of the Association of American Railroads. Colorado and Southern Railway will be able to install the protection devices immediately, since the work mainly involves modification of the existing devices, with the cantilever arms being the only new equipment needed.

9. Colorado and Southern Railway Company and the Board of County Commissioners of Larimer County have entered into an agreement for the proposed signal work for an estimated cost of \$9,800. This estimate at the time of hearing had been revised upward to a total of \$10,740, which amount includes \$5,583 for labor and material in relocating the

existing signals and adjusting the circuiting, and \$5,157 as the cost of labor and materials for installation of the cantilever arms.

The City of Loveland has entered into an agreement with Larimer County wherein it is agreed that the City will pay the total cost (Exhibit C) for labor and material to adjust the signal circuiting and pole line and to extend the crossing. Said agreement also provides that the City will pay 10% of the costs (Exhibit D) for the new cantilever type signals that the County would normally pay. By the terms and provisions of the aforesaid agreement between the railroad and Larimer County, the City of Loveland will thus pay 10%, the Colorado and Southern Railway Company 10% and the remaining 80% for the costs of the additional cantilever to be paid from the Crossing Protection Fund. No part of the cost of the proposed signal devices will be paid from funds available under any federal or Federal-Aid Highway Act. Colorado and Southern Railway Company will provide all maintenance to the signal devices, at its own expense, for the life of the crossing so protected.

10. The present signal devices at the crossing of 29th Street roadway across the Colorado and Southern Railway Company tracks are inadequate, in view of the continually increasing vehicular, pedestrian and bicycle traffic, to properly protect the public using this crossing. The public safety, convenience and necessity require the granting of this application, and such granting will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on all the evidence of record and the above and foregoing findings of fact, it is concluded that:

1. Such devices as are herein contemplated are required so as to promote the public safety.
2. The order sought in this application should be granted and the actual cost of the additional cantilever signal lights prorated as follows:
 - 10 percent to the City of Loveland, Colorado;
 - 10 percent to the Colorado and Southern Railway Company;
 - 80 percent to the Commission Crossing Protection Fund.

3. The signal devices and installation should be in conformance with the current Bulletin of the Association of American Railroads' Joint Committee on Railroad Crossing Protection Bulletin No. 6.

4. As provided by 115-6-9 (2), CRS 1963, as amended, it is recommended that the Commission enter the following order.

O R D E R

THE COMMISSION ORDERS:

1. Application No. 26875, being the application of the City of Loveland, Colorado, and the County of Larimer, State of Colorado, for authority to replace the existing automatic flashing signals with automatic cantilever type flashing light signals at 29th Street just north of the City of Loveland, Colorado, be, and hereby is, approved.

2. The crossing construction, signal installation, operation, use, maintenance, and costs of the said public grade crossing as described in paragraph 1 of this order shall all be performed and paid in accordance with the appropriate agreements, stipulations, plans and specifications filed with this application and/or submitted as exhibits in this proceeding, all of which are hereby approved and by reference made a part hereof.

3. The installation and maintenance of the crossing protection devices shall be done by the Colorado and Southern Railway Company, as set forth in the Agreement entered into by the parties herein, which Agreement by reference is incorporated into and made a part hereof. Pursuant to the revised estimate, cost for installation of the proposed safety devices will be \$10,740.

4. A fair, just, and equitable distribution of the total cost and installation of the proposed protection devices shall be as follows:

(a) The City of Loveland to pay total cost for relocation of the existing signals and widening of the crossing.

(b) The City of Loveland to pay 10 percent of the cost of cantilever signals and installation thereof to cover its share of benefits received from such

installation. Upon completion of the proposed work, an itemized statement of the actual cost and a bill covering said 10 percent shall be forwarded by Colorado and Southern Railway Company to the City of Loveland, which bill shall be paid to Colorado and Southern Railway Company within thirty (30) days of receipt thereof.

- (c) Colorado and Southern Railway Company shall contribute out of its own funds 10 percent of the costs of the cantilever signals and installation thereof and shall thereafter maintain the protection devices to cover its share of the benefits therefrom.
- (d) The remainder of the cost of the cantilever signals and installation thereof, or 80 percent, shall be paid out of the Commission Highway Crossing Protection Fund. Upon completion of the proposed work, an itemized statement of the actual cost and a bill covering such 80 percent shall be forwarded by Colorado and Southern Railway Company to the Commission, which bill shall be paid within thirty (30) days after receipt thereof.

5. The signal devices and installation shall all be in conformance with the current bulletin (No. 6) for railroad-highway grade crossing protection by the Association of American Railroads' Joint Committee.

6. The Commission hereby retains jurisdiction to make such further order or orders as may be required in the instant matter.

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

8. As provided by 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp

(Decision No. 83910)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: PUBLICATION OF CHARGE FOR THE
PULLING OF A SHIPPER FURNISHED TRAILER
IN ITEM 280 of WEICKER TRANSFER &
STORAGE COMPANY TARIFF NO. 3, COLORADO
PUC NO. 3

Investigation and Suspension
Docket No. 791

October 19, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 26, 1973, Decision No. 83250 suspended 3rd Revised Page No. 20-A to the Weicker Transfer and Storage Company Motor Freight Tariff No. 3, Colorado PUC No. 3, to and including October 24, 1973.

Pursuant to 115-6-11 (1) of the Statutes governing suspension of rates, the Commission finds that the suspension of the matter involved herein should be further suspended for an additional period of ninety (90) days from October 24, 1973, or to and including January 24, 1974.

O R D E R

THE COMMISSION ORDERS:

1. That Item 280, 3rd Revised Page No. 20-A, the Weicker Transfer and Storage Company Motor Freight Tariff No. 3, Colorado PUC No. 3, be further suspended an additional ninety (90) days from October 24, 1973, or to and including January 24, 1974.

DONE IN OPEN MEETING this 19th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Commissioner Henry E. Zarlengo
absent.

(Decision No. 83911)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RANGEVIEW, INC., GARFIELD, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 7192 TO MONARCH)
RECREATION CORP., GARFIELD, COLO-)
RADO.)

APPLICATION NO. 26916-Transfer
ORDER OF THE COMMISSION

- - - - -
October 23, 1973
- - - - -

Appearances: W. Gerry Imig, Esq., Salida,
Colorado, for Applicants.

It appearing, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

And it further appearing, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

We find, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

And we further find, That Transferee is, fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferrred.

An appropriate order will be entered.

It is ordered, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 7192, as granted by Commission Decision No. 70581 dated December 19, 1967, subject to encumbrances, if any, against said authority approved by this Commission.

It is further ordered, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing 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.

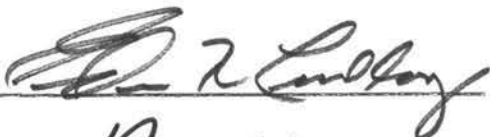

It is further ordered, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

It is further ordered, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

And it is further ordered, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 23rd day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

js

(Decision No. 83912)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: TARIFFS ON FILE BY DENVER CLEANUP
SERVICE, INC., DOING BUSINESS AS
"BROOMFIELD RUBBISH REMOVAL," CERTIFI-
CATE OF PUBLIC CONVENIENCE AND NECES-
SITY PUC NO. 3048; DENVER CLEANUP
SERVICE, INC., DOING BUSINESS AS "WASTE
DISPOSAL, INC." CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY PUC NO. 3343;
AND WASTE DISPOSAL, INC., CERTIFICATES
OF PUBLIC CONVENIENCE AND NECESSITY PUC
NO. 3430 AND PUC NO. 5623,

Respondents.

CASE NO. 5520

COMMISSION ORDER DENYING
APPLICATION FOR REHEARING,
RECONSIDERATION, OR REARGUMENT

October 23, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 4, 1973, the Commission entered its Decision No. 83091 in the above-entitled application.

On October 18, 1973, Applicant Denver Cleanup Service, Inc., through its attorneys Holland & Hart, filed with the Commission an Application for Rehearing, Reconsideration, or Reargument of Decision No. 83795 denying Applicant's Exceptions to the Examiner's Recommended Decision No. 83091 dated June 4, 1973.

The Commission states and finds that Applicant's Application for Rehearing, Reconsideration or Reargument does not set forth sufficient grounds for any change or modification and that said Application should therefore be denied as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS THAT:

Application for Rehearing, Reconsideration, or Reargument filed on October 18, 1973, of Decision No. 83091 dated June 4, 1973, and Decision No. 83795 dated September 28, 1973, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
did

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO REGULATING THE SERVICE OF ELECTRIC UTILITIES WITHIN THE STATE OF COLORADO.	) ) ) ) )	CASE NO. 5320
IN THE MATTER OF THE RULES OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO REGULATING THE SERVICE OF GAS UTILITIES WITHIN THE STATE OF COLORADO.	) ) ) ) )	CASE NO. 5321
IN THE MATTER OF THE RULES OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO REGULATING THE SERVICE OF WATER UTILITIES WITHIN THE STATE OF COLORADO.	) ) ) ) )	CASE NO. 5322
IN THE MATTER OF THE RULES OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO REGULATING THE SERVICE OF TELEPHONE UTILITIES WITHIN THE STATE OF COLORADO.	) ) ) ) )	CASE NO. 5323

ORDER DENYING PETITION FOR STAY OF PORTION OF
COMMISSION DECISION NO. 83551 ENTERED IN CASE NO. 5323

October 23, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 18, 1973, Central Telephone & Utilities Corporation, a Kansas Corporation of which Southern Colorado Power is a division, by its attorneys Petersen, Evensen and Mattoon, filed a Petition for Stay of Portion of Commission's Decision No. 83551 which adopted Rule 10 (c) of the Rules Regulating the Service of Electric Utilities "until such time as its (Petitioner's) present supply of bill forms has been exhausted, or until August 1, 1974, whichever date is the earlier."

It is noted that by Commission Decision No. 83699 entered on September 14, 1973, the order in Case No. 5320 was, on the Commission's own motion, stayed to and including December 2, 1973.

The Commission finds that insufficient grounds exist for the granting of the within Petition and concludes that the following order should be entered.

O R D E R

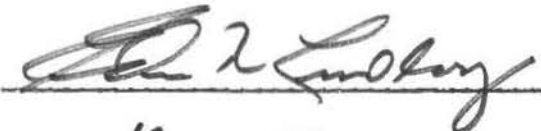

THE COMMISSION ORDERS THAT:

The pleading entitled "Petition for Stay of Portion of Commission's Decision No. 83551 and Entered in Case No. 5320" filed on October 18, 1973, by Central Telephone & Utilities Corporation, a Kansas Corporation of which Southern Colorado Power is a division, be, and the same hereby is, denied.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
UNITED TRUCK SERVICE, A CALIFORNIA)
CORPORATION, 2800 WEST BAYSHORE)
ROAD, PALO ALTO, CALIFORNIA, TO)
PURCHASE ALL OF THE OUTSTANDING)
STOCK OF EPHRAIM FREIGHTWAYS, INC.,)
1385 UMATILLA STREET, DENVER,)
COLORADO, RECORD OWNER OF PUC NO.)
7368 AND PUC NO. 7368-I, FROM)
JEROME W. EPHRAIM AND MURIEL A.)
EPHRAIM.)

APPLICATION NO.
26659-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
UNITED TRUCK SERVICE, A CALIFORNIA)
CORPORATION, 2800 WEST BAYSHORE)
ROAD, PALO ALTO, CALIFORNIA, TO)
PURCHASE ALL OF THE OUTSTANDING)
STOCK OF EPHRAIM FREIGHTWAYS, INC.,)
1385 UMATILLA STREET, DENVER,)
COLORADO, RECORD OWNER OF PUC NO.)
7946, FROM JEROME W. EPHRAIM AND)
MURIEL A. EPHRAIM.)

APPLICATION NO.
26660-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
UNITED TRUCK SERVICE, A CALIFORNIA)
CORPORATION, 2800 WEST BAYSHORE)
ROAD, PALO ALTO, CALIFORNIA, TO)
PURCHASE ALL OF THE OUTSTANDING)
STOCK OF EPHRAIM FREIGHTWAYS, INC.,)
1385 UMATILLA STREET, DENVER,)
COLORADO, RECORD OWNER OF PUC NO.)
8195, FROM JEROME W. EPHRAIM AND)
MURIEL A. EPHRAIM.)

APPLICATION NO.
26661-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
UNITED TRUCK SERVICE, A CALIFORNIA)
CORPORATION, 2800 WEST BAYSHORE)
ROAD, PALO ALTO, CALIFORNIA, TO)
PURCHASE ALL OF THE OUTSTANDING)
STOCK OF EPHRAIM FREIGHTWAYS, INC.,)
1385 UMATILLA STREET, DENVER,)
COLORADO, RECORD OWNER OF PERMIT)
NO. B-6487, FROM JEROME W. EPHRAIM)
AND MURIEL A. EPHRAIM.)

APPLICATION NO.
26662-PP-Stock Transfer

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER
GRANTING STOCK TRANSFERS

October 24, 1973

Appearances: William F. Schenkein, Esq. and
John H. Lewis, Esq.
Denver, Colorado, for
Applicants
John E. Archibold, Esq.
Denver, Colorado,
for the Staff of the Commission

PROCEDURE AND RECORD

Under date of May 15, 1973, Applicants filed the above entitled applications with the Commission for authority to transfer all of the outstanding stock in and to Ephraim Freightways, Inc., record owner of Certificates of Public Convenience and Necessity, PUC No. 7368, 7368-I, 7946 and 8195, and Permit No. B-6487 from Jerome W. Ephraim and Muriel A. Ephraim to United Truck Service, a California corporation.

Transferee requested both temporary authority and emergency temporary authority for the interim period prior to the granting of permanent authority and on May 29, 1973 the Commission granted the emergency temporary approval and on June 1, 1973 the Commission granted the temporary authority.

The Commission assigned dockets 26659, 26660, 26661 and 26662-PP to the respective applications.

Pursuant to law the Commission designated Robert L. Pyle as examiner for the purpose of conducting the hearing on these applications and after due and proper notices to all persons, firms or corporations set the matter for hearing to be held in the hearing room of the Commission at Denver, Colorado on October 15, 1973 at 10:00 o'clock A.M. The hearing was held at said time and place.

Prior to the taking of evidence the hearing examiner agreed to hear the four applications on a consolidated record, the later was a non-contested matter and there were no protests filed. The staff of the Commission entered its appearance and is a party of record.

C. J. Boddington, Wayne Follick and Jerome Ephraim testified in support of the applications.

Exhibits 1 through 6 inclusive were tendered and admitted into evidence. These exhibits included the Purchase and Sale Agreement, the financial statements of the transferee, the Commission order granting temporary authority, a list of equipment and an abstract of shipments handled by transferee under temporary authority.

At the conclusion of the hearing, the examiner stated on the record that he was approving and granting the applications.

Pursuant to the provisions of Chapter 115, Art. 6, CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a Recommended Decision which contains his Findings of Fact and Conclusions thereon, together with a recommended order or requirement.

FINDINGS OF FACT

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

1. Ephraim Freightways, Inc. is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
2. Ephraim Freightways, Inc. is the present owner and operator of Certificates of Public Convenience and Necessity, No. 7368, 7368-I, 7946 and 8195, together with Permit No. B-6487.
3. Jerome W. Ephraim and Muriel A. Ephraim are either the owners or control all of the outstanding stock of Ephraim Freightways, Inc. and are in a position to transfer all said outstanding stock of Applicant transferee upon approval of the instant applications.
4. By these applications Jerome W. Ephraim and Muriel A. Ephraim petition this Commission for authority to transfer all of the outstanding stock of Ephraim Freightways, Inc. to United Truck Service.

5. These applications were not protested by any motor carrier.

6. The Commission has jurisdiction over the transferor and transferee and the subject matter of this proceeding.

7. The transferee as the new owner of all of the stock of the corporation and thereby the operator of the authority intends to and will engage in a bona fide motor carrier operations pursuant to the involved authorities.

8. All of the terms of the contract were set forth in Exhibit 1. Said Exhibit shows that the consideration to be paid is \$300,000., which includes not only the stock of the corporation but the real estate held in the name of Jerome W. Ephraim and Muriel A. Ephraim. The \$300,000 consideration was arrived at at an arm's length transaction and is fair and reasonable.

9. The authorities are free and clear of any debts, encumbrances or obligations.

10. As shown by Exhibit 5, the transferee owns 136 pieces of equipment and will obtain additional equipment if needed. This equipment is amply suitable for the operation of the authorities involved herein.

11. All of the stock of the transferee is owned by ONC Freight Systems, which in turn is owned by Rocor International which also owns the stock of several other businesses. Rocor International guaranteed payment of the note to the transferors and this guarantee includes Rocor International Consolidated.

12. As shown by Exhibit 2, the net worth of transferee is in excess of \$2,000,000., whereas the net worth of Rocor International Consolidated is in excess of \$12,000,000. Thus transferee is financially fit to conduct the operations.

13. The transferee or its stockholders have been engaged in the transportation business for over 17 years and the Vice President who will conduct the operations in Colorado has been engaged in the transportation business in Colorado for over 14 years. Thus the transferee has sufficient experience and is sufficiently qualified in all respects to receive the authorities sought in this instant application.

14. The 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 provisions for insurance.

15. The grant of the instant applications is compatible with the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid Findings of Fact, it is concluded that:

1. The stock transfer sought by Applicants should be granted.
2. Pursuant to 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:

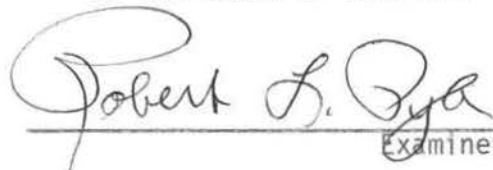
1. Jerome W. Ephraim and Muriel A. Ephraim, be, and hereby are, authorized to transfer all of the outstanding stock of Ephraim Freightways, Inc., a Colorado corporation, record owner of Certificates of Public Convenience and Necessity, PUC Nos. 7368, 7368-I, 7946 and 8195 and Permit No. B-6487 to United Truck Service, a California corporation, 2800 West Bayshore Road, Palo Alto, California, subject to encumbrances, if any, against said authorities.

2. Said transfer of stock shall become effective only if and when, and not before, the transferor and transferee, in writing, have advised the Commission that said stock certificates have been formerly 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 written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority 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.

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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CLAUDE E. WHEELER, DOING BUSINESS AS	)	APPLICATION NO. 26903-PP
"GRAIN TRANSPORT," BOX 82, ORDMAN,)	
COLORADO, FOR AUTHORITY TO OPERATE AS	)	ORDER OF THE COMMISSION
A CLASS "B" CONTRACT CARRIER BY MOTOR)	
VEHICLE.)	

October 26, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

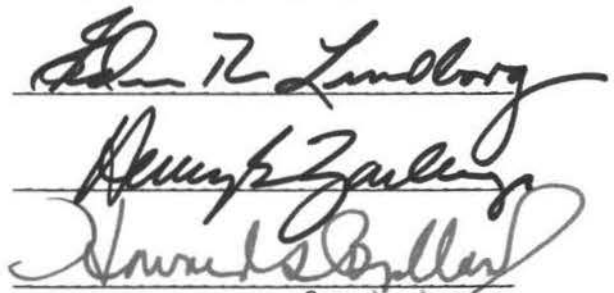
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 26th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83915
October 26, 1973

Grain Transport

Transportation of

Barley, corn, wheat, milo, oats, beet pulp pellets, alfalfa pellets, alfalfa wafers, alfalfa cubes, and manufactured livestock feed supplements

Between all points located within the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) To rendering transportation service for only the Foxley Company, Omaha, Nebraska.
- (b) To shipments which either originate or terminate at a Foxley Company farm, elevator, mill, or feed lot.
- (c) Against the transportation of liquid commodities in tank vehicles.

(Decision No. 83916)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN M. SHEA, DOING BUSINESS AS)
"JOHN M. SHEA & SONS TRUCKING,")
6750 YORK STREET, DENVER, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27074-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
October 26, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

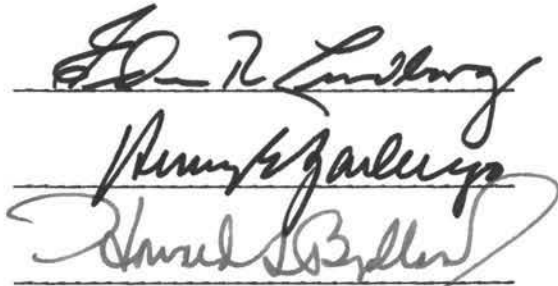
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 26th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83916
October 26, 1973

John M. Shea & Sons Trucking

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: AMENDMENT 30 TO CMTB TARIFF 12-B
NAMING INCREASED RATES ON COLORADO
INTRASTATE TRAFFIC AS FOLLOWS: 16%
ON ALL CHARGES; 15% ON CLASS AND
COMMODITY RATES SUBJECT TO MINIMUM
WEIGHTS, 5000 POUNDS OR LESS, AND
10% ON CLASS OR COMMODITY RATES
SUBJECT TO MINIMUM WEIGHTS EXCEEDING
5000 POUNDS.

CASE NO. 1585

October 26, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 3, 1973, the Colorado Motor Tariff Bureau, Inc., for and on behalf of the participating carriers in Colorado Motor Tariff Bureau Tariff No. 12-B, filed Amendment No. 30 -- setting forth increases in the minimum charges and the Class and Commodity rates -- to become effective on November 2, 1973. A copy of Amendment No. 30 showing the exact level of the increases is attached hereto as Appendix "A".

No timely protests to the proposed increases have been filed with the Commission. However, a telegraphic protest dated October 25, 1973 was received from Brown and Williamson Tobacco Corporation, Louisville, Kentucky.

In support of the above filing, certain information and financial data were submitted by fourteen of the participating carriers. Information and data were submitted by the largest scheduled intrastate carrier (Rio Grande Motor Way -- Revenue in excess of \$4,000,000) and also by some of the smaller scheduled carriers such as Crowley County (revenue less than \$8,000). Geographically the carriers who submitted data blanket the entire state and -- without question -- transport the major share of the Common Carrier Traffic moving in intrastate traffic.

The supporting data as filed varied from carrier to carrier and differed in format. To delve through such volume of data is extremely

time consuming and makes a detailed analysis by the Commission difficult to accomplish.

The most detailed and informative data was filed by the Rio Grande Motor Way -- the largest intrastate carrier. This data revealed an intrastate operating ratio of 103.2% based upon 1972 Revenue and Expenses annualized to June 30, 1973 levels. When the labor expenses at the July 1, 1973 level are added -- without any offsetting revenue increase -- the operating ratio increases to 107.9% (Revenue of \$4,794,481; Expenses of \$4,794,481; Expenses of \$5,173,830; and an Operating Loss of \$379,351). This same carrier also provided a breakdown of the traffic in the minimum charge (5000 pounds and under) and over 5000 pound categories. Employing the data furnished, and applying the proposed rate increases to the aforesaid traffic, results in an operating ratio of 94.79% which -- in prior Commission decisions -- has been found to be within the zone of reasonableness by this Commission.

The following is a summary of the data submitted by some of the smaller scheduled carriers:

- (1) South Park Motor Lines, after elimination of Harp and Platte Valley Cartage operation, established the following restated operation for the year ended December 31, 1972:

Revenue	\$223,654
Operating Expense	<u>236,532</u>
Operating Loss	\$(12,878)
Operating Ratio	<u>105.76%</u>

- (2) Denver-Limon Burlington Transfer Company divided its operation by major business segments for the first three months of 1973 and established the following results of its Colorado operations:

Burlington Route:

Revenue	\$ 55,743
Operating Expense	<u>67,425</u>
Operating Loss	\$(11,682)
Operating Ratio	<u>120.96%</u>

Lamar Route:

Revenue	\$ 81,784
Operating Expense	<u>88,392</u>
Operating Loss	\$ (6,608)
Operating Ratio	<u><u>108.08%</u></u>

- (3) Platte Valley Freight Lines submitted a statement of income and expense for the eight months to August 31, 1973. This statement was apparently a cash receipt and disbursement presentation setting forth no individual ownership drawing and established the following:

Revenue	\$154,226
Operating Expense	<u>157,374</u>
Operating Loss	\$ 2,148
Operating Ratio	<u><u>102.04%</u></u>

- (4) L & E Freight Line, Inc., submitted a profit and loss statement for the six months ended June 30, 1973 which established the following:

Revenue	\$ 76,945
Operating Expense	<u>73,999</u>
Operating Profit	\$ 2,946
Operating Ratio	<u><u>96.17%</u></u>

- (5) Cargo and Transportation Services, Inc., submitted a profit and loss statement for Crowley County Transportation for the six months ended June 30, 1973 which established the following:

Revenue	\$ 8,604
Operating Expense	<u>9,280*</u>
Operating Loss	\$ (676)
Operating Ratio	<u><u>107.86%</u></u>

Cargo and Transportation Services, Inc., also submitted a profit and loss statement on behalf of Fowler Truck Line for the seven months ended July 31, 1973 which established the following:

Revenue	\$ 43,062
Operating Expense	<u>41,890*</u>
Operating Profit	\$ 1,072
Operating Ratio	<u><u>97.28%</u></u>

Cargo and Transportation Services, Inc., further submitted a profit and loss statement for Colorado-Kansas Truck Line for the seven months ended July 31, 1973 which established the following:

Revenue	\$ 40,788
Operating Expense	<u>37,992*</u>
Operating Profit	\$ 2,796
Operating Ratio	<u><u>93.15%</u></u>

*The Manager of the above three operations (Crowley County Transportation, Fowler Truck Line and Colorado-Kansas Truck Line) has not been paid a salary by any of the aforesaid carriers.

The Middlewest Motor Tariff Bureau submitted a consolidated test of various dates and of various degrees of traffic for Boulder-Denver Truck Line; Ephraim Freightways, Inc.; NW Transport Service, Inc.; Red Ball Motor Freight, Inc.; and Trans-Western Express, Ltd., applying fully allocated costs developed from statistics of traffic for the Rocky Mountain Region for 1969, and Southeast Region for 1969, mathematically increased by a standard average for cost increases subsequent to the development of the fully allocated costs. The test applied purportedly established an operating ratio of 113.63% as of the filing date.

The test submitted by Middlewest Motor Tariff Bureau also established an operating ratio for the above referred to carriers establishing the result of the requested rate increase. The obvious errors in this test (i.e., the application of increased rates other than those requested; the failure to divide the traffic into the different weight categories which correspond with the weight categories of the increase proposed; and an abundance of mathematical errors) cause this Commission to question the validity of the projected operating ratio of 98.42%. Despite this question, however, adequate and substantial evidence does exist to justify a general increase in rates and charges.

The data submitted in justification of the instant filing also included a voluminous list of certain cost increases. Although taken from various data as submitted, all carriers will in general be subject to the following similar increases:

Denver Transport Clearing Collection Fee:

Commercial 10¢ plus .003 of amount to 10¢ plus .005
Non-member 10¢ plus .007 of amount to 10¢ plus .009

Anti-Freeze - 90¢ a gallon to \$1.15
Tire Rental - .0283¢ per mile to .03¢
Diesel Fuel - .103¢ to .136¢
Gasoline - .123¢ to .173¢
Oil - .64¢ to 70¢

Equipment Repair and Service - - - - 6%
Hired transportation(without drivers) - 7%
Joint Terminal - 3.7%

Insurance and Safety Expenses - 9.6%
General Office Expense - 8%
Communication - 9%

Salaries and Wages:

	<u>7/1/72</u>	<u>1/1/73</u>	<u>7/1/73</u>
Line haul hourly drivers	\$5.68	\$5.88	\$6.23
Line haul mileage	15.450¢	15.450¢	16.200¢
Pickup and delivery drivers:			
Straight Truck	\$5.63	\$5.83	\$6.18
Semi Truck	5.68	5.88	6.23
Platform employees	5.63	5.83	6.18

Mechanics' wages increased 45¢ per hour 9/1/73.

Office wages increased 20¢ per hour 7/1/73.

Health and Welfare increased \$6.00 per week 7/1/73.

Social Security Taxes increased from 5.2% to 5.85% while the base increased from \$9,000 to \$10,800 on 1/1/73.

Vacation for 20-year employees increased 1 week 7/1/73.

The past several increases authorized by this Commission have admittedly been cost pass-ons involving Teamster labor only. As can be readily seen from the above, tremendous cost increases have and are being experienced in areas other than Teamster labor. Increased rates to compensate for these known and existing costs must be given consideration by this Commission.

Past labor contracts have included increases on a six month interval. Because of this fact, filings for increased rates have been made by the carriers twice a year with the attendant cost studies, traffic studies and, in some cases, after extended hearings. All of these factors are costly and without doubt contribute, to some degree, to the need of the carriers for additional revenues. The present labor contract includes increases on a yearly basis. It is the sincere hope of this Commission that the increase to be authorized herein will preclude the necessity of any further general rate increases until July of 1974 -- at which time the next labor increment will become due.

CONCLUSIONS ON FINDINGS OF FACT

Based upon the above and foregoing findings of fact, the Commission concludes as follows:

1. That the participating common carriers in Colorado Motor Tariff Bureau Tariff No. 12-B are motor carriers operating under authority of Certificates issued by this Commission and are subject to the jurisdiction of this Commission.

2. That the fourteen carriers that submitted data in support of the increase as sought are representative of the participating carriers in Colorado Motor Tariff Bureau Tariff No. 12-B; and that these carriers cover the State geographically and transport the majority of the common carrier traffic in the State.

3. That a definite need for additional revenues has been adequately and substantially demonstrated by the herein representative carriers.

4. That, unless revenue relief is authorized without delay, irreparable harm will be done to many of these carriers.

5. That the increases in rates and charges as published in Amendment No. 30, Colorado Motor Tariff Bureau Tariff No. 12-B are just and reasonable.

An appropriate Order prescribing the herein increases will be entered.

ORDER

THE COMMISSION ORDERS:

1. That the increased rates and charges as published in Amendment No. 30 to Colorado Motor Tariff Bureau Tariff 12-B, attached hereto as Appendix "A", shall be the prescribed rates and charges of the Commission on the effective date provided for herein.

2. 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.

3. That all contract 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.

4. That on and after November 2, 1973, 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.

5. That on and after November 2, 1973, all contract 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" contract carriers shall be subject to the penalty rule of twenty (20) percent.

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

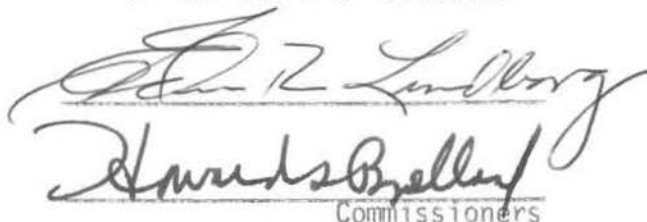
7. That the Order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

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

9. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 26th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
DISSENTS.

COMMISSIONER HENRY E. ZARLENGO DISSENTS:

I respectfully dissent.

In this matter we have a tariff which provides for increased rates of "16% on all charges; 15% on class and commodity rates subject to minimum weights (5000 pounds or less); and 10% on class or commodity rates subject to minimum weights exceeding 5000 pounds," the approval of which will result in increased charges on transportation to the public of millions of dollars annually.

The intrastate rates of some sixty carriers throughout the State are being increased by the Commission Order on the basis of information and financial data submitted to the Commission by only fourteen of the sixty carriers participating in the tariff.

One of the basic essentials which must be considered by the Commission in authorizing a rate increase is the operating ratio of the carrier whose rates are to be increased. It is obvious that if a class rate is within the zone of reasonableness, i.e. "fair", the increase requested must be denied. There is no competent evidence of the operating ratios of each and all of the sixty carriers whose rates are being increased, yet, increases for all sixty carriers are being ordered.

The Order provides for the same increases without distinction for all the carriers. It must be obvious that all sixty carriers do not have the same operating ratio and therefore that all sixty carriers cannot be entitled to the exact same increase. It is also obvious that all sixty carriers cannot be so "similarly situated" as to require the exact same increase and treatment.

The result is that some carriers are granted an increase greater than they are legally entitled to, some are granted what they are entitled to and others are granted an increase less than they are entitled to.

The customers of those carriers who are being granted increases greater than they are legally entitled to are paying an unjust and unfair charge for their transportation service and the customers of those carriers who are being granted an increase less than their carrier is entitled to are likewise not paying a just and fair charge for their transportation service.

The Order states that "no timely protests to the proposed increases have been filed with the Commission," with but one telegraphic protest received.

The record discloses that evidence of "notice to the public" consists of affidavits filed with the Commission certifying that notice to the public of the proposed changes were posted "in a prominent public place in each terminal facility." The total inadequacy of such notice to the "public" is obvious. How many members of the public inspect terminals for,

or have occasion to see there, notice of request for increased transportation charges affecting them, or inspect or have occasion to see the files of the Commission? The inadequacy of the notice is certainly supported by the fact that of the many thousands affected by the increases only one protested.

The purpose of "notice to the public" is to make the public aware that an increase in transportation charges affecting them is being requested and to afford the public an opportunity to file a protest.

Such notice to the public, if it can be called such, is in my opinion contrary to the Constitutions of the United States and of the State of Colorado.

The staff has estimated that these increases will apply to carriers whose total intrastate revenue for 1972 was almost \$21,000,000, and that the increase granted is in the range of 10% to 16%, dependent on the type of traffic handled by each individual carrier.

The public, under the law, is entitled to a reasonable notice and is entitled to a hearing which should be provided them in order to comply with the law.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

APPENDIX "A"

Applies on Colorado intrastate Traffic only

(SUPPLEMENTS 10 AND 13 AND
AMENDMENT 30 CONTAIN ALL
CHANGES)

AMENDMENT 30
TO
COLO. PUC 19*

(*COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT, SERIES)

AMENDMENT 30

to

TARIFF 12-B

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

LOCAL AND JOINT CLASS AND COMMODITY RATES

and

RULES

via

ALL MOTOR ROUTES

Between Points in

COLORADO

NOTICE OF INCREASE IN RATES AND CHARGES
(SUBJECT TO NOTES 1, 2 AND 3)

1. ALL CHARGES, INCLUDING MINIMUM CHARGES, ARE HEREBY INCREASED BY 16% WITH THE RESULTING FIGURE ROUNDED TO THE NEAREST "0" OR "5"
2. ALL LESS-THAN-TRUCKLOAD AND ANY QUANTITY CLASS AND COMMODITY RATES AND ALL CLASS AND COMMODITY RATES SUBJECT TO MINIMUM WEIGHTS OF 5,000 POUNDS OR LESS ARE HEREBY INCREASED BY 15%.
3. ALL CLASS AND COMMODITY RATES SUBJECT TO MINIMUM WEIGHTS EXCEEDING 5,000 POUNDS ARE HEREBY INCREASED BY 10%.

NOTE 1: WHERE RATES ARE STATED IN THE FORM OF ARBITRARIES OR DIFFERENTIALS TO BE ADDED TO OR DEDUCTED FROM BASE RATES, THE BASE RATE AND THE ARBITRARIES OR DIFFERENTIALS ARE SEPARATELY INCREASED AS PROVIDED HEREIN.

NOTE 2: IN THE DISPOSITION OF FRACTIONS OF A CENT, ANY AMOUNT LESS THAN ONE-HALF CENT WILL BE DROPPED, AND ONE-HALF CENT OR OVER WILL BE INCREASED TO THE NEXT WHOLE CENT.

NOTE 3: THE INCREASE PROVIDED FOR HEREIN WILL NOT APPLY TO THE RATES AND CHARGES PUBLISHED IN SECTION 5 OF THIS TARIFF.

ISSUED OCTOBER 3, 1973

EFFECTIVE NOVEMBER 2, 1973

AUTHORITY TO PUBLISH INCREASES IN THIS MANNER EXPIRES WITH NOVEMBER 1, 1974. ON OR BEFORE THAT DATE, INCREASES AUTHORIZED WILL BE INCLUDED IN THE RATES AND CHARGES.

ISSUED BY:
J. R. SMITH, CHIEF OF TARIFF BUREAU
4060 ELATI STREET, DENVER, COLORADO 80216

TELEPHONE (303) 433-3375

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMON AND CONTRACT CARRIERS LISTED	)	RECOMMENDED DECISION OF
ON "APPENDIX A" HERETO,	)	CHRISTIAN O. IGENBERGS,
	)	EXAMINER
Respondents.)	

- - - - -
October 29, 1973
- - - - -

Appearances: John A. Hurt, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on July 2, 1973. The matters were duly called for hearing pursuant to such notice on Monday, July 16, 1973, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Christian O. Igenbergs, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance and/or Tariff and Issuance Fee paid as to each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance and/or Tariffs and Issuance Fee paid on file with the Commission, and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

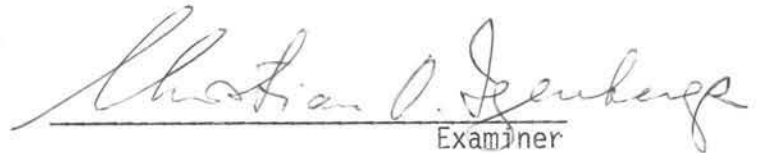
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance and/or Tariff or pays the required Issuance Fee prior to the effective date of this Order.

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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>APPLICATION NO.</u>	<u>CASE NO.</u>
Mountain States Towing Co., Inc. 5285 Newport Street Commerce City, CO 80022	25343-PP-Tfr.	1-App.
Eddie Rubio P.O. Box 27 La Junta, CO 81050	25956-PP	2-App.
Royal M. Griffin 6960 Colorado Boulevard Commerce City, CO 80022	26125-PP	3-App.
Herb Cromer 608 Cook Drive Fort Collins, Colorado	25125-PP	4-App.
William D. and Bonnie Colson dba William D. Colson 3732 G 4/10 Road Palisade, CO 81526	25318-PP	5-App.
Gary B. Coleman Route 1, Box 747 Delta, CO 81416	25828-PP	6-App.
Claire S. Chamberlin and Bill H. Smith dba Chamberlin & Smith Const. Co. 11994 East Virginia Drive Aurora, CO 80010	25618-PP	7-App.
Marius Mark Faidy 620 Columbia Delta, CO 81416	25111-PP	9-App.
Mel Provost Route 1, Box 27 Avondale, CO 81022	25885-PP	10-App.
Albert Petty Box 63 Hamilton, CO 81638	25903-PP	11-App.
Lawrence G. Petersen dba Petersen Trucking Co. Box 67 Flagler, CO 80815	25520-PP	12-App.
Frank H. Southway dba Frank H. Southway Co. 2620 Hawk Street Denver, CO 80221	25762-PP	13-App.
James A. Starr dba Northstarr Equipment Rental Box 1324 Montrose, CO 81401	25814-PP	14-App.

<u>NAME AND ADDRESS</u>	<u>APPLICATION NO.</u>	<u>CASE NO.</u>
Porfirio R. Martinez Box 718 Pagosa Springs, CO 81147	25124-PP	15-App.
Paul F. Russell 422 South Cedar Street Colorado Springs, CO 80903	25879-PP	17-App.
Cecil Byron McLeod P.O. Box 251 Colorado City, CO 81019	26145-PP	19-App.
John A. McRoy 715 South Townsend Montrose, CO 81401	25629-PP	20-App.
A.M.W. Construction Trucking, Inc. Route 2, Box 470 Delta, CO 81416	25368-PP	21-App.
Elias Alex Hernandez dba Brush Cab Service 1702 Edison Street Brush, CO 80723	25026	22-App.
William D. Vine dba Bill Vine Trucking Route 1, 15521 Telluride Street Brighton, CO 80601	25692-PP	23-App.
Powderhorn Ski Corp. P.O. Box 1265 Grand Junction, CO 81501	25234	25-App.
Ephraim W. Martin P.O. Box 367 Ault, CO 80610	25558-PP	26-App.
Donald P. Snodgrass dba Durango Construction Company P.O. Box 1826 Durango, CO 81301	25624-PP-Tfr.	29-App.
Standley H. Scott dba Scott Farms Route 3, Box 44 Brighton, CO 80601	26418-PP	31-App.
Mark L. Bellamy dba Royal Gorge Flying Service P.O. Box 287 Florence, CO 81226	26306	33-App.
Bee-Gee and Assoc. Const. Co. 601 South Lincoln Loveland, CO 80537	26216-PP	34-App.

<u>NAME AND ADDRESS</u>	<u>APPLICATION NO.</u>	<u>CASE NO.</u>
K. M. Wertsbaugh 701 East Street Salida, CO 81201	25748-PP	35-App.
Norman Forshee dba Timberlake Construction P.O. Box 828 Steamboat Springs, CO 80477	25935-PP	36-App.
John Edward Wilkerson P.O. Box 702 Cedaredge, CO 81413	25646-PP	37-App.
Donald Hurtado 3414 Gilpin Street Denver, CO 80205	26213-PP	38-App.
Virgil A. Gates 731 Yampa Avenue Craig, CO 81625	25909-PP	39-App.
Eusebio Martinez 6201 Ivy Street Commerce City, CO 80022	26308-PP-Ext.	43-App.
Vences A. Trujillo P.O. Box 362 533 Hurt Street Center, CO 81125	26351-PP	48-App.
Fouret Bros. Garage & Taxi Service, Inc. 137 West First Street Trinidad, CO 81082	25670-Ext.	50-App.
James & Sons, Inc. P.O. Box 3387 Durango, CO 81301	26300-PP-Tfr.	51-App.

(Decision No. 83919)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HARRY J. HUMPHRYES, DOING BUSINESS
AS "A ASH & TRASH," 783 SOUTH CORONA,
DENVER, COLORADO, FOR TEMPORARY AUTH-
ORITY TO OPERATE AS A CLASS "B" CON-
TRACT CARRIER BY MOTOR VEHICLE.

)
) APPLICATION NO. 27025-PP-TA
)
) ORDER GRANTING TEMPORARY AUTHORITY
)
)

October 30, 1973

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

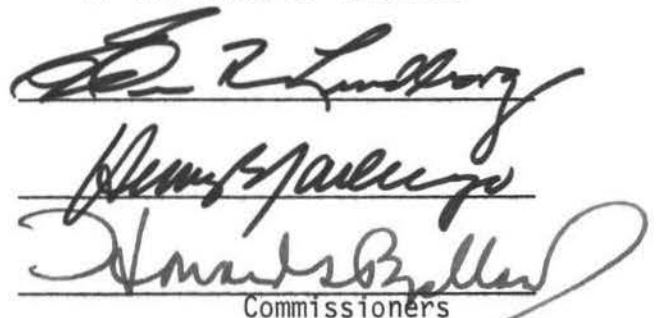
IT APPEARING, That there is an immediate and urgent need for the motor
carrier service described in the Appendix attached hereto, and that there is no
carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted
temporary authority for a period of 180 days commencing as of the day and date
hereof 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 no operations shall be commenced until all
requirements have been met and notice in writing has been received from the
Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 30th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83919
October 30, 1973

A Ash & Trash

Transportation of

Ash, trash, and other refuse

From Natkin & Company located at 2700 So. Zuni Street, 2800 So. Zuni Street, and 2820 So. Zuni Street, Englewood, Colorado, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: This temporary authority is restricted to rendering transportation service for only Natkin & Company, Englewood, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMON AND CONTRACT CARRIERS)	
LISTED ON "APPENDIX A" HERETO,)	
	)	RECOMMENDED DECISION OF
	)	CHRISTIAN O. IGENBERGS,
	)	EXAMINER
Respondents.)	

- - - - -
October 29, 1973
- - - - -

Appearances: John A. Hurt, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on July 2, 1973. The matters were duly called for hearing pursuant to such notice on Monday, July 16, 1973, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Christian O. Igenbergs.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing. However, since the date of the hearing, the respective carriers, although belatedly, have complied with the Commission's request and have filed with the Commission the necessary documents, the lack of such filing having been the reason for the show cause cases in the first instance. In other words, all the necessary documents which the carriers cited before the Commission had to file are on file now in accordance with the Public Utilities Law of this state and the rules and regulations of this Commission.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. The records and files of the Commission do disclose that the necessary documents, as listed in "Appendix A" hereto and by reference incorporated hereinto, are now on file with the Commission in full compliance with the Public Utilities Law of this state and the rules and regulations of this Commission.

CONCLUSIONS-ON FINDINGS OF FACT

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

1. The carriers listed in "Appendix A" should be admonished and directed to file the necessary documents as requested by this Commission timely and in accordance with the rules and regulations of this Commission.

2. The cases as listed in "Appendix A" should be dismissed.

3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The carriers listed in "Appendix A" hereto be, and hereby are, admonished and directed to pay strict attention to the requirements as contained in the rules and regulations of this Commission with respect to the filing of the necessary documents.

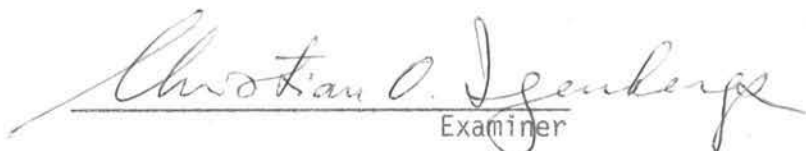
2. The cases as listed in "Appendix A" hereto be, and hereby are, dismissed.

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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/js

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>APPL. NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
AA Taxicab Co., Inc. 206 Court Street Pueblo, CO 81003	25916	Cargo Ins., DA & Issuance Fee	8-App.
Otho Wykert, Marvin R. Weber, Ray G. Wadlington, and Robert C. Quam, dba Y R Bar Trucking Route 1, Box 29 Ault, CO 80610	25412-PP	Cargo Ins.	18-App.
Tony, Paul & Tony Lee Sefcovic, dba Tony Sefcovic & Sons Route 2, Box 280 Pueblo, CO 81004	25976-PP	Cargo Ins., Tariff, COD, Issuance Fee	30-App.
Weitzel & Sons Exca- vating, Inc. 225 South Taft Hill Fort Collins, CO 80521	26439-PP-Tfr.	PLPD & Cargo Ins.	44-App
Reyher Enterprises, Inc. Box 15 McClave, CO 81057	26533-PP	Cargo Ins., Tariff, COD, Issuance Fee, DA	45-App.
Bonanza Moving & Storage Co., Inc. 4585 Ironston Street Denver, CO 80239	26111-Tfr. and 26112-Tfr.	PLPD, Cargo, DA, Tariff, COD, Acceptance of Transfer, Equipment List, Annual and Terminating Report filed by Transferor	49-App.

(Decision No. 83921)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWIN W. HENION AND EVELYN L. HENION,)
DOING BUSINESS AS "YUM YUM BOX TRASH)
REMOVAL," P. O. BOX 68, WINTER PARK,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY TO)
OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 26805

ORDER DISMISSING APPLICATION

October 26, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 10, 1973, the above-captioned application was filed with the Commission.

On October 23, 1973, Applicant's attorney Ernest Porter, filed with the Commission a letter requesting that the application be dismissed.

O R D E R

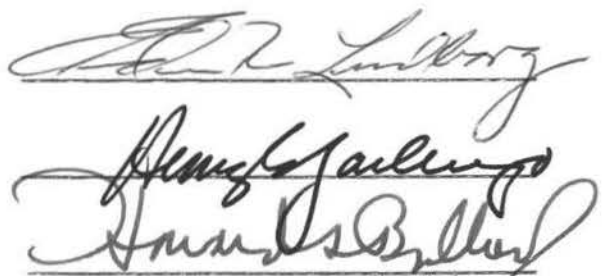
THE COMMISSION ORDERS THAT:

Application No. 26805 be, and hereby is, dismissed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 26th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

js

(Decision NO. 83922)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26764
COLORADO OFFICE SERVICES, INC., FOR)	
A CERTIFICATE OF PUBLIC CONVENIENCE)	ORDER VACATING HEARING AND
AND NECESSITY AUTHORIZING OPERATION)	DISMISSING APPLICATION
AS A COMMON CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	

October 26, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 19, 1973, the above-styled application was filed with the Commission.

On October 1, 1973, said Application was set for hearing on Wednesday, November 7, 1973, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

Applicant's Attorney, John J. Conway, on October 23, 1973, filed a Motion to Dismiss Application without prejudice.

Considering the Motion received from Applicant's attorney, it appears proper to the Commission that the hearing scheduled for November 7, 1973, be vacated and the application dismissed.

O R D E R

THE COMMISSION ORDERS THAT:

1. The hearing scheduled on Application No. 26764 for Wednesday, November 7, 1973, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, be vacated.

2. Application No. 26764 be, and hereby is, dismissed, without prejudice.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 26th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

js

(Decision No. 83923)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN RATES OF MOUNTAIN)	DOCKET NO. 817
STATES TELEPHONE AND TELEGRAPH COM-)	
PANY, 930 - 15TH STREET, DENVER,)	ORDER SUSPENDING EFFECTIVE DATE OF
COLORADO, FILED UNDER ADVICE LETTER)	RATES AND NOTICE OF HEARING
NO. 919.)	

- - - - -
October 26, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Mountain States Telephone and Telegraph Company, on October 2, 1973, filed with this Commission its Advice Letter No. 919, Colorado PUC No. 5 - Telephone, accompanied by 53 tariff sheets as more fully described therein and reference to which is hereby made. The stated purpose of this filing is to increase telephone revenues by approximately \$119,200 annually.

The proposed rates would become effective on thirty (30) days' notice or on November 1, 1973, unless suspended by the Commission.

As a result of the notice to the customers, the Commission has received a single protest from Western Union the customer of the Company who will be affected objecting by the proposed increase. The Commission has decided on its own motion to suspend the effective date of said telephone tariffs for a period of one hundred twenty (120) days or until March 1, 1974, unless otherwise ordered by the Commission, and to hold a hearing in regard thereto as set forth in the Order below.

O R D E R

THE COMMISSION ORDERS THAT:

1. The effective date of the tariff sheets filed by Mountain States Telephone and Telegraph Company, Denver, Colorado, on October 2,

1973, under Advice Letter No. 919, be, and hereby is, suspended for the period of one hundred twenty (120) days or until March 1, 1974 or until further order of the Commission. The tariff sheets involved are more fully described in said Advice Letter which is incorporated herein by reference.

2. The matter be, and hereby is, set for hearing as follows:

TIME: 10:00 A.M.

DATE: November 28, 1973

PLACE: Hearing Room
Columbine Building
1845 Sherman Street
Denver, Colorado

3. Notice be, and hereby is, given of the hearing in this matter as stated above.

4. This Order shall be effective forthwith.

5. DONE IN OPEN MEETING the 26th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

js

(Decision No. 83924)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF THE) PUBLIC UTILITIES COMMISSION OF THE) STATE OF COLORADO REGULATING THE) SERVICE OF ELECTRIC UTILITIES) WITHIN THE STATE OF COLORADO.)	CASE NO. 5320
IN THE MATTER OF THE RULES OF THE) PUBLIC UTILITIES COMMISSION OF THE) STATE OF COLORADO REGULATING THE) SERVICE OF GAS UTILITIES WITHIN) THE STATE OF COLORADO.)	CASE NO. 5321
IN THE MATTER OF THE RULES OF THE) PUBLIC UTILITIES COMMISSION OF THE) STATE OF COLORADO REGULATING THE) SERVICE OF WATER UTILITIES WITHIN) THE STATE OF COLORADO.)	CASE NO. 5322
IN THE MATTER OF THE RULES OF THE) PUBLIC UTILITIES COMMISSION OF THE) STATE OF COLORADO REGULATING THE) SERVICE OF TELEPHONE UTILITIES) WITHIN THE STATE OF COLORADO.)	CASE NO. 5323 SUPPLEMENTAL ORDER

- - - - -
October 26, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 23, 1973, the Commission entered Decision No. 83913 in Case No. 5320. The title of said Order incorrectly reads as follows:

"ORDER DENYING PETITION FOR STAY OF PORTION OF COMMISSION DECISION NO. 83551 ENTERED IN CASE NO. 5323".

The title, in fact, should have stated the case number as "5320".

In view of the above and foregoing, the Commission states and finds that Decision No. 83913 should be amended as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

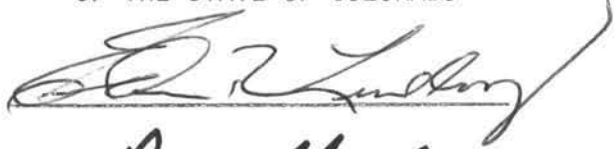


1. The title in Decision No. 83913 be, and the same hereby is, amended nunc pro tunc as of October 23, 1973, by changing the title to read as follows:

"ORDER DENYING PETITION FOR STAY OF PORTION OF COMMISSION
DECISION NO. 83551 ENTERED IN CASE NO. 5320."

2. That except as herein amended, Decision No. 83913 shall remain in full force and effect.

DONE IN OPEN MEETING the 26th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

(Decision No. 83925)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION	)	APPLICATION NO. 27075
OF NORTHERN NATURAL GAS COMPANY)	
FOR AN ORDER AUTHORIZING IT TO PUT	)	ORDER OF THE COMMISSION
INTO EFFECT EMERGENCY GAS RATE	)	AUTHORIZING TARIFF FILING
ADJUSTMENTS.	)	ON LESS THAN STATUTORY NOTICE

- - - - -
October 26, 1973
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On October 24, 1973, Peoples Natural Gas Division of Northern Natural Gas (Peoples), a Delaware Corporation and utility subject to the jurisdiction of this Commission, filed the above application seeking authorization of the Commission, without formal hearing, and on less than thirty (30) days' statutory notice, to file an emergency gas rate adjustment to its existing natural gas rates now on file with the Commission.

The gas tariffs sought to be filed on less than statutory notice of thirty (30) days are proposed to be filed to become effective on not less than one (1) day's notice and would result in increases in Peoples' retail gas revenues amounting to approximately \$15,471 annually.

Applicant obtains its gas supply for the Towns of Cortez, Delores and Mancos, Montezuma County, and in areas surrounding Durango, Colorado, from El Paso Natural Gas Company, which company has filed an application with the Federal Power Commission seeking an increase in its rates for natural gas sold to Peoples Natural Gas Division and others per provisions of its Purchased Gas Adjustment Clause as approved by the Federal Power Commission (Docket No. RP72-154). Applicant will be obligated to pay such increased rates effective on and after October 1, 1973.

The above increase in rates of El Paso Natural Gas Company is estimated to increase the annual cost of gas purchased by Applicant from El Paso Natural Gas Company by approximately \$20,007, based on volumes purchased through August 31, 1973. Of this total increase, \$5,271 is attributable to Applicant's special contract customer, Montezuma Plywood Company, leaving \$14,736 attributable to remaining customers. Applicant will recover the \$5,271 gas purchase cost increase from Montezuma Plywood Company pursuant to contract. Applicant proposes to increase its rates to remaining customers to recover the increase of \$14,736 in the cost of gas brought about by the increased rates of El Paso Natural Gas Company.

Peoples' natural gas rates presently on file with this Commission produced revenues which result in an approximate rate of return to Peoples of 8.49 percent for the year ended June 30, 1973, as more fully shown in Exhibit A attached to the application.

Peoples' proposed emergency gas rate adjustment to rates E, E-1, H and I is contained in Exhibit B to its application.

Peoples further states that in the event the El Paso Natural Gas Company should subsequently refund to Peoples, all or part of its increase in rates, Peoples will refund to its customers the applicable amount of any refund so received in such manner as shall be approved by this Commission.

FINDINGS OF FACT

The Commission finds that the application herein will increase Peoples' gas rates by an amount calculated to produce, on an annual basis, additional revenue which, together with an amount which will be recovered by Peoples' from Montezuma Plywood Company pursuant to contract, is substantially equivalent to the total of the annual increase in the cost of gas to be purchased by Peoples from El Paso Natural Gas Company and the

increased franchise taxes resulting from the pass-along of the increased El Paso Natural Gas Company rates; and that good cause having been shown therefor, Peoples should be authorized to file the tariffs contained in Exhibit B to become effective upon one (1) day's notice.

The following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Applicant, Peoples Natural Gas Division of Northern Natural Gas Company be, and hereby is, authorized to file to become effective upon not less than one (1) day's notice, the tariff provisions shown in Exhibit B attached to the application, which exhibit is hereby made a part hereof by reference, provided however, that all rates to be filed shall be rounded to the nearest tenth of a cent.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 26th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTS

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

The Applicant, Peoples Natural Gas Division of Northern Natural Gas Company, is being authorized, inter alia, "to file to become effective upon not less than one day's notice," a tariff which provides for increases

in retail gas rates of approximately \$15,470 annually (1) without hearing; (2) without evidence of good cause shown for less than thirty (30) days' notice as required by law; (3) upon a notice which, in addition to its impropriety because of its reduced period, is not a good, sufficient or reasonable notice to interested parties; and (4) without good and sufficient evidence before the Commission to support the authorization of such increases.

Good and sufficient evidence is not before the Commission upon which it can be determined whether or not Applicant can absorb the increase, or some part thereof, and still retain a fair rate of return.

To approve such increase under the circumstances to offset increases in wholesale costs to Applicant destroys incentive on the part of the Applicant to resist by whatever means possible increases in wholesale costs and encourages the wholesaler to seek further increases.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



COMMISSIONER

35

(Decision No. 83926)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHELSEY SHULTS, 8318 CHARLES WAY,)
DENVER, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27076-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
October 30, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

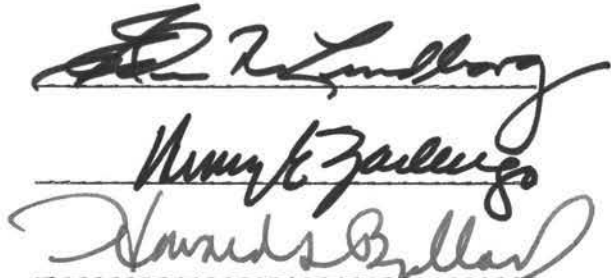
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 30th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83926
October 30, 1973

Chelsey Shults

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF GOLDEN EAGLE)	CASE NO. 40-App.
TRANSPORTATION CO., INC., P.O.)	
BOX 654, VAIL, COLORADO, 81657,)	RECOMMENDED DECISION OF
)	CHRISTIAN O. IGENBERGS,
Respondent.)	EXAMINER

- - - - -
October 29, 1973
- - - - -

Appearances: Hans Weibel, Vail, Colorado,
pro se;
John A. Hurt, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

This proceeding was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the Respondent on July 2, 1973, because said Respondent had failed to file with the Commission the necessary tariffs and evidence of insurance, all in accordance with the rules and regulations of this Commission Governing Common Carriers by Motor Vehicle for Hire. The matter was duly called for hearing pursuant to such notice on Monday, July 16, 1973, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Christian O. Igenbergs, assigned by the Commission as Examiner in this proceeding.

Hans Weibel, a resident of Vail, Colorado, and president of the Respondent carrier appeared at the hearing pro se.

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

On August 20, 1973, Stewart H. Brown, attorney for the Respondent carrier, filed with this Commission a pleading entitled "PETITION TO STAY ORDER OF REVOCATION OR ALTERNATIVELY PETITION TO REINSTATE AUTHORITY." Concurrently, Respondent filed with the Commission the necessary tariffs and informed the Commission that its insurance agent has been instructed

to transmit a Certificate of Insurance as required by the Commission. Said proof of insurance has since been filed with the Commission.

By the aforesaid pleading, the Respondent carrier prays that the Order of Revocation, if pending, be stayed, or, in the alternative, if such Order has been issued, that Petitioner's authority be reinstated.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. The records and files of the Commission disclose that the Respondent carrier presently has on file with the Commission a currently effective Certificate of Insurance and the necessary tariffs.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The carrier should be admonished and directed that in the future it pay more strict attention to the rules and regulations of this Commission and make the necessary filings in accordance with said rules and regulations of the Commission.

2. Case No. 40-App. should be dismissed.

3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

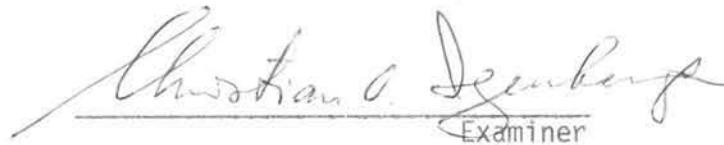
1. Golden Eagle Transportation Co., Inc., P.O. Box 654, Vail, Colorado, 81657, be, and hereby is, admonished and directed to pay strict attention to the requirements as contained in the rules and regulations of this Commission with respect to the filing of the necessary documents.

2. Case No. 40-App. be, and hereby is, dismissed.

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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
HENRY LINDEMANN AND DOROTHY C.)	APPLICATION NO. 26872-Extension
LINDEMANN, DOING BUSINESS AS "H & L)	
RUBBISH REMOVAL," 4320 SOUTH HURON,)	ORDER OF THOMAS M. McCAFFREY,
ENGLEWOOD, COLORADO, FOR AN ORDER)	EXAMINER, CONTINUING HEARING
AUTHORIZING APPLICANTS TO EXTEND)	
THEIR CERTIFICATE PUB NO. 3742.)	

- - - - -
October 29, 1973
- - - - -

Appearances: Valjean H. McCurdy, Esq.,
Arvada, Colorado, for
Applicants;
William A. Wilson, Esq.,
Denver, Colorado, for
Colorado Disposal, Inc.,
and U. S. Disposal System,
Inc., Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

Pursuant to notice the above-titled matter was called for hearing on Tuesday, October 16, 1973, at 10 a.m. in the Hearing Room of the Commission, 1845 Sherman Street, Denver, Colorado. As a preliminary matter, counsel for Commerce Refuse Disposal and Best-Way Disposal, both Protestants of record, moved that these firms be changed of record to the name of U. S. Disposal System, Inc., into which corporation both of these Protestants have now merged. Said Motion was granted by the Examiner. Also as a preliminary matter, counsel for Applicant advised that Mr. Vern A. Vanzant, City Planner for the City and County of Denver, who had been issued a Subpoena by the Commission to attend this hearing, was unable to appear because of illness. Applicants moved to continue the hearing after presentation of evidence so as to allow Mr. Vanzant the opportunity to testify. The examiner reserved ruling on the motion, and Applicants proceeded to present testimony and other evidence. All Applicants' witnesses testified except Mr. Vanzant, and upon

conclusion of testimony, the Examiner granted the Motion to Continue the hearing. Upon concurrence by all parties present, the matter was continued to Wednesday, November 21, 1973, at 2 p.m. in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, so as to allow Applicants to present the testimony of Mr. Vern A. Vanzant and to allow Protestants herein an opportunity to present evidence.

O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 26872-Extension, being the application of Henry Lindemann and Dorothy C. Lindemann, doing business as "H & L Rubbish Removal," 4320 South Huron Street, Englewood, Colorado, for an order authorizing extension of authority under Certificate of Public Convenience and Necessity PUC No. 3742, be, and hereby is, continued for further hearing on Wednesday, November 21, 1973, at 2 p.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, so as to allow Protestant to present testimony by Mr. Vern A. Vanzant and to allow Protestants Colorado Disposal and U. S. Disposal System, Inc., the opportunity to present evidence.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. Mc Caffrey
Examiner
did

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
TOMMY J. SIMMONS, 2009 GAYLORD,	)	APPLICATION NO. 27036-PP
DENVER, COLORADO, FOR AUTHORITY TO)	
OPERATE AS A CLASS "B" CONTRACT	)	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)	

November 2, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

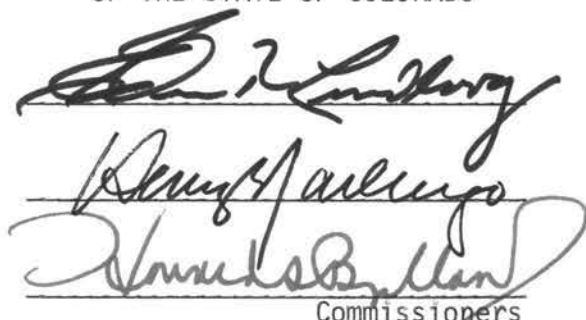
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83929
November 2, 1973

Tommy J. Simmons

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows;

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ROGER L. PETERS, DOING BUSINESS AS
"PETERS ENTERPRISES," BOX 119, BYERS,
COLORADO, FOR AUTHORITY TO OPERATE
AS A CLASS "B" CONTRACT CARRIER BY
MOTOR VEHICLE.

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APPLICATION NO. 27039-PP
ORDER OF THE COMMISSION

November 2, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.


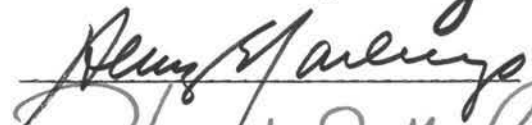
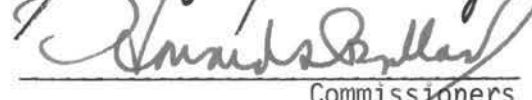
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83930
November 2, 1973

Peters Enterprises

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
EDWARD F. HIMES, DOING BUSINESS AS
"HIMES TRUCKING," 7025 NEWPORT,
COMMERCE CITY, COLORADO, FOR AUTH-
ORITY TO OPERATE AS A CLASS "B"
CONTRACT CARRIER BY MOTOR VEHICLE.

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APPLICATION NO. 27048-PP
ORDER OF THE COMMISSION

November 2, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

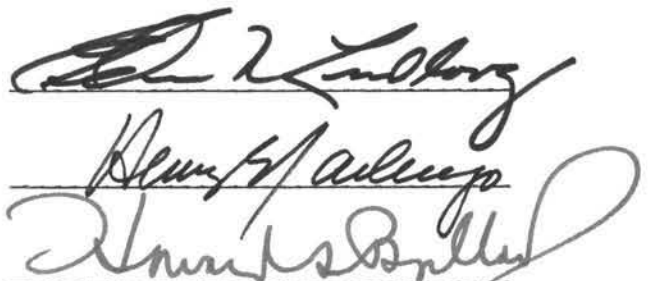
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83931
November 2, 1973

Himes Trucking

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ELMER A. WARD, 424 MOUNT VIEW LANE,
FOUNTAIN, COLORADO, FOR AUTHORITY TO
OPERATE AS A CLASS "B" CONTRACT
CARRIER BY MOTOR VEHICLE.

)
) APPLICATION NO. 27058-PP
)
) ORDER OF THE COMMISSION
)

November 2, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

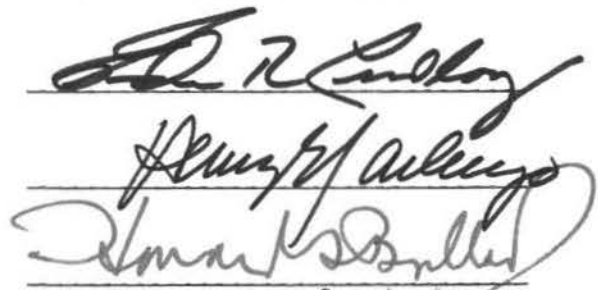
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83932
November 2, 1973

Elmer A. Ward

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 the designated radius as restricted below,

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JIM L. DRY, 204 NO. 22ND STREET,	)	APPLICATION NO. 27059-PP
COLORADO SPRINGS, COLORADO, FOR)	
AUTHORITY TO OPERATE AS A CLASS "B"	)	ORDER OF THE COMMISSION
CONTRACT CARRIER BY MOTOR VEHICLE.)	

November 2, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

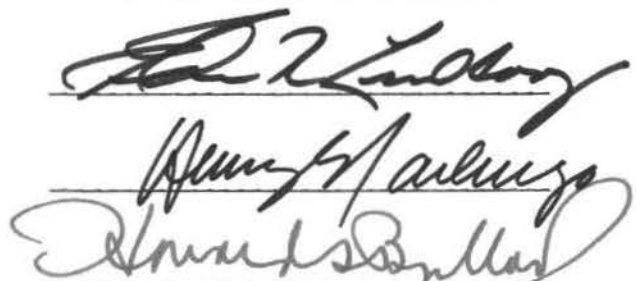
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83933
November 2, 1973

Jim L. Dry

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
NORMA E. WORLEY, DOING BUSINESS AS)	
"STOCKMAN'S HAY AND GRAIN CENTER,")	APPLICATION NO. 27062-PP
2305 BUSCH AVE., COLORADO SPRINGS,)	
COLORADO, FOR AUTHORITY TO OPERATE AS)	ORDER OF THE COMMISSION
A CLASS "B" CONTRACT CARRIER BY MOTOR)	
VEHICLE.)	

November 2, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

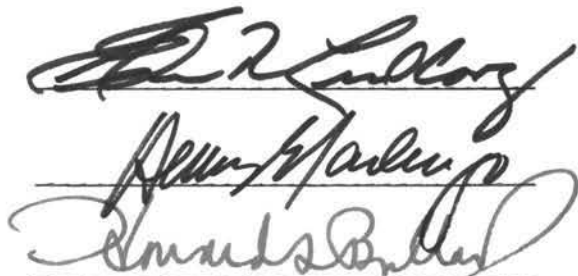
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83934
November 2, 1973

Stockman's Hay and Grain Center

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 200 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WALTER D. WHEELER AND LINDA JEAN)	
WHEELER, DOING BUSINESS AS "DIAMOND	)	APPLICATION NO. 27069-PP
TRUCKING," 328 3RD STREET, BOX 553,)	
STEAMBOAT SPRINGS, COLORADO, FOR	)	ORDER OF THE COMMISSION
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	

November 2, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

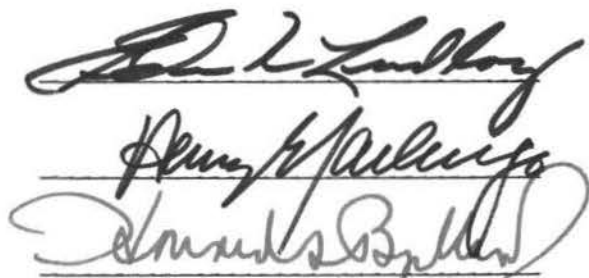
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83935
November 2, 1973

Diamond Trucking

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION BY COLORADO MOTOR)
TARIFF BUREAU, INC., FOR AND ON)
BEHALF OF PARTICIPATING CARRIERS IN)
CMTB TARIFF NO. 12-B, COLORADO PUC)
NO. 19, TO ADVANCE THE EFFECTIVE)
DATE OF INCREASE AMENDMENT NO. 30,)
PRESENTLY SCHEDULED TO BECOME)
EFFECTIVE NOVEMBER 2, 1973.)

APPLICATION NO. 27078

October 26, 1973

STATEMENT AND FINDINGS

BY THE COMMISSION:

On the date of October 4, 1973, the Colorado Motor Tariff Bureau, Inc., for and on behalf of the participating carriers in Tariff No. 12-B, Colorado PUC No. 19, filed an application for permission to advance the effective date of Amendment No. 30, to become effective on 5 days' notice.

Said amendment has the effect of increasing the minimum charges by sixteen (16%) percent; Class and Commodity Rates through 5000 pounds by fifteen (15%) percent and Class and Commodity Rates over 5000 pounds by ten (10%) percent, and was filed on October 3, 1973, with a scheduled effective date of November 2, 1973.

The Commission finds that no good cause having been shown therefor, the application for a shortening the notice should be denied.

O R D E R

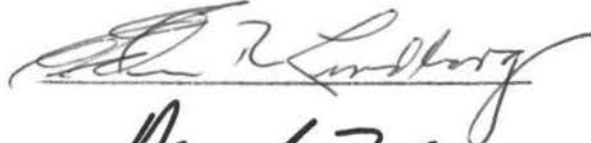
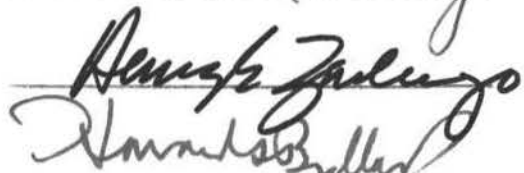
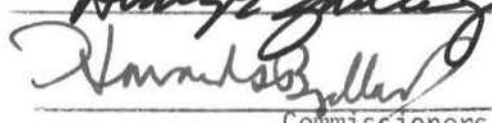
THE COMMISSION ORDERS:

1, That Application No. 27078 herein, be, and it hereby is, denied.

2. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 26th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
ENIS P. BAUDINO, ADMINISTRATRIX OF
THE ESTATE OF ANGELO BAUDINO, DECEASED,
DOING BUSINESS AS "BAUDINO TRANSFER,"
P. O. BOX 525, AGUILAR, COLORADO, FOR
AUTHORITY TO TRANSFER ALL RIGHT, TITLE,
AND INTEREST IN AND TO CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY PUC
NO. 419 AND 419-I TO ENIS P. BAUDINO,
DOING BUSINESS AS "BAUDINO TRANSFER,"
P. O. BOX 525, AGUILAR, COLORADO.

APPLICATION NO. 26917-Transfer
ORDER OF THE COMMISSION

October 26, 1973

Appearances: Carmel A. Garlutz, Esq., Trinidad,
Colorado, for Applicants.

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 419 and 419-I, as granted by Commission Decision No. 2554 dated September 27, 1929, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

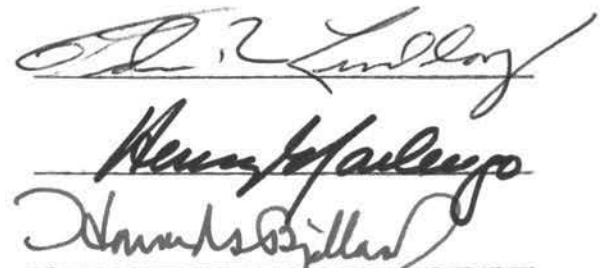
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 26th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
did

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 26620-PP
MIDTOWN HOSPITAL ASSOCIATION, INC.,)	
1601 EAST 19TH AVENUE, DENVER,)	RECOMMENDED DECISION OF
COLORADO, FOR A CLASS "B" PERMIT TO)	THOMAS M. McCAFFREY, EXAMINER
OPERATE AS A CONTRACT CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	DISMISSING APPLICATION

- - - - -
October 30, 1973
- - - - -

Appearances: Lawrence Levin, Esq.,
Denver, Colorado,
for Applicant;
Walter M. Simon, Esq.,
Denver, Colorado,
for Yellow Cab, Inc.,
Protestant;
Edward T. Lyons, Jr., Esq.,
Robert G. Shepherd, Jr., Esq., and
Thomas J. Burke, Jr., Esq.,
Denver, Colorado, for
Purolator Courier Corporation,
doing business as "Purolator
Courier Corp. and Colorado
Armored Service Company,"
Protestant.

PROCEDURE AND RECORD

On May 1, 1973, Midtown Hospital Association, Inc., the Applicant herein, filed the above-titled application with this Commission requesting authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation services as specifically set forth in said application.

Applicant requested temporary authority for the interim period prior to the granting of permanent authority, and on May 18, 1973, in Decision No. 82998, was granted such temporary authority by the Commission.

The Commission assigned Docket No. 26620-PP to the application for permanent authority and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

On May 11, 1973, the protests of Yellow Cab, Inc., and Colorado Cartage Company, Inc., doing business as "Colorado Armored Service Company," were filed with the Commission.

Pursuant to law, the Commission assigned the application to Christian O. Igenbergs, Examiner, for the purpose of conducting a hearing, and, after due and proper notice to all interested persons, firms, or corporations, set the application for hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Wednesday, June 20, 1973, at 10 a.m. The hearing was held at the scheduled time and place. As a preliminary matter, Protestant Colorado Cartage Company, Inc., doing business as "Colorado Armored Service Company," moved to substitute in its stead Purolator Courier Corp., doing business as "Purolator Courier Corp. and Colorado Armored Service Company." This motion was based upon a Commission Decision which was issued subsequent to the initial filing of the protest by Colorado Cartage Company, Inc., doing business as "Colorado Armored Service Company." There being no objection to such substitution, the motion was granted by the Examiner.

Exhibits 1 through 19, inclusive, were offered and admitted into evidence. Official notice was taken of "Attachment 5," which was filed as an attachment to the application, and the Notice of the instant application issued by the Commission on May 7, 1973. The parties were granted permission, if they so desire, to file Post-Hearing Briefs. The Briefs of Applicant and Protestant Purolator Courier Corp. were duly filed.

At the close of Applicant's case, Protestant Purolator Courier Corp., doing business as "Purolator Courier Corp. and Colorado Armored Service Company," moved to dismiss the application on the grounds that the Applicant failed to establish a prima facie case. The Motion to Dismiss was taken under advisement to be ruled upon in the Recommended Decision. At the conclusion of all testimony and presentation of evidence, the subject matter was taken under advisement.

Examiner Christian O. Igenbergs in Decision No. 83590, issued August 27, 1973, set the application for further hearing in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Tuesday, September 25, 1973, at 10 a.m. for the purpose of allowing Applicant the opportunity to present oral testimony and exhibits with respect to the financial position of the Applicant and the policy or intended use of Applicant's services by the proposed hospital customers, as well as to allow Protestants the opportunity to cross-examine and present such additional evidence as they may desire. On September 12, 1973, Examiner Igenbergs became seriously ill and unable to conclude his duties in this matter. The Chairman of the Commission, pursuant to 115-6-1(2), CRS 1963, as amended, did on September 25, 1973, designate Examiner Thomas M. McCaffrey to serve temporarily until the Commission orders otherwise in place of Examiner Igenbergs in this matter. Pursuant to such designation, Examiner McCaffrey called the application for additional hearing at the time and place specified in Decision No. 83590, at which time the above-listed counsel for Applicant and Thomas J. Burke, Jr., Esq., entered his appearance on behalf of the attorneys of record for Protestant Purolator Courier Corp. Neither Protestant Yellow Cab, Inc., nor anyone on its behalf appeared in this additional hearing.

Because of various difficulties in proceeding with an additional hearing on this application, including a disagreement between Applicant and the appearing Protestant as to testimony, if any, to be taken in this additional hearing, Applicant and Protestant Purolator Courier Corp. entered into a Stipulation as to the manner in which further proceedings would be conducted. It was agreed and stipulated between Applicant and Purolator Courier Corp. that Applicant would immediately request the complete transcript of all prior proceedings held before Examiner Christian O. Igenbergs, with Applicant to pay all charges for such transcript, which was to be forwarded to Examiner Thomas M. McCaffrey for review in order to render his Recommended Decision.

Examiner Thomas M. McCaffrey, having thoroughly reviewed the transcribed record of this proceeding, together with the exhibits, briefs, and other matters in the Commission file, now transmits herewith to the Commission, pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

From the entire record herein, the following is found as fact that:

1. Applicant is a nonprofit corporation duly organized and existing under the state of Colorado. Applicant corporation was formed to provide services for hospitals and hospital-oriented firms in the Denver metropolitan area. Applicant corporation was formed by seven metropolitan hospitals: St. Luke's Hospital, Children's Hospital, St. Joseph's Hospital, Presbyterian Medical Center, Mercy Hospital, Mount Airy Psychiatric Center, and Spaulding Rehabilitation Center.

2. Protestant Yellow Cab, Inc., is holder and operator of Certificates of Public Convenience and Necessity PUC No. 2204 and 2378, the exact provisions of which were not introduced into evidence in this proceeding.

3. Protestant Purolator Courier Corp., doing business as "Purolator Courier Corp. and Colorado Armored Service Company," is owner and operator of various Certificates of Public Convenience and Necessity, which in general conflict with the authority sought in this application.

4. The Commission has jurisdiction over the parties and subject matter of this proceeding.

5. Applicant does not hold previously granted authority from this Commission.

6. Applicant by this application seeks a Class "B" permit to transport blood, blood products, X-ray films and interpretations, mail, reports, forms, postage meters, laboratory specimens and reports, printing for the Midtown Hospital Association Print Shop, books and materials for area medical libraries, maintenance items, medical/surgical supplies and equipment, radioisotopes, and medical records between points located within an area comprised of Denver, Adams, Jefferson, and Arapahoe Counties.

7. Applicant in this proceeding presented the testimony of four public witnesses in support of this application. These were: Mrs. Lucy Gonzales, receptionist, clerk, and secretary at the St. Luke's Hospital Laboratory; Mr. Emerson Clark, Lab Supervisor at Children's Hospital; Elmyra Elliott, Administrative Assistant of the Community Electrocardiograph Interpretative Service (CEIS), located at St. Luke's Hospital; and Mr. Brinley Maclaren, head librarian, Denver Medical Society. No administrator or other person authorized to enter into a contract for and on behalf of the proposed customers testified in this hearing. Although the administrators of the seven hospitals which form the Applicant's association are

members of the Applicant's executive committee, and it may logically be presumed that these administrators do support the application, neither these administrators nor any person having contractual authority from the other thirteen proposed customer firms appeared in the hearing to give testimony and submit to cross-examination by Protestants. Sixteen letters in support of the application were introduced into evidence in this proceeding (Exhibits 3a through 3p), but these letters unsupported by oral testimony are not competent evidence to support this application.

8. There is no substantial evidence in the record of this proceeding to show that the proposed type of service is sufficiently distinct from service that may be rendered by other common carriers, and while the service proposed to be rendered is somewhat specialized in nature requiring coordination between the carrier and proposed customers, there is no evidence to indicate that such coordination has ever been attempted with an authorized common carrier, or that Applicant has ever solicited the services of another carrier except that of Protestant Yellow Cab, Inc. Indeed, the evidence shows that if the Applicant were granted the requested contract authority, its transportation services would necessarily be supplemented by another carrier's services, since, at least as of the time of hearing, Applicant was rendering services only between the hours of 9 a.m. and 5 p.m. Applicant's proposed pilot transportation project, entered as Exhibit No. 4 herein, indicates that services will be rendered between the hours of 9 a.m. and 6 p.m., which operating period would still call for supplemental services by other carriers because of the urgent nature of some of the pick ups and deliveries to be made.

Applicant's aforementioned pilot program (Exhibit 4) tends to place the Applicant in the incongruous position of stating that the proposed service could and would be rendered by a common carrier. On page 1 of Exhibit 4, after stating the reasons for the pilot project, Applicant states that the pilot project will insure the following:

"a) Collection of enough data in order to give common carriers a reasonable chance to bid intelligently on the business.

"b) Allow Midtown to gain operational experience on this project in order to encounter unforeseen problems.

"c) Allow Midtown an opportunity to temporarily attempt to improve the existing service where it is presently inadequate.

"d) Allow for some experimental consolidation and coordination of trips into a routine pickup schedule and thus reduce costs and unnecessary vehicular traffic in the area."

On page 10 of Exhibit 4 in the portion outlining the timetable for the program, it is provided that:

"Phase 2 will last for a maximum of 80 days and during this period various contract and common carriers will be asked to bid on the permanent program. Their replies to the invitation to bid will be analyzed and the program will be implemented on a permanent basis at the termination of this second phase."

This pilot program, as reflected in the testimony of Mr. Timothy L. Long, Executive Director of the Applicant's firm, has not been modified or amended. While the Examiner recognizes that the statements contained in Applicant's pilot program are merely proposals, the record is devoid of any substantial evidence to show why the above quoted provisions should be modified or deleted. It is found as fact that Applicant has failed to prove that the proposed service is in fact contract carriage.

9. Applicant presented no evidence concerning a specific and definite method of operating the requested authority, and there is no information of record, other than the proposed pilot program, Exhibit 4, to show the rates Applicant would charge, or indeed if it is economically feasible for Applicant to render the proposed services. While the Examiner realizes that Applicant had only approximately one month prior to the hearing on this application to operate under its pilot program and thus compile the necessary data for a detailed operational proposal, it is clear that Applicant during this period has been unable to follow the guidelines of the pilot program in establishing the proposed hours of operation, a scheduled service aided by dispatching equipment, or a reasonable charge for services rendered. Although the aforesaid pilot program proposes that a flat rate of \$2 for any services rendered within a 2-mile radius is to be charged, the tariff, of which the Examiner on his own motion hereby takes official notice, filed with this Commission in accordance with the temporary authority granted to Applicant, states that the amount to be charged for this service is to be \$1, which is the amount Applicant had been charging to the date of hearing. Whether this charge reasonably reflects the actual costs incurred is unknown.

In the aforementioned pilot program (Exhibit 4) Applicant states that this application has been filed, "in response to requests from member hospitals to improve the inadequate inter-hospital transportation system and reduce costs" Applicant, for the most part, prior to the granting of temporary authority by this Commission, was utilizing the services of Protestant Yellow Cab, Inc., and while the evidence indicates that scheduled service may well reduce costs by reducing the number of separate pickup delivery services rendered by this Protestant, the evidence fails to indicate that Applicant is aware of the provisions of Rule 19 of this Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle, which states, in pertinent part:

"(a) Every private carrier by motor vehicle operating in intrastate commerce and competing with any one or more duly authorized motor vehicle common carriers shall charge and receive for the transportation of persons and property not less than the minimum rates and charges applicable to such private carriers which shall be fixed from time to time by the Commission, and said minimum rates and charges shall not be less than the rates prescribed for motor vehicle common carriers for substantially the same or similar service."

As stated in this Rule, Applicant cannot in any event charge less than an authorized common carrier. Whether Applicant can, since it has not solicited the services of a common carrier other than Yellow Cab, Inc., render the described services as cheaply as an authorized common carrier is entirely problematical. Applicant admits that the proposed operations would almost certainly have to be subsidized for a period of time by revenue derived from other aspects of its operations. An assumption, then, that Applicant's proposed operation would result in over-all reduced costs to the proposed customers, and by inference to the public, is unwarranted.

10. Protestant Purolator Courier Corp.'s Motion to Dismiss Application No. 26620-PP should be granted for the abovestated reasons.

EXAMINER'S COMMENTS

While it may be within the discretion of the Examiner to set this application for further hearing to take additional evidence, it is the Examiner's firm opinion that it would not, in this case, be procedurally proper to do so, and the public interest would not be served thereby. While the evidence of record indicates that utilization of transportation services other than those presently used by the various hospitals and medical facilities may be necessary in order to increase efficiency and properly serve the proposed customers, it is also evident that these various medical facilities have made no serious attempt to utilize other services available.

If indeed presently authorized common carriers are unable to adequately meet the needs of the proposed customers, Applicant should formulate the most specific operational plan possible and reapply to this Commission for the necessary authority.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Protestant Purolator Courier Corp.'s Motion to Dismiss Application No. 26620-PP should be granted on the basis that Applicant has failed to establish that the proposed service is true contract carriage, has failed to present substantial evidence as to a specific method of operation, and has failed to present testimony concerning the economic feasibility of operating the proposed authority.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 26620-PP, being an application of Midtown Hospital Association, Inc., 1601 East 19th Avenue, Denver, Colorado, for a Class "B" permit to operate as a contract carrier by motor vehicle for hire, be, and hereby is, dismissed.

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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. McCaffrey
Examiner
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THE MIDLAND TELEPHONE COMPANY,)
A COLORADO CORPORATION, AND UTAH)
TELEPHONE COMPANY, A UTAH CORPORA-)
TION, FOR AUTHORITY (a) TO ALLOW)
THE MERGER OF THE MIDLAND TELEPHONE)
COMPANY INTO UTAH TELEPHONE COMPANY,)
AND (b) TO CARRY OUT ALL OTHER)
TRANSACTIONS IN CONNECTION WITH)
SAID MERGER, INCLUDING THE ASSIGN-)
MENT OF CERTIFICATES OF PUBLIC)
CONVENIENCE AND NECESSITY, IF ANY,)
AND OPERATING RIGHTS AUTHORIZING)
THE CONSTRUCTION AND OPERATION OF)
TELEPHONE COMPANIES.)

APPLICATION NO. 27072

October 26, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 23, 1973, Applicants Midland Telephone Company and Utah Telephone Company filed Application No. 27072 seeking authorization of (a) the merger of Midland Telephone Company into Utah Telephone Company; and (b) carrying out all other transactions in connection with said merger, including the assignment of certificates of public convenience and necessity, if any, and operating rights authorizing the construction and operation of telephone companies.

On October 24, 1973, said Applicants filed a Motion requesting the Commission to authorize a hearing on the proposed merger of Midland Telephone Company into Utah Telephone Company on ten (10) days' notice.

The Commission states and finds that good cause exists for the granting of the within request and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Motion filed on October 24, 1973, by Applicants Midland Telephone Company and Utah Telephone Company requesting the Commission to authorize a hearing on the proposed merger of Midland Telephone Company into Utah Telephone Company on ten (10) days' notice, be, and hereby is, granted.

2. Application No. 27072 be, and hereby is, set for hearing as follows:

DATE: November 12, 1973

TIME: 10:00 A.M.

PLACE: Hearing Room
Columbine Building
1845 Sherman Street
Denver, Colorado

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 26th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES OF THE)
PUBLIC UTILITIES COMMISSION OF THE)
STATE OF COLORADO REGULATING THE) CASE NO. 5321
SERVICE OF GAS UTILITIES WITHIN)
THE STATE OF COLORADO.)

- - - - -
October 30, 1973
- - - - -

Appearances: John E. Archibold, Esq., Denver,
Colorado, for the Staff of
the Commission.

PROCEDURE AND RECORD

The above-captioned rule-making proceeding was instituted on the Commission's own motion on September 11, 1973, by Decision No. 83667. By said Decision, Notice of Proposed Rule Making and Notice of Hearing were given to all interested persons, firms, and corporations and the matter was set for hearing on October 24, 1973 at 10 a.m. in the Commission's Hearing Room at 1845 Sherman Street, Denver, Colorado.

Said notice further provided that any person desiring to intervene or otherwise become a party shall file appropriate pleadings therefor on or before the seventh day prior to the hearing. Said notice further provided that in addition to the proposed Amendment to Rule 18 (b) as set forth therein, the Commission will consider all suggestions, comments and proposals filed with the Commission, in writing, at least seven days prior to the hearing. No motions to intervene or otherwise become a party were filed and no suggestions, comments, or proposals were filed with the Commission.

A hearing was held on October 24, 1973. Exhibit 1, being a copy of Decision No. 83667, Notice of Proposed Rule Making and Notice of Hearing, was identified by Mr. Harry A. Galligan, Jr., who testified as a witness on behalf of the Staff of the Commission. Contained in said Notice of Proposed Rule Making and Notice of Hearing was proposed Rule 18 (b), the Commission's Rules Regulating Service of Gas Utilities.

Exhibits 2 through 4 were identified by Mr. Verbon E. Waggoner who qualified and testified as a witness on behalf of the Staff of the Commission. Exhibit 2 was a copy of Public Law 90-481 90th Congress, S. 1166, August 12, 1968, generally known as the "Natural Gas Pipeline Safety Act of 1968." Exhibit 3 was a listing, by title, of Amendments 1 through 14 of the "Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards" which are contained in Part 192 of Title 49 of the Code of Federal Regulations. Exhibit 4 is a Federal Register pamphlet compilation of the "Transportation of Natural and Other Gas by Pipeline; Minimum Safety Standards" including Amendments 1 through 14. Amendments 1 through 14 have been delineated in Exhibit 4 by arabic numerals in ink, circled. Exhibits 1 through 4 were admitted into evidence.

F I N D I N G S O F F A C T

Based upon all the evidence of record, the Commission finds that:

1. Pursuant to 5 (a) of the Natural Gas Pipeline Safety Act of 1968, the Commission is qualified as the enforcement agency of gas safety standards as to persons other than interstate pipelines under the jurisdiction of the Federal Power Commission, after certification that it has adopted each federal safety standard applicable to such pipeline facilities and transportation of gas established under the Natural Gas Pipeline Safety Act of 1968.
2. The Commission presently holds a Section 5 (a) certificate issued by the Secretary of Transportation for the year 1973.
3. In order to continue its gas safety program, the Commission must, if it is to continue to qualify for federal funds pursuant to Section 5 (c) of the Natural Gas Pipeline Safety Act of 1968, certify to the Secretary of Transportation that it has adopted the Federal Minimum Safety Standards, and all amendments thereto.
4. The Department of Transportation, Office of Pipeline Safety, has adopted Amendments 1 through 14 to the Minimum Safety Standards with regard to the transportation of natural and other gas by pipeline, which Amendments are set forth as follows:

<u>Amendment No.</u>	<u>Vol.</u>	<u>Federal Register No.</u>	<u>Date</u>
1	35	205	10/21/1970
2	35	220	11/11/1970
3	35	223	11/17/1970
4	36	126	6/30/1971
5	36	176	9/10/1971
6	36	252	12/31/1971
7	37	172	9/2/1972
8	37	192	10/3/1972
9	37	193	10/4/1972
10	37	199	10/13/1972
11	37	200	10/14/1972
12	38	35	2/22/1973
13	38	68	4/10/1973
14	38	109	6/7/1973

5. The Staff of the Commission is capable of enforcing the proposed Amendment to Rule 18 (b).

C O N C L U S I O N S O N F I N D I N G S O F F A C T

Based upon the findings of fact herein made, the Commission concludes that:

1. It is in the public interest for the Commission to continue to qualify as the enforcement agency of gas safety standards as to persons other than interstate pipelines under the jurisdiction of the Federal Power Commission.

2. To qualify as the enforcement agency of gas safety standards, as above delineated, it is necessary, pursuant to the Natural Gas Pipeline Safety Act of 1968, for the Commission to adopt the Federal Minimum Safety Standards, as amended.

3. It is in the public interest to adopt proposed Rule 18 (b) which adopts the Federal Minimum Safety Standards, including Amendments 1 through 14 thereto by reference.

The following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Rule 18 (b) of the Rules Governing Gas Utilities shall be revised to read as follows:

"RULE 18

Construction Requirement.-- * * *

(b) Unless otherwise specified by the Commission, utilities shall use the Federal Minimum Safety Standards in part 192 of Title 49, Code of Federal Regulations as of June 30, 1973, containing the minimum Federal Safety Standards for the transportation of gas and for pipeline facilities used for this transportation. These regulations which are made a part hereof by reference are set forth in detail in the Federal Register, Volume 35 No. 161 of Wednesday, August 19, 1970, and subsequent amendments 1 through 14 thereto, which are also made a part hereof by reference, are published in the Federal Register as follows:

<u>Amendment No.</u>	<u>Federal Register</u>		
	<u>Vol.</u>	<u>No.</u>	<u>Date</u>
1	35	205	10/21/1970
2	35	220	11/11/1970
3	35	223	11/17/1970
4	36	126	6/30/1971
5	36	176	9/10/1971
6	36	252	12/31/1971
7	37	172	9/2/1972
8	37	192	10/3/1972
9	37	193	10/4/1972
10	37	199	10/13/1972
11	37	200	10/14/1972
12	38	35	2/22/1973
13	38	68	4/10/1973
14	38	109	6/7/1973"

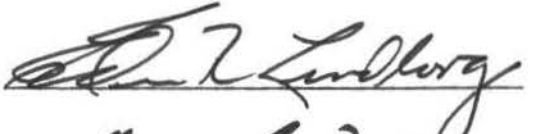

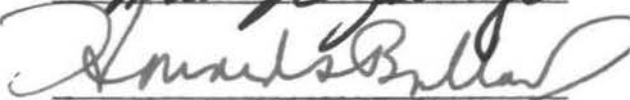
2. The Federal Register compilation of the transportation of natural and other gas by pipeline; minimum safety standards, including amendments 1 through 14, which was introduced as Exhibit 4, be, and the same hereby is, reproduced and attached as Appendix A to this Decision.

3. The Commission will concurrently with this Order seek the Opinion of the Attorney General of the State of Colorado regarding the constitutionality and the legality of the proposed Amendment to Rule 18 (b). Duplicate copies of the Opinion of the Attorney General and a copy of the proposed Rule 18 (b) will be placed on file with the Secretary of State.

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

DONE IN OPEN MEETING the 30th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
did

949

FEDERAL REGISTER

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

Transportation of Natural and
Other Gas by Pipeline;
Minimum Safety Standards

Including Amendments 1 thru 14



5321
76203
11-12-70



Exh. No.	4
Appl. No.	5321
Revisions	
Date	10-25-73

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket OPS-3]

PART 190—INTERIM MINIMUM FEDERAL SAFETY STANDARDS FOR THE TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Establishment of Minimum Standards

This amendment establishes a new Part 192 in Title 49, Code of Federal Regulations, containing the minimum Federal safety standards for the transportation of gas and for pipeline facilities used for gas transportation.

The Natural Gas Pipeline Safety Act was passed on August 12, 1968. It required the Secretary of Transportation to adopt, within 3 months, the then existing State safety standards for gas pipelines as interim regulations and to establish, within 24 months, minimum Federal safety standards. The interim standards were issued on November 7, 1968, as Part 190 of Title 49 of the Code of Federal Regulations and became effective on December 13, 1968. With the adoption of these minimum Federal standards in Part 192, the interim standards are no longer necessary. Therefore, the interim standards are revoked on the date that Part 192 becomes effective, except for those provisions applicable to design, installation, construction, initial inspection, and initial testing of new pipelines which will remain in effect until March 13, 1971.

These regulations were proposed in the following notices of proposed rulemaking issued between November 14, 1969, and June 10, 1970:

OPS Notice 69-3, 34 F.R. 18556.
OPS Notice 70-1, 35 F.R. 1112.
OPS Notice 70-2, 35 F.R. 1237.
OPS Notice 70-3, 35 F.R. 4413.
OPS Notice 70-4, 35 F.R. 5012.
OPS Notice 70-5, 35 F.R. 5482.
OPS Notice 70-6, 35 F.R. 5724.
OPS Notice 70-7, 35 F.R. 5713.
OPS Notice 70-11, 35 F.R. 9293.

This amendment does not include the requirements on corrosion control (Subpart I) which were proposed in a notice published in the FEDERAL REGISTER on May 6, 1970 (35 F.R. 2127). Final action on that notice will be taken after the comments that were received on the notice and at the public hearing that was held on July 20, 1970, have been analyzed.

Part 192 differs in many respects from the notices upon which it is based. Some changes were made for consistency in terminology and format. Others involve the moving of requirements from one section to another, or from one subpart to another, for better organization.

Many sections were renumbered, particularly in Subparts C, D, L, and M. Even numbered sections and blocks of sections between subparts were left blank to accommodate additional sections in future rulemaking actions.

Some changes are substantive in nature and are based both on the comments received on the notices and over 500 separate comments totaling over 2,500 pages were received and the recommendations of the Technical Pipeline Safety Standards Committee. Each of these changes is within the general scope of the notice on which it was based.

This is a major rulemaking action dealing with a highly technical subject in which many requirements are interdependent. Since the entire project was accomplished in less than 9 months from the first notice to the final rule, some of the changes may create problems in interpretation and compliance. Interested persons should inform the Office of Pipeline Safety in writing of any such problems, so that a determination can be made as to whether a correcting or clarifying amendment should be issued before the effective date of the particular requirement.

In addition to the many comments on the proposals which have been reflected in this final rule, a number of commenters recommended additional requirements to supplement present requirements or to cover areas not presently covered. Since many of these recommendations were beyond the scope of the proposed regulations, they could not be included in this final rule. However, these recommendations will be considered as petitions for rulemaking and many will be the subject of future rulemaking actions.

A large number of the comments were directed to areas of overall effect, such as the determination of maximum allowable operating pressure, the definition of "class location", and the determination and effect of a change in class location. These general subjects are discussed in detail below. All other significant changes and comments are discussed in a subpart by subpart, section by section, analysis.

Determination of maximum allowable operating pressure. As proposed in the notice, maximum allowable operating pressure would have been limited to the lowest of a designated series of pressures. Two of the designated pressures were (1) the design pressure in the weakest element in the pipeline system, and (2) the pressure obtained by dividing the pressure to which the pipeline was tested after construction by the factor for the appropriate class location.

Since some pipelines have been operated above 72 percent of specified minimum yield strength (the highest design stress allowed by Part 192) and since many were tested to no more than 50 pounds above maximum allowable operating pressure, these proposed requirements would have required a reduction of operating pressures in those pipelines. In a letter to the Office of Pipeline Safety, the Federal Power Commission stated (NOTE: the section numbers are those used in the notice):

Section 192.617 establishes maximum allowable operating pressure for existing steel pipelines. Several limitations are listed with paragraph (a) providing, "No person may operate a steel or plastic pipeline or main at a pressure that exceeds the lowest of the following." Paragraph (a)(2)(ii) is a table that requires applying a factor related to test pressure to establish the maximum allowable operating pressure. This table provides that in Class 1 locations the maximum allowable operating pressure cannot exceed the test pressure divided by 1.1 and in Class 2 locations a factor of 1.25.

Presumably these limits were established to relate to the requirements for testing presently contained in the Interim Federal Safety Standards which are essentially the same as those in ANSI B31.8-1958.

The proposed regulation does not recognize that the B31.8 Code did not establish these minimum test levels until 1952. Prior to that time, between 1935 and 1951, the predecessor Code, B31, required only that a pipeline be tested to a pressure 50 p.s.i. in excess of the proposed maximum operating pressure.

There are thousands of miles of jurisdictional interstate pipelines installed prior to 1952, in compliance with the then existing codes, which could not continue to operate at their present pressure levels and be in compliance with proposed section 192.617.

This Commission has reviewed the operating record of the interstate pipeline companies and has found no evidence that would indicate a material increase in safety would result from requiring wholesale reductions in the pressure of existing pipelines which have been proven capable of withstanding present operating pressures through actual operation.

If it is the intention of the Office of Pipeline Safety to require the retesting of all existing pipelines to the higher standards proposed in section 192.617, it is our suggestion that this section be revised to permit the development of an orderly testing program that will allow the jurisdictional pipeline companies the necessary time to obtain from this Commission such certificate authorizations as may be necessary.

In view of the statements made by the Federal Power Commission, and the fact that this Department does not now have enough information to determine that existing operating pressures are unsafe, a "grandfather" clause has been included in the final rule to permit continued operation of pipelines at the highest pressure to which the pipeline had been subjected during the 5 years preceding July 1, 1970.

The upgrading requirements in Subpart K apply when an operator wants to establish a maximum allowable operating pressure higher than the highest actual operating pressure to which the pipeline was subjected in these 5 years. This will prevent an operator from using a theoretical maximum allowable operating pressure which may have been determined under some formula used 20, 30, or 40 years ago.

Changes in class location. The notice proposed that confirmation or revision of maximum allowable operating pressure, due to a change in class location, must be accomplished within 60 days of the date when the operator has notice that such a change has occurred. The notice requested specific comment on the proposed 60-day period, since the B31.8 Code provisions upon which this proposal was based did not contain a specific time

limit. (It is relevant to note that the requirement for the evaluation of pipeline facilities when it appears that there has been a change in class location was newly adopted in the 1968 edition of the B31.8 Code, which does not apply in a number of States, and that there is diversity of opinion as to the burden these requirements impose on operators.) The comments on the proposed requirement were in general agreement that a 60-day time limit would be impractical and would leave the operators no alternative but to reduce pressure, thereby decreasing throughput. With respect to this proposal, the Federal Power Commission in its comments stated (note: the section numbers are those used in the notice):

Section 192.609(e) requires that, "confirmation or revision of the maximum allowable operating pressure in accordance with this section must be accomplished within 60 days of the date when the operator has noticed that a change in location class has occurred."

It is the Commission's opinion that this is an unduly restrictive requirement which would be impossible of accomplishment by jurisdictional interstate pipeline companies under the requirements of the Natural Gas Act.

Section 7(b) of the Act prohibits abandonment of facilities or any service rendered by such facilities without the permission of the Commission after due hearing.

Section 7(c) of the Act prohibits construction or extension of facilities unless there is in force a certificate of public convenience and necessity issued by the Commission authorizing such construction.

Giving consideration to requirements for public noticing, opportunity for intervention and accumulation of an adequate record upon which a decision can be rendered, it does not appear that in every instance the Commission would have adequate time to permit alternate construction within the 60-day time limit.

The potential loss in delivery capacity at a time when many pipeline companies are encountering difficulty in obtaining adequate supply of gas to meet growth requirements could seriously affect the ability of the industry to meet its obligation to satisfactorily serve the public convenience and necessity of the Nation.

It is suggested that the Office of Pipeline Safety consider modifying proposed § 192.609(e) to not be mandatory as applied to jurisdictional interstate pipeline companies unless and until appropriate certificate authorization has been granted by the Federal Power Commission.

The alternative time periods suggested by the other commenters ranged from 120 days to 5 years. Further, the comments pointed out that compliance with this section would be complicated by the fact that the "class location" definitions were not identical with the present B31.8 definitions.

In view of these comments, the change in class location requirements will be treated in two phases. A new § 192.607 contains requirements for the initial determination of class location and confirmation or establishment of maximum allowable operating pressure. Each operator is required to complete before April 15, 1971, a study to determine (for pipelines operated at more than 40 percent of SMYS) the present class location of all of the pipeline in its system,

and whether the maximum allowable operating pressure for each segment of pipeline is commensurate with the present class location. The operator is then required to confirm or revise, in accordance with section 192.611, the maximum allowable operating pressure of the affected segment of pipeline so that at least 50 percent of the affected pipeline is confirmed or revised before January 1, 1972, and the remainder before January 1, 1973.

In view of the new definitions of "class location", the diversity of views as to how much time is needed for confirmation or revision of pressures after a change has been discovered, the fact that the change in class location requirements are not included in the interim Federal standards in a number of States, and the disagreement within the pipeline industry as to the actual meaning of the change in class location requirements added in the 1968 edition of the B31.8 Code, the impact of § 192.607 will not be known until April 1971, when the required studies are completed. These studies may show that the existing pipelines are, for the most part, already in compliance with the new class locations, so that there will be little difficulty in meeting the schedule for adjusting operating pressure. On the other hand, the studies may reveal a problem of such magnitude as to raise serious question as to the practicality of the schedule.

The Office of Pipeline Safety plans to hold a public hearing in late April 1971 to get the results of the required studies and to give all interested parties an opportunity to present their recommendations on any adjustment which may be required in the schedule for adjusting operating pressures. The date, time, location, and other specific details of that hearing will be announced.

Sections 192.609 and 192.611 apply to changes in class location that occur after April 15, 1971. Under § 192.611(e), an operator will have 1 year from the date when a change in class location has occurred to accomplish the confirmation or revision.

Odorization of gas in transmission lines. The notice of proposed rulemaking proposed to require the odorization of gas in transmission lines. This proposal was based on a requirement that presently exists in the States of California, New York, New Jersey, Massachusetts, and Vermont (previously Wisconsin was erroneously included in this list). Because the comments received on the original notice were almost unanimously opposed to the odorization of gas in high pressure transmission lines, we issued a supplemental notice on June 10 requesting additional comments.

The comments received on the June 10 notice also generally opposed the proposal. However, the States of New York, New Jersey, and Massachusetts urged that the requirement be adopted as originally proposed. These States indicated that their experience with the odorization of transmission lines did not support the objections that had been listed in the supplemental notice.

The information on hand is conflicting and inconclusive, though it tends toward eliminating the requirement for odorization of gas in interstate transmission lines. Further, the comments were largely expressions of opinion, with little objective information to support the opinions. To insure that those who favor the requirement have ample opportunity to furnish further supporting information, the Office of Pipeline Safety plans to hold a public hearing in mid-September on this subject. The date, location, and other specific details on this public hearing will be announced in the near future. If warranted by the information received at that hearing, further action will be taken before November 12, 1970, when Part 192 takes effect.

Liquefied petroleum gas systems. Section 192.11 contains requirements applicable to petroleum gas pipeline systems. The authority of this Department to regulate certain petroleum gas pipeline systems under the Natural Gas Pipeline Safety Act, has been questioned. While there may be some question as to jurisdiction over a pipeline carrying petroleum gas from a tank (where it is stored in liquid form), to one or two single-family houses, there is no question as to authority over petroleum gas systems that serve a significant number of customers. In these cases, there is certainly a sufficient affect on interstate commerce to sustain a Congressional grant of authority and the language of the Natural Gas Pipeline Safety Act is broad enough to cover such cases. Section 192.11 applies only to petroleum gas systems that serve more than 10 customers from a common source or in which a pipeline crosses a public place, such as a highway.

A new paragraph (c) has been added to make clear which gas systems have to meet the additional requirements of this section. In effect it excludes gas systems that use petroleum gas only to supplement natural gas supplies during peak shaving. The word liquefied has been deleted to avoid any implication that these sections apply to petroleum gas when it is in liquid form. Notwithstanding that § 192.11 reflects the present requirements of the B31.8 Code, certain requirements (particularly in the operating and maintenance areas) may not be appropriate for a petroleum gas system. In order to determine whether there are any such inappropriate requirements and what, if any, changes should be made, we are asking operators of petroleum gas systems and other interested persons to comment on the various provisions of this regulation. If any of the provisions are inappropriate, commenters should suggest alternative requirements that would be appropriate and that would achieve the same safety objective.

Authority of States to act as enforcement agents of the Department with respect to interstate pipelines. In section 190.6 of the interim minimum Federal safety standards, States were authorized to act as the agents of this Department with respect to inspecting and overseeing interstate pipeline facilities, because the Office of Pipeline Safety was not

staffed to enforce regulations. Termination of the interim regulations will not affect the authority of the States to act as agents of this Department with respect to interstate pipelines. The authority is being continued and those States that are already acting as agents of the Department may continue to do so without further indication of their intent. All existing agency relationships will continue until formally terminated by either the State or by this Department. Any State which wishes to act as agent, but did not previously so indicate, may establish an agency relationship merely by submitting a statement of intent to the Office of Pipeline Safety.

The agency authority with respect to interstate pipelines authorizes the State to maintain surveillance over the operation to insure compliance with Federal regulations. State personnel should perform the same function that Federal field personnel perform, inspecting operations and giving informal opinions and approvals as to compliance with the regulations.

The agency authority does not create enforcement authority in the State. Enforcement actions, except those which the operator voluntarily accepts, will be taken at the Federal level.

The agency authority does not authorize a State to create new standards or to take any action which would substantively change the Federal standards. The Act requires that standards be prescribed by the Department in accordance with applicable rulemaking procedures.

State and industry officials are invited to contact the Office of Pipeline Safety with regard to any questions that may arise concerning this relationship.

Effective date. As stated in Notice 70-1, section 3(c) of the Natural Gas Pipeline Safety Act requires that standards and amendments thereto prescribed under the Act "shall become effective 30 days after the date of issuance unless the Secretary, for good cause recited, determines an earlier or later effective date is required as a result of the period reasonably necessary for compliance". In that notice, it was stated that since most of the proposed requirements would be based on existing recommended industry standards, a long lead time should not be necessary for compliance. Further, the notice requested commenters to identify specific requirements that would require a longer lead time.

In addition to the numerous comments received in the various dockets on the proposed effective date, the question of effective dates was discussed with the Technical Pipeline Safety Standards Committee. That Committee unanimously recommended that the overall effective date should be 90 days after the date of issuance. Additional time for certain provisions relating to new pipelines is covered in § 192.13 and discussed elsewhere in this preamble. The primary reasons for an effective date more than 30 days after issuance are as follows:

(1) Part 192 is a complete revision of the interim minimum Federal regula-

tions and it is desirable to allow time for all affected parties to receive copies of the new regulation and to thoroughly review its provisions before its effective date.

(2) Though Part 192 is based largely on the interim minimum Federal regulations, which were based primarily on recommended industry standards, we have found that many operators are not familiar with the recommended standards of the B31.8 Code. From investigations of accidents and the comments on our notices of proposed rulemaking, we know that a wide range of operators—large and small, privately owned and municipally-owned—are not familiar with either the Act or the interim regulations.

(3) The B31.8 Code in many cases recommended the establishment of written plans, and the interim Federal regulations required plans, but the requirement was not stated in clearly mandatory terms. We now find many companies have not established the plans.

Therefore, after considering the comments, the recommendations of the Technical Pipeline Safety Standards Committee, and the other information that has come to our attention, the 90-day recommendation of the Technical Committee has been accepted.

Retroactive effect on existing pipelines. Many comments related to the effect of these regulations on existing pipelines. They expressed concern that existing pipelines would not meet the design, construction, and testing requirements of the new regulations and would therefore have to be replaced or otherwise modified in order to comply. There is no basis for this concern and the prospective effect of Part 192 is made clear in section 192.13. The Natural Gas Pipeline Safety Act (Section 3(b)) speaks quite clearly on this point, as follows:

Not later than 24 months after the enactment of this Act, and from time to time thereafter, the Secretary shall, by order establish minimum Federal safety standards for the transportation of gas and pipeline facilities. Such standards may apply to the design, installation, inspection, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities. Standards affecting the design, installation, construction, initial inspection, and initial testing shall not be applicable to pipeline facilities in existence on the date such standards are adopted.

Existing pipelines are subject to the maintenance, repair, and operations requirements. They may be subject to retest requirements or restrictions on operating pressure, under a future rulemaking action, if that action is necessary to meet the need for pipeline safety.

Federal regulations as a minimum standard. The scope provisions of these regulations state that they prescribe minimum safety standards. Though some commenters objected to the word "minimum," it has been retained. Under the Natural Gas Pipeline Safety Act, these are in fact minimum standards. With respect to interstate facilities under Federal jurisdiction, an operator may voluntarily exceed these standards. With respect to intrastate

facilities under State jurisdiction, an operator may voluntarily exceed these standards. Further, section 3(b) of the Act specifically provides that a State agency may adopt additional or more stringent standards.

As evidence of hazardous situations becomes available the Department will, either through an individual hazardous condition order or through a general amendment, provide more stringent requirements for individual pipelines or for different types of pipelines.

Performance vs. specification requirements. As indicated in the series of notices upon which this regulation is based, we intend to state the Federal safety standards in performance terms, rather than as detailed specifications, whenever it is possible to do so within the state-of-the-art and without lowering the required level of safety. Several commenters pointed out certain requirements that are stated in specification language and recommended that they be stated in the final rule in performance terms. As the discussion of this subject in the notices pointed out, the schedule within which this rulemaking action was accomplished did not give us time to develop adequate performance-type substitutes in all of the instances where such a standard would be appropriate. This is one of the areas to which future attention will be devoted and will be the subject of future rulemaking actions where performance-type requirements are appropriate.

Incorporation by reference. In the proposed rulemaking it was stated that, while the editions of the documents incorporated by reference in the notice were based on the B31.8 Code, the final regulation might be updated to incorporate the most recent edition of the referenced standard or specification. Specific comments were requested on whether the use of the newer editions would cause a significant change in the impact of the regulations involved. The comments in general indicated that use of the latest published edition would not create any problems. However, some commenters questioned how a new edition changes would be handled, since pipe and materials built to a new specification could not be used if that specification were not referenced in the regulations. New editions of referenced documents will be reviewed as soon as they are available and, if found to be acceptable, will be included in the referenced documents.

Subpart A—General:

Section 192.3. In response to many requests, several new definitions have been added. A number of comments suggested the incorporation of all of the definitions in the B31.8 Code. This has not been done, since it is not necessary to define a term when it is used in its ordinary dictionary sense or in accordance with the meaning commonly understood in the industry.

We have defined those terms which are being used in a different sense than the commonly understood meaning. For example, the term "pipeline" is used in

the B31.8 Code to refer to a high pressure, long distance transmission line, while in the Natural Gas Pipeline Safety Act the term is used as a generic term for all types of lines carrying gas in gathering, transmission, or distribution systems. Since this latter meaning is also consistent with the liquid pipeline regulation (49 CFR, Part 195), pipeline is defined in this broad sense in these regulations.

In most places where the proposed rules used the phrase "pipeline facilities," the word "pipeline" has been substituted. The terms "gathering line," "transmission line," and "distribution line" are defined as various types of pipelines. "Distribution line" is further divided into "main" and "service line." In addition to these six terms, we have defined the term "pipe" to include tubing.

The definition of SMYS has been changed to make it consistent with the use of that term in the design formula of § 192.103. For specifications listed in Appendix B, SMYS will be the yield strength specified as a minimum in the specification. For unlisted or unknown specifications, SMYS is the yield strength determined by tensile testing in accordance with § 192.107(b) and Appendix B, paragraph II-D.

Section 192.5. A number of comments pointed out that the proposed class location definitions could create a 2-mile stretch of high class location solely to protect a small cluster of buildings at a crossroad or road crossing.

To avoid this situation, a new paragraph (f) has been added to allow adjustment of class location boundaries. A Class 4 location boundary may be moved to within 220 yards of the nearest four-story building. Whenever a Class 2 or 3 location is required by a cluster of buildings in otherwise open country, the boundary may be moved to within 220 yards of the nearest building in the cluster.

In addition, a number of other changes have been made to clarify this section. It was pointed out by one commenter that heavy traffic and many other underground utilities almost always exist in an area where four-story buildings are prevalent, thus making the proposed Class 4 location criteria redundant. Since other comments indicated some confusion about whether these requirements were cumulative or alternative in effect, the references to heavy traffic and other underground utilities have been deleted and the sole criterion for Class 4 locations will be a prevalence of four-story buildings.

The term "class location unit" has been substituted for the sliding mile, but will be used in the same way. It also has been made clear that each separate dwelling unit, such as an apartment, must be counted as a building intended for human occupancy.

Section 192.9. Several comments pointed out that, although gathering lines in nonrural areas were included in the scope, the proposed rules made no specific provision for them. This new

section has been added to eliminate the problem by requiring all gathering lines, if they are subject to the regulations under § 192.1, to meet the requirements applicable to transmission lines.

Section 192.13. This new section has been added to clearly state the applicability of these regulations with respect to new and existing pipelines, and to avoid confusion as to the retroactive effect of these standards. Due to the long lead times involved in preparing for pipeline construction, the new requirements for design, installation, construction, initial inspection, and initial testing will apply only to new pipelines that initially became ready for service after March 12, 1971. Since the comparable provisions of the interim standards will continue in effect until March 13, 1971, a pipeline that is readied for service before March 13, 1971, will have to comply with the interim Federal standards. With respect to existing pipelines, all changes made after November 12, 1970, must comply with Part 192.

A paragraph (c) has been included to make clear that plans, programs, and procedures required to be established must also be followed by the operators.

Section 192.15. Some basic rules to be used in construing these regulations have been set forth in this section.

Subpart B—Materials:

A number of commenters felt that failure to include certain types of materials would preclude their use. This is not the result because these regulations are not all-encompassing. Rather, they establish prohibitions and requirements only for those areas where safety problems are known to exist. To the extent that certain materials are not specifically treated, they need only meet the general requirements of this subpart to be qualified for use in a pipeline.

Section 192.53. This section has been reorganized slightly and, based on paragraph 810.1 of the B31.8 Code, a new requirement for chemical compatibility has been added. Since it is now used in other subparts as well, the definition of "listed specification" has been placed in § 192.3.

Section 192.55. In paragraph (a) the word "or" was inadvertently omitted in the proposed rules. It has been inserted to make clear that paragraph (a) (1), (2), and (3) is complete alternatives, any one of which will suffice to qualify new steel pipe.

Several commenters apparently misunderstood the import of paragraph (c). This paragraph merely states the ways that new or used steel pipe may be used if it is not otherwise qualified under paragraph (a) or (b).

Section 192.61. This section has been expanded to require both new and used copper pipe to be manufactured in accordance with a listed specification.

Section 192.63. Several comments expressed concern that small diameter pipe is sometimes marked only by the bundle and therefore would not comply with this section. However, so long as marking by the bundle is prescribed in the manufacturing specification, the pipe will

comply with this section under paragraph (a)(1). A paragraph has been added to prohibit field die stamping on surfaces of pipe or components that are subjected to internal stress.

Section 192.65. This section has been limited in application to large-diameter, thin-wall pipe which is more susceptible to damage during railroad transportation, if it is not properly loaded. Although the other pipe that would have been covered by the language of the proposed regulation might also be damaged by improper loading, this damage would be of a type that could be found by the required visual inspections and need not be a basis for rejecting the pipe as required by this section.

Subpart C—Pipe Design:

The proposed sections on corrosion factors and design limitations for steel pipe have been deleted and a new § 192.103 has been added with general requirements for pipe design. These changes have resulted in renumbering of each section of this subpart after § 192.101. The corrosion section is deleted, because we are now considering regulations which will require the installation of corrosion protection (proposed Subpart I) and control systems. Therefore, requiring an increase in the wall thickness of pipe to provide additional protection against the effects of corrosion will be unnecessary. The design limitations for steel pipe have been placed in §§ 192.103 and 192.105(b).

Section 192.103. This new section has been added as a composite of several separate provisions contained in the design requirements for each type of pipe material. It replaces requirements proposed in the notice as §§ 192.117(b), 192.119(b), 192.121(b), and 192.127(d).

Section 192.105. A sentence has been added to the definition of "t" to prevent the increase of design pressure based on wall thickness added under § 192.103 to protect against external loads. Paragraph (b) was taken from the proposed design limitations on steel pipe without change. One comment suggested an alternative method of determining "S" for pipe of unlisted specification by hydrostatic yield testing. This suggestion appears to have merit but will require further study and a separate rulemaking proceeding to obtain the benefit of full public comment.

Section 192.111. In response to comments requesting clarification of this section, language has been inserted in paragraphs (b)(1), (b)(2), and (c) to insure that heavier wall pipes is installed across the entire right-of-way when a pipeline crosses a public road or street without a casing.

Since Classes 3 and 4 locations require the use of design factors 0.50 and 0.40, the application of paragraph (d) has been limited to Class 1 and 2 locations.

Proposed paragraph (e) has been deleted. The situation it was designed for is now covered by § 192.5(f) which permits adjustment of class location boundaries in thinly populated areas.

Section 192.113. ASTM specification A333 has been added to the longitudinal

joint factor list. The flush paragraph at the end of the table has been reworded so as not to preclude the use of a lower joint factor if this is desired by the operator.

Section 192.115. In response to a comment, the word "gas" has been inserted in the table to make clear that this is a temperature attained during operation of the pipeline.

Section 192.121. The definition of "S" for thermosetting plastic pipe has been changed to 11,000 p.s.i. to conform to the design provisions contained in the B31.8 Code.

Section 192.123. Paragraph (a) has been rearranged for greater clarity and a new paragraph, which was proposed as part of Subpart D, has been added.

Section 192.125. The minimum wall thickness requirement for copper service line has been moved from Subpart H to this section.

Subpart D—Design of Pipeline Components

This subpart has been completely reorganized and some sections have been combined or deleted to remove overlapping and redundant provisions. For instance, where there were 10 separate sections on compressor station design, there are now six sections; where there were six sections on pipe and bottle-type holders, there are now two sections. Most of this consolidation has been done without substantive change and, except for transfers to other subparts, the requirements that were proposed will be found in Subpart D. The substantive changes or transfers to other subparts are discussed below along with some of the more significant changes resulting from consolidation of proposed regulations.

Section 192.141. Reference to specific components or devices covered in Subpart D has been deleted from the Scope.

Section 192.145. Paragraph (a) has been rewritten to require that valves be used in accordance with the applicable API and MSS standards, rather than the service recommendation of the manufacturer, and that valves be capable of meeting "anticipated" operating conditions.

Paragraph (c) restricts the use of valves "having shell components made of ductile iron", whereas the proposed rule referred to valves "having pressure containing parts made of ductile iron". The substitution was made in response to comments that, as written, the rule would limit the use of valves with internal pressure containing parts, such as valve discs or plugs made of ductile iron. However, paragraph (d) retains the words "pressure containing parts made of ductile iron", since it was intended to limit such use in compressor stations where valves are subjected to greater vibration.

Section 192.147. Paragraph (a) is a new paragraph requiring that flanges and flange accessories meet the minimum requirements of applicable ANSI and MSS standards. Except for paragraph (c) (1), § 192.144 as proposed in the notice and on which § 192.147 is based has been eliminated in accordance with comments

recommending that the section be rewritten in performance language, omitting details, and specifications.

Section 192.149. Paragraph (b), which requires that the actual bursting strength of steel butt-welding fittings must at least equal the computed bursting strength of pipe of the designated material and wall thickness, has been modified by the addition of the words, "as determined by a proto-type that was tested to at least the pressure required for the pipeline to which it is being added."

Section 192.151. This section, entitled "Branch connections" as proposed in the notice as § 192.146, is now entitled "Tapping". It now provides that a 1 1/4-inch tap may be made in a 4-inch cast iron or ductile iron pipe without reinforcement. However, in areas where climate, soil, and service conditions may create unusual external stresses on cast iron pipe, reinforced taps may be used only on 6-inch or larger pipe.

Section 192.167. In response to a number of comments, electrical circuits needed to protect equipment, such as circuits driving the lubricating pumps, will not have to be deactivated by the emergency shutdown system. Since the requirements for shutdown systems for transmission and distribution compressor stations were so similar, they have been combined in paragraph (a) of this section.

Section 192.175. Since pipe-type holders are basically pieces of pipe, the requirements for their design and installation were nearly identical to those for pipe contained in other subparts. Therefore, the definition of pipe has been expanded to include these holders and all the identical provisions have been deleted. In addition, the prohibition against the storage of gas with a high hydrogen sulfide content in pipe-type and bottle-type holders has been transferred to Subpart L.

Section 192.179. The provisions on spacing of transmission line valves have been rewritten to more clearly express the intended result. Due to the lack of necessity and the impracticality of installation and operation, all offshore transmission lines have been exempted from the requirements for sectionalizing block valves.

Section 192.185. The requirement that vaults be located in accessible locations away from street intersections, heavy traffic, etc., has been modified by the addition of the words, "so far as practical". Many comments indicated that it would be impossible in some cases to comply with the section as written.

Section 192.189. The provision that "all electrical equipment in vaults must conform to the requirements of Class I, Group D, of the National Electrical Code, ANSI Standard C1, has been modified by the insertion of the word "applicable" before the word "requirements".

Section 192.197. Paragraph (a) (5) has been rewritten in performance-type language by the addition of the words "to prevent a pressure which would cause

the unsafe operation of any connected and properly adjusted gas utilization equipment."

Paragraph (c) (1) has been rewritten by changing "secondary regulator" to "upstream regulator" for purposes of clarity. A new subparagraph (4) has been added to the list of methods in paragraph (c) which may be used to regulate and limit the pressure of gas where the maximum actual operating pressure of the distribution system exceeds 60 p.s.i.g. This new subparagraph authorizes the use of—"A service regulator and an automatic shut-off device that closes upon a rise in pressure downstream from the regulator and remains closed until manually reset."

Section 192.199. A new paragraph (h) has been added to the requirements for pressure limiting or pressure relief devices. It provides that "except for a valve that will isolate the system under protection from its source of pressure, (such devices must) be designed to prevent unauthorized operation of any stop valve that will make the pressure relief valve or pressure limiting device inoperative."

Section 192.201. Paragraph (c) has been rewritten in performance-type language by deleting "2 p.s.i.g." and substituting "a pressure that will not exceed the safe operating pressure for any connected and properly adjusted gas utilization equipment."

Section 192.203. Paragraph (b) (6) is a new provision which requires that pipe or components subject to clogging from solids or deposits must have suitable connections for cleaning. Several comments pointed out that this requirement was contained in the B31.8 Code and should not be omitted from the regulations.

Subpart E—Welding of Steel in Pipelines

Three of the sections that were in proposed Subpart E have been deleted or moved. Since each welding procedure contains detailed requirements for filler metal, it is not necessary to have a separate requirement in these regulations. Section 192.213 now contains the restrictions on miter joints which were transferred from Subpart G. The section on the acceptability of welds has been added to § 192.241 as paragraph (c). The section requiring repair of arc burns has been included in Subpart G with the section on repair of steel pipe.

Section 192.221. The words "arc and gas" have been deleted so as not to exclude new welding processes such as electron beam welding, from the scope of this subpart. In this section, as in other scope sections, the newly defined word "pipeline" has been substituted for "pipeline facilities." This will make it clear that these requirements do not apply to welding on water or air piping or welding during construction of buildings that will house gas equipment. Since the scope is broad enough to include all welding on pipelines and components, the words "when constructing, relocating, replacing, repairing, or otherwise changing . . ." are unnecessary and have been deleted.

Section 192.223. As proposed, paragraph (c) related to industrial safety practices; it has been deleted as inappropriate in these regulations. The size of a fillet weld is covered by individual welding procedures and a separate requirement proposed for paragraph (d) is repetitious and unnecessary. Paragraph (b) has been reworded to make clear that multiple qualification of welders under API 1104 is acceptable.

Sections 192.227 and 192.229. In response to a number of comments requesting clarification, these two sections have been reorganized. As proposed, § 192.209 was intended only as an alternative method of qualifying for low stress level welders and did not preclude the use of high stress level welders on low stress level pipe. This section has been placed in § 192.227 as paragraph (c) to clarify this point. Section 192.229 now contains only the limitations on the use of welders. The limitation in § 192.229(c) has been added to cover the situation of the welder qualified for high stress level pipe (i.e., qualified under § 192.227 (a)) who welds only on low stress level pipe. High stress level welders are not required to periodically requalify since it is assumed that their work is regularly subjected to nondestructive testing. However, this is not always the case when they weld only on low stress level pipe, since nondestructive testing is not required for pipe to be operated below 20 percent of SMYS. Consequently, paragraph (c) requires high stress level welders to have at least one weld destructively or nondestructively tested each 6 months.

Since the guided bend test is appropriate only for butt welds and not for fillet welds, the requirement for compressor station welders has been made more flexible by requiring only that a welder's qualification be based on destructive testing, rather than requiring the specific test.

Section 192.233. Since miter bends are another form of welded joint, the restrictions on their use have been moved from Subpart G to this section. The provisions have been reworded and the prohibition against miter bends in plastic pipe has been placed in Subpart F with the other provisions on the joining of plastic pipe.

Section 192.235. In response to many comments, paragraphs (c) and (d) have been deleted and paragraphs (a) and (b) have been combined. Since these requirements were appropriate for all welding, the section has been expanded and is no longer limited to butt welding.

Section 192.241. Paragraph (a) has been modified to avoid the implication that every weld must be inspected. This requirement is intended to impose on the operator the responsibility for providing sufficient visual inspection to ensure that certain criteria are met. In the case of a highly qualified and experienced welder, occasional spot checking may be sufficient to achieve this goal, while apprentice welders may require constant inspection.

Section 192.243. Several changes have been made to this section to remove or reduce some burdensome requirements that, in light of the comments received, would have provided little increased safety. There is a substantial increase in time spent and cost associated with testing the last few welds in order to achieve 100 percent coverage. Therefore, some flexibility is permitted in Classes 3 and 4 locations and at river crossings by permitting, if 100 percent testing is not practicable, the testing of less than 100 percent, but in no event less than 90 percent of the welds.

Also, since the identification and retention of X-ray film would present a substantial clerical burden, and will not prove too valuable in accident investigation, these requirements have been deleted from paragraph (f). Instead the operator will have to identify his testing records by geographic location to facilitate their analysis should leaks occur during subsequent testing or operation of the pipeline.

A third major change involves the applicability of paragraphs (d), (e), and (f). In order to encourage the use of nondestructive testing on the low stress level lines where it is not required, the provisions of these paragraphs have been changed so as to apply only to nondestructive testing that is required by § 192.241(b). This will permit random testing of welds and welders on lines operated below a 20 percent stress level even though they are in a Class 3 or 4 location and will avoid the burden of keeping records in this situation.

Since the comments indicated that a single daily sampling of each welder's work is sufficient to establish his continued competency, the requirement for sampling to a specific percentage has been removed from paragraph (e).

An exception has also been made to avoid the problem of testing welders each day, who might be working in areas quite remote from the regular welding crew and testing apparatus.

The prohibition against the use of trepanning as a nondestructive testing method has been placed in paragraph (a) of this section.

Subpart F—Joinings of Materials other than by welding:

Section 192.271. The scope of this subpart has been changed to make it clear that welding material other than steel is not covered. At such time as regulations to cover this subject are issued they will be placed in Subpart E. This change will also make it clear that joining of steel, other than by welding, is covered by this subpart. As with the scope of Subpart E, the broad coverage of this section permits the elimination of redundant language concerning constructing, replacing, and repairing of pipelines.

Section 192.273. The general requirement proposed for this section has been reworded to make clear that the use of restraint devices at points other than at the joints is permitted. So long as each joint will sustain the forces that may be applied, it does not matter whether the joint does so because of its own intrinsic

strength or because of a restraining or anchoring device attached elsewhere on the pipeline.

In addition, two new requirements have been added to require visual inspection of the completed joints and the use of written procedures in joining. These new paragraphs are based on the general construction requirements of the B31.8 Code.

Section 192.275. As proposed, this section contained two requirements that related to existing joints in cast iron lines. To alleviate the misunderstandings that resulted from this placement and to put these requirements in their proper perspective, these requirements have been added to the subpart on maintenance as § 192.753. As now written, paragraph (a) of this section applies only to newly joined caulked bell and spigot joints. The prohibition against brazing of cast iron pipe that has been added to this section was taken from a proposed requirement in Subpart H.

Section 192.281. Paragraph (a) has been rewritten in performance type language. The prohibition against miter joints in plastic pipe has been transferred to this section from Subpart G. The prohibitions against joining different types of plastic were too inflexible and have been deleted since the requirement for compatibility of materials that is contained in § 192.53 attains the same objective.

Subpart G—General Construction Requirements for Transmission Lines and Mains:

Three proposed sections, 192.313—Dents, 192.319—Miter bends, and 192.329—Casing of plastic pipe or tubing, have been deleted or combined with other sections. Restrictions on dents are now included in the section on repair of steel pipe, § 192.309. The restrictions on miter bends have been transferred to § 192.233 of Subpart F. Paragraph (b) of the proposed section on casing of plastic pipe was deleted, since the design requirement in new § 192.103, and the balance of the section on the casing of plastic pipe have been added to § 192.325.

Section 192.301. Some comments suggested the establishment of separate sets of regulations for transmission lines and mains because of different operating conditions. However, the requirements are sufficiently similar to warrant retention in one set of regulations. If at some time in the future the requirements for transmission and distribution systems become sufficiently different, separate bodies of regulations may be established.

Section 192.309. The requirements for elimination of dents and arc burns have been added to this section as new paragraphs (b) and (c). In response to a number of comments, an alternative limitation has been established for the depth of a repair by grinding. If a piece of pipe has a greater nominal wall thickness than required for the pressure and stress level at which the pipe is to be operated, the operator may grind down the pipe wall to the required thickness even though the remaining wall may be less than permitted by the tolerances of the pipe specification.

Many commenters suggested that this section apply only to pipeline operated at 30 percent of SMYS, or more. In response to these comments, paragraph (a) has been changed to require repair only when the damage is such that the serviceability of the pipe is impaired. This will allow greater flexibility in repair of low stress level pipe, rather than requiring repair whenever a stress concentrator, however small, is discovered. With respect to dents, the specific requirements for removal contained in paragraph (b) will apply only to pipe operated at more than 20 percent of SMYS. Dents on lower stress level pipe will be subject to repair or removal under paragraph (a) if they impair the serviceability of the pipe.

Section 192.313. When this section was proposed in Notice 70-2, it applied only to steel pipe operated at 30 percent of SMYS or more. This limitation was used on a proposal originally made in Notice 69-3, the first notice of the series. It was intended to apply only to paragraph (a)(1) of the proposed section which required bends to be made at least one and one-half pipe diameters away from a circumferential weld. This restriction on bends has been deleted due to a number of comments questioning its validity and pointing out the problems this created when bending double jointed pipe. Therefore, the 30 percent stress level limitation has been deleted as well. The new paragraph (a)(1) contains a broad, general requirement that a bend may not impair the serviceability of the pipe. Paragraph (a)(4) has been combined with paragraph (d) in a general requirement that applies to all types of pipe.

The restriction on out-of-roundness has been limited to pipe of more than 4 inches in diameter because the 2 1/2 percent of nominal diameter is difficult to measure on small diameter pipe. In addition, it appears that a greater degree of out-of-roundness is acceptable in small diameter, low pressure pipe. Pipe that is four inches or smaller in diameter will be required to be serviceable as provided in paragraph (a)(1). Proposed paragraph (e) has been deleted.

Section 192.325. In response to a great many comments pointing out the difficulties that distribution companies would have attaining the proposed 12 inches of clearance, the clearance requirements for mains are now couched in performance type language. This will allow these operators flexibility to attain the desired objectives of proper maintenance and protection from external damage. In addition, a new paragraph has been added to refer to the section in Subpart D which prescribes clearance for pipe-type and bottle-type holders.

Section 192.327. The minimum depth of cover for transmission lines laid in consolidated rock has been decreased to 24 inches for pipe under drainage ditches and in Classes 2, 3, and 4 locations. After considering the comments it appears that a rock ditch with 24 inches of cover provides a considerable degree of protection, which is increased relatively little by requiring 30 or 36 inches of cover. However, despite the small in-

crease in protection this additional 6 or 12 inches of cover adds substantially to the cost of construction.

It also appears that increasing the cover for mains from 24 to 30 inches will not provide nearly as much additional protection as had been hoped. Therefore the 24-inch requirement of the existing standards is being retained. However, we plan on developing new standards, particularly in the areas of marking, mapping, and interutility coordination of construction work, to achieve the additional protection.

The requirement for encasing or bridging a pipeline to protect from excessive external loads has been removed from this section since it is now covered by § 192.103.

Subpart H—Customer Meters, Service Regulators and Service Lines:

Section 192.351. In accordance with suggestions received in the comments, reference to specific materials used for service lines has been deleted from the scope, and the words "customer's meters" have been changed to "customer meters" to avoid any implication of customer control over meters.

Section 192.353. The following changes, all of which were suggested in the comments, have been made in § 192.353:

(1) Paragraph (a) no longer requires that meters and service regulators be installed in a location that provides protection from corrosion or other damage, but only that they be installed in a readily accessible location, and "be protected from corrosion or other damage, age". The comments indicated that it is sometimes impossible for protection from corrosion and damage to be provided by the location itself. In addition, paragraph (a) now permits the upstream regulator in a series to be buried.

(2) Paragraph (b) provides that each service regulator within a building must be located "as near as practical" to the point of service line entrance.

(3) Paragraph (d) provides that "where feasible," the upstream regulator in a series must be located outside the building, "unless it is located in a separate metering or regulating building."

Section 192.357. Paragraph (b) of this section has been completely rewritten to express the intention that close all-thread nipples must be of extra strong wall pipe so that after the threads are cut, the remaining wall thickness meets the minimum wall thickness requirements of Part 192. Paragraph (d) was added to make clear that regulators that release gas must be vented to the outside atmosphere.

Section 192.359. This section has been rewritten to reflect the present practice of the industry, which based on the comments and further investigation, appears to be safe. Paragraph (a) limits the pressure at which any meter may be used to 67 percent of the manufacturer's shell test pressure.

Paragraph (b) requires that each new meter must have been tested by the manufacturer to a minimum of 10 p.s.i.g.

Section 192.361. In response to the comments, paragraph (b) no longer requires that each service line be "properly

supported at all points" on undisturbed or well compacted soil but merely that it be "properly supported", material for backfill must be "free of materials that could damage the pipe or its coating", rather than "free of rocks and building materials", as provided in the proposal.

Paragraph (d) now provides that service lines must be installed so as to minimize "anticipated" piping strain or external loading.

Section 192.363. The requirement for tamperproof valves in paragraph (c) is now limited to valves on high pressure service lines, installed above ground or in an area where the blowing of gas would be hazardous, rather than all high pressure service lines, as in the proposal.

Section 192.365. Paragraph (b) requires that each service line be equipped with a shutoff valve in a readily accessible location that, "if feasible", is outside the building. This requirement applies not only to new shutoff valves, but also to replacement valves and valves on replaced service lines.

Section 192.367. The requirement of paragraph (a) that a service line connection to a main must be located at the top of the main, or if that is not practical, at the side of the main, has been modified by the addition of the words "unless a suitable protective device is installed to minimize the possibility of dust and moisture being carried from the main into the service line."

Section 192.369. This section has been rewritten to require that a service line connection to a cast iron or ductile iron main must be made by a mechanical clamp, by drilling or tapping the main, or by another method meeting the requirements of § 192.273. If a threaded tap is used, the requirements of § 192.151 (b) and (c) must be met. Paragraph (c) of the proposal, which prohibited bracing a service line connection directly to a cast iron or ductile iron main, has been deleted from this section since it is covered in §§ 192.275(d) and 192.277(c).

Section 192.371. The proposed requirement on installation of steel service lines in bores has been deleted and will be included in Subpart I on corrosion control.

Section 192.373. The prohibition against the installation of cast iron pipe less than 6 inches in diameter for service lines has been extended to ductile iron, since it appears that this will not cause any practical problems for the industry and will result in added safety. The possibility of eliminating the use of cast iron in any size for service lines has been suggested, and is currently under consideration. This proposal may be the subject of a future notice of proposed rule making.

Section 192.375. Paragraph (a) of the proposal has been deleted because it is covered in § 192.321(c) of Subpart G, General Construction Requirements.

This section also provides that a plastic service line inside a building "must be protected against external damage", in contrast to the former requirement that it "not be exposed".

Section 192.377. Paragraph (a) of the proposal, on the minimum wall thickness for copper pipe used for service lines, has

been moved to § 192.125(b) of Subpart C, Pipe Design.

Subpart J—Test Requirements:

Section 192.503. Section 192.503(b) has been rewritten to make it clear that liquid, air, natural gas, or inert gas may each be used as a test medium, provided that the stated requirements are met.

Section 192.505. The inclusion of the test medium authorizations in § 192.503 has made it possible to eliminate the table that was proposed for § 192.505(a). The required test pressures in each case may be calculated by applying the factors set forth in § 192.619(a)(2) to the desired maximum allowable operating pressure.

Paragraph (c) of § 192.505 in the notice proposed to require that field tests be conducted by maintaining the test pressure for at least 24 consecutive hours after the pressure stabilized in all parts of the pipeline facility being tested. Numerous objections were received to the 24-hour requirement. After consultation with the Technical Pipeline Safety Standards Committee, it has been concluded that the evidence available at this time will substantiate a requirement for an 8-hour test, but not for a longer test. The question of test duration will be the subject of further study and, if it is determined that a different test period is warranted, will be covered in a future rule making action.

Section 192.507. The requirements of proposed §§ 192.507 and 192.509 have been combined in § 192.507. The proposed 4-hour test duration has been reduced to one hour since, as many commenters pointed out, the test requirements of proposed § 192.507 are essentially leak test rather than strength test requirements.

Subpart K—Upgrading:

Section 192.553. Several commenters objected to the requirements of proposed § 192.553(a)(2) that each leak must be repaired before a further pressure increase is made. Section 192.553(a)(2), as issued, includes an exception for leaks that are determined not to be hazardous, provided they are monitored during the pressure increase and do not become potentially hazardous. This will permit the repair of very minor leaks in the course of routine maintenance.

Section 192.555. The notice proposed that, where a pipeline qualified for an increase in maximum allowable operating pressure, the increase must be made in increments not greater than 25 percent of the total of the proposed increase. Some commenters questioned the need for incremental increases in distribution systems, while others questioned the need for four increments where the total pressure increase was a small percentage of the pressure before the proposed increase. Other commenters questioned the justification for incremental increases where the basis for the proposed upgrading was a pressure test.

Section 192.555(e). Requires that, where a pipeline segment qualifies for upgrading, the increase in pressure must be made in increments of either—

- (1) 10 percent of the pressure before the upgrading; or

- (2) 25 percent of the total pressure increase;

whichever requires fewer increments. This will eliminate the need for four incremental increases if the total increase is small as compared to the pressure before upgrading. Section 192.557(c) contains a similar provision for pipeline segments that are upgraded under that section. Also, § 192.555(e) does not require incremental increases where the basis for the upgrading is a new pressure test under paragraph (d)(1) of § 192.555.

Section 192.557. Proposed §§ 192.557, 192.559, and 192.561 have been combined since the requirements of each proposed section were substantially similar. Several commenters indicated that, while proposed § 192.561(b)(4) required the testing of each regulator to determine if it is functioning, it would be impossible to complete such a test without increasing the pressure. Therefore, § 192.557(b)(6) has been revised to permit pressure to be increased, as necessary, to test each regulator after a regulator has been installed on each pipeline that is subject to the increased pressure.

Subpart L—Operations:

Section 192.605. In response to comments received, several changes have been made. In paragraph (a), the requirement that the operating and maintenance plan include detailed instructions for employees covering operating and maintenance procedures has been changed by the deletion of the word "detailed."

Paragraph (e), proposed to cover periodic inspection of transmission systems only, has been reworded to also include distribution systems.

Paragraph (f) as proposed in the notice, which required that provisions for a detailed population index survey be included in the operating and maintenance plan, has been deleted, since § 192.609 requires that a study must be made whenever an increase in population density indicates a change in class location.

Section 192.607 is a new section on the initial determination of class location and confirmation or establishment of maximum allowable operating pressure applying to existing pipelines. It has been discussed above.

Section 192.611. In paragraph (c), the word "hydrostatically" has been deleted, since testing must be done in accordance with the applicable requirements of Subpart J and there may be instances where other methods of testing would be permitted under that subpart. Paragraph (e) has been rewritten to provide that the operator shall confirm or revise the maximum allowable operating pressure "within 1 year of the date when a change in class location has occurred", instead of "within 60 days of the date when the operator has notice that a change in class location has occurred", as was proposed in the notice. The reasons for this change are discussed in detail above.

Section 192.613. In response to comments received, paragraph (a) was rewritten by deleting "drop in flow

efficiency due to internal corrosion", from the list of conditions to be determined by a continuing surveillance program and by adding "changes in class location" to this list. A drop occurring in flow efficiency cannot necessarily be related to internal corrosion and may be due to other factors.

Section 192.615. Paragraph (d) of this section on emergency plans has been changed by omitting the requirement for an educational program to enable customers and the general public "to know how and when to shut off the supply of gas at the customer's meter in an emergency". Although this requirement was a recommendation of the National Transportation Safety Board, most of the comments indicated that safety would be lessened if inexperienced persons were to close or open the supply of gas. For this reason, the requirement was not included. If further information indicates its desirability, it will be considered for a future notice of proposed rulemaking.

Section 192.617. In accordance with suggestions received in the comments, the selection of samples of a failed facility or equipment for laboratory examination is required only "where appropriate".

Section 192.619. In this section, which establishes the maximum allowable operating pressure for steel or plastic pipelines, new paragraphs (a)(3) and (c) have been added to permit operation at the highest actual operating pressure to which an existing segment of pipeline in satisfactory condition was subjected during the 5 years preceding July 1, 1970. Paragraph (a)(3) also permits operation at a pressure for which a segment of pipeline was qualified by test during that period. This section has been more fully discussed above.

Sections 192.621 and 192.623. In these sections, dealing with maximum allowable operating pressure for high- and low-pressure distribution systems, paragraph (a)(5) of § 192.619 and paragraph (a)(2) of § 192.621 as proposed in the notice have been deleted, because the definitions of "high-pressure distribution systems" and "low-pressure distribution system" permit the elimination of 2 p.s.i.g. as a dividing line between high and low pressure distribution systems, and have also permitted the use of performance-type language.

Section 192.625. Paragraph (a) of this section limits the applicability of the odorization requirements to mains and service lines. This requirement is discussed above.

Section 192.629. This section on purging of pipelines has been modified to make the procedure for purging air consistent with the procedure for purging gas. Paragraph (c) has been eliminated from this section and moved to § 192.751, Subpart M, Maintenance.

Subpart M—Maintenance:

Section 192.701. In accordance with suggestions received in the comments, references to the specific areas of maintenance covered in this subpart have been deleted from this section.

Section 192.703. This is a new section comprised of general provisions. Section 192.703 (a) and (b) was formerly contained in proposed § 192.723(b) (3) and (4).

Sections 192.711 and 192.713. The words "injuriously defect, gouge, groove, dent, or leak" have been replaced by "leak, imperfection, or damage that impairs its serviceability," and the definitions contained in the proposal have been eliminated. In order to make this section consistent with Subpart G.

Section 192.715. The words "Each weld found to have an injurious defect" have been eliminated and replaced by "Each weld that is unacceptable under § 192.241(c)."

Sections 192.713, 192.715, and 192.717. A full encirclement welded split sleeve is required to be "of appropriate design" and the words "greater design strength" have been substituted for the words, "greater wall thickness and grade."

Section 192.725. The provisions concerning service lines "previously abandoned" and service lines "temporarily disconnected" are combined, since in each instance the line must be tested in the same manner as a new service line before being reinstated.

Section 192.727. Sections 192.719 and 192.725 as proposed in the notice have been combined in this section, since the requirements for abandonment of transmission and distribution facilities are substantially the same. Abandoned lines now include lines that are not subject to gas pressure, except when undergoing maintenance. In addition, it is now provided in paragraph (a) that the line need not be purged when the volume of gas is so small that there is no potential hazard. Paragraph (b) requires that, if air is used to purge the line, the operator shall ensure that a combustible mixture is not present after purging.

Section 192.737. Paragraph (b) has been eliminated since the requirements to follow prescribed plans, keep records and promptly correct all unsatisfactory conditions are covered elsewhere.

Sections 192.739 and 192.743. Rupture discs are excepted from the periodic testing requirements for pressure relief devices in order to make these sections consistent with § 192.731, and because testing of a rupture disc would destroy it and require replacement.

Section 192.751. This section has been modified to require the operator to minimize the danger of accidental ignition of gas in areas where the pressure of gas constitutes a hazard, including the removal of potential sources of ignition when a hazardous amount of gas is being vented into open air, and the prohibition of welding or cutting on pipe containing a combustible mixture of gas and air in the area of work.

Section 192.753. This section requires that all existing cast iron caulked bell and spigot joints, subject to pressure of 25 p.s.i.g. or more must be sealed with mechanical leak clamps. Those subject to pressure of less than 25 p.s.i.g. must be sealed by means other than caulking

whenever exposed for any reason. These requirements were transferred to Subpart M from Subpart F (§ 192.255 as proposed in the notice).

Appendices. The proposed appendices have been relettered so as to appear in the order in which they are referred to in the regulations. This results in proposed Appendixes A and C being exchanged. The materials incorporated by reference have been corrected and the editions listed have been updated to the most recent one. The dates have also been added to the listed specifications in Appendix B, section I for convenient reference. ASTM specification A 539 has been added to the list in Appendix B.

Report of Technical Pipeline Safety Standards Committee. Section 4(a) of the Natural Gas Pipeline Safety Act required the establishment of a 15-member Technical Pipeline Safety Standards Committee. Section 4(b) of the Act requires that all proposed standards and amendments to such standards be submitted to the Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicality of each such proposal." Part 192 was submitted to the Technical Committee and that Committee has sub-

mitted a favorable report. The Committee's report and the minority views of the one Committee member who disagreed with the majority report are set forth below. As indicated in the majority report, several members of the Committee submitted concurring statements recommending further regulatory action in specific areas. These recommendations have been included in the rulemaking docket for Part 192.

SECRETARY OF TRANSPORTATION,
400 Sixth Street SW.,
Washington, D.C.

Attention: Mr. William C. Jennings, Acting Director, Office of Pipeline Safety.

AUGUST 10, 1970.

GENTLEMEN: In accordance with the provisions of Section 4 of the Natural Gas Pipeline Safety Act of 1968, the Technical Pipeline Safety Standards Committee herewith submits its report on the technical feasibility, reasonableness and practicability of the several proposals of the Office of Pipeline Safety which, together, comprise a "Rule Establishing Comprehensive Federal Pipeline Safety Standards." These minimum Federal safety standards are those which were developed by the Office of Pipeline Safety to comply with the requirements of section 3(b) of the Act and consist of proposals, and modifications thereto, which were published in the FEDERAL REGISTER as follows:

Notice	Docket	Title	FEDERAL REGISTER publication
69-3	OPS-3	Minimum Federal Safety Standards	34 F.R. 18555
70-1	OPS-3A	Welding and Other Joining of Pipe Components	35 F.R. 1112
70-2	OPS-3B	General Construction Requirements	35 F.R. 3237
70-3	OPS-3C	Customers Meters, Service Regulators and Service Lines	35 F.R. 4325
70-4	OPS-3D	Class Location	35 F.R. 6012
70-5	OPS-3E	Operation and Maintenance	35 F.R. 5483
70-6	OPS-3F	Testing and Upgrading	35 F.R. 5724
70-7	OPS-3G	Pipe and Component Design	35 F.R. 5713
70-11	OPS-3E	Odorization of Gas—Request for Additional Comment	35 F.R. 9293

The Committee has worked very closely with the Office of Pipeline Safety and has offered technical assistance in a series of meetings in June and July of this year which resulted in material changes in the technical content of the several proposals.

In view of the Committee's close association with the development of the final rule it did not appear appropriate to prepare a separate report on Committee consideration of individual items of the final rule. Therefore the Committee has, by letter ballot, evaluated the proposed final rule and a majority concurs that the proposed standards accomplished the intent of Congress to establish reasonable minimum standards applicable to the design, installation, inspection, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities.

It should be noted from the concurring views, expressed in the attached documents, that a number of the members of the majority are concerned that much work remains to be accomplished in future rulemaking to expand and clarify the rules to further improve the safety of pipeline facilities.

The Committee, in approving the presently proposed final rule, relies on assurances of the Office of Pipeline Safety and the General Counsel of the Department of Transportation that supplemental rulemaking dockets will be instituted to provide opportunity to consider additional items affecting safety of pipeline facilities that were judged to be beyond the scope of Docket OPS-3 and its several subparts. Addition-

ally, the Committee recognizes the necessity for inclusion of "Requirements for Corrosion Control" which is the subject of Notice 70-8, Docket OPS-5 (35 F.R. 7127) and was considered in a public hearing on July 20, 1970, pursuant to Notice 70-12.

The letter ballot canvass of the Committee (copies attached) indicated a vote of 13 approving the majority report and one opposed.

Minority views on specific items (copies attached) were submitted by Committee members Melvin R. Meyerson, A. W. Peabody, Martin T. Bennett, George W. White, Robert I. Snyder, and A. F. Rhodes.

Mr. Lang in voting in opposition to the majority has chosen to refer to the transcripts of the several meetings of the Committee for detail of his proposed alternate to the rule recommended by the majority.

This final Committee action is based on a review of the final rule without benefit of the preamble that will be issued with the rule. Therefore, the Committee has voted on the assumption that the preamble statement will be consistent with the Committee's understanding of the intent of the various requirements as specifically discussed with the Committee at its several meetings with the Office of Pipeline Safety.

LOUIS W. MENDONSA,
Secretary, Technical Pipeline
Safety Standards Committee.

Attachments:

cc: Mr. Sheftel, Bureau of the Budget.
Each committee member.

FREDERIC A. LANG P.E.,
Good Hope Road,
Landenberg, Pa. 19350.

EXPLANATION OF THE DISAPPROVAL BY FREDERIC A. LANG OF THE PROPOSED MAJORITY REPORT ON THE PROPOSED FINAL RULE ESTABLISHING COMPREHENSIVE FEDERAL PIPELINE SAFETY STANDARDS

August 7, 1970.

As member of the Technical Pipeline Safety Standards Committee, I disapprove the proposed majority report because the proposed Final Rule will establish regulations not measurably more effective than the standards written and suggested by the industry. In fact, the proposed Final Rule is based on the industry standard B 31.8 and has the same deficiencies.

Industry standards do not require more safety than is optimum for profits. The industry standards leave major loopholes available to the pipeline operator in order that the standard or the regulation not result in higher costs which might result from using a safer pipe material or a safer design, construction, or operating practice.

A further weakening of the Final Rule exists because of documents incorporated by reference. The opinion of DOT counsel is that documents incorporated by reference provide the same loopholes (lack of regulation) in this DOT Regulation (Part 192) that exist in the referenced document. Referenced documents were written in most cases by industry groups such as American Petroleum Institute who were not desirous of creating self-imposed regulation and who provided numerous loopholes and options that leave uncontrolled important pipeline safety items.

A suitable alternate Proposed Final Rule was outlined by me and others during the official Committee meeting on the Proposed Final Rule. The transcript of the meetings is available.

FREDERIC A. LANG.

After considering the comments, the recommendations of the Technical Pipeline Safety Standards Committee, and other information discussed above, I have determined that good cause exists for making these regulations effective more than 30 days after issuance.

This amendment is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 FR 16468).

In consideration of the foregoing and for the reasons stated in the series of notices listed above, Title 49 of the Code of Federal Regulations is amended as follows:

1. Part 190, except for those provisions applicable to design, installation, construction, initial inspection, and initial testing, is revoked effective November 12, 1970.

2. The provisions of Part 190 applicable to design, installation, construction, initial inspection, and initial testing are revoked effective March 12, 1971.

3. A new Part 192 is added, effective November 12, 1970, to read as set forth below.

Issued in Washington on August 11, 1970.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Acts of 1942.

WILLIAM C. JENNINGS,
Acting Director,
Office of Pipeline Safety.

The incorporation by reference provisions in this Part 192 were approved by the Director of the Federal Register on August 18, 1970.

Subpart A—General

- Sec. 192.1 Scope of part.
- 192.3 Definitions.
- 192.5 Class locations.
- 192.7 Incorporation by reference.
- 192.9 Gathering lines.
- 192.11 Petroleum gas systems.
- 192.13 General.
- 192.15 Rules of regulatory construction.

Subpart B—Materials

- 192.51 Scope.
- 192.53 General.
- 192.55 Steel pipe.
- 192.57 Cast iron or ductile iron pipe.
- 192.59 Plastic pipe.
- 192.61 Copper pipe.
- 192.63 Marking of materials.
- 192.65 Transportation of pipe.

Subpart C—Pipe Design

- 192.101 Scope.
- 192.103 General.
- 192.105 Design formula for steel pipe.
- 192.107 Yield strength (S) for steel pipe.
- 192.109 Nominal wall thickness (t) for steel pipe.
- 192.111 Design factor (F) for steel pipe.
- 192.113 Longitudinal joint factor (E) for steel pipe.
- 192.115 Temperature derating factor (T) for steel pipe.
- 192.117 Design of cast iron pipe.
- 192.119 Design of ductile iron pipe.
- 192.121 Design of plastic pipe.
- 192.123 Design limitations for plastic pipe.
- 192.125 Design of copper pipe.

Subpart D—Design of Pipeline Components

- 192.141 Scope.
- 192.143 General requirements.
- 192.145 Valves.
- 192.147 Flanges and flange accessories.
- 192.149 Standard fittings.
- 192.151 Tapping.
- 192.153 Components fabricated by welding.
- 192.155 Welded branch connections.
- 192.157 Extruded outlets.
- 192.159 Flexibility.
- 192.161 Supports and anchors.
- 192.163 Compressor stations: design and construction.
- 192.165 Compressor stations: liquid removal.
- 192.167 Compressor stations: emergency shutdown.
- 192.169 Compressor stations: pressure limiting devices.
- 192.171 Compressor stations: additional safety equipment.
- 192.173 Compressor stations: ventilation.
- 192.175 Pipe-type and bottle-type holders.
- 192.177 Additional provisions for bottle-type holders.
- 192.179 Transmission line valves.
- 192.181 Distribution line valves.
- 192.183 Vaults: structural design requirements.
- 192.185 Vaults: accessibility.
- 192.187 Vaults: sealing, venting, and ventilation.

- Sec. 192.189 Vaults: drainage and waterproofing.
- 192.191 Design pressure of plastic fittings.
- 192.193 Valve installation in plastic pipe.
- 192.195 Protection against accidental overpressuring.
- 192.197 Control of the pressure of gas delivered from high-pressure distribution systems.
- 192.199 Requirements for design of pressure relief and limiting devices.
- 192.201 Required capacity of pressure relieving and limiting stations.
- 192.203 Instrument, control, and sampling pipe and components.

Subpart E—Welding of Steel in Pipelines

- 192.221 Scope.
- 192.223 General.
- 192.225 Qualification of welding procedures.
- 192.227 Qualification of welders.
- 192.229 Limitations on welders.
- 192.231 Protection from weather.
- 192.233 Miter joints.
- 192.235 Preparation for welding.
- 192.237 Preheating.
- 192.239 Stress relieving.
- 192.241 Inspection and test of welds.
- 192.243 Nondestructive testing.
- 192.245 Repair or removal of defects.

Subpart F—Joining of Materials Other Than by Welding

- 192.271 Scope.
- 192.273 General.
- 192.275 Cast iron pipe.
- 192.277 Ductile iron pipe.
- 192.279 Copper pipe.
- 192.281 Plastic pipe.

Subpart G—General Construction Requirements for Transmission Lines and Mains

- 192.301 Scope.
- 192.303 Compliance with specifications or standards.
- 192.305 Inspection: general.
- 192.307 Inspection of materials.
- 192.309 Repair of steel pipe.
- 192.311 Repair of plastic pipe.
- 192.313 Bends and elbows.
- 192.315 Wrinkle bends in steel pipe.
- 192.317 Protection from hazards.
- 192.319 Installation of pipe in a ditch.
- 192.321 Installation of plastic pipe.
- 192.323 Casing.
- 192.325 Underground clearance.
- 192.327 Cover.

Subpart H—Customer Meters, Service Regulators, and Service Lines

- 192.351 Scope.
- 192.353 Customer meters and regulators: location.
- 192.355 Customer meters and regulators: protection from damage.
- 192.357 Customer meters and regulators: installation.
- 192.359 Customer meter installations: operating pressure.
- 192.361 Service lines: installation.
- 192.363 Service lines: valve requirements.
- 192.365 Service lines: location of valves.
- 192.367 Service lines: general requirements for connections to main piping.
- 192.369 Service lines: connections to cast iron or ductile iron mains.
- 192.371 Service lines: steel.
- 192.373 Service lines: cast iron and ductile iron.
- 192.375 Service lines: plastic.
- 192.377 Service lines: copper.

Subpart I—[Reserved]

Subpart J—Test Requirements

- 192.501 Scope.
- 192.503 General requirements.

- Sec.
192.505 Strength test requirements for steel pipeline to operate at a hoop stress of 30 percent or more of SMYS.
192.507 Test requirements for pipeline to operate at a hoop stress less than 30 percent of SMYS and above 100 p.s.i.g.
192.509 Test requirements for pipelines to operate at or below 100 p.s.i.g.
192.511 Test requirements for service lines.
192.515 Environmental protection and safety requirements.
192.517 Records.

Subpart K—Upgrading

- 192.551 Scope.
192.553 General requirements.
192.555 Upgrading to a pressure that will produce a hoop stress of 30 percent or more of SMYS in steel pipelines.
192.557 Upgrading steel pipelines to a pressure that will produce a hoop stress less than 30 percent of SMYS in steel, cast iron, and ductile iron pipelines.

Subpart L—Operations

- 192.601 Scope.
192.603 General provision.
192.605 Essentials of operating and maintenance plan.
192.607 Initial determination of class location and confirmation or establishment of maximum allowable operating pressure.
192.609 Change in class location: required study.
192.611 Change in class location: confirmation or revision of maximum allowable operating pressure.
192.613 Continuing surveillance.
192.615 Emergency plans.
192.617 Investigation of failures.
192.619 Maximum allowable operating pressure: steel or plastic pipelines.
192.621 Maximum allowable operating pressure: high-pressure distribution systems.
192.623 Maximum and minimum allowable operating pressure: low-pressure distribution systems.
192.625 Odorization of gas.
192.627 Tapping pipelines under pressure.
192.629 Purging of pipelines.

Subpart M—Maintenance Procedures

- 192.701 Scope.
192.703 General.
192.705 Transmission lines: patrolling.
192.707 Transmission lines: markers.
192.709 Transmission lines: recordkeeping.
192.711 Transmission lines: general requirements for repair procedures.
192.713 Transmission lines: permanent field repair of imperfections and damage.
192.715 Transmission lines: permanent repair of welds.
192.717 Transmission lines: permanent field repair of leaks.
192.719 Transmission lines: testing of repairs.
192.721 Distribution systems: patrolling.
192.723 Distribution systems: leakage surveys and procedures.
192.725 Test requirement for reinstating service lines.
192.727 Abandonment or inactivation of facilities.
192.729 Compressor stations: procedures for gas compressor units.
192.731 Compressor stations: inspection and testing of relief services.
192.733 Compressor stations: isolation of equipment for maintenance or alterations.

- Sec.
192.735 Compressor stations: storage of combustible materials.
192.737 Pipe-type and bottle-type holders: plan for inspection and testing.
192.739 Pressure limiting and regulating stations: inspection and testing.
192.741 Pressure limiting and regulating stations: telemetering or recording gages.
192.743 Pressure limiting and regulating stations: testing of relief devices.
192.745 Valve maintenance: transmission lines.
192.747 Valve maintenance: distribution systems.
192.749 Valve maintenance.
192.751 Prevention of accidental ignition.
192.753 Caulked bell and spigot joints.

Appendix A—Materials incorporated by reference.

Appendix B—Qualification of pipe.

Appendix C—Qualification of welders for low stress level pipe.

AUTHORITY: The provisions of this Part 192 issued under 49 U.S.C. 1971 et seq.

Subpart A—General

§ 192.1 Scope of part.

(a) This part prescribes minimum safety requirements for pipeline facilities and the transportation of gas, including pipeline facilities and the transportation of gas within the limits of the outer continental shelf as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(b) This part does not apply to the gathering or gas outside of the following areas:

- (1) An area within the limits of any incorporated or unincorporated city, town, or village.
- (2) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

§ 192.3 Definitions.

As used in this part—

"Distribution Line" means a pipeline other than a gathering or transmission line.

"Gas" means natural gas, flammable gas, or gas which is toxic or corrosive.

"Gathering Line" means a pipeline that transports gas from a current production facility to a transmission line or main.

"High pressure distribution system" means a distribution system in which the gas pressure in the main is higher than the pressure provided to the customer.

"Listed specification" means a specification listed in section I of Appendix B of this part.

"Low-pressure distribution system" means a distribution system in which the gas pressure in the main is substantially the same as the pressure provided to the customer.

"Main" means a distribution line that serves as a common source of supply for more than one service line.

"Maximum actual operating pressure" means the maximum pressure that occurs during normal operations over a period of 1 year.

"Maximum allowable operating pressure" means the maximum pressure at which a pipeline or segment of a pipeline may be operated under this part.

"Municipality" means a city, county, or any other political subdivision of a State.

"Operator" means a person who engages in the transportation of gas.

"Person" means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

"Pipe" means any pipe or tubing used in the transportation of gas, including pipe-type holders.

"Pipeline" means all parts of those physical facilities through which gas moves in transportation, including pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

"Pipeline facility" means new and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation.

"Secretary" means the Secretary of Transportation or any person to whom he has delegated authority in the matter concerned.

"Service line" means a distribution line that transports gas to a customer meter set assembly from a common source of supply.

"SMYS" means specified minimum yield strength is—

(1) For steel pipe manufactured in accordance with a listed specification, the yield strength specified as a minimum in that specification; or

(2) For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with § 192.107(b).

"State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"Transmission line" means a pipeline, other than a gathering line, that—

(1) Transports gas from a gathering line or storage facility to a distribution center or storage facility;

(2) Operates at a hoop stress of 20 percent or more of SMYS; or

(3) Transports gas within a storage field.

"Transportation of gas" means the gathering, transmission, or distribution of gas by pipeline or the storage of gas, in or affecting interstate or foreign commerce.

§ 192.5 Class locations.

(a) Class location is determined by applying the criteria set forth in this section. The class location unit is an area that extends 220 yards on either side of the centerline of any continuous 1-mile length of pipeline. Except as provided in paragraphs (d) (2) and (f) of this section, the class location is determined by the buildings in the class location unit. For the purposes of this

section, each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.

(b) A Class 1 location is any class location unit that has 10 or less buildings intended for human occupancy.

(c) A Class 2 location is any class location unit that has more than 10 but less than 46 buildings intended for human occupancy.

(d) A Class 3 location is—

(1) Any class location unit that has 46 or more buildings intended for human occupancy; or

(2) An area where the pipeline lies within 100 yards of any of the following:

(i) A building that is occupied by 20 or more persons during normal use.

(ii) A small, well-defined outside area that is occupied by 20 or more persons during normal use, such as a playground, recreation area, outdoor theater, or other place of public assembly.

(e) A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.

(f) The boundaries of the class locations determined in accordance with paragraphs (a) through (e) of this section may be adjusted as follows:

(1) A Class 4 location ends 220 yards from the nearest building with four or more stories above ground.

(2) When a cluster of buildings intended for human occupancy requires a Class 3 location, the Class 3 location ends 220 yards from the nearest building in the cluster.

(3) When a cluster of buildings intended for human occupancy requires a Class 2 location, the Class 2 location ends 220 yards from the nearest building in the cluster.

§ 192.7 Incorporation by reference.

(a) Any documents or parts thereof incorporated by reference in this part are a part of this regulation as though set out in full.

(b) All incorporated documents are available for inspection in the Office of Pipeline Safety, Room 107, 400 Sixth Street SW., Washington, D.C. In addition, the documents are available at the addresses provided in Appendix A to this part.

(c) The full titles for the publications incorporated by reference in this part are provided in Appendix A to this part.

§ 192.9 Gathering lines.

Each gathering line must comply with the requirements of this part applicable to transmission lines.

§ 192.11 Petroleum gas systems.

(a) No operator may transport petroleum gas in a system that serves 10 or more customers, or in a system, any portion of which is located in a public place (such as a highway), unless that system meets the requirements of this part and of NFPA Standards No. 58 and No. 59. In the event of a conflict, the requirements of this part prevail.

(b) Each petroleum gas system covered by paragraph (a) of this section must comply with the following:

(1) Aboveground structures must have open vents near the floor level.

(2) Belowground structures must have forced ventilation that will prevent any accumulation of gas.

(3) Relief valve discharge vents must be located so as to prevent any accumulation of gas at or below ground level.

(4) Special precautions must be taken to provide adequate ventilation where excavations are made to repair an underground system.

(c) For the purpose of this section, petroleum gas means propane, butane, or mixtures of these gases, other than a gas air mixture that is used to supplement supplies in a natural gas distribution system.

§ 192.13 General.

(a) No person may operate a segment of pipeline that is readied for service after March 12, 1971, unless that pipeline has been designed, installed, constructed, initially inspected, and initially tested in accordance with this part.

(b) No person may operate a segment of pipeline that is replaced, relocated, or otherwise changed after November 12, 1970, unless that replacement, relocation, or change has been made in accordance with this part.

(c) Each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under this part.

§ 192.15 Rules of regulatory construction.

(a) As used in this part—
"Includes" means including but not limited to.

"May" means "is permitted to" or "is authorized to".

"May not" means "is not permitted to" or "is not authorized to".

"Shall" is used in the mandatory and imperative sense.

(b) In this part—

(1) Words importing the singular include the plural;

(2) Words importing the plural include the singular; and

(3) Words importing the masculine gender include the feminine.

Subpart B—Materials

§ 192.51 Scope.

This subpart prescribes minimum requirements for the selection and qualification of pipe and components for use in pipelines.

§ 192.53 General.

Materials for pipe and components must be—

(a) Able to maintain the structural integrity of the pipeline under temperature and other environmental conditions that may be anticipated;

(b) Chemically compatible with any gas that they transport and with any other material in the pipeline with which they are in contact; and

(c) Qualified in accordance with the applicable requirements of this subpart.

§ 192.55 Steel pipe.

(a) New steel pipe is qualified for use under this part if—

(1) It was manufactured in accordance with a listed specification;

(2) It meets the requirements of paragraphs II-A through II-D of Appendix B of this part; or

(3) It is used in accordance with paragraph (c) of this section.

(b) Used steel pipe is qualified for use under this part if—

(1) It was manufactured in accordance with a listed specification and it meets the requirements of paragraph II-C of Appendix B to this part;

(2) It meets the requirements of paragraphs II-A through II-D of Appendix B to this part.

(3) It has been used in an existing line of the same or higher pressure and meets the requirements of paragraph II-C of Appendix B to this part; or

(4) It is used in accordance with paragraph (c) of this section.

(c) New or used steel pipe may be used at a pressure resulting in a hoop stress of less than 6,000 p.s.i. where no close coiling or close bending is to be done, if visual examination indicates that the pipe is in good condition and that it is free of split seams and other defects that would cause leakage. If it is to be welded, steel pipe that has not been manufactured to a listed specification must also pass the weldability tests prescribed in paragraph II-B of Appendix B to this part.

(d) New steel pipe that has been cold expanded must comply with the mandatory provisions of API Standard 5LX.

§ 192.57 Cast iron or ductile iron pipe.

(a) New cast iron or new ductile iron pipe is qualified for use under this part if it has been manufactured in accordance with a listed specification.

(b) Used cast iron or used ductile iron pipe is qualified for use under this part if inspection shows that the pipe is sound and allows the makeup of tight joints and—

(1) It has been removed from an existing pipeline that operated at the same or higher pressure; or

(2) It was manufactured in accordance with a listed specification.

§ 192.59 Plastic pipe.

(a) New plastic pipe is qualified for use under this part if—

(1) It is manufactured in accordance with a listed specification; and

(2) It is resistant to chemicals with which contact may be anticipated.

(b) Used plastic pipe is qualified for use under this part if—

(1) It meets the requirements of a listed specification;

(2) It is resistant to chemicals with which contact may be anticipated;

(3) It has been used only in natural gas service;

(4) Its dimensions are still within the tolerances of the specification to which it was manufactured; and

(5) It is free of visible defects.

§ 192.61 Copper pipe.

Copper pipe is qualified for use under this part if it has been manufactured in accordance with a listed specification.

§ 192.63 Marking of materials.

(a) Each valve, fitting, length of pipe, and other component must be marked as prescribed in—

(1) The specification or standard to which it was manufactured; or

(2) MSS standard practice, SP-25.

(b) Surfaces of pipe and components that are subject to stress from internal pressure may not be field die stamped.

(c) If any item is marked by die stamping, the die must have blunt or rounded edges that will minimize stress concentrations.

§ 192.65 Transportation of pipe.

In a pipeline to be operated at a hoop stress of 20 percent or more of SMYS, no operator may use pipe having an outer diameter to wall thickness ratio of 70 to one or more, that is transported by railroad unless that transportation was performed in accordance with API RP5L1.

Subpart C—Pipe Design

§ 192.101 Scope.

This subpart prescribes the minimum requirements for the design of pipe.

§ 192.102 General.

Pipe must be designed with sufficient wall thickness, or must be installed with adequate protection, to withstand anticipated external pressures and loads that will be imposed on the pipe after installation.

§ 192.105 Design formula for steel pipe.

(a) The design pressure for steel pipe is determined in accordance with the following formula:

$$P = \frac{2 S}{D} \times F \times E \times T$$

P=Design pressure in pounds per square inch gage.

S=Yield strength in pounds per square inch determined in accordance with § 192.107.

D=Nominal outside diameter of the pipe in inches.

t=Nominal wall thickness of the pipe in inches. If this is unknown, it is determined in accordance with § 192.109. Additional wall thickness required for concurrent external loads in accordance with § 192.103 may not be included in computing design pressure.

F=Design factor determined in accordance with § 192.111.

E=Longitudinal joint factor determined in accordance with § 192.113.

T=Temperature derating factor determined in accordance with § 192.115.

(b) If steel pipe that has been cold worked to meet the SMYS is heated, other than by welding, to 600° F. or more, the design pressure is limited to 75 percent of the pressure determined under paragraph (a) of this section.

§ 192.107 Yield strength (S) for steel pipe.

(a) For pipe that is manufactured in accordance with a specification listed in section I of Appendix B of this part, the yield strength to be used in the design formula in § 192.105 is the SMYS stated

in the listed specification, if that value is known.

(b) For pipe that is manufactured in accordance with a specification not listed in section I of Appendix B to this part or whose specification or tensile properties are unknown, the yield strength to be used in the design formula in § 192.105 is one of the following:

(1) If the pipe is tensile tested in accordance with section 11-D of Appendix B to this part, the lower of the following:

(i) 80 percent of the average yield strength determined by the tensile tests.

(ii) The lowest yield strength determined by the tensile tests, but not more than 52,000 p.s.i.

(2) If the pipe is not tensile tested as provided in subparagraph (1) of this paragraph 24,000 p.s.i.

§ 192.109 Nominal wall thickness (t) for steel pipe.

(a) If the nominal wall thickness for steel pipe is known, it is determined by measuring the thickness of each piece of pipe at quarter points on one end.

(b) However, if the pipe is of uniform grade, size, and thickness and there are more than 10 lengths, only 10 percent of the individual lengths, but not less than 10 lengths, need be measured. The thickness of the lengths that are not measured must be verified by applying a gage set to the minimum thickness found by the measurement. The nominal wall thickness to be used in the design formula in § 192.105 is the next wall thickness found in commercial specifications that is below the average of all the measurements taken. However, the nominal wall thickness used may not be more than 1.14 times the smallest measurement taken on pipe less than 20 inches in outside diameter, nor more than 1.11 times the smallest measurement taken on pipe 20 inches or more in outside diameter.

§ 192.111 Design factor (F) for steel pipe.

(a) Except as otherwise provided in paragraphs (b), (c), and (d) of this section, the design factor to be used in the design formula in § 192.105 is determined in accordance with the following table:

Class location	Design factor (F)
1	0.72
2	0.60
3	0.50
4	0.40

(b) A design factor of 0.60 or less must be used in the design formula in § 192.105 for steel pipe in Class 1 locations that:

(1) Crosses the right-of-way of an unimproved public road, without a casing;

(2) Crosses without a casing, or makes a parallel encroachment on, the right-of-way of either a hard surfaced road, a highway, a public street, or a railroad;

(3) Is supported by a vehicular, pedestrian, railroad, or pipeline bridge; or

(4) Is used in a fabricated assembly, (including separators, mainline valve as-

semblies, cross-connections, and river crossing headers) or is used within five pipe diameters in any direction from the last fitting of a fabricated assembly, other than a transition piece or an elbow used in place of a pipe bend which is not associated with a fabricated assembly.

(c) For Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in § 192.105 for uncased steel pipe that crosses the right-of-way of a hard surfaced road, a highway, a public street, or a railroad.

(d) For Class 1 or Class 2 locations, a design factor of 0.50, or less, must be used in the design formula in § 192.105 for each compressor station, regulator station, and measuring station.

§ 192.113 Longitudinal joint factor (E) for steel pipe.

The longitudinal joint factor to be used in the design formula in § 192.105 is determined in accordance with the following table:

Specification	Pipe class	Longitudinal joint factor (E)
ASTM A 53	Seamless	1.00
	Electric resistance welded	1.00
	Furnace butt welded	1.00
ASTM A 106	Seamless	1.00
ASTM A 134	Electric fusion arc welded	1.00
ASTM A 133	Electric resistance welded	1.00
ASTM A 139	Electric fusion welded	1.00
ASTM A 153	Electric fusion arc welded	1.00
ASTM A 211	Spiral welded steel pipe	1.00
ASTM A 333	Seamless	1.00
	Electric resistance welded	1.00
ASTM A 381	Double submerged arc welded	1.00
API 5L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace butt welded	1.00
	Furnace lap-welded	1.00
API 5LX	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
API 5LS	Electric resistance welded	1.00
	Submerged arc welded	1.00
Other	Pipe over 4 inches	1.00
Other	Pipe 4 inches or less	1.00

If the type of longitudinal joint cannot be determined, the joint factor to be used must not exceed that designated for "Other".

§ 192.115 Temperature derating factor (T) for steel pipe.

The temperature derating factor to be used in the design formula in § 192.105 is determined as follows:

Gas temperature in degrees Fahrenheit	Temperature derating factor (T)
250 or less	1.000
300	0.987
350	0.973
400	0.960
450	0.947

For intermediate gas temperatures, the derating factor is determined by interpolation.

§ 192.117 Design of cast iron pipe.

Cast iron pipe must be designed in accordance with ANSI A 21.1 using the following values for S (bursting tensile

strength) and R (modulus of rupture) in the design equations:

Specification	Type of pipe	S	R
ANSI A 21.3...	Pit cast.....	11,000	31,000
ANSI A 21.7...	Centrifugal (metal mold).....	18,000	40,000
ANSI A 21.9...	Centrifugal (sand-lined mold).....	18,000	40,000

§ 192.119 Design of ductile iron pipe.

(a) Ductile iron pipe must be designed in accordance with ANSI A21.50 using the following values in the design equations:

s (design hoop stress) = 16,800 p.s.i.
 f (design bending stress) = 36,000 p.s.i.

(b) Ductile iron pipe must be grade (60-42-10) and must conform to the requirements of ANSI A21.52.

§ 192.121 Design of plastic pipe.

(a) The design pressure for plastic pipe is determined in accordance with the following formula and is subject to the limitations of § 192.123:

$$P = 2S \frac{t}{(D-t)} \times F$$

P = Design pressure in pounds per square inch gage.

S = For thermoplastic pipe, the long-term hydrostatic strength in pounds per square inch as stated in the listed specification; for thermosetting plastic pipe, 11,000 p.s.i.

t = Specified wall thickness in inches.
 D = Specified outside diameter in inches.
 F = Design factor for plastic pipe.

(b) The design factor for plastic pipe is determined as follows:

Class location	Design factor
1	0.32
2	0.25
3	0.25
4	0.20

§ 192.123 Design limitations for plastic pipe.

(a) The design pressure may not exceed 100 p.s.i.g. for plastic pipe used in—

- (1) Distribution systems; or
- (2) Classes 3 and 4 locations.

(b) Plastic pipe may not be used where operating temperatures of the pipe will be—

- (1) Below minus 20° F.; or
- (2) Above 150° F. for thermoplastic pipe or above 100° F. for reinforced thermosetting plastic pipe.

(c) The wall thickness for thermoplastic pipe may not be less than 0.062 inches.

(d) The wall thickness for reinforced thermosetting plastic pipe may not be less than that listed in the following table:

Nominal size in inches	Minimum wall thickness in inches
2	0.080
3	0.060
4	0.070
6	0.100

§ 192.125 Design of copper pipe.

(a) Copper pipe used in mains must have a minimum wall thickness of 0.065 inches and must be hard drawn.

(b) Copper pipe used in service lines must have a minimum wall thickness as specified for type "L" pipe in ASTM B 88.

(c) Copper pipe used in mains and service lines may not be used at pressures in excess of 100 p.s.i.g.

(d) Copper pipe that does not have an internal corrosion resistant lining may not be used to carry gas that has an average hydrogen sulfide content of more than 0.3 grains per 100 standard cubic feet of gas.

Subpart D—Design of Pipeline Components

§ 192.141 Scope.

This subpart prescribes minimum requirements for the design and installation of pipeline components and facilities. In addition, it prescribes requirements relating to protection against accidental overpressuring.

§ 192.143 General requirements.

Each component of a pipeline must be able to withstand operating pressures and other anticipated loadings with unit stresses equivalent to those allowed for comparable material in pipe in the same location and kind of service.

§ 192.145 Valves.

(a) Each valve must meet the minimum requirements of API 6D, or MSS SP-52, or the equivalent, and may not be used under operating conditions that exceed the applicable pressure-temperature ratings contained in those standards.

(b) Each valve must be able to meet the anticipated operating conditions.

(c) No valve having shell components made of ductile iron may be used at pressures exceeding 80 percent of the pressure ratings for comparable steel valves at their listed temperature. However, a valve having shell components made of ductile iron may be used at pressures up to 80 percent of the pressure ratings for comparable steel valves at their listed temperature, if—

(1) The temperature-adjusted service pressure does not exceed 1,000 p.s.i.g.; and

(2) Welding is not used on any ductile iron component in the fabrication of the valve shells or their assembly.

(d) No valve having pressure containing parts made of ductile iron may be used in the gas pipe components of compressor stations.

§ 192.147 Flanges and flange accessories.

(a) General requirements. Each flange or flange accessory must meet the minimum requirements of ANSI B16.5, MSS SP-44, or ANSI B16.24, or the equivalent.

(b) Each flange assembly must be able to withstand the maximum pres-

sure at which the pipeline is to be operated and to maintain its physical and chemical properties at any temperature to which it is anticipated that it might be subjected in service.

§ 192.149 Standard fittings.

(a) The minimum metal thickness of threaded fittings may not be less than specified for the pressures and temperatures in the applicable standards referenced in this part, or their equivalent.

(b) Each steel butt-welding fitting must have pressure and temperature ratings based on stresses for pipe of the same or equivalent material. The actual bursting strength of the fitting must at least equal the computed bursting strength of pipe of the designated material and wall thickness, as determined by a prototype that was tested to at least the pressure required for the pipeline to which it is being added.

§ 192.151 Tapping.

(a) Each mechanical fitting used to make a hot tap must be designed for at least the operating pressure of the pipeline.

(b) Where a ductile iron pipe is tapped, the extent of full-thread engagement and the need for the use of outside-sealing service connections, tapping saddles, or other fixtures must be determined by service conditions.

(c) Where a threaded tap is made in cast iron or ductile iron pipe, the diameter of the tapped hole may not be more than 25 percent of the nominal diameter of the pipe unless the pipe is reinforced, except that

(1) Existing taps may be used for replacement service, if they are free of cracks and have good threads; and

(2) A 1¼-inch tap may be made in a 4-inch cast iron or ductile iron pipe, without reinforcement.

However, in areas where climate, soil, and service conditions may create unusual external stresses on cast iron pipe, unreinforced taps may be used only on 6-inch or larger pipe.

§ 192.153 Components fabricated by welding.

(a) Except for branch connections and assemblies of standard pipe and fittings joined by circumferential welds, the design pressure of each component fabricated by welding, whose strength cannot be determined, must be established in accordance with paragraph UG-101 of section VIII of the ASME Boiler and Pressure Vessel Code.

(b) Each prefabricated unit that uses plate and longitudinal seams must be designed, constructed, and tested in accordance with the ASME Boiler and Pressure Vessel Code, except for the following:

(1) Regularly manufactured butt-welding fittings.

(2) Pipe that has been produced and tested under a specification listed in Appendix B to this part.

(3) Partial assemblies such as split rings or collars.

(c) Orange-peel bull plugs and orange-peel swages may not be used on pipelines that are to operate at a hoop stress of 20 percent or more of the SMYS of the pipe.

(d) Except for flat closures designed in accordance with section VIII of the ASME Boiler and Pressure Code, flat closures and fish tails may not be used on pipe that either operates at 100 p.s.i.g. or more, or is more than 3 inches nominal diameter.

§ 192.155 Welded branch connections.

Each welded branch connection made to pipe in the form of a single connection, or in a header or manifold as a series of connections, must be designed to ensure that the strength of the pipeline system is not reduced, taking into account the stresses in the remaining pipe wall due to the opening in the pipe. The shear stresses produced by the pressure acting on the area of the branch opening, and any external loading due to thermal movement, weight, and vibration.

§ 192.157 Extruded outlets.

Each extruded outlet must be suitable for anticipated service conditions and must be at least equal to the design strength of the pipe and other fittings in the pipeline to which it is attached.

§ 192.159 Flexibility.

Each pipeline must be designed with enough flexibility to prevent thermal expansion or contraction from causing excessive stresses in the pipe or components, excessive bending or unusual loads at joints, or undesirable forces or moments at points of connection to equipment, or at anchorage or guide points.

§ 192.161 Supports and anchors.

(a) Each pipeline and its associated equipment must have enough anchors or supports to—

- (1) Prevent undue strain on connected equipment;
- (2) Resist longitudinal forces caused by a bend or offset in the pipe; and
- (3) Prevent or damp out excessive vibration.

(b) Each exposed pipeline must have enough supports or anchors to protect the exposed pipe joints from the maximum end force caused by internal pressure and any additional forces caused by temperature expansion or contraction or by the weight of the pipe and its contents.

(c) Each support or anchor on an exposed pipeline must be made of durable, noncombustible material and must be designed and installed as follows:

- (1) Free expansion and contraction of the pipeline between supports or anchors may not be restricted.
- (2) Provision must be made for the service conditions involved.
- (3) Movement of the pipeline may not cause disengagement of the support equipment.

(d) Each support on an exposed pipeline operated at a stress level of 50 percent or more of SMYS must comply with the following:

(1) A structural support may not be welded directly to the pipe.

(2) The support must be provided by a member that completely encircles the pipe.

(3) If an encircling member is welded to a pipe, the weld must be continuous and cover the entire circumference.

(e) Each underground pipeline that is connected to a relatively unyielding line or other fixed object must have enough flexibility to provide for possible movement, or it must have an anchor that will limit the movement of the pipeline.

(f) Each underground pipeline that is being connected to new branches must have a firm foundation for both the header and the branch to prevent lateral and vertical movement.

§ 192.163 Compressor stations: design and construction.

(a) *Location of compressor building.* Each main compressor building of a compressor station must be located on property under the control of the operator. It must be far enough away from adjacent property, not under control of the operator, to minimize the possibility of fire being communicated to the compressor building from structures on adjacent property. There must be enough open space around the main compressor building to allow the free movement of fire-fighting equipment.

(b) *Building construction.* Each building on a compressor station site must be made of noncombustible materials if it contains either—

(1) Pipe more than 2 inches in diameter that is carrying gas under pressure; or

(2) Gas handling equipment other than gas utilization equipment used for domestic purposes.

(c) *Exits.* Each operating floor of a main compressor building must have at least two separated and unobstructed exits located so as to provide a convenient possibility of escape and an unobstructed passage to a place of safety. Each door latch on an exit must be of a type which can be readily opened from the inside without a key. Each swinging door located in an exterior wall must be mounted to swing outward.

(d) *Fenced areas.* Each fence around a compressor station must have at least two gates located so as to provide a convenient opportunity for escape to a place of safety, or have other facilities affording a similarly convenient exit from the area. Each gate located within 200 feet of any compressor plant building must open outward and, when occupied, must be operable from the inside without a key.

(e) *Electrical facilities.* Electrical equipment and wiring installed in compressor stations must conform to the National Electrical Code, ANSI Standard C1, so far as that code is applicable.

§ 192.165 Compressor stations: liquid removal.

(a) Where entrained vapors in gas may liquefy under the anticipated pressure and temperature conditions, the

compressor must be protected against the introduction of those liquids in quantities that could cause damage.

(b) Each liquid separator used to remove entrained liquids at a compressor station must—

(1) Have a manually operable means of removing these liquids.

(2) Where slugs of liquid could be carried into the compressors, have either automatic liquid removal facilities, an automatic compressor shutdown device, or a high liquid level alarm; and

(3) Be manufactured in accordance with section VIII of the ASME Boiler and Pressure Vessel Code, except that liquid separators constructed of pipe and fittings without internal welding must be fabricated with a design factor of 0.4, or less.

§ 192.167 Compressor stations: emergency shutdown.

(a) Except for unattended field compressor stations of 1,000 horsepower or less, each compressor station must have an emergency shutdown system that meets the following:

(1) It must be able to block gas out of the station and blow down the station piping.

(2) It must discharge gas from the blowdown piping at a location where the gas will not create a hazard.

(3) It must provide means for the shutdown of gas compressing equipment, gas fires, and electrical facilities in the vicinity of gas headers and in the compressor building, except, that—

(i) Electrical circuits that supply emergency lighting required to assist station personnel in evacuating the compressor building and the area in the vicinity of the gas headers must remain energized; and

(ii) Electrical circuits needed to protect equipment from damage must remain energized.

(4) It must be operable from at least two locations, each of which is—

(i) Outside the gas area of the station;

(ii) Near the exit gates in the station fence; and

(iii) Not more than 500 feet from the limits of the station.

(b) If a compressor station supplies gas directly to a distribution system with no other adequate source of gas available, the emergency shutdown system must be designed so that it will not function at the wrong time and cause an unintended outage on the distribution system.

§ 192.169 Compressor stations: pressure limiting devices.

(a) Each compressor station must have pressure relief or other suitable protective devices of sufficient capacity and sensitivity to ensure that the maximum allowable operating pressure of the station piping and equipment is not exceeded by more than 10 percent.

(b) Each vent line that exhausts gas from the pressure relief valves of a compressor station must extend to a location where the gas may be discharged without hazard.

§ 192.171 Compressor stations: additional safety equipment.

(a) Each compressor station must have adequate fire protection facilities. If fire pumps are a part of these facilities, their operation may not be affected by the emergency shutdown system.

(b) Each compressor station prime mover, other than an electrical induction or synchronous motor, must have an automatic device to shut down the unit before the speed of either the prime mover or the driven unit exceeds a maximum safe speed.

(c) Each compressor unit in a compressor station must have a shutdown or alarm device that operates in the event of inadequate cooling or lubrication of the unit.

(d) Each compressor station gas engine that operates with pressure gas injection must be equipped so that stoppage of the engine automatically shuts off the fuel and vents the engine distribution manifold.

(e) Each muffler for a gas engine in a compressor station must have vent slots or holes in the baffles of each compartment to prevent gas from being trapped in the muffler.

§ 192.173 Compressor stations: ventilation.

Each compressor station building must be ventilated to ensure that employees are not endangered by the accumulation of gas in rooms, sumps, attics, pits, or other enclosed places.

§ 192.175 Pipe-type and bottle-type holder.

(a) Each pipe-type and bottle-type holder must be designed so as to prevent the accumulation of liquids in the holder, in connecting pipe, or in auxiliary equipment, that might cause corrosion or interfere with the safe operation of the holder.

(b) Each pipe-type or bottle-type holder must have minimum clearance from other holders in accordance with the following formula:

$$C = \frac{3D \times P \times F}{1,000}$$

in which:

C = Minimum clearance between pipe containers or bottles in inches.

D = Outside diameter of pipe containers or bottles in inches.

P = Maximum allowable operating pressure, p.s.i.g.

F = Design factor as set forth in § 192.111 of this part.

§ 192.177 Additional provisions for bottle-type holders.

(a) Each bottle-type holder must be—

(1) Located on a storage site entirely surrounded by fencing that prevents access by unauthorized persons and with minimum clearance from the fence as follows:

Maximum allowable operating pressure	Minimum clearance (feet)
Less than 1,000 p.s.i.g.	25
1,000 p.s.i.g. or more	100

(2) Designed using the design factors set forth in § 192.111; and

(3) Buried with a minimum cover in accordance with § 192.327.

(b) Each bottle-type holder manufactured from steel that is not weldable under field conditions must comply with the following:

(1) A bottle-type holder made from alloy steel must meet the chemical and tensile requirements for the various grades of steel in either API Standard 5A or ASTM A 372.

(2) The actual yield-tensile ratio of the steel may not exceed 0.85.

(3) Welding may not be performed on the holder after it has been heat treated or stress relieved, except that copper wires may be attached to the small diameter portion of the bottle end closure for cathodic protection if a localized thermite welding process is used.

(4) The holder must be given a mill hydrostatic test at a pressure that produces a hoop stress at least equal to 85 percent of the SMYS.

(5) The holder, connection pipe, and components must be leak tested after installation as required by Subpart J of this part.

§ 192.179 Transmission line valves.

(a) Each transmission line, other than offshore segments, must have sectionalizing block valves spaced as follows:

(1) Each point on the pipeline in a Class 4 location must be within 2½ miles of a valve.

(2) Each point on the pipeline in a Class 3 location must be within 4 miles of a valve.

(3) Each point on the pipeline in a Class 2 location must be within 7½ miles of a valve.

(4) Each point on the pipeline in a Class 1 location must be within 10 miles of a valve.

(b) Each sectionalizing block valve on a transmission line, other than offshore segments, must comply with the following:

(1) The valve and the operating device to open or close the valve must be readily accessible and protected from tampering and damage.

(2) The valve must be supported to prevent settling of the valve or movement of the pipe to which it is attached.

(c) Each section of a transmission line, other than offshore segments, between main line valves must have a blowdown valve with enough capacity to allow the transmission line to be blown down as rapidly as practicable. Each blowdown discharge must be located so the gas can be blown to the atmosphere without hazard and, if the transmission line is adjacent to an overhead electric line, so that the gas is directed away from the electrical conductors.

§ 192.181 Distribution line valves.

(a) Each high-pressure distribution system must have valves spaced so as to reduce the time to shut down a section of main in an emergency. The valve spacing is determined by the operating pres-

sure, the size of the mains, and the local physical conditions.

(b) Each regulator station controlling the flow or pressure of gas in a distribution system must have a valve installed on the inlet piping at a distance from the regulator station sufficient to permit the operation of the valve during an emergency that might preclude access to the station.

(c) Each valve on a main installed for operating or emergency purposes must comply with the following:

(1) The valve must be placed in a readily accessible location so as to facilitate its operation in an emergency.

(2) The operating stem or mechanism must be readily accessible.

(3) If the valve is installed in a buried box or enclosure, the box or enclosure must be installed so as to avoid transmitting external loads to the main.

§ 192.183 Vaults: structural design requirements.

(a) Each underground vault or pit for valves, pressure relieving, pressure limiting, or pressure regulating stations, must be able to meet the loads which may be imposed upon it, and to protect installed equipment.

(b) There must be enough working space so that all of the equipment required in the vault or pit can be properly installed, operated, and maintained.

(c) Each pipe entering, or within, a regulator vault or pit must be steel for sizes 10 inches, and less, except that control and gage piping may be copper. Where pipe extends through the vault or pit structure, provision must be made to prevent the passage of gasses or liquids through the opening and to avert strains in the pipe.

§ 192.185 Vaults: accessibility.

Each vault must be located in an accessible location and, so far as practical, away from—

(a) Street intersections or points where traffic is heavy or dense;

(b) Points of minimum elevation, catch basins, or places where the access cover will be in the course of surface waters; and

(c) Water, electric, steam, or other facilities.

§ 192.187 Vaults: sealing, venting, and ventilation.

Each underground vault or closed top pit containing either a pressure regulating or reducing station, or a pressure limiting or relieving station, must be sealed, vented or ventilated, as follows:

(a) When the internal volume exceeds 200 cubic feet—

(1) The vault or pit must be ventilated with two ducts, each having at least the ventilating effect of a pipe 4 inches in diameter;

(2) The ventilation must be enough to minimize the formation of combustible atmosphere in the vault or pit; and

(3) The ducts must be high enough above grade to disperse any gas-air mixtures that might be discharged.

(b) When the internal volume is more than 75 cubic feet but less than 200 cubic feet—

(1) If the vault or pit is sealed, each opening must have a tight fitting cover without open holes through which an explosive mixture might be ignited, and there must be a means for testing the internal atmosphere before removing the cover;

(2) If the vault or pit is vented, there must be a means of preventing external sources of ignition from reaching the vault atmosphere; or

(3) If the vault or pit is ventilated, paragraph (a) or (c) of this section applies.

(c) If a vault or pit covered by paragraph (b) of this section is ventilated by openings in the covers or gratings and the ratio of the internal volume, in cubic feet, to the effective ventilating area of the covers or gratings, in square feet, is less than 20 to 1, no additional ventilation is required.

§ 192.190 Vault drainage and waterproofing.

(a) Each vault must be designed so as to minimize the entrance of water.

(b) A vault containing gas piping may not be connected by means of a drain connection to any other underground structure.

(c) All electrical equipment in vaults must conform to the applicable requirements of Class 1, Group D, of the National Electrical Code, ANSI Standard C1.

§ 192.191 Design pressure of plastic fittings.

(a) Thermosetting fittings for plastic pipe must conform to ASTM D 2517.

(b) The design pressure of alpha-burna-styrene (ABS) and polyvinyl chloride (PVC) Schedule 40 and 80 thermoplastic fittings must be obtained from the following table:

DESIGN PRESSURE OF THERMOPLASTIC FITTINGS, P.S.I.G. OF VARIOUS STRENGTHS, MATERIALS AND CLASS LOCATIONS

Size inches	Schedule	ABS Type I and PVC Type II class location				PVC Type I class location			
		1	2 and 3	4		1	2 and 3	4	
3/8	40	100	100	100		100	100	100	
1/2	40	100	100	100		100	100	100	
3/4	40	100	100	100		100	100	100	
1	40	100	100	100		100	100	100	
1 1/4	40	100	100	100		100	100	100	
1 1/2	40	100	100	100		100	100	100	
2	40	100	100	100		100	100	100	
2 1/2	40	100	100	100		100	100	100	
3	40	100	100	100		100	100	100	
3 1/2	40	100	100	100		100	100	100	
4	40	100	100	100		100	100	100	
5	40	100	100	100		100	100	100	
6	40	100	100	100		100	100	100	

NOTE: These pressure ratings are the same value as the design pressure of the corresponding pipe size and schedule in the same class location, as determined by the formula given in § 192.131 and the limitations in § 192.132 of this part.

§ 192.193 Valve installation in plastic pipe.

Each valve installed in plastic pipe must be designed so as to protect the plastic material against excessive torsional or shearing loads when the valve or shutoff is operated, and from any other secondary stresses that might be exerted through the valve or its enclosure.

§ 192.195 Protection against accidental overpressuring.

(a) General requirements. Except as provided in § 192.197, each pipeline that is connected to a gas source so that the maximum allowable operating pressure could be exceeded as the result of pressure control failure or of some other type of failure, must have pressure relieving or pressure limiting devices that meet the requirements of §§ 192.199 and 192.201.

(b) Additional requirements for distribution systems. Each distribution system that is supplied from a source of gas that is at a higher pressure than the maximum allowable operating pressure for the system must—

(1) Have pressure regulation devices capable of meeting the pressure, load, and other service conditions that will be experienced in normal operation of the system, and that could be activated in the event of failure of some portion of the system; and

(2) Be designed so as to prevent accidental overpressuring.

§ 192.197 Control of the pressure of gas delivered from high-pressure distribution systems.

(a) If the maximum actual operating pressure of the distribution system is under 60 p.s.i.g. or less and a service regulator having the following characteristics is used, no other pressure limiting device is required:

(1) A regulator capable of reducing distribution line pressure to pressures recommended for household appliances.

(2) A single port valve with proper orifice for the maximum gas pressure at the regulator inlet.

(3) A valve seat made of resilient material designed to withstand abrasion of the gas, imperitties in gas, cutting by the valve, and to resist permanent deformation when it is pressed against the valve port.

(4) Pipe connections to the regulator not exceeding 2 inches in diameter.

(5) A regulator that, under normal operating conditions, is able to regulate the downstream pressure within the necessary limits of accuracy and to limit the build-up of pressure under no-flow conditions to prevent a pressure that would cause the unsafe operation of any connected and properly adjusted gas utilization equipment.

(6) A self-contained service regulator with no external static or control lines.

(b) If the maximum actual operating pressure of the distribution system is 60 p.s.i.g. or less, and a service regulator that does not have all of the characteristics listed in paragraph (a) of this

section is used, or if the gas contains materials that seriously interfere with the operation of service regulators, there must be suitable protective devices to prevent unsafe overpressuring of the customer's appliances if the service regulator fails.

(c) If the maximum actual operating pressure of the distribution system exceeds 60 p.s.i.g., one of the following methods must be used to regulate and limit, to the maximum safe value, the pressure of gas delivered to the customer:

(1) A service regulator having the characteristics listed in paragraph (a) of this section, and another regulator located upstream from the service regulator. The upstream regulator may not be set to maintain a pressure higher than 60 p.s.i.g. A device must be installed between the upstream regulator and the service regulator to limit the pressure on the inlet of the service regulator to 60 p.s.i.g. or less in case the upstream regulator fails to function properly. This device may be either a relief valve or an automatic shutoff that shuts, if the pressure on the inlet of the service regulator exceeds the set pressure (60 p.s.i.g. or less), and remains closed until manually reset.

(2) A service regulator and a monitoring regulator set to limit, to a maximum safe value, the pressure of the gas delivered to the customer.

(3) A service regulator with a relief valve vented to the outside atmosphere, with the relief valve set to open so that the pressure of gas going to the customer does not exceed a maximum safe value. The relief valve may either be built into the service regulator or it may be a separate unit installed downstream from the service regulator. This combination may be used only in those cases where the inlet pressure on the service regulator does not exceed the manufacturer's safe working pressure rating of the service regulator, and may not be used where the inlet pressure on the service regulator exceeds 125 p.s.i.g. For higher inlet pressures, the methods in subparagraph (1) or (2) of this paragraph must be used.

(4) A service regulator and an automatic shutoff device that closes upon a rise in pressure downstream from the regulator and remains closed until manually reset.

§ 192.199 Requirements for design of pressure relief and limiting devices.

Each pressure relief or pressure limiting device must—

(a) Be constructed of materials such that the operation of the device will not be impaired by corrosion;

(b) Have valves and valve seats that are designed not to stick in a position that will make the device inoperative;

(c) Be designed and installed so that it can be readily operated to determine if the valve is free, can be tested to determine the pressure at which it will operate, and can be tested for leakage when in the closed position;

(d) Have support made of noncombustible material;

(e) Have discharge stacks, vents, or outlet ports designed to prevent accumulation of water, ice, or snow, located where gas can be discharged into the atmosphere without undue hazard;

(f) Be designed and installed so that the size of the openings, pipe, and fittings located between the system to be protected and the pressure relieving device, and the size of the vent line, are adequate to prevent hammering of the valve and to prevent impairment of relieving capacity;

(g) Where installed at a district regulator station to protect a pipeline system from overpressuring, be designed and installed to prevent any single incident such as an explosion in a vault or damage by a vehicle from affecting the operation of both the overpressure protective device and the district regulator; and

(h) Except for a valve that will isolate the system under protection from its source of pressure, be designed to prevent unauthorized operation of any stop valve that will make the pressure relieving valve or pressure limiting device inoperative.

§ 192.201 Required capacity of pressure relieving and limiting stations.

(a) Each pressure relief station or pressure limiting station or group of those stations installed to protect a pipeline must have enough capacity, and must be set to operate, to prevent—

(1) The pressure from exceeding the maximum allowable operating pressure plus 10 percent or the pressure that produces a hoop stress of 75 percent of SMYS, whichever is lower; or

(2) In a low-pressure distribution system, a pressure that would cause the unsafe operation of any connected and properly adjusted gas utilization equipment.

(b) When more than one pressure regulating or compressor station feeds into a pipeline, relief valves or other protective devices must be installed at each station to ensure that the complete failure of the largest capacity regulator or compressor, or any single run of lesser capacity regulators or compressors in that station, will not impose pressures on any part of the pipeline or distribution system in excess of those for which it was designed, or against which it was protected, whichever is lower.

(c) Relief valves or other pressure limiting devices must be installed at or near each regulator station in a low-pressure distribution system, with a capacity to limit the maximum pressure in the main to a pressure that will not exceed the safe operating pressure for any connected and properly adjusted gas utilization equipment.

§ 192.203 Instrument, control, and sampling pipe and components.

(a) *Applicability.* This section applies to the design of instrument, control, and sampling pipe and components. It does not apply to permanently closed systems, such as fluid-filled temperature-responsive devices.

(b) *Materials and design.* All materials employed for pipe and components must be designed to meet the particular conditions of service and the following:

(1) Each takeoff connection and attaching boss, fitting, or adapter must be made of suitable material, be able to withstand the maximum service pressure and temperature of the pipe or equipment to which it is attached, and be designed to satisfactorily withstand all stresses without failure by fatigue.

(2) A shutoff valve must be installed in each takeoff line as near as practicable to the point of takeoff. Blowdown valves must be installed where necessary.

(3) Brass or copper material may not be used for metal temperatures greater than 400° F.

(4) Pipe or components that may contain liquids must be protected by heating or other means from damage due to freezing.

(5) Pipe or components in which liquids may accumulate must have drains or trips.

(6) Pipe or components subject to clogging from solids or deposits must have suitable connections for cleaning.

(7) The arrangement of pipe, components, and supports must provide safety under anticipated operating stresses.

(8) Each joint between sections of pipe, and between pipe and valves or fittings, must be made in a manner suitable for the anticipated pressure and temperature condition. Slip type expansion joints may not be used. Expansion must be allowed for by providing flexibility within the system itself.

(9) Each control line must be protected from anticipated causes of damage and must be designed and installed to prevent damage to any one control line from making both the regulator and the over-pressure protective device inoperative.

Subpart E—Welding of Steel in Pipelines

§ 192.221 Scope.

(a) This subpart prescribes minimum requirements for welding steel materials in pipelines.

(b) This subpart does not apply to welding that occurs during the manufacture of steel pipe or steel pipeline components.

§ 192.223 General.

(a) Welding must be performed in accordance with established written welding procedures that have been qualified under § 192.225 to produce sound, ductile welds.

(b) Welding must be performed by welders who are qualified under §§ 192.227 and 192.229 for the welding procedure to be used.

§ 192.225 Qualification of welding procedures.

(a) Each welding procedure must be qualified under either section IX of the ASME Boiler and Pressure Vessel Code or section 2 of API Standard 1104,

whichever is appropriate to the function of the weld.

(b) When a welding procedure is being qualified under section IX of the ASME Boiler and Pressure Vessel Code, the following steels are considered to fall within the P-Number 1 grouping for the purpose of the essential variables and do not require separate qualification of welding procedures:

(1) Carbon steels that have a carbon content of 0.32 percent (ladle analysis) or less.

(2) Carbon steels that have a carbon equivalent ($C + \frac{1}{4} Mn$) of 0.65 percent (ladle analysis) or less.

(3) Alloy steels with weldability characteristics that have been shown to be similar to the carbon steels listed in subparagraphs (1) and (2) of this paragraph.

Alloy steels and carbon steels that are not covered by subparagraph (1), (2), or (3) of this paragraph require separate qualification of procedures for each individual pipe specification in accordance with sections VIII and IX of the ASME Boiler and Pressure Vessel Code.

(c) Each welding procedure must be recorded in detail during the qualifying tests. This record must be retained and followed whenever the procedure is used.

§ 192.227 Qualification of welders.

(a) Except as provided in paragraph (c) of this section, each welder must be qualified in accordance with one of the following:

(1) Section IX of the ASME Boiler and Pressure Vessel Code.

(2) Section 3 of API Standard 1104.

(b) When a welder is being qualified under section IX of the ASME Boiler and Pressure Vessel Code, the following steels are considered to fall within the P-Number 1 grouping for the purpose of the essential variables and do not require separate qualification:

(1) Carbon steels that have a carbon content of 0.32 percent (ladle analysis) or less.

(2) Carbon steels that have a carbon equivalent ($C + \frac{1}{4} Mn$) of 0.65 percent (ladle analysis) or less.

(3) Alloy steels with weldability characteristics that have been shown to be similar to the carbon steels listed in subparagraphs (1) and (2) of this paragraph.

Alloy steels and carbon steels that are not covered by subparagraph (1), (2), or (3) of this paragraph require separate qualification of welders for each individual pipe specification in accordance with sections VIII and IX of the ASME Boiler and Pressure Vessel Code.

(c) A welder may qualify to perform welding on pipe to be operated at a pressure that produces a hoop stress of less than 20 percent of SMYS by performing an acceptable test weld, for the process to be used, under the test set forth in section I of Appendix C to this part. A welder who makes welded service line connections to mains must also perform an acceptable test weld under section II of Appendix C to this part as a part of

his qualifying test. After initial qualification, a welder may not perform welding unless—

(1) Within the preceding 12 calendar months he has requalified; or

(2) Within the preceding 6 calendar months he has had—

(i) A production weld cut out, tested and found acceptable in accordance with the qualifying test; or

(ii) For welders who work only on service lines 2 inches or smaller in diameter, two sample welds tested and found acceptable in accordance with the test in section III of Appendix C to this part.

§ 192.229 Limitations on welders.

(a) No welder whose qualification is based on nondestructive testing may weld compressor station pipe and components.

(b) No welder may weld with a particular welding process unless, within the preceding 6 calendar months, he has engaged in welding with that process.

(c) No welder who is qualified under § 192.227(a) may weld unless, within the preceding 6 calendar months, he has had at least one weld tested and found acceptable under either section 3 or 6 of API Standards 1104.

§ 192.231 Protection from weather.

The welding operation must be protected from weather conditions that would impair the quality of the completed weld.

§ 192.233 Miter joints.

(a) A miter joint on steel pipe to be operated at a pressure that produces a hoop stress of 30 percent or more of SMYS may not deflect the pipe more than 3°.

(b) A miter joint on steel pipe to be operated at a pressure that produces a hoop stress of less than 30 percent, but more than 10 percent, of SMYS may not deflect the pipe more than 12½° and must be a distance equal to one pipe diameter or more away from any other miter joint, as measured from the crotch of each joint.

(c) A miter joint on steel pipe to be operated at a pressure that produces a hoop stress of 10 percent or less of SMYS may not deflect the pipe more than 90°.

§ 192.235 Preparation for welding.

Before beginning any welding, the welding surfaces must be clean and free of any material that may be detrimental to the weld, and the pipe or component must be aligned to provide the most favorable condition for depositing the root bead. This alignment must be preserved while the root bead is being deposited.

§ 192.237 Preheating.

(a) Carbon steel that has a carbon content in excess of 0.32 percent (ladle analysis) or a carbon equivalent ($C + \frac{1}{4}Mn$) in excess of 0.65 percent (ladle analysis) must be preheated for welding.

(b) Carbon steel that has a lower carbon content or carbon equivalent than the steels covered by paragraph (a) of this section must be preheated for welding when preheating will alleviate exist-

ing conditions that would limit the welding technique or tend to adversely affect the quality of the weld.

(c) When steel materials with different preheat temperatures are being preheated for welding, the higher temperature must be used.

(d) Preheat temperature must be monitored to ensure that the required preheat temperature is reached before, and maintained during, the welding operation.

§ 192.239 Stress relieving.

(a) Except as provided in paragraph (f) of this section, each weld on carbon steel that has a carbon content in excess of 0.32 percent (ladle analysis) or a carbon equivalent ($C + \frac{1}{4}Mn$) in excess of 0.65 percent (ladle analysis) must be stress relieved as prescribed in section VIII of the ASME Boiler and Pressure Vessel Code.

(b) Except as provided in paragraph (f) of this section, each weld on carbon steel that has a carbon content of less than 0.32 percent (ladle analysis) or a carbon equivalent ($C + \frac{1}{4}Mn$) of less than 0.65 percent (ladle analysis) must be thermally stress relieved when conditions exist which cool the weld at a rate detrimental to the quality of the weld.

(c) Except as provided in paragraph (f) of this section, each weld on carbon steel pipe with a wall thickness of more than 1½ inches must be stress relieved.

(d) When a weld connects pipe or components that are of different thickness, the wall thickness to be used in determining whether stress relieving is required under this section is—

(1) In the case of pipe connections, the thicker of the two pipes joined; or

(2) In the case of branch connections, slip-on flanges, or socket weld fittings, the thickness of the pipe run or header.

(e) Each weld of different materials must be stress relieved, if either material requires stress relieving under this section.

(f) Notwithstanding paragraphs (a), (b), and (c) of this section, stress relieving is not required for the following:

(1) A fillet or groove weld one-half inch, or less, in size (leg) that attaches a connection 2 inches, or less, in diameter; or

(2) A fillet or groove weld three-eighths inch, or less, in groove size that attaches a supporting member or other nonpressure attachment.

(g) Stress relieving required by this section must be performed at a temperature of at least 1,100° F. for carbon steels and at least 1,200° F. for ferritic alloy steels. When stress relieving a weld between steel materials with different stress relieving temperatures, the higher temperature must be used.

(h) When stress relieving, the temperature must be monitored to ensure that a uniform temperature is maintained and that the proper stress relieving cycle is accomplished.

§ 192.241 Inspection and test of welds.

(a) Visual inspection of welding must be conducted to insure that—

(1) The welding is performed in accordance with the welding procedure; and

(2) The weld is acceptable under paragraph (c) of this section.

(b) The welds on a pipeline to be operated at a pressure that produces a hoop stress of 30 percent or more of SMYS must be nondestructively tested in accordance with § 192.243, except that welds that are visually inspected and approved by a qualified welding inspector need not be nondestructively tested if—

(1) The pipe has a nominal diameter of less than 6 inches; or

(2) The pipeline is to be operated at a pressure that produces a hoop stress of less than 40 percent of SMYS and the welds are so limited in number that nondestructive testing is impractical.

(c) The acceptability of a weld that is nondestructively tested or visually inspected is determined according to the standards in section 8 of API Standard 1104.

§ 192.243 Nondestructive testing.

(a) Nondestructive testing of welds must be performed by any process, other than repiping, that will clearly indicate defects that may affect the integrity of the weld.

(b) Nondestructive testing of welds must be performed—

(1) In accordance with written procedures; and

(2) By persons who have been trained and qualified in the established procedures and with the equipment employed in testing.

(c) Procedures must be established for the proper interpretation of each nondestructive test of a weld to ensure the acceptability of the weld under § 192.241(c).

(d) When nondestructive testing is required under § 192.241(b), the following percentages of each day's field butt welds, selected at random by the operator, must be nondestructively tested over their entire circumference:

(1) In Class 1 locations, at least 10 percent.

(2) In Class 2 locations, at least 15 percent.

(3) In Classes 3 and 4 locations and at crossings of major or navigable rivers, 100 percent if practicable, but not less than 90 percent.

(4) Within railroad or public highway rights-of-way, including tunnels, bridges and overhead road crossings, and at pipeline tie-ins, 100 percent.

(e) Except for a welder whose work is isolated from the principal welding activity, a sample of each welder's work for each day must be nondestructively tested, when nondestructive testing is required under § 192.241(b).

(f) When nondestructive testing is required under § 192.241(b), each operator must retain, for the life of the pipeline, a record showing by milepost, engineering station, or by geographic feature, the number of girth welds made, the number nondestructively tested, the number rejected, and the disposition of the rejects.

§ 192.245 Repair or removal of defects.

(a) Each weld that is unacceptable under § 192.241(c) must be removed or repaired. A weld must be removed if it has a crack that is more than 2 inches long or that penetrates either the root or second bead.

(b) Each weld that is repaired must have the defect removed down to clean metal and the segment to be repaired must be preheated. After repair, the segment of the weld that was repaired must be inspected to insure its acceptability. If the repair is not acceptable, the weld must be removed.

Subpart F—Joining of Materials Other Than by Welding

§ 192.271 Scope.

(a) This subpart prescribes minimum requirements for joining materials in pipelines, other than by welding.

(b) This subpart does not apply to joining in the manufacture of pipe or pipeline components.

§ 192.273 General.

(a) The pipeline must be designed and installed so that each joint will sustain the longitudinal pullout or thrust forces caused by contraction or expansion of the piping or by anticipated external or internal loading.

(b) Each joint must be made in accordance with written procedures that have been proven by test or experience to produce strong gastight joints.

(c) Each joint must be inspected to insure compliance with this subpart.

§ 192.275 Cast iron pipe.

(a) Each caulked bell and spigot joint in cast iron pipe must be sealed with mechanical leak clamps.

(b) Each mechanical joint in cast iron pipe must have a gasket made of a resilient material as the sealing medium. Each gasket must be suitably confined and retained under compression by a separate gland or follower ring.

(c) Cast iron pipe may not be joined by threaded joints.

(d) Cast iron pipe may not be joined by brazing.

(e) Each flange on a flanged joint in cast iron pipe must conform in dimensions and drilling to ANSI Standard B16.1 and be cast integrally with the pipe, valve, or fitting.

§ 192.277 Ductile iron pipe.

(a) Each mechanical joint in ductile iron pipe must conform to ANSI Standard A21.52 and ANSI Standard A21.11.

(b) Ductile iron pipe may not be joined by threaded joints.

(c) Ductile iron pipe may not be joined by brazing.

§ 192.279 Copper pipe.

Copper pipe may not be threaded, except that copper pipe used for joining screw fittings or valves may be threaded if the wall thickness is equivalent to the comparable size of standard wall pipe, as defined in ANSI Standard B36.10.

§ 192.281 Plastic pipe.

(a) General. Each plastic pipe joint must be made in accordance with written procedures that have been proven by destructive burst test to produce joints at least as strong as the pipe being joined. A plastic pipe joint that is joined by solvent cement, adhesive, or heat fusion may not be disturbed until it has properly set. Plastic pipe may not be joined by a threaded joint or miter joint.

(b) Solvent cement joints. Each solvent cement joint on plastic pipe must comply with the following:

(1) The mating surfaces of the joint must be clean, dry, and free of material which might be detrimental to the joint.

(2) The solvent cement must conform to ASTM Specification D 2513.

(3) The safety requirements of Appendix A of ASTM Specification D 2513 must be met.

(4) The joint may not be heated to accelerate the setting of the cement.

(c) Heat-fusion joints. Each heat-fusion joint on plastic pipe must comply with the following:

(1) A butt heat-fusion joint must be joined by a device that holds the heater element square to the ends of the piping, compresses the heated ends together, and holds the pipe in proper alignment while the plastic hardens.

(2) A socket heat-fusion joint must be joined by a device that heats the mating surfaces of the joint uniformly and simultaneously to essentially the same temperature.

(3) Heat may not be applied with a torch or other open flame.

(d) Adhesive joints. Each adhesive joint on plastic pipe must comply with the following:

(1) The adhesive must conform to ASTM Specification D 2517.

(2) The materials and adhesive must be compatible with each other.

(e) Mechanical joints. Each compression type mechanical joint on plastic pipe must comply with the following:

(1) The gasket material in the coupling must be compatible with the plastic.

(2) A rigid internal tubular stiffener, other than a split tubular stiffener, must be used in conjunction with the coupling.

Subpart G—General Construction Requirements for Transmission Lines and Mains

§ 192.301 Scope.

This subpart prescribes minimum requirements for constructing transmission lines and mains.

§ 192.303 Compliance with specifications or standards.

Each transmission line or main must be constructed in accordance with comprehensive written specifications or standards that are consistent with this part.

§ 192.305 Inspection: general.

Each transmission line or main must be inspected to ensure that it is constructed in accordance with this part.

§ 192.307 Inspection of materials.

Each length of pipe and each other component must be visually inspected at the site of installation to ensure that it has not sustained any visually determinable damage that could impair its serviceability.

§ 192.309 Repair of steel pipe.

(a) Each imperfection or damage that impairs the serviceability of a length of steel pipe must be repaired or removed. If a repair is made by grinding, the remaining wall thickness must at least be equal to either:

(1) The minimum thickness required by the tolerances in the specification to which the pipe was manufactured; or

(2) The nominal wall thickness required for the design pressure of the pipeline.

(b) Each of the following dents must be removed from steel pipe to be operated at a pressure that produces a hoop stress of 20 percent, or more, of SMYS:

(1) A dent that contains a stress concentrator such as a scratch, gouge, groove, or arc burn.

(2) A dent that affects the longitudinal weld or a circumferential weld.

(3) In pipe to be operated at a pressure that produces a hoop stress of 40 percent or more of SMYS, a dent that has a depth of—

(i) More than one-quarter inch in pipe 12½ inches or less in outer diameter; or

(ii) More than 20 percent of the nominal pipe diameter in pipe over 12½ inches in outer diameter.

For the purpose of this section a "dent" is a depression that produces a gross disturbance in the curvature of the pipe wall without reducing the pipe-wall thickness. The depth of a dent is measured as the gap between the lowest point of the dent and a prolongation of the original contour of the pipe.

(c) Each arc burn on steel pipe to be operated at a pressure that produces a hoop stress of 40 percent, or more, of SMYS must be repaired or removed. If a repair is made by grinding, the arc burn must be completely removed and the remaining wall thickness must be at least equal to either:

(1) The minimum wall thickness required by the tolerances in the specification to which the pipe was manufactured; or

(2) The nominal wall thickness required for the design pressure of the pipeline.

(d) A gouge, groove, arc burn, or dent may not be repaired by insert patching or by pounding out.

(e) Each gouge, groove, arc burn, or dent that is removed from a length of pipe must be removed by cutting out the damaged portion as a cylinder.

§ 192.311 Repair of plastic pipe.

Each imperfection or damage that would impair the serviceability of plastic pipe must be repaired by a patching saddle or removed.

§ 192.313 Bends and elbows.

(a) Each field bend in steel pipe, other than a wrinkle bend made in accordance with § 192.315, must comply with the following:

(1) A bend may not impair the serviceability of the pipe.

(2) On pipe containing a longitudinal weld, the longitudinal seam must be as near as practicable to the neutral axis of the bend.

(3) A bend on pipe that is 12 inches, or more, in nominal diameter must not deflect the pipe more than $1\frac{1}{2}$ " in any length of pipe equal to the diameter.

(4) For pipe more than 4 inches in nominal diameter, the difference between the maximum and minimum diameter at a bend may not be more than $2\frac{1}{2}$ percent of the nominal diameter.

(b) Each circumferential weld of steel pipe that is subjected to stress during bending, must be nondestructively tested.

(c) Wrought-steel welding elbows and transverse segments of these elbows may not be used for elbows in direction on steel pipe that is 7 inches or more in diameter, unless the arc length, as measured along the crotch, is at least 1 inch.

(d) Each bend, other than a wrinkle bend made in accordance with § 192.315, must have a smooth contour and be free of mechanical damage.

§ 192.315 Wrinkle bends in steel pipe.

(a) A wrinkle bend may not be made on steel pipe to be operated at a pressure that produces a hoop stress of 30 percent, or more, of SMYS.

(b) Each wrinkle bend on steel pipe must comply with the following:

(1) The bend must not have any sharp kinks.

(2) When measured along the crotch of the bend, the wrinkles must be a distance of at least one pipe diameter.

(3) On pipe 16 inches or larger in diameter, the bend may not have a deflection of more than $1\frac{1}{2}$ " for each wrinkle.

(4) On pipe containing a longitudinal weld the longitudinal seam must be as near as practicable to the neutral axis of the bend.

§ 192.317 Protection from hazards.

(a) Each transmission line or main must be protected from washouts, floods, unstable soil, landslides, or other hazards that may cause the pipe to move or to sustain abnormal loads.

(b) Each transmission line or main that is constructed above ground must be protected from accidental damage by vehicular traffic or other similar causes, either by being placed at a safe distance from the traffic or by installing barricades.

§ 192.319 Installation of pipe in a ditch.

(a) When installed in a ditch, each transmission line that is to be operated at a pressure producing a hoop stress of 20 percent or more of SMYS must be installed so that the pipe fits the ditch so as to minimize stresses and protect the pipe coating from damage.

(b) Each ditch for a transmission line or main must be backfilled in a manner that—

(1) Provides firm support under the pipe; and

(2) Prevents damage to the pipe and pipe coating from equipment or from the backfill material.

§ 192.321 Installation of plastic pipe.

(a) Plastic pipe must be installed below ground level.

(b) Plastic pipe that is installed in a vault or any other below grade enclosure must be completely encased in gas-tight metal pipe and fittings that are adequately protected from corrosion.

(c) Plastic pipe must be installed so as to minimize shear or tensile stresses.

(d) Thermoplastic pipe that is not encased must have a minimum wall thickness of 0.090 inches, except that pipe with an outside diameter of 0.875 inches or less may have a minimum wall thickness of 0.082 inches.

(e) Plastic pipe that is not encased must have an electrically conductive wire or other means of locating the pipe while it is underground.

(f) Plastic pipe that is being encased must be inserted into the casing pipe in a manner that will protect the plastic. The leading end of the plastic must be closed before insertion.

§ 192.323 Casing.

Each casing used on a transmission line or main under a railroad or highway must comply with the following:

(a) The casing must be designed to withstand the superimposed loads.

(b) If there is a possibility of water entering the casing, the ends must be sealed.

(c) If the ends of an unvented casing are sealed and the sealing is strong enough to retain the maximum allowable operating pressure of the pipe, the casing must be designed to hold this pressure at a stress level of not more than 72 percent of SMYS.

(d) If vents are installed on a casing, the vents must be protected from the weather to prevent water from entering the casing.

§ 192.325 Underground clearance.

(a) Each transmission line must be installed with at least 12 inches of clearance from any other underground structure not associated with the transmission line. If this clearance cannot be attained, the transmission line must be protected from damage that might result from the proximity of the other structure.

(b) Each main must be installed with enough clearance from any other underground structure to allow proper maintenance and to protect against damage that might result from proximity to other structures.

(c) In addition to meeting the requirements of paragraph (a) or (b) of this section, each plastic transmission line or main must be installed with sufficient clearance, or must be insulated,

from any source of heat so as to prevent the heat from impairing the serviceability of the pipe.

(d) Each pipe-type or bottle-type holder must be installed with a minimum clearance from any other holder as prescribed in § 192.175(b).

§ 192.327 Cover.

(a) Except as provided in paragraph (c) of this section, each buried transmission line must be installed with a minimum cover as follows:

Location	Normal soil	Consolidated rock
	Inches	Inches
Class 1 locations	30	18
Class 2, 3, and 4 locations	36	24
Drainage ditches of public roads and railroad crossings	36	24

(b) Except as provided in paragraphs (c) and (d) of this section, each buried main must be installed with at least 24 inches of cover.

Where an underground structure prevents the installation of a transmission line or main with the minimum cover, the transmission line or main may be installed with less cover if it is provided with additional protection to withstand anticipated external loads.

(c) A main may be installed with less than 24 inches of cover if the law of the State or municipality—

(1) Establishes a minimum cover of less than 24 inches;

(2) Requires that mains be installed in a common trench with other utility lines; and

(3) Provides adequately for prevention of damage to the pipe by external forces.

Subpart H—Customer Meters, Service Regulators, and Service Lines**§ 192.351 Scope.**

This subpart prescribes minimum requirements for installing customer meters, service regulators, service lines, service line valves, and service line connections to mains.

§ 192.353 Customer meters and regulators: location.

(a) Each meter and service regulator, whether inside or outside of a building, must be installed in a readily accessible location and be protected from corrosion and other damage. However, the upstream regulator in a series may be buried.

(b) Each service regulator installed within a building must be located as near as practical to the point of service line entrance.

(c) Each meter installed within a building must be located in a ventilated place and not less than 3 feet from any source of ignition or any source of heat which might damage the meter.

(d) Where feasible, the upstream regulator in a series must be located outside the building, unless it is located in a separate metering or regulating building.

§ 192.355 Customer meters and regulators: protection from damage.

(a) *Protection from vacuum or back pressure.* If the customer's equipment might create either a vacuum or a back pressure, a device must be installed to protect the system.

(b) *Service regulator vents and relief vents.* The outside terminal of each service regulator vent and relief vent must—

(1) Be rain and insect resistant;

(2) Be located at a place where gas from the vent can escape freely into the atmosphere and away from any opening into the building; and

(3) Be protected from damage caused by submergence in areas where flooding may occur.

(c) *Pits and vaults.* Each pit or vault that houses a customer meter or regulator at a place where vehicular traffic is anticipated, must be able to support that traffic.

§ 192.357 Customer meters and regulators: installation.

(a) Each meter and each regulator must be installed so as to minimize anticipated stresses upon the connecting piping and the meter.

(b) When close all-thread nipples are used, the wall thickness remaining after the threads are cut must meet the minimum wall thickness requirements of this part.

(c) Connections made of lead or other easily damaged material may not be used in the installation of meters or regulators.

(d) Each regulator that might release gas in its operation must be vented to the outside atmosphere.

§ 192.359 Customer meter installations: operating pressure.

(a) A meter may not be used at a pressure that is more than 67 percent of the manufacturer's shell test pressure.

(b) Each new meter must have been tested by the manufacturer to a minimum of 10 p.s.i.g.

(c) A rebuilt or repaired tinned steel case meter may not be used at a pressure that is more than 50 percent of the pressure used to test the meter after rebuilding or repairing.

§ 192.361 Service lines: installation.

(a) *Depth.* Each buried service line must be installed with at least 12 inches of cover in private property and at least 18 inches of cover in streets and roads. However, where an underground structure prevents installation at those depths, the service line must be able to withstand any anticipated external load.

(b) *Support and backfill.* Each service line must be properly supported on undisturbed or well-compacted soil, and material used for backfill must be free of materials that could damage the pipe or its coating.

(c) *Grading for drainage.* Where condensate in the gas might cause interruption in the gas supply to the customer, the service line must be graded so as to drain into the main or into drips at the low points in the service line.

(d) *Protection against piping strain and external loading.* Each service line

must be installed so as to minimize anticipated piping strain and external loading.

(e) *Installation of service lines into buildings.* Each underground service line installed below grade through the outer foundation wall of a building must—

(1) In the case of a metal service line, be protected against corrosion;

(2) In the case of a plastic service line, be protected from shearing action and backfill settlement; and

(3) Be sealed at the foundation wall to prevent leakage into the building.

(f) *Installation of service lines under buildings.* Where an underground service line is installed under a building—

(1) It must be encased in a gas-tight conduit;

(2) The conduit and the service line must, if the service line supplies the building it underlies, extend into a normally usable and accessible part of the building; and

(3) The space between the conduit and the service line must be sealed to prevent gas leakage into the building and, if the conduit is sealed at both ends, a vent line from the annular space must extend to a point where gas would not be a hazard, and extend above grade, terminating in a rain and insect resistant fitting.

§ 192.363 Service lines: valve requirements.

(a) Each service line must have a service-line valve that meets the applicable requirements of Subparts B and D of this part. A valve incorporated in a meter bar, that allows the meter to be bypassed, may not be used as a service-line valve.

(b) A soft seat service line valve may not be used if its ability to control the flow of gas could be adversely affected by exposure to anticipated heat.

(c) Each service-line valve on a high-pressure service line, installed above ground or in an area where the blowing of gas would be hazardous, must be designed and constructed to minimize the possibility of the removal of the core of the valve with other than specialized tools.

§ 192.365 Service lines: location of valves.

(a) *Relation to regulator or meter.* Each service-line valve must be installed upstream of the regulator or, if there is no regulator, upstream of the meter.

(b) *Outside valves.* Each service line must have a shut-off valve in a readily accessible location that, if feasible, is outside of the building.

(c) *Underground valves.* Each underground service-line valve must be located in a covered durable curb box or standpipe that allows ready operation of the valve and is supported independently of the service lines.

§ 192.367 Service lines: general requirements for connections to main piping.

(a) *Location.* Each service-line connection to a main must be located at the

top of the main or, if that is not practical, at the side of the main, unless a suitable protective device is installed to minimize the possibility of dust and moisture being carried from the main into the service line.

(b) *Compression-type connection to main.* Each compression-type service line to main connection must—

(1) Be designed and installed to effectively sustain the longitudinal pull-out or thrust forces caused by contraction or expansion of the piping, or by anticipated external or internal loading; and

(2) If gaskets are used in connecting the service line to the main connection fitting, have gaskets that are compatible with the kind of gas in the system.

§ 192.369 Service lines: connections to cast iron or ductile iron mains.

(a) Each service line connected to a cast iron or ductile iron main must be connected by a mechanical clamp, by drilling and tapping the main, or by another method meeting the requirements of § 192.273.

(b) If a threaded tap is being inserted, the requirements of § 192.151 (b) and (c) must also be met.

§ 192.371 Service lines: steel.

Each steel service line to be operated at less than 100 p.s.i.g. must be designed for a minimum of 100 p.s.i.g.

§ 192.373 Service lines: cast iron and ductile iron.

(a) Cast or ductile iron pipe less than 6 inches in diameter may not be installed for service lines.

(b) If cast iron pipe or ductile iron pipe is installed for use as a service line, the part of the service line which extends through the building wall must be of steel pipe.

(c) A cast iron or ductile iron service line may not be installed in unstable soil or under a building.

§ 192.375 Service lines: plastic.

(a) Each plastic service line outside a building must be installed below ground level, except that it may terminate above ground and outside the building, if—

(1) The above ground part of the plastic service line is protected against deterioration and external damage; and

(2) The plastic service line is not used to support external loads.

(b) Each plastic service line inside a building must be protected against external damage.

§ 192.377 Service lines: copper.

Each copper service line installed within a building must be protected against external damage.

Subpart I—[Reserved]

Subpart J—Test Requirements

§ 192.501 Scope.

This subpart prescribes minimum leak-test and strength-test requirements for pipelines.

§ 192.503 General requirements.

(a) No person may operate a new segment of pipeline, or return to service a

segment of pipeline that has been relocated or replaced, until—

(1) It has been tested in accordance with this subpart to substantiate the proposed maximum allowable operating pressure; and

(2) Each potentially hazardous leak has been located and eliminated.

(3) The test medium must be liquid, air, natural gas, or inert gas that is—

(a) Compatible with the material of which the pipeline is constructed;

(b) Relatively free of sedimentary materials; and

(c) Except for natural gas, nonflammable.

(d) Except as provided in § 192.505 (a), if air, natural gas, or inert gas is used as the test medium, the following maximum hoop stress limitations apply:

Class location	Maximum hoop stress allowed as percentage of SMYS	
	Natural gas	Air or inert gas
1.....	80	80
2.....	75	75
3.....	50	50
4.....	40	40

(d) Each weld used to tie-in a test segment of pipeline is excepted from the test requirements of this subpart.

§ 192.505 Strength test requirements for steel pipeline to operate at a hoop stress of 30 percent or more of SMYS.

(a) Except for service lines, each segment of a steel pipeline that is to operate at a hoop stress of 30 percent or more of SMYS must be strength tested in accordance with this section to substantiate the proposed maximum allowable operating pressure. In addition, in a Class 1 or Class 2 location, if there is a building intended for human occupancy within 300 feet of a pipeline, a hydrostatic test must be conducted to a test pressure of at least 125 percent of maximum operating pressure on that segment of the pipeline within 300 feet of such a building, but in no event may the test section be less than 600 feet unless the length of the newly installed or relocated pipe is less than 600 feet. However, if the buildings are evacuated while the hoop stress exceeds 50 percent of SMYS, air or inert gas may be used as the test medium.

(b) In a Class 1 or Class 2 location, each compressor station, regulator station, and measuring station, must be tested to at least Class 3 location test requirements.

(c) Except as provided in paragraph (e) of this section, the strength test must be conducted by maintaining the pressure at or above the test pressure for at least 8 hours.

(d) If a component other than pipe is the only item being replaced or added to a pipeline, a strength test after installation is not required, if the manufacturer of the component certifies that—

(1) The component was tested to at least the pressure required for the pipeline to which it is being added; or

(2) The component was manufactured under a quality control system that en-

sures that each item manufactured is at least equal in strength to a prototype and that the prototype was tested to at least the pressure required for the pipeline to which it is being added.

(e) For fabricated units and short sections of pipe, for which a post installation test is impractical, a preinstallation strength test must be conducted by maintaining the pressure at or above the test pressure for at least 4 hours.

§ 192.507 Test requirements for pipelines to operate at a hoop stress less than 30 percent of SMYS and above 100 p.s.i.g.

Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated at a hoop stress less than 30 percent of SMYS and above 100 p.s.i.g. must be tested in accordance with the following:

(a) The pipeline operator must use a test procedure that will ensure discovery of all potentially hazardous leaks in the segment being tested.

(b) If, during the test, the segment is to be stressed to 20 percent or more of SMYS and natural gas, inert gas, or air is the test medium—

(1) A leak test must be made at a pressure between 100 p.s.i.g. and the pressure required to produce a hoop stress of 20 percent of SMYS; or

(2) The line must be walked to check for leaks while the hoop stress is held at approximately 20 percent of SMYS.

(c) The pressure must be maintained at or above the test pressure for at least 1 hour.

§ 192.509 Test requirements for pipelines to operate at or below 100 p.s.i.g.

Except for service lines and plastic pipelines, each segment of a pipeline that is to be operated at or below 100 p.s.i.g. must be leak tested in accordance with the following:

(a) The test procedure used must ensure discovery of all potentially hazardous leaks in the segment being tested.

(b) Each main that is to be operated at less than 1 p.s.i.g. must be tested to at least 10 p.s.i.g., and each main to be operated at or above 1 p.s.i.g. must be tested to at least 90 p.s.i.g.

§ 192.511 Test requirements for service lines.

(a) Each segment of a service line (other than plastic) must be leak tested in accordance with this section before being placed in service. If feasible, the service-line connection to the main must be included in the test; if not feasible, it must be given a leakage test at the operating pressure when placed in service.

(b) Each segment of a service line (other than plastic) intended to be operated at a pressure of at least 1 p.s.i.g. but not more than 40 p.s.i.g. must be given a leak test at a pressure of not less than 50 p.s.i.g.

(c) Each segment of a service line (other than plastic) intended to be operated at pressures of more than 40 p.s.i.g. must be tested to at least 90

p.s.i.g., except that each segment of a steel service line stressed to 20 percent or more of SMYS must be tested in accordance with § 192.507 of this subpart.

§ 192.513 Test requirements for plastic pipelines.

(a) Each segment of a plastic pipeline must be tested in accordance with this section.

(b) The test procedure must insure discovery of all potentially hazardous leaks in the segment being tested.

(c) The test pressure must be at least 150 percent of the maximum operating pressure or 50 p.s.i.g., whichever is greater. However, the maximum test pressure may not be more than three times the design pressure of the pipe.

(d) The temperature of thermoplastic material must not be more than 100° F. during the test.

§ 192.515 Environmental protection and safety requirements.

(a) In conducting tests under this subpart, each operator shall insure that every reasonable precaution is taken to protect its employees and the general public during the testing. Whenever the hoop stress of the segment of the pipeline being tested will exceed 50 percent of SMYS, the operator shall take practicable steps to keep persons working on the testing operation outside of the testing area until the pressure is reduced to or below the proposed maximum allowable operating pressure.

(b) The operator shall insure that the test medium is disposed of in a manner that will minimize damage to the environment.

§ 192.517 Records.

Each operator shall make, and retain for the useful life of the pipeline, a record of each test performed under §§ 192.505 and 192.507. The record must contain at least the following information:

(a) The operator's name, the name of the operator's employee responsible for making the test, and the name of any test company used.

(b) Test medium used.

(c) Test pressure.

(d) Test duration.

(e) Pressure recording charts, or other record of pressure readings.

(f) Elevation variations, whenever significant for the particular test.

(g) Leaks and failures noted and their disposition.

Subpart K—Uprating

§ 192.551 Scope.

This subpart prescribes minimum requirements for increasing maximum allowable operating pressures (uprating) for pipelines.

§ 192.553 General requirements.

(a) *Pressure increases.* Whenever the requirements of this subpart require that an increase in operating pressure be made in increments, the pressure must be increased gradually, at a rate that can be controlled, and in accordance with the following:

(1) At the end of each incremental increase, the pressure must be held constant while the entire segment of pipeline that is affected is checked for leaks.

(2) Each leak detected must be repaired before a further pressure increase is made, except that a leak determined not to be potentially hazardous need not be repaired, if it is monitored during the pressure increase and it does not become potentially hazardous.

(b) *Records.* Each operator who uprates a segment of pipeline shall retain for the life of the segment a record of each investigation required by this subpart, of all work performed, and of each pressure test conducted, in connection with the uprating.

(c) *Written plan.* Each operator who uprates a segment of pipeline shall establish a written procedure that will ensure that each applicable requirement of this subpart is complied with.

(d) *Limitation on increase in maximum allowable operating pressure.* Except as provided in § 192.555(c), a new maximum allowable operating pressure established under this subpart may not exceed the maximum that would be allowed under this part for a new segment of pipeline constructed of the same materials in the same location.

§ 192.555 Uprating to a pressure that will produce a hoop stress of 30 percent or more of SMYS in steel pipelines.

(a) Unless the requirements of this section have been met, no person may subject any segment of a steel pipeline to an operating pressure that will produce a hoop stress of 30 percent or more of SMYS and that is above the established maximum allowable operating pressure.

(b) Before increasing operating pressure above the previously established maximum allowable operating pressure the operator shall—

(1) Review the design, operating, and maintenance history and previous testing of the segment of pipeline and determine whether the proposed increase is safe and consistent with the requirements of this part; and

(2) Make any repairs, replacements, or alterations in the segment of pipeline that are necessary for safe operation at the increased pressure.

(c) After complying with paragraph (b) of this section, an operator may increase the maximum allowable operating pressure of a segment of pipeline constructed before September 12, 1970, to the highest pressure that is permitted under § 192.619, using as test pressure the highest pressure to which the segment of pipeline was previously subjected (either in a strength test or in actual operation).

(d) After complying with paragraph (b) of this section, an operator that does not qualify under paragraph (c) of this section may increase the previously established maximum allowable operating pressure if at least one of the following requirements is met:

(1) The segment of pipeline is successfully tested in accordance with the requirements of this part for a new line

of the same material in the same location.

(2) An increased maximum allowable operating pressure may be established for a segment of pipeline in a Class 1 location if the line has not previously been tested, and if—

(i) It is impractical to test it in accordance with the requirements of this part;

(ii) The new maximum operating pressure does not exceed 80 percent of that allowed for a new line of the same design in the same location; and

(iii) The operator determines that the new maximum allowable operating pressure is consistent with the condition of the segment of pipeline and the design requirements of this part.

(e) Where a segment of pipeline is uprated in accordance with paragraph (c) or (d) (2) of this section, the increase in pressure must be made in increments that are equal to—

(1) 10 percent of the pressure before the uprating; or

(2) 25 percent of the total pressure increase,

whichever produces the fewer number of increments.

§ 192.557 Uprating: steel pipelines to a pressure that will produce a hoop stress less than 30 percent of SMYS; plastic, cast iron, and ductile iron pipelines.

(a) Unless the requirements of this section have been met, no person may subject—

(1) A segment of steel pipeline to an operating pressure that will produce a hoop stress less than 30 percent of SMYS and that is above the previously established maximum allowable operating pressure; or

(2) A plastic, cast iron, or ductile iron pipeline segment to an operating pressure that is above the previously established maximum allowable operating pressure.

(b) Before increasing operating pressure above the previously established maximum allowable operating pressure, the operator shall—

(1) Review the design, operating, and maintenance history of the segment of pipeline;

(2) Make a leakage survey (if it has been more than 1 year since the last survey) and repair any leaks that are found, except that a leak determined not to be potentially hazardous need not be repaired, if it is monitored during the pressure increase and it does not become potentially hazardous;

(3) Make any repairs, replacements, or alterations in the segment of pipeline that are necessary for safe operation at the increased pressure;

(4) Reinforce or anchor offsets, bends and dead ends in pipe joined by compression couplings or bell and spigot joints to prevent failure of the pipe joint, if the offset, bend, or dead end is exposed in an excavation;

(5) Isolate the segment of pipeline in which the pressure is to be increased from any adjacent segment that will

continue to be operated at a lower pressure; and

(6) If the pressure in mains or service lines, or both, is to be higher than the pressure delivered to the customer, install a service regulator on each service line and test each regulator to determine that it is functioning. Pressure may be increased as necessary to test each regulator, after a regulator has been installed on each pipeline subject to the increased pressure.

(c) After complying with paragraph (b) of this section, the increase in maximum allowable operating pressure must be made in increments that are equal to 10 p.s.i. or 25 percent of the total pressure increase, whichever produces the fewer number of increments. Whenever the requirements of paragraph (b) (6) of this section apply, there must be at least two approximately equal incremental increases.

(d) If records for cast iron or ductile iron pipeline facilities are not complete enough to ascertain compliance with § 192.117 or § 192.119, as applicable, the following procedures must be followed:

(1) If the original laying conditions cannot be ascertained, the operator shall assume, when applying the design formulas of ANSI A21.1, that cast iron pipe was supported on blocks with tamped backfill and, when applying the design formulas of ANSI A21.50, that ductile iron pipe was laid without blocks with tamped backfill.

(2) Unless the actual maximum cover depth is known, the operator shall measure the actual cover in at least three places where the cover is most likely to be greatest and shall use the greatest cover measured.

(3) Unless the actual nominal wall thickness is known, the operator shall determine the wall thickness by cutting and measuring coupons from at least three separate pipe lengths. The coupons must be cut from pipe lengths in areas where the cover depth is most likely to be the greatest. The average of all measurements taken must be increased by the allowance indicated in the following table:

Pipe size (inches)	Allowance (inches)		
	Cast iron pipe	Ductile iron pipe	
	Pit cast pipe	Centrifugally cast pipe	
3-8	0.075	0.065	0.065
10-12	0.08	0.07	0.07
14-21	0.08	0.08	0.075
30-42	0.09	0.09	0.075
48	0.09	0.09	0.08
54-60	0.09		

NOTE.—The nominal wall thickness of the cast iron is the standard thickness listed in table 10 or table 11, as applicable, of ANSI A21.1 nearest the value obtained under this subparagraph. The nominal wall thickness of ductile iron pipe is the standard thickness listed in table 6 of ANSI A21.50 nearest the value obtained under this subparagraph.

(4) For cast iron pipe, unless the pipe manufacturing process is known, the operator shall assume that the pipe is pit case pipe with a bursting tensile strength of 11,000 p.s.i. and a modulus of rupture of 31,000 p.s.i.

Subpart L—Operations

§ 192.601 Scope.

This subpart prescribes minimum requirements for the operation of pipeline facilities.

§ 192.603 General provisions.

(a) No person may operate a segment of pipeline unless it is operated in accordance with this subpart.

(b) Each operator shall establish a written operating and maintenance plan meeting the requirements of this part and keep records necessary to administer the plan.

§ 192.605 Essentials of operating and maintenance plan.

Each operator shall include the following in its operating and maintenance plan:

(a) Instructions for employees covering operating and maintenance procedures during normal operations and emergencies.

(b) Facilities required to be maintained by the operator of Subpart M of this part.

(c) Specific programs relating to facilities presenting the greatest hazard to public safety either in an emergency or because of extraordinary construction or maintenance requirements.

(d) A program for conversion procedures, if conversion of a low-pressure distribution system to a higher pressure is contemplated.

(e) Provision for periodic inspections to ensure that operating pressures are appropriate for the class location.

§ 192.607 Initial determination of class location and confirmation or establishment of maximum allowable operating pressure.

(a) Before April 15, 1971, each operator shall complete a study to determine for each segment of pipeline with a maximum allowable operating pressure that will produce a hoop stress that is more than 72 percent of SMYS—

(1) The present class location of all such pipeline in its system; and

(2) Whether the hoop stress corresponding to the maximum allowable operating pressure for each segment of pipeline is commensurate with the present class location.

(b) If an operator finds that the hoop stress corresponding to the established maximum allowable operating pressure of a segment of pipeline is not commensurate with the present class location and the segment is in satisfactory physical condition, the operator shall confirm or revise the maximum allowable operating pressure of the affected segment of pipeline as required by § 192.611 in accordance with the following schedule:

(1) Before January 1, 1972, the operator shall complete the confirmation or revision of at least 50 percent of the affected pipelines.

(2) Before January 1, 1973, the operator shall complete the confirmation or revision of the remainder of the affected pipelines.

§ 192.609 Change in class location: required study.

Whenever an increase in population density indicates a change in class location for a segment of an existing steel pipeline operating at hoop stress that is more than 40 percent of SMYS, or indicates that the hoop stress corresponding to the established maximum allowable operating pressure for a segment of existing pipeline is not commensurate with the present class location, the operator shall immediately make a study to determine—

(a) The present class location for the segment involved.

(b) The design, construction, and testing procedures followed in the original construction, and a comparison of these procedures with those required for the present class location by the applicable provisions of this part.

(c) The physical condition of the segment to the extent it can be ascertained from available records;

(d) The operating and maintenance history of the segment;

(e) The maximum actual operating pressure and the corresponding operating hoop stress, taking pressure gradient into account, for the segment of pipeline involved; and

(f) The actual area affected by the population density increase, and physical barriers or other factors which may limit further expansion of the more densely populated area.

§ 192.611 Change in class location: confirmation or revision of maximum allowable operating pressure.

If the hoop stress corresponding to the established maximum allowable operating pressure of a segment of pipeline is not commensurate with the present class location, and the segment is in satisfactory physical condition, the maximum allowable operating pressure of that segment of pipeline must be confirmed or revised as follows:

(a) If the segment involved has been previously tested in place to at least 90 percent of its SMYS for a period of not less than 2 hours, the maximum allowable operating pressure must be confirmed or reduced so that the corresponding hoop stress will not exceed 72 percent of SMYS of the pipe in Class 2 locations, 60 percent of SMYS in Class 3 locations, or 50 percent of SMYS in Class 4 locations.

(b) If the segment involved has not been previously tested in place as described in paragraph (a) of this section, the maximum allowable operating pressure must be reduced so that the corresponding hoop stress is not more than that allowed by this part for new segments of pipelines in the existing class location.

(c) If the segment of pipeline involved has not been qualified for operation under paragraph (a) or (b) of this section, it must be tested in accordance with the applicable requirements of Subpart J of this part, and its maximum allowable operating pressure must then be

established so as to be equal to or less than the following:

(1) The maximum allowable operating pressure after the requalification test is 0.8 times the test pressure for Class 2 locations, 0.667 times the test pressure for Class 3 locations, and 0.555 times the test pressure for Class 4 locations.

(2) The maximum allowable operating pressure confirmed or revised in accordance with this section, may not exceed the maximum allowable operating pressure established before the confirmation or revision.

(3) The corresponding hoop stress may not exceed 72 percent of the SMYS of the pipe in Class 2 locations, 60 percent of SMYS in Class 3 locations, or 50 percent of the SMYS in Class 4 locations.

(d) Confirmation or revision of the maximum allowable operating pressure of a segment of pipeline in accordance with this section does not preclude the application of §§ 192.553 and 192.555.

(e) After completing the study required by § 192.609, the operator shall confirm or revise the maximum allowable operating pressure in each segment of pipeline in accordance with this section within 1 year of the date when a change in class location has occurred.

§ 192.613 Continuing surveillance.

(a) Each operator shall have a procedure for continuing surveillance of its facilities to determine and take appropriate action concerning changes in class location, failures, leakage history, corrosion, substantial changes in cathodic protection requirements, and other unusual operating and maintenance conditions.

(b) If a segment of pipeline is determined to be in unsatisfactory condition but no immediate hazard exists, the operator shall initiate a program to recondition or phase out the segment involved, or, if the segment cannot be reconditioned or phased out, reduce the maximum allowable operating pressure in accordance with § 192.618 (a) and (b).

§ 192.615 Emergency plans.

Each operator shall—

(a) Have written emergency procedures;

(b) Acquaint appropriate operating and maintenance employees with the procedures;

(c) Establish liaison with appropriate public officials, including fire and police officials, with respect to the procedures; and

(d) Establish an educational program to enable customers and the general public to recognize and report a gas emergency to the appropriate officials.

§ 192.617 Investigation of failures.

Each operator shall establish procedures for analyzing accidents and failures, including the selection of samples of the failed facility or equipment for laboratory examination, where appropriate, for the purpose of determining the causes of the failure and minimizing the possibility of a recurrence.

§ 192.619 Maximum allowable operating pressure: steel or plastic pipelines.

(a) Except as provided in paragraph (c) of this section, no person may operate a segment of steel or plastic pipeline at a pressure that exceeds the lowest of the following:

(1) The design pressure of the weakest element in the segment, determined in accordance with Subparts C and D of this part.

(2) The pressure obtained by dividing the pressure to which the segment was tested after construction as follows:

(i) For plastic pipe in all locations, the test pressure is divided by a factor of 1.5.
(ii) For steel pipe, the test pressure is divided by a factor determined in accordance with the following table:

Class location	Factor	
	Segment installed before (Nov. 12, 1970)	Segment installed after (Nov. 11, 1970)
1.....	1.1	1.1
2.....	1.25	1.25
3.....	1.4	1.5
4.....	1.4	1.5

(3) The highest actual operating pressure to which the segment was subjected during the 5 years preceding July 1, 1970, unless the segment was tested in accordance with paragraph (a)(2) of this section after July 1, 1965, or the segment was updated in accordance with Subpart K of this part.

(4) For furnace butt welded steel pipe, a pressure equal to 60 percent of the mill test pressure to which the pipe was subjected.

(5) For steel pipe other than furnace butt welded pipe, a pressure equal to 85 percent of the highest test pressure to which the pipe has been subjected, whether mill test or by the post installation test.

(6) The pressure determined by the operator to be the maximum safe pressure after considering the history of the segment, particularly known corrosion and the actual operating pressure.

(b) No person may operate a segment to which paragraph (a)(6) of this section is applicable, unless over-pressure protective devices are installed on the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with § 192.195.

(c) Notwithstanding the other requirements of this section, an operator may operate a segment of pipeline found to be in satisfactory condition, considering its operating and maintenance history, at the highest actual operating pressure to which the segment was subjected during the 5 years preceding July 1, 1970, subject to the requirements of § 192.611.

§ 192.621 Maximum allowable operating pressure: high-pressure distribution systems.

(a) No person may operate a segment of a high pressure distribution system at

a pressure that exceeds the lowest of the following pressures, as applicable:

(1) The design pressure of the weakest element in the segment, determined in accordance with Subparts C and D of this part.

(2) 60 p.s.i.g. for a segment of a distribution system otherwise designed to operate at over 60 p.s.i.g., unless the service lines in the segment are equipped with service regulators or other pressure limiting devices in series that meet the requirements of § 192.197(c).

(3) 25 p.s.i.g. in segments of cast iron pipe in which there are unreinforced bell and spigot joints.

(4) The pressure limits to which a joint could be subjected without the possibility of its parting.

(5) The pressure determined by the operator to be the maximum safe pressure after considering the history of the segment, particularly known corrosion and the actual operating pressures.

(b) No person may operate a segment of pipeline to which paragraph (a)(5) of this section applies, unless over-pressure protective devices are installed on the segment in a manner that will prevent the maximum allowable operating pressure from being exceeded, in accordance with § 192.195.

§ 192.623 Maximum and minimum allowable operating pressure: low-pressure distribution systems.

(a) No person may operate a low-pressure distribution system at a pressure high enough to make unsafe the operation of any connected and properly adjusted low-pressure gas burning equipment.

(b) No person may operate a low-pressure distribution system at a pressure lower than the minimum pressure at which the safe and continuing operation of any connected and properly adjusted low-pressure gas burning equipment can be assured.

§ 192.625 Odorization of gas.

(a) Combustible gases in mains and service lines must be odorized as provided in this section.

(b) The intensity of the odor of combustible gases must be such as to be readily detectable at concentrations of one fifth of the lower explosive limit.

(c) In the concentrations in which it is used, the odorant in combustible gases must comply with the following:

(1) The odorant may not be deleterious to persons, materials, or pipe.

(2) The products of combustion from the odorant may not be toxic when breathed nor may they be corrosive or harmful to those materials to which the products of combustion will be exposed.

(d) The odorant may not be soluble in water to an extent greater than 2.5 parts to 100 parts by weight.

(e) Equipment for odorization must introduce the odorant without wide variations in the level of odorant.

(f) Each operator shall conduct periodic sampling of combustible gases to assure the proper concentration of odorant in accordance with this section.

§ 192.627 Tapping pipelines under pressure.

Each tap made on a pipeline under pressure must be performed by a crew qualified to make hot taps.

§ 192.629 Purging of pipelines.

(a) When a pipeline is being purged of air by use of gas, the gas must be released into one end of the line in a moderately rapid and continuous flow. If gas cannot be supplied in sufficient quantity to prevent the formation of a hazardous mixture of gas and air, a slug of inert gas must be released into the line before the gas.

(b) When a pipeline is being purged of gas by use of air, the air must be released into one end of the line in a moderately rapid and continuous flow. If air cannot be supplied in sufficient quantity to prevent the formation of a hazardous mixture of gas and air, a slug of inert gas must be released into the line before the air.

Subpart M—Maintenance

§ 192.701 Scope.

This subpart prescribes minimum requirements for maintenance of pipeline facilities.

§ 192.703 General.

(a) No person may operate a segment of pipeline, unless it is maintained in accordance with this subpart.

(b) Each segment of pipeline that becomes unsafe must be replaced, repaired, or removed from service.

(c) Hazardous leaks must be repaired promptly.

§ 192.705 Transmission lines: patrolling.

(a) Each operator shall have a patrol program to observe, at intervals not exceeding 1 year, surface conditions on and adjacent to the transmission line right-of-way for indications of leaks, construction activity, and other factors affecting safety and operation.

(b) The frequency of the patrol must be determined by the size of the line, the operating pressures, the class location, terrain, weather, and other relevant factors.

(c) Highway and railroad crossings must be patrolled more often and in greater detail than transmission lines in open country.

§ 192.707 Transmission lines: markers.

Each operator shall install signs or markers wherever necessary to identify the location of a transmission line in order to reduce the possibility of damage or interference.

§ 192.709 Transmission lines: record-keeping.

Each operator shall keep records covering each leak discovered, repair made, transmission line break, leakage survey, line patrol, and inspection, for as long as the segment of transmission line involved remains in service.

§ 192.711 Transmission lines: general requirements for repair procedures.

(a) Each operator shall take immediate temporary measures to protect the public whenever—

(1) A leak, imperfection, or damage that impairs its serviceability is found in a segment of steel transmission line operating at or above 40 percent of the SMYS; and

(2) It is not feasible to make a permanent repair at the time of discovery. As soon as feasible, the operator shall make permanent repairs.

(b) Except as provided in § 192.717(c), no operator may use a welded patch as a means of repair.

§ 192.713 Transmission lines: permanent field repair of imperfections and damage.

Each imperfection or damage that impairs the serviceability of a segment of steel transmission line operating at or above 40 percent of SMYS must be repaired as follows:

(1) If it is feasible to take the segment out of service, the imperfection or damage must be removed by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater design strength.

(b) If it is not feasible to take the segment out of service, a full encirclement welded split sleeve of appropriate design must be applied over the imperfection or damage.

(c) If the segment is not taken out of service, the operating pressure must be reduced to a safe level during the repair operations.

§ 192.715 Transmission lines: permanent field repair of welds.

Each weld that is unacceptable under § 192.241(c) must be repaired as follows:

(a) If it is feasible to take the segment of transmission line out of service, the weld must be repaired in accordance with the applicable requirements of § 192.245.

(b) A weld may be repaired in accordance with § 192.245 while the segment of transmission line is in service if—

(1) The weld is not leaking;

(2) The pressure in the segment is reduced so that it does not produce a stress that is more than 20 percent of the SMYS of the pipe; and

(3) Grinding of the defective area can be limited so that at least 1/8-inch thickness in the pipe weld remains.

(c) A defective weld which cannot be repaired in accordance with paragraph (a) or (b) of this section must be repaired by installing a full encirclement welded split sleeve of appropriate design.

§ 192.717 Transmission lines: permanent field repair of leaks.

Each permanent field repair of a leak must be made as follows:

(a) If feasible, the segment of transmission line must be taken out of service and repaired by cutting out a cylindrical piece of pipe and replacing it with pipe of similar or greater design strength.

(b) If it is not feasible to take the segment of transmission line out of service,

it must be repaired by installing a full encirclement welded split sleeve of appropriate design.

(c) If the leak is due to a corrosion pit, the repair may be made by installing a properly designed bolt-on leak clamp; or, if the leak is due to a corrosion pit and on pipe of not more than 40,000 p.s.i. SMYS, the repair may be made by fillet welding over the pitted area a steel plate patch with rounded corners, of the same or greater thickness than the pipe, and not more than one-half the diameter of the pipe in size.

§ 192.719 Transmission lines: testing of repairs.

(a) *Testing of replacement pipe.* (1) If a segment of transmission line is repaired by cutting out the damaged portion of the pipe as a cylinder, the replacement pipe must be tested to the pressure required for a new line installed in the same location.

(2) The test required by subparagraph (1) of this paragraph may be made on the pipe before it is installed, but all field girth butt welds that are not strength tested must be tested after installation by nondestructive tests meeting the requirements of § 192.243.

(b) *Testing of repairs made by welding.* Each repair made by welding in accordance with §§ 192.713, 192.715, and 192.717 must be examined in accordance with § 192.241.

§ 192.721 Distribution systems: patrolling.

(a) The frequency of patrolling mains must be determined by the severity of the conditions which could cause failure or leakage, and the consequent hazards to public safety.

(b) Mains in places or on structures where anticipated physical movement or external loading could cause failure or leakage must be patrolled at intervals not exceeding 3 months.

§ 192.723 Distribution systems: leakage surveys and procedures.

(a) Each operator of a distribution system shall provide for periodic leakage surveys in its operating and maintenance plan.

(b) The type and scope of the leakage control program must be determined by the nature of the operations and the local conditions, but it must meet the following minimum requirements:

(1) A gas detector survey must be conducted in business districts, including tests of the atmosphere in gas, electric, telephone, sewer and water system manholes, at cracks in pavement and sidewalks, and at other locations providing an opportunity for finding gas leaks, at intervals not exceeding 1 year.

(2) Leakage surveys of the distribution system outside of the principal business areas must be made as frequently as necessary, but at intervals not exceeding 5 years.

§ 192.725 Test requirements for re-instating service lines.

(a) Except as provided in paragraph (b) of this section, each disconnected

service line must be tested in the same manner as a new service line, before being reinstated.

(b) Each service line temporarily disconnected from the main must be tested from the point of disconnection to the service line valve in the same manner as a new service line, before reconnecting. However, if provisions are made to maintain continuous service, such as by installation of a bypass, any part of the original service line used to maintain continuous service need not be tested.

§ 192.727 Abandonment or inactivation of facilities.

Each operator shall provide for abandonment or inactivation of facilities in its operating and maintenance plan, including the following provisions:

(a) Each facility abandoned in place, or, except when undergoing maintenance, each line not subject to gas pressure, must be disconnected from all sources and supplies of gas, purged of gas, and the ends sealed; however, the line need not be purged when the volume of gas is so small that there is no potential hazard.

(b) If air is used for purging, the operator shall ensure that a combustible mixture is not present after purging.

(c) Each abandoned vault must be filled with a suitable compacted material.

§ 192.729 Compressor stations: procedures for gas compressor units.

Each operator shall establish starting, operating, and shutdown procedures for gas compressor units.

§ 192.731 Compressor stations: inspection and testing of relief devices.

(a) Except for rupture discs, each pressure relieving device in a compressor station must be inspected and tested in accordance with §§ 192.739 and 192.743, and must be operated periodically to determine that it opens at the correct set pressure.

(b) Any defective or inadequate equipment found must be promptly repaired or replaced.

(c) Each remote control shutdown device must be inspected and tested, at intervals not to exceed 1 year, to determine that it functions properly.

§ 192.733 Compressor stations: isolation of equipment for maintenance or alterations.

Each operator shall establish procedures for maintaining compressor stations, including provisions for isolating units or sections of pipe and for purging before returning to service.

§ 192.735 Compressor stations: storage of combustible materials.

(a) Flammable or combustible materials in quantities beyond those required for everyday use, or other than those normally used in compressor buildings, must be stored a safe distance from the compressor building.

(b) Aboveground oil or gasoline storage tanks must be protected in accordance with National Fire Protection Association Standard No. 30.

§ 192.737 Pipe-type and bottle-type holders: plan for inspection and testing.

Each operator having a pipe-type or bottle-type holder shall establish a plan for the systematic, routine inspection and testing of these facilities, including the following:

(a) Provision must be made for detecting external corrosion before the strength of the container has been impaired.

(b) Periodic sampling and testing of gas in storage must be made to determine the dew point of vapors contained in the stored gas that if condensed, might cause internal corrosion or interfere with the safe operation of the storage plant.

(c) The pressure control and pressure limiting equipment must be inspected and tested periodically to determine that it is in a safe operating condition and has adequate capacity.

§ 192.739 Pressure limiting and regulating stations: inspection and testing.

Each pressure limiting station, relief device (except rupture discs), and pressure regulating station and its equipment must be subjected, at intervals not exceeding 1 year, to inspections and tests to determine that it is—

(a) In good mechanical condition;

(b) Adequate from the standpoint of capacity and reliability of operation for the service in which it is employed;

(c) Set to function at the correct pressure; and

(d) Properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation.

§ 192.741 Pressure limiting and regulating stations: telemetering or recording gages.

(a) Each distribution system supplied by more than one district pressure regulating station must be equipped with telemetering or recording pressure gages to indicate the gas pressure in the district.

(b) On distribution systems supplied by a single district pressure regulating station, the operator shall determine the necessity of installing telemetering or recording gages in the district, taking into consideration the number of customers supplied, the operating pressures, the capacity of the installation, and other operating conditions.

(c) If there are indications of abnormally high- or low-pressure, the regulator and the auxiliary equipment must be inspected and the necessary measures employed to correct any unsatisfactory operating conditions.

§ 192.743 Pressure limiting and regulating stations: testing of relief devices.

(a) If feasible, pressure relief devices (except rupture discs) must be tested in place, at intervals not exceeding 1 year, to determine that they have enough capacity to limit the pressure on the facilities to which they are connected to the desired maximum pressure.

(b) If a test is not feasible, review and calculation of the required capacity of the relieving device at each station must be made, at intervals not ex-

ceeding one year, and these required capacities compared with the rated or experimentally determined relieving capacity of the device for the operating conditions under which it works.

(c) If the relieving device is of insufficient capacity, a new or additional device must be installed to provide the additional capacity required.

§ 192.745 Valve maintenance: transmission lines.

Each transmission line valve that might be required during any emergency must be inspected and partially operated, at intervals not exceeding 1 year.

§ 192.747 Valve maintenance: distribution systems.

Each valve, the use of which may be necessary for the safe operation of a distribution system, must be checked and serviced, at intervals not exceeding 1 year.

§ 192.749 Vault maintenance.

(a) Each vault housing pressure regulating and pressure limiting equipment, and having a volumetric internal content of 200 cubic feet or more, must be inspected, at intervals not exceeding 1 year, to determine that it is in good physical condition and adequately ventilated.

(b) If gas is found in the vault, the equipment in the vault must be inspected for leaks, and any leaks found must be repaired.

(c) The ventilating equipment must also be inspected to determine that it is functioning properly.

(d) Each vault cover must be inspected to assure that it does not present a hazard to public safety.

§ 192.751 Prevention of accidental ignition.

Each operator shall take steps to minimize the danger of accidental ignition of gas in any structure or area where the presence of gas constitutes a hazard of fire or explosion, including the following:

(a) When a hazardous amount of gas is being vented into open air, each potential source of ignition must be removed from the area and a fire extinguisher must be provided.

(b) Gas or electric welding or cutting may not be performed on pipe or on pipe components that contain a combustible mixture of gas and air in the area of work.

(c) Post warning signs, where appropriate.

§ 192.753 Caulked bell and spigot joints.

(a) Each cast iron caulked bell and spigot joint that is subject to pressures of 25 p.s.i.g. or more must be sealed with mechanical leak clamps.

(b) Each cast iron caulked bell and spigot joint that is subject to pressures of less than 25 p.s.i.g. and is exposed for any reason, must be sealed by a means other than caulking.

APPENDIX A—INCORPORATED BY REFERENCE

I. List of organizations and addresses.

A. American National Standards Institute (ANSI), 1430 Broadway, New York, N.Y. 10018 (formerly the United States of Ameri-

can Standards Institute (USASI)). All current standards issued by USASI and ASA have been redesignated as American National Standards and continued in effect.

B. American Petroleum Institute (API), 1271 Avenue of the Americas, New York, N.Y. 10020 or 300 Corrigan Tower Building, Dallas, Tex. 75201.

C. The American Society of Mechanical Engineers (ASME) United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

D. American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pa. 19103.

E. Manufacturers Standardization Society of the Valve and Fittings Industry (MSS), 1815 North Fort Myer Drive, Room 913, Arlington, Va. 22209.

F. National Fire Protection Association (NFPA), 60 Batterymarch Street, Boston, Mass. 02110.

II. Documents incorporated by reference.

A. American Petroleum Institute:

1. API Standard 5L "API Specification for Line Pipe" (1970 edition).

2. API Standard 5LS "API Specification for Spiral-Weld Line Pipe" (1970 edition).

3. API Standard 5LX "API Specification for High-Tensile Line Pipe" (1970 edition).

4. API Recommended Practice 5LI entitled "API Recommended Practice for Railroad Transportation of Line Pipe" (1967 edition).

5. API Standard 5A "API Specification for Casing, Tubing, and Drill Pipe" (1968 edition).

6. API Standard 6D "Specification for Pipeline Valves" (1968 edition).

7. API Standard 1104 "Standard for Welding Pipe Line and Related Facilities" (1968 edition).

B. The American Society for Testing and Materials:

1. ASTM Specification A53 "Standard Specification for Welded and Seamless Steel Pipe" (A53-68).

2. ASTM Specification A72 "Standard Specification for Welded Wrought-Iron Pipe" (A72-68).

3. ASTM Specification A106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A106-68).

4. ASTM Specification A134 "Standard Specification for Electric-Fusion (ARC)-Welded Steel Plate Pipe, Sizes 16 in. and Over" (A134-68).

5. ASTM Specification A135 "Standard Specification for Electric-Resistance-Welded Steel Pipe" (A135-68).

6. ASTM Specification A139 "Standard Specification for Electric-Fusion (ARC)-Welded Steel Pipe (Sizes 4 in. and over)" (A139-68).

7. ASTM Specification A155 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service" (A155-68).

7a. ASTM Specification 211 "Standard Specification for Spiral Welded Steel or Iron Pipe" (A211-68).

8. ASTM Specification A333 "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (A333-67).

9. ASTM Specification A377 "Standard Specification for Cast Iron and Ductile Iron Pressure Pipe" (A377-66).

10. ASTM Specification A381 "Standard Specification for Metal-Arc-Welded Steel Pipe for High-Pressure Transmission Service" (A381-68).

10a. ASTM Specification A539 "Standard Specification for Electric-Resistance Welded Coiled Steel Tubing for Gas and Fuel Oil Lines" (A539-65).

11. ASTM Specification B42 "Standard Specification for Seamless Copper Pipe, Standard Sizes" (B42-66).

12. ASTM Specification B68 "Standard Specification for Seamless Copper Tube, Bright Annealed" (B68-68).

13. ASTM Specification B75 "Standard Specification for Seamless Copper Tube" (1968).

14. ASTM Specification B88 "Standard Specification for Seamless Copper Water Tube" (1968-69).

15. ASTM Specification B351 "Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Aluminum Tube" (1968-69).

16. ASTM Specification D2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (D2513-68).

17. ASTM Specification D2517 "Standard Specification for Reinforced Thermosetting Plastic Gas Pressure Piping and Fittings" (D2517-67).

18. ASTM Specification A372 "Standard Specification for Carbon and Alloy Steel Forgings for Pressure Vessel Shells" (A372-67).

C. The American National Standards Institute, Inc.:

1. ANSI A21.1 "Thickness Design of Cast-Iron Pipe" (A21.1-1967).

2. ANSI A21.3 "Specifications for Cast Iron Pipe and Cast Iron Fittings" (A21.3-1963).

3. ANSI A21.7 "Cast-Iron Pipe Centrifugally Cast in Metal Molds for Gas" (A21.7-1963).

4. ANSI A21.9 "Cast-Iron Pipe Centrifugally Cast in Sand-Lined Molds for Gas" (A21.9-1963).

5. ANSI A21.11 "Rubber Gasket Joints for Cast-Iron Pressure Pipe and Fittings" (A21.11-1964).

6. ANSI A21.15 "Thickness Design of Ductile-Iron Pipe" (A21.15-1965).

6a. ANSI A21.15.2 "Ductile-Iron Pipe, Centrifugally Cast in Metal Molds or Sand-Lined Molds for Gas" (A21.15.2-1965).

7. ANSI B16.1 "Cast-Iron Pipe Flanges and Flanged Fittings" (B16.1-1967).

8. ANSI B16.5 "Steel Pipe Flanges and Flanged Fittings" (B16.5-1968).

9. ANSI B16.24 "Bronze Flanges and Flanged Fittings" (B16.24-1962).

10. ANSI B36.10 "Wrought-Steel and Wrought-Iron Pipe" (B36.10-1959).

11. ANSI C1 "National Electrical Code, 1968" (C1-1968).

D. The American Society of Mechanical Engineers:

1. ASME Boiler and Pressure Vessel Code, section VIII is titled "Pressure Vessels, Division 1" (1968 edition).

2. ASME Boiler and Pressure Vessel Code, section IX is titled "Welding Qualifications" (1968 edition).

3. MSSA—American Society of Mechanical Engineers Standardization Society of the Valve and Fittings Industry:

1. MSS SP-25 "Standard Marking System for Valves, Fittings, Flanges, and Union" (1964 edition).

2. MSS SP-44 "Steel Pipe Line Flanges" (1955 edition).

3. MSS SP-52 "Cast Iron Pipe Line Valves" (1957 edition).

F. National Fire Protection Association:

1. NFPA Standard 30 "Flammable and Combustible Liquids Code" (1969 edition).

2. NFPA Standard 58 "Storage and Handling, Liquefied Petroleum Gases" (1969 edition).

3. NFPA Standard 59 "LP Gases at Utility Gas Plants" (1968 edition).

APPENDIX B—QUALIFICATION OF PIPE

I. Listed Pipe Specifications.

API 5 L—Steel and iron pipe (1970).

API 5 LS—Steel pipe (1970).

API 5 LX—Steel pipe (1970).

ASTM A 53—Steel pipe (1968).

ASTM A 106—Steel pipe (1968).

ASTM A 131—Steel pipe (1968).

ASTM A 135—Steel pipe (1968).

ASTM A 139—Steel pipe (1968).

ASTM A 155—Steel pipe (1968).

ASTM A 211—Steel and iron pipe (1968).

ASTM A 333—Steel pipe (1967).

ASTM A 377—Cast iron pipe (1966).

ASTM A 381—Steel pipe (1968).

ASTM A 539—Steel tubing (1965).

ANSI A 21.3—Cast iron pipe (1963).

ANSI A 21.7—Cast iron pipe (1962).

ANSI A 21.9—Cast iron pipe (1962).

ANSI A 21.52—Ductile iron pipe (1965).

ASTM A 72—Wrought iron pipe (1968).

ASTM B 42—Copper pipe (1966).

ASTM B 63—Copper tubing (1968).

ASTM B 75—Copper tubing (1938).

ASTM B 88—Copper tubing (1966).

ASTM B 351—Copper pipe and tubing (1968).

ASTM D 2513—Thermoplastic pipe and tubing.

ASTM D 2517—Thermosetting plastic pipe and tubing (1967).

II. Pipe of unknown or unlisted specification.

A. *Bending Properties.* For pipe 2 inches or less in diameter, a length of pipe must be cold bent through at least 90 degrees around a cylindrical mandrel that has a diameter 12 times the diameter of the pipe, without developing cracks at any portion and without opening the longitudinal weld.

For pipe more than 2 inches in diameter, the pipe must meet the requirements of the flattening tests set forth in ASTM A53, except that the number of tests must be at least equal to the minimum required in paragraph II-D of this appendix to determine yield strength.

B. *Weldability.* A girth weld must be made in the pipe by a welder who is qualified under Subpart E of this part. The weld must be made under the most severe conditions under which welding will be allowed in the field and by means of the same procedure that will be used in the field. On pipe more than 4 inches in diameter, at least one test weld must be made for each 100 lengths of pipe. On pipe 4 inches or less in diameter, at least one test weld must be made for each 400 lengths of pipe. The weld must be tested in accordance with API Standard 1104. If the requirements of API Standard 1104 cannot be met, weldability may be established by making chemical tests for carbon and manganese, and proceeding in accordance with section IX of the ASME Boiler and Pressure Vessel Code. The same number of chemical tests must be made as are required for testing a girth weld.

C. *Inspection.* The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and there are no defects which might impair the strength or tightness of the pipe.

D. *Tensile Properties.* If the tensile properties of the pipe are not known, the minimum yield strength may be taken as 24,000

p.s.i.g. or less, or the tensile properties may be established by performing tensile tests as set forth in API Standard 5LX. All test specimens shall be selected at random and the following number of tests must be performed:

NUMBER OF TENSILE TESTS—ALL SIZES

10 lengths or less....	1 set of tests for each length.
11 to 100 lengths....	1 set of tests for each 5 lengths, but not less than 10 tests.
Over 100 lengths....	1 set of tests for each 10 lengths, but not less than 20 tests.

If the yield-tensile ratio, based on the properties determined by those tests, exceeds 0.85, the pipe may be used only as provided in § 192.55(c).

APPENDIX C—QUALIFICATION FOR WELDERS OF LOW STRESS LEVEL PIPE

I. *Basic test.* The test is made on pipe 12 inches or less in diameter. The test weld must be made with the pipe in a horizontal fixed position so that the test weld includes at least one section of overhead position welding. The test weld, root opening, and other details must conform to the specifications of the pipe under which the welder is being qualified. Upon completion, the test weld is cut into four coupons and subjected to a root bend test. If, as a result of this test, two or more of the four coupons develop a crack in the weld material, or between the weld material and base metal, that is more than 1/8-inch long in any direction, the weld is unacceptable. Cracks that occur on the corner of the specimen during testing are not considered.

II. *Additional tests for welders of service line connections to mains.* A service line connection fitting is welded to a pipe section with the same diameter as a typical main. The weld is made in the same position as it is made in the field. The weld is unacceptable if it shows a serious undercutting or if it has rolled edges. The weld is tested by attempting to break the fitting off the run pipe. The weld is unacceptable if it breaks and shows incomplete fusion, overlap, or poor penetration at the junction of the fitting and run pipe.

III. *Periodic tests for welders of small service lines.* Two samples of the welder's work, each about 8 inches long with the weld located approximately in the center, are cut from steel service line and tested as follows:

(1) One sample is centered in a guided bend testing machine and bent to the contour of the die for a distance of 2 inches on each side of the weld. If the sample shows any breaks or cracks after removal from the bending machine, it is unacceptable.

(2) The ends of the second sample are flattened and the entire joint subjected to a tensile strength test. If failure occurs adjacent to or in the weld metal, the weld is unacceptable. If a tensile strength testing machine is not available, this sample must also pass the bending test prescribed in subparagraph (1) of this paragraph.

[F.R. Doc. 70-10673; Filed, Aug. 18, 1970; 8:45 a.m.]



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

1

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Amdt. 192-1; Docket No. OPS-4]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Filing of Inspection and Maintenance Plans

The purpose of this amendment is to establish regulations for the filing of inspection and maintenance plans, and changes thereto, as required by section 11 of the Natural Gas Pipeline Safety Act. This amendment was proposed in a notice of rule making issued on December 31, 1969 (OPS Notice 69-4, 35 F.R. 325, January 8, 1970) which was subsequently amended (OPS Notice 70-9, 35 F.R. 8833, June 8, 1970).

The majority of the comments were addressed to only one point, the proposed filing date. It was in response to these comments that the proposal was amended to delay for 6 months the proposed filing date. This delay permits the operators to revise their inspection and maintenance plans so as to comply with the new minimum Federal standards before they are filed.

As finally issued, this filing date has been further modified due to the expiration and renewal of certifications and agreements. When a certification or agreement is in effect in a particular State, these plans must be filed with the appropriate State agency. A number of existing certifications and agreements expire and are renewed at the end of the calendar year and it is possible that some may not be renewed until the last few days of the calendar year. Consequently, operators in these States would not know where the plans must be filed in sufficient time to meet the January 1, 1971, deadline. In this situation, their only recourse would be to file plans with both the State agency and the Department. To avoid

the administrative problems associated with this course of action, the operators will not be required to file the inspection and maintenance plans until February 1, 1971.

A number of comments also stated that the proposal seemed to require the filing of all changes with the Office of Pipeline Safety even though the basic plan was on file with a State agency. To avoid this interpretation, the section has been reorganized. A new paragraph (c) has also been added to state the address to which the plans can be mailed for filing purposes.

The second sentence of proposed § 192.7(a) stated: "This requirement shall not apply to any person who is required to file such a plan with a State agency that has in effect a certification under section 5(a) or agreement under section 5(b) of the Natural Gas Pipeline Safety Act of 1968". One comment suggested that this requirement should not apply to persons operating intrastate facilities in a State that had certified, regardless of whether or not that person was required to file a plan by that State. This conclusion was based on the assumption that section 5(a) of the Act requires only that a State certify that it has authority to require the filing of plans, not that this authority be implemented. This comment ignores the mandate of section 11 of the Act, which is made clear by the House of Representatives Committee report quoted in the preamble to Notice 69-4. In part, this report states "The filing of such plans is mandatory under the bill as to all gathering, transmission and distribution pipelines and pipeline facilities which are not under the jurisdiction of the Federal Power Commission under the Natural Gas Act" (H. Rept. No. 1390, 90th Cong., 2d sess., p. 24).

Thus, establishing a regulation to require the filing of plans under section 11 of the bill for pipeline facilities not under the jurisdiction of the Federal Power Commission is not an action that is discretionary with the Secretary or the State agencies since it is clear that Congress intended that such implementing regulations be adopted in each jurisdiction. Therefore, a State must not only have authority to require the filing of inspection and maintenance plans, but must actually exercise that authority to meet the requirements of section 5(a) of the Act. The Federal regulations are written so as to assure that each company subject to the Act is complying with the Congressional intent since it is excepted from filing an inspection and maintenance plan with the Department only if it is required to file with a State agency.

It was suggested by some comments that it was not necessary that there be an actual filing of inspection and maintenance plans with a State or Federal agency and that it would be sufficient to require merely that such plans be established by each operating company and made available for inspection on request. The Department does not agree that such a system would be consistent with the requirements of section 11 of the Act. The Act requires these documents to be filed to place on record a plan which the operator intends to follow in inspecting and maintaining his pipeline facilities. Once this plan is on record, it becomes, in effect, a regulation for the operator who filed it and it must be complied with under section 8(a)(2) of the Act. It is for this purpose that § 192.17 is being established.

Several commenters stated that the requirement that changes in established inspection and maintenance plans must be filed within 10 days after the change is made would be unduly restrictive. It is recognized that a 10-day requirement could at times be burdensome and it has been determined that a 20-day requirement should ensure that the Department's records are kept reasonably current.

Several State agencies included with their comments copies of guidelines that had been prepared to assist operating companies in preparing inspection and maintenance plans. At the present time, the Department does not intend to prescribe minimum requirements for inspection and maintenance plans other than those substantive requirements contained in the minimum Federal safety standards. As the Department gains experience from reviewing the filed plans, this decision will be reviewed and additional requirements for such plans may be established in the future. In any event, the Department appreciates the work that several of the State agencies have accomplished to date in this regard and further appreciates being kept informed of these State efforts.

One comment stated that inspection and maintenance plans are not appropriate for liquefied petroleum gas systems and that these systems should be exempted from these requirements since the Act was not intended to cover them. This contention was discussed and rejected in the preamble of the amendment establishing the minimum Federal safety standards. However, by virtue of placing this regulation in Part 192, the exemption of systems serving less than 10 customers that are not located in a public place, as specified in § 192.11, will apply. Thus, many of the smaller LPG systems will not be required to file such plans.

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended by adding the following new section after § 192.15, effective January 1, 1971.

§ 192.17 Filing of inspection and maintenance plans.

(a) Except as provided in paragraph (b) of this section, each operator shall file with the Secretary not later than February 1, 1971, a plan for inspection and maintenance of each pipeline facility which he owns or operates. In addition, each change to an inspection and maintenance plan must be filed with the Secretary within 30 days after the change is made.

(b) The provisions of paragraph (a) of this section do not apply to pipeline facilities—

(1) That are subject to the jurisdiction of a State agency that has submitted a certification or agreement with respect to those facilities under section 5 of the Natural Gas Pipeline Safety Act (49 U.S.C. 1675); and

(2) For which an inspection and maintenance plan is required to be filed with that State agency.

(c) Plans filed with the Secretary must be sent to the office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590.

(Sec. 11, Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. sec. 1671, et seq.; Part 1, Regulations of Office of the Secretary of Transportation, 49 CFR Part 1; delegation of authority to Director, Office of Pipeline Safety, dated Nov. 6, 1968, 33 FR 16488)

Issued in Washington, D.C., on October 16, 1970.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[P.R. Doc. 70-14156; Filed, Oct. 20, 1970;
8:43 a.m.]



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

2

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Amdt. 192-2; Docket OPS-3]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Odorization of Gas

The purpose of this amendment is to keep in effect, in those States now requiring the odorization of gas in transmission lines, the interim minimum Federal safety standards that apply to the odorization of gas, for a period of time ending not later than January 1, 1972. This will allow time for the resolution of problems still remaining with regard to gas odorization requirements in those States. In all other States, the odorization of gas will be governed by the new minimum Federal safety standards.

Section 192.625 of the new Federal gas pipeline safety standards (35 F.R. 13248, Aug. 19, 1970) requires odorization of combustible gases in mains and service lines. However, the notice of proposed rule making published on April 2, 1970 (35 F.R. 5482), proposed to also require the odorization of gas in transmission lines. This proposal was based on a requirement that presently exists in the States of California, Connecticut, New Hampshire, New York, New Jersey, Massachusetts, Rhode Island, and Vermont. Since the comments received on the original notice were almost unanimously opposed to the odorization of gas in high pressure transmission lines, a supplemental notice was issued on June 10, 1970, requesting additional comments and information. (Notice 70-11; 35 F.R. 9293, June 13, 1970.)

The comments received on the June 10 notice also generally opposed the proposal. These comments argued that difficulties in regulating and maintaining the required level of odorant would result, that odorants used by transmission companies and distribution companies might be incompatible, that removal of odorant from supplies to customers who must have unodorized gas is difficult and costly and creates disposal problems, that highly corrosive sulphur compounds in odorants precipitate out of the gas stream as liquids and cause internal corrosion, and that it is often impossible to separate gas destined for underground storage (which would have been excepted from the proposed odorization requirement) from gas destined for the market.

However, the States named above that now require odorization in transmission lines urged that the requirement be adopted as originally proposed. These States indicated that their experience with the odorization of gas in transmission lines did not support the objections that had been listed in the supplemental notice, and maintained that since many high-pressure transmission lines are located in highly populated areas, often very close to buildings used as dwellings, schools, and places of assembly, and since the use of odorant is still one of the most effective means of early detection of leaks in gas facilities, its use should be required in all facilities transporting or distributing gas.

Since the information received on the notice was conflicting and inconclusive, the minimum Federal safety standards were issued without the requirement for odorization of gas in transmission lines and the Office of Pipeline Safety conducted an informal public hearing on September 17, 1970, to determine the advisability of further action. The notice of hearing (Notice 70-13; Docket No. OPS-3E, 35 F.R. 13470, Aug. 22, 1970) stated that such further action might include temporary extension of the interim standards.

On the basis of the information received on the notice and at the hearing, the Department has concluded that it should retain the requirement for odorization of gas in § 192.625, as adopted, and not require odorization in transmission lines. However, little specific information was submitted at the hearing on the actual effect of § 192.625, as issued in August, on those States whose interim standards required odorization in transmission lines. The Department wishes to determine how many distribution companies in those States will be affected by the elimination of the requirement, the extent of the additional action that must be undertaken by them, the length of time it will take them to assume these new functions, and the costs. It also desires to make a more thorough evaluation of the safety benefits of transmission line odorization.

In order to allow sufficient time for the resolution of these problems, the interim standards for odorization of gas transmission lines, in each State now requiring that odorization, will be extended until January 1, 1972, or until the date upon which the distribution companies in that State have actually taken over the odorization of gas in mains and service lines in accordance with the requirements of § 192.625, whichever is earlier. Until that time, gas in transmission lines must continue to be odorized in those States. In all States other than those now requiring odorization of gas in transmission lines, the interim standards applying to odorization will be revoked when the new minimum Federal safety standards become effective on November 12, 1970.

Although section 3 of the Natural Gas Pipeline Safety Act of 1968 provides that no State agency may adopt or continue in force additional or more stringent standards applicable to interstate transmission facilities after the Federal safety standards become effective, the Federal standards are minimum standards and an operator may voluntarily exceed them. Thus, after January 1, 1972 (or the earlier date, if applicable), in those States where transmission companies are equipped to odorize their lines, and actually do so at the present time, they may continue to do so, even in the absence of Federal requirements.

Since the regulatory provisions that are affected by this amendment will become effective on November 12, 1970, and since this amendment will impose no additional burden on any person, I find that notice and public procedure thereon are not necessary and that good cause exists for making it effective on less than 30 days' notice.

This amendment is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. section 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 18468).

In consideration of the foregoing, § 192.625 of Title 49 of the Code of Federal Regulations is amended by revising paragraph (a), and by adding a new paragraph (g), to read as follows:

§ 192.625 Odorization of gas.

(a) Combustible gases in mains and service lines must be odorized as provided in paragraphs (b) through (f) of this section.

(g) The odorization requirements of Part 190 of this chapter, as in effect on August 12, 1970, must be complied with, in each State in which odorization of gas in transmission lines is required by that part, until the earlier of the following dates:

- (1) January 1, 1972; or
- (2) The date upon which the distribution companies in that State are odorizing gas in accordance with paragraphs (a) through (f) of this section.

Issued in Washington, D.C., on November 6, 1970.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[F.R. Doc. 70-15227: Filed, Nov. 10, 1970;
8:50 a.m.]



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

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12-22-71

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Amdt. 192-3] Docket OPS-3]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Miscellaneous Amendments

The purpose of this amendment is to modify several provisions of the newly established minimum Federal safety standards. These changes will avoid several problems that would have caused unnecessary burdens for the pipeline industry.

The minimum Federal safety standards were established on August 12, 1970, as Part 192 of Title 49 of the Code of Federal Regulations (35 F.R. 13247, Aug. 19, 1970). These amendments are also being made effective November 12, 1970 in order to coincide with the effective date of Part 192.

One major problem area is the application of the new standards to existing stocks of pipe and other materials, particularly with respect to Subpart B and Appendix B. The editions of the pipe specifications listed in Appendix B were the most recently issued editions. This required that stockpiled pipe made under earlier editions of these specifications be qualified or used in some other way. To avoid this situation, two amendments are being made. The earlier editions of these specifications that were listed in the 1967 edition of the B31.8 Code are being included in the list in Appendix B. Further, § 192.55 is being amended to permit the use of new steel pipe for replacement in an existing pipeline if it was manufactured in accordance with the same specification as the pipe used in the pipeline.

Another step being taken to avoid difficulties with existing stocks of parts is the addition of an exception to § 192.63. This will permit, under certain conditions, the continued use of items that were manufactured before the effective date of the standards and are unmarked, but which are clearly identifiable as to manufacturer, type, and model. In addition, § 192.359(b) is being modified to make it applicable only to meters manufactured after the effective date of the regulations. This will permit the use of the large stocks of existing meters which have not been tested to 10 p.s.i.g.

Several questions have been asked as to whether API 6A is an acceptable standard for the purpose of § 192.145(a). In response to these questions, and to clarify the intended meaning of this requirement, this section is amended to specifically permit the use of valves manufactured in accordance with this standard.

In response to a petition by a manufacturer of pipeline parts, an additional exception is being added to § 192.153(b). This exception is one that was contained in the B31.8 Code and the interim standards, but was inadvertently omitted from the new standards. However, to assure that the parts being excepted are properly made, certain conditions will have to be met before the exception applies.

Section 192.199 provides requirements for design of pressure relief and limiting devices. These requirements were not intended to apply to rupture discs since, in effect, they would prohibit the use of these items. To avoid this problem and to permit continuation of the present industry practice in using rupture discs, they are being exempted from the requirements of this section.

Another correction is being made in section 192.371. As proposed in Notice 70-3, this requirement would have applied only to pipe used in steel service lines, not to the other components of the line. As issued, this section would require the service line valves and other components as well as the pipe to be designed for 100 p.s.i.g. This was not the intent and the regulation has been corrected to apply to pipe only.

Section 192.519(a) establishes maximum operating pressures based on a number of factors, one of which is based on the testing of the pipeline. Since this test factor applied to all pipelines without regard to operating pressure, it appeared to be inconsistent with the testing requirements of § 192.509 which only required testing to 90 p.s.i.g. for pipelines operated at or below 100 p.s.i.g. To avoid this problem, § 192.519(a) is amended to require the use of the test factor table only for pipelines operated at more than 100 p.s.i.g. For those pipelines operated at or below 100 p.s.i.g., the leak test requirements of § 192.509 will be sufficient.

Appendix A has been changed so as to conform to the changes made to the list of specifications in Appendix B and to include API Standard 6A which has been added to § 192.145(a).

In addition to the amendments discussed above, several minor amendments have been made to other sections to correct typographical errors and other mistakes.

These amendments, together with the changes to § 192.625 (Odorization of Gas) that were published in the FEDERAL REGISTER on November 11, 1970 (35 F.R. 17335), have been reviewed by the Technical Pipeline Safety Standards Committee in accordance with § 4(b) of the Natural Gas Pipeline Safety Act. The report of the Committee on the technical feasibility, reasonableness, and practicality of each amendment, together with a transcript of the meeting at which the amendments were reviewed, is contained in a public docket, Docket OPS-3, at the Office of Pipeline Safety. The amendments issued herein conform to the recommendations of the Committee with two exceptions.

The amendments to § 192.55(a) and to Appendix B are issued as they were submitted to the Committee by the Department. With respect to § 192.55(a), the Committee recommended that the new subparagraph (4) read "New steel pipe in stock before March 12, 1971, may be used in a segment of pipeline if it has been manufactured in accordance with a previous edition of a specification listed in Appendix B. If the pipe is to be used as a replacement in an existing segment of pipeline the pipe shall be compatible with the existing segment".

Since this recommended language would have made a change to the list of specifications unnecessary, the Committee further recommended that Appendix B remain unchanged.

The Department has considered the effect of the Committee's recommendation and has concluded that it involves a change to the existing regulations of such significance as to require a full regulatory proceeding, including a notice of proposed rule making published in the Federal Register. This will give the public and the industry an opportunity to comment on the recommendation and to provide the Department with more complete information on the extent of the problem.

The second instance in which these amendments do not conform to the recommendations of the Committee is with respect to § 192.359(b). The Committee recommended that this paragraph be amended to permit the use of meters manufactured before March 12, 1971, that had not been tested to at least 10 p.s.i.g. The Department has modified this recommendation to limit the date for meter manufacture without testing to November 12, 1970. During these rule-making proceedings, the Department ascertained that testing was a common practice among meter manufacturers and that this new requirement would not create any difficulty. Further, the effective date of the minimum Federal standards gives any manufacturers who were not previously testing their meters 90 days to adjust their operations to meet this requirement. The Department believes that this is an adequate time to achieve compliance while still permitting the use of all existing stocks of meters that have not been tested.

Since the regulations that are affected by this amendment will become effective on November 12, 1970, and since these amendments relieve certain restrictions and will impose no additional burden on any person, I find that notice and public procedure are not necessary, and that good cause exists for making them effective on less than 30 days' notice.

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended as follows, effective November 12, 1970.

This amendment is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on November 10, 1970.

JOSEPH C. CALDWELL,
Director, Acting,
Office of Pipeline Safety.

1. Section 192.55 is amended by revising paragraph (a)(3), by amending paragraph (d), and by adding new paragraph (e), to read as follows:

§ 192.55 Steel pipe.

(a) * * *

(3) It is used in accordance with paragraph (c) or (d) of this section.

(d) Steel pipe that has not been previously used may be used as replacement pipe in a segment of pipeline if it has been manufactured prior to November 12, 1970, in accordance with the same specification as the pipe used in constructing that segment of pipeline.

(e) New steel pipe that has been cold expanded must comply with the mandatory provisions of API Standard 5LX.

2. Section 192.63 is amended to read as follows:

§ 192.63 Marking of materials.

(a) Except as provided in paragraph (d) of this section, each valve, fitting, length of pipe, and other component must be marked as prescribed in—

(1) The specification or standard to which it was manufactured; or

(2) MSS Standard Practice, SP-25.

(b) Surfaces of pipe and components that are subject to stress from internal pressure may not be field die stamped.

(c) If any item is marked by die stamping, the die must have blunt or rounded edges that will minimize stress concentrations.

(d) Paragraph (a) of this section does not apply to items manufactured before November 12, 1970, that meet all of the following:

(1) The item is identifiable as to type, manufacturer, and model.

(2) Specifications or standards giving pressure, temperature, and other appropriate criteria for the use of items are readily available.

§ 192.145 [Amended]

3. Section 192.145(a) is amended by inserting the words "API 6A," between the word "of" and the words "API 6D".

4. Section 192.151(b) is amended to read as follows:

§ 192.153 Components fabricated by welding.

(b) Each prefabricated unit that uses plate and longitudinal seams must be designated, constructed, and tested in accordance with the ASME Boiler and Pressure Vessel Code, except for the following:

(1) Regularly manufactured butt-welding fittings.

(2) Pipe that has been produced and tested under a specification listed in Appendix B to this part.

(3) Partial assemblies such as split rings or collars.

(4) Prefabricated units that the manufacturer certifies have been tested to at least twice the maximum pressure to which they will be subjected under the anticipated operating conditions.

§ 192.191 [Amended]

5. Section 192.191(b) is amended by deleting the word "alpha-bumastyrene" and by inserting the word "acrylonitrile-butadiene-styrene" in place thereof.

§ 192.197 [Amended]

6. Section 192.197(a) is amended by deleting the words "or less" from the lead-in sentence.

7. Section 192.199 is amended by revising the introductory text preceding paragraph (a) to read as follows:

§ 192.199 Requirements for design of pressure relief and limiting devices.

Except for rupture discs, each pressure relief or pressure limiting device must—

§ 192.309 [Amended]

8. Section 192.309(b)(3)(ii) is amended by deleting the number "20" and inserting in place thereof the number "3".

9. Section 192.359(b) is amended to read as follows:

§ 192.359 Customer meter installations: operating pressure.

(b) Each newly installed meter manufactured after November 12, 1970, must have been tested to a minimum of 10 p.s.i.g.

10. Section 192.371 is amended to read as follows:

§ 192.371 Service lines: steel.

Each steel service line to be operated at less than 100 p.s.i.g. must be constructed of pipe designed for a minimum of 100 p.s.i.g.

11. Section 192.619(a)(2)(ii) is amended by revising the introductory text to read as follows:

§ 192.619 Maximum allowable operating pressure: steel or plastic pipelines.

(a) * * *

(2) * * *

(i) For steel pipe operated at 100 p.s.i.g. or more, the test pressure is divided by a factor determined in accordance with the following table:

12. Sections II-A and II-B of Appendix A are revised to read as follows:

II. Documents incorporated by reference.

A. American Petroleum Institute:

1. API Standard 5L "API Specification for Line Pipe" (1967, 1970 editions).

2. API Standard 5LX "API Specification for Spiral-Weld Line Pipe" (1967, 1970 editions).

3. API Standard 5LX "API Specification for High-Tensile Line Pipe" (1967, 1970 editions).

4. API Recommended Practice 3LI entitled "API Recommended Practice for Railroad Transportation of Line Pipe" (1967 edition).

5. API Standard 5A "API Specification for Casting, Tubing, and Drill Pipe" (1968 edition).

6. API Standard 6A "Specification for Wellhead Equipment" (1968 edition).

7. API Standard 8D "Specification for Pipeline Valves" (1968 edition).

8. API Standard 1104 "Standard for Welding Pipe Line and Related Facilities" (1968 edition).

B. The American Society for Testing and Materials:

1. ASTM Specification A53 "Standard Specification for Welded and Seamless Steel Pipe" (A53-65, A53-68).

2. ASTM Specification A72 "Standard Specification for Welded Wrought-Iron Pipe" (A72-64T, A72-68).

3. ASTM Specification A103 "Standard Specification for Seamless Carbon Steel Pipe"

for High-Temperature Service" (A106-60, A106-63).

4. ASTM Specification A134 "Standard Specification for Electric-Fusion (ARC)-Welded Steel Plate Pipe, Sizes 16 in. and over" (A134-64, A134-68).

5. ASTM Specification A135 "Standard Specification for Electric-Resistance-Welded Steel Pipe" (A135-63T, A135-68).

6. ASTM Specification A139 "Standard Specification for Electric-Fusion (ARC)-Welded Steel Pipe (Sizes 4 in. and over)" (A139-64, A139-68).

7. ASTM Specification A155 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service" (A155-63, A155-68).

8. ASTM Specification 211 "Standard Specification for Spiral Welded Steel or Iron Pipe" (A211-63, A211-68).

9. ASTM Specification A333 "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (A333-64, A333-67).

10. ASTM Specification A377 "Standard Specification for Cast Iron and Ductile Iron Pressure Pipe" (A377-68).

11. ASTM Specification A381 "Standard Specification for Metal-Arc-Welded Steel Pipe for High-Pressure Transmission Service" (A381-66, A381-68).

12. ASTM Specification A539 "Standard Specification for Electric-Resistance Welded Coiled Steel Tubing for Gas and Fuel Oil Lines" (A539-63).

13. ASTM Specification B42 "Standard Specification for Seamless Copper Pipe, Standard Sizes" (B42-62, B42-68).

14. ASTM Specification B68 "Standard Specification for Seamless Copper Tube, Bright Annealed" (B68-65, B68-68).

15. ASTM Specification B75 "Standard Specification for Seamless Copper Tube" (B75-65, B75-68).

16. ASTM Specification B88 "Standard Specification for Seamless Copper Water Tube" (B88-66).

17. ASTM Specification B251 "Standard Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube" (B251-66, B251-68).

18. ASTM Specification D2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (D2513-66T, D2513-68).

19. ASTM Specification D2517 "Standard Specification for Reinforced Thermosetting Plastic Gas Pressure Piping and Fittings" (D2517-66T, D2517-67).

20. ASTM Specification A372 "Standard Specification for Carbon and Alloy Steel Forgings for Pressure Vessel Shells" (A372-67).

13. Section 1 of Appendix B is amended to read as follows:

APPENDIX B—QUALIFICATION OF PIPE

1. Listed Pipe Specifications. Numbers in parentheses indicate applicable editions.

API 5L—Steel and iron pipe (1967, 1970).

API 5LS—Steel pipe (1967, 1970).

API 5LX—Steel pipe (1967, 1970).

ASTM A53—Steel pipe (1965, 1968).

ASTM A108—Steel pipe (1966, 1968).

ASTM A134—Steel pipe (1964, 1968).

ASTM A135—Steel pipe (1963T, 1968).

ASTM A139—Steel pipe (1964, 1968).

ASTM A155—Steel pipe (1965, 1968).

ASTM A211—Steel and iron pipe (1963, 1968).

ASTM A333—Steel pipe (1964, 1967).

ASTM A377—Cast iron pipe (1966).

ASTM A381—Steel pipe (1966, 1968).

ASTM A539—Steel tubing (1965).

ANSI A21.3—Cast iron pipe (1963).

ANSI A21.7—Cast iron pipe (1963).

ANSI A21.9—Cast iron pipe (1962).

ANSI A21.52—Ductile iron pipe (1965).

ASTM A72—Wrought iron pipe (1964T, 1968).

ASTM B42—Copper pipe (1962, 1968).

ASTM B68—Copper tubing (1965, 1968).

ASTM B75—Copper tubing (1965, 1968).

ASTM B88—Copper tubing (1966).

ASTM B251—Copper pipe and tubing (1966, 1968).

ASTM D2513—Thermoplastic pipe and tubing (1966T, 1968).

ASTM D2517—Thermosetting plastic pipe and tubing (1966T, 1967).

[F.R. Doc. 70-15414; Filed, Nov. 10, 1970;

3:47 a.m.]

5321

Supplemental Order 79205

12-27-71



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

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79205

12-27-71

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. OPS-5; Amdt. 192-4]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Requirements for Corrosion Control

This amendment establishes a new Subpart I to Part 192 in Title 49, Code of Federal Regulations, containing the minimum Federal safety standards for the transportation of gas and for pipeline facilities used in this transportation.

On April 30, 1970, the Department issued a notice of proposed rule making, Notice 70-8, containing requirements for corrosion control (35 F.R. 2127, May 6, 1970). Interested persons were invited to participate in the making of the proposed rules by submitting written comments before June 29, 1970.

On June 6, 1970, an amended notice of proposed rule making was published in the FEDERAL REGISTER (Notice 70-10, 35 F.R. 8833) to make certain changes in the proposed rules relating to cast iron and ductile iron pipe. After a request for a public hearing on the requirements of these two notices, a public hearing (see Notice 70-12, 35 F.R. 10596, June 30, 1970) was held on July 20, 1970, and comment was received on the proposed applicability of the requirements to existing pipelines and to cast iron or ductile iron pipe. The information and views presented in the comments and at the hearing have been fully considered, and are reflected in this final rule. Some sections contained in the notice have been consolidated, eliminated, or reorganized and most sections have been renumbered. The deviation table below indicates the corresponding section number in the notice for each section of the final rule.

DERIVATION TABLE

Final section	Proposed section
192.451	192.451
192.453	192.481(b)
192.455	192.453, 192.455, 192.457
192.457	192.467, 192.469, 192.473
192.459	192.481(a)
192.461	192.455
192.463	192.457
192.465	192.475
192.467	192.463, 192.465, 192.479
192.469	192.459, 192.477
192.471	192.461, 192.477
192.473	192.491
192.475	192.487
192.477	192.487
192.479	192.489
192.481	192.489
192.483	192.481, 192.483, 192.485
192.485	192.483
192.487	192.485(a) and (b)
192.489	192.485(c)
192.491	192.493

Subpart I differs in many respects from the notice upon which it was based. Some changes were made for consistency in terminology and format. Others involve the moving of requirements from one section to another for better organization. Other changes are substantive in nature and are based both on the comments received on the notice and on the recommendations of the Technical Pipeline Safety Standards Committee. Each of these changes is within the general scope of the notice on which it was based.

A number of recommendations included in the comments were beyond the scope of the proposed regulations, and could therefore not be included in the final rule. However, these recommendations will be considered for inclusion in future rule-making actions.

Some of the comments were directed to the overall effect of Subpart I, and these general subjects are discussed below. All other significant changes and comments are discussed in a section-by-section analysis.

Effective date. Section 3(c) of the Natural Gas Pipeline Safety Act requires that standards and amendments thereto prescribed under the Act "shall become effective 30 days after the date of issuance * * * unless the Secretary, for good cause recited, determines an earlier or later effective date is required as a result of the period reasonably necessary for compliance". The notice invited comment on the adequacy of specific proposed effective dates, both as to whether earlier dates would be in the interest of increased safety and whether later dates are indicated by factors of cost or feasibility.

Besides the numerous comments received on proposed effective dates, the question was discussed with the Technical Pipeline Safety Standards Committee. Accordingly, this regulation will become effective 30 days after the date of issue. However, certain specific provisions will not become applicable at once. The primary reason for allowing additional time for these provisions is that the corrosion regulations are new requirements that were not contained in the interim minimum Federal regulations, and it is desirable to allow appropriate leadtime to all affected parties to receive copies of the new regulation and to thoroughly review its requirements, and to make the necessary preparations and arrangements for compliance. This additional leadtime is contained in provisions relating to cathodic protection of new pipelines (§ 192.455(a)(2)); cathodic protection of existing pipelines (§ 192.457(a) and (b)); interference currents (§ 192.473); internal corrosion control (§ 192.475); atmospheric corrosion control of existing aboveground pipelines (§ 192.479); and corrosion control records (§ 192.491).

Retroactive effect on existing pipelines. Some comments related to the effect of this regulation on existing pipelines, and suggested the insertion of dates in particular sections to make clear that these sections are not intended to apply to installations, repairs or replacements made before the effective date. (See § 192.455(c) (installation of aluminum); § 192.461 (protective coating); § 192.467 (electrical isolation); and § 192.483 (repaired or replaced pipe).) As stated in the preamble when Part 192 was issued, there is no basis for such concern. The Natural Gas Pipeline Safety Act (section 3(b)) makes clear that only standards applying to the extension, operation, replacement, or maintenance, and subsequent inspection and subsequent testing are applicable to pipeline facilities in existence on the date the standards are adopted.

However, provisions applicable to existing lines need not be limited to cases in which a facility is hazardous to life

or property, as asserted in some comments, but are permissible as part of the regular operation and maintenance requirements for existing lines. The determination of areas of active corrosion on existing pipelines by electrical survey, by study of corrosion and leak history records and by leak detection survey, as well as the application of cathodic protection to such areas, or repaired or replaced areas, and subsequent inspection and testing to determine the adequacy and efficacy of corrosion control, are examples of operation, replacement, maintenance, and subsequent testing and inspection specifically permitted under the Act.

Where a particular section applies only to existing pipelines, that is made clear by use of the phrase "pipelines installed before August 1, 1971". (See §§ 192.457, 192.479(b).)

Distinction between high and low stress pipe: distinction between bare and coated pipe. To be consistent with the previously issued subparts of Part 192, the terms "transmission line" and "distribution line" have been substituted for the phrases "pipelines, mains and service lines operating at 20 percent or more of SMYS", and "pipelines, mains, or service lines operating at less than 20 percent of SMYS", which were used in the notice. Some of the comments maintained that the distinction between high- and low-stress pipe, and between bare and coated pipe, was unjustifiable as a basis for differing corrosion control requirements. However, the problems of cathodically protecting existing distribution lines are different from those of a long transmission line. Special problems make compliance in the case of the distribution lines more difficult, so more time must be allowed for meeting these requirements. In many cases it is more practical to cathodically protect an existing coated transmission line in its entirety than to survey it for "hot spots" and cathodically protect only those areas where active corrosion is found. Consequently, it is required that effectively coated existing transmission lines be cathodically protected within 3 years of the effective date, but 5 years is allowed for existing bare transmission lines, all distribution lines and all station piping.

Distinction based on type of metal. Special provisions deal with specific metals having unique characteristics, such as copper (§ 192.455(c)(1)), aluminum (§ 192.455(e)), and cast iron and ductile iron (§ 192.489). However, the phrase "steel or aluminum pipeline", as used in the notice, has been eliminated, since there was no intention to exclude other types of metallic pipe such as wrought iron.

Section 192.451. This section, stating the scope of the subpart, has been rewritten. The word "pipeline" has now been substituted for the words "gas pipeline facilities" and "pipelines, mains, service lines, and related facilities" which were used in proposed § 192.451, as well as in many other sections of the notice. As defined in § 192.3, "pipeline" means all

parts of those physical facilities through which gas moves in transportation, including pipes, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies. The second sentence of the proposed scope section in the notice was deleted as unnecessary.

Various suggestions were made that the scope section state that these requirements are for the protection of pipelines from "harmful" corrosion, or corrosion "detrimental to safety", or that it state that it prescribes minimum requirements for the protection of pipelines from corrosion, "consistent with public safety", in order to make clear that not every degree or type of existing corrosion imposes an obligation on the operator to take protective steps. These proposals were deemed unnecessary, since their purpose is accomplished by the definition of "active corrosion" in § 192.457(c) as "continuing corrosion which, unless controlled, could result in a condition that is detrimental to public safety". Moreover, under §§ 192.485, 192.487, and 192.488, remedial action is required only where corrosion is of the degree or extent described in those sections. In addition, cathodic protection of most existing lines is now required only in "areas in which active corrosion is found" (§§ 192.457(b) and 192.485(e)) thus eliminating any implication that an operator must cathodically protect the pipeline in all areas of existing corrosion, even where the operator has not been able to detect it.

Section 192.453. This section, based on proposed § 192.481(b), which applied only to cathodic protection systems, now applies to all procedures to implement the requirements of this subpart, "including those for the design, installation, operation, and maintenance of cathodic protection systems".

Recommendations that some standards be included to assure the competence of the "person qualified by experience and training in pipeline corrosion control methods", or that such a person be qualified under the terms of the accreditation program of the National Association of Corrosion Engineers, were deemed inappropriate at this time. The word "corrosion specialist", suggested as a substitute for the word "person", was thought to be redundant in view of the additional language, "qualified by experience and training in pipeline corrosion control methods". A person so qualified, but not officially designated as a corrosion specialist, should not be precluded from acting under this section.

Section 192.445. Paragraph (a) of § 192.455 requires, with certain exceptions, protection against external corrosion for all newly constructed pipelines, by means of a combination of external protective coating and cathodic protection.

The proposed regulation would have required new buried pipelines to be "cathodically protected not later than 1 year after completion of construction".

Since time must be allowed for the environment to reach a stable level due to changes in soil settling and in oxygen and water content of backfill, before final measurements can be taken to determine adequacy of protection, it is now provided that a properly designed cathodic protection system must be "installed and placed in operation within 1 year". An additional year will then be available under § 192.465 for any adjustments necessary because of changes in the soil following construction.

No differentiation has been made in § 192.455(a) between new transmission and new distribution lines. Except as provided in paragraphs (b) and (c), all new pipelines must be coated and cathodically protected.

New pipe that replaces pipe removed from an existing buried or submerged pipeline because of external corrosion, is covered by § 192.483 (a) and (b), but it should be noted that such new replacement pipe also must be coated and cathodically protected.

Paragraph (b) provides an exception to the requirements of paragraph (a). Many comments recommended that an exception to the coating and cathodic protection requirements, similar to that proposed for new copper pipelines (where the operator can demonstrate by test, investigation or experience in the area of application that a corrosive situation does not exist), should be extended to all new pipelines. This has been done in paragraph (b) of § 192.455, but with additional safeguards. Certain minimum tests for soil resistivity and corrosion accelerating bacteria will be required. These tests are a prerequisite in every instance of an installation made without complying with the requirements of paragraph (a). In addition, within 6 months after such an installation, the operator must conduct tests, including pipe-to-soil potential measurements and soil resistivity measurements at potential profile peak locations, and the pipeline must be cathodically protected in those areas in which the tests indicate a corrosive condition exists.

Paragraph (c) provides an additional exception to the requirements for coating and cathodic protection, for new temporary pipelines, where the operating period of service is not to exceed 5 years beyond installation.

Paragraph (d) provides that even where protection of a new buried pipeline against external corrosion control is not required under one of these exceptions set out in paragraphs (b) or (c), if the pipeline is coated, it must then also be cathodically protected. This is necessary because first leaks can develop sooner on a coated pipeline than they would on the same line left bare, since harmful discharge of current would be concentrated at the breaks in the coating (holidays).

Paragraph (e) of § 192.455 has been modified to incorporate suggested language in regard to installation of aluminum, which is the same as that used in

the 1969 edition of NACE Standard RP-01-69. Comments criticized the term "highly alkaline environment" used in the notice as too vague, and suggested that the use of aluminum should be prohibited in "an environment with a natural pH in excess of 8.0", unless tests indicate its suitability in the particular environment involved.

Finally, it should be noted that no exception to the requirements of § 192.455 is provided for new cast iron or ductile iron. Because of the unique physical characteristics of its corrosion process (graphitization), and because of the normal allowance of extra wall thickness, it was argued in some of the comments and at the hearing on July 20, 1970, that it should not be required that newly installed cast iron or ductile iron be coated and cathodically protected, but that a loose polyethylene wrap should be considered an appropriate coating adequate for proper corrosion control. But moisture and ground water which can enter the loose polyethylene wrap may form a breeding ground for bacteriological corrosion. Moreover, in the event there is a break in the polyethylene wrap and corrosion started, there is no way to apply cathodic protection to prevent further corrosion. The current would be intercepted by the insulating qualities of the polyethylene sheet, and cathodic protection would only reach the metal under the break. The other areas under the wrap that may be corroding from water and access to oxygen would not be cathodically protected. Therefore, new cast iron or ductile iron have not been treated differently from steel and a coating bonded to the pipe and cathodic protection are required.

Section 192.457. Whereas § 192.455, which deals with new pipelines, makes no distinction for corrosion control purposes, between new transmission lines and new distribution lines, generally requiring both to be coated and cathodically protected in the entirety, § 192.457, which applies to existing pipelines, has different requirements for coated transmission lines than for distribution lines.

Several comments pointed out that coated pipe with deteriorated coating that is no longer effective should be treated as bare pipe for corrosion control purposes. Accordingly, the proposed requirement that coated pipelines operating at 20 percent or more of SMYS must be cathodically protected in the entirety within 3 years, now applies only to existing buried or submerged transmission lines that have an effective external coating (§ 192.457(a)). The effectiveness of the coating is to be established by tests to determine the current requirements of the pipeline for cathodic protection. Coating is deemed ineffective if the cathodic protection current requirements are substantially the same as if the pipeline were bare.

Paragraph (b) of § 192.457 provides that except for cast iron or ductile bare transmission lines (including those with ineffective coating), bare or coated station piping, and bare or coated distribu-

tion lines, all must be cathodically protected within 5 years in areas in which active corrosion is found. "Active corrosion" is defined in paragraph (c).

The proposed regulation would have required cathodic protection of existing distribution lines and bare transmission lines within 5 years, "in areas in which corrosion exists". The operator was to determine these areas by electrical survey or other means. There appeared to be some concern in the comments that the proposal contained an absolute requirement that every area of existing corrosion be found and protected against within 5 years. This was apparently felt to be impossible for some distribution lines, since determination of areas of corrosion by electrical survey is often impractical in the case of distribution lines (such as those under paved city streets and sidewalks). This has now been changed to require cathodic protection "in areas in which active corrosion is found", and that areas of active corrosion be determined by electrical survey, or where electrical survey is impractical, by the study of corrosion and leak history records, by leak detection survey, or by other means. This modified language should make clear that the operator is not obligated to take action concerning active corrosion which cannot be found by the required methods. The operator must conduct electrical surveys in areas where they are practical. In other areas, he must make diligent efforts, utilizing leak surveys, all available records such as corrosion and leak history records, or other appropriate methods, to discover active corrosion. Leak surveys could be made by such commonly used means of leak detection as flame ionization, infrared detectors and combustible gas detectors. If these efforts do not indicate the presence of active corrosion, the operator may assume that none exists, until such time as an actual indication of its existence arises. Moreover, it should be noted that an operator may apply for a waiver if it is shown that justification exists for not meeting the 5-year time period in cathodically protecting "hot spots" found by the methods set out in § 192.457(b).

In summary, § 192.457 now provides that existing, effectively coated transmission lines must be cathodically protected in the entirety within 3 years, while all other existing lines (including bare transmission lines, bare or coated buried station piping operating at above or below 20 percent of SMYS, and bare or coated distribution lines) must be cathodically protected within 5 years in areas in which active corrosion is found. On new construction, § 192.455 provides that all new pipe (both transmission and distribution) must be coated and cathodically protected within 1 year of installation unless the operator can demonstrate that a corrosive environment does not exist.

Section 192.459. The requirement that whenever any buried piping is exposed for any reason it must be examined for evidence of external corrosion has been modified. Comments suggested that it be made clear that this requirement would

not necessitate tearing off good coating to examine the pipe. As the section is rewritten, it requires only that "Whenever an operator has knowledge" that any portion of buried pipeline is exposed, the pipe must be examined for evidence of external corrosion "if the pipe is bare or if the coating is deteriorated".

Section 192.461. This section, dealing with protective coating, has been slightly reworded.

Subparagraph (a)(2) requires a protective external coating to have sufficient adhesion to the metal surface to "effectively resist" (rather than "prevent") underfilm migration of moisture, in response to comments asserting that the coating could not absolutely prevent underfilm migration of water.

Paragraph (c) relating to inspection of coating prior to lowering the pipe and backfilling, now requires repair only of "any damage detrimental to effective corrosion control", since the comments indicated that minor damage often does not require repair.

Paragraph (e) is a new paragraph requiring that precautions be taken to minimize damage to coating during installation by boring or driving. This paragraph, although proposed in Notice 70-3, Subpart H (Customer's Meters, Service Regulators, and Service Lines) as proposed § 192.429(b), was omitted in the final rule for that subpart, since it was considered to be more properly a part of the corrosion subpart.

Section 192.463. Paragraph (a) of this section refers to the criteria for cathodic protection contained in a new Appendix D, rather than to paragraph 6.3 of the 1969 edition of NACE Standard RP-01-69. However, it should be noted that the criteria in the appendix are substantially the same as those in the NACE Standard. In addition, it is now provided that "If none of these criteria is applicable, the cathodic protection system must provide a level of cathodic protection at least equal to that provided by compliance with one or more of these criteria." It was felt that the possibility of an exception should be provided, but that where the criteria are applicable, they should be followed.

In accordance with several suggested comments, paragraph (d) of proposed section 192.457 was deleted as unnecessary, and paragraph (f) of that proposed section has been reworded to eliminate the requirement that the cathodic protection "assure proper performance of the protective coating system", and instead now requires that the amount of cathodic protection must be controlled "so as not to damage the protective coating or the pipe".

Section 192.465. The section on monitoring differs from the proposal in several ways. It applies to monitoring of both new and existing lines. In paragraph (a), offshore pipelines, where monitoring is impractical, have been excepted. The phrase "at intervals not exceeding 12 months" has been changed to "at least once each calendar year, with intervals not exceeding 15 months". The

purpose of the change was to allow seasonal considerations in scheduling annual inspections, and it was felt that 3 months' leeway would provide sufficient flexibility for this purpose.

Instead of requiring that each interference bond be electrically checked for proper performance at intervals not exceeding 2 months, it is now provided in § 192.485(c) that each interference bond "whose failure would jeopardize structure protection", must be electrically checked for proper performance at intervals not exceeding 2 months. Each other interference bond must be checked at least annually, but with intervals not exceeding 15 months.

Section 192.467. This section, entitled "External corrosion control: Electrical isolation", is based on the proposed sections which dealt with electrical insulation on new construction and existing pipelines, and with clearance between pipe and underground structures on new construction.

Paragraph (a) still requires that each buried pipeline must be electrically isolated from other underground metallic structures, but in accordance with suggestions received, it permits an exception if the pipeline and the other structures are electrically interconnected and cathodically protected as a single unit.

Paragraph (b) of § 192.467, requires that an insulating device be installed where electrical isolation of a portion of a pipeline is necessary to facilitate corrosion control. It was felt that this performance-type language is sufficient to cover such specific situations as the necessary insulation of ferrous valves and fittings installed in underground copper service lines.

Paragraph (c) of § 192.467, providing for electrical isolation of the pipeline from metallic casings that are a part of the underground system, now permits other measures to minimize corrosion of the pipeline inside the casing, where isolation is impractical. The additional language was added in response to comments suggesting that this requirement should not apply to a service going through a casing in a cement or masonry wall, where the casing is above ground. Other measures that may be taken include placing a noncorrosive casing filler made of high dielectric material in the annular space between the pipe and casing.

Paragraph (f) concerning protection against damage due to fault currents and lightning now refers to "areas where fault currents or unusual risk of lightning may be anticipated".

Proposed § 192.463(e) has been eliminated as unnecessary, since the specific situations described in that paragraph are covered by the more performance-oriented type of language of § 192.467 (a) and (b).

Section 192.473. This section now requires that after July 31, 1973, each operator whose pipeline system is subjected to stray currents must have a continuing program to minimize the detrimental effects of such currents.

Comments indicated that the 12-month leadtime originally proposed was insufficient for the acquisition of manpower and equipment for such a program.

Sections 192.475 and 192.477. These sections are essentially the same as proposed. However, paragraph (c) of § 192.475, providing that gas containing more than 0.1 grain of hydrogen sulfide per 100 standard cubic feet may not be stored in pipe-type or bottle-type holders, is newly added. It was originally proposed as part of Notice 70-7, Subpart D (Design of Piping System Components and Facilities), as proposed § 192.168(b), but was not included in Subpart D, since it was considered to be more appropriately within the corrosion subpart.

In response to comments, § 192.477 makes clear that coupons are required only "if corrosive gas is being transported". However, it should be noted that § 192.475(b) applies also in cases where corrosive gas is not being transported, but internal corrosion is caused by other factors.

Sections 192.479 and 192.481. The sections on atmospheric corrosion control have been completely rewritten. The proposal would have required all new and existing steel, cast iron and ductile iron aboveground pipelines to be coated or jacketed within 1 year for the prevention of atmospheric corrosion. This requirement would have applied to aluminum and copper pipe only when exposed to an atmospheric environment corrosive to those metals.

The comments objected to the 1 year time limitation as insufficient, and also suggested that coating only was required when atmospheric corrosion was actually taking place. While § 192.479(a), applying to newly installed aboveground pipelines, still requires that such pipelines be cleaned and coated with a material suitable for the prevention of atmospheric corrosion, it now also allows for an exception to this requirement if the operator can demonstrate by tests, investigation or experience in the area of application that a corrosive atmosphere does not exist.

Paragraph (b), applying to existing aboveground pipelines, now requires that they be cleaned and coated within 3 years, but only in areas where atmospheric corrosion has taken place on the pipeline.

Section 192.481 requires that at intervals not exceeding 3 years, aboveground pipelines must be reevaluated and necessary action taken to maintain protection against atmospheric corrosion.

Section 192.483. This section on general remedial measures requires that all new replacement pipe installed because of external corrosion (including cast iron or ductile iron) must be coated and cathodically protected, as is required for new pipelines in § 192.455(a). The exception to these requirements allowed for new pipelines in § 192.455(b) (where the operator can demonstrate that a corrosive environment does not exist), would not apply to replacement pipe, where

replacement is necessitated by external corrosion, since it would normally be impossible to make such a demonstration. However, it should be noted that if copper pipe is used to replace corroded steel, cast iron or ductile iron, the provisions of § 192.455(c)(2) might permit the use of uncoated copper replacement without cathodic protection, in the highly unlikely event that the operator could demonstrate by test that the environment (which had been corrosive to the other metals) was not corrosive to copper.

Except for repaired cast iron or ductile iron, a segment of buried pipe that is repaired because of external corrosion must be cathodically protected. Repaired cast iron and ductile iron are excepted from the cathodic protection requirement because the density of cathodic protection current, as normally provided by galvanic anodes, is not sufficient to reach the cast iron beneath the graphitized surface so as to prevent further graphitization. Current of such low density from such low electromotive force collects on the graphitized area and continues through adjacent cast iron and back to the galvanic anode source without providing protection.

It should be noted that at this time, the regulations are not requiring that repaired pipe be coated in every case, since it is not always practical to do so, especially where the repair is in a very small area, or on a bare pipeline. However, where the repaired segment is part of an effectively coated pipeline, the repaired area would also have to be coated.

The proposed regulation provided that generally corroded pipe would not need to be replaced or repaired if the operating pressure were reduced so as to be commensurate with the specified limits on operating pressure based on the actual remaining wall thickness. That option is retained in § 192.435(a) covering general corrosion on transmission lines. However, § 192.487(a) dealing with general corrosion on distribution lines does not provide the option of reducing operating pressure instead of replacing the pipe. Since such lines are already operating at low pressure, the reduction of pressure would be meaningless. In this connection, it should be noted that the minimum percentage of remaining wall thickness required in such cases is not contingent on internal pressure (hoop stress) but on external loads.

Sections 192.485 and 192.487. The proposed regulations dealing with remedial measures for isolated corrosion pitting were the subject of considerable comment. Based on the information available at this time, the Department has developed the following regulations which are considered adequate to protect the public:

§ 192.485 Remedial measures: transmission lines.

(b) *Localized corrosion pitting.* Each segment of transmission line pipe with localized corrosion pitting must be replaced or repaired, or the operating pressure must be reduced based on the actual remaining wall

thickness in the pits, if either of the following exists:

(1) The diameter of the pits as measured at the surface of the pipe is greater than three times the nominal wall thickness of the pipe.

(2) The remaining wall thickness at the bottom of the pits is less than 30 percent of the nominal wall thickness.

§ 192.487 Remedial measures: distribution lines other than cast iron or ductile iron lines. * * *

(b) Localized corrosion pitting. Except for cast iron or ductile iron pipe, each segment of distribution line pipe with localized corrosion pitting must be replaced or repaired if either of the following exists:

(1) The diameter of the pits, as measured at the surface of the pipe, is greater than five times the nominal wall thickness of the pipe.

(2) The remaining wall thickness at the bottom of the pits is less than 20 percent of the nominal wall thickness.

However, we are aware that the completion of research now going on is anticipated in the near future, on the subject of the effect of pitting on the integrity of pipe, requiring repair or replacement for the protection of the public. Accordingly, the Department intends to delay the issuance of these regulations on localized corrosion pitting, in order to hold a public hearing on July 20, 1971, to explore the problem further. (See p. 12509 of this issue.) This will give interested persons an opportunity to present new material or to demonstrate that the criteria set out above are inappropriate.

In issuing this rule, the Department has included general criteria on corrosion pitting in §§ 192.485(b) and 192.487(b) as interim regulations. These interim regulations give the operator discretion to determine the severity of pitting that requires remedial action.

Unless the hearing discloses information indicating other criteria are more appropriate, the regulations set forth above in this preamble will be substituted for the interim provisions within 60 to 90 days from the effective date of this regulation.

Section 192.491. The comments on this provision urged that construction drawings and records should not both be required, and that records or drawings should not be required as to all neighboring structures. In response to these comments, § 192.491(a) now requires that "records or maps" be maintained to show the location of cathodically protected piping, cathodic protection facilities "other than unrecorded galvanic anodes installed prior to August 1, 1971", and neighboring structures that are "bonded to" the cathodic protection system.

In response to other comments urging that the retention of all records of tests, surveys, and inspections is unnecessary and unduly burdensome, paragraph (b) now provides for retention only of records, tests, and inspections in sufficient

detail to demonstrate the adequacy of corrosion control measures, or, in the case of unprotected pipelines, that a corrosive condition does not exist.

Appendix D. An appendix has been added, setting out criteria for cathodic protection required by § 192.463(a), and methods of determining such measurements as voltage, voltage shifts, and polarization voltage shifts. These criteria and methods of measurement are based on the 1969 issue of the National Association of Corrosion Engineers' Standard RP-01-69, Recommended Practice—Control of External Corrosion on Underground or Submerged Metallic Piping Systems.

Report of Technical Pipeline Safety Standards Committee. Section 4 of the Natural Gas Pipeline Safety Act requires that all proposed standards and amendments to such standards be submitted to the Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicality of each such proposal". This amendment to Part 192 has been submitted to the Technical Committee and that Committee has submitted a favorable report. The Committee's report and the minority views of the Committee member who disagreed with the majority report are set forth below.

JUNE 21, 1971.

Memorandum to: The Secretary of Transportation, Attention: Joseph C. Caldwell, Acting Director Office of Pipeline Safety.
From: Secretary, Technical Pipeline Safety Standards Committee.
Subject: Office of Pipeline Safety Proposed Requirements For Corrosion Control (Part 192, Subpart I).

The following letter and attachments represent an official report by the Technical Pipeline Safety Standards Committee concerning the Committee action related to "Requirements for Corrosion Control (Part 192, Subpart I)" which the Office of Pipeline Safety proposes to adopt as a part of Minimum Federal Safety Standards: Transportation of Natural and Other Gas by Pipeline.

The Committee reviewed proposals of the Office of Pipeline Safety at a meeting held on April 13-14, 1971, and through an informal ballot procedure recommended modification to the OPS proposed regulations. The Office of Pipeline Safety considered the recommendations of the Technical Committee and prepared a revised draft regulation which reflected recommendations of the Committee. The revised draft regulation accompanied by a "Discussion of Technical Committee Recommendations" prepared by OPS was distributed to the membership of the Committee on May 4, 1971, by the undersigned together with a formal letter-ballot.

The results of the letter-ballot as finally tabulated reveal that 13 members of the Committee approved the proposed regulation as being technically feasible, reasonable and practicable. One member disapproved the proposed regulation.

Attached, as Item A, are the minority views expressed by the dissenting Committee member.

Also attached, as Item B, is a summary of views expressed by Committee members who voted in favor of the proposed regulation but disagreed with minor specifics.

LOUIS W. MENDONSA.

EXPLANATION OF THE DISAPPROVAL BY FREDERIC A. LANG OF THE PROPOSED MAJORITY REPORT ON THE PROPOSED PART 192 SUBPART I "REQUIREMENTS FOR CORROSION CONTROL."

As a member of the Technical Pipeline Safety Standards Committee, I disapprove of the proposed majority report because it is less than adequate for providing safety to the public living beside gas pipelines, distribution lines, and mains.

Design and operation of pipelines as regulated by Federal Pipeline Safety Standards Part 192 already issued except for this Subpart I, does not contemplate any weakening of the pipe wall by corrosion, therefore, the "Requirements of Corrosion Control" as proposed, should guarantee, within practical limits, that corrosion does not occur. Unfortunately, the regulations as drafted are less than adequate to prevent a dangerous degree of corrosion.

My comments on the need for better corrosion control appear in the transcript of the Committee meetings held April 13 and 14, 1971, to discuss the proposed regulation. In summary, my recommendations are that cathodic protection be used on all piping at all times to prevent corrosion and that scientifically designed sampling be used to determine whether corrosion has occurred. When corrosion has occurred the piping should be replaced or downrated in accordance with the remaining wall thickness available to contain the pressurized gas.

FREDERIC A. LANG.

This regulation is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1671 et. seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

In consideration of the foregoing, a new Subpart I is added to Part 192 of Title 49 of the Code of Federal Regulations, effective August 1, 1971, to read as set forth below.

Issued in Washington, D.C., on June 25, 1971.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

Subpart I—Requirements for Corrosion Control

- | | |
|---------|--|
| Sec. | |
| 192.451 | Scope. |
| 192.453 | General. |
| 192.455 | External corrosion control: buried or submerged pipelines installed after July 31, 1971. |
| 192.457 | External corrosion control: buried or submerged pipelines installed before August 1, 1971. |
| 192.459 | External corrosion control: examination of buried pipeline when exposed. |
| 192.461 | External corrosion control: protective coating. |
| 192.463 | External corrosion control: cathodic protection. |
| 192.465 | External corrosion control: monitoring. |
| 192.467 | External corrosion control: electrical isolation. |
| 192.469 | External corrosion control: test stations. |
| 192.471 | External corrosion control: Test leads. |

- Sec.
 192.473 External corrosion control: interference currents.
 192.475 Internal corrosion control: general.
 192.477 Internal corrosion control: monitoring.
 192.479 Atmospheric corrosion control: general.
 192.481 Atmospheric corrosion control: monitoring.
 192.483 Remedial measures: general.
 192.485 Remedial measures: transmission lines.
 192.487 Remedial measures: distribution lines other than cast iron or ductile iron lines.
 192.489 Remedial measures: cast iron and ductile iron pipelines.
 192.491 Corrosion control records.

Appendix D—Criteria for cathodic protection and determination of measurements.

AUTHORITY: The Provisions of this Subpart I issued under Natural Gas Pipeline Act of 1958 (49 U.S.C. sec. 1671 et seq., Part I regulations of the Secretary of Transportation, 49 CFR Part 1, and delegation of authority to the Director, Office of Pipeline Safety, 33 F.R. 10033.

Subpart I—Requirements for Corrosion Control

§ 192.451 Scope.

This subpart prescribes minimum requirements for protection of metallic pipelines from external, internal, and atmospheric corrosion.

§ 192.453 General.

Each operator shall establish procedures to implement the requirements of this subpart. These procedures, including those for the design, installation, operation and maintenance of cathodic protection systems, must be carried out by, or under the direction of, a person qualified by experience and training in pipeline corrosion control methods.

§ 192.455 External corrosion control: buried or submerged pipelines installed after July 31, 1971.

(a) Except as provided in paragraphs (b) and (c) of this section, each buried or submerged pipeline installed after July 31, 1971 must be protected against external corrosion, including the following:

(1) It must have an external protective coating meeting the requirements of § 192.463.

(2) It must have a cathodic protection system designed to protect the pipeline in its entirety in accordance with this subpart, installed and placed in operation within one year after completion of construction.

(b) An operator need not comply with paragraph (a) of this section, if the operator can demonstrate by tests, investigation, or experience in the area of application, including, as a minimum, soil resistivity measurements and tests for corrosion accelerating bacteria, that a corrosive environment does not exist. However, within 6 months after an installation made pursuant to the preceding sentence, the operator shall conduct tests, including pipe-to-soil potential measurements with respect to either a

continuous reference electrode or an electrode using close spacing, not to exceed 20 feet, and soil resistivity measurements at potential profile peak locations, to adequately evaluate the potential profile along the entire pipeline. If the tests made indicate that a corrosive condition exists, the pipeline must be cathodically protected in accordance with paragraph (a) (2) of this section.

(c) An operator need not comply with paragraph (a) of this section, if the operator can demonstrate by tests, investigation, or experience that—

(1) For a copper pipeline, a corrosive environment does not exist; or

(2) For a temporary pipeline with an operating period of service not to exceed 5 years beyond installation, corrosion during the 5-year period of service of the pipeline will not be detrimental to public safety.

(d) Notwithstanding the provisions of paragraph (b) or (c) of this section, if a pipeline is externally coated, it must be cathodically protected in accordance with paragraph (a) (2) of this section.

Aluminum may not be installed in a buried or submerged pipeline if that aluminum is exposed to an environment with a natural pH in excess of 8, unless tests or experience indicate its suitability in the particular environment involved.

§ 192.457 External corrosion control: buried or submerged pipelines installed before August 1, 1971.

(a) Except for buried piping at compressor, regulator, and measuring stations, each buried or submerged transmission line installed before August 1, 1971, that has an effective external coating must, not later than August 1, 1974, be cathodically protected along the entire area that is effectively coated, in accordance with this subpart. For the purposes of this subpart, a pipeline does not have an effective external coating if its cathodic protection current requirements are substantially the same as if it were bare. The operator shall make tests to determine the cathodic protection current requirements.

(b) Except for cast iron or ductile iron, each of the following buried or submerged pipelines installed before August 1, 1971 must, not later than August 1, 1976, be cathodically protected in accordance with this subpart in areas in which active corrosion is found:

(1) Bare or ineffectively coated transmission lines.

(2) Bare or coated pipes at compressor, regulator, and measuring stations.

(3) Bare or coated distribution lines. The operator shall determine the areas of active corrosion by electrical survey, or where electrical survey is impractical, by the study of corrosion and leak history records, by leak detection survey, or by other means.

(c) For the purpose of this subpart, active corrosion means continuing corrosion which, unless controlled, could result in a condition that is detrimental to public safety.

§ 192.459 External corrosion control: examination of buried pipeline when exposed.

Whenever an operator has knowledge that any portion of a buried pipeline is exposed, the exposed portion must be examined for evidence of external corrosion if the pipe is bare, or if the coating is deteriorated. If external corrosion is found, remedial action must be taken to the extent required by § 192.483 and the applicable paragraphs of §§ 192.485, 192.487, or 192.489.

§ 192.461 External corrosion control: protective coating.

(a) Each external protective coating, whether conductive or insulating, applied for the purpose of external corrosion control must—

(1) Be applied on a properly prepared surface;

(2) Have sufficient adhesion to the metal surface to effectively resist under-film migration of moisture;

(3) Be sufficiently ductile to resist cracking;

(4) Have sufficient strength to resist damage due to handling and soil stress; and

(5) Have properties compatible with any supplemental cathodic protection.

(b) Each external protective coating which is an electrically insulating type must also have low moisture absorption and high electrical resistance.

(c) Each external protective coating must be inspected just prior to lowering the pipe into the ditch and backfilling, and any damage detrimental to effective corrosion control must be repaired.

(d) Each external protective coating must be protected from damage resulting from adverse ditch conditions or damage from supporting blocks.

(e) If coated pipe is installed by boring, driving, or other similar method, precautions must be taken to minimize damage to the coating during installation.

§ 192.463 External corrosion control: cathodic protection.

(a) Each cathodic protection system required by this subpart must provide a level of cathodic protection that complies with one or more of the applicable criteria contained in Appendix D of this subpart. If none of these criteria is applicable, the cathodic protection system must provide a level of cathodic protection at least equal to that provided by compliance with one or more of these criteria.

(b) If amphoteric metals are included in a buried or submerged pipeline containing a metal of different anodic potential—

(1) The amphoteric metals must be electrically isolated from the remainder of the pipeline and cathodically protected; or

(2) The entire buried or submerged pipeline must be cathodically protected at a cathodic potential that meets the requirements of Appendix D of this part for amphoteric metals.

(c) The amount of cathodic protection must be controlled so as not to damage the protective coating or the pipe.

§ 192.465 External corrosion control: monitoring.

(a) Except where impractical on offshore pipelines, each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of § 192.463. However, if tests at those intervals are impractical for separately protected service lines or short sections of protected mains, not in excess of 100 feet, these service lines and mains may be surveyed on a sampling basis. At least 10 percent of these protected structures, distributed over the entire system, must be surveyed each calendar year, with a different 10 percent checked each subsequent year, so that the entire system is tested in each 10-year period.

(b) At intervals not exceeding 2 months, each cathodic protection rectifier or other impressed current power source must be inspected to ensure that it is operating.

(c) At intervals not exceeding 2 months, each reverse current switch, each diode, and each interference bond whose failure would jeopardize structure protection, must be electrically checked for proper performance. Each other interference bond must be checked at least once each calendar year, but with intervals not exceeding 15 months.

(d) Each operator shall take prompt remedial action to correct any deficiencies indicated by the monitoring.

(e) After the initial evaluation required by paragraphs (b) and (c) of § 192.435 and paragraph (b) of § 192.457, each operator shall, at intervals not exceeding 3 years, reevaluate its unprotected pipelines and cathodically protect them in accordance with this subpart in areas in which active corrosion is found. The operator shall determine the areas of active corrosion by electrical survey, or where electrical survey is impractical, by the study of corrosion and leak history records, by leak detection survey, or by other means.

§ 192.467 External corrosion control: electrical isolation.

(a) Each buried or submerged pipeline must be electrically isolated from other underground metallic structures, unless the pipeline and the other structures are electrically interconnected and cathodically protected as a single unit.

(b) An insulating device must be installed where electrical isolation of a portion of a pipeline is necessary to facilitate the application of corrosion control.

(c) Except for unprotected copper inserted in ferrous pipe, each pipeline must be electrically isolated from metallic casings that are a part of the underground system. However, if isolation is not achieved because it is impractical, other measures must be taken to minimize corrosion of the pipeline inside the casing.

(d) Inspection and electrical tests must be made to assure that electrical isolation is adequate.

(e) An insulating device may not be installed in an area where a combustible atmosphere is anticipated unless precautions are taken to prevent arcing.

(f) Where a pipeline is located in close proximity to electrical transmission tower footings, ground cables or counterpoise, or in other areas where fault currents or unusual risk of lightning may be anticipated, it must be provided with protection against damage due to fault currents or lightning, and protective measures must also be taken at insulating devices.

§ 192.469 External corrosion control: test stations.

Except where impractical on offshore and wet marsh area pipelines, each pipeline under cathodic protection required by this subpart must have sufficient test stations or other contact points for electrical measurement to determine the adequacy of cathodic protection.

§ 192.471 External corrosion control: test leads.

(a) Each test lead wire must be connected to the pipeline so as to remain mechanically secure and electrically conductive.

(b) Each test lead wire must be attached to the pipeline so as to minimize stress concentration on the pipe.

(c) Each bared test lead wire and bared metallic area at point of connection to the pipeline must be coated with an electrical insulating material compatible with the pipe coating and the insulation on the wire.

§ 192.473 External corrosion control: interference currents.

(a) After July 31, 1973, each operator whose pipeline system is subjected to stray currents shall have in effect a continuing program to minimize the detrimental effects of such currents.

(b) Each impressed current type cathodic protection system or galvanic anode system must be designed and installed so as to minimize any adverse effects on existing adjacent underground metallic structures.

§ 192.475 Internal corrosion control: general.

(a) After July 31, 1972, corrosive gas may not be transported by pipeline, unless the corrosive effect of the gas on the pipeline has been investigated and steps have been taken to minimize internal corrosion.

(b) Whenever any pipe is removed from a pipeline for any reason, the internal surface must be inspected for evidence of corrosion. If internal corrosion is found—

(1) The adjacent pipe must be investigated to determine the extent of internal corrosion;

(2) Replacement must be made to the extent required by the applicable paragraphs of § 192.485, § 192.487, or § 192.489; and

(2) Steps must be taken to minimize the internal corrosion.

(c) Gas containing more than 0.1 grain of hydrogen sulfide per 100 standard cubic feet may not be stored in pipe-type or bottle-type holders.

§ 192.477 Internal corrosion control: monitoring.

If corrosive gas is being transported, coupons or other suitable means must be used to determine the effectiveness of the steps taken to minimize internal corrosion. After July 31, 1972, each coupon or other means of monitoring internal corrosion must be checked at intervals not exceeding 6 months.

§ 192.479 Atmospheric corrosion control: general.

(a) *Pipelines installed after July 31, 1971.* Each aboveground pipeline or portion of a pipeline installed after July 31, 1971 that is exposed to the atmosphere must be cleaned and either coated or jacketed with a material suitable for the prevention of atmospheric corrosion. An operator need not comply with this paragraph, if the operator can demonstrate by test, investigation, or experience in the area of application, that a corrosive atmosphere does not exist.

(b) *Pipelines installed before August 1, 1971.* Not later than August 1, 1974, each operator having an aboveground pipeline or portion of a pipeline installed before August 1, 1971 that is exposed to the atmosphere, shall—

(1) Determine the areas of atmospheric corrosion on the pipeline;

(2) If atmospheric corrosion is found, take remedial measures to the extent required by the applicable paragraphs of §§ 192.485, 192.487, or 192.489; and

(3) Clean and either coat or jacket the areas of atmospheric corrosion on the pipeline with a material suitable for the prevention of atmospheric corrosion.

§ 192.481 Atmospheric corrosion control: monitoring.

After meeting the requirements of paragraphs (a) and (b) of § 192.479, each operator shall, at intervals not exceeding 3 years, reevaluate its aboveground pipelines or portions of pipelines that are exposed to the atmosphere and take remedial action wherever necessary to maintain protection against atmospheric corrosion.

§ 192.483 Remedial measures: general.

(a) Each segment of metallic pipe that replaces pipe removed from a buried or submerged pipeline because of external corrosion must have a properly prepared surface and must be provided with an external protective coating that meets the requirements of § 192.461.

(b) Each segment of metallic pipe that replaces pipe removed from a buried or submerged pipeline because of external corrosion must be cathodically protected in accordance with this subpart.

(c) Except for cast iron or ductile iron pipe, each segment of buried or submerged pipe that is required to be repaired because of external corrosion must

be cathodically protected in accordance with this subpart.

§ 192.185 Remedial measures: transmission lines.

(a) *General corrosion.* Each segment of transmission line pipe with general corrosion, and with a remaining wall thickness less than that required for the maximum allowable operating pressure of the pipeline, must be replaced or the operating pressure reduced commensurate with the actual remaining wall thickness. However, if the area of general corrosion is small, the corroded pipe may be repaired. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this paragraph.

(b) *Localized corrosion pitting.* Each segment of transmission line pipe with localized corrosion pitting to a degree where leakage might result must be replaced or repaired, or the operating pressure must be reduced commensurate with the strength of the pipe, based on the actual remaining wall thickness in the pits.

§ 192.187 Remedial measures: distribution lines other than cast iron or ductile iron lines.

(a) *General corrosion.* Except for cast iron or ductile iron pipe, each segment of generally corroded distribution line pipe with a remaining wall thickness less than that required for the maximum allowable operating pressure of the pipeline, or a remaining wall thickness less than 30 percent of the nominal wall thickness, must be replaced. However, if the area of general corrosion is small, the corroded pipe may be repaired. Corrosion pitting so closely grouped as to affect the overall strength of the pipe is considered general corrosion for the purpose of this paragraph.

(b) *Localized corrosion pitting.* Except for cast iron or ductile iron pipe, each segment of distribution line pipe with localized corrosion pitting to a degree where leakage might result must be replaced or repaired.

§ 192.189 Remedial measures: cast iron and ductile iron pipelines.

(a) *General graphitization.* Each segment of cast iron or ductile iron pipe on which general graphitization is found to a degree where a fracture or any leakage might result, must be replaced.

(b) *Localized graphitization.* Each segment of cast iron or ductile iron pipe on which localized graphitization is found to a degree where any leakage might result, must be replaced or repaired, or sealed by internal sealing methods adequate to prevent or arrest any leakage.

§ 192.191 Corrosion control records.

(a) After July 21, 1972, each operator shall maintain records or maps to show the location of cathodically protected piping, cathodic protection facilities, other than unrecorded galvanic anodes

installed before August 1, 1971, and neighboring structures bonded to the cathodic protection system.

(b) Each of the following records must be retained for as long as the pipeline remains in service:

(1) Each record or map required by paragraph (a) of this section.

(2) Records of each test, survey, or inspection required by this subpart, in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist.

APPENDIX D—CRITERIA FOR CATHODIC PROTECTION AND DETERMINATION OF MEASUREMENTS

I. Criteria for cathodic protection—A. Steel, cast iron, and ductile iron structures.

(1) A negative (cathodic) voltage of at least 0.85 volt, with reference to a saturated copper-copper sulfate half cell. Determination of this voltage must be made with the protective current applied, and in accordance with sections II and IV of this appendix.

(2) A negative (cathodic) voltage shift of at least 100 millivolts. Determination of this voltage shift must be made with the protective current applied, and in accordance with sections II and IV of this appendix. This criterion of voltage shift applies to structures not in contact with metals of different anodic potentials.

(3) A minimum negative (cathodic) polarization voltage shift of 100 millivolts. This polarization voltage shift must be determined in accordance with sections III and IV of this appendix.

(4) A voltage at least as negative (cathodic) as that originally established at the beginning of the Tafel segment of the E-log-I curve. This voltage must be measured in accordance with section IV of this appendix.

(5) A net protective current from the electrolyte into the structure surface as measured by an earth current technique applied at predetermined current discharge (anodic) points of the structure.

B. Aluminum structures. (1) Except as provided in subparagraphs (3) and (4) of this paragraph, a minimum negative (cathodic) voltage shift of 150 millivolts, produced by the application of protective current. The voltage shift must be determined in accordance with sections II and IV of this appendix.

(2) Except as provided in subparagraphs (3) and (4) of this paragraph, a minimum negative (cathodic) polarization voltage shift of 150 millivolts. This polarization voltage shift must be determined in accordance with sections III and IV of this appendix.

(3) Notwithstanding the alternative minimum criteria in subparagraphs (1) and (2) of this paragraph, aluminum, if cathodically protected at voltages in excess of 1.20 volts as measured with reference to a copper-copper sulfate half cell, in accordance with section IV of this appendix, and compensated for the voltage (IR) drops other than those across the structure-electrolyte boundary, may suffer corrosion resulting from the build-up of alkali on the metal surface. A voltage in excess of 1.20 volts may not be used unless previous test results indicate no appreciable corrosion will occur in the particular environment.

(4) Since aluminum may suffer from corrosion under high pH conditions, and since application of cathodic protection tends to increase the pH at the metal surface, careful investigation or testing must be made before applying cathodic protection to stop pitting attack on aluminum structures in environments with a natural pH in excess of 9.

C. Copper structures. A minimum negative (cathodic) polarization voltage shift of 100 millivolts. This polarization voltage shift must be determined in accordance with sections III and IV of this appendix.

D. Metals of different anodic potentials. A negative (cathodic) voltage, measured in accordance with section IV of this appendix, equal to that required for the most anodic metal in the system must be maintained. If amphoteric structures are involved that could be damaged by high alkalinity covered by subparagraphs (3) and (4) of paragraph B of this section, they must be electrically isolated with insulating flanges, or the equivalent.

II. Interpretation of voltage measurement. Voltage (IR) drops other than those across the structure-electrolyte boundary must be considered for valid interpretation of the voltage measurement in paragraph A(1) and (2) and paragraph B(1) of section I of this appendix.

III. Determination of polarization voltage shift. The polarization voltage shift must be determined by interrupting the protective current and measuring the polarization decay. When the current is initially interrupted, an immediate voltage shift occurs. The voltage reading after the immediate shift must be used as the base reading from which to measure polarization decay in paragraphs A(3), B(2), and C of section I of this appendix.

IV. Reference half cells. A. Except as provided in paragraphs B and C of this section, negative (cathodic) voltage must be measured between the structure surface and a saturated copper-copper sulfate half cell contacting the electrolyte.

B. Other standard reference half cells may be substituted for the saturated copper-copper sulfate half cell. Two commonly used reference half cells are listed below along with their voltage equivalent to -0.85 volt as referred to a saturated copper-copper sulfate half cell:

- (1) Saturated KCl calomel half cell: -0.78 volt.
- (2) Silver-silver chloride half cell used in sea water: -0.80 volt.

C. In addition to the standard reference half cells, an alternate metallic material or structure may be used in place of the saturated copper-copper sulfate half cell if its potential stability is assured and if its voltage equivalent referred to a saturated copper-copper sulfate half cell is established.

[FR Doc. 71-9221 Filed 6-29-71; 8:48 am]



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

5

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Amdt. 192.5; Docket No. OPS-11]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Extension of Time for Confirmation or Revision of Maximum Allowable Operating Pressure

The purpose of this amendment is to extend the time under § 192.607(b) for completing confirmation or revision of the maximum allowable operating pressure (MAOP) of pipelines operating at more than 40 percent of specified minimum yield strength (SMYS). The amendment also provides for the preparation of comprehensive plans for the completion of this work.

On August 11, 1970, the Department issued Federal safety standards for the transportation of gas and pipeline facilities (35 F.R. 13247, August 19, 1970) replacing the interim standards which had been in effect since 1968. These standards established new definitions for class locations which, among other things, are utilized in the establishment of MAOP for pipelines operating at more than 40 percent of SMYS. Concomitantly a requirement was included that a study be conducted of all pipelines

operating at more than 40 percent of SMYS to ascertain their class location, and that the MAOP of these pipelines be confirmed or revised in two steps, by January 1, 1972 and January 1, 1973.

However, the Department recognized that considerable diversity of opinion existed as to the time required to complete confirmation or revision of the MAOP of these pipelines and that information on the number of class location changes was incomplete. It was therefore indicated that a public hearing would be held subsequent to the study to give all interested parties an opportunity to recommend adjustments to the schedule set forth in § 192.607(b). That hearing was held on May 12, 1971, and information and recommendations were presented by one industry organization and by a number of operators. The transcript of the hearing and copies of written submissions are included in the public docket on this amendment.

Based on the information presented, the Department believes that an extension of the time for confirmation or revision of MAOP is warranted. This extension will permit more effective use of exchange agreements to avoid disruption of gas supplies. In order to meet the 1972 and 1973 deadlines, the operators would have to complete confirmation or revision of operating pressures before completion of the construction or uprating necessary to maintain established throughput. In many cases, this would result in reduction of operating pressures, causing a substantial curtailment of already short gas supplies. In view of the continuing shortage of energy in some areas of the country, it would not be desirable to require pressure reductions that could disrupt service or cause reduction of storage volumes. In addition, the extension of time permits more efficient utilization of the manpower and equipment available for construction and uprating of pipelines.

Therefore, the time for completing a confirmation or revision determined to be necessary by the study is extended for 2 years, through the end of 1974, with a single completion date for all pipelines rather than a two-step deadline as is now provided. To assure completion within that time, each operator must prepare a comprehensive plan, including a schedule, for carrying out these confirmations or revisions. This plan must be modified periodically in accordance with § 192.13(c) so as to reflect changing conditions and to assure completion within the required time.

A related change has also been made to § 192.611(e) which established the minimum time for confirming or revising the MAOP due to a class location change occurring subsequent to the April 15 study. Since pipeline construction and testing cannot be conducted in many areas of the country during the winter months and since several months lead time is usually required to plan for continuity of service, to order materials, and to design the facilities, one year generally is not adequate for this purpose. Therefore, the time period has been extended to 18 months. This assures the operator of adequate planning time in advance of a construction season before he begins the work and testing associated with confirmation or revision.

The change to § 192.611(e) is made so as to provide for integrating future confirmations or revisions with the overall comprehensive plan. Existing confirmation or revision projects and those which are required by class location changes occurring before July 1, 1973, must be included in the initial comprehensive plan or integrated into it as they become necessary. These confirmations or revisions must be completed no later than the time for completion of the overall plan, i.e., by December 31, 1974. Confirmation or revision required by a change in class location occurring on or after July 1, 1973, must be completed within 18 months of the change in class location. These requirements are also reflected in the second sentence of § 192.607(c).

Since the operators are making a concerted effort during the present construction season to meet the earlier deadlines, and since this is a substantive change that relieves a restriction, I find that notice and public procedure thereon are impracticable and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, part 192 of title 49 of the Code of Federal Regulations is amended as follows, effective immediately.

1. Section 192.607 is amended by revising the section heading and paragraph (b), and by adding a new paragraph (c) at the end thereof, to read as follows:

§ 192.607 Plan for confirmation or revision of maximum allowable operating pressure.

(b) Each segment of pipeline that has been determined under paragraph (a) of this section to have an established maximum allowable operating pressure producing a hoop stress that is not commensurate with the class location of the segment of pipeline and that is found to be in satisfactory condition, must have the maximum allowable operating pressure confirmed or revised in accordance with § 192.611. The confirmation or revision must be completed not later than December 31, 1974.

(c) Each operator required to confirm or revise an established maximum allowable operating pressure under paragraph (b) of this section shall, not later than December 31, 1971, prepare a comprehensive plan, including a schedule, for carrying out the confirmations or revisions. The comprehensive plan must also provide for confirmations or revisions determined to be necessary under § 192.607 to the extent that they are caused by changes in class locations taking place before July 1, 1973.

2. Section 192.611 is revised to read as follows:

§ 192.611 Change in class location; Confirmation or revision of maximum allowable operating pressure.

(e) Confirmation or revision of the maximum allowable operating pressure that is required as a result of a study under § 192.609 must be completed as follows:

(1) Confirmation or revision due to changes in class location that occur before July 1, 1973, must be completed not later than December 31, 1974.

(2) Confirmation or revision due to changes in class location that occur on or after July 1, 1973, must be completed within 18 months of the change in class location.

(Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. Sec. 1671 et seq.; Part 1, Regulations of the Office of the Secretary of Transportation, 49 CFR Part 1, delegation of authority to the Director, Office of Pipeline Safety, November 6, 1968 (33 F.R. 16468))

Issued in Washington, D.C., on September 7, 1971

JOSEPH M. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc 71-13296 Filed 9-9-71; 8:48 am]



OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

6

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Amdt. 192-6; Docket No. OPS-3E]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Odorization of Gas in Transmission Lines

The purpose of this amendment is to extend, from January 1, 1972, to September 1, 1972, the latest date until which the interim minimum Federal safety standards applying to gas odorization may be kept in effect in those States now requiring the odorization of gas in transmission lines.

On November 6, 1970, the Department issued Amendment 192-2, revising paragraph (a) of § 192.625 of Title 49 of the Code of Federal Regulations and adding a new paragraph (g) to that section (35 F.R. 17335, November 11, 1970). This amendment kept the interim standards applying to odorization in effect, in those States whose interim standards required the odorization of gas in transmission lines, until January 1, 1972, or the date upon which the distribution companies odorize gas in accordance with paragraphs (a) through (f) of § 192.625, whichever occurred earlier.

In the preamble to Amendment 192-2, the Department stated that it "wishes to determine how many distribution companies in those States will be affected by the elimination of the requirement, the extent of the additional action that must be undertaken by them, the length of time it will take them to assume these new functions, and the costs. It also desires to make a more thorough evaluation of the safety benefits of transmission line odorization."

Accordingly, the problem was studied by the Department during the year 1971. However, the information received conflicts in many respects with the information submitted as a result of the original notice of proposed rule making on § 192.625 (35 F.R. 5482, April 2, 1970) and the informal public hearing that was held on September 17, 1970. This is particularly true with regard to the characteristics of various odorants, such as corrosiveness, durability in soil, etc. The Department has not yet arrived at acceptable answers regarding the effect of

these characteristics on the use of odorants in transmission lines, and their contribution to safety in densely populated areas. Consequently, it has become apparent that there is a need for additional study before the interim standards are revoked in those States requiring odorization in transmission lines.

In order to allow sufficient time for the resolution of these problems, the interim standards for odorization of gas transmission lines, in each State now requiring that odorization, will be extended until September 1, 1972, or until the date upon which the distribution companies in that State have actually taken over the odorization of gas in mains and service lines in accordance with the requirements of § 192.625, whichever is earlier. Until that time, gas in transmission lines must continue to be odorized in those States. The additional 9 months should allow sufficient time to resolve the conflicting information that has been developed during the study.

Although section 3 of the Natural Gas Pipeline Safety Act of 1968 provides that no State agency may adopt or continue in force additional or more stringent standards applicable to interstate transmission facilities after the Federal safety standards become effective, the Federal standards are minimum standards and an operator may voluntarily exceed them. Thus, after September 1, 1972 (or the earlier date, if applicable), in those States where transmission companies are expected to odorize their lines, and actually do so at the present time, they may continue to do so, even in the absence of Federal requirements.

Since the regulatory provisions that are affected by this amendment are in effect, and since this amendment will impose no additional burden on any person, I find that notice and public procedure thereon are impractical and unnecessary and that good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing, § 192.625 of Title 49 of the Code of Federal Regulations is amended by revising subparagraph (g) (1) to read as follows:

§ 192.625 Odorization of gas.

(g)

(1) September 1, 1972; or

This amendment is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. section 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468.)

Issued in Washington, D.C., on December 28, 1971.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc. 71-19168 Filed 12-30-71; 8:49 am]



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 192-7; Docket No. OPS-2E]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Odorization of Gas in Transmission Lines

The purpose of this amendment is to extend the period of time during which the interim Federal safety standards applying to gas odorization may remain in effect in those States now requiring the odorization of gas in transmission lines.

On November 6, 1970, the Department issued Amendment 192-2 (35 F.R. 17385, November 11, 1970). This amendment kept the interim Federal safety standards on odorization in effect in States whose interim standards required the odorization of gas in transmission lines. These interim standards were to remain in effect until January 1, 1972, or the date upon which the distribution companies in those States were odorizing gas in accordance with § 192.625, whichever occurred earlier. On December 28, 1971, the Department issued Amendment 192-6, which further extended this date to September 1, 1972 (36 F.R. 25423, December 31, 1971).

Based on extensive studies of the subject conducted over the past year, it appears that certain limited odorization of transmission lines may be warranted. The Department is considering this question and expects to propose regulatory changes very shortly. In order to allow sufficient time for carrying out this rule making proceeding, these interim standards for odorization of gas transmission

lines are being extended again until the date upon which the distribution companies in that State have actually taken over the odorization of gas in mains and service lines in accordance with the requirements of § 192.625. Until that time, gas in transmission lines must continue to be odorized in those States. By June 1, 1973, the Department anticipates that the rule making proceeding will be complete and the interim standards can be allowed to lapse.

Since the regulatory provisions that are affected by this amendment are presently in effect, and since this amendment will impose no additional burden on any person, I find that notice and public procedure thereon are impractical and unnecessary and that good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, § 192.625(g)(1) of Title 49 of the Code of Federal Regulations is amended, effective immediately, to read as follows:

§ 192.625 Odorization of gas.

(g) * * *

(1) June 1, 1973; or

(Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. sec. 1671 et seq., Part 1 of the regulations of the Office of the Secretary of Transportation, 49 CFR Part 1; redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation, 49 CFR Part 1)

Issued in Washington, D.C., on August 29, 1972.

JOSEPH C. CALDWELL,
Director, Office of Pipeline Safety.

[FR Doc. 72-15037 Filed 9-1-72; 8:48 am]



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

8

Title 49—TRANSPORTATION

Chapter I—Department of Transportation

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 192-8; Docket No. OPS-10]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Deactivation of Service Lines

This amendment of the Federal safety standards for gas pipelines will require certain steps to be taken in order to prevent the unauthorized introduction of gas into inactive pipeline facilities. This rule making involves a revision of § 192.727 of title 49 of the Code of Federal Regulations and the addition of a new § 192.379 to Part 192.

These amendments are in response to a clearly demonstrated need for positive regulatory action as indicated by two gas explosion incidents discussed in the notice proposing this rule making. The objective is to prevent unauthorized persons from activating gas service lines that have been deactivated or abandoned, or are not presently in use.

On June 4, 1971, a notice of proposed rule making was published in the Federal Register (OPS Notice 71-2, 36 F.R. 10885) proposing certain changes in the regulations designed to prevent the unauthorized introduction of gas into inactive service lines. Interested persons were afforded an opportunity to participate in the rule making by submitting written information, views, or arguments. The opinions and data presented in the comments that were subsequently received have been fully considered and are reflected in these final rules.

Several commenters correctly noted that one of the gas explosion accidents mentioned in the notice of proposed rule making involved newly installed yet inactive facilities rather than abandoned or deactivated pipeline facilities. They questioned whether the proposed regulations would cover such situations. As the intent of these amendments is to prevent the unauthorized introduction of gas into any pipeline not presently in service, whether abandoned, deactivated, or not yet activated, § 192.379 has been added to the Federal safety standards to make clear that new service lines must also meet the same requirements.

Proposed § 192.727(c) (now redesignated as § 192.727(d)), would have provided for the deactivation of customer service lines by two alternative methods. In response to a large number of recommendations, a third alternative method has been adopted which allows for the installation in the service line or meter assembly of a mechanical device or fitting that will prevent the flow of gas. This method is in common usage and has proven effective in terms of overall

safety. Also in answer to many comments, the requirement for physical removal of customer meters on inactive service lines (proposed as § 192.727(d)), has been deleted. This is now believed to be an unnecessary measure when one of the alternatives prescribed by new paragraph (d) has been met.

Paragraphs (e) and (f) of the proposed amendment have not been changed.

A number of commenters expressed objection to proposed § 192.727(b), on the basis that it made necessary the disconnecting, purging, and sealing of properly maintained pipeline facilities that are not subject to gas pressure in the course of normal operations. There are instances when pipelines, such as bypasses, are commonly not subject to gas pressure, and a requirement that such pipelines be sealed off from any potential gas supply is not feasible. This paragraph has therefore been revised and a new paragraph (c) has been added to avoid this problem.

Paragraph (b) now establishes safety requirements for all pipelines, the use of which is to be permanently discontinued, that is, for all pipelines that are to be abandoned. Paragraph (c) contains deactivation requirements applying only to pipelines, other than service lines, which are not being maintained under the Federal safety standards. Thus, a pipeline not normally subject to gas pressure need not meet the requirements of this paragraph.

Section 4(a) of the Natural Gas Pipeline Safety Act requires that all proposed standards and amendments to such standards be submitted to the Technical Pipeline Safety Standards Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each such proposal." This amendment to Part 192 has been submitted to the Committee and it has submitted a favorable report. The Committee's report and the proceedings of the Committee which led to that report are set forth in the public docket for this amendment which is available at the Office of Pipeline Safety.

In consideration of the foregoing, Part 192 of title 49 of the Code of Federal Regulations is amended as follows, effective November 3, 1972.

1. The table of sections for Part 192, Subpart H, is amended by adding the following new section heading after § 192.377:

Sec. 192.379 New service lines not in use.

2. The following new section is added after § 192.377 in Subpart H.

§ 192.379 New service lines not in use.

Each service line that is not placed in service upon completion of installation must comply with one of the following until the customer is supplied with gas:

(a) The valve that is closed to prevent the flow of gas to the customer must be

provided with a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator.

(b) A mechanical device or fitting that will prevent the flow of gas must be installed in the service line or in the meter assembly.

(c) The customer's piping must be physically disconnected from the gas supply and the open pipe ends sealed.

3. Section 192.727 is amended to read as follows:

§ 192.727 Abandonment or inactivation of facilities.

(a) Each operator shall provide in its operating and maintenance plan for abandonment or deactivation of pipelines, including provisions for meeting each of the requirements of this section.

(b) Each pipeline abandoned in place must be disconnected from all sources and supplies of gas, purged of gas, and the ends sealed. However, the pipeline need not be purged when the volume of gas is so small that there is no potential hazard.

(c) Except for service lines, each inactive pipeline that is not being maintained under this part must be disconnected from all sources and supplies of gas, purged of gas, and the ends sealed. However, the pipeline need not be purged when the volume of gas is so small that there is no potential hazard.

(d) Whenever service to a customer is discontinued, one of the following must be complied with:

(1) The valve that is closed to prevent the flow of gas to the customer must be provided with a locking device or other means designed to prevent the opening of the valve by persons other than those authorized by the operator.

(2) A mechanical device or fitting that will prevent the flow of gas must be installed in the service line or in the meter assembly.

(3) The customer's piping must be physically disconnected from the gas supply and the open pipe ends sealed.

(e) If air is used for purging, the operator shall insure that a combustible mixture is not present after purging.

(f) Each abandoned vault must be filled with a suitable compacted material.

(Sec. 3, Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. 1672; Sec. 1.58(d), regulations of the Office of the Secretary of Transportation, 49 CFR 1.58(d); Redesignation of authority to the Director, Office of Pipeline Safety, Appendix A to Part 1 of the Regulations of the Office of the Secretary of Transportation, 49 CFR Part 1)

Issued in Washington, D.C., on September 27, 1972.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc. 72-16815 Filed 10-2-72; 8:52 am]



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

Title 49—TRANSPORTATION

Chapter I—Department of Transportation

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 192-9; Docket OPS-13]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Modification of Pressure Relief Limitations

This amendment to § 192.201 changes the restriction on accidental pressure buildup in pipelines, other than pressure distribution systems, which have a maximum allowable operating pressure (MAOP) of less than 60 p.s.i.g.

On November 10, 1971, the Department issued a notice of proposed rule making in the Federal Register proposing these regulatory changes (CFR Notice 71-6, 36 F.R. 21834, November 16, 1971). Interested persons were afforded an opportunity to participate in the rule making by submitting written information, views, or arguments. Several comments subsequently were received and have been given full consideration. However, the amendment is issued without substantive change from the proposal.

Two commenters recommended making the proposed changes available for systems with MAOP's up to 150 p.s.i.g. Justification for such recommendations was based on an expressed desire to avoid possible difficulties arising in utilizing present pressure relief systems under the amended standards. As it is only when the MAOP of a system is below 60 p.s.i.g. that present-day regulating equipment cannot accurately limit accidental overpressure to the present 10 percent of MAOP standard, it is in the best interest of overall safety that the proposed amendment allowing an increase in the limits for accidental overpressure be restricted to systems with MAOP's of 60 p.s.i.g. or less.

Another comment suggested a revision in the proposed amendment to make the maximum pressure limitation applicable only at the most remotely located pressure limiting station in order to reduce the possibility of having to vent gas into the atmosphere in Class 3 or 4 locations. However, it is felt that the potential hazard of such venting is negligible in comparison with the greater risks involved in allowing the pressure in the entire system to be monitored at its most remotely located point. Such a procedure has the potential to allow pressure buildups well above the established limits in other parts of the distribution system.

Section 4(a) of the Natural Gas Pipeline Safety Act requires that all proposed standards and amendments to such standards be submitted to the Technical Pipeline Safety Standards Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each such proposal." This amendment to Part 192 has been submitted to the Committee and it has submitted a favorable report. The Committee's report and the proceedings of the Committee which led to that report are set forth in the public docket for this amendment which is available at the Office of Pipeline Safety.

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended by revising § 192.201 (a) to read as follows, effective November 4, 1972:

§ 192.201 Required capacity of pressure relieving and limiting stations.

(a) Each pressure relief station or pressure limiting station or group of those stations installed to protect a pipeline must have enough capacity, and must be set to operate, to insure the following:

(1) In a low pressure distribution system, the pressure may not cause the unsafe operation of any connected and properly adjusted gas utilization equipment.

(2) In pipelines other than a low pressure distribution system—

(i) If the maximum allowable operating pressure is 60 p.s.i.g. or more, the

pressure may not exceed the maximum allowable operating pressure plus 10 percent, or the pressure that produces a hoop stress of 75 percent of SMYS, whichever is lower;

(ii) If the maximum allowable operating pressure is 12 p.s.i.g. or more, but less than 60 p.s.i.g., the pressure may not exceed the maximum allowable operating pressure plus 6 p.s.i.g.; or

(iii) If the maximum allowable operating pressure is less than 12 p.s.i.g., the pressure may not exceed the maximum allowable operating pressure plus 50 percent.

(Sec. 3, Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. 1672, § 1.58(d) of the regulations, Office of the Secretary of Transportation, 49 CFR 1.58(d); redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations, Office of the Secretary of Transportation, 49 CFR Part 1)

Issued in Washington, D.C., on September 28, 1972.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc. 72-18933 Filed 10-3-72; 8:53 am]



OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

10

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amtd. 192-10; Docket No. OPS-14]

**PART 192—TRANSPORTATION OF
NATURAL AND OTHER GAS BY
PIPELINE: MINIMUM FEDERAL
SAFETY STANDARDS**

Liquefied Natural Gas Systems

The Department of Transportation is amending Part 192 to create a new § 192.12 that will establish Federal safety standards for liquefied natural gas (LNG). This will be accomplished by incorporating into the regulations, by reference, standards developed in the revised and enlarged version of Standard 59A approved by the National Fire Protection Association (NFPA) on May 19, 1971.

On January 6, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER proposing that NFPA Standard 59A be incorporated into Part 192 (OPS Notice 72-1; 37 F.R. 145, January 6, 1972). Interested persons were afforded an opportunity to participate in the rule making by submitting written information, views, or arguments, opinions and data presented in the comments that were subsequently received have been given full consideration.

Many commenters were concerned that LNG facilities presently in existence or under construction would be required to comply with the adopted NFPA Standard. Such a retroactive application of these LNG regulations is not intended and indeed is restricted by the Natural Gas Pipeline Safety Act (49 U.S.C. 1672 (b)). A provision has therefore been added to section 192.12 to make clear that LNG facilities in operation or under construction before January 1, 1973, need not be in compliance with NFPA Standard 59A, except that they will be required to adhere to the applicable operating requirements and, after December 31, 1972, to the modification and repair requirements of NFPA Standard 59A and of Part 192.

A number of commenters suggested specific modifications of individuals sections of the NFPA Standard. Such changes are not feasible at this time

as the Department is adopting the NFPA Standard only as an interim measure while developing permanent regulations specifically applicable to LNG facilities. With this development of LNG regulations, full attention will be given by the Department to these recommendations.

As suggested by commenters, the term "process" in the proposed regulation has been replaced with the term "treat", and the term "pipeline facility" has been substituted for the term "system". These changes are made to clarify the applicability of the adopted NFPA standard by employing terms used in the Natural Gas Pipeline Safety Act and in Part 192. Further, the term "transport" has been replaced by the term "transfer" to indicate that these interim LNG safety standards govern the transfer of LNG by pipeline within an LNG pipeline facility and not to its transportation over extended distances.

In the event of a conflict between adopted NFPA Standard 59A and Part 192, § 192.12 allows the operator of the LNG facility the opportunity to make a considered determination as to which standard should prevail in resolving such conflicts. When no such conflicts are apparent, both NFPA Standard 59A and the provisions of Part 192 must be complied with to the fullest possible extent.

Section 4(a) of the Natural Gas Pipeline Safety Act requires that all proposed standards and amendments to such standards be submitted to the Technical Pipeline Safety Standards Committee and that the committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each such proposal." This amendment to Part 192 has been submitted to the committee and it has submitted a favorable report. The committee's report and the proceedings which led to that report are set forth in the public docket for this amendment which is available at the Office of Pipeline Safety.

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended as follows, effective November 13, 1972.

1. The table of sections for Part 192 is amended by adding the following new section heading after § 192.11:

Sec.
192.12 Liquefied natural gas facilities.

2. The following new section is added after § 192.11:

§ 192.12 Liquefied natural gas facilities.

(a) Except for a pipeline facility in operation or under construction before January 1, 1973, no operator may store, treat, or transfer liquefied natural gas in a pipeline facility unless that pipeline facility meets the applicable requirements of this part and of NFPA Standard No. 59A.

(b) No operator may store, treat, or transfer liquefied natural gas in a pipeline facility in operation or under construction before January 1, 1973, unless—

(1) The facility is operated in accordance with the applicable operating requirements of this part and of NFPA Standard 59A; and

(2) Each modification or repair made to the facility after December 31, 1972, conforms to the applicable requirements of this part and NFPA Standard 59A, insofar as is practicable.

3. Section II.F. of Appendix A to Part 192 is amended by adding the following new item at the end thereof:

4. NFPA Standard 59A "Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG)" (1971 edition).

This amendment is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672), section 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on October 10, 1972.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc. 72-17525 Filed 10-12-72; 8:51 am]



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

Chapter I—Department of Transportation

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 192-11; Docket No. OPS-20]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Mechanically Coupled Repair Sleeves

The purpose of this amendment of § 192.717(b) is to modify a provision of the Federal safety standards for gas pipeline facilities. This change will permit the permanent field repair of pipeline leaks by means other than welded repair sleeves when the transmission line involved operates at less than 40 percent of SMYS.

For the permanent field repair of pipeline leaks when it is not feasible to take the segment being repaired out of service, § 192.717(b) requires that it must be repaired by installing a full encirclement welded split sleeve. The section of the interim safety standards from which this provision was derived was limited in application to lines operating above 40 percent of SMYS. By removing this limitation and using the term "transmission line" as defined in Part 192, the requirement was made applicable to all lines operating at 20 percent or more of SMYS. Thus while under the interim standards the requirement applied only to lines operating over 40 percent of SMYS, the regulation issued applied as well to transmission lines operating between 20 percent and 40 percent of SMYS.

Since the issuance of Part 192, experience and further study have demonstrated that, in certain instances, there are insufficient safety reasons for this requirement in light of its practicality and the costs involved. If a pipeline operating between 20 percent and 40 percent of SMYS is joined by means other than welding, very little is gained by requiring that repairs be made by welding on a full encirclement repair sleeve. This paragraph is therefore being amended to exempt lines joined by means other than welding that operate below 40 percent of SMYS.

Section 4(a) of the Natural Gas Pipeline Safety Act requires that all proposed standards and amendments to such standards be submitted to the Technical Pipeline Safety Standards Committee and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each such proposal". This amendment to Part 192

has been submitted to the Committee and it has submitted a favorable report. The Committee's report and the proceedings of the Committee which led to that report are set forth in the public docket for this amendment which is available at the Office of Pipeline Safety.

As this amendment removes an unnecessary restriction and imposes no additional burdens, I find that notice and public procedure thereon are not necessary.

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended by revising § 192.717(b) to read as follows, effective November 14, 1972.

§ 192.717 Transmission lines: permanent field repair of leaks.

(b) If it is not feasible to take the segment of transmission line out of service, repairs must be made by installing a full encirclement welded split sleeve of appropriate design, unless the transmission line—

- (1) Is joined by mechanical couplings; and
- (2) Operates at less than 40 percent of SMYS.

This amendment is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on October 11, 1972.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc 72-27660 Filed 10-13-72; 9:24 am]



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

12

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 192-12; Docket No. OPS-15]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Qualifications for Pipe

The purpose of this amendment to Part 192 of Title 49 of the Code of Federal Regulations is to provide greater flexibility in qualifying pipe. A change to § 192.55 permits the use of steel pipe manufactured before November 12, 1970, in compliance with an unlisted edition of a specification included in section I of Appendix B, where stated requirements are met. A change to § 192.65 permits the use of certain pipe transported by railroad before November 12, 1970, not in accordance with API RP5L1. In addition, changes to Appendices A and B add certain 1971 editions and supplements to the editions to the lists of API documents and specifications.

This amendment is based on a notice of proposed rule making (OPS Notice 72-2) issued on January 19, 1972, and published in the Federal Register (37 FR 1175) on January 28, 1972. Interested persons were afforded an opportunity to participate in the rule making by submitting written information, views, or arguments. The opinions and data presented in the comments that were subsequently received have been fully considered and are reflected in these final rules.

A number of commentators noted that proposed § 192.55(f) could be interpreted to mean that all steel pipe manufactured prior to November 12, 1970, must be qualified exclusively by paragraph (f). However, it was not the intent that paragraph (f) be the sole method, since, even under the present rule, such pipe could be qualified in various ways under § 192.55(a) or (b). Accordingly, while retaining the present methods of qualification, § 192.55 has been amended to make clear that both new and used steel pipe manufactured prior to November 12, 1970, may also be qualified for use by meeting the substance of proposed paragraph (f).

For increased clarity and organizational consistency, the qualification standards applicable to steel pipe manufactured prior to November 12, 1970, contained in proposed § 192.55(f), are being transferred to a new section III of Appendix B. As amended, Appendix B now contains the listed pipe specifications,

the standards for steel pipe of unknown or unlisted specification, and the standards for steel pipe manufactured prior to November 12, 1970, to unlisted editions of the listed specifications.

A relatively large number of commentators recommended that a hydrostatic test be allowed as an alternative to the nondestructive testing of the weld as proposed in § 192.55(f) (2) (i). The Office of Pipeline Safety (OPS) agrees with the recommendations for establishing such an alternate since a water test will often open up flaws which might otherwise break out at the operating pressure of a pipeline, even after 100 percent non-destructive testing of seams. Of the various testing levels suggested, that which is based on operating pressure offers a reasonable safety approach. The testing level being adopted, which was supported by a majority of the commentators, sets the minimum at 1.25 times maximum allowable operating pressure (MAOP) in a class 1 location and 1.5 times MAOP in a class 2, 3, or 4 location. This provides for a test level equivalent to 90 percent of SMYS where pipe is operated to the maximum allowable stress level in class 1 and 2 locations while providing for a test level 50 percent above maximum operating pressure where the pipe is stressed to a lower level in class 3 and 4 locations.

Upon further review within the OPS in connection with the adoption of a hydrostatic test as an alternative to non-destructive inspection, it has been determined that to assure meeting the level of safety attained by the standards in Subpart J, the hydrostatic test pressure must be maintained for at least 8 hours, notwithstanding that Subpart J permits strength tests of shorter duration under certain conditions. The time requirement has been set accordingly.

Proposed § 192.55(f) (2) (ii) referred to the "physical properties" of pipe. One member of the Technical Pipeline Safety Standards Committee pointed out that the term "physical properties" has a limited meaning to metallurgists and suggested that the term "mechanical properties" might be more appropriate. Subsequent committee discussion brought out that while "physical properties" is not the academically accepted term, it is the one generally used by industry in contrast to "chemical properties." To avoid any misinterpretations, the committee therefore agreed to accept the terminology "physical (mechanical) properties" and the final rule, now set forth in paragraph (b) (1) of section III of Appendix B, has been worded accordingly.

In proposing that § 192.65 be amended to provide for a hydrostatic test, the preamble to Notice 72-2 included a statement that fatigue cracks in the pipe caused by rail transportation would leak or break out when subjected to a high level hydrostatic test. In that connection, the Technical Pipeline Safety Standards Committee correctly pointed out that not all fatigue cracks will be discovered by the high stress level test. However, it is not essential that all these cracks be discovered. Research and pipeline testing experience indicate that the cracks that could cause failure during operation will be disclosed by this type of test. Subcritical cracks, if not discovered by the stress imposed by the test, will cause no problem since they would not reasonably be expected to break out at the stresses associated with the maximum allowable operating pressure.

A number of commentators recommended that the test to at least 90 percent of SMYS as proposed in § 192.65(b) be revised to specify instead a hydrostatic test to at least 1.25 MAOP in class 1 locations and 1.50 MAOP in class 2, 3, and 4 locations. The recommendation is considered to have merit since the spread between operating and test pressures is the important factor. The recommendation would still result in a test level of 90 percent of SMYS where the pipe was operated to the maximum stress level allowed in class 1 and 2 locations yet provide an adequate safety margin at the lower operating stresses. Because the result of a defect in the body of the pipe caused by fatigue during transportation is essentially the same as that caused by a defect in the seam weld, the hydrostatic test level in § 192.65 is established at the same level as allowed in Appendix B.

Notice 72-2 stated that one purpose of the proposed amendment was to add the 1971 editions to the API listed pipe specifications. Shortly after Notice 72-2 was issued, the API issued Supplement 1 to API standards 5L, 5LS, and 5LX. Among the more important substantive additions, Supplement 1 provides weld ductility tests for electric resistance welded (ERW) pipe, increased criteria for penetrator checks, and allowance for the magnetic particle inspection of the entire length of welded pipe. The OPS has determined that these 1971 API Supplements are satisfactory for use and provide additional standards for qualification of pipe to the operators. They are, therefore, included in this amendment as part of the 1971 editions of the API listed pipe specifications incorporated into Appendices A and B.

Section 4(a) of the Natural Gas Pipeline Safety Act requires that all proposed standards and amendments to such standards be submitted to the Technical Pipeline Safety Standards Committee and that the committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each such proposal." This amendment to Part 192 has been submitted to the committee and it has submitted a favorable report. The committee's report and the proceedings which led to that report are set forth in the public docket for this amendment which is available at the Office of Pipeline Safety.

In consideration of the foregoing, Part 192 of Title 49 of the Code of Federal Regulations is amended as follows, effective March 22, 1973.

1. Sections 192.55 (a) (2) and (b) (2) are revised to read as follows:

§ 192.55 Steel pipe.

(a) * * *

(2) It meets the requirements of—

(i) Section II of Appendix E to this part; or

(ii) If it was manufactured before November 12, 1970, either section II or III of Appendix B to this part; or

(b) * * *

(2) It meets the requirements of—

(i) Section II of Appendix B to this part; or

(ii) If it was manufactured before November 12, 1970, either section II or III of Appendix B to this part;

2. Section 192.65 is revised to read as follows:

§ 192.65 Transportation of pipe.

In a pipeline to be operated at a hoop stress of 21 percent or more of SMYS, no operator may use pipe having an outer diameter to wall thickness ratio of 70 to 1 or more, that is transported by railroad unless—

(a) The transportation was performed in accordance with API RP5L1; or

(b) In the case of pipe transported before November 12, 1970, the pipe is tested in accordance with Subpart J of this part to at least 1.25 times the maximum allowable operating pressure if it is to be installed in a class 1 location and to at least 1.5 times the maximum allowable operating pressure if it is to be installed in a class 2, 3, or 4 location. Notwithstanding any shorter time period permitted under Subpart J of this part, the test pressure must be maintained for at least 8 hours.

3. Section I of Appendix A is amended by revising paragraph B to read as follows:

B. American Petroleum Institute (API), 1801 K Street NW., Washington, DC 20006, or 300 Corrigan Tower Building, Dallas, Tex. 75201.

4. Section II of Appendix A is amended by revising subparagraphs A.1, 2, 3, and 5 to read as follows:

II. Documents incorporated by reference.

A. American Petroleum Institute:

1. API Standard 5L "API Specification for Line Pipe" (1967, 1970, 1971 editions, 1971 edition plus Supplement 1).

2. API Standard 5LS "API Specification for Spiral-Weld Line Pipe" (1967, 1970, 1971 editions, 1971 edition plus Supplement 1).

3. API Standard 5LX "API Specification for High-Test Line Pipe" (1967, 1970, 1971 editions, 1971 edition plus Supplement 1).

5. API Standard 5A "API Specification for Casing, Tubing, and Drill Pipe" (1968, 1971 editions).

5. Section I of Appendix B is amended by revising the first three items to read as follows:

I. *Listed pipe specifications.* Numbers in parentheses indicate applicable editions.

API 5L—Steel and iron pipe (1967, 1970, 1971, 1971 plus Supplement 1).

API 5LS—Steel pipe (1967, 1970, 1971, 1971 plus Supplement 1).

API 5LX—Steel pipe (1967, 1970, 1971, 1971 plus Supplement 1).

6. Appendix B is amended by adding a new section III at the end thereof, to read as follows:

APPENDIX B—QUALIFICATION OF PIPE

III. *Steel pipe manufactured before November 12, 1970, to earlier editions of listed specifications.* Steel pipe manufactured before November 12, 1970, in accordance with a specification of which a later edition is listed in section I of this appendix, is qualified for use under this part if the following requirements are met:

A. *Inspection.* The pipe must be clean enough to permit adequate inspection. It must be visually inspected to ensure that it is reasonably round and straight and that there are no defects which might impair the strength or tightness of the pipe.

B. *Similarity of specification requirements.* The edition of the listed specification under which the pipe was manufactured must have substantially the same requirements with respect to the following properties as a later edition of that specification listed in section I of this appendix:

(1) Physical (mechanical) properties of pipe, including yield and tensile strength, elongation, and yield to tensile ratio, and testing requirements to verify those properties.

(2) Chemical properties of pipe and testing requirements to verify those properties.

C. *Inspection or test of welded pipe.* On pipe with welded seams, one of the following requirements must be met:

(1) The edition of the listed specification to which the pipe was manufactured must have substantially the same requirements with respect to nondestructive inspection of welded seams and the standards for acceptance or rejection and repair as a later edition of the specification listed in section I of this appendix.

(2) The pipe must be tested in accordance with Subpart J of this part to at least 1.25 times the maximum allowable operating pressure if it is to be installed in a class 1 location and to at least 1.5 times the maxi-

mum allowable operating pressure if it is to be installed in a class 2, 3, or 4 location. Notwithstanding any shorter time period permitted under Subpart J of this part, the test pressure must be maintained for at least 8 hours.

(Sec. 3, Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. 1672; § 1.58(d), regulations of the Office of the Secretary of Transportation, 49 CFR 1.58(d); the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation, 49 CFR Part 1)

Issued in Washington, D.C., on February 14, 1973.

JOSEPH C. CALDWELL,
Director, Office of
Pipeline Safety.

[FR Doc.73-3322 Filed 2-21-73; 8:45 am]



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

13

CHAPTER I—DEPARTMENT OF
TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 192-13; Docket No. OPS-9]

PART 192—TRANSPORTATION OF NATURAL
AND OTHER GAS BY PIPELINE:
MINIMUM FEDERAL SAFETY STANDARDS

Definition of Service Line

The purpose of this amendment to Part 192 of Title 49 of the Code of Federal Regulations is to broaden the definition of the term "service line" contained in § 192.3.

This amendment is based on a notice of proposed rulemaking (OPS notice 71-1) issued on May 24, 1971, and published in the Federal Register (36 FR 9667) on May 27, 1971. Interested persons were afforded an opportunity to participate in the rulemaking by submitting written information, views, or arguments. The opinions and data presented in the comments that were subsequently received have been fully considered and are reflected in this final rule.

As proposed in the notice, a service line would have gone to the outlet of the customer meter, a service line valve, a service regulator, or the point at which the line enters the customer's building, whichever of the four is farther downstream. The public comments made in response to the notice were divided into three general classes. One group of commentators favored retention of the original definition without amendment; a second group recommended deletion of various elements of the proposed definition; the third group suggested a number of variations, each intended to place a limit on the definition of service line to exclude from it the piping belonging to the ultimate gas consumer. None of the comments received were favorable to the definition of service line in its entirety as proposed in notice 71-1.

Those commentators who favored no change believed that the original definition is consistent with an operator's responsibility. In their view, any extension of the definition of a service line beyond the meter and out of the ownership of the operator would place such line beyond the operator's control in terms of construction and operating standards. It was also pointed out that the proposed extension of the definition would raise the question whether the private owner of a service line would become an operator subject to the Federal safety standards.

One commentator of the second group of comments stated that, as points for determining the end of a service line, the service line valve and service regulator are superfluous since neither would

be present downstream of the meter in a normal situation where gas is delivered to a customer at 4 to 6 ounces. Several other comments in this group recommended that "the point at which the line enters the customer's building" be eliminated from the definition on the ground that for piping downstream of the meter, installed by other than the operator, the operator would have no control as to materials used or method of installation.

The third group, comprising the greatest number of comments opposing the proposal, suggested further changes intended to avoid bringing within the definition of service line any customer-owned pipe over which the operator could not assert control. Such further changes were believed necessary to avoid having homeowners or other final consumers of gas considered as engaging in the transportation of gas, or as owning or operating pipeline facilities subject to the Federal standards. Moreover, in the view of these commentators, the definition should be consistent with the usual situation in which, downstream of the meter, an operator has no general authority over facilities beyond his own equipment and no responsibility for maintenance or repair of any line or equipment owned by others. In effect, these commentators would define service line as a distribution line that transports gas from a common source of supply to a customer meter or, in the absence of a meter, to a service line valve or point of connection with the customer's piping.

A number of commentators made various recommendations which would have qualified the definition to cover special situations. In this category were suggested special definitions applicable only to consumers' privately owned lines, distribution lines on private property, and pipelines within the definition which would be exempted from the regulations. These comments are clearly not directed to the proposed definition of service line and, since they exceed the scope of the notice, will not be considered in this rule-making action.

In addition to the many comments received in response to the public notice as summarized above, the proposal was extensively discussed with the full Technical Pipeline Safety Standards Committee. That committee raised objections to the proposed definition on essentially two grounds.

First, the committee pointed out that there was an internal inconsistency in the definition as proposed. The proposed definition stated that a service line "transports gas from a common source of supply to a customer . . ." but then went on to list points which may well be beyond the point where the gas is

delivered "to a customer." In the committee's view, transportation of gas to a customer involves both a transfer of ownership of the gas to the customer and the entry of the gas into the facilities of the customer. Thus, if the concept of transportation of gas "to a customer" is to be retained as the essential element of the definition, the subsequent part of the definition giving examples of what is included should be consistent with the phrase "to a customer."

Second, the committee objected to a definition under which a "service line" could include a customer-owned portion downstream of the meter as well as an operator-owned portion of one service line. It was their concern that extension of the definition to include customer-owned piping downstream of the meter would require someone to have safety responsibility for the lines newly brought within the definition. In their view, however, it would be illogical to make the gas distribution company (the operator) responsible for service lines it did not own on property it had no right to enter, and it was equally illogical for a homeowner to be made subject to the regulations as an operator.

In proposing to amend the definition of service line, the intent was not only to retain within the definition the pipelines currently covered, but to extend the definition to cover those portions of the distribution system that would present an exposure to the public. The proposed definition, therefore, was cast in terms relating to the lines themselves, without considerations of ownership of either the line or the gas. The Technical Pipeline Safety Standards Committee, on the other hand, because the regulations are directed to the operators, believed that for consistency the definition of service line should not bring customer-owned piping within the reach of the regulations. It was the committee's view, therefore, that a service line should be considered to include that portion of an operator's facilities used to convey gas from a distribution main to the customer's facilities downstream of the meter and that any definition adopted must express that one basic characteristic. This view recognizes that after the gas changes ownership and passes into facilities not owned by the operator, the operator has no general legal right or obligation to go into those facilities for inspection or maintenance and could not be penalized for failure to do so.

The Department has jurisdiction under the Natural Gas Pipeline Safety Act to regulate the transportation of gas to the point where it is used by the consumer. This jurisdiction has not heretofore been fully implemented in the distribution area, and it is the purpose of

this rulemaking action to extend the limits of the definition of "service line" to insure that all such lines included in the Department's jurisdiction are adequately covered by safety regulations. As stated in notice 71-1, it was not intended that a redefinition of the term "service line" become involved with the further question of who has responsibility for assuring that service lines are installed and maintained in accordance with safety standards. However, as the committee has emphasized, the two issues are not readily separable. Since accidents may be caused by defects on either operator-owned or customer-owned portions of service lines, this redefinition is of great importance in determining the responsibility of operators for service lines.

The OPS does not agree that customers owning lines that come within the definition of service line thereby become operators. An operator means a person who engages in the transportation of gas. Transportation of gas means the gathering (with certain exceptions), transmission, or distribution of gas by pipeline or the storage of gas in or affecting interstate or foreign commerce. Transportation of natural gas ends with the sale coupled with delivery of the gas to the ultimate consumer so that, after the sale, the gas becomes a consumer item and is no longer in commerce. The OPS is of the opinion that a homeowner who receives gas for consumption is not an individual engaged in the transportation of gas, and should not be penalized for failure to comply with a regulation involving transportation of gas. Since a homeowner is not considered an operator, an inconsistency would result if the lines he owns downstream of the meter were to be defined as "service lines" and thereby subjected to standards applicable to distribution lines transporting gas.

The OPS recognizes that every part of the gas distribution system down to the point where the gas is burned should be subjected to some form of safety regulation. Most but not all customer-owned services are installed under a local code. With the adoption of this definition, both OPS and State agencies anticipate that local codes will cover the remaining portion of the service, i.e. to the burner tip. In those cases in which the local code purports to cover piping from the main to the meter, but is actually in conflict with part 192, the Federal standards will, of course, prevail.

Customer-owned lines between the distribution main and meter are presently classed as service lines and no objections were made to the proposal which would have continued such classification. Invariably the meter itself is owned by the distribution company and, as a practical matter, the safe condition of the line to that meter is made the responsibility of the company. Therefore, whether the line upstream of the meter is owned by the distribution company or the customer, that line is involved in the transportation of gas and brought within the

regulations by its classification as a service line. The responsibility that this places on the distribution company is consistent with the fact that ownership of the gas does not change normally until the gas goes through the meter.

To meet the foregoing comments and objections with which OPS agrees, and to carry out the purpose of the amendment, "service line" is now defined as including a customer meter or the connection to a customer's piping, whichever is farther downstream. What constitutes a customer meter does not depend on its ownership, but rather on its function which is to measure the transfer of gas from an operator to an ultimate consumer. To clarify what is meant by customer meter, its function has therefore been stated within the amended definition of service line. The term "customer's piping" as used in the revised definition means the piping owned by the customer.

The definition has been further amended to clarify the situation where there is no customer meter. In such case, a service line terminates at the connection to the customer's piping.

In a so-called "master meter system," a municipal housing authority or the landlord of a mobile home park is supplied gas by a public utility through a master meter and, in turn, distributes the gas through its own mains and services to the ultimate users of the gas who may or may not be individually metered. A master meter is not a customer meter "that measures the transfer of gas from an operator to a consumer" as that term is used in the amended definition of service line nor is the line upstream of a master meter a service line. The mains and lines distributing the gas downstream of a master meter are a distribution system that is subject to the Natural Gas Pipeline Safety Act, and the housing authority or the landlord of the mobile home park is an operator under part 192. Within a master meter system, a "service line," as that term is now defined, transports gas from the distribution main to the customer meter measuring the transfer of gas to the ultimate user of the gas or to the connection to that user's piping if such connection is farther downstream than the customer meter or if there is no customer meter.

The change in the final definition from that proposed in the notice is substantive in nature and is based both on the public comments received in response to the notice and the recommendations of the Technical Pipeline Safety Standards Committee. However, the change to the definition is within the general scope of the notice on which it was based.

Section 4(a) of the Natural Gas Pipeline Safety Act requires that all proposed standards and amendments to such standards be submitted to the Technical Pipeline Safety Standards Committee, and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each such proposal." This amendment to part 192 has been submitted to the Committee,

and it has returned a favorable report. The Committee's report and the proceedings of the Committee which led to that report are set forth in the public docket for this amendment which is available at the Office of Pipeline Safety.

In consideration of the foregoing, § 192.3 of part 192 of title 49 of the Code of Federal Regulations is amended by changing the definition of "Service Line" to read as follows, effective May 10, 1973:

§ 192.3 Definitions.

"Service line" means a distribution line that transports gas from a common source of supply to (1) a customer meter or the connection to a customer's piping, whichever is farther downstream, or (2) the connection to a customer's piping if there is no customer meter. A customer meter is the meter that measures the transfer of gas from an operator to a consumer.

(Sec. 3, Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. 1693, § 1.53(d), regulations of the Office of the Secretary of Transportation, 49 CFR 1.55(d); redelegation of authority to the Director, Office of Pipeline Safety, set forth in appendix A of part 1 of the regulations of the Office of the Secretary of Transportation, 49 CFR Part 1)

Issued in Washington, D.C. on April 5, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc. 73-6342 Filed 4-9-73; 8:45 am]



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

14

Title 49—Transportation

CHAPTER I—DEPARTMENT OF
TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amendment 192-14; Docket No. OPS-3E]

PART 192—TRANSPORTATION OF NAT-
URAL AND OTHER GAS BY PIPELINE:
MINIMUM FEDERAL SAFETY STAND-
ARDS

Odorization of Gas in Transmission Lines

The purpose of this amendment is to extend the period of time during which the interim Federal safety standards applicable to gas odorization in transmission lines may remain in effect in those States now requiring such odorization.

On August 29, 1972, the Office of Pipeline Safety (OPS) issued amendment 192-7 (37 FR 17970). That amendment provided that the interim Federal standards on odorization, in effect in States requiring the odorization of gas in transmission lines, were to remain in effect until June 1, 1973, or the date upon which the distribution companies in those States were odorizing gas in accordance with § 192.625, whichever occurred earlier.

As explained in the preamble to amendment 192-7, the extension there provided was for the purpose of allowing time to carry out a rulemaking proceeding for odorization of gas in transmission lines. At the present time, that proceeding is being implemented and by January 1, 1974, the OPS anticipates it will be complete so that the interim standards can be allowed to lapse.

Since the regulatory provisions that are affected by this amendment are presently in effect, and since this amendment will impose no additional burden on any person, I find that notice and public procedure thereon are impractical and unnecessary and that good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing § 192.625(g)(1) of title 49 of the Code of Federal Regulations is amended, effective June 1, 1973, to read as follows:

§ 192.625 Odorization of gas.

(g)

(1) January 1, 1974; or

This amendment is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the re-delegation of authority to the Director, Office of Pipeline Safety, set forth in appendix A of part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR, pt. 1).

Issued in Washington, D.C. on May 31, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc. 73-11059 Filed 5-8-73; 8:45 am]

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN) APPLICATION NO.
AIRWAYS, INC., 201 STAPLETON AIR TERMINAL, DENVER,) 25193-Extension-Amended
COLORADO, FOR EXTENSION OF ITS EXISTING CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. AC-9)
TO INCLUDE AND PERMIT PICK-UP AND DELIVERY BY)
GROUND TRANSPORTATION.)

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN) APPLICATION NO.
AIRWAYS, INC., 201 STAPLETON AIR TERMINAL, DENVER,) 25194-Extension-Amended
COLORADO, FOR EXTENSION OF ITS EXISTING CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. ACS-45)
TO INCLUDE AND PERMIT PICK-UP AND DELIVERY BY)
GROUND TRANSPORTATION.)

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN) APPLICATION NO.
AIRWAYS, INC., 201 STAPLETON AIR TERMINAL, DENVER,) 25195-Extension-Amended
COLORADO, FOR EXTENSION OF ITS EXISTING CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. ACS-62)
TO INCLUDE AND PERMIT PICK-UP AND DELIVERY BY)
GROUND TRANSPORTATION.)

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN) APPLICATION NO.
AIRWAYS, INC., 201 STAPLETON AIR TERMINAL, DENVER,) 26489-Extension
COLORADO, FOR EXTENSION OF ITS EXISTING CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. ACS-69)
TO INCLUDE AND PERMIT PICK-UP AND DELIVERY BY)
GROUND TRANSPORTATION.)

IN THE MATTER OF THE APPLICATION OF VAIL LIMOUSINE) APPLICATION NO.
SERVICE, INC., DOING BUSINESS AS "ROCKY MOUNTAIN) 25196-PP-Amended
AIR FREIGHT DELIVERY SERVICE, INC.," 1421 COURT)
PLACE, DENVER, COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

October 30, 1973

Appearances: Robert S. Wham, Esq.,
Denver, Colorado, for
Applicants;
John F. Mueller, Esq.,
Denver, Colorado, for
Gary C. Bogue, doing
business as "Roaring
Fork Express Company,"
Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 18, 1973, Applicant Rocky Mountain Airways, Inc., filed an Exception to Decision No. 83785 as it applies to Application No. 26489-Extension. Applicant states at paragraph 5 of the Order contained in Decision No. 83785 the description of the full and complete authority under Certificate of Public Convenience and Necessity PUC No. ACS-69 is erroneous in that it omits to include the following additional authority which was added to the said ACS-69 by Decision No. 83112 of the Commission dated June 1, 1973 (quoting from Appendix "A" attached to said Decision No. 83112 setting forth the authority under ACS-69):

"The holder or operator herein is authorized to provide service to the intermediate point of Winter Park, Colorado, and airports or stolports located within that portion of Grand County lying within a twenty (20) mile radius of Winter Park, Colorado, on its scheduled routes between Denver, Colorado, and Steamboat Springs, Colorado, and between Denver, Colorado, and Hayden, Colorado."

The Commission finds that proper grounds exist for the granting of the Exception filed by Applicant Rocky Mountain Airways, Inc.

The following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exception filed October 18, 1973, by Applicant Rocky Mountain Airways, Inc., be, and hereby is, granted.
2. Paragraph 5 of the Order contained in Decision No. 83785 is amended to read as follows:
 - "5. Henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. ACS-69 shall read and be as follows, to-wit:

Transportation on schedule of persons and property

1. Between Denver, Colorado, and airports in the vicinity thereof on the one hand and Steamboat Springs, Colorado, and airports within a ten-mile radius thereof on the other hand.
2. Between the terminal point of Denver, Colorado and airports in the vicinity thereof on the one hand and the terminal point of the Yampa Valley Airport near Hayden, Colorado, on the other hand with the right to make an intermediate stop at Steamboat Springs, Colorado, and airports or stolports within a ten-mile radius thereof.
3. Upon an experimental basis only for a period of three years from the effective date hereof, with authority to operate the same seasonally only, during the ski season, or otherwise, as follows:
 - a. Between Steamboat Springs, Colorado, and airports within a ten-mile radius thereof on the one hand and Aspen, Colorado, and airports in the vicinity thereof on the other hand with the right to make an intermediate stop at the Eagle County Airport.

Between the terminal point of the Yampa Valley Airport near Hayden, Colorado, on the one hand and the terminal point of Aspen, Colorado, and airports in the vicinity thereof on the other hand, with the right to make intermediate stops at Steamboat Springs, Colorado, and airports or stolports within a ten-mile radius thereof, and Vail, Colorado, and airports and stolports within a thirty-five mile radius thereof.
4. The holder or operator herein is authorized to provide service to the intermediate point of Winter Park, Colorado, and airports or stolports located within that portion of Grand County lying within a twenty (20) mile radius of Winter Park, Colorado, on its scheduled routes between Denver, Colorado, and Steamboat Springs, Colorado, and between Denver, Colorado, and Hayden, Colorado.

RESTRICTION:

This Certificate is restricted to the use of only fixed-wing aircraft.

Transportation of air freight moving under an air bill of lading issued by the holder or operator of this Certificate within the following-described territories:

- A. A ten (10) mile radius of Sardy Field, Aspen, Colorado;
- B. Two (2) miles on either side of that portion of U.S. Highway Nos. 6 and 40 and Interstate Highway No. 70 located between Vail Pass and the west city limits of the City of Glenwood Springs, Colorado."

3. The findings of fact and conclusions of Hearing Examiner Thomas M. McCaffrey in Recommended Decision No. 83785 be, and hereby are, adopted by the Commission.

4. The Examiner's Recommended Order in said Decision No. 83785 be, and hereby is, except as changed by Paragraph 2 of this Order, entered as the order of the Commission herein without any change or modification; and the said Recommended Order, except as changed by Paragraph 2 of this Order, be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 30th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF LONGHORN TRUCK LINE, INC.,)	
920 CHEROKEE, FORT MORGAN,)	
COLORADO, TO TRANSFER PUC NO. 775	)	APPLICATION NO. 26991-Transfer
AND PUC NO. 775-I TO MUSSO TRUCK,)	
INC., 2548 EVERETT ROAD, PUEBLO,)	
COLORADO.)	

IN THE MATTER OF THE APPLICATION)	
OF LONGHORN TRUCK LINE, INC.,)	
920 CHEROKEE, FORT MORGAN,	)	APPLICATION NO. 26992- Clarifi-
COLORADO 80701 AND MUSSO TRUCK,	)	cation and/or Extension
INC., 2548 EVERETT ROAD, PUEBLO,)	
COLORADO 81003 FOR AN EXTENSION)	
AND/OR CLARIFICATION OF PUC NO. 775)	
AND PUC NO. 775-I TO INCLUDE THE)	
TRANSPORTATION OF LIVESTOCK WITHIN)	
150 MILES OF LIMON, COLORADO.)	

October 30, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 26, 1973, Claude J. Schmatjen, by his attorney Thomas J. Burke, Jr., filed a Petition to Intervene in the above-captioned applications. Said applications were filed on September 18, 1973, and notice thereof was sent to all interested persons, firms or corporations on September 24, 1973. The time for filing a Petition for Leave to Intervene expired on October 24, 1973, and thus, in the normal course the Petition to Intervene filed by Claude J. Schmatjen would not be timely filed.

By Decision No. 83593 the Commission authorized the transfer of PUC No. 898-I from Link Truck Lines, Inc., to Schmatjen, and the filing of the notice of acceptance, insurance coverage, endorsements, and a tariff adoption was not administratively accomplished until Wednesday, October 24, 1973. Accordingly, Schmatjen was unable to file a protest prior to the expiration of the Commission's normal thirty (30) day period for filing of same; but does have the requisite conflicting operating authority in effect at the present time.

The Commission finds that the granting of the within Petition is in the public interest and concludes that the following order should be granted.

O R D E R



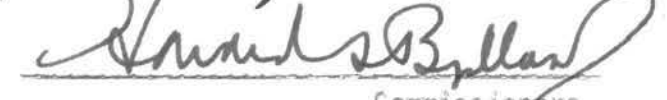
THE COMMISSION ORDERS THAT:

The Petition to Intervene in the above-captioned applications filed by Claude J. Schmatjen on October 26, 1973, be, and hereby is, granted.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 30th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE MATTER OF INCREASED RATES)
AND CHARGES ON FLAG DROP FOR FIRST)
ONE-FOURTH MILE, FOR CABS, INC.,)
D/B/A DOLLAR CAB LINE, OPERATING)
AS ZONE CABS)
-----)

Investigation and Suspension
Docket No. 810

October 30, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On the date of August 28, 1973, Cabs, Inc., d/b/a Dollar Cab Line, operating as Zone Cabs, by its General Manager, George Sellens, filed its Tariff Colorado PUC No. 19, cancelling Tariff Colorado PUC No. 18. The new tariff, scheduled to become effective on September 1, 1973, had the effective date postponed to the 15th of September, 1973, by the filing of supplement No. 1 to Colorado PUC No. 19.

The new tariff, Colorado PUC No. 19, would increase the rates and charges for the first quarter (1/4) mile, from 60¢ to 70¢.

By Decision No. 83665, dated September 11, 1973, the Commission suspended said filing, assigned Investigation and Suspension Docket No. 810 and set the matter for hearing on October 31, 1973.

On the date of September 19, 1973, petition was filed for an on behalf of Cabs, Inc., d/b/a Dollar Cab Line, operating as Zone Cabs, requesting that the hearing date be vacated, that the Docket in I & S No. 810 be closed, and that Tariff No. 19, now under suspension, be withdrawn.

On the date of October 29, 1973, Petition was filed on behalf of Respondent requesting permission to withdraw the above petition of September 19, 1973, and to proceed with the Tariff Colorado PUC No. 19.

On the same date, October 29, 1973, Respondent requested that the Commission vacate the hearing date of October 31, 1973, and reset at a future date.

The Commission finds that it will be in the public interest to allow the petition and to vacate the hearing date.

O R D E R

THE COMMISSION ORDERS:

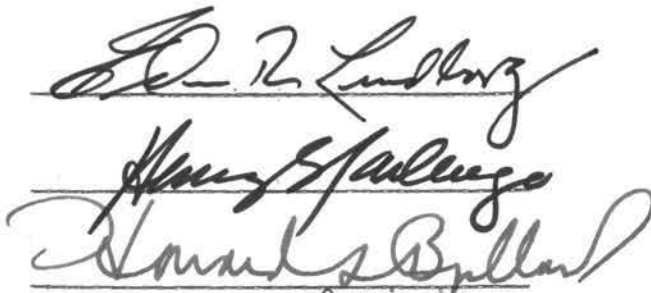
1. That Cabs, Inc., d/b/a Dollar Cab Line, operating as Zone Cabs, be, and it hereby is, authorized to withdraw its petition of September 19, 1973, which proposed to withdraw its Tariff Colorado PUC No. 19.

2. That the hearing date in Investigation and Suspension Docket No. 810, be, and it hereby is, vacated to be reset on December 6, 1973, at 10 a.m., in the Hearing Room, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 30th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

(Decision No. 83944)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BROWN BROTHERS TRASH SERVICE, INC.,)
710 EAST HARRISON, COLORADO SPRINGS,)
COLORADO, FOR TEMPORARY AUTHORITY TO)
OPERATE AS A COMMON CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 26924-TA

ORDER DENYING PETITION FOR
REHEARING, RECONSIDERATION,
OR REARGUMENT

- - - - -
October 30, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 26, 1973, the Commission entered its Decision No. 83727 in the above-entitled application.

On October 26, 1973, Protestants Best-Way Disposal Co., Security Garbage Co., Superior Sanitation, Inc., C & C Disposal, and Colorado Springs Sanitation, Inc., by their attorneys Robert G. Shepherd, Jr., and William Andrew Wilson, filed a Petition for Rehearing, Reconsideration, or Reargument of Commission Decision No. 83727.

CRS 115-6-14 (1) provides:

"After a decision shall have been made by the commission...any party thereto may within twenty days thereafter, or within such additional time as the commission may authorize upon request made within such period, make application for rehearing, reargument, or reconsideration of the same, or of any matter determined therein." * * *

No Request was filed within twenty (20) days for an extension of time within which to file a Petition for Reconsideration, Reargument, or Rehearing. Thus, the Petition for Rehearing, Reconsideration, or Reargument of Commission Decision No. 83727 was not timely filed.

The Commission states and finds that the Petition should be denied and the following Order entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Petition for Rehearing, Reconsideration, or Reargument of Commission Decision No. 83727 filed October 26, 1973, by Protestants Best-Way Disposal Co., Security Garbage Co., Superior Sanitation, Inc., C & C Disposal, and Colorado Springs Sanitation, Inc., being untimely filed, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 30th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES CLAIRE LANE, DOING BUSINESS AS)
"CLAIRE LANE TRUCKING CO.", 216 COLO-)
RADO AVENUE, PAONIA, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 976 AND 976-I TO)
JAMES C. MURPHY, DOING BUSINESS AS)
"MURPHY'S TRUCKING," P. O. BOX 711,)
PAONIA, COLORADO.)

APPLICATION NO. 26947-Transfer

ORDER OF THE COMMISSION

- - - - -
October 30, 1973
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 976 and 976-I, as granted by Commission Decisions Nos. 80211 and 82967 dated May 8, 1972 and May 11, 1973, respectively, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

IT IS FURTHER ORDERED, That 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.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

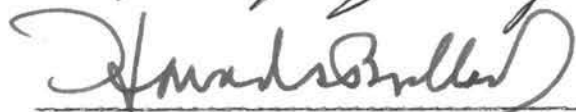
AND IT IS FURTHER ORDERED, That this order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 30th day of October, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE)	
CITY OF COLORADO SPRINGS, DEPARTMENT OF)	
PUBLIC UTILITIES, TO ADD AND DELETE AREAS)	APPLICATION NO. 26782
TO ITS CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY WHICH AUTHORIZED THE CON-)	RECOMMENDED DECISION OF
STRUCTION AND OPERATION OF ELECTRIC)	ROBERT L. PYLE, EXAMINER
SYSTEMS FOR THE GENERATION, TRANSMISSION,)	
DISTRIBUTION AND SALE OF ELECTRICITY IN)	
CERTAIN AREAS OF EL PASO COUNTY, COLORADO.)	

November 2, 1973

Appearances: Gordon D. Hinds, Esq., Colorado
Springs, Colorado, for the City
of Colorado Springs.

Horn, Anderson & Johnson by Louis
Johnson, Esq., Colorado Springs,
Colorado for the City of Colorado
Springs.

Robert T. James, Esq., Colorado Springs,
Colorado, for Mountain View Electric
Association, Inc.

Newton Free, Colorado Springs, Colorado,
for the Cimarron Corporation.

Kent A. Teall, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

By application date of July 2, 1973, Applicant filed the above entitled application seeking an order from the Commission (1) approving an Agreement dated May 29, 1973, between Mountain View Electric Association, Inc., and the City of Colorado Springs, (2) granting Applicant a Certificate of Public Convenience and Necessity to serve an area containing approximately 3.02 acres located in the W $\frac{1}{2}$ of Section 5, Township 14 South, Range 65 West of the 6th P.M., El Paso County, Colorado, presently within the territory duly certificated to Mountain View Electric Association, Inc., and (3) deleting an area containing approximately 7.19 acres located in the E $\frac{1}{2}$ of Section 6, Township 14 South, Range 65 West of the 6th P.M., El Paso County, Colorado, from Applicant's Certificate of Public Convenience and Necessity.

The Commission, pursuant to law, designated Robert L. Pyle as Examiner for the purpose of conducting a hearing on this application, and after due and proper notice to all interested persons or corporation, set the herein matter for hearing to be held in the auditorium of the El Paso County Office Building, 27 East Vermijo Street, Colorado Springs, Colorado, on Friday, October 12, 1973, at 10 a. m. The hearing was held at the aforesaid time and place.

Upon motion by the Applicant, consented to by Mountain View Electric Association, Inc., this application and that of Mountain View Electric Association, Inc., being Application No. 26908, were consolidated for hearing.

Mountain View Electric Association, Inc., General Manager, A. C. Payne, testified in support of the Application No. 26908.

Exhibits A through D, inclusive, were admitted into evidence.

The Applicant, through its attorneys, stipulated with counsel for Mountain View Electric Association, Inc., that the City of Colorado Springs supports the request of Mountain View Electric Association, Inc., in its Application No. 26908, is willing to relinquish the territory applied for, and willing to serve the 3.02 acres to be added to its certificated area of service.

There are no existing customers that could be affected in the area. The Staff witness, Mr. Kent A. Teall, testified that the Staff had no objection to granting both applications.

FINDINGS OF FACT

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

1. Applicant, the City of Colorado Springs, is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes 1963. It is engaged in the business of generating, transmitting and distributing electricity to its consumers on its lines in the City of Colorado Springs and in El Paso County, Colorado.

2. The Commission has jurisdiction over the Applicant and the subject matter of this application.

3. As a part of Applicant's service area included in its Certificate of Public Convenience and Necessity, Applicant presently serves an area in the E $\frac{1}{2}$ of Section 6, Township 14 South, Range 65 West of the 6th P.M., El Paso County, Colorado, described as follows:

Commencing at the Northeast corner of said Section 6 thence S 00° 24' 56" W along the East line of said Section 6 for 285.07 feet to the Point of Beginning thence; (1) along the said East line S 00° 24' 56" W for 2343.37 feet to the East $\frac{1}{4}$ corner of said Section, (2) S 00° 41' 10" W along said East line for 129.44 feet to the Centerline of proposed Peterson Road, (3) N 15° 27' 21" W along said Peterson Road for 532.74 feet, (4) along said Centerline on a curve to the right, said curve having a radius of 1100.00 feet and a central angle of 15° 45' 00" for an arc length of 302.38 feet, (5) along said Centerline N 00° 17' 39" E for 699.81 feet, (6) along said Centerline on a curve to the right, said curve having a radius of 1200.00 feet and a central angle of 20° 00' 00" for an arc length of 418.88 feet, (7) continuing on said Centerline N 20° 17' 39" E for 86.36 feet, (8) along said Centerline on a curve to the left, said curve having a radius of 1500.00 feet and a central angle of 18° 21' 36" for an arc length of 480.66 feet to the Point of Beginning, containing 7.19 acres of land more or less.

4. As a part of a service area of Mountain View Electric Association, Inc., there is included a tract located in the W $\frac{1}{2}$ of Section 5, Township 14 South, Range 65 West of the 6th P.M., El Paso County, Colorado, described as follows:

Commencing at the Northwest corner of said Section 5, then S 00° 24' 56" W along the West line of said Section 5 for 2628.44 feet to the West $\frac{1}{4}$ corner of said Section 5, thence S 00° 41' 10" W along the West line of said Section for 129.44 feet to the Centerline of proposed Peterson Road, which is the Point of Beginning thence, (1) S 00° 41' 10" W for 979.05 feet along said West Section line to a point on the Centerline of Palmer Park Boulevard, (2) along the said Centerline of Palmer Park Boulevard on a curve to the left having a radius of 1975.00 feet and a central angle of 7° 55' 19" for an arc length of 273.07 feet, said curve having a chord bearing of N 78° 30' 19" E for 272.85 feet to the Centerline of Peterson Road, (3) along said Centerline of said Peterson Road N 15° 27' 21" W for 959.30 feet to the Point of Beginning, containing 3.02 acres of land more or less.

4. A portion of Sections 5 and 6, in said Township 14 South, Range 65 West, El Paso County, Colorado, has been platted by The Cimarron Corporation, and a road named "Peterson Road" is under construction in a general North-South direction, on or near the present boundary line between the areas served by Mountain View Electric Association, Inc., and the City of Colorado Springs.

5. In order to avoid duplication of facilities, Applicant and the City of Colorado Springs have entered into an Agreement dated May 29, 1973, modifying the boundary line between the said two utilities in Sections 5 and 6 of Township 14 South, Range 65 West, El Paso County, Colorado, subject to the consent and approval of this Commission. A true copy of said Agreement dated May 29, 1973, was duly admitted into evidence and marked as "Exhibit B."

6. The present and future public convenience and necessity requires and will require an amendment to the boundary line of the Certificate of Public Convenience and Necessity heretofore issued to Applicant as hereinafter ordered and set forth.

7. Applicant is fit, willing and able to perform the service in the area hereinafter granted and to conform to the applicable statutory requirements and the Commission's Rules and Regulations thereunder.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid Findings of Fact, it is concluded that:

1. Application No. 26782 should be granted.
2. Pursuant to 115-6-9 (2), 1963, CRS, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS:

1. The following portion of Section 6, Township 14 South, Range 65 West of the 6th P.M., El Paso County, Colorado lying westerly of Peterson Road should be and is hereby deleted from territory included with the

Certificate of Public Convenience and Necessity of Applicant, the City of Colorado Springs, to-wit:

Commencing at the Northeast corner of said Section 6 thence S 0° 24' 56" W along the East line of said Section 6 for 285.07 feet to the Point of Beginning thence, (1) along the said East line S 00° 24' 56" W for 2343.37 feet to the East $\frac{1}{4}$ corner of said Section, (2) S 00° 41' 10" W along said East line for 129.44 feet to the Centerline of proposed Peterson Road, (3) N 15° 27' 21" W along said Peterson Road for 532.74 feet, (4) along said Centerline on a curve to the right, said curve having a radius of 1100.00 feet and a central angle of 15° 45' 00" for an arc length of 302.38 feet, (5) along said Centerline N 00° 17' 39" E for 699.81 feet, (6) along said Centerline on a curve to the right, said curve having a radius of 1200.00 feet and a central angle of 20° 00' 00" for an arc length of 418.88 feet, (7) continuing on said Centerline N 20° 17' 39" E for 86.36 feet, (8) along said Centerline on a curve to the left, said curve having a radius of 1500.00 feet and a central angle of 18° 21' 36" for an arc length of 480.66 feet to the Point of Beginning, containing 7.19 acres of land more or less.

2. That the City of Colorado Springs, be, and it hereby is, granted a Certificate of Public Convenience and Necessity to render electric service in the following-described areas:

Beginning at the SW corner of Section 19, T16S, Range 67 West, 6th principle meridian; thence North along the West line of Sections 19, 18, 7, 6, to SW corner of Section 31, T15S, R67W.; thence continue North along the West line of Section 31, to NW corner of Section 30; thence angle left West along the South line of Sections 24, and 23 to SW corner of Section 22; thence angle right North along West line of Section 22 and 15 to the NW corner of Section 15; thence angle left West along South line of Sections 9, 8, 7 to SW corner of Section 7; thence angle right North along West line of Section 7 to the NW corner of Section 6, all in T15S, Range 68 West; thence continue North along West line of Section 31 to NW corner of Section 31 in T14S, R68W; thence angle left West along the South line of Sections 25, 26, and 27 to the SW corner of Section 27; thence angle right North along West line of Sections 27, 22, 15, 10 and 3 to the NW corner of Section 3, all in T14S, R69W; thence continue North along West line of Sections 34, 27, 22 and 15 to the NW corner of the SW $\frac{1}{2}$ of Section 15; thence East along E-W centerline to center of said Section 15; thence North on North-South centerline to North line of said Section 15; thence angle right East on the North line of said Section 15 to the NW corner of Lot 17, Block 3, Holiday Hills Subdivision, Teller County, Colorado; thence Southerly along the West line of said Lot 17 extended to the centerline of Holden Road; thence in a Northeasterly direction along centerline of Holden Road to its intersection with centerline of Catamount Road in the Southwest quarter of Section 11; thence in a Northerly direction along centerline of Catamount Road to its intersection with the E-W centerline in the W $\frac{1}{2}$, W $\frac{1}{2}$ of said Section 11; thence East along the E-W centerline of Section 11 and 12 to the East line of Section 12; thence North along East line of Section 12 to NE corner of Section 12, all in T13S, R69W.; thence angle right East

along North line of Section 7 to the NW corner of the NW $\frac{1}{4}$, NE $\frac{1}{4}$ of said Section 7; thence angle right South to SW corner of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of said Section 7; thence angle left East to NE corner of NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ of said Section 7; thence angle right South to the SE corner of NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ of said Section 7; thence angle left East to the SE corner of NE $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ of said Section 7; thence angle left North to the NE corner of NE $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$ of said Section 7; thence angle right East to the SE corner of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 8; thence angle left North to the N $\frac{1}{4}$ quarter corner of said Section 8; thence angle right East to the NW corner E $\frac{1}{2}$, NE $\frac{1}{4}$ of said Section 8; thence angle right South to the SW corner of E $\frac{1}{2}$, NE $\frac{1}{4}$ of said Section 8; thence angle left East along the E-W centerline of Sections 8 and 9 to the E $\frac{1}{4}$ corner of said Section 9; thence angle left North along East line of Section 9 to NE corner of said Section 9; thence angle right East along the North line of Sections 10, 11 and 12 to the NE corner of said Section 12, all in T13S, R68W; thence angle left North along West line of Section 6 to NW corner of said Section 6, T13S, R67W; thence continue North along West line of Sections 31 and 30 to NW corner of said Section 30; thence angle right East along North line of Sections 30 and 29 to NE corner of Section 29; thence North along West line of Section 21 to NW corner of SW $\frac{1}{4}$ of said Section 21; thence angle right East along E-W centerline of said Section 21 to NE corner of SW $\frac{1}{4}$ of Section 21; thence angle left North along N-S centerline of said Section 21 to North line of said Section 21; thence angle left West to the NW corner of said Section 21; thence angle right North along West line of Sections 16 and 9 to the NW corner of said Section 9; thence angle left West along South line of Section 5 to the West line of the E $\frac{1}{2}$ of E $\frac{1}{2}$ of Section 5; thence angle right North along the West line of said E $\frac{1}{2}$ of E $\frac{1}{2}$ of said Section 5 to the North line of said Section 5; thence angle right East along the North line of Sections 5, 4, 3, 2, and 1 to the East boundary line of the Air Force Academy property, all in T12S, R67W; thence angle right Southeasterly in T12S, R67W and R66W, West of the East boundary of the Air Force Academy property to the NW corner of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Section 5, T13S, R66W; thence angle left East to the NE corner of said Section 5; thence angle right South along East line of said Section 5 to SE corner of said Section 5; thence angle left East along North line of Sections 9, 10 and 11 to NE corner of said Section 11; thence angle right South along East line of Sections 11 and 14 to SE corner of Section 14; thence angle left East along North line of Section 24, all in T13S, R66W; thence continue East along North line of Section 19 to NE corner of said Section 19; thence angle right South along East line of Sections 19, 30 and 31 to SE corner of said Section 31, all in T13S, R65W; thence continue South 0° 24' 56" W along the East line of Section 6 for a distance of 285.07 feet to a point which is the centerline of Peterson Road; thence on a curve to the right, said curve is on the centerline of Peterson Road having a radius of 1500 feet and a central angle of 18° 21' 36" for an arc length of 480.66 feet; thence South 20° 17' 39" W on said centerline a distance of 86.36 feet; thence along said centerline on a curve to the left, said curve having a radius of 1200 feet and a central angle 20° 00' 00" for an arc length of 418.88 feet; thence South 0° 17' 39" W on said centerline a distance of 699.81 feet; thence along said centerline on a curve to the left, said curve having a radius of 1100 feet and a central angle of 15° 45' 00" for an arc length of 302.38 feet; thence South 15° 27' 21" E on said centerline for a distance of 532.74 feet to a point on the East line of Section 6, said point bears South 0° 41' 10" W, 129.44 feet from E $\frac{1}{4}$ corner of said Section 6; thence continue South 15° 27' 21" E on same said centerline and bearing a distance of 959.30 feet to intersect the centerline of Palmer Park Boulevard; thence angle right along the centerline of Palmer Park Boulevard on a curve to the right, said curve having a radius of 1975.00 feet and a central angle 7° 55' 19" for an arc length of 273.07 feet to a point on the East line of said Section 6; thence angle left South 0° 41'

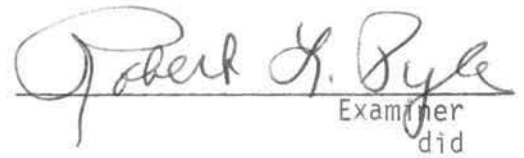
10" W along East line of said Section 6 to a point where the Easterly line of Lot 166 Cimarron-Westridge Filing No. 1 as shown in Plat Book T-2, Page 15, El Paso County, Colorado, intersects the East line of said Section 6; thence Southeasterly along the Easterly line of said Lot 166 a distance of 107.77 feet to the SE corner of said Lot 166; thence Northeasterly along the Northerly line of Lot 167 a distance of 24.71 feet to the Northeast corner of said Lot 167; thence Southeasterly along the Easterly line of said Lot 167 extended to the center of the cul-de-sac of Osage Way a distance of 129.28 feet; thence Southeasterly along the centerline of Osage Way extended to intersect the centerline of Tahlequah Drive, a distance of 260 feet; thence angle right in a Southerly and Westerly direction along the centerline of said Tahlequah Drive extended to intersect the centerline of Omaha Boulevard; thence angle left Easterly along the centerline of said Omaha Boulevard to intersect the Easterly line of Lot 234 extended to intersect the centerline of said Omaha Boulevard; thence angle right Southerly along the Easterly line of said Lot 234 to the Southeast corner of said Lot 234 which intersects at a point on the North line of Section 8, said point being Easterly of the Northeast corner of said Section 8, a distance of 33.94 feet; thence angle left East along North line of said Section 8 to the NE corner of said Section 8; thence angle right South along East line of Sections 8, 17, 20, 29 and 32 all in T14S, R65W.; thence continue South along the East line of Sections 5 and 8 to SE corner of Section 8, thence angle right West along South line of Sections 8 and 7 in T15S, R65W, and Sections 12 and 11, T15S, R66W; excepting that portion of Sections 12 and 11 as follows in the Village of Security, Colorado; all of that part of Block 3 in Addition No. 5 in Section 11, T15S, R66W, all of that part of Blocks 4, 5, and 7 all of Block 15 that part of Blocks 8 and 9 all in Addition No. 5, Section 12, T15S, R66W, Lot 5 through Lot 9 in Addition No. 10, Section 12, T15S, R66W; thence West along South line of Section 11 to SW corner of said Section 11; thence angle left South along the East line of Section 15 to the E-W centerline of Section 22; thence angle left East along the E-W centerline of Section 23 to East line of said Section 23; thence angle right South along the East line of Sections 23 and 26 to the SE corner of Section 26; thence angle right West along the South line of Sections 26 and 27 to the SW corner of Section 27; thence angle left South along the East line of Section 33 to the SE corner of said Section 33, all in T15S, R66W.; thence continue South along the East line of Sections 4, 9, 16, and 21 to the SE corner of Section 21; thence angle right West along the South line of Sections 21, 20 and 19 to the SW corner of Section 19, all in T16S, R66W; thence continue West along South line of Sections 24 and 23 to the SW corner of Section 23; thence angle right North along West line of Section 23 to the NW corner of Section 23; thence angle left West along South line of Section 15 to SW corner of said Section 15; thence angle left South along the East line of Section 21 to the SE corner of Section 21; thence angle right West along the South line of Sections 21, 20 and 19 to point of beginning of said description.

3. That 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 herein above set out.

4. That as provided by 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
did

(Decision No. 83947)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF)	DOCKET NO. 807
COLORADO PUC NO. 4 - TELEPHONE)	
OF HAXTUN TELEPHONE COMPANY.)	RECOMMENDED DECISION OF
	THOMAS M. McCaffrey, EXAMINER

- - - - -
November 1, 1973
- - - - -

Appearances: David R. Parker, Esq.,
Lincoln, Nebraska,
for Respondent;
John E. Archibold, Esq.,
Denver, Colorado,
for the Staff of the
Commission.

PROCEDURE AND RECORD

On July 2, 1973, Haxtun Telephone Company, Respondent, filed with this Commission its Advice Letter No. 5, accompanied by five (5) tariff sheets as more fully described therein. The proposed telephone tariffs would become effective on thirty (30) days' notice, or on August 1, 1973, unless suspended by the Commission.

The Commission in Decision No. 83355, issued July 17, 1973, on its own motion, suspended the proposed tariffs for a period of one hundred twenty (120) days or until November 29, 1973, unless further ordered by the Commission, and further ordered that the matter be set for hearing in the Large Court Room, 2nd Floor, Logan County Courthouse, Sterling, Colorado, on September 6, 1973, at 10 a.m. Upon due and proper notice to all persons, firms, or corporations, the hearing was held at the said time and place by Examiner Thomas M. McCaffrey, to whom the matter was assigned pursuant to law.

Subsequent to the filing of the application, approximately 60 letters in protest to the granting of the application were received by the Commission. The following persons appeared at the hearing to make statements in opposition to this tariff filing: Maynard K. Yost, Mayor of Crook, Colorado; Vernon Dix, Postmaster and resident of Haxtun, Colorado; James Boerner, a farmer residing nine miles from Fleming, Colorado; Beverly Summers, a resident of Crook, Colorado.

Respondent offered into evidence Exhibits 1 through 7 and the Staff of the Commission Exhibits 8 through 11, which were received into evidence.

Upon the conclusion of all the evidence, the Examiner took the subject matter under advisement, and pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. Respondent Haxtun Telephone Company is a Colorado corporation and is a wholly-owned subsidiary of Continental Telephone Company. Respondent is a public utility engaged in the business of providing telephone utility service within the areas of Haxtun, Fleming, and Crook, Colorado. The stated purpose of this tariff filing is to establish a new rate structure in conjunction with the upgrading of service and the burying of outside plant facilities in all three exchanges of the Haxtun Telephone Company.

2. The proposed upgrading of service and facilities in the three exchanges in Haxtun, Fleming, and Crook will include: (1) replacement by buried cable of all aerial wire and cable throughout the urban and rural portion of all three exchanges; (2) an addition to the central dial office building and new central office equipment in Haxtun; and (3) modification of the central office equipment buildings in Fleming and Crook, as well as installation of additional equipment.

3. Respondent has made arrangements with Mountain Bell for the installation of Direct Distance Dialing equipment within the first six months of 1975 for all three exchanges. The upgrading of the Haxtun exchange will be started during 1973 with completion expected by mid-1974. The upgrading of equipment and burying of outside plant facilities in the Fleming and Crook exchanges will start and be completed in 1974. If this tariff filing is approved, most of the work to be performed will be contracted out on bids. Financing for the proposed improvements and upgrading will be through REA, which has approved a two percent interest loan to Respondent in the amount of \$860,000, with Respondent's parent company, Continental Telephone Company, making an equity contribution of \$255,000, which amount has already been paid to Respondent. The total estimated amount to be expended in upgrading the equipment and burying of lines and cable is \$1,143,000.

4. Installation of the Direct Distance Dialing equipment will require that approximately ninety percent of the existing subscribers' telephone sets be replaced. There will be no charge to the Respondent's subscribers at the time such equipment replacement is made.

5. Respondent's existing aerial system in the three exchanges was installed during the 1950's and is now inadequate for the present and future needs to adequately serve Respondent's customers. This aerial system, which over the years has been subject to adverse weather, vandalism, and accidental damage, is rapidly becoming obsolete. The proposed buried cable throughout the urban and rural portion of the three exchanges, while perhaps increasing maintenance cost because of inaccessibility, will enable Respondent to provide more reliable, constant service to its subscribers. The additional equipment to be purchased by Respondent, together with the buried cable facilities, will update Respondent's service in line with modern communications.

6. In order to determine the type of service desired by its customers, Respondent on March 12, 1973, initiated a survey of its customers in the Haxtun, Fleming, and Crook exchanges. The persons surveyed reside outside the base rate area in each respective exchange area. Eighty-eight percent of the Respondent's customers stated a preference for the type of service desired, and of these persons a combined total of 79 percent preferred 4-party service or better. Respondent, upon completion of the upgrading of service in the three exchanges, proposes to eliminate 2-party urban business service and residential two-and four-party service. The proposed discontinuance of these services would not be in the public interest, and the Commission Staff's proposal, discussed hereinafter, should be adopted.

7. Respondent's gross revenues in calendar year 1972 were \$87,694. The proposed rate adjustments contained in this filing would result in an additional gross annual revenue of \$54,627. After computing the related expense adjustments necessitated by the upgrading and construction, the company's pro forma net income will be \$46,367 as compared to \$38,790 for calendar year 1972.

Respondent's testimony showed that telephone plant facilities had a greater percentage of incurred cost allocated to rural service. In revenue return expected by Haxtun Telephone Company, however, the urban subscribers would furnish the greater percentage of return. The Commission's suggested rate structure, as proposed by Robert Arrington of the Commission Staff, would reverse this revenue return percentage from urban to rural subscribers, but the resulting revenues would be comparable to those proposed by Respondent.

8. The imbalance between the total revenue percentages to be paid by the urban and rural areas in Respondent's proposed rates arises, in part, out of Respondent's non-intentional failure to charge on a mileage basis for four-party rural residential service. Respondent proposes to charge on a mileage basis, per its existing mileage tariff rate, for rural business one-party service and one-party rural residential service. As indicated in Finding of Fact No. 6, Respondent would make two-party urban business service and urban residential two- and four-party service obsolete. Under the Commission Staff's proposal, all types of Respondent's present service would continue, with the greatest portion of the additional total revenues being paid for by four-party rural residential customers. The cost of upgrading Respondent's facilities and service will, of course, be greater in the rural areas, and it is therefore reasonable that the customers receiving this service pay more. Some people, for example, located 30 miles from the base rate area will incur a monthly charge of \$6.40 base rate plus \$6.00 mileage, plus tax (or \$12.40, plus tax) as compared to the existing rate of approximately \$4.75 per month. The increase in this example represents the extreme and will be incurred by very few of Respondent's customers.

In lieu of the charges based upon Respondent's existing mileage tariff, under the Commission's Staff proposal, the rate of \$.20 per mile per month would be charged to each subscriber for the appropriate line mile number. A line mile number would define an increment of one mile length with the number of increment being the greater of the two mileage numbers bounding the increment and reflecting the actual line mile route distance. As an example, zero mile (Base Rate Area boundary) to and including one mile is one mile, more than one mile to and including two miles is two miles. Line mile rates are to be determined by distance measurement of the telephone line route, which should be the shortest route possible. Service lead-ends and other minor line footages, such as road crossings, are not considered part of the route distance, as service leadends are a necessary part of almost all service, and road-crossings are a gain-loss type of occurrence that would "average" out in route planning and implementation.

9. The last rate increase went into effect in the Haxtun and Crook exchanges in 1956, and there has been no increase in the Fleming exchange since 1959. The upgrading of facilities and services as presently proposed by Respondent is necessary, and a rate increase in a total amount as proposed by Respondent is reasonable. The allocation of rate increases as proposed by Respondent is not, however, reasonable, in that the greater percentage of Respondent's total revenue would be paid by urban subscribers rather than rural subscribers, whose services necessitate an expenditure of a greater percentage of Respondent's facilities. Further, Respondent's proposal to make obsolete urban business two-party lines and urban residential two-party and four-party service, since it is

necessary to provide a lower grade of service for the economic considerations of the community, would not be in the public interest. Respondent should be required to maintain all types of services it presently renders. It is thus found as fact that the tariff provisions as proposed by the Commission's Staff more accurately reflect the true cost of services rendered, or to be rendered, by Respondent, and the rate increases as set forth in the Staff's proposal would not result in any undue financial burden to Respondent's customers.

10. Complaints based by public witnesses who appeared in this hearing were based, for the most part, on the quality of Respondent's present services -- which, in many cases, apparently results from operator services provided by Mountain Bell-- and Respondent's past failure to upgrade facilities as promised. Another factor which obviously causes considerable anxiety among a number of Respondent's customers is that a rather large number of the residents in the area are retired persons on fixed incomes. The majority of Respondent's customers were apparently unaware that any rate increase would go into effect only when all upgrading of facilities and services is complete, and all customers will be given at least 30 days' notice prior to the effective date of the rate increase. Respondent's customers were apparently also unaware that there would be no charge for equipment changes to any person or firm who is a subscriber at the time the rate increase is effective. Customers' fears should be allayed considerably with the knowledge that no increase will be made unless and until all improvements in facilities and services are completed. Further, the rate structure as modified by the Commission's Staff proposal is necessary, reasonable, and should not result in any undue financial burden to Respondent's subscribers.

It is further noted that several of the public witnesses addressed complaints to the fact that toll charges were made for calls made between Respondent's three exchanges. Such complaints, however, are not relevant to the Respondent's tariff filing in this instance.

11. The updated service connection charges contained in Respondent's tariff filing more accurately reflect the actual average cost incurred by Respondent and these charges are fair and reasonable.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Tariff sheets filed by Haxtun Telephone Company on July 2, 1973, under Advice Letter No. 5 are unjust and unreasonable in that they attempt to eliminate three types of service presently rendered by Haxtun Telephone Company, and that said tariff provisions further fail to properly allocate the rate increases to customers for which the costs are to be expended.

2. Respondent Haxtun Telephone Company should file tariff provisions as set forth in the following Order.

3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Tariff sheets filed by Haxtun Telephone Company, Respondent herein, on July 2, 1973, under Advice Letter No. 5, be, and hereby are, permanently suspended.

2. Respondent shall file new tariff sheets in accordance with the rates for services and line mile tariff revisions as set forth in "Appendix A" and attachments hereto, which are by reference specifically

incorporated into this Order and made a part hereof. Tariff sheets to be filed in accordance with this Order must not eliminate any service offerings other than multi-party service, i.e., party-line service of more than four-party service.


3. Respondent shall file tariff sheets for Service Connection Charges (Section 6, Colorado PUC No. 4, First Revised Sheets No. 1 and 2) within 30 days of the effective date of this Decision; no changes in the content of these tariff sheets are necessary other than notation of Second Revised Sheet No. 1 and No. 2 and the typographical error as shown in "Appendix A" hereto.

4. Investigation and Suspension Docket No. 807 be, and hereby is, closed.

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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
js

APPENDIX A

1) The tariff sheets, as filed on July 2, 1973, under Advice Letter No. 5, are to be modified and refiled as directed herein:

- a) Section 4 (Local Exchange Rates), First Revised Sheets Nos. 1, 2, and 3 (permanently suspended) must be refiled as Second Revised Sheets Nos. 1, 2, and 3. Rates are to be revised as follows:

	<u>Submitted</u>	<u>Accepted</u>
BUSINESS SERVICE		
Individual Line	12.00	12.00
Two-Party	11.25*	11.25
Rural Four-Party	10.75	10.75
Extension Telephones	1.75	1.75
Semi-Public Pay Stations	12.00	12.00
RESIDENTIAL SERVICE		
Individual	8.00	8.00
Two-Party	7.25*	7.10
Four-Party	6.75	6.40
Rural Four-Party	7.50	6.40
Extension Telephones	1.25	1.25

*Obsolete Grade (No Obsolete)
of Service (Services)

Each of the above tariff sheets are to be filed 30 days prior to the change-over to the buried, higher grade of service facilities in any exchange. Notice must be sent to the affected subscribers in accordance with Finding No. 10 of this decision.

- b) Section 5 (Mileage Charges), The tariffs as shown in Appendix A attachments 1 and 2 are to be filed with the first filing of tariff sheets in above part 1.a. With the last filing of the above part 1.a tariff sheets, the filing should include the necessary "housekeeping" replacement of existing sheets 46 and 47 with the sheets 47a and 47b respectively.
- 2) The tariff sheets of Section 6 (Service Connection Charges), First Revised Sheets Nos. 1 and 2 are to be corrected as shown below and refiled as Second Revised Sheets Nos. 1 and 2 within 30 days of the effective date of this Decision. Since the changes are "housekeeping" in nature, filing may be made without further notice. The following change is to be made on the to be filed Second Revised Sheet No. 2:

5. Service Connection Charges do not apply:

- b. When any change is made an AND initiated by the Company,

Haxtun Telephone Company
name of utility

Original

Colo. PUC No. 4
Sheet No. 47a

State of Colorado

Cancels

Sheet No.

(General Service Classification)	
(Rate Title or Number)	Company Rate Code
MILEAGE CHARGES FOR TARIFFS FILED UNDER DECISION NO. 83947	
A. General	
This service involves the furnishing, suburban and/or off premises extension service, where applicable, of PBX trunk, one-, two-, or four-party services in sections outside the Base Rate Area or on premises other than that on which the main station for the class and grade of service is located within the exchange areas at the rates listed below.	
B. Rates, per month	
1. Off Premises Extensions, (or same premises and over 150 feet from main station) Business, Residence, Centrex, PBX or Key Stations, or Signal circuits, each, per extension, per 1/4 mile	\$1.50
2. Rural	
a. One-party service or PBX trunk, each, per 1/4 mile	.75
b. Two-party service, each, per 1/4 mile	.40
c. Four-party service, each, per Line Mile	.20
C. Conditions	
1. Mileage applicable to off premises business, residence, Centrex, PBX or Key extension stations located on premises, other than those on which the main stations or switchboard are located, will be determined in the following manner:	DO NOT WRITE IN THIS SPACE
a. When the terminals are located in the same Central Office area, the off premises mileage measurement is the air-line distance between the terminals.	
b. If the line passes through a Central Office, the air-line mileage must include the Central Office.	

Advice Letter No.

Issue Date

Decision or
Authority No.

Signature of Issuing Officer

Effective Date

Title

Haxtun Telephone Company
name of utility

Colo. PUC No. 4

Original

Sheet No. 47b

State of Colorado

Cancels

Sheet No.

(General Service Classification)	
(Rate Title or Number)	Company Rate Code
MILEAGE CHARGES FOR EXCHANGE RATES FILED UNDER DECISION NO. 83947	
C. Conditions (Continued)	
<p>2. Rural mileage will be based upon air-line mileage, between the location of the main station, or PBX switchboard service, and the nearest point on the Base Rate or Special Rate Area boundary for one- or two-party service. For four-party service, the Line Mile rates will be applied. Line Miles will be determined by the distance measurement of the telephone line route. Service lead-ins or other minor line footages are not part of the route distance. Any Line Mile number exceeded in distance by a service connection location will be computed at the next Line Mile number.</p> <p>3. The total monthly rate for mileage service will be the sum of the basic rate for the primary service furnished, as set forth in local exchange tariffs, and the appropriate mileage charges above.</p> <p>4. When facilities must be constructed to provide service to applicant beyond the Base Rate or Special Rate Area boundary, charges shall be determined as set forth under Line Extension Charges filed in this section.</p>	RATE
DO NOT WRITE IN THIS SPACE	

Advice Letter No.

Issue Date

Decision or

Signature of Issuing Officer

Authority No.

Effective Date

Title

(Decision No. 83948)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KEMP & HOFFMAN, INC., ROUTE 1, BOX)
042A, DENVER, COLORADO, FOR EMER-)
GENCY TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CONTRACT CARRIER)
PERMIT NO. B-7430.)

APPLICATION NO. 27084-PP-Extension-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 2, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

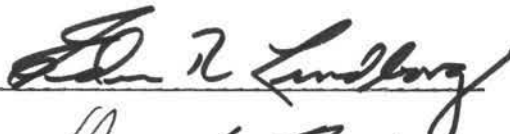
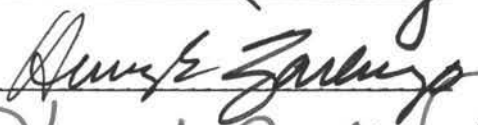
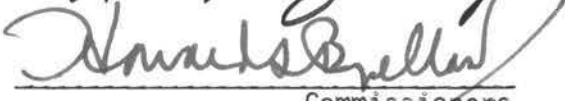
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83948
November 2, 1973

Kemp & Hoffman, Inc.

Transportation of

Liquid waste

From The Refinery Corporation, 5800 Brighton Blvd., Commerce City, Colorado,
to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: This emergency temporary authority is restricted to rendering
service for only The Refinery Corporation, 5800 Brighton Blvd., Commerce
City, Colorado.

(Decision No. 83949)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND D. BOFFEY, 183 LEONARD LANE,)
NORTHGLENN, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE,)

APPLICATION NO. 27087-PP-ETA

ORDER DENYING EMERGENCY TEMPORARY
AUTHORITY



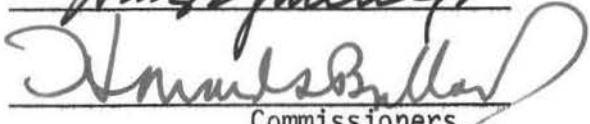
November 2, 1973

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 83950)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RALPH GARCIA AND MANUEL ARCHULETA,)
BOX 17, MONTE VISTA, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27088-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 2, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

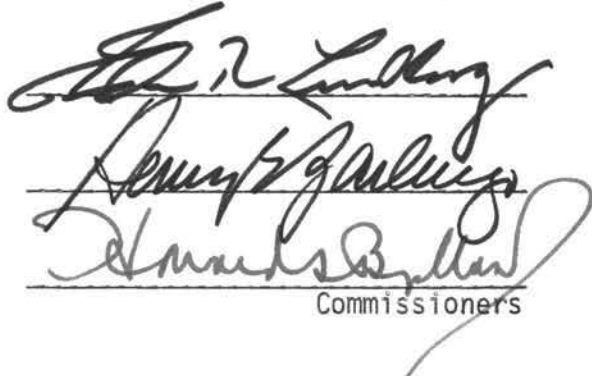
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83950
November 2, 1973

Ralph Garcia and Manuel Archuleta

Transportation of

Hay

Between all points located within a thirteen (13) mile radius of the junction of U.S. Highway 160 and U.S. Highway 285, Alamosa, Colorado.

RESTRICTION: This emergency temporary authority is restricted to rendering transportation service for only Hank Wiescamp, Alamosa, Colorado.

(Decision No.83951)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KARL F. BENGTON AND CHARLES D. GUY,)
DOING BUSINESS AS "G & B ENTER-)
PRISES," 1215 YOSEMITE, COLORADO)
SPRINGS, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27013-PP-TA

ORDER GRANTING TEMPORARY AUTHORITY

November 2, 1973

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

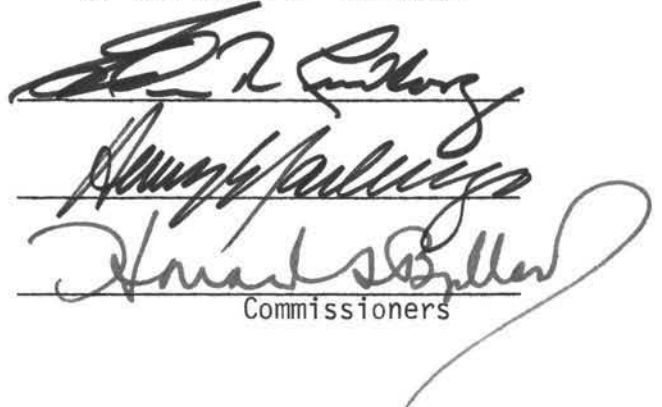
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof 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 no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83951
November 2, 1973

G & B Enterprises

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 75 miles from the point(s) of origin.

(Decision No.83952)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
D. H. WRIGHT TRUX, INC., P. O. BOX)
254, JAMESTOWN, COLORADO, FOR TEM-)
PORARY AUTHORITY TO EXTEND OPERATIONS)
UNDER CONTRACT CARRIER PERMIT NO.)
B-8064.)

APPLICATION NO.27049-PP-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
November 2, 1973
- - - - -

The above-entitled application under CRS 1963, 115-6-20, 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(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof 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 no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83952
November 2, 1973

D. H. Wright Trux, Inc.

Transportation of

Solvents of petroleum, chemicals and chemical products

Between all points located within a one hundred (100) mile radius of the plant sites of Arapahoe Chemical, Inc. located at or near Boulder, Colorado,

RESTRICTION: This temporary authority is restricted to rendering transportation service for only Arapahoe Chemical, Inc., Boulder, Colorado.

(Decision No. 83953)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
DELBERT HALE, DOING BUSINESS AS
"TELLURIDE STAGE LINE," 725 SOUTH
THIRD STREET, MONTROSE, COLORADO,
FOR TEMPORARY AUTHORITY TO EXTEND
OPERATIONS UNDER CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 7762.

APPLICATION NO. 27068-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
November 2, 1973 - -

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



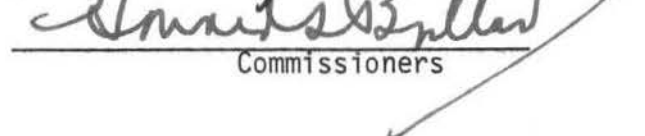
IT APPEARING, That there is an immediate and urgent need for the motor
carrier service described in the Appendix attached hereto, and that there is no
carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted
temporary authority for a period of 180 days commencing as of the day and date
hereof 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 no operations shall be commenced until all
requirements have been met and notice in writing has been received from the
Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83953
November 2, 1973

Telluride Stage Line

Transportation -- on call and demand -- of

(1) Packages and parcels

Between Montrose, Colorado, on the one hand and Ridgway, Placerville, Sawpit, and Telluride on the other hand;

(2) Passengers

Between the Montrose Airport, Montrose, Colorado, on the one hand and the Telluride Ski Area and Telluride Lodge at Telluride, Colorado, on the other hand;

(3) Passengers

Between Walker Air Field, Grand Junction, Colorado, on the one hand and points located within Telluride, Colorado, Telluride Ski Area, and Telluride Lodge, on the other hand,

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DELMAR STEWART, DOING BUSINESS AS	)	APPLICATION NO. 27035-PP-Extension-TA
"STEWART OF CREEDE," P. O. BOX 183,)	
CREEDE, COLORADO, FOR TEMPORARY	)	ORDER GRANTING TEMPORARY AUTHORITY
AUTHORITY TO EXTEND OPERATIONS UNDER)	
CONTRACT CARRIER PERMIT NO. B-8024.)	

November 2, 1973

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

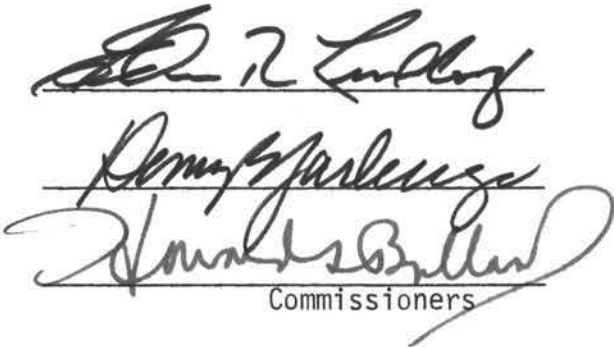
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof 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 no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83954
November 2, 1973

Stewart of Creede

Transportation of

Ore, ore concentrates and wastes

Between all points located within a fifteen (15) mile radius of the intersection of 1st and Aspen Streets, Creede, Colorado.

(Decision No. 83955)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
JOHN A. REESE AND BEVERLY Z. REESE,
2932 HOLLY STREET, DENVER, COLORADO,
FOR TEMPORARY AUTHORITY TO EXTEND
OPERATIONS UNDER CONTRACT CARRIER
PERMIT NO. B-7743.

)
) APPLICATION NO. 27063-PP-Extension-TA
)
) ORDER GRANTING TEMPORARY AUTHORITY
)
)

November 2, 1973

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

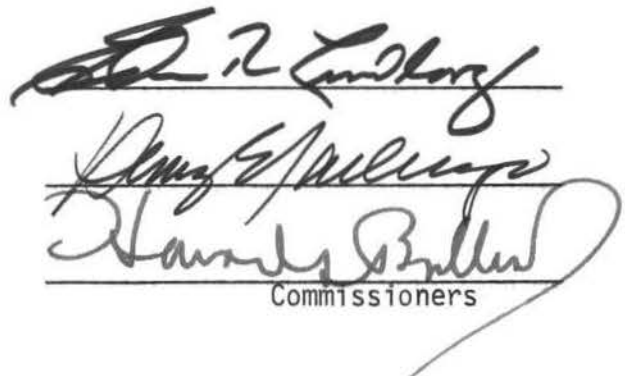
IT APPEARING, That there is an immediate and urgent need for the motor
carrier service described in the Appendix attached hereto, and that there is no
carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted
temporary authority for a period of 180 days commencing as of the day and date
hereof 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 no operations shall be commenced until all
requirements have been met and notice in writing has been received from the
Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83955
November 2, 1973

John A. Reese and Beverly Z. Reese

Transportation of

Processed corrugated wire

From the Storm Products Co. located at 205 Commerce St., Broomfield, Colorado, to points located within an area comprised of the County of Denver, and those portions of Adams, Arapahoe, and Jefferson Counties lying within a nine (9) mile radius of the intersection of Broadway and Colfax, Denver, Colorado.

RESTRICTION: This temporary authority is restricted to rendering transportation service for only Storm Products Co., Broomfield, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LLOYD E. HART AND KENNETH D. HART,)	
DOING BUSINESS AS "MOUNTAIN STATES)	APPLICATION NO. 27037-Lease-TA
VENDING," 6795 B. WEST MISSISSIPPI,)	
LAKEWOOD, COLORADO, FOR TEMPORARY)	
APPROVAL TO CONDUCT OPERATIONS)	ORDER GRANTING TEMPORARY APPROVAL
UNDER CERTIFICATE OF PUBLIC CONVEN-)	
IENCE AND NECESSITY PUC NO. 3499)	
PENDING DETERMINATION OF THE APPLI-)	
CATION TO LEASE SAID CERTIFICATE.)	

November 2, 1973

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


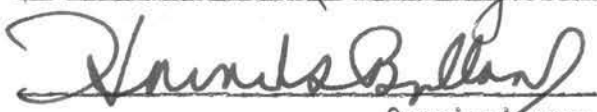
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Lessee be granted temporary approval for a period of 180 days effective as of the day and date hereof, to engage in the business of transportation by motor vehicle to the extent of the authority granted by this Commission under authority set forth in the caption above.

IT IS FURTHER ORDERED, That the Lessee shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTS.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

Application should be set for hearing.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
hbp

(Decision No. 83957)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KENNETH J. NAYLOR AND LILLIAN O.)
NAYLOR, DOING BUSINESS AS "NAYLOR)
SANITATION SERVICE," 925 ORCHARD,)
CANON CITY, COLORADO, FOR TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 7509, PENDING)
DETERMINATION OF THE APPLICATION TO)
ACQUIRE SAID CERTIFICATE.)

APPLICATION NO. 27038-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

- - - - -
November 2, 1973
- - - - -

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

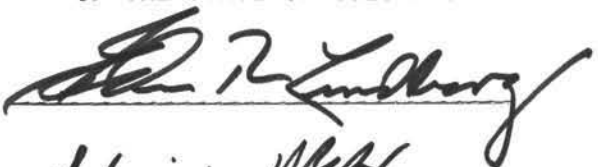
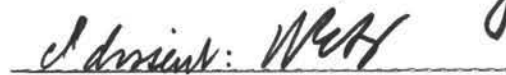
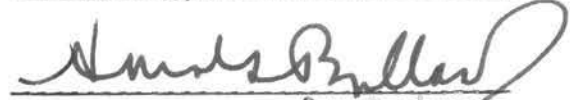
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Transferee(s) be granted temporary approval for a period of 165 days effective as of the day and date hereof, to engage in the business of transportation by motor vehicle to the extent of the authority granted by this Commission under the authority set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferee(s) shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Chairman: 

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GERALD G. WOOD, DOING BUSINESS AS	)	APPLICATION NO. 27066-PP-TA
"WOOD AND SONS," ROUTE 1, SUN)	
PRAIRIE, WISCONSIN, FOR TEMPORARY	)	ORDER GRANTING TEMPORARY AUTHORITY
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	

- - - - -
November 2, 1973
- - - - -

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

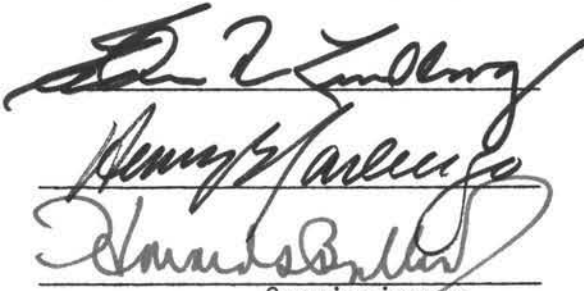
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof 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 no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83958
November 2, 1973

Wood and Sons

Transportation of

Bulls (other than ordinary)

From points located within the State of Colorado, to the American Breeders Service, Inc. facilities located near Wellington, Colorado.

RESTRICTION: This temporary authority is restricted as follows:

- (a) Transportation service rendered under this temporary authority is restricted to only the movement of bulls to be used for breeding purposes;
- (b) This temporary authority is restricted to rendering transportation service for only American Breeders Service, Inc., DeForest, Wisconsin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EARL E. PARTCH, DOING BUSINESS AS)
"EARL PARTCH CUSTOM DOZER SERVICE,")
BOX 146, 308 NORTH BOULEVARD,)
GUNNISON, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 26983-PP

ORDER OF THE COMMISSION

November 2, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

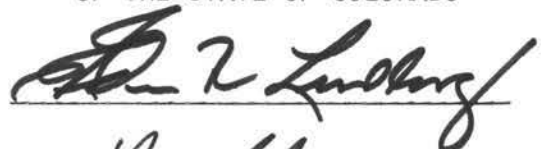

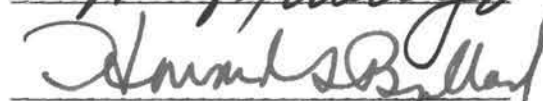
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83959
November 2, 1973

Earl Partch Custom Dozer Service

Transportation of

Sand, gravel, dirt, and granite

Between all points located within the County of Gunnison, State of Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
LaRUE LEEK, P. O. BOX 294, GREELEY,
COLORADO, FOR AUTHORITY TO OPERATE
AS A CLASS "B" CONTRACT CARRIER BY
MOTOR VEHICLE.

)
) APPLICATION NO. 26981-PP
)
) ORDER OF THE COMMISSION
)

November 2, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

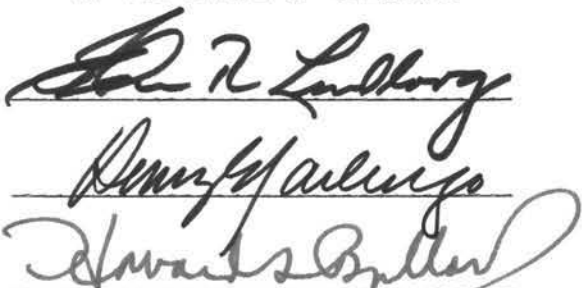
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83960
November 2, 1973

LaRue Leek

Transportation of

Farm products

Between all points located within an area comprised of the Counties of Adams, Arapahoe, Denver, Morgan, and Weld, State of Colorado.

RESTRICTION: This Permit is restricted against the transportation of livestock, bulk milk, and dairy products.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FELIX DURAN, JAMES DURAN, AND FRANK)	
ECKHARDT, JR., DOING BUSINESS AS)	APPLICATION NO. 27053-PP
"DURAN AND ECKHARDT TRUCKING," P. O.)	
BOX 416, LA SALLE, COLORADO, FOR AUTH-)	ORDER OF THE COMMISSION
ORITY TO OPERATE AS A CLASS "B" CON-)	
TRACT CARRIER BY MOTOR VEHICLE.)	

November 2, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

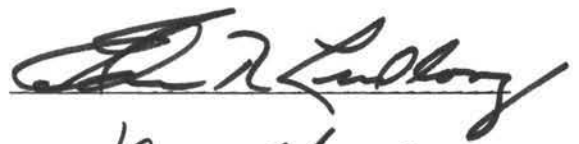
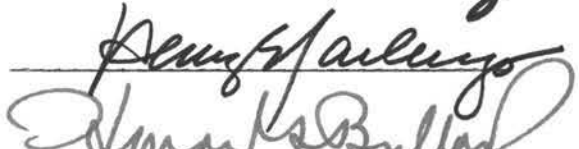

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 83961
November 2, 1973

Duran and Eckhardt Trucking

Transportation of

Farm products

Between all points located within an area comprised of the Counties of Weld, Morgan, Adams, Arapahoe, Boulder, Larimer, Sedgwick, Washington, Logan, Phillips, Yuma, Denver, and Jefferson, State of Colorado.

RESTRICTION: This Permit is restricted against the transportation of livestock, bulk milk, and dairy products.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ELBERT N. WESTERMAN AND LOLA F.)	
WESTERMAN, DOING BUSINESS AS "ELBERT)	APPLICATION NO. 27061-PP
N. WESTERMAN," 205 SOUTH 7TH, P. O.)	
BOX 66, LAMAR, COLORADO, FOR AUTHORITY)	ORDER OF THE COMMISSION
TO OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

November 2, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

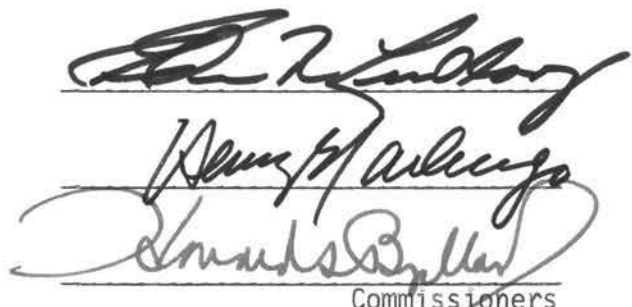
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 83962
November 2, 1973

Elbert N. Westerman

Transportation of

Farm products

Between all points located within an area comprised of the Counties of Baca, Prowers, Kiowa, Bent, and Otero, State of Colorado.

RESTRICTION: This Permit is restricted against the transportation of live-stock, bulk milk, and dairy products.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

JOSEPH S. LAMB	)	CASE NO. 5527
AND)	
KATHERINE A. LAMB	)	RECOMMENDED DECISION OF
2024 GOLDENVUE DRIVE	)	ROBERT L. PYLE, EXAMINER
GOLDEN, COLORADO,)	
Complainants,	)	DISMISSING COMPLAINT
vs.)	
MOUNTAIN BELL TELEPHONE COMPANY)	
931 14TH STREET)	
DENVER, COLORADO,)	
Respondent.)	

- - - - -
November 1, 1973
- - - - -

Appearances: William J. Phillips, Esq.,
Golden, Colorado, for
Complainants;
Jarvis W. Seccombe, Esq.,
Denver, Colorado, for
Respondent;
Robert L. Arrington,
Denver, Colorado, of the
Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

Pursuant to notice, the above-entitled matter was originally called for hearing on Friday, September 21, 1973, at 10 a.m. in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, by Examiner Robert L. Pyle, to whom it had been duly assigned. At that time and in conference with the parties, it was determined that the parties, with the aid of the Staff of the Commission, could very likely work out their differences. In order to facilitate matters in this regard, Commission Decision No. 83741, dated September 24, 1973, was entered, which continued the hearing to Friday, October 19, 1973, at 10 a.m. in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

On Friday, October 19, 1973, at 10 a.m., the matter was again called for hearing by Examiner Robert L. Pyle, at which time the parties advised your Examiner that their differences had been worked out to the satisfaction of all concerned and the Staff of the Commission was satisfied that all safety requirements had been or would be met. Exhibit No. 1 was tendered and admitted into evidence, which is a diagram of how the pole and guy wires would be set and both Complainants and Respondent request that the case be dismissed.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

CONCLUSIONS

Based on the aforesaid, it is concluded that:

1. The Case should be dismissed.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following order.

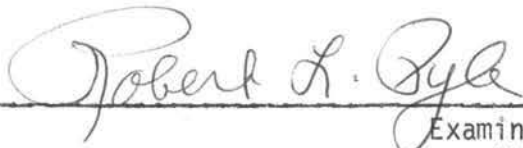
O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. 5527, being the case of Joseph S. Lamb and Katherine A. Lamb as Complainants against Respondent Mountain Bell Telephone Company, be and hereby is, dismissed.
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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION BY COLORADO MOTOR
TARIFF BUREAU AND WARD TRANSPORT,
INC., TO AMEND TARIFF ON ONE DAY'S
NOTICE TO CORRECT TARIFF OMISSION

APPLICATION NO. 27092

November 2, 1973

STATEMENT AND FINDINGS

BY THE COMMISSION:

On the date of October 31, 1973, the Colorado Motor Tariff Bureau, Inc., for and on behalf of carriers party to its Motor Freight Tariff No. 7-A, jointly with Ward Transport, Inc., filed a petition with the Public Utilities Commission asking for permission to make the following tariff publication on one day's notice:

IN COLORADO MOTOR TARIFF BUREAU, INC., AGENT,
MOTOR FREIGHT TARIFF NO. 7-A, COLO. PUC NO. 12,
AND IN WARD TRANSPORT, INC., INDIVIDUAL TARIFF:

Make the publication necessary in each of the tariffs to amend Supplement 10 to Motor Freight Tariff No. 7-A and Supplement 8 to Ward Transport, Inc. Tariff C-4 to provide the following:

"Sections 1 and 3 are hereby amended to (1) provide that the presently effective scale of rates as published on pages 30, 30-A, 42 and 42-A and the specific commodity rates as published on pages 20 through 29-D and pages 35 through 40, and corresponding pages of Ward Tariff C-4, are applicable only to those destinations that can be served by traversing highways other than the interstate highway system and (2) provide a scale of rates (designated as Column A-1 and B-1), Column A-1 rates 8.5% above the presently effective Column A rates, minimum shipment 7300 gallons and Column B-1 rates 9.5% above the presently effective Column B Rates, minimum shipment 6,300 gallons to apply to those destinations that can be served only by traversing highways on the interstate highway system. *Item 52 of CMTB Tariff 7-A and Item 26 of Ward Tariff C-4 will not apply to the application of rates in Columns A-1 and B-1 as shown herein."

In support of said application, Petitioners state that the reference to the non-application of Items 52 and 26, was omitted in error in the original publication and that said omission causes conflict and confusion to the user of the tariff, in that the supplements referred to herein provide mileage commodity rates which apply when transportation is

via interstate highways, whereas Items 52 and 26 state that distance or commodity rates may not be used when Commodity rates have been published between the same points. As the purpose of Supplement 10 (Tariff 7-A) and Supplement 8 (Tariff C-4) was to establish a new scale of rates and minimum gallonages to apply when transportation was via interstate highways, it appears that it will be in the public interest to allow the proposed publication.

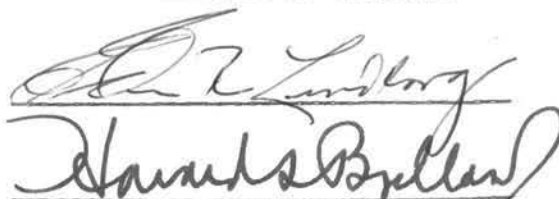
The Commission finds that the Colorado Motor Tariff Bureau, Inc., and Ward Transport should be allowed to reissue Supplement No. 10 to Tariff 7-A, and Supplement 8 to Tariff C-4 on one day's notice.

O R D E R

THE COMMISSION ORDERS:

1. That authority to reissue Supplement 10 to CMTB Tariff 7-A, and Supplement 8 to Ward Tariff C-4, on one day's notice to reflect the changes indicated in the Statement and Findings herein, be, and it hereby is, authorized.
2. That said amended Supplements shall become effective on one day after filing with the Commission.
3. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
DISSENTS.

COMMISSIONER HENRY E. ZARLENGO DISSENTS:

I respectfully dissent.

Good cause not shown for less than 30 days' notice required
by law.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

(Decision No. 83965)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ADA, INC., POST OFFICE BOX 776,)
DILLON, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 26844

ORDER OF THOMAS M. McCAFFREY,
EXAMINER, CONTINUING HEARING

November 2, 1973

Appearances: John H. Lewis, Esq.,
Denver, Colorado,
for Applicant.
John P. Thompson, Esq.,
Denver, Colorado,
for Summit Disposal,
Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

Pursuant to notice the above-titled matter was called for hearing on Tuesday, October 30, 1973, at 10 a.m. in the Empire Savings Community Room, Dillon, Colorado, at which time the above-named parties entered their appearances. Applicant proceeded to present testimony and other evidence on October 30 and October 31, 1973. At the conclusion of Applicant's case, it was agreed among the parties and the Examiner that the matter would be continued for additional hearing to allow Protestant Summit Disposal to present evidence and other testimony at a place and time suitable to the parties and the Commission. It was subsequently agreed that the matter would be set for additional hearing in the Hearing Room of the Commission in Denver, 1845 Sherman Street, on Wednesday, November 14, 1973, at 10 a.m.

O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 26844, being the application of Ada, Inc., for a certificate of public convenience and necessity to operate as a

common carrier by motor vehicle for hire, be, and hereby is, continued for further hearing on Wednesday, November 14, 1973, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, so as to allow Protestant Summit Disposal the opportunity to present evidence.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. McGehee Examiner
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN NATURAL GAS COMPANY, INC., FOR AUTHORITY TO FILE FORTHWITH ITS TARIFFS PLACING A MORATORIUM ON ACCEPTING REQUESTS FOR NATURAL GAS SERVICE CONNECTIONS IN ITS WESTERN SLOPE AREA SERVICED BY ITS DISTRICT OFFICES IN ASPEN, GLENWOOD SPRINGS, DELTA AND MONTROSE.	} } } } } } } }	APPLICATION NO. 27091
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November 2, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 2, 1973, Rocky Mountain Natural Gas Company, Inc., Applicant herein, and operating public utility, subject to the jurisdiction of this Commission, serving principally the Towns of Carbondale, Basalt, Olathe, Cedaridge, Hotchkiss, Paonia, Eagle and Gypsum and the cities of Aspen, Glenwood Springs, Delta and Montrose, and the environs of said towns and cities, filed with the Commission the above-entitled application.

By this application Rocky Mountain Natural Gas Company seeks the authority from this Commission to file on less than statutory notice certain tariff revisions, which are attached to the application as Exhibits A, B, C and D. The purpose of the tariff revisions is to place a moratorium on adding new natural gas loads to the system of Rocky Mountain Natural Gas Company in order to provide reliable, continuous service to existing customers. Applicant will serve its present firm service connections of approximately 13,100 customers and will honor additional requests for service presently on file with the Company, estimated at 100.

Applicant claims in its application that it will just be able to meet the requirements of its present firm customers and the additional requests for service on file, which will leave it no additional gas with which to connect new customers at the present time.

CONCLUSION

THE COMMISSION CONCLUDES THAT:

Good cause exists to allow the filing of Applicant's proposed tariff revisions as set forth in Exhibits A, B, C and D attached to the application herein, to become effective as of 10:40 a.m., November 2, 1973; and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Applicant be, and hereby is, authorized to file to become effective at 10:40 a.m. on November 2, 1973, in accordance with 115-3-4, CRS 1963, as amended, the proposed tariff revisions contained in Exhibits A, B, C and D attached to the application herewith, which Exhibits are incorporated herein and made a part hereof by reference.
2. Applicant shall within five (5) days of the effective date of this Order, refile such tariff sheets as may be necessary to reflect the moratorium established hereby, the effective date and time thereof, and the number of the decision authorizing the same. This filing is solely for housekeeping purposes and may be made without further notice, this Order being fully self-executing in all respects.
3. Applicant shall within five (5) days of the effective date of this Order submit to this Commission a notarized statement by the President of Rocky Mountain Natural Gas Company listing each application received for gas service from the date and time of the Board meeting on

October 30, 1973, to the date and time the Commission acted in this matter.

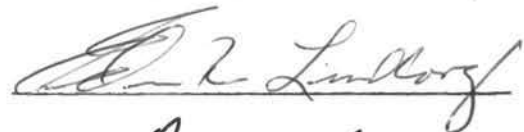


4. Applicant shall continue to accept the filing of requests for gas service, and shall maintain appropriate records reflecting the name and address of the requesting customer and the date and time of the filing of said request.

5. Applicant shall file with the Commission, at the earliest practicable time, but in no event no later than thirty (30) days prior to the date on which it proposes to lift the moratorium with respect to the tariffs contained in Exhibits A, B, C, and D attached to the application herewith, which Exhibits are incorporated herewith and made a part hereof by reference, a plan or procedure for granting new service connections, which plan shall be subject to approval, modification, or rejection by the Commission; and Applicant shall give notice of the filing of said proposed plan in accordance with the procedures of Rule 26 C. of the Rules of Practice and Procedure of this Commission.

6. This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
did

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM BEARD, MICK BILLSTEIN, THOMAS)	
HAND, AND JAMES TRUCKENBROD, DOING	)	APPLICATION NO. 27064-PP-Transfer
BUSINESS AS "ADA'S HAULING SERVICE,")	
P. O. BOX 776, DILLON, COLORADO, FOR	)	ORDER OF THE COMMISSION
AUTHORITY TO TRANSFER ALL RIGHT,)	
TITLE, AND INTEREST IN AND TO CONTRACT)	
CARRIER PERMIT NO. B-7809 TO ADA,)	
INCORPORATED, P. O. BOX 776, DILLON,)	
COLORADO.)	

- - - - -
November 2, 1973
- - - - -

Appearances: John H. Lewis, Esq.,
Denver, Colorado,
for Applicants.

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Contract Carrier Permit No. B-7809, as granted by Commission Decision No. 81030, dated August 10, 1972, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing 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.

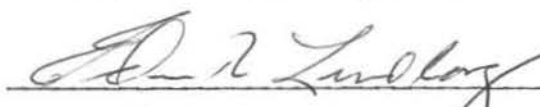
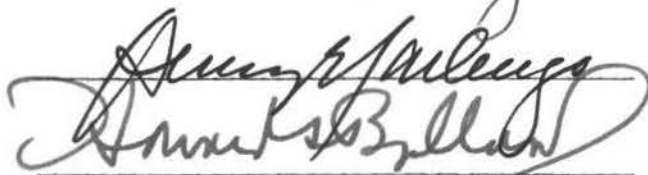
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
F. W. REICH AND MRS. M. A. REICH,)	
P. O. BOX 351, VENTURA, CALIFORNIA,)	APPLICATION NO. 26971-PP-Transfer
FOR AUTHORITY TO TRANSFER ALL RIGHT,)	
TITLE, AND INTEREST IN AND TO CON-)	ORDER OF THE COMMISSION
TRACT CARRIER PERMIT NO. B-4647 TO)	
RICHARD C. BRADFORD, DOING BUSINESS)	
AS "R. C. BRADFORD," 805 - 29TH)	
STREET, BOULDER, COLORADO.)	

November 2, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Contract Carrier Permit No. B-4647, as granted by Commission Decision No. 64640,

dated March 5, 1965, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

IT IS FURTHER ORDERED, That 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.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
SEYMOUR C. STUURMANS AND LUELLA M.)	
STUURMANS, DOING BUSINESS AS "STU'S)	APPLICATION NO. 26972-PP-Transfer
UNLOADING SERVICE," 1034 SOUTH)	
UNIVERSITY BOULEVARD, DENVER, COLO-)	ORDER OF THE COMMISSION
RADO, FOR AUTHORITY TO TRANSFER ALL)	
RIGHT, TITLE, AND INTEREST IN AND)	
TO CONTRACT CARRIER PERMIT NO.)	
B-4753 TO STU'S UNLOADING SERVICE,)	
INC., 2201 SOUTH VALENTIA STREET,)	
DENVER, COLORADO.)	

- - - - -
November 2, 1973
- - - - -

Appearances: William Andrew Wilson, Esq.,
Denver, Colorado,
for Applicants.

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Contract

Carrier Permit No. B-4753, as granted by Commission Decision No. 77966, dated June 17, 1971, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

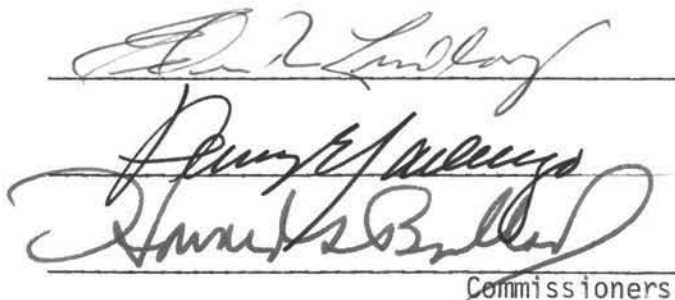
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one (21) days from the day and date hereof.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
METROPOLITAN CONTRACT SERVICES, INC.,)	
A DELAWARE CORPORATION, 710 NORTH)	APPLICATION NO. 26941-PP-Transfer
POST OAK, SUITE 100, HOUSTON, TEXAS,)	
FOR AUTHORITY TO TRANSFER ALL RIGHT,)	ORDER OF THE COMMISSION
TITLE, AND INTEREST IN AND TO CON-)	
TRACT CARRIER PERMIT NO. B-7521 TO)	
METROPOLITAN CONTRACT SERVICES, INC.,)	
A TEXAS CORPORATION, 445 WEST 53RD)	
AVENUE, DENVER, COLORADO.)	

November 2, 1973

Appearances: Hans W. Johnson, Esq.,
Denver, Colorado,
for Transferee.

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Contract

Carrier Permit No. B-7521, as granted by Commission Decision No. 82353, dated February 9, 1973, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

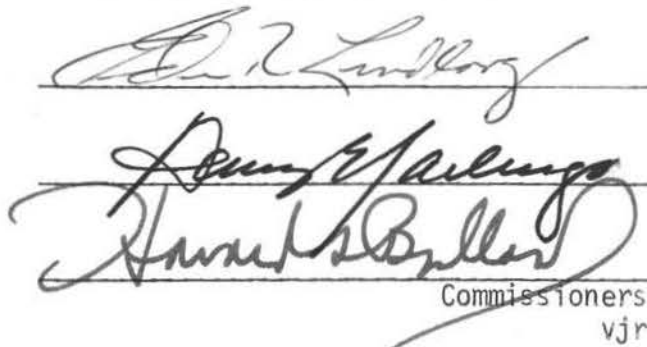
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one (21) days from the day and date hereof.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
vjr

(Decision No. 83971)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GROSCH-TUCKER, INC., DOING)
BUSINESS AS "GROSCH-TUCKER, INC.,)
OF MISSOURI," 1521 CLEVELAND PLACE,)
DENVER, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE)

APPLICATION NO. 27011-PP

November 2, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 31, 1973, Applicant Grosch-Tucker, Inc., doing business as "Grosch-Tucker, Inc. of Missouri," filed a "Petition for Protective Order" in the above-captioned matter.

On October 12, 1973, Protestant Bowers Transfer & Storage Co. propounded Interrogatories to the Applicant which would require Answers within thirty (30) days from the service thereof, in accordance with Rule 14 M of the Rules of Practice and Procedure of the Commission and Rule 33 of the Colorado Rules of Civil Procedure. Said Petition requests a protective order granting Applicant to and including December 15, 1973, within which to file said Answers to Interrogatories.

The Commission states and finds that sufficient grounds have been shown for the granting of the within request and concludes that the following Order should be entered.

O R D E R

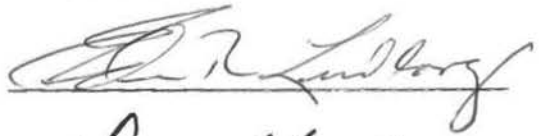
THE COMMISSION ORDERS THAT:


The Petition for Protective Order filed October 31, 1973, by Applicant Grosch-Tucker, Inc., doing business as "Grosch-Tucker, Inc. of Missouri," requesting a Protective Order to and including December 15, 1973, within which to file said Answers to Interrogatories be, and hereby is, granted.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 83972)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN) APPLICATION NO.
AIRWAYS, INC., 201 STAPLETON AIR TERMINAL, DENVER,) 25193-Extension-Amended
COLORADO, FOR EXTENSION OF ITS EXISTING CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. AC-9)
TO INCLUDE AND PERMIT PICK-UP AND DELIVERY BY)
GROUND TRANSPORTATION.)

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN) APPLICATION NO.
AIRWAYS, INC., 201 STAPLETON AIR TERMINAL, DENVER,) 25194-Extension-Amended
COLORADO, FOR EXTENSION OF ITS EXISTING CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. ACS-45)
TO INCLUDE AND PERMIT PICK-UP AND DELIVERY BY)
GROUND TRANSPORTATION.)

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN) APPLICATION NO.
AIRWAYS, INC., 201 STAPLETON AIR TERMINAL, DENVER,) 25195-Extension-Amended
COLORADO, FOR EXTENSION OF ITS EXISTING CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. ACS-62)
TO INCLUDE AND PERMIT PICK-UP AND DELIVERY BY)
GROUND TRANSPORTATION.)

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN) APPLICATION NO.
AIRWAYS, INC., 201 STAPLETON AIR TERMINAL, DENVER,) 26489-Extension
COLORADO, FOR EXTENSION OF ITS EXISTING CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. ACS-69)
TO INCLUDE AND PERMIT PICK-UP AND DELIVERY BY)
GROUND TRANSPORTATION.)

IN THE MATTER OF THE APPLICATION OF VAIL LIMOUSINE) APPLICATION NO.
SERVICE, INC., DOING BUSINESS AS "ROCKY MOUNTAIN) 25196-PP-Amended
AIR FREIGHT DELIVERY SERVICE, INC.," 1421 COURT)
PLACE, DENVER, COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A CONTRACT CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

- - - - -
November 2, 1973
- - - - -

Appearances: Robert S. Wham, Esq.,
Denver, Colorado, for
Applicants;
John F. Mueller, Esq.,
Denver, Colorado, for
Gary C. Bogue, doing
business as "Roaring
Fork Express Company,"
Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 28, 1973, Examiner Thomas M. McCaffrey entered his Recommended Decision No. 83785 in the above-entitled proceedings.

On October 18, 1973, Applicant Rocky Mountain Airways, Inc., filed an Exception to Decision No. 83785 as it applies to Application No. 26489-Extension.

On October 30, 1973, the Commission, by Decision No. 83941, granted Applicant's Exception. The Commission adopted the Findings of Fact and Conclusions of Hearing Examiner Thomas M. McCaffrey as its own. In addition, the Commission adopted the Examiner's Recommended Order without any change or modification except with respect to paragraph 5 of the Examiner's Order which it amended to read as set forth in paragraph 2 of its Order in Decision No. 83941.

On October 14, 1973, Gary C. Bogue, doing business as "Roaring Fork Express Company", through his attorney, filed with the Commission a letter requesting an extension of time in which to file exceptions to Recommended Decision No. 83785, being the Recommended Decision of the Examiner, until and including October 29, 1973. By Decision No. 83904, the Commission granted said request.

At the time the Commission entered its Decision No. 83941 dated October 30, 1973, it was under the impression that Protestant Gary C. Bogue, doing business as "Roaring Fork Express Company" had elected not to file exceptions since, apparently, said Exceptions were not on file with the Commission. In fact, Protestant, Gary C. Bogue, doing business as "Roaring Fork Express Company" did file exceptions on October 29, 1973, and thus complied with the extension of time which was granted to him by Decision No. 83904. Due to misrouting, this was not known by the Commission at the time it entered Decision No. 83941. Accordingly, Decision No. 83941 was prematurely entered by the Commission.

The Commission Finds:

1. That Decision No. 83941 having been entered prematurely should be set aside.
2. That Protestant Gary C. Bogue, doing business as "Roaring Fork Express Company", timely filed exceptions to Decision No. 83785.
3. That no transcript has been filed by any party in these proceedings. Accordingly, pursuant to 115-6-13 CRS 1963, as amended, the basic Findings of Fact of the Examiner be, and hereby are, conclusively presumed to be accurate.
4. That after reconsideration as required by statute, the Commission finds that the Exception filed by Applicant should be granted.
5. That after reconsideration as required by statute, the Commission finds that the Exceptions filed by Protestant, Gary C. Bogue, doing business as "Roaring Fork Express Company", should be denied.
6. The following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Decision No. 83941 be, and hereby is, set aside.
2. The Exception filed October 18, 1973, by Applicant Rocky Mountain Airways, Inc., be, and hereby is, granted.
3. The Exceptions filed on October 29, 1973, by Gary C. Bogue, doing business as "Roaring Fork Express Company" be, and hereby are, denied.
4. Paragraph 5 of the Order contained in Decision No. 83785 is amended to read as follows:

"5. Henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. ACS-69 shall read and be as follows, to-wit:

Transportation on schedule of persons and property

1. Between Denver, Colorado, and airports in the vicinity thereof on the one hand and Steamboat Springs, Colorado, and airports within a ten-mile radius thereof on the other hand.
2. Between the terminal point of Denver, Colorado and airports in the vicinity thereof on the one hand and the terminal point of the Yampa Valley Airport near Hayden, Colorado, on the other hand with the right to make an intermediate stop at Steamboat Springs, Colorado, and airports or stolports within a ten-mile radius thereof.
3. Upon an experimental basis only for a period of three years from the effective date hereof, with authority to operate the same seasonally only, during the ski season, or otherwise, as follows:
 - a. Between Steamboat Springs, Colorado, and airports within a ten-mile radius thereof on the one hand and Aspen, Colorado, and airports in the vicinity thereof on the other hand with the right to make an intermediate stop at the Eagle County Airport.

Between the terminal point of the Yampa Valley Airport near Hayden, Colorado, on the one hand and the terminal point of Aspen, Colorado, and airports in the vicinity thereof on the other hand, with the right to make intermediate stops at Steamboat Springs, Colorado, and airports or stolports within a ten-mile radius thereof, and Vail, Colorado, and airports and stolports within a thirty-five mile radius thereof.

4. The holder or operator herein is authorized to provide service to the intermediate point of Winter Park, Colorado, and airports or stolports located within that portion of Grand County lying within a twenty (20) mile radius of Winter Park, Colorado, on its scheduled routes between Denver, Colorado, and Steamboat Springs, Colorado, and between Denver, Colorado, and Hayden, Colorado.

RESTRICTION:

This Certificate is restricted to the use of only fixed-wing aircraft.

Transportation of air freight moving under an air bill of lading issued by the holder or operator of this Certificate within the following-described territories:

- A. A ten (10) mile radius of Sardy Field, Aspen, Colorado;
- B. Two (2) miles on either side of that portion of U.S. Highway Nos. 6 and 40 and Interstate Highway No. 70 located between Vail Pass and the west city limits of the City of Glenwood Springs, Colorado."

5. The findings of fact and conclusions of Hearing Examiner Thomas M. McCaffrey in Recommended Decision No. 83785 be, and hereby are, adopted by the Commission.

6. The Examiner's Recommended Order in said Decision No. 83785 be, and hereby is, except as changed by Paragraph 4 of this Order, entered as the order of the Commission herein without any change or modification; and the said Recommended Order, except as changed by Paragraph 4 of this Order, be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: INCREASED RATES AND CHARGES)
McVAY BROS. TRANSFER, MOTOR)
FREIGHT TARIFF NO. 3, LOCAL)
CARTAGE RATES.)

INVESTIGATION & SUSPENSION
DOCKET NO. 818

November 2, 1973

STATEMENT AND FINDINGS

BY THE COMMISSION:

On the date of October 5, 1973, McVay Bros. Transfer filed revisions to Pages 1, 5, 6, 7, 8, 8-A, and 9 of its Motor Freight Tariff No. 3, naming increased rates and charges to become effective on November 5, 1973. Said increases vary from 8% to 55% on various portions of their traffic and would average out at slightly above 24%.

After review of the supporting data the Commission finds that said increases if allowed to become effective may be in violation of the law and the said filing should be suspended and set for hearing to determine the reasonableness of the rates proposed.

O R D E R

THE COMMISSION ORDERS:

1. That Revised Pages 1, 5, 6, 7, 8, 8-A, and 9 to McVay Bros. Transfer, Motor Freight Tariff No. 3, filed on October 5, 1973 scheduled to become effective on November 5, 1973, be, and they hereby are suspended for a period of 120 days or until March 2, 1974.

2. That it shall enter upon a hearing concerning the lawfulness of the rates and charges set forth in the schedule enumerated.

3. That the investigation in this proceeding shall not be limited to the matters and issues hereinbefore stated for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of said schedules under the Public Utilities Law.

4. That neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.


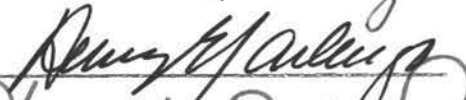
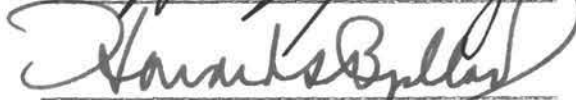
5. That a copy of this Order shall be filed with the schedules in the Office of the Commission and that a copy hereof be served upon Donald Bruce McVay, 185 Everett Street, Lakewood, Colorado 80226. The necessary suspension supplement shall be issued, filed and posted to the respective tariff referred to in the Statement and Order hereof.

6. That fourteen (14) days prior to the hearing date herein Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of their case.

7. That this Investigation and Suspension Docket No. 818 be, and the same is hereby, set for hearing before the Commission on the 11th day of December, 1973, at 10 a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

DONE IN OPEN MEETING this 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
E. G. HIBBERT, DOING BUSINESS AS	)	APPLICATION NO. 27054-PP-Extension
"ROAD RUNNER ENTERPRISES," P. O. BOX)	
1942, STEAMBOAT SPRINGS, COLORADO,)	
FOR AUTHORITY TO EXTEND OPERATIONS)	
UNDER CONTRACT CARRIER PERMIT NO.	)	ORDER OF THE COMMISSION
B-8046.)	

November 2, 1973

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered;

WE FIND, That there is a present and special need for the transportation services as hereinafter extended and ordered; and that it does not appear that the grant of authority as hereinafter extended and ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

AND WE FURTHER FIND, That Applicant named in the caption above is fit, willing and able properly to perform the extended service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations.

An appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under said Contract Carrier Permit No. B-8046 to include the following:

Transportation of

Baled hay

From all points located within Routt County, State of Colorado, to all points located within an area comprised of the counties of Moffat, Routt, Rio Blanco, Jackson, Larimer, Weld, Boulder, Adams, Arapahoe, Denver, Jefferson, Douglas, and El Paso, State of Colorado.

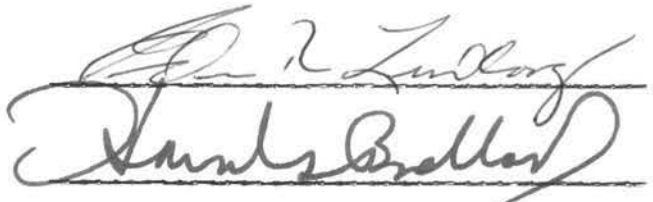
IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit, as extended, shall read and be as set forth in the Appendix attached hereto and this order shall be deemed to be a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced until a statement of customers, the necessary tariffs, required insurance, have been filed and authority sheets have been issued.

AND IT IS FURTHER ORDERED, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



COMMISSIONER HENRY E. ZARLENGO DISSENTS.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

Good cause is not shown for less than 30 days' notice as required by law.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
hbt

Appendix

Decision No. 83974
November 2, 1973

Road Runner Enterprises

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: Items No. 1, 2, 3, and 4 of this Permit are restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

- (5) Baled hay

From all points located within Routt County, State of Colorado, to all points located within an area comprised of the counties of Moffat, Routt, Rio Blanco, Jackson, Larimer, Weld, Boulder, Adams, Arapahoe, Denver, Jefferson, Douglas, and El Paso, State of Colorado.

(Decision No. 83975)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
RESPONDENT, ARTHUR A. RICE, DOING	)	CASE NO. 5524
BUSINESS AS "ART'S MOBILE HOMES,")	
483 NORTH TOWNSEND AVENUE, MONTROSE,)	
COLORADO, UNDER CERTIFICATE OF	)	SUPPLEMENTAL ORDER
PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 3642 AND PUC NO. 3642-I.)	

November 2, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 27, 1973, Examiner Thomas M. McCaffrey entered his recommended decision in the above-entitled case being Decision No. 83771 which by operation of law became the decision of the Commission and provided as follows, to wit:

"3. Respondent's authority with this Commission, namely, Certificate of Public Convenience and Necessity PUC No. 3642 and PUC No. 3642-I, be, and the same hereby is, revoked and canceled as of November 1, 1973; provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Four Thousand Dollars (\$4,000) to the Treasurer of the State of Colorado on or before November 1, 1973, for the use and benefit of the Public Utilities Commission, 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 the aforesaid Certificate shall be null and void and of no effect and said authority shall be fully operative."

Inasmuch as Respondent, Arthur A. Rice, doing business as Art's Mobile Homes, has elected and paid the sum of Four Thousand Dollars (\$4,000) as provided in Decision No. 83771, the Commission states and finds that Certificate of Public Convenience and Necessity PUC No. 3642 and PUC No. 3642-I should not be revoked and the same should remain in full force and effect.

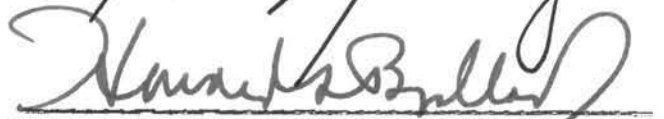
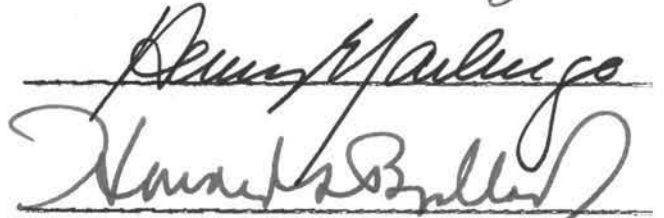
O R D E R

THE COMMISSION ORDERS:

That the portion of Decision No. 83771, dated September 27, 1973, providing for the revocation of Certificate of Public Convenience and Necessity PUC No. 3642 and PUC No. 3642-I of Respondent, Arthur A. Rice, doing business as Art's Mobile Homes, 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.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOSE A. BACA AND BEN G. VELASQUEZ,)	APPLICATION NO. 26989-PP-Extension
DOING BUSINESS AS "B & V HAULING,")	
1745 WEST STOLL PLACE, DENVER,)	
COLORADO, FOR AUTHORITY TO EXTEND)	ORDER OF THE COMMISSION
OPERATIONS UNDER CONTRACT CARRIER)	
PERMIT NO. B-7918,)	

November 2, 1973

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore uncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered;

WE FIND, That there is a present and special need for the transportation services as hereinafter extended and ordered; and that it does not appear that the grant of authority as hereinafter extended and ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

AND WE FURTHER FIND, That Applicants named in the caption above are fit, willing and able properly to perform the extended service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to extend operations under said Contract Carrier Permit No. B-7918 to include the following:

Transportation of

Unprocessed cucumbers and unprocessed peppers

Between all points located within an area comprised of the counties of Adams, Arapahoe, Denver, Douglas, El Paso, Jefferson, Pueblo, and Weld, State of Colorado.

RESTRICTION: This Permit is restricted to rendering transportation service for only K G & W, Inc. dba Bluhill Foods, Arvada, Colorado.

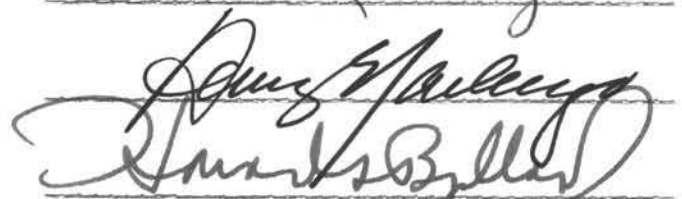
IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit, as extended, shall read and be as set forth in the Appendix attached hereto and this order shall be deemed to be a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced until a statement of customers, the necessary tariffs, required insurance, have been filed and authority sheets have been issued.

AND IT IS FURTHER ORDERED, That this order shall become effective as of the day and date hereof.

DONE IN OPEN MEETING the 2nd day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
hbp

Appendix

Decision No. 83976

November 2, 1973

B & V Hauling

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: Items No. 1, 2, 3, and 4 of this Permit are restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

- (5) New and used building materials

From supply points located within a radius of ten (10) miles of the intersection of Colfax and Broadway, Denver, Colorado, to construction sites located within a radius of fifty (50) miles of said intersection.

RESTRICTION: Item No. 5 of this Permit is restricted as follows:

- (a) Restricted to rendering transportation service for only lumber dealers, drywall suppliers, roofing contractors, and water sprinkling system installers.
- (b) Restricted against rendering transportation service to points located within Summit and Park Counties, State of Colorado.

Appendix

Decision No. 83976

November 2, 1973

Page 2

B & V Hauling

(6) Unprocessed cucumbers and unprocessed peppers

Between all points located within an area comprised of the counties of Adams, Arapahoe, Denver, Douglas, El Paso, Jefferson, Pueblo, and Weld, State of Colorado.

RESTRICTION: Item No. 6 of this Permit is restricted to rendering transportation service for only K G & W, Inc., dba Bluhill Foods, Arvada, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	CASE NO. 4148-H-INS.
BROWN BROTHERS TRASH SERVICE, INC.,)	
710 EAST HARRISON, COLORADO SPRINGS,	)	RECOMMENDED DECISION OF
COLORADO, 80907, FOR REINSTATEMENT	)	ROBERT L. PYLE, EXAMINER
OF P.U.C. NO. 2606.)	
	)	DENYING PETITION

- - - - -
November 6, 1973
- - - - -

Appearances: Michael A. Berniger, Esq.,
Colorado Springs, Colorado,
for Petitioner;
William A. Wilson, Esq., and
Robert G. Shepherd, Jr., Esq.,
Denver, Colorado, for
Superior Sanitation, Inc.;
C & C Disposal; Security
Garbage Co.; Best-Way Dis-
posal Co.; and Colorado
Springs Sanitation, Inc.,
Protestants.

PROCEDURE AND RECORD

By the subject petition, filed August 3, 1973, the Petitioner seeks to reinstate Certificate of Public Convenience and Necessity PUC No. 2606, which had been revoked and canceled by appropriate Commission Order effective March 5, 1973.

Protests to the petition were filed on behalf of Superior Sanitation, Inc.; C & C Disposal; Security Garbage Co.; Best-Way Disposal Co.; and Colorado Springs Sanitation, Inc.

After due and proper notice to all interested parties, a hearing on the petition was held on Monday, October 1, 1973, before Examiner Robert L. Pyle, to whom the matter was assigned, pursuant to law. At the hearing, the Petitioner presented testimony in support of its petition by Mr. W. M. Bevers. Exhibits 1, 2, and 3 were offered and duly received in evidence. Protestants moved that official notice be taken of certain documents in the Commission's files, and said Motion was conditionally granted upon Protestants' filing a written Motion therefor. A written Motion was so filed and official notice is taken of Petitioner's Designation of Agent for Service of Notices,

Orders and other Communications, that one Clifford J. Buckley, whose address is listed in the Commission files as 128 South Tejon Street, Colorado Springs, Colorado, was Petitioner's designated agent on file with the Commission, and the Certificate of Service by the Secretary of the Commission indicates service of Notice to Show Cause on February 13, 1973, and Notice of Revocation and Cancellation of Operating Rights of Petitioner on February 26, 1973, all sent to said designated agent.

At the conclusion of the hearing, the matter was taken under advisement by the Examiner. Further, the Examiner gave Petitioner and Protestants the opportunity to file simultaneous post-hearing briefs and proposed recommended decisions on or before October 19, 1973, if they chose to do so. Pursuant thereto, the Protestants have filed with the Commission Post-Hearing Briefs and Proposed Recommended Decision. Petitioner did not file such documents.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with his recommended order or requirement.

FINDINGS OF FACT

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

1. Petitioner, Brown Brothers Trash Service, Inc., hereinafter referred to by name or as Petitioner, is a Colorado corporation, duly authorized to do business within the State of Colorado. Its principle office is located in Colorado Springs, Colorado. It is a wholly owned subsidiary of Godwin Bevers Co., Inc., despite the fact that it appears that no stock has ever been issued in Brown Brothers Trash Service, Inc. On February 13, 1973, the Commission sent Notice to Petitioner that a hearing would be held on February 26, 1973, wherein Petitioner would be required to show

cause why its Certificate of Public Convenience and Necessity PUC No. 2606 should not be revoked and canceled for failure to have on file with the Commission appropriate insurance, said Notice being sent to the Registered Agent for Service of the Petitioner herein.

2. On February 26, 1973, pursuant to appropriate Commission Decision and Case No. 4148-H-Ins., the Commission entered an Order revoking and canceling Certificate of Public Convenience and Necessity PUC No. 2606 for failure of the Petitioner herein to appear or otherwise communicate with the Commission in response to the Show Cause Order.

3. Commission Decision and Case No. 4148-H-Ins., dated February 26, 1973, was sent to the Designated Agent for Service of the Petitioner herein.

4. The Petitioner herein failed to have on file with the Commission appropriate insurance which resulted in the revocation and cancellation of its Certificate.

5. The Petitioner had on file with the Commission a Designation of Agent for Service of Process, Notice and Orders, indicating a Mr. Clifford J. Buckley, at 128 South Tejon Street, Colorado Springs, Colorado.

6. Contrary to the Rules and Regulations of the Commission, the Petitioner failed to notify the Commission of a change of address when its office was moved in November of 1972.

7. During the early part of 1973 the Petitioner entered into an agreement with Mr. Charles McAllister for the purchase of its Certificate of Public Convenience and Necessity PUC No. 2606, and, in fact, the said Charles McAllister has been operating Certificate of Public Convenience and Necessity PUC No. 2606 or at least serving the customers formerly served thereunder by Certificate of Public Convenience and Necessity PUC No. 2573 in the name of Big Mac Disposal Service, Inc., which is owned and controlled by the aforesaid Charles McAllister and which duplicates entirely Certificate of Public Convenience and Necessity PUC No. 2606.

8. The evidence establishes that the sole purpose of the Petition to Reinstate Certificate of Public Convenience and Necessity PUC No. 2606 is to effect its sale to the aforementioned Charles McAllister who already serves its customers under his own Certificate of Public Convenience and Necessity PUC No. 2573.

9. The evidence further establishes that Charles McAllister already holds authority from the Public Utilities Commission, which entirely duplicates the authority which was contained in Certificate of Public Convenience and Necessity PUC No. 2606.

10. The Petitioner has allowed Charles McAllister to operate as a common carrier by motor vehicle pursuant to a Temporary Authority grant to Brown Brothers Trash Service, Inc., in Application No. 26924, contrary to the provisions of Chapter 115, CRS 1963, as amended. The evidence establishes that Mr. McAllister is using the Petitioner's equipment without an appropriate lease agreement on file with the Commission. The evidence further establishes that Brown Brothers maintains absolutely no control whatsoever over Mr. McAllister's operations under the Temporary Authority grant. The evidence also establishes that Mr. McAllister will receive a percentage of the profits, if any, from his conduct of the operations under the Temporary Authority grant.

11. The Petitioner is attempting to broker its former Certificate to Mr. McAllister contrary to the Commission Rules and Regulations and the public policy against this type of conduct. Further, the Petitioner established no reason to justify the reinstatement of its former Certificate.

12. The public would not benefit in any way from the reinstatement of Certificate of Public Convenience and Necessity PUC No. 2606 since existing carriers can and are adequately handling all customers formerly served under Certificate of Public Convenience and Necessity PUC No. 2606.

13. The Petitioner has consistently failed to comply with numerous provisions of Chapter 115, CRS 1963, as amended, as well as the Rules and Regulations of the Public Utilities Commission and is unfit to operate as a common carrier by motor vehicle.

CONCLUSIONS ON FINDINGS OF FACT

Based upon the foregoing findings of fact, it is concluded that:

1. Brown Brothers Trash Service, Inc.'s Petition to Reinstate Certificate of Public Convenience and Necessity PUC No. 2606 should be denied.
2. Petitioner has shown a pattern of illegal and irresponsible conduct and is obviously attempting to broker a non-existing certificate to a carrier already holding identical authority. Such a reinstatement would be contrary to the public policy and would not be in the public interest.
3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.


O R D E R

THE COMMISSION ORDERS THAT:

1. Brown Brothers Trash Service, Inc.'s Petition to Reinstate its former Certificate of Public Convenience and Necessity PUC No. 2606 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 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 it 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 115-6-14,
CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF SAN ISABEL ELECTRIC SERVICES, INC., TO TRANSFER CERTAIN FACILITIES TO COLORADO-UTE ELECTRIC ASSOCIATION, INC. )	)	APPLICATION NO. 26930
IN THE MATTER OF THE APPLICATION OF SOUTHEAST COLORADO POWER ASSOCIATION TO TRANSFER CERTAIN FACILITIES TO COLORADO-UTE ELECTRIC ASSOCIATION, INC. )	)	APPLICATION NO. 26931
IN THE MATTER OF THE APPLICATION OF COLORADO-UTE ELECTRIC ASSOCIATION, INC., FOR AN ORDER AUTHORIZING IT TO ISSUE AND ASSUME CERTAIN SECURITIES. )	)	APPLICATION NO. 26932-Securities

- - - - -
November 6, 1973
- - - - -

Appearances: Leo Altman, Esq.,
Pueblo, Colorado, for
Applicant, San Isabel
Electric Services, Inc.

Thomas Farley, Esq.,
Pueblo, Colorado, for
Applicant, Southeast Colorado
Power Association.

John J. Conway, Esq.,
Denver, Colorado, and
John A. Hughes, Esq.,
Montrose, Colorado, for
Applicant, Colorado-Ute
Electric Association, Inc.

Glenn L. Pierre, Denver, Colorado,
and James D. Grundy, Denver,
Colorado, of the Staff of the
Commission.

PROCEDURE AND RECORD

BY THE COMMISSION:

On August 28, 1973, the above-named Applicants, to-wit: San Isabel Electric Services, Inc. (hereinafter called San Isabel), Southeast Colorado Power Association (hereinafter called Southeast), and Colorado-Ute Electric Association, Inc. (hereinafter called Colorado-Ute),

filed with the Commission the above-entitled applications, the first two applications generally seeking authority for San Isabel and Southeast to transfer certain properties and facilities to Colorado-Ute, and the third application generally seeking authority for Colorado-Ute to execute certain Mortgage Notes to the United States of America in order to assume certain indebtednesses of San Isabel and Southeast in connection with the properties and facilities proposed to be transferred.

On September 7, 1973, the Applicants jointly filed a Motion generally asking that the above-entitled applications be consolidated for hearing and heard on a joint record, and that the time for the entry of a decision on the securities application be extended until such time as a decision be entered on the transfer applications. This Motion was granted by Decision No. 83671 dated September 11, 1973.

By due and proper notice dated September 13, 1973, the aforesaid applications were regularly set for hearing on October 25, 1973, at 10 a.m. in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and -- at such time and place -- were heard by Hearing Examiner Thomas M. McCaffrey, to whom the matters were assigned pursuant to law.

No protests were filed with regard to the applications, and no one appeared at the hearing in opposition to the granting of any of the applications.

In support of the applications, the President of San Isabel, the Administrative Assistant of Southeast, and the General Manager and the Assistant General Manager of Finance of Colorado-Ute testified, and Exhibits 1 through 20 were admitted into evidence.

At the conclusion of the hearing all three applications were taken under advisement.

FINDINGS OF FACT

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

1. Applicant San Isabel Electric Services, Inc. (hereinafter called San Isabel), is a public utility as defined in 1963 Colorado Revised Statutes 115-1-3. It is engaged in the business of purchasing, distributing and selling electricity to its customers in the Counties of Pueblo, Huerfano, Las Animas, Otero, Custer and Fremont in the State of Colorado. It is an incorporated cooperative association organized and existing under and by virtue of the laws of the State of Colorado, and copies of its Articles of Incorporation and all amendments thereto are on file with the Commission.

2. Applicant Southeast Colorado Power Association (hereinafter called Southeast), is a public utility as defined in 1963 Colorado Revised Statutes 115-1-3. It is engaged in the business of purchasing, distributing and selling electricity to its customers in the Counties of Prowers, Bent, Otero, Cheyenne, Baca, Las Animas, Kiowa, Pueblo, El Paso, Crowley and Lincoln in the State of Colorado. It is an incorporated cooperative association organized and existing under and by virtue of the laws of the State of Colorado, and copies of its Articles of Incorporation and all amendments thereto are on file with the Commission.

3. Applicant Colorado-Ute Electric Association, Inc. (hereinafter called Colorado-Ute), is a public utility as defined in 1963 Colorado Revised Statutes 115-1-3. It is engaged in the generation and transmission of electric power and energy for sale at wholesale to its members within the State of Colorado. It is a corporation organized and existing under the laws of the State of Colorado, and copies of its Articles of Incorporation and all amendments thereto are on file with the Commission.

4. The Commission has jurisdiction over the Applicants and over the subject matter of the applications.

5. The properties and facilities sought to be transferred by San Isabel to Colorado-Ute generally consist of two 69 kv oil circuit breakers and associated 69 kv breaker bays and steel located in the San Isabel Walsenburg Substation in Huerfano County, Colorado, together with various associated properties appurtenant thereto, all as more fully set forth in Exhibit Nos. 1 and 6.

6. The properties and facilities sought to be transferred by Southeast to Colorado-Ute generally consist of four parcels of land in Prowers County, Colorado, together with a portion of the 115/69 kv La Junta Substation, the 115/69 kv Lamar Substation, and the 69 kv South Lamar Switching Station, and various associated properties appurtenant thereto, all as more fully set forth in Exhibit Nos. 3 and 6.

7. The transfers of the aforesaid properties and facilities from San Isabel and Southeast to Colorado-Ute are in accordance with the public interest because the ownership, operation, and maintenance of said properties and facilities by Colorado-Ute will enhance its ability to provide better wholesale service to its members and there will be no adverse effect upon the consumers presently served by San Isabel and Southeast. Under Colorado-Ute's policy, the properties and facilities are more properly a part of Colorado-Ute's transmission system than a part of San Isabel's and Southeast's distribution systems.

8. Colorado-Ute should assume indebtednesses of San Isabel in the amounts of \$22,025.43 and \$17,413.26 to the United States of America in order to pay for the properties and facilities being transferred to it by San Isabel. In order to effect this debt assumption, it is necessary that Colorado-Ute execute and deliver Notes in the amounts just indicated to the United States.

9. Colorado-Ute should assume indebtednesses of Southeast in the amounts of \$35,557.02 and \$543,862.39 to the United States of America in order to pay for the properties and facilities being transferred to it by Southeast. In order to effect this assumption, it is necessary that Colorado-Ute execute and deliver Notes in the amounts just indicated to the United States.

10. The Rural Electrification Administration and the Boards of Directors of San Isabel, Southeast, and Colorado-Ute have approved the aforesaid transfers and acquisitions upon the terms and conditions set forth herein.

11. The financial position of Colorado-Ute and its ability to serve its members will not be impaired by the assumption of the aforesaid indebtednesses.

12. The Agreement dated as of December 31, 1972, between San Isabel, Colorado-Ute, and the United States of America (Exhibit No. 1) should be authorized and approved.

13. The Agreement dated as of December 31, 1972, between Southeast, Colorado-Ute, and the United States of America (Exhibit No. 3) should be authorized and approved.

14. The Mortgage Notes dated as of December 31, 1972, from Colorado-Ute to the United States of America, in the amounts, respectively, of \$22,025.43, \$17,413.26, \$35,557.02, and \$543,862.39 (Exhibit Nos. 11, 12, 13, and 14) are not inconsistent with the public interest, and the purposes thereof are permitted by and are consistent with the provisions of 1963 Colorado Revised Statutes, Chapter 115, and therefore the execution of the same should be authorized and approved.

15. Colorado-Ute should be authorized to assume existing indebtednesses of San Isabel to the United States of America in the amounts of \$22,025.43 and \$17,413.26, and existing indebtednesses of Southeast to

the United States of America in the amounts of \$35,557.02 and \$543,862.39, such assumptions to be evidenced by the execution of the Mortgage Notes referred to in Finding No. 14 hereof. The aforesaid amounts represent the net book value of the properties and facilities being transferred as of the effective date of the transfers, to-wit: December 31, 1972.

16. San Isabel should be authorized to transfer to Colorado-Ute the properties and facilities described in Finding No. 5 hereof, and Southeast should be authorized to transfer to Colorado-Ute the properties and facilities described in Finding No. 6 hereof.

17. The transfers of the aforesaid properties and facilities by San Isabel and Southeast to Colorado-Ute will enable the latter to better serve its members and such transfers are in the public interest and in accordance with the public convenience and necessity.

18. Since 1963 Colorado Revised Statutes 115-1-4(5), as amended, requires the timely disposition of securities applications, the Commission finds, in accordance with 1963 Revised Statutes 115-6-9(6), as amended, that the execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Examiner be omitted in this case and that this Decision be the initial Decision of the Commission.

CONCLUSIONS ON FINDINGS OF FACT

1. Public convenience and necessity requires that San Isabel Electric Services, Inc. be authorized to transfer the properties and facilities referred to herein to Colorado-Ute Electric Association, Inc.

2. Public convenience and necessity requires that Southeast Colorado Power Association be authorized to transfer the properties and facilities referred to herein to Colorado-Ute Electric Association, Inc.

3. The authority sought by Colorado-Ute Electric Association, Inc., to execute and deliver securities as referred to herein is in the public interest and should be granted.

4. An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the transfer of properties and facilities described herein from San Isabel Electric Services, Inc. to Colorado-Ute Electric Association, Inc. be, and the same hereby is, authorized and approved.

2. That the transfer of properties and facilities described herein from Southeast Colorado Power Association to Colorado-Ute Electric Association, Inc. be, and the same hereby is, authorized and approved.

3. That the execution of the Agreement dated as of December 31, 1972, between San Isabel Electric Services, Inc., Colorado-Ute Electric Association, Inc., and the United States of America (Exhibit No. 1) be, and the same hereby is, authorized and approved.

4. That the execution of the Agreement dated as of December 31, 1972, between Southeast Colorado Power Association, Colorado-Ute Electric Association, Inc., and the United States of America (Exhibit No. 3) be, and the same hereby is, authorized and approved.

5. That the issuance of Mortgage Notes by Colorado-Ute Electric Association, Inc. to the United States of America in the amounts of \$22,025.43, \$17,413.26, \$35,557.02, and \$543,862.39 (Exhibits 11, 12, 13, and 14) be, and the same hereby is, authorized and approved.

6. That the assumption of indebtednesses of San Isabel Electric Services, Inc. to the United States of America by Colorado-Ute Electric Association, Inc. in the amounts of \$22,025.43 and \$17,413.26, to be evidenced by Mortgage Notes in said amounts be, and the same hereby is, authorized and approved.

7. That the assumption of indebtednesses of Southeast Colorado Power Association to the United States of America by Colorado-Ute Electric Association, Inc. in the amounts of \$35,557.02 and \$543,862.39, to be

evidenced by Mortgage Notes in said amounts, be, and the same hereby is, authorized and approved.

8. That within one hundred twenty (120) days of the execution of the loan instruments authorized herein, Colorado-Ute Electric Association, Inc. shall file with this Commission one (1) conformed copy of each of such loan instruments made and entered into in connection herewith.

9. 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.

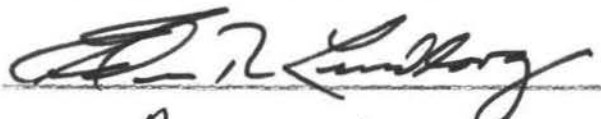
10. That the Commission retain jurisdiction in this proceeding to the end that it may make such further order or orders in the premises as to it may seem proper or desirable.

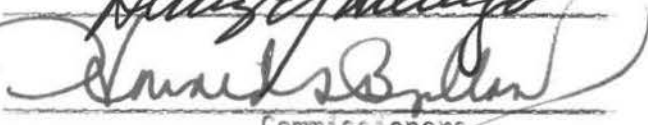
11. That the authority herein granted shall be exercised from and after the date of this Order, and the Order herein contained shall be effective forthwith, as provided in 1963 Colorado Revised Statutes 115-6-9(6), as amended.

12. That the within Decision and Order shall be the initial Decision and Order of the Commission.

DONE IN OPEN MEETING the 6th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
did

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF SALIDA GAS SERVICE COMPANY,
1448 F STREET, SALIDA, COLORADO,
FOR AN ORDER AUTHORIZING IT TO
SUSPEND THE AVAILABILITY OF
NATURAL GAS SERVICE TO NEW CUS-
TOMERS OR FOR INCREASED LOADS TO
EXISTING CUSTOMERS. }

APPLICATION NO. 27094

- - - - -
November 6, 1973
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 5, 1973, Salida Gas Service Company, Applicant herein, an operating public utility subject to the jurisdiction of this Commission, engaged in the purchase, distribution, and sale of natural gas in the City of Salida, Town of Poncha Springs, and Community of Nathrop and surrounding areas, filed with this Commission the above-entitled application. Applicant's entire gas supply is purchased from Western Slope Gas Company, an intrastate gas transmission company, subject to the jurisdiction of this Commission.

By this application Salida Gas Service Company seeks authority from this Commission to file on less than statutory notice certain tariff revisions which are attached to the application as Exhibit A. The purpose of the tariff revisions is to place a moratorium on adding new natural gas loads to the natural gas system. Applicant also proposes to place a moratorium on increased loads of its existing customers where any modification or enlargement of gas service facilities is required to serve such increased loads.

Applicant claims in its application that until it is able to obtain an additional supply of natural gas it faces a potential shortage

of peak day gas supply, as well as annual gas requirements if additional loads are connected to its system.

CONCLUSION

THE COMMISSION CONCLUDES THAT:

Good cause exists to allow the filing of Applicant's proposed tariff revisions as set forth in Exhibit A attached to the application herein, to become effective on not less than one (1) day's notice, and that the following order should be made.

O R D E R

THE COMMISSION ORDERS THAT:

1. Applicant be, and hereby is, authorized to file to become effective on not less than one (1) day's notice in accordance with 115-3-4 CRS 1963, as amended, the proposed tariff revisions contained in Exhibit A attached to the application herein, which Exhibit is incorporated herein and made a part hereof by reference.

2. Applicant shall within five (5) days of the effective date of this Order, refile such tariff sheet as may be necessary to reflect the moratorium established hereby, the effective date and the number of the decision authorizing the same. This filing is solely for housekeeping purposes and may be made without further notice, this Order being fully self-executing in all respects.

3. Applicant shall within five (5) days of the effective date of this Order submit to this Commission a notarized statement by an officer of Salida Gas Service Company listing each application received for gas service, if any, from November 1, 1973, to the date this tariff became effective.

4. Applicant shall continue to accept the filing of requests for gas service, and shall maintain appropriate records reflecting the name and address of the requesting customer and the date and time of the filing of said request.

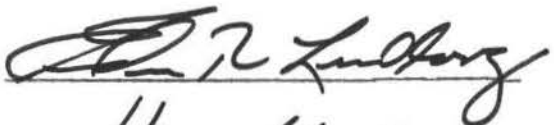

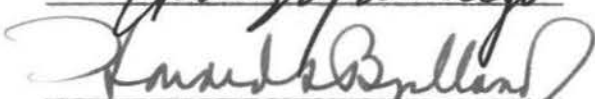
5. Applicant shall file with the Commission, at the earliest practicable time, but in any event no later than thirty (30) days prior

to the date on which it proposes to lift the moratorium with respect to the tariffs contained in Exhibit A attached to the application herewith, which Exhibit is incorporated herewith and made a part hereof by reference, a plan or procedure for granting new service connections, which plan shall be subject to approval, modification, or rejection by the Commission; and Applicant shall give notice of the filing of said proposed plan in accordance with the procedures of Rule 26 C. of The Rules of Practice and Procedure of this Commission.

6. This Order shall become effective forthwith.

DONE IN OPEN MEETING the 6th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
db

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PROFESSIONAL ANSWERING SERVICE OF)
BOULDER, INC.)
1919 14TH STREET)
BOULDER, COLORADO,)
Complainant,)
vs.)
THE MOUNTAIN STATES TELEPHONE AND)
TELEGRAPH COMPANY and)
THOMAS TELEPHONE ANSWERING SERVICE,)
Respondents.)

CASE NO. 5522

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

November 7, 1973

Appearances: Howard Beck, Esq., Denver,
Colorado, for Professional
Answering Service of Boulder,
Inc., Complainant;
Jarvis W. Seccombe, Esq.,
Denver, Colorado, for The
Mountain States Telephone
and Telegraph Company,
Respondent;
Eugene M. Thomas, Boulder,
Colorado, of Thomas Telephone
Answering Service, Respondent,
pro se;
Girts Krumins, Esq., Denver,
Colorado, for the Staff of
the Commission.

PROCEDURE AND RECORD

On May 7, 1973, Professional Answering Service of Boulder, Inc.,
(hereinafter referred to by the full corporate name or as Professional
or as Complainant), filed the within Complaint against The Mountain States
Telephone and Telegraph Company (hereinafter also referred to as Mountain
States) and Thomas Telephone Answering Service (hereinafter also referred
to as Thomas), Respondents. Complainant alleges, inter alia, that Moun-
tain States, in violation of the express provisions of its own "General
Exchange Tariff" is permitting Thomas to use its secretarial or adminis-
trative lines as a telephone answering service for making outgoing calls

or for communication between the said Thomas Telephone Answering Service and its patrons, all in violation of said tariff expressly prohibiting such use in Section 29, Third Revised Sheet 1, Para. 3 of said tariff, thus creating a benefit and unfair business advantage to the aforesaid Thomas Telephone Answering Service. Complainant prays that this Commission enjoin Respondent Mountain States from permitting Thomas to use the latter's secretarial lines for making outgoing calls or for communicating with its patrons and to further enjoin Thomas from using its present equipment or any other equipment in violation of the aforesaid section of the General Exchange Tariff of Mountain States.

The Commission assigned Docket No. 5522 to the complaint case. On May 9, 1973, the Secretary of the Commission served an ORDER TO SATISFY OR ANSWER on Respondents, which said Order stated that unless the Complaint is satisfied, Respondents are ordered to answer the complaint within twenty (20) days from the date of service. On May 25, 1973, Respondent Mountain States filed with the Commission an ANSWER to the Complaint.

Pursuant to law, the Commission designated Christian O. Igenbergs as Examiner for the purpose of conducting a hearing on Case No. 5522 and, after due and proper notice to Complainant and Respondents, set the matter for hearing to be held in the hearing room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on Wednesday, July 11, 1973, at 10 a.m. The case was heard at the aforesaid time and place.

Exhibits numbered 1 through 10 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, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. Professional Answering Service of Boulder, Inc., is a Colorado corporation, duly incorporated and existing under the laws of the state of Colorado.

2. The Mountain States Telephone and Telegraph Company, Respondent herein, is a public utility subject to regulation by this Commission, and it is engaged in the business of providing telephone services in the state of Colorado.

3. Thomas Telephone Answering Service is a sole proprietorship owned by one Eugene M. Thomas, a resident of Boulder, Colorado.

4. Both the Complainant and the Respondent Thomas are customers of Mountain States and both provide a telephone answering service to their subscribers.

5. Pursuant to Chapter 115, CRS 1963, as amended, this Commission has jurisdiction over Complainant, Respondents, and the subject matter of this proceeding.

6. Thomas Telephone Answering Service has been in the telephone answering service business for a number of years dating back to at least 1961, at which time they acquired and later added a total of eight telephone switchboards known in the trade as Model 557A, which said equipment, due to several contributing and facilitating elements such as the newness of the telephone company's cables in the Boulder area, modern carrier cable, certain features of the weather in the geographic location of Boulder, Colorado, shorter distance of lines, and the fact that the board contains two cords, permits Thomas to utilize the so-called secretarial or administrative lines contained in the boards to effect a so-called "ring-through" when, for example, a physician's patient calls the subscribing physician's number. When the secretary at Thomas's working the switchboards receives such a call, she can manually ring on her secretarial or administrative

line the subscribing physician, who, if present at his phone and if he so elects, can pick up his phone and carry on the conversation.

7. Complainant went into business in October 1972, offering, in effect, identical service as does Thomas in the same geographical area, the two answering services thus being in competition for the same market. Complainant, however, was not informed by Mountain States that such a "ring-through" feature could be made available to him by installing the Model 557A boards and, therefore, ordered from Mountain States and had installed three Model 557B switchboards, which said switchboards do not permit any "ring-through."

8. Both Models 557A and 557B are currently being manufactured in the Bell System and neither one is considered obsolete.

The "ring-through" characteristic of the 557A board, while it exists under given circumstances as outlined supra, is not a feature intentionally built into the switchboard. In some locations in this state, the 557A switchboard will not allow such a "ring-through" condition, and therefore, it is not used generally by Mountain States salesmen as a point in favor of or against a particular model when making a sale. In the Boulder area, however, the 557A switchboard does provide this condition or benefit to the customer of Mountain States.

The Complainant is therefore put at a disadvantage in competing with Respondent Thomas.

9. The applicable statutory and tariff provisions are found in the following, to wit:

(a) 115-3-2, CRS 1963, as amended:

"115-3-2. Regulation of Rates -- correction of abuses.
-- The power and authority is hereby vested in the public utilities commission of the state of Colorado, and it is hereby made its duty to adopt all necessary rates, charges, and regulations to govern and regulate all rates, charges and tariffs of every public utility of this state to correct abuses, and prevent unjust discriminations and extortions in the rates, charges and tariffs of such public utilities of this state, and to generally supervise and regulate every public utility in this state and to do all things, whether specifically designated in articles 1 to 7 of this chapter, or in addition thereto, which are necessary or convenient in the exercise of such power, and to enforce the same by the penalties provided in said articles, through proper courts having jurisdiction." (Emphasis supplied.)

(b) The Mountain States Telephone and Telegraph Company
General Exchange Tariff -- Colorado, Colo. P.U.C. No. 5,
Section 29, Secretarial Bureau Service, Third Revised Sheet 1,
Para. 3, which said tariff provision reads as follows:

"3. Lines for connecting the telephone service of the Secretarial Bureau's patrons with the answering equipment of the Secretarial Bureau, known as secretarial lines are furnished for answering incoming calls only. Such lines may not be used by the Secretarial Bureau for making outgoing calls, or for communication between the Secretarial Bureau and its patrons. The service of the Secretarial Bureau patron must be individual line, 2-party line or private branch exchange service."

10. The facts of record establish quite clearly that the so-called "ring-through" feature or condition of the 557A switchboard, while in existence and usable by a subscriber running a telephone answering service, exists not as a pre-conceived engineering feature but rather as a result of many circumstances. Being there, however, and usable by the subscribing customer, it is in fact used by such customer, in this case Thomas, as a sales point to compete in the market place and Thomas has no intention to abandon such practice.

11. From the same facts of record, it is likewise clear that Respondent Thomas is in violation of the above-quoted tariff provision of Mountain States.

12. Likewise, Mountain States, by permitting, in fact, Thomas to continue such practice, is in violation of the above-quoted statutory provision in that it permits Thomas to have an advantage over his competition, thereby discriminating in favor of the said Thomas to the detriment of the Complainant.

13. Mountain States is aware of this situation and is perfectly willing to take corrective action to end such discrimination. It has informed Thomas that his actions are in violation of the tariff and should be discontinued. On the other hand, Mountain States is also aware of the fact that if any customer who owns a secretarial answering service and leases the Model 557A switchboard should disregard the subject tariff

provision, it is practically powerless to enforce the tariff because it would take substantial sums of capital to modify said switchboards so the "ring-through" feature would be eliminated, and policing any customer's answering service would consume numerous manhours by listening to all calls going through the answering services in an attempt to enforce the subject tariff provision. All such remedies, if attempted, would cause additional substantial expense, which then would have to be offset by higher rates to be charged to the customers of Mountain States. Mountain States is perfectly willing and in fact it urges this Commission to eliminate the subject tariff provision as unenforceable, unworkable, and being contrary to the anti-discrimination provision in the Public Utilities Law of this state.

It is found as a fact that Para. 3 of Section 29, Third Revised Sheet 1 of The Mountain States Telephone and Telegraph Company's General Exchange Tariff, Colo. P.U.C. No. 5 is in violation of 115-3-2, CRS 1963, as amended, and, therefore, should be deleted from the subject tariff.

14. Upon the deletion of the subject tariff provision, Complainant, if it so desires, can exchange its present Model 557B switchboards for Model 557A switchboards, thus then being in the same competitive position as Respondent Thomas is now. This, however, is up to the Complainant and the Commission will not take any action with regard to such facts which involve purely managerial discretion.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Para. 3, Section 29, Secretarial Bureau Service, Third Revised Sheet 1 of The Mountain States Telephone and Telegraph Company's General Exchange Tariff -- Colorado, Colo. P.U.C. No. 5 should be deleted.

2. The rest and remainder of Complainant's prayer would thus become moot and should be dismissed.

3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following order.

O R D E R

THE COMMISSION ORDERS THAT:

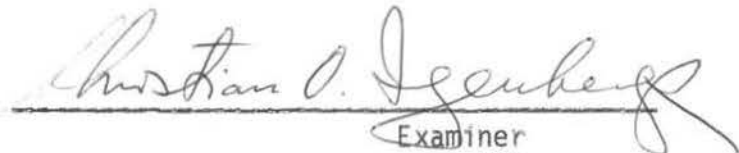
1. Para. 3, Section 29, Secretarial Bureau Service, Third Revised Sheet 1 of The Mountain States Telephone and Telegraph Company's General Exchange Tariff -- Colorado, Colo. P.U.C. No. 5 be, and hereby is, ordered to be deleted from the subject tariff by The Mountain States Telephone and Telegraph Company, and that Mountain States be, and hereby is, ordered to file the necessary revised tariff in accordance with the rules and regulations of this Commission governing telephone utilities.

2. The rest and remainder of the Complaint be, and hereby is, dismissed.

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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp

(Decision No. 83981)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
NEWS AND FILM SERVICE, INC., 745)	APPLICATION NO. 26922-PP-Extension
LIPAN STREET, DENVER, COLORADO, FOR)	
AUTHORITY TO EXTEND OPERATIONS)	ORDER OF THE COMMISSION
UNDER CONTRACT CARRIER PERMIT NO.)	
A-4500 AND A-4500-I.)	

November 6, 1973

Appearances: John H. Lewis, Esq.,
Denver, Colorado,
for Applicant.

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8(2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9(5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered;

WE FIND, That there is a present and special need for the transportation services as hereinafter extended and ordered; and that it does not appear that the grant of authority as hereinafter extended and ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

AND WE FURTHER FIND, That Applicant named in the caption above is fit, willing and able properly to perform the extended service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations.

An appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under said Contract Carrier Permit No. A-4500 and A-4500-I to include the following:

Transportation of

Bakery goods

Between Denver, Colorado, and all points located within an eight (8) mile radius of the intersection of Colfax and Broadway, Denver, Colorado, and Grand Junction, Colorado, and all points located within a five (5) mile radius of the Mesa County Courthouse, Grand Junction, Colorado, over U.S. Highway Nos. 6 and 40 and Interstate Highway No. 70 serving all intermediate points and the off route points of Empire, Black Hawk, Golddust, Central City, Leadville, Colorado, and all points located on Colorado Highway 91 between Wheeler Junction and Leadville and all points on U.S. Highway 24 between Leadville and Dowd.

RESTRICTION: This Permit is restricted to rendering transportation service for only Star Bread Company.

IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit, as extended, shall read and be as set forth in the Appendix attached hereto, and this Order shall be deemed to be, a PERMIT therefor.


IT IS FURTHER ORDERED, That no operations shall be commenced until a statement of customers, the necessary tariffs, required insurance, have been filed and authority sheets have been issued.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 6th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
vjr

Appendix A
Decision No. 83981
November 6, 1973

News and Film Service, Inc.

Transportation of

(1) Newspapers

From Denver to the Kansas State Line over U.S. Highway No. 40 to Limon, Colorado; thence over U.S. Highway No. 24 to the Colorado-Kansas State Line serving all intermediate points.

(2) Newspapers

From the Colorado-Kansas State Line to Denver over U.S. Highway No. 36, serving all intermediate points.

(3) Newspapers

Between Pueblo, Lamar, Eads, and Ordway, Colorado, over U.S. Highway No. 50 to Lamar, thence over U.S. Highway No. 287 to Eads, thence over U.S. Highway No. 96 to Pueblo, Colorado, serving all intermediate points and the off-route point of Kit Carson, Colorado, and all intermediate points on U.S. Highway No. 385 between Eads and Kit Carson, Colorado.

(4) Newspapers

From Denver, Colorado, to points on U.S. Highway No. 50 east of Pueblo to Lamar; thence over U.S. Highway No. 287 to Eads, thence over U.S. Highway No. 96 to Pueblo, serving all intermediate points and the off-route point of Kit Carson, Colorado, and all intermediate points on U.S. Highway No. 385 between Eads and Kit Carson, Colorado.

RESTRICTION:

Item No. 4 of this Permit is restricted to the rendering of transportation service for only The Rocky Mountain News.

(5) Motion Picture Film

Between Denver, Colorado, Lamar, Eads, and Kit Carson, Colorado, over U.S. Highway No. 85-87 to Pueblo; thence over U.S. Highway No. 50 to Lamar, thence over U.S. Highway No. 287 to Eads and Kit Carson; thence over U.S. Highway No. 40 to Denver serving all intermediate and the off-route point of Cheyenne Wells, Colorado.

RESTRICTION:

Item 5 of this Permit is restricted against serving intermediate points on U.S. Highway 85-87 between Denver and Pueblo, Colorado.

Appendix A
Decision No. 83981
November 6, 1973
Page 2

News and Film Service, Inc.

(6) Film and Newspapers

From Lamar, Colorado, to the Colorado-Kansas State Line over U.S. Highway No. 50, serving all intermediate points.

(7) Film

From Limon, Colorado, to the Colorado-Kansas State Line over U.S. Highway No. 24, serving all intermediate points.

(8) Newspapers

Between Leadville, Colorado, and Salida, Colorado, over Colorado Highways No. 4 and No. 15, serving all intermediate points.

RESTRICTION:

Item No. 8 of this Permit is restricted to the rendering of transportation service for only The Denver Post, Inc.

(9) Newspapers

From Salida, Colorado, to Denver, Colorado, over U.S. Highway No. 285, serving all intermediate points.

RESTRICTION:

Item 9 of this Permit is restricted to the rendering of transportation service for only The Denver Post, Inc.

(10) Bakery goods

Between Denver, Colorado, and all points located within an eight (8) mile radius of the intersection of Colfax and Broadway, Denver, Colorado, and Grand Junction, Colorado, and all points located within a five (5) mile radius of the Mesa County Courthouse, Grand Junction, Colorado, over U.S. Highway Nos. 6 and 40 and Interstate Highway No. 70 serving all intermediate points and the off route points of Empire, Black Hawk, Golddust, Central City, Leadville, Colorado, and all points located on Colorado Highway 91 between Wheeler Junction and Leadville and all points on U.S. Highway 24 between Leadville and Dowd.

RESTRICTION:

Item No. 10 of this Permit is restricted to rendering transportation service for only Star Bread Company.

(11) Authority to use equipment in the State of Colorado as a Private 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.

(Decision No. 83982)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF JAY F. NUNN, DOING BUSINESS AS)	
COMMUTER BUS CO.; 2696 SOUTH	)	APPLICATION NO. 26609
FEDERAL #102, DENVER, COLORADO,)	
FOR AUTHORITY TO OPERATE AS A)	
COMMON CARRIER BY MOTOR VEHICLE.)	

November 6, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 29, 1973, Jay F. Nunn, doing business as Commuter Bus Company filed a request to suspend service on the routes granted by PUC Certificate of Public Convenience and Necessity No. 8875 from October 24, 1973 to April 24, 1974, on the grounds of "current business difficulties". It is stated that bus service has not yet been provided.

The Commission finds that it is in the public interest to grant said request and that the following Order should be entered.

O R D E R


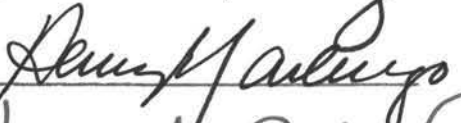

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from October 24, 1973 to April 24, 1974.

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.

DONE IN OPEN MEETING the 6th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

js

(Decision No. 83983)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
THE SUBURBAN AIRPORT LIMOUSINE CO.,)
A COLORADO CORPORATION, 609 WEST) PUC NO. 8418
LITTLETON BOULEVARD, LITTLETON,)
COLORADO.)

- - - - -
November 6, 1973
- - - - -

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 continue to be suspended.

The Commission states and finds that to grant the herein request for continued 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 PUC No. 8418 of The Suburban Airport Limousine Co., Littleton, Colorado, be, and the same hereby is, continued to be suspended from December 1, 1973 to and including May 30, 1974.

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.

DONE IN OPEN MEETING the 6th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS
UNDER CERTIFICATE NO. 990 & I

By: GARELD E. DUNCAN d/b/a
DUNCAN TRUCK LINE
P.O. BOX 218
HUGO, COLORADO 80821

CASE NO. TF-41

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

November 7, 1973

Appearances: Gareld E. Duncan, Hugo,
Colorado, pro se;
Harry Eastlund, Denver,
Colorado, of the Staff
of the Commission.

STATEMENT

This case was instituted by an Order to Show Cause and Notice of Hearing duly issued pursuant to law by the Secretary of the Commission and served upon the Respondent, Gareld E. Duncan, doing business as "Duncan Truck Line," on September 26, 1973. The matter was duly called for hearing pursuant to such notice on Tuesday, October 30, 1973, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Christian O. Igenbergs, assigned by the Commission as Examiner in this proceeding pursuant to law.

Gareld E. Duncan, the owner of the Duncan Truck Line, appeared pro se and testified on his own behalf.

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

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. This is a proceeding by the Commission against Respondent 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, an order canceling the Respondent's Certificates of Public Convenience and Necessity PUC No. 990 and PUC No. 990-I. Respondent has not on file the necessary tariffs as provided in the rules and regulations governing common carriers of this Commission. At the hearing, Respondent testified that the reason he does not have the necessary tariffs on file is because the original notice from the Commission that the Tariff Bureau has deleted him from the necessary tariffs had been received by his wife, who generally performs bookkeeping and office work in his business, and that the wife had not informed him of receiving such notice. After receiving the notice of the show cause hearing, he has investigated the situation and has discovered that he indeed does not have the necessary tariffs on file. Furthermore, he has discovered that his authority as a common carrier is much too broad and that of all the commodities mentioned in the authority, he, in fact, only hauls livestock and grain. For this reason, he needs to participate in only one tariff, namely, Colorado Motor Tariff Bureau, Inc., Tariff No. 14, Colorado PUC No. 13*, thus saving his small business the participation in the other tariff, namely, Tariff 12-B, Colorado PUC No. 19, and the Motor Freight Classification in conjunction therewith, and eliminating the unnecessary expense. Respondent has reviewed his authority with the Staff of the Commission and is filing a petition for deletion from the authority of commodity descriptions which he does not in fact haul. As soon as the technicalities are straightened out, he will inform the Tariff Bureau and pay the necessary dues to become again a participant in Tariff No. 14, Colorado PUC No. 13.

*(The Motor Truck Common Carriers' Association, Agent, Series).

2. It has never been the intention of the Respondent to act contrary to the Public Utilities Law of this state and the rules and regulations of this Commission and he promises that in the future he will pay closer attention to the Commission's rules so he would always be in compliance therewith.

CONCLUSIONS ON FINDINGS OF FACT

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

1. An outright revocation of Respondent's authority under the set of facts of record would not serve any useful purpose and would only cause unnecessary litigation. Respondent's authority should be revoked conditionally, and Respondent should be given a reasonable time to straighten out his participation in the necessary tariff. Respondent should also be admonished for his negligence.

2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent's authority with this Commission; namely, Certificates of Public Convenience and Necessity Puc No. 990 and PUC No. 990-I, be, and the same are hereby, revoked and canceled as of the date of this Order; provided, however, that in lieu of said revocation and cancellation, Respondent shall effect within thirty (30) days from the date of this Order the necessary participation in Colorado Motor Tariff Bureau, Inc., Tariff No. 14, Colorado PUC No. 13* (*The Motor Truck Common Carriers' Association, Agent, Series) presenting and filing the necessary proof of such participation with the Commission in accordance with the rules and regulations of this Commission, in which event that portion of this Order pertaining to the revocation and cancellation of the aforesaid certificates shall be null and void and of no effect and said authority shall be fully operative.

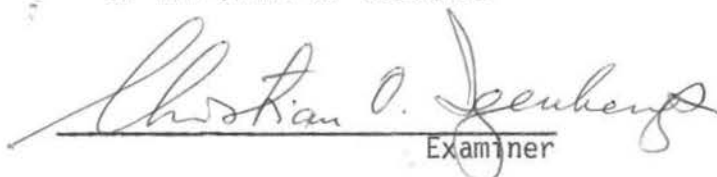
2. Respondent be, and hereby is, admonished not to let such participation in the necessary Tariff lapse in the future.

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 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 party), 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS
UNDER PERMIT NO. B-7620

BY: B & R CHEMICAL, INC.
P.O. BOX 677
EATON, COLORADO 80615

Respondent

CASE NO. TF-42

RECOMMENDED DECISION OF
CHRISTIAN O. IGENBERGS,
EXAMINER

November 7, 1973

Appearances: Harry Eastlond, Denver,
Colorado, of the Staff
of the Commission.

STATEMENT

This case was instituted by an Order to Show Cause and Notice of Hearing duly issued pursuant to law by the Secretary of the Commission and served upon the Respondent, B & R Chemical, Inc., of Eaton, Colorado, on September 26, 1973. The matter was duly called for hearing pursuant to such notice on Tuesday, October 30, 1973, at 10 a.m., in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Christian O. Igenbergs, assigned by the Commission as Examiner in this proceeding pursuant to law.

Respondent did not appear at the hearing. Mr. Eastlond, a member of the Staff of the Commission, informed the Examiner that Respondent B & R Chemical, Inc., is now in full compliance with the rules and regulations of this Commission by having filed the necessary tariff. Mr. Eastlond further moved that the subject case be dismissed because of such compliance of the Respondent with the requirements of the Commission.

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

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now

transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDING OF FACT

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

1. This is a proceeding by the Commission against Respondent 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, an order canceling the Respondent's Class "B" Contract Carrier Permit No. B-7620. Respondent did not have on file with the Commission the necessary tariff as provided in the rules and regulations governing contract carriers. Respondent has now complied with this requirement, and the motion of staff to dismiss the subject proceeding should therefore be granted.

CONCLUSIONS ON FINDING OF FACT

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

1. Case No. TF-42 should be dismissed.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

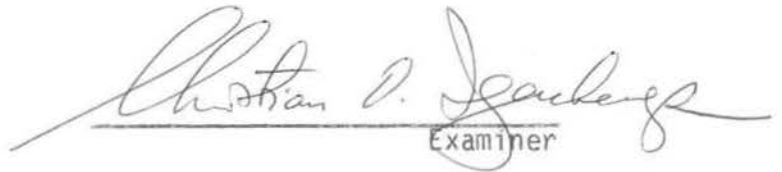
O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. TF-42, being a show cause proceeding against B & R Chemical, Inc., P.O. Box 677, Eaton, Colorado 80615, be, and hereby is, dismissed.
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 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 party), 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: REQUEST TO AMEND TARIFF)
ON LESS THAN STATUTORY NOTICE)
DUE TO TARIFF PUBLICATION)
ERROR. (COLORADO MOTOR TARIFF)
BUREAU, INC., AGENT))
-----)

APPLICATION NO. 27095

November 6, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 30, 1973, the Colorado Motor Tariff Bureau, Inc., as Agent, filed its application No. 16, requesting permission to correct error in its Motor Freight Tariff No. 2, Colorado PUC No. 17, Item No. 850 (Labor Charges).

- (1) On 13th Revised Page No. 16, Item No. 850 was increased to \$8.80 per hour, per man, effective August 20, 1973.
- (2) On 14th Revised Page No. 16, the identical rates were brought forward.
- (3) On 15th Revised Page No. 16, an error occurred, publishing the rate as \$8.00 per hour, per man.

O R D E R

THE COMMISSION ORDERS:

1. That, the Colorado Motor Tariff Bureau, Inc., as Agent, be permitted to correct error on 15th Revised Page No. 16, to reflect an \$8.80 per hour, per man, charge, on less than statutory notice (30 days), on or before November 12, 1973.

2. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 6th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
dissents.

COMMISSIONER HENRY E. ZARLENGO DISSENTS:

I respectfully dissent.

Good cause not shown for shorter notice than required by law.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ITEMS NOS. 2940, 2945 AND
2980 OF COLORADO MOTOR TARIFF
BUREAU, INC., AGENT, TARIFF NO.
12-B, COLORADO PUC NO. 19.

Investigation and Suspension
Docket No. 819

November 6, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 3, 1973, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Tariff Bureau, Inc., Agent, filed 8th Revised Page No. 305, and 9th Revised Page No. 306 to Motor Freight Tariff No. 12-B, Colorado PUC No. 19, scheduled to become effective November 8, 1973, as set forth in Appendix "A" attached hereto.

The Commission finds that the above filings may be in violation of the law and that it should suspend the matter and enter upon a hearing to determine its lawfulness.

O R D E R

THE COMMISSION ORDERS:

1. That 8th Revised Page No. 305 and 9th Revised Page No. 306 to Motor Freight Tariff No. 12-B, Colorado PUC No. 19, showing increased rates and provisions in Items 2940, 2945 and 2980, applicable via Rio Grande Motor Way, Inc., be, and the same are hereby suspended for a period of 120 days, to and including March 8, 1974, unless otherwise ordered by the Commission.
2. That it shall enter upon a hearing concerning the lawfulness of said tariff filing.
3. That the investigation in this proceeding shall not be limited to the matters and issues hereinbefore stated for instituting this investigation but shall include all matters and issues with respect to the lawfulness of said schedules under the Public Utilities Law.

4. That neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

5. That a copy of this Order shall be filed with the schedules in the Office of the Commission and that a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Tariff Bureau, Inc., Agent, 4060 Elati Street, Denver, Colorado 80216. The necessary suspension supplement shall be issued, filed and posted to the respective tariffs referred to in the Statement and Order hereof.

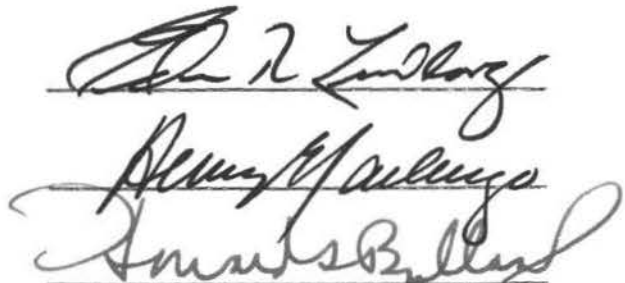
6. That fifteen days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of their case.

7. That this Investigation and Suspension Docket No. 819, be, and the same is hereby, set for hearing before the Commission on the 18th day of December, 1973, at 10:00 a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 6th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix "A"

COLO. PUC 19*
(*COLORADO MOTOR CARRIERS'
ASSOCIATION, AGENT, SERIES)

TARIFF 12-B

8TH REVISED PAGE 305

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

SECTION 4

COMMODITY RATES IN CENTS PER 100 POUNDS (EXCEPT AS NOTED)
FOR APPLICATION, SEE PAGE 245

ITEM	COMMDITY	FROM	TO	RATES	ROUTE
2930	ROOFING OR SIDING OR ROOFING OR SIDING MATERIALS, VIZ.: ASPHALT; CEMENT, ROOFING; PAPER, BUILDING OR ROOFING; PITCH; ROOFING, COMPOSITION OR PREPARED, NOI, SHINGLES, ASPHALT COMPOSITION OR ASBESTOS; SIDING, ASPHALT COMPOSITION OR ASBESTOS; WALLBOARD, ASBESTOS, MINIMUM WEIGHT 45,000 LBS. NOTE: RATES WILL ALSO APPLY ON ACCESSORIES NECESSARY IN APPLYING THE ROOFING, SHINGLES AND SIDING, BUT NOT TO EXCEED 10 PER CENT OF THE WEIGHT ON WHICH CHARGES ARE ASSESSED. SHIPPER TO PLACE FREIGHT AT TAIL GATE OF TRUCK OR TRAILER AND CONSIGNEE TO RECEIVE FREIGHT AT TAIL GATE OF TRAILER OR TRUCK, OR EQUIPMENT WILL BE SPOTTED FOR UNLOADING BY THE CONSIGNEE. (THE PROVISIONS OF THIS ITEM WILL NOT APPLY VIA DENVER-LIMON-BURLINGTON TRANSFER COMPANY.)				
DISTANCE RATES IN CENTS PER 100 POUNDS					
RATES PUBLISHED IN THIS ITEM APPLY FROM DENVER TO POINTS LOCATED IN PLAINS TERRITORY ONLY.					
DISTANCE--MILES		RATES	DISTANCE--MILES		RATES
5 AND UNDER		20	110 AND OVER 100		47
10 AND OVER 5		22	120 AND OVER 110		48
15 AND OVER 10		25	130 AND OVER 120		49
20 AND OVER 15		26	140 AND OVER 130		49
25 AND OVER 20		27	150 AND OVER 140		50
30 AND OVER 25		27	160 AND OVER 150		52
35 AND OVER 30		28	170 AND OVER 160		55
40 AND OVER 35		29	180 AND OVER 170		59
45 AND OVER 40		29	190 AND OVER 180		60
50 AND OVER 45		33	200 AND OVER 190		61
55 AND OVER 50		35	210 AND OVER 200		62
60 AND OVER 55		36	220 AND OVER 210		62
65 AND OVER 60		36	230 AND OVER 220		63
70 AND OVER 65		37	240 AND OVER 230		64
75 AND OVER 70		38	260 AND OVER 240		71
80 AND OVER 75		38	280 AND OVER 260		72
85 AND OVER 80		40	300 AND OVER 280		73
90 AND OVER 85		41	320 AND OVER 300		75
95 AND OVER 90		41	340 AND OVER 320		76
100 AND OVER 95		45			
2940	SCRAP, ALUMINUM, NOI, LOOSE OR IN PACKAGES, MINIMUM WEIGHT 40,000 POUNDS. SUBJECT TO LOADING BY CONSIGNOR AND TO UNLOADING BY CONSIGNEE. CONSIGNOR MUST BY NOTATION ON THE BILL OF LADING SHOW THAT THE SHIPMENT IS LOADED BY CONSIGNOR AND IS TO BE UNLOADED BY CONSIGNEE.	GRAND JUNCTION	GOLDEN	Ⓣ \$11.54	87
2945	SCRAP OR WASTE, VIZ.: ALUMINUM, BRASS, COPPER OR LEAD, MINIMUM WEIGHT 40,000 POUNDS. APPLIES ONLY ON SCRAPS OR PIECES HAVING VALUE FOR REMELTING PURPOSES. SUBJECT TO LOADING BY SHIPPER AND TO UNLOADING BY CONSIGNEE.	CORTEZ GRAND JUNCTION MONTROSE	PUEBLO	ⓔ ♦	87

FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 53.

ISSUED OCTOBER 3, 1973

EFFECTIVE NOVEMBER 8, 1973

Appendix "A:

COLO. PUC 19*

(*COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT, SERIES)

TARIFF 12-B

9TH REVISED PAGE 306

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

SECTION 4

COMMODITY RATES IN CENTS PER 100 POUNDS (EXCEPT AS NOTED)
FOR APPLICATION, SEE PAGE 245

ITEM	COMMODITY	FROM	TO	RATES	ROUTE
2950	SCRAP, ALUMINUM, IN BUNDLES, ON SKIDS, MINIMUM WEIGHT 20,000 POUNDS. SUBJECT TO LOADING BY SHIPPER AND UNLOADING BY CONSIGNEE.	DENVER	GOLDEN	13	43
2960	SCRAP, IRON OR STEEL, MINIMUM WEIGHT 40,000 POUNDS.	CLIMAX	DENVER	38	30
2970	SCRAP, IRON, MINIMUM WEIGHT 10,000 POUNDS.	FAIRPLAY ALMA	DENVER	Ⓣ \$8.16 9.09	21
2980	SCRAP OR WASTE, VIZ.: PAPER, IN MACHINE PRESSED BALES, RAGS, IN MACHINE PRESSED BALES, SCRAP, IRON OR STEEL, FLAT, PLATE OR SHEET. (APPLIES ON SCRAPS OR PIECES HAVING VALUE FOR REMELTING PURPOSE ONLY). TIRES, RUBBER PNEUMATIC, OLD, SECOND-HAND, HAVING VALUE ONLY FOR SCRAP, LOOSE, WRAPPED OR IN PACKAGES. SUBJECT TO A MINIMUM WEIGHT OF 20,000 POUNDS. THE RATES PROVIDED IN THIS ITEM WILL APPLY ONLY WHEN LOADING IS PERFORMED BY THE CONSIGNOR AND UNLOADING BY THE CONSIGNEE. THE CARRIER SHALL BE REQUIRED ONLY TO SPOT TRAILER AT SHIPPER'S DOCK FOR THE LOADING AND AT THE CONSIGNEE'S DOCK FOR UNLOADING.	GRAND JUNCTION	DENVER	75	87
2990	SCRAP OR WASTE, VIZ.: PAPER, NOT SENSITIZED, IN BAGS, BARRELS, BOXES, CRATES, IN BALES, OR IN BUNDLES. MINIMUM WEIGHT 10,000 POUNDS.	FT. COLLINS GREELEY LONGMONT	DENVER	43 41 41	12 7 28
2995	SCRAP OR WASTE, VIZ.: PAPER, IN MACHINE COMPRESSED BALES, MINIMUM WEIGHT 44,000 POUNDS. SUBJECT TO LOADING BY CONSIGNOR AND UNLOADING BY CONSIGNEE.	COLORADO SPRINGS PETERSON FIELD PUEBLO	DENVER	41 41 48	47 72 87
3000	SCRAP, RUBBER, NO1, CONSISTING OF RUBBER SCRAPS (OTHER THAN CRUDE RUBBER), RECLAIMED SCRAP RUBBER TAILINGS, OR OLD WORN OUT RUBBER BOOTS, SHOES, BELTING, CLOTHING, CLOTHES WRINGER ROLLERS, TIRES, WITH OR WITHOUT STEEL RIMS, HOSE, MATS, MATTING, PACKING OR SIMILAR OLD WORN OUT RUBBER ARTICLES, OR SCRAPS OR PIECES OF CLOTH COATED OR IMPREGNATED WITH RUBBER, HAVING VALUE ONLY FOR RECLAMATION OF RAW MATERIALS, LOOSE OR IN PACKAGES, MINIMUM WEIGHT 18,000 POUNDS.	COLORADO SPRINGS GREELEY	DENVER	59 43	15 47 87 7

FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 53.

ISSUED OCTOBER 3, 1973

EFFECTIVE NOVEMBER 8, 1973

◆ INCREASES

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COMMUNICATIONS CENTER, A COLORADO)
PARTNERSHIP, 1304 10TH AVENUE, GREELEY,)
COLORADO, FOR A LICENSE TO OPERATE AS)
A RADIO COMMON CARRIER.)

APPLICATION NO. 26883

ORDER OF ROBERT L. PYLE,
EXAMINER

- - - - -
November 7, 1973
- - - - -

Appearances: William A. McGrath, Esq.,
Frisco, Colorado, and
Richard Becker, Esq.,
Washington, D. C., for
Applicant;
Jeffrey C. Pond, Esq.,
Denver, Colorado, for
Empire Dispatch, Inc.,
Protestant;
William L. West, Esq.,
Greeley, Colorado, for
Mobile Radio Telephone
Service, Protestant;
Robert L. Arrington and
Craig Merrell, Denver, Colorado,
of the Staff of the Commission.

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE EXAMINER:

Pursuant to notice, the above-entitled application was called for hearing on Friday, November 2, 1973, at 10 a.m. in the Municipal Courtroom, City Hall, Civic Center, Greeley, Colorado, at which time the above-noted parties entered their appearances. It was specifically noted that Protestant Mobile Radio Telephone Service did not, in fact, file a protest or receive notice from this Commission but did appear primarily for the purpose of continuing the hearing until a protest could be entered. A review of the file revealed that there may well be other mobile telephone carriers and those furnishing a like service who would be affected by the grant of the application. After considerable discussion, it was agreed by all concerned that the matter should be renoticed and reset for hearing. It was also noted that hearing on this matter would more than likely take five days.

O R D E R

THE EXAMINER ORDERS THAT:

1. The above-entitled application shall be renoticed in the usual course of procedure and reset for hearing at a time convenient to all concerned. Five days should be allowed for the hearing.
2. This order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

Dated at Denver, Colorado, this
7th day of November, 1973.
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMON AND CONTRACT CARRIERS LISTED)	
ON "APPENDIX A" HERETO,)	
	)	RECOMMENDED DECISION OF
	)	THOMAS M. McCaffrey,
Respondents.	)	EXAMINER

- - - - -
November 7, 1973
- - - - -

Appearances: John A. Hurt, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on September 24, 1973. The matters were duly called for hearing pursuant to such notice on Tuesday, October 9, 1973, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Thomas M. McCaffrey, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance as to each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission, and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance prior to the effective date of this Order.

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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. M. Caffrey
Examiner

(Decision No. 83989)

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
George B. Holman & Co., Inc. 435 Main Street Hackensack, NJ 07601	2487-I	528-H-Ins.
William R. Stoddard Box 188 Iliff, CO 80736	4410-I	529-H-Ins.
Norris Food Products, Inc. 702 Lindberg Drive Addison, TX 75001	6163-I	531-H-Ins.
W. P. Buxton, Jr. Route 2, Box 26 Sand Springs, OK 74063	6841-I	534-H-Ins.
J. B. Carl Alder dba Carl Alder 904 Sunnyside Dodge City, KS 67801	7917-I	539-H-Ins.
E. A. Tolman, Inc. Route 2 Twin Falls, ID 83301	8024-I	540-H-Ins.
Oregon Trail Cartage, Inc. P.O. Box 553 Scottsbluff, NE 69361	8146-I	541-H-Ins.
Adrian J. Zimmerman dba A-Z Cab Company 5965 Olympus Lane P.O. Box 210 Colorado City, CO 81019	8543	543-H-Ins.
Kenneth Stout Route 5 Guthrie, OK 73044	8635-I	545-H-Ins.
Richard and Willie Eastland dba Eastland & Son Trucking 9905 Peachtree Street Houston, TX 77016	8679-I	547-H-Ins.
Central Valley Growers Cooperative P.O. Box 71 Colton, CA 92324	8709-I	548-H-Ins.
Iley, Inc. Route 1, Box 251 George West, TX 78022	8823-I	550-H-Ins.
T and L Fritzler Livestock, Inc. Route 3 Sterling, CO 80751	8844-I	551-H-Ins.
Steve Caldwell Route 1, Box 36 Adams, OR 97810	8854-I	552-H-Ins.
AA Taxicab Co., Inc. 206 Court Street Pueblo, CO 81003	8939	553-H-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Ralph Cordero Box 424 Monte Vista, CO 81144	B-5647	555-H-Ins.
Harry F. and Virginia J. Nixon 3650 Upham Wheatridge, CO 80033	B-7790	556-H-Ins.
Jerry G. Wright 207 El Monty Hot Springs, AR 71901	B-7792	557-H-Ins.
Roland Dean Gress dba Osage Hauling 7995 East Mississippi Avenue Denver, CO 80231	B-7810	558-H-Ins.
LeRoy A. Hurtado 6694 Hwy. 2, No. 22 Commerce City, CO 80022	B-7887	559-H-Ins.
Top of the Nation, Inc. 921 19th Golden, CO 80401	B-7972	560-H-Ins.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMERCIAL AND TOWING CARRIERS)	
LISTED ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	THOMAS M. McCaffrey,
Respondents.	)	EXAMINER

- - - - -
November 7, 1973
- - - - -

Appearances: John A. Hurt, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by an Order to Show Cause and Notice of Hearing duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on September 24, 1973. The matters were duly called for hearing pursuant to such notice on Tuesday, October 9, 1973, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Thomas M. McCaffrey, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance as to each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission, and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance prior to the effective date of this Order.

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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. McCaffrey
Examiner

(Decision No. 83990)

NAME AND ADDRESS

PERMIT NO.

CASE NO.

Fred Brown
dba Gem Dairy
5300 Vallejo Street
Denver, CO 80221

M-206

738-M-Ins.

C E & D Corporation
P.O. Box 667
Buena Vista, CO 81211

M-367

739-M-Ins.

Fritzler T and L Livestock Inc.
Route 3
Sterling, CO 80751

M-608

740-M-Ins.

B. D. Griffin
P.O. Box 367
Antonito, CO 81120

M-2106

744-M-Ins.

Fred J. Hammel
1728 Poplar Avenue
Canon City, CO 81212

M-3376

747-M-Ins.

Don F. Clark
dba Horizon Interiors
P.O. Box 354
Frisco, CO 80443

M-3643

749-M-Ins.

Deaton, Inc.
1820 Forest
Durango, CO 81310

M-4535

750-M-Ins.

Earl E. Howey
Jefferson, CO 80456

M-5516

752-M-Ins.

Richard Dean Lieber
dba Mountain States Fertilizer
7498 Arapahoe Avenue
Boulder, CO 80302

M-5576

753-M-Ins.

David A. Webb
dba Webb & Co.
Route 2
Calhan, CO 80808

M-6000

755-M-Ins.

John F. Cordillo
dba Complete Auto Cutting Yard
2860 West 60th Avenue
Denver, CO 80221

M-7196

756-M-Ins.

William R. Stoddard
Box 188
Iliff, CO 80736

M-7204

758-M-Ins.

Randolph B. Nygaard
919 Iowa
Colorado Springs, CO 80909

M-7540

761-M-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Joe L. and Rosie Mae Johnson and Berthine Agee dba Joe & Rosie's Junk Yard 3601 Delgany Street Denver, CO 80216	M-7772	762-M-Ins.
Lawrence A. Huke dba Larry Huke Furnishings 5777 Wadsworth Boulevard Arvada, CO 80002	M-8556	764-M-Ins.
Hassocks, Inc. P.O. Box 7 Amory, MS 38821	M-9960	765-M-Ins.
Merino Grain & Livestock, Inc. Box 166 Merino, CO 80741	M-10219	767-M-Ins.
Harold H. Maxson dba Tom's Sales 604 East 1st Street Loveland, CO 80537	M-10478	769-M-Ins.
J. D. Whitfield dba Wolcott - Whitfield 9186 West 44th Avenue Wheatridge, CO 80033	M-10556	770-M-Ins.
Melvin Cruse dba Kwik Lunch 835 - 35th Street Boulder, CO 80302	M-11118	771-M-Ins.
Carl F. Johnson Route 2, Box 125C Durango, CO 81301	M-11625	772-M-Ins.
C. A. Berridge dba Wild Horse Service Wild Horse, CO 80862	M-12056	773-M-Ins.
George R. Michel dba Michel Electric & Signs 319 Faraday Monte Vista, CO 81001	M-13377	774-M-Ins.
L. D. Brinkman & Company 11090 East 51st Avenue Denver, CO 80239	M-13666	775-M-Ins.
John J. Grennan Box 216 Jamestown, KS 66948	M-14013	776-M-Ins.
Dorothy Ramseier dba Red Top Service Station Highway No. 36 Idalia, CO 80735	M-14203	777-M-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Russell A. Hedden, Jr. dba Mister Sandwich 2353 East Platte Place Colorado Springs, CO 80909	M-14506	778-M-Ins.
Lynn Russ McClanahan P.O. Box 465 Olathe, CO 81425	M-14712	779-M-Ins.
Silas Medina P.O. Box 343 Minturn, CO 81645	M-14725	780-M-Ins.
John H. Hays dba Brighton Wholesale Auto Center Route 2, Box 3B Brighton, CO 80601	M-15095	781-M-Ins.
Mid-Equipment, Inc. Highway 14 West Grundy Center, IA 50638	M-15165	782-M-Ins.
Hans Nielsen dba Nielsen Grain Co. Luverne, MN 56156	M-15471	784-M-Ins.
Fred Horowitz dba Welton Furniture 2200 West Alameda Avenue Denver, CO 80223	M-15489	785-M-Ins.
Boyd L. and James R. Patterson dba Patterson Enco Elk Springs, CO 81633	T-340	93-T-Ins.
Raymond A. Chacon dba Chacon's Service Box 28 Antonito, CO 81120	T-352	94-T-Ins.
Charles L. Cooper dba Table Mesa Enco 505 South Broadway Boulder, CO 80303	T-401	95-T-Ins.
Larry Fox dba Fox Service Calhan, CO 80808	T-416	96-T-Ins.
John A. Dageenakis dba Gunbarrel Standard 6500 Lookout Road Boulder, CO 80301	T-503	97-T-Ins.
Marigold, Inc. Box 5553 W.V. Aspen, CO 81611	T-640	98-T-Ins.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN M. SHEA, DOING BUSINESS AS)
"JOHN M. SHEA & SONS TRUCKING,")
6750 YORK STREET, DENVER, COLORADO,))
FOR AUTHORITY TO OPERATE AS A CLASS))
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27074-PP

ORDER OF THE COMMISSION

November 9, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83991
November 9, 1973

John M. Shea & Sons Trucking

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHELSEY SHULTS, 8318 CHARLES WAY,)
DENVER, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27076-PP

ORDER OF THE COMMISSION

November 9, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

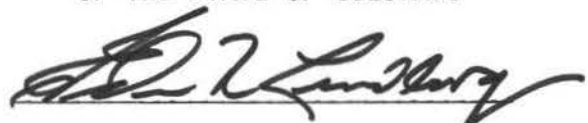
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

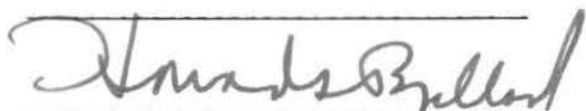
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners

Appendix
Decision No. 83992
November 9, 1973

Chelsey Shults

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEROY ROBINS, 1033 SOUTH 5TH STREET,)
POST OFFICE DRAWER 1309, MONTROSE,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27081-PP

ORDER OF THE COMMISSION

November 9, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

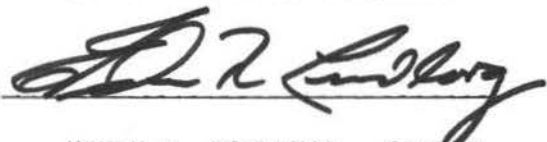
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83993
November 9, 1973

LeRoy Robins

Transportation of

(1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

(2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of 150 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GRANT C. WOOD, DOING BUSINESS AS)
"G. W. ENTERPRISES," 7070 UTICA)
STREET, WESTMINSTER, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27083-PP
ORDER OF THE COMMISSION

November 9, 1973

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83994
November 9, 1973

G. W. Enterprises

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 the designated radius as restricted below,

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 200 miles from the point(s) of origin.

(Decision No. 83995)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES PARDOE, 8491 ALLISON COURT,)
ARVADA, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27098-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
November 9, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

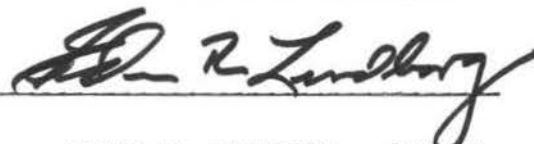
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83995
November 9, 1973

James Pardoe

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

(Decision No. 83996)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANKLIN H. WARD AND RICHARD G.)
WARD, DOING BUSINESS AS "WARD CON-)
STRUCTION COMPANY," 1012 MADISON)
AVENUE, P. O. BOX 265, LOVELAND,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27099-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 9, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

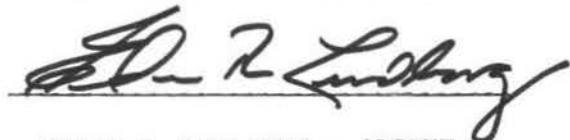
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

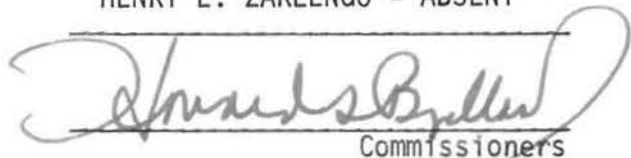
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83996
November 9, 1973

Ward Construction Company

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 200 miles from the point(s) of origin.

(Decision No. 83997)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARY M. GRAY, DOING BUSINESS AS)
"GRAY & SON," ROUTE 1, BOX 342,)
BRIGHTON, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27100-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 9, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

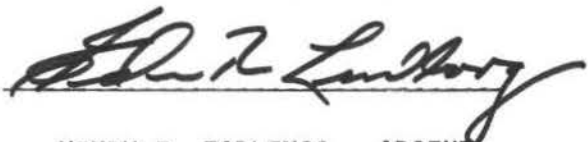
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

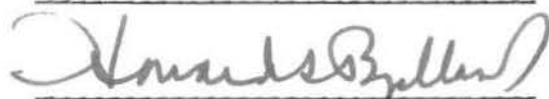
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners

Appendix
Decision No. 83997)
November 9, 1973

Gray & Son

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

(Decision No. 83998)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND F. HIRSCHFELD AND GEORGE)
REISBECK, DOING BUSINESS AS "REIS-)
BECK & HIRSCHFELD, CEMENT CONTRAC-)
TORS," 15675 EAST 6TH AVENUE,)
AURORA, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27102-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
November 9, 1973
- - - - -

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83998
November 9, 1973

Reisbeck & Hirschfeld, Cement Contractors

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

(Decision No. 83999)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEROY LESSER, ROUTE 3, BOX 146,)
LONGMONT, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27103-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 9, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

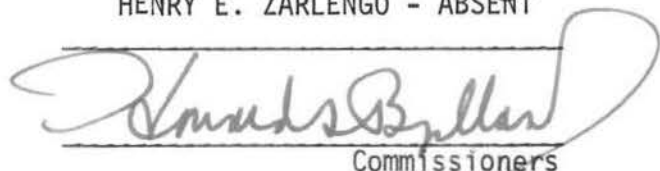
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 83999
November 9, 1973

LeRoy Lesser

Transportation of

Farm products and natural fertilizer

Between all points located within an area comprised of the Counties of Boulder, Weld, and Adams, State of Colorado.

RESTRICTION: This Emergency Temporary Authority is restricted against the transportation of livestock, bulk milk, and dairy products.

(Decision No. 84000)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARY R. ANDERSON AND EUGENE M. AN-)
DERSON, DOING BUSINESS AS "G & G)
TRUCKING," 9320 BELLA VISTA DRIVE,)
LOUISVILLE, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27104-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 9, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

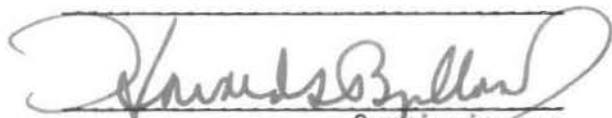
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 84000
November 9, 1973

G & G Trucking

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

(Decision No. 84001)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
REFRIGERATED FOODS, INC., P. O. BOX)
1018, DENVER, COLORADO, FOR EMER-)
GENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27105-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 9, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

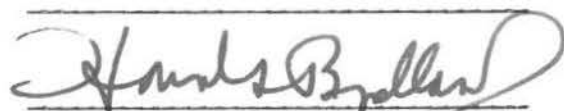
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 84001
November 9, 1973

Refrigerated Foods, Inc.

Transportation of

Commodities dealt in and distributed by Safeway Stores, Inc.

From food distribution centers and warehouses located within the State of Colorado, to Safeway Stores located within the State of Colorado.

(Decision No. 84002)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT E. BATH, DOING BUSINESS AS)
"AMERICAN DISPOSAL," 1730 LOGAN,)
APARTMENT 34, DENVER, COLORADO, FOR)
EMERGENCY TEMPORARY APPROVAL TO)
CONDUCT OPERATIONS UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3380 PENDING DETERMINATION)
OF THE APPLICATION TO ACQUIRE SAID)
CERTIFICATE.)

APPLICATION NO. 27106-Transfer-ETA

ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

November 9, 1973

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

IT APPEARING, That pending the determination of the permanent application there is an immediate and urgent need for the emergency temporary approval herein sought; and that failure to immediately grant emergency temporary approval may result in the destruction of, or injury to, such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

IT IS ORDERED, That the Transferee(s) herein be granted emergency temporary approval for a period of fifteen (15) days commencing as of the day and date of this Order, to operate under the authority as set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferor(s) shall continue operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and Transferee(s) may commence operations.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 84003)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE A. MURRAY, 337 SOUTH QUEEN)
CIRCLE, LAKEWOOD, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27101-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 9, 1973

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

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 84003
November 9, 1973

George A. Murray

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PEOPLES NATURAL GAS DIVISION OF	)	APPLICATION NO. 26638
NORTHERN NATURAL GAS COMPANY FOR)	
PERMISSION TO UTILIZE A NORMALIZA-	)	RECOMMENDED DECISION OF
TION ACCOUNTING METHOD FOR	)	CHRISTIAN O. IGENBERGS,
LIBERALIZED DEPRECIATION IN COMPUTING	)	EXAMINER
FEDERAL INCOME TAXES, IN ITS ACCOUNTS)	
AND ANNUAL REPORTS, AS WELL AS FOR)	
RATEMAKING PURPOSES.	)	DENYING APPLICATION

- - - - -
November 8, 1973
- - - - -

Appearances: Thomas Stifler, Esq., Colorado
Springs, Colorado, and
William Liliensiek, Esq.,
Omaha, Nebraska, for Applicant;
Girts Krumins, Assistant Solicitor
General, Denver, Colorado, for
the Staff of the Commission.

PROCEDURE AND RECORD

Under date of May 14, 1973, Applicant Peoples Natural Gas Division of Northern Natural Gas Company (hereinafter referred to by its full corporate name or as Peoples) filed the within application seeking an order of the Commission permitting it to utilize the normalization accounting method for liberalized depreciation in computing income taxes in its accounts and annual reports as well as for ratemaking purposes.

The Commission assigned Docket No. 26638 to the application and gave due notice in accordance with the provisions of 115-6-8 (2), CRS 1963, as amended, setting the subject matter for hearing on Monday, July 9, 1973, at 10 a.m. in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. On June 28, 1973, Applicant filed with the Commission a Motion for Postponement of Hearing, and the Commission reset the hearing to be held on Monday, August 20, 1973, at the aforesaid time and place, at which time it was heard by Examiner Christian O. Igenbergs to whom the subject matter had been assigned pursuant to law.

Messrs. Turner Tefft, Director of the Income and Excise Tax Department, and G. L. Stamm, Manager of Economic Planning of Peoples Natural Gas Division of Northern Natural Gas Company, presented oral testimony.

Exhibits numbered 1 and 2 were tendered and admitted into evidence.

Official notice was taken of the following documents on file with the Commission, to wit: Decision No. 74236 of this Commission dated January 27, 1970, rendered in Application No. 24066, and the Memo Summary of Applicant's case dated January 14, 1970, in the aforesaid case.

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

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. Applicant is a corporation duly organized and existing under and by virtue of the laws of the state of Delaware, and it is duly authorized to transact business in the state of Colorado where it is engaged in the purchase, transmission, distribution, and sale of natural gas in 33 incorporated cities and towns and various unincorporated communities as a public utility.

2. By this application, Applicant prays that the Commission determine that it is appropriate and necessary and in the public interest that, as to qualified post-1969 property, it be permitted to employ the so-called normalization accounting method for liberalized depreciation in computing federal income taxes, in its accounts and annual reports, as well as for ratemaking purposes.

3. This Commission has jurisdiction over the Applicant and the subject matter of this proceeding.

4. At the present Applicant, with regard to its Colorado intra-state accounting books, is required to use the flow-through method of tax accounting in accordance with Commission Decision No. 82032.

5. On December 30, 1969, the U. S. Congress enacted Public Law 91-72, which is known in the accounting profession as the 1969 Tax Reform Act and which is a substantial revision of the Internal Revenue laws of the United States.

Section 441 (a) of the aforesaid Tax Reform Act added Section 167 (1) to the Internal Revenue Code, which establishes for public utilities the methods of depreciation available for post-1969 property addition and pre-1970 property addition to its plant. In essence, the new provisions of Section 167 (1) provide that three methods of depreciation may be used with respect to post-1969 public utility property additions, such methods being described as "straight-line depreciation," "normalized method," and "flow-through method." The aforesaid revision of the Internal Revenue Code furthermore provides that if the flow-through method of accounting is being used, the utility may continue to use it for both existing and new property; however, for taxable years beginning after December 31, 1970, for property constructed or acquired after January 1, 1970, to the extent that such property increases the productive or operational capacity of the utilities and is not a replacement of existing capacity, the utility may elect within 180 days of the enactment of the subject Act to not have the option to use the flow-through method available. By letter to the U. S. Commissioner of Internal Revenue, dated June 26, 1970, as amended on September 13, 1971, Northern Natural Gas Company made an election to not have the flow-through method apply with respect to its qualified post-1969 public utility property, but it specifically exempted from such election its subsidiaries of whom Applicant Peoples is one.

6. The evidence presented at the hearing by Applicant, through the oral testimony of its two witnesses, does, to a degree, discuss tax and rate benefits, which would accrue to the utility in Colorado by the use of either the present flow-through method or the proposed normalization method, but there are no hard facts and/or figures in the record on which the Examiner could base his findings and the conclusion that the granting of the application is in the public interest. By this the Examiner means that his decision should be based on facts in the record showing what actual or reasonably estimated benefits would accrue to the utility, and that the proposed change would not have any detrimental impact upon the ratepayers. The ideal proof in a case of this nature would, of course, be a showing by the Applicant utility that, while the granting of its application would benefit the utility, it also would benefit the ratepayer. The generalizations contained in the testimony of the Applicant's two witnesses, practically without any factual base, prevent a finding in favor of the application. Applicant should, if it so desires, refile the application and then be prepared to prove its case.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The authority sought by Applicant should be denied without prejudice.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following order.

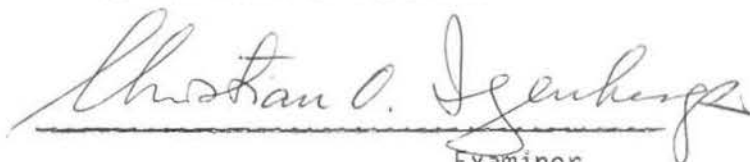
O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 26638, being an application of Peoples Natural Gas Division of Northern Natural Gas Company, P. O. Box 1357, Colorado Springs, Colorado 80901, be, and hereby is, denied without prejudice.
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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp

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.)

- - - - -
November 6, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the corporations, partnerships, and/or persons as specifically set forth in the Appendix attach hereto have paid to the Commission the required filing fee for authority to operate as commercial carriers by motor vehicle (not for hire) over the public highways of the State of Colorado, but have either (1) failed to file an application or (2) have failed, after filing an application for such authority, to file either the required certificate of insurance or a designation of agent for service of notices, orders or process--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 set forth in the Appendix attached hereto should be dismissed.

O R D E R

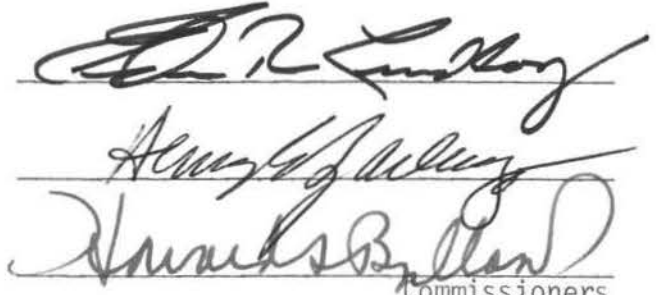
THE COMMISSION ORDERS:

That all actions instituted before this Commission by the corporations, partnerships, and/or persons as set forth in the Appendix attached hereto, to obtain authority to operate as commercial carriers by motor vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed.

This Order shall become effective ten (10) days from the day and date hereof.

DONE IN OPEN MEETING the 6th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
vjr

NAME

A-One Produce
P. O. Box 5062
Santa Fe, New Mexico 87510

A-I Trailer Mfg. Co.
P. O. Box 207
Duncansville, Texas 75116

Walter E. Allen, dba
A & A Fish Market
1819 East 28th Avenue
Denver, Colorado 80205

Joe Adkinson
404 Northwest Drive
Longview, Texas 75601

Advance Concrete Form Inc.
6909 Raywood Road
Madison, Wisconsin 53713

Agri-Sul Inc.
P. O. Box 188
Mineola, Texas 75773

Johnnie Allen
Route 2, Box 213
La Junta, Colorado 81050

Allstate Trucking, Inc.
1404 Camino Monte
Farmington, New Mexico 87401

Al Zahler dba
Al's Auto Salvage
2936 Hilbert
Pueblo, Colorado 81005

Gardner, Inc., dba
Amerigo
Highway 120 East
P. O. Box 578
Bristol, Indiana 46507

Norbert E. Summ, dba
Amity Leather Products
West Bend, Wisconsin 53095

Andrews Livestock Co., Inc.
Box 850
Torrington, Wyoming 82240

REASON - FAILURE TO FILE:

Public Liability and Property Damage
Insurance, Designation of Agent

Public Liability and Property Damage
Insurance, Designation of Agent

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance, Designation of Agent

Public Liability and Property Damage
Insurance, Designation of Agent

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance, Designation of Agent

Public Liability and Property Damage
Insurance

Designation of Agent

Public Liability and Property Damage
Insurance, Designation of Agent

Public Liability and Property Damage
Insurance, Designation of Agent

NAME

REASON - FAILURE TO FILE:

Darrell Aplanalp
Star Route
Rangely, Colorado 81648

Public Liability and Property Damage
Insurance

Ramon Domingo Archuleta
P. O. Box 114
Saguache, Colorado 81149

Public Liability and Property Damage
Insurance, Application

Artcraft/Heath Division of
W. Heath & Co., Inc.
Jct. Hwy 580 & 584
Oldsmar, Florida, and
P. O. Box 22066
Tampa, Florida 33622

Designation of Agent

Roy Atkinson
3106 N. Hancock
Odessa, Texas 79760

Public Liability and Property Damage
Insurance, Designation of Agent

U.S. Auto Glass Centers, Inc. dba
Aurora Glass Service
1571 Florence Avenue
Aurora, Colorado 80010

Public Liability and Property Damage
Insurance

Ray Ayers dba
Ray Ayers Trucking
225 South Madison Street
Cortez, Colorado 81321

Public Liability and Property Damage
Insurance

B & B Supply Company
Route 1
Decatur, Texas 76234

Public Liability and Property Damage
Insurance, Designation of Agent

B Bar G Trailers
Box 661
Chickasha, Oklahoma 73018

Public Liability and Property Damage
Insurance, Designation of Agent

Baldwin Piano and Organ Co.
805 Harkrider Avenue
Conway, Arkansas 72032

Public Liability and Property Damage
Insurance

Kenneth K. Kent, dba
Bally Case and Cooler Company
Bally, Pennsylvania 19503

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Bar K Pet Food, Inc.
Route 1, Box 178
Fort Collins, Colorado 80521

Public Liability and Property Damage
Insurance

Barwick Industries
Chambles
Georgia 30005

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

NAME

REASON - FAILURE TO FILE:

Basin Mud Service, Inc.
P. O. Box 1075
Vernal, Utah 84078

Public Liability and Property Damage
Insurance

Bavarian Motors, Inc.
350 Broadway
Denver, Colorado 80203

Public Liability and Property Damage
Insurance

Randi J. Kenely, dba
Bee Hive Garage Domestic
P. O. Box 635
Grand Lake, Colorado 80447

Public Liability and Property Damage
Insurance

John Blythe Beverly dba
Beverly's J-F Ranch
P. O. Box K
Alamosa, Colorado 81101

Public Liability and Property Damage
Insurance

Big C Service and Supply Inc.
Box 2353
Casper, Wyoming 82601

Designation of Agent

R. F. Box dba
R. F. Box Trucking Company
500 Kinley N.E.
Albuquerque, New Mexico 87107

Designation of Agent

Brush Rendering Company
5350 N. Washington
Denver, Colorado 80216

Public Liability and Property Damage
Insurance

Edward R. Dufour dba
C and D Transport
301 Marshall Drive
Grand Prairie, Texas 75050

Public Liability and Property Damage
Insurance, Designation of Agent

Robert N. Call
556 King Street
Lafayette, Colorado 80026

Public Liability and Property Damage
Insurance

Broderick Enterprises, Inc. dba
Captain Clean, Inc.
1401 East Olive Court
Fort Collins, Colorado 80521

Public Liability and Property Damage
Insurance

Herbert D. Carliss
2025 N. College
Box 283
Fort Collins, Colorado 80921

Public Liability and Property Damage
Insurance

James E. Carter
411 15th Street
Greeley, Colorado 80631

Public Liability and Property Damage
Insurance

NAME

REASON - FAILURE TO FILE:

J. J. Meier, dba
Casper Fishing Tool Service
P. O. Box 443
3280 East Yellowstone
Casper, Wyoming 82601

Public Liability and Property Damage
Insurance

T. J. Gaffney, dba
Cathedral Motors
1735 Logan St.
Denver, Colorado 80203

Public Liability and Property Damage
Insurance

Cellular Corporation of Colorado
301 Vallejo St.
Denver, Colorado 80223

Public Liability and Property Damage
Insurance

Cherokee Pipe and Supply
Box 1142
Odessa, Texas 79766

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Chevy Auto Dismantlers, Inc.
900 Kennie Road
Pueblo, Colorado 81001

Public Liability and Property Damage
Insurance

Clemen's Mobile Homes
Scottsbluff, Nebraska 69361

Public Liability and Property Damage
Insurance, Designation of Agent

Cliffrose Natural Foods
129 Coffman
Longmont, Colorado 80501

Public Liability and Property Damage
Insurance, Application

James Cline
Box 52
Pitkin, Colorado 81241

Public Liability and Property Damage
Insurance

Bonnie E. Hennes, dba
Colorado Electrical Service
1035 S. Macon Street
Aurora, Colorado 80010

Public Liability and Property Damage
Insurance

Colorado Texas Beef Packers
Box 330
Booker, Texas 79005

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Cope Gas & Equipment, Inc.
Kirk, Colorado 80824

Public Liability and Property Damage
Insurance

Frank Ira Cox
Harper Route
London, Texas 76854

Public Liability and Property Damage
Insurance, Designation of Agent

Crestliner Boat Division, AMF Inc.
609 NE 13th Avenue
Little Falls, Minnesota 56345

Public Liability and Property Damage
Insurance

NAME

REASON - FAILURE TO FILE:

Roy C. Curtis, Jr.
13290 West Dakota Place
Lakewood, Colorado 80228

Public Liability and Property Damage
Insurance

Douglas E. Cooper, dba
D.C. Auto Service
3495 So. Federal Blvd.
Sheridan, Colorado 80219

Public Liability and Property Damage
Insurance

Douglas Leaf and Jacqueline Leaf dba
D & J Conoco Service
Box 375
Fairplay, Colorado 80440

Public Liability and Property Damage
Insurance

Dal-Tex Pipe and Steel Corp.
1811 West North West Hwy.
Dallas, Texas 75234

Public Liability and Property Damage
Insurance

Wayne A. Magnuson dba
Daryl-Mark Transportation
10030 W. 59th Pl. #4
Arvada, Colorado 80004

Public Liability and Property Damage
Insurance

Deatherrage Trucking
Russell
Kansas 67665

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Glenn R. Stone dba
Decor Furniture Mfg. Co.
P. O. Box 146
Gamerco, New Mexico 87317

Designation of Agent

Lester A. Dixon Jr., Bruce H. Dixon &
Joann Hansen dba
Dixon Feedlots
Route 2, Box 302
Parker, Colorado 80134

Public Liability and Property Damage
Insurance

Michael L. Dixon dba
Dixon Motors
Box 473
Buena Vista, Colorado 81211

Public Liability and Property Damage
Insurance

Donaldson Cattle Co., Inc.
Box 659
Monticello, Arkansas 71655

Public Liability and Property Damage
Insurance

E1 Dorado Laminated Beams, Inc.
P. O. Box 87
E1 Dorado Springs, Missouri 64744

Public Liability and Property Damage
Insurance

NAME

REASON - FAILURE TO FILE:

John Ellis Jr., dba
Johnny Ellis
722 N. 11th Avenue
Greeley, Colorado 80631

Public Liability and Property Damage
Insurance

Nicholas T. Espinoza
1373 W. Nevada Pl.
Denver, Colorado 80223

Public Liability and Property Damage
Insurance

Harold Behlen & Don Whiteman dba
Estes Park Home Improvement Center
P. O. Box 657
Estes Park, Colorado 80517

Public Liability and Property Damage
Insurance

Michael Reimann & Mark Wymore, dba
European Auto Wrecking
1770 West Wesley
Englewood, Colorado 80110

Public Liability and Property Damage
Insurance

Express Motor Rebuilders
1109 N.W. 4th
Oklahoma City, Oklahoma 73107

Public Liability and Property Damage
Insurance

John L. Shultz, Jr., dba
F & S Dist. Co.
3011 Tylane Ave.
Farmington, New Mexico 87401

Public Liability and Property Damage
Insurance

Neil H. and/or Betty Fernau dba
Fernau Oil Co.
Ainsworth, Nebraska 69210

Public Liability and Property Damage
Insurance, Designation of Agent

Flame Gas Company
Box 35
Kingsville, Missouri 64061

Public Liability and Property Damage
Insurance, Designation of Agent

Jack H. Schauer, dba
Flea Market East
751 South Santa Fe
Fountain, Colorado 80817

Public Liability and Property Damage
Insurance

Fleming Manufacturing Co.
P. O. Box 337
Long Lake, Minnesota 55356

Public Liability and Property Damage
Insurance, Designation of Agent

Ft. Worth Cattle Express, Inc.
1112 Cantrell Sansome Road
Ft. Worth, Texas 76131

Public Liability and Property Damage
Insurance

Wayne Fox dba
Fox Brothers
Emmet, Nebraska 68734

Designation of Agent

NAME

REASON - FAILURE TO FILE:

Berl W. Friend dba
Friend's Country Store
Hwy. 149, P. O. Box 337
Lake City, Colorado 81235

Public Liability and Property Damage
Insurance

Jose J. Garcia
Route 1, Box 131
Weldona, Colorado 80653

Public Liability and Property Damage
Insurance, Application

Alvas J. Frankman, Jr., dba
Gift Line of Wyoming
Box 26
Sinclair, Wyoming 82334

Public Liability and Property Damage
Insurance, Designation of Agent

H. W. Given Company
3338 Winding Way
New Town Square, Pennsylvania 19073

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Gary N. Good
Rural Route 2
Sterling, Colorado 80751

Public Liability and Property Damage
Insurance

Ira R. Goodale, Jr., dba
Goodale Enterprises
9484 North Hwy. 99
Stockton, California 95205

Public Liability and Property Damage
Insurance, Designation of Agent

John M. Goodrick
245 3rd St.
Ft. Lupton, Colorado 80621

Public Liability and Property Damage
Insurance

Gorge Construction
Box 277
Manila, Utah 84046

Public Liability and Property Damage
Insurance, Designation of Agent

Greif Bros. Construction
1201 Quivas Street
Denver, Colorado 80204

Public Liability and Property Damage
Insurance

James M. Champlin dba
H and C Firewood
6251 Lamar
Arvada, Colorado 80003

Public Liability and Property Damage
Insurance

Roland L. Miles & Hilda G. Miles dba
H and R Mobile Canteen Caterers
P. O. Box 7244, Parkhill Station
Denver, Colorado 80207

Public Liability and Property Damage
Insurance

Hubert D. Hahn
218 Grand Avenue, Box # 140
Hot Sulphur Springs, Colorado 80451

Public Liability and Property Damage
Insurance

NAME

REASON - FAILURE TO FILE:

Johnnie E. Hall
Route 1, Box 36
Cedaredge, Colorado 81413

Public Liability and Property Damage
Insurance

Harbin Sales, Inc.
4656 Ripley Drive
El Paso, Texas 79922

Public Liability and Property Damage
Insurance, Designation of Agent

Leonard C. Hardwich
1914 W. 19th
Pueblo, Colorado 81003

Public Liability and Property Damage
Insurance

Independent Stave Co., Inc. dba
Harrison Furniture Mfg. Company
P. O. Box 340
Harrison, Arkansas 72601

Designation of Agent

Tom Mulcaire dba
Have Blade Will Grade
Box 937
Cottonwood, Arizona 86326

Public Liability and Property Damage
Insurance, Designation of Agent

Darryl Hayden
130 9th
Steamboat Springs, Colorado 80477

Public Liability and Property Damage
Insurance, Designation of Agent

W. R. Herring
R. R. 1
Sedgwick, Kansas 67135

Public Liability and Property Damage
Insurance, Designation of Agent

Hi Country Dry Wall, Inc.
15850 W. 14th Place
Golden, Colorado 80401

Public Liability and Property Damage
Insurance

Francis Gwin Hileman
Route 1, Box 810
Pueblo, Colorado 81004

Public Liability and Property Damage
Insurance

Gottfried Hintz
New Leipzig, North Dakota 58562

Designation of Agent

Randall Hintz
New Leipzig, North Dakota 58562

Public Liability and Property Damage
Insurance, Designation of Agent

Henry Oil Co. Inc. dba
HOCO
P. O. Box 700
Bixby, Oklahoma 74008

Designation of Agent

Hoskinson Implement
Box 369
Sublette, Kansas 67877

Public Liability and Property Damage
Insurance

NAME

REASON - FAILURE TO FILE:

Donald Hoss
Box 64
Sharon Springs, Kansas 67758

Public Liability and Property Damage
Insurance, Designation of Agent

Robert Hubbard
Box 3422
Durango, Colorado 81301

Public Liability and Property Damage
Insurance

Dallas Hunt dba
Hunt Construction
Box 939
Steamboat Springs, Colorado 80477

Public Liability and Property Damage
Insurance

Calvin L. Hunt, dba
Hunt & Miller
2695 Central
Canon City, Colorado 81212

Public Liability and Property Damage
Insurance

Imperial Trailer Co.
Box 99
Lindsay, Oklahoma 73119

Public Liability and Property Damage
Insurance, Designation of Agent

International Paper Company
220 East 42nd St.
New York, New York 10017

Public Liability and Property Damage
Insurance, Designation of Agent

James R. Talarico dba
J & B Used Auto Parts
5545 Sheridan Blvd.
Arvada, Colorado 80002

Public Liability and Property Damage
Insurance

Jenkins Produce
Route 2, Box 160
Horton, Alabama 35980

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Lloyd John dba
John Drilling Co.
6544 West 72nd Ave.
Arvada, Colorado 80002

Public Liability and Property Damage
Insurance

Bob Jones & Co.
1719 W. Berry
Ft. Worth, Texas 76110

Public Liability and Property Damage
Insurance, Designation of Agent

Keith Patterson and Ed Dunn dba
K and E Backhoe Service
Box 1058
Basalt, Colorado 81621

Public Liability and Property Damage
Insurance, Application

Bernard Kelley and Jack Fisher dba
K and F Baling
P. O. Box 524
Atkinson, Nebraska 68713

Public Liability and Property Damage
Insurance, Designation of Agent

NAME

REASON - FAILURE TO FILE:

KNS Livestock & Feed Company
2005 18th Street
Greeley, Colorado 80631

Public Liability and Property Damage
Insurance

Glen Kettleborough
North Star Route
Anselmo, Nebraska 68813

Designation of Agent

Willis George Kientz dba
Kientz's Wholesale Bait
1178 South Ogden Street
Denver, Colorado 80210

Public Liability and Property Damage
Insurance

King and Co., Inc.
Highway 64 East
Clarksville, Arkansas 72830

Public Liability and Property Damage
Insurance, Designation of Agent,
Application

Mar-Dean Corporation dba
King of the Row Furniture & Appliances
6680 West Colfax Avenue
Lakewood, Colorado 80215

Public Liability and Property Damage
Insurance

L. B. Knight
Route 1
Fyffe, Alabama 35971

Public Liability and Property Damage
Insurance, Designation of Agent

Juel A. Kolbo
P. O. Box 517
Groton, South Dakota 57445

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Terry D. Latham
Salt Lake City
Utah 84100

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Eginio S. Laureles
706 East 4th St.
Brady, Texas 76825

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Harvey Layton
810 Silver St., Route #3
Rapid City, South Dakota 57701

Public Liability and Property Damage
Insurance, Designation of Agent

Ronald Morford and Truman Jones, dba
Lazy Log Enterprises
P. O. Box 55
Whitewater, Colorado 81527

Public Liability and Property Damage
Insurance

Mike Laws dba
Laws Transportation
5309 22nd Street
N.W. Puallup, Washington 98371

Public Liability and Property Damage
Insurance, Designation of Agent

NAME

REASON - FAILURE TO FILE:

Linda Vista Mobile Homes, Inc.
5800 E. Platte
Colorado Springs, Colorado 80915

Public Liability and Property Damage
Insurance

Linton Trucking, dba
Linton Enterprises
116 North Tejon, Suite 205
Colorado Springs, Colorado 80901

Public Liability and Property Damage
Insurance

John J. Lopez
Box 427
Romeo, Colorado 81148

Public Liability and Property Damage
Insurance

Harold T. Lyke and Mabel R. Lyke
Star Route, Box 45
Carbondale, Colorado 81623

Public Liability and Property Damage
Insurance

Raymond Joe Miller dba
M & W Wood
P. O. Box "C"
Pitkin, Colorado 81241

Public Liability and Property Damage
Insurance

Jerry F. Madden
Rural Route
Peetz, Colorado 80747

Public Liability and Property Damage
Insurance

Marshall Storage, Inc.
Ansel Switch
Center, Colorado 81125

Public Liability and Property Damage
Insurance

Ida Martinez
2600 Clay Street
Denver, Colorado 80211

Public Liability and Property Damage
Insurance, Application

Ysidoro Martinez
7636 Vera Cruz
El Paso, Texas 79915

Public Liability and Property Damage
Insurance, Designation of Agent

Herbert F. Mauch
Route 1, Box 215-A
Lamar, Colorado 81052

Public Liability and Property Damage
Insurance

Foster Lee McGaughey
615 Clifton St.
Brush, Colorado 80723

Public Liability and Property Damage
Insurance

Frank McKay
P. O. Box 192
Lenora, Kansas 67645

Designation of Agent

Roman Meno
P. O. Box 955
Weslaco, Texas 78596

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

NAME

Chuck Meyer
Scottsbluff
Nebraska 69361

Mile High Catering, Inc.
2732 South Downing Circle
Denver, Colorado 80210

Bill Miles
Box 552
Craig, Colorado 81625

Leslie Miller, Inc.
Box 8158
Fort Worth, Texas 76112

Miller Welding Supply, Inc.
East Highway 40
Vernal, Utah 84078

Monroe-Patterson, Inc.
R. R. 2, Box 315
Greenfield, Indiana 46140

Melvin L. Moore
Route 1, Box 65, Garvin Mesa
Paonia, Colorado 81428

Morgan County Sand, Gravel &
Aggregate, Inc.
No. Hwy. 52, Box 983
Fort Morgan, Colorado 80701

Motor Transportation Company
Box 14751
St. Louis, Missouri 63123

Howard E. Bickel dba
NRM Trucking
Malvern, Pennsylvania 19355

Jerry Nance Trucking
1518 16th St.
Auburn, Nebraska 68305

National Floor Products Co., Inc.
P. O. Box 354
Industrial Park Chisholm Road
Florence, Alabama 35630

National Mobile Exchange, Inc.
4800 Amarillo Blvd. E
Box 5278
Amarillo, Texas 79107

REASON - FAILURE TO FILE:

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Designation of Agent

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

NAME

REASON - FAILURE TO FILE:

National Pump Corporation
Harvard & North Ave. T
Lubbock, Texas 79415

Public Liability and Property Damage
Insurance

Navajo Trailers, Inc.
(Eastern Navajo Ind., Inc.)
P. O. Box 1315
Gallup, New Mexico 87301

Public Liability and Property Damage
Insurance

Claude S. Nebeker
Evanston
Wyoming 82930

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Don E. Nichols
Sandy, Utah 84070

Public Liability and Property Damage
Insurance, Designation of Agent

Nicholson Supply Co.
1916 Dorcas St.
Omaha, Nebraska 68100

Public Liability and Property Damage
Insurance, Designation of Agent

John F. Nolting dba
Nolting Construction
2303 Gary
Pueblo, Colorado 81001

Public Liability and Property Damage
Insurance

Northwest Oil Transport, Inc.
P. O. Box 830
Rangely, Colorado 81648

Public Liability and Property Damage
Insurance

O-Kay Turkeys, Inc.
200 Locust Avenue
Clinton, Oklahoma 73601

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Elizabeth Brown & Raymond Beverly dba
Old Time Furniture
675 South Pearl St.
Denver, Colorado 80209

Public Liability and Property Damage
Insurance

Macario Ortega
1003 Catalda
Pueblo, Colorado 81001

Public Liability and Property Damage
Insurance

Brian E. Overturf
909 East 23rd St.
Farmington, New Mexico 87401

Public Liability and Property Damage
Insurance, Designation of Agent

Pacific Agriculture Coop. Assn.
P. O. Box 5205
3070 Liberty Road, N.E.
Salem, Oregon 97304

Public Liability and Property Damage
Insurance, Designation of Agent

NAME

REASON - FAILURE TO FILE:

Donald W. Baker & Larry L. Scheid dba
Paramount Furniture
6487 No. Federal Blvd.
Denver, Colorado 80221

Public Liability and Property Damage
Insurance

Fred L. Patterson dba
Patterson Auto Sales
Route 5
Lubbock, Texas 79404

Public Liability and Property Damage
Insurance, Designation of Agent

Paulino Gardens
6300 North Broadway
Denver, Colorado 80216

Public Liability and Property Damage
Insurance

Pecos Valley, Inc.
Box 280
Carlsbad, New Mexico 88220

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Moises Perea
Star Route 2, Box 38
Los Lunas, New Mexico 87031

Public Liability and Property Damage
Insurance, Designation of Agent

Thomas E. Pierce
P. O. Box 84
Monument, Colorado 80132

Public Liability and Property Damage
Insurance

Norris N. Pinkerton dba
Pinkerton Lumber Co.
Star Route #1
Bonners Ferry, Idaho 83805

Public Liability and Property Damage
Insurance, Designation of Agent

Poloron Products, Inc., dba
Poloron Homes, Inc.
P. O. Box 337
Jacksonville, Arkansas 72076

Public Liability and Property Damage
Insurance, Designation of Agent

Prest Lumber
102 Railroad
Erie, Kansas 66733

Public Liability and Property Damage
Insurance, Designation of Agent

Jack H. Puckett
Trappers Lake, Route 50A
Meeker, Colorado 81641

Public Liability and Property Damage
Insurance

Kenneth Randolph
Cortez, Colorado 80221

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Reel Foot Packing Co.
Union City, Tennessee 38261

Public Liability and Property Damage
Insurance, Designation of Agent

NAME

REASON - FAILURE TO FILE:

Glen A. and Karen A. Roberts
1632 Quitman St.
Denver, Colorado 80219

Public Liability and Property Damage
Insurance

Harold Roberts and Jessie Roberts
Route 1, Box 178
Sheridan, Wyoming 82801

Public Liability and Property Damage
Insurance, Designation of Agent

James D. Robinson
P. O. Box 730
Sylecauga, Alabama 35150

Public Liability and Property Damage
Insurance, Designation of Agent

Dwain E. Morse dba
Robinson and Lamey
3741 E. Telegraph Road
Piru, California 93040

Public Liability and Property Damage
Insurance

Leslie R. Scott, dba
Rocking B. Mfg.
Route 1
Watonga, Oklahoma 73772

Public Liability and Property Damage
Insurance, Designation of Agent

Russ Stout dba
Russ Fixtures
2135 W. Cucharas
Colorado Springs, Colorado 80904

Public Liability and Property Damage
Insurance

R. D. Anspaugh dba
Salida Produce and Cold Storage
308 Oak Street
Salida, Colorado 81201

Public Liability and Property Damage
Insurance

Everett Schnowske, dba
Schnowske By-Products
Box 144
Cambridge, Illinois 61238

Designation of Agent

James Mason Seals dba
Seals Insulation
Box 811
Carbondale, Colorado 81623

Public Liability and Property Damage
Insurance

Shop In Denmark
Box 601, 1014 West 3 St.
Sulphur, Oklahoma 73086

Public Liability and Property Damage
Insurance

Skotty Aluminum Products
2100 E. Union Bower, P.O. Box 798
Irving, Texas 75060

Public Liability and Property Damage
Insurance

George W. Power dba
Smashmobile
20 E. Geneva Drive
Tempe, Arizona 85281

Public Liability and Property Damage
Insurance

NAME

REASON - FAILURE TO FILE:

David C. Hix dba
Snap-On Tools
1365 Miramonte Ct.
Broomfield, Colorado 80020

Public Liability and Property Damage
Insurance

O. B. Saunders, Clifton Grodon &
Dale Chapman dba
Southwest Metal and Trade Co.
1102 West Broadway, P.O. Drawer V
Altus, Oklahoma 73521

Public Liability and Property Damage
Insurance, Designation of Agent

Southwestern Furniture Manufacturers
P. O. Box 5246 Beacon Hill Station
1010 North Zarzamora
San Antonio, Texas 78201

Public Liability and Property Damage
Insurance, Designation of Agent

Standard Auto Components
West Avenue B
Hope, Arkansas 71801

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Ralph G. and Lou Stanton dba
Ralph G. Stanton Trucking
3461 F 3/4 Road
Clifton, Colorado 81520

Public Liability and Property Damage
Insurance

Gerald G. & Arlene Starr dba
Starr's Service Center
318 Grand Avenue
Platteville, Colorado 80651

Public Liability and Property Damage
Insurance

G. W. Streib Pipe and Supply
P. O. Box 621
Leakey, Texas 78873

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

Sweetheart Cup Corporation of Texas
4444 W. Ledbetter Drive
Dallas, Texas 75236

Public Liability and Property Damage
Insurance

Timberline Building Systems, Inc.
Box 272
Crested Butte, Colorado 81224

Public Liability and Property Damage
Insurance

Gregory Kelchner dba
Timberline Ski & Mountaineering
Box 131
Vail, Colorado 81657

Public Liability and Property Damage
Insurance

Leo Rodela dba
Tom's Peanuts
Tierra Amarilla, New Mexico 87575

Public Liability and Property Damage
Insurance, Designation of Agent

NAME

REASON - FAILURE TO FILE:

Marlene Elaine Toner
P. O. Box 706
Trinidad, Colorado 81082

Public Liability and Property Damage
Insurance

Transit Industries, Inc.
Airport Industrial Park
Pratt, Kansas 67124

Public Liability and Property Damage
Insurance

James Trotter dba
Trotter Grain and Fertilizer
Arcadia, Nebraska 68815

Public Liability and Property Damage
Insurance, Designation of Agent

Victoriano Trujillo, Jr., dba
Trujillo's Produce
P. O. Box 17
San Patricio, New Mexico 88348

Public Liability and Property Damage
Insurance, Designation of Agent

United Mud Service Company
Box 148 (First Nat'l Bank Bldg.)
Borger, Texas 79007

Public Liability and Property Damage
Insurance

Edgar E. Wagner dba
Unpainted Furniture Galleries
230 Main Street
Longmont, Colorado 80501

Public Liability and Property Damage
Insurance

Silviano J. Urbina
7827 Broadway
El Paso, Texas 79915

Public Liability and Property Damage
Insurance, Designation of Agent

Marvin Sparks & Alvis Tabor dba
Vibra-Whirl & Co.
P. O. Box 966
Panhandle, Texas 79068

Public Liability and Property Damage
Insurance, Designation of Agent

James E. Walker
2903 Moore Lane
Ft. Collins, Colorado 80521

Public Liability and Property Damage
Insurance

Ray T. Watkins
Box 896
Pagosa Springs, Colorado 81147

Public Liability and Property Damage
Insurance

William Waxman & Tom Kimbell, dba
Waxman and Kimbell
Box 4703
Aspen, Colorado 81611

Public Liability and Property Damage
Insurance

Robert E. Wells, Inc.
West Jordan
Utah 84084

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

NAME

Scott Westover, dba
Westover Trucking
9965 W. 34th Drive
Wheatridge, Colorado 80033

Oscar L. Nickerson dba
Whitewater Firewood Supply
3209 South C Road
Whitewater, Colorado 81527

George Wilcox and Mary M. Wilcox
P. O. Box 932
Fruita, Colorado 81521

William F. and Emily Stevens dba
Wildcat Lumber Company
R. R. #1, Box 24
Manhattan, Kansas 66502

Donald E. Williams
Torrington, Wyoming 82240

Melvin S. Wilmsmeyer and Co.
Box 461
Stillwater, Oklahoma 74074

V. C. Wood Company
Box 593
Rangely, Colorado 81648

Dean Bott, dba
Farr West
614 Cleveland
Sterling, Colorado 80751

Dean C. Bott dba
Far West Provisioners
P. O. Box 1226
Sterling, Colorado 80751

Charles D. Jones & Co., Inc.
114 W. Linwood
Kansas City, Missouri 64111

Jose Sandoval Valle
Av. 6a, Poniente No. 211
Juarez, Chin Mexico

REASON - FAILURE TO FILE:

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance, Designation of Agent

Public Liability and Property Damage
Insurance, Designation of Agent

Public Liability and Property Damage
Insurance, Designation of Agent

Public Liability and Property Damage
Insurance, Application

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance

Public Liability and Property Damage
Insurance, Designation of Agent

Public Liability and Property Damage
Insurance, Application, Designation
of Agent

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ENGLEWOOD TRANSIT COMPANY, A COLORADO)	
CORPORATION, 3930 BLAKE STREET, DENVER,)	
COLORADO 80216, TO EXTEND OPERATIONS)	APPLICATION NO. 26737-PP-Extension
UNDER PERMIT NO. A-623 TO ALLOW THE)	
ESTABLISHMENT OF OFFICES IN ANY OTHER)	RECOMMENDED DECISION OF
CITY OR TOWN IN THE STATE OF COLORADO)	CHRISTIAN O. IGENBERGS,
IN ADDITION TO THE CITY OF ENGLEWOOD,)	EXAMINER
COLORADO, AND THE CITY AND COUNTY OF)	
DENVER, COLORADO.)	GRANTING APPLICATION

- - - - -
November 9, 1973
- - - - -

Appearances: Roger Sollenbarger, Esq.,
Lakewood, Colorado, for
Applicant.

John P. Thompson, Esq.,
Denver, Colorado, for
Platte Valley Freightways;
South Park Motor Lines;
Ephraim Freightways, Inc.;
Edson Express, Inc.;
Overland Motor Express, Inc.,
dba Boulder-Denver Truck
Line; Trans-Western Express, Ltd.;
AAA Transfer & Storage Company,
Inc.; Cowen Transfer & Storage
Company; Dalby Transfer & Storage,
Inc.; Daniels Moving and Storage;
Elbert Transfer Company; McCann
Brothers Transfer Company; and
Nicol Warehouseing, Inc.

John Walker, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc., and
Larson Transportation Company.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission
on June 13, 1973. Subsequent thereto, protests were filed as follows:

John P. Thompson, Esq.: Platte Valley Freightways; South Park
Motor Lines; Ephraim Freightways, Inc.; Edson Express, Inc.; Overland
Motor Express, Inc., doing business as "Boulder-Denver Truck Line;"
Trans-Western Express, Ltd.; AAA Transfer & Storage Company, Inc.; Cowen
Transfer & Storage Company; Dalby Transfer & Storage, Inc.; Daniels Moving

and Storage; Elbert Transfer Company; McCann Brothers Transfer Company; and Nicoll Warehousing, Inc.

- John Walker, Esq.: Rio Grande Motor Way, Inc., and Larson Transportation Company.

Joseph F. Nigro, Esq.: Acme Delivery Service, Inc.; Amick Transfer & Storage Company; Bekins Van & Storage Company; Berkeley Moving & Storage Company; Bonanza Moving & Storage Company; Buehler Transfer Company; Denver Moving & Storage, Inc.; Duffy Storage & Moving Company; G.I. Moving & Storage Company; Johnson Storage & Moving Company; Kamp Moving & Storage Company; Merchants Transfer & Storage Company, Inc.; Murph's Express, Inc.; Thomas & Son Transfer Line, Inc.; Tiller's Moving & Storage, Inc.; United States Transfer & Storage Company; and Weicker Transfer & Storage Company.

Prior to the hearing, all protests filed by Mr. Nigro were withdrawn and no appearance was made by Mr. Nigro.

After due and proper notice to all interested parties, the matter was set for hearing on Wednesday, July 25, 1973, at 10 a.m. in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was called for hearing by Examiner Christian O. Igenbergs, to whom it was assigned pursuant to law. The matter was concluded on the same day it began.

Exhibit 1, a letter from Mr. Sollenbarger to Messieurs Nigro, Thompson, and Carlson (on behalf of Rio Grande Motor Way and Larson), was tendered and admitted into evidence. Exhibit 1 contains a restrictive amendment, which amendment was accepted by the Examiner. On the basis of this restrictive amendment having been accepted, the Protestants all withdrew their protests and were excused from further attendance at the hearing.

Exhibit 2, a letter from Mr. Nigro to Mr. Sollenbarger, was tendered and admitted.

Exhibit 3, a copy of a letter of authority Permit No. A-623 Englewood Transit Company, and Exhibit 4, balance sheet and statement of income of Englewood Transit, were tendered and admitted.

During the course of the hearing, Applicant produced the testimony of Mr. E. G. Perry, Jr., which testimony showed that Applicant, Englewood Transit Company, was presently operating from a Denver terminal located at 3930 Blake Street, Denver, Colorado, and had been put on notice that its lease would not be renewed after October 1, 1973. Applicant's witness testified that no suitable substitute terminal facilities could be located within the City and County of Denver, or in Englewood, Colorado, and that it sought to construct its own terminal facility on purchased property at 52nd and Newport Streets, Commerce City, Colorado. This Adams County property borders the City and County of Denver.

The witness further testified that if the Commission saw fit to grant the application, there would be no basic change in the nature of operations under Permit No. A-623.

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

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision which contains his findings of fact and conclusion thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. Applicant, Englewood Transit Company, hereinafter referred to by name or as Applicant, is a Colorado corporation duly authorized to do business in the State of Colorado and presently holds authority from this Commission as follows:

Decision No. 70863: Transportation of freight

Between Denver, Colorado, and Pueblo, Colorado, over U. S. Highways Nos. 85 and 87, serving all intermediate points between Pueblo, Colorado, and the Arapahoe-Douglas County line.

Restricted to service for not more than twenty (20) customers.

The operator or holder hereof is (1) authorized to maintain its principal office and place of business within the City of Englewood, Colorado, and to maintain a branch office within the corporate limits of the City and County of Denver, Colorado, and

(2) is prohibited, without further authority from this Commission, to establish a branch office or to have an agent employed in any other city or town than the City of Englewood, Colorado and the City and County of Denver for the purpose of developing business.

2. By this application, Applicant seeks a permit so as to authorize:

Transportation of freight

Between Denver, Colorado, and Pueblo, Colorado, over U. S. Highways Nos. 85 and 87, serving all intermediate points between Pueblo, Colorado, and the Arapahoe-Douglas County line.

Restricted to service for not more than twenty (20) customers.

The operator or holder hereof is (1) authorized to maintain its principal office and place of business within the City of Commerce City, Colorado, and (2) is prohibited, without further authority from this Commission, to establish a branch office or to have an agent employed in any other city or town than the City of Commerce City, Colorado, for the purpose of developing business hereunder.

3. Applicant is presently serving, under its Permit No. A-623, twenty (20) customers in a primarily truckload-quantities operation.

4. The location of the terminal, under a truckload-quantity operation, is of relatively small importance. The location of a terminal in Commerce City, Colorado, as opposed to either Denver or Englewood, Colorado, is of no major consequence to the operation or the Applicant's ability to continue rendering an adequate service to its customers.

5. It is highly unlikely that any motor carrier operation could be affected adversely by a grant of this application as it is primarily for the operating convenience of the Applicant.

6. In the event this application is granted, the Applicant has requested a cancellation of that restrictive language in the present Permit No. A-623 which authorizes a principal office and place of business in the City of Englewood, Colorado, and a branch office within the City and County of Denver, Colorado, and similarly, its restriction from establishing a branch office or agent in any other city or town than the City of Englewood and the City and County of Denver for purposes of developing business; and, Applicant desires to substitute, therefore, the language set forth above which would authorize it to maintain its principal office and place of business in Commerce City, Colorado, and to be prohibited without further authority from the Commission to establish a branch office or agent in any other city or town than Commerce City, Colorado, for the purpose of developing business under A-623.

The restriction and proposed cancellation will satisfactorily protect the interests of Protestants without an undue burden on the interests of the customers served under A-623.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Public interest requires that Application No. 26737-PP-Extension should be granted.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 26737-PP-Extension, being an application of Englewood Transit Company, a Colorado corporation, 3930 Blake Street, Denver, Colorado, for an extension and partial cancellation of Permit No. A-623, is granted.

2. That hereafter the authority of Applicant to be set forth in Permit No. A-623 shall read as follows:

Transportation of freight

Between Denver, Colorado, and Pueblo, Colorado, over U. S. Highways Nos. 85 and 87, serving all intermediate points between Pueblo, Colorado, and the Arapahoe-Douglas County line.

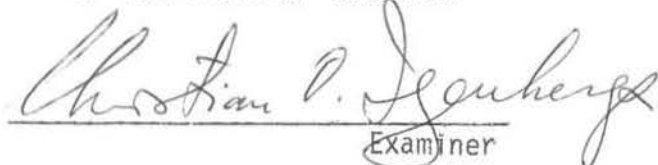
Restricted to service for not more than twenty (20) customers.

The operator or holder hereof is (1) authorized to maintain its principal office and place of business within the City of Commerce City, Colorado and (2) is prohibited, without further authority from this Commission, to establish a branch office or to have an agent employed in any other city or town than the City of Commerce City, Colorado, for the purpose of developing business hereunder.

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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
did

(Decision No. 84007)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
KAREN B. HAFLEY, P.O. BOX 676,	)	APPLICATION NO. 26756-PP-TA
3301 EAST 4TH, DURANGO, COLORADO,)	
FOR TEMPORARY AUTHORITY TO OPER-)	
ATE AS A CLASS "B" CONTRACT CARRIER	)	SUPPLEMENTAL ORDER
BY MOTOR VEHICLE.)	

November 6, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 17, 1973, the Commission entered Decision No. 83339 in the above-styled application, granting Applicant herein the right to operate under temporary authority as a Class "B" Contract Carrier by motor vehicle.

The files and records of the Commission disclose that said carrier has failed to maintain effective Public Liability and Property Damage insurance on file with the Commission, as required by the Commission's rules and regulations

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


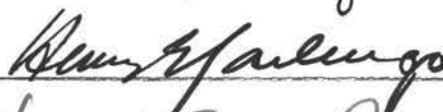

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, canceled and revoked as of the day and date hereof.

DONE IN OPEN MEETING the 6th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMON AND CONTRACT CARRIERS)	
LISTED ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	CHRISTIAN O. IGENBERGS,
Respondents.	)	EXAMINER

- - - - -
November 9, 1973
- - - - -

Appearances: John A. Hurt, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on October 15, 1973. The matters were duly called for hearing pursuant to such notice on Monday, November 5, 1973, at 9 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Christian O. Igenbergs, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Christian O. Igenbergs now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. The record and files of the Commission do not disclose that the requirements, as listed in "Appendix A" hereto and by reference incorporated hereinto, are now on file with the Commission in full compliance with the Public Utilities Law of this state and the rules and regulations of this Commission.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to keep on file with the Commission the requirements as listed in "Appendix A," and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

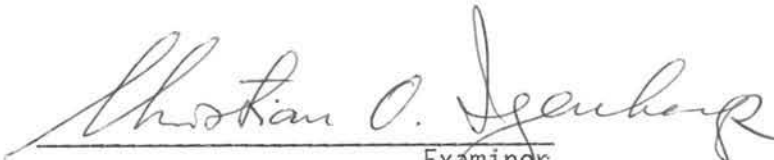
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to each respective Respondent who files the specified requirements as listed in "Appendix A" prior to the effective date of this Order.

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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>APPL. NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
Jack Caine, dba Bluebird Trucking 2802 C 3/4 Road Grand Junction, CO 81501		Application, Customer List, Equipment List, Designation of Agent, PLPD Ins.	120-App.
Don R. Bowman, dba Don Bowman Logging 680 Yampa Avenue Craig, CO 81625	25282-PP	PLPD Ins.	121-App.
Columbine Contractors, Ltd. Box U Steamboat Springs, CO 80477	26818-PP	Issuance fee	122-App.
Dean Etter, dba Dean's Refuse Service Route 1 Alamosa, CO 81101	26650	PLPD Ins.	123-App.
Jack Lang and Gary D. Oberhansly, dba M & M Water Service South Highway No. 13 P.O. Box 571 Craig, CO 81625	26704-PP- Transfer	Tariff	125-App.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMON AND CONTRACT CARRIERS)	
LISTED ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	THOMAS M. McCaffrey,
Respondents.	)	EXAMINER

- - - - -
November 9, 1973
- - - - -

Appearances: John A. Hurt, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on October 2, 1973. The matters were duly called for hearing pursuant to such notice on Monday, October 15, 1973, at 9 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Thomas M. McCaffrey, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. The records and files of the Commission do not disclose that the requirements, as listed in "Appendix A" hereto and by reference incorporated hereinto, are now on file with the Commission in full compliance with the Public Utilities Law of this state and the rules and regulations of this Commission.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authorities of the Respondents should be revoked for failure to keep on file with the Commission the requirements as listed in "Appendix A," and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to each respective Respondent who files the specified requirements as listed in "Appendix A" prior to the effective date of this Order.

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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. McElroy
Examiner

(Decision No. 84009)

<u>NAME AND ADDRESS</u>	<u>APPL. NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
Glenn Cogburn, Jr. Walden, CO 80480	26790-PP	PLPD Ins., Issuance Fee	110-App.
Glenn Cogburn, Sr. Walden, CO 80480	26791-PP	PLPD Ins., Issuance Fee	111-App.
George, Dan, and Charles Denham dba Denham Bros. 4044 North Drive Pueblo, CO 81008	26808-PP	PLPD Ins., Tariff, Customer List	112-App.
Carl R. Gartrell dba Eastern Colorado Transportation Route 1, Box 65 Idalia, CO 80735	26689-PP	Cargo Ins.	113-App.
Edward Robert 5310 Thrill Place Denver, CO 80207	26797-PP	PLPD Ins., Issuance Fee	115-App.
Madeleine R. Weibel P.O. Box 1474 Vail, CO 81657	26709-Tfr.	PLPD Ins., Designation of Agent	117-App.
Doug Wright Box 801 8100 County Road Salida, CO 81201	26798-PP	PLPD Ins.	119-App.

(Decision No. 84010)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN TARIFF OF SALIDA)	DOCKET NO. 813
GAS SERVICE COMPANY, SALIDA, COLORADO,)	
FILED UNDER ADVICE LETTER NO. 10.)	RECOMMENDED DECISION OF
	CHRISTIAN O. IGENBERGS, EXAMINER

- - - - -
November 9, 1973
- - - - -

Appearances: Donald D. Cawelti, Esq.,
Denver, Colorado,
for Respondent;
John E. Archibold, Esq.,
Denver, Colorado, for
the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

Under date of September 21, 1973, Salida Gas Service Company, an operating public utility subject to the jurisdiction of this Commission, engaged in the purchase, distribution, and sale of natural gas in the city of Salida, the town of Poncha Springs, and community of Nathrop, and surrounding areas, filed with the Commission its Advice Letter No. 10, accompanied by six tariff sheets as more fully described therein and reference to which is hereby made. The stated purpose of this filing is to limit interruptible industrial gas sales to existing customers at the existing load levels; to restrict new or additional firm commercial loads, excluding multi-unit permanent resident housing heating, to 1,500 cubic feet per hour or less at load factors not exceeding 4,500 hours annual use; and to restrict conversion of interruptible industrial customers total load to the same limits as new or additional commercial loads.

Proposed First Revised Sheet No. R-10 includes a new tariff regulation as follows:

"Notwithstanding any other provision set forth in these tariffs concerning the availability of natural gas service to new customers or for expansion of service to existing customers, the Company may, at any time and without notice, except to The Public Utilities Commission

of the State of Colorado, declare a moratorium on connecting new customers or increasing service to existing natural gas customers, either commercial or residential, or both, when the Company has determined on the basis of the natural gas available to it from its supplier, and its anticipated system demand for natural gas that the additional estimated supply required for such new or expanded service would jeopardize the supply of natural gas available for its existing customers."

The Commission, on its own motion, suspended the effective date of First Revised Sheet No. R-10 of said gas tariffs for a period of one hundred twenty (120) days or until February 18, 1974, unless otherwise ordered by the Commission (Decision No. 83793). By the aforesaid decision, the Commission ordered the subject matter to be set for hearing on Thursday, November 1, 1973, at 10 a.m. in the hearing room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time it was heard by Examiner Christian O. Igenbergs, to whom it had been assigned, pursuant to law. The hearing was held at the aforesaid time and place and taken under advisement by the Examiner.

On November 5, 1973, Respondent herein filed with the Commission Application No. 27094, which was acted upon by the Commission in its Open Meeting on the 6th day of November, 1973. The Commission issued Decision No. 83979 of the same date granting basically the same relief requested in the filing of the tariff changes in Investigation and Suspension Docket No. 813; but, instead of permitting the company to declare a moratorium on connecting new customers or increasing service to existing natural gas customers, granted the company authority to file for such moratorium by filing the necessary tariff sheet with the Commission on less than one day's notice in accordance with 115-3-4, CRS 1963, as amended.

The Commission having acted, the subject matter in Investigation and Suspension Docket No. 813 has now become moot.

CONCLUSIONS

Based upon the above and foregoing, it is concluded that:

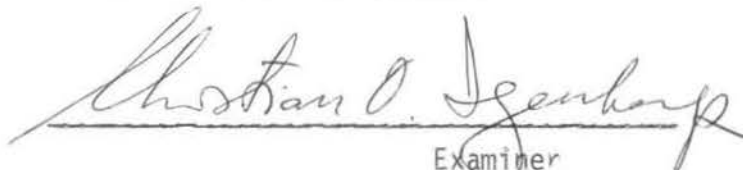
1. Investigation and Suspension Docket No. 813 should be closed.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Investigation and Suspension Docket No. 813 be, and hereby is, closed.
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 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 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27107
KANSAS-NEBRASKA NATURAL GAS COMPANY,)	
INC., FOR AN INCREASE IN RATES TO)	ORDER OF THE COMMISSION AUTHORIZING
OFF-SET THE INCREASE IN THE COST OF)	TARIFF FILING ON LESS THAN STATUTORY
PURCHASED GAS APPLICABLE TO COLO-)	NOTICE
RADO JURISDICTIONAL CUSTOMERS.)	

- - - - -
November 9, 1973
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 8, 1973, Kansas-Nebraska Natural Gas Company, Inc., a public utility subject to Commission jurisdiction, filed this application seeking authorization of the Commission, without formal hearing, to file certain gas tariffs upon less than statutory notice.

The gas tariffs sought to be filed on less than statutory notice of 30 days would result in increases in Applicant's retail gas rates amounting to approximately \$128,145 or 5.8% annually.

Applicant, a Kansas corporation with its principal place of business at Phillipsburg, Kansas, is a public utility under the provisions of the laws of the State of Colorado and is a natural gas company engaged in the business of production, purchasing, transmission and selling of natural gas along its pipeline system to residential, commercial, irrigation and industrial customers located in a number of communities and in rural areas in the States of Colorado, Kansas, Nebraska, Wyoming and Texas and at wholesale to other gas distribution and pipeline systems for resale in the States of Colorado, Kansas and Nebraska.

Applicant's increased cost of purchased gas results from price escalations provided for in its long-term contracts, the increased cost of gas resulting from new gas purchase contracts, an increase in the minimum price in the Rocky Mountain Area due to opinion No. 658 in Docket No. R-425 issued April 11, 1973 of the Federal Power Commission and the increase in rates charged by Colorado Interstate Gas Company pursuant to Order of the FPC issued in Docket RP72-113 on September 13, 1973 approving settlement rates effective July 31, 1973. These increased purchased gas costs are in addition to those allowed by the Commission in Decision No. 83814.

The rate adjustment sought herein amounts to an increase of \$.03 per Mcf of gas sold on a pressure base of 13.25 pounds and \$.033 per Mcf of gas sold at a pressure base of 14.65 pounds. The Application proposes to place in effect riders to be billed in addition to the existing tariffs, subject to any possible refund. In the event there is no refund, the riders would, at the appropriate later date, be built into the rates and the riders cancelled. The order to follow will instruct Applicant to file new tariffs rather than riders so that Applicant's tariffs are more readily applied and if no refund, is later forthcoming, no future tariff filing to adjust, change or cancel will be necessary.

The Commission finds that, good cause having been shown therefor, the Applicant should be authorized to file tariffs to reflect the increased cost per Mcf as above stated to become effective upon less than thirty (30) days' notice.

The following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Kansas-Nebraska Natural Gas Company, Inc., be, and hereby is, authorized to file to become effective upon not less than one (1) day's notice:

1. First Revised Sheets No. 3, 4, 5, 9, 13, 15 and 16 filing new rates per Mcf including the \$.03 per Mcf increase herein authorized, subject to refund.

2. First Revised Sheets No. 27, 28 and 29 filing new rates which include the \$.033 per Mcf increase, subject to refund.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

js

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES AND
DECREASED MINIMUM WEIGHTS
ON TRUCKLOADS OF FLUE DUST
AND CRUDE GYPSUM BY BERTA
BROTHERS TRANSPORTATION IN
TARIFF 2-A

MISCELLANEOUS DOCKET NO. 248

REJECTION OF TARIFF

November 9, 1973

STATEMENT

BY THE COMMISSION:

On the date of October 12, 1973, Berta Bros. Transportation filed 5th Revised Page 5 to their Tariff 2-A, Colorado PUC No. 10, scheduled to become effective on November 12, 1973. Said filing would reduce the minimum weight in Items 260 and 280 from 46,000 to 36,000 pounds, and would increase the rates on Flue Dust and Crude Gypsum in those two items by approximately 25 percent.

Rule 29 of the Commission's Rules of Practice and Procedure requires complete justification for any tariff changes in Part "B" and Notice to the Public in Part G. As incomplete justification was filed, as required by Rule 19-G, the Commission finds that the tariff should be rejected.

O R D E R

THE COMMISSION ORDERS:

1. That 5th Revised Page 5 to Berta Bros. Transportation Tariff No. 2-A, Colorado PUC No. 10, be, and it hereby is, rejected.
2. That Berta Bros. Transportation shall reinstate the Rates and charges formerly shown on 4th Revised Page 5 to the subject Tariff by appropriate tariff publication.

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Commissioner Henry E. Zarlengo
absent.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ARTHUR A. BURZLAFF, ALVIN LESSER AND)	
ROBERT L. SANDQUIST ON BEHALF OF THEM-	)	APPLICATION NO. 26841
SELVES AND OTHERS SIMILARLY SITUATED)	
FOR AN ORDER AUTHORIZING UNION RURAL	)	RECOMMENDED DECISION OF
ELECTRIC ASSOCIATION, INC., TO RENDER	)	ROBERT L. PYLE, EXAMINER
STREET LIGHTING SERVICE PURSUANT TO)	
PUC TARIFF NO. 2 - ELECTRIC IN AN	)	GRANTING APPLICATION
UNINCORPORATED AREA IN ADAMS COUNTY.)	

- - - - -
November 12, 1973
- - - - -

Appearances: Robert Sandquist, 16072
Highland Circle, Brighton,
Colorado, and
Alvin Lesser, 16062 Highland
Circle, Brighton, Colorado,
Donald H. Farmer, System Engineer
Union Rural Electric Assn.,
Inc., for the Applicant;
L. K. Christolear, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

This is an application filed July 24, 1973, by Arthur A. Burzlaff, Alvin Lesser, and Robert L. Sandquist representing themselves and all other residents similarly situated for an order authorizing Union Rural Electric Association, Inc. (Union) to provide street lighting service in an unincorporated subdivision known as Hi Land Acres, more particularly hereinafter described.

After due and proper notice to all interested parties, the matter was set for hearing on Tuesday, October 16, 1973, at 10 a.m. in the Division B Courtroom, Hall of Justice, 1931 East Bridge Street, Brighton, Colorado, at which time and place the matter was heard by Robert L. Pyle, Examiner, to whom it was duly assigned. No Petitions for intervention were filed prior to the hearing and no persons appeared at the hearing in opposition to the application. Exhibits 1 through 6 were tendered and admitted into evidence; and, at the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

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

1. A petition addressed to Union Rural Electric Association, Inc., was circulated among residents of the area. Of the 25 customers, 23 signed the petition, or a percentage of 92 percent of the total number of customers. Said petition was submitted as Exhibit 1. The Tariff of Union states, among other things, in providing for street lighting in unincorporated areas, street lighting will be installed upon receipt by the Association of a petition from a majority of the electric customers located within such areas and upon an order or decision of the Public Utilities Commission of the State of Colorado.

2. The area with which this application is concerned lies approximately 2-1/2 miles west of Brighton, Colorado, on the north side of Colorado Highway No. 7. The area is depicted in Exhibits 2, 4, 5, and 6 presented at the hearings.

3. Of the consumers that did not sign the petition, one was an employee of Public Service Company and felt obligated not to sign, and they were unable to contact the other consumer. The residences in this area have a value on today's market of \$35,000 to \$50,000, and within the next 60 days there would be a total of approximately 33 residences. Several cases of vandalism have occurred this last summer which might not have occurred if the area had been lighted.

4. Union will install ten 175-watt nonornamental mercury vapor lights in the area and the installation can be completed within 30 days after receipt of the order from this Commission to furnish the service. The cost of service, at the time the petition was circulated, was \$1.80 per month; with the 33 existing consumers the cost would be \$1.36 per month, per consumer and when the area is fully developed, the cost would be \$0.90 per month per consumer. The location of the lights have been discussed with the area residents and would be changed in the field if required. The non-ornamental lights are to be installed since, in accordance with Union's established Rules and Regulations, a cash contribution would be required for ornamental post and fixtures. Exhibit 3 was a corrected application in which First Revised Sheets 126 and 127 were changed to Second Revised Sheets 126 and 127. Exhibits 4, 5 and 6 were maps which further described the area and location of proposed lights.

5. Union's Tariff, PUC No. 2 - Electric, Original Sheets 64 and 65, First Revised Sheets 124 and 125; Second Revised Sheets 126 and 127, currently on file with the Commission, are the tariffs under which service would be provided.

CONCLUSIONS

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

1. The preservation of the public peace, health, and safety, as well as the public convenience and necessity, requires the installation of a street lighting system in the area described in the Order to follow.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Union Rural Electric Association, Inc., is hereby authorized and directed to install, operate, and maintain ten nonornamental, 175-watt mercury vapor street lights as a street lighting system in accordance with provisions of its tariff, Colorado PUC No. 2, Original Sheet Nos. 64 and 65,

1st Revised Sheet Nos. 124 and 125 and 2nd Revised Sheet Nos. 126 and 127, now existing or as the same may be changed under the rules of this Commission or according to law.

2. The street lights, ten in number, shall be in the area bounded as follows:

That part of the SE 1/4, SW 1/4, Section 3, Township 1 South, Range 67 West of the 6th P.M. Adams County, Colorado, described as: Beginning at the South Quarter corner of said Section 3; thence North along the North-South centerline of said Section 3 a distance of 1320.0 feet to the Northeast corner of the SE 1/4, SW 1/4 Section 3; thence N89° 52'30"W, 1251.0 feet along the North line of said SE 1/4, SW 1/4 to a point on the easterly bank of an irrigation ditch; thence along said easterly bank by the following courses and distances;

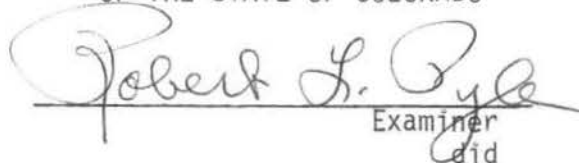
S00°22'30"E, 657.09 feet,
S13°12'30"E, 120.00 feet,
S26°32'30"E, 125.00 feet,
S29°32'30"E, 500.00 feet to a point on the
south line of said Section 3; thence S89°52'30" 916.90
feet to the true point of beginning.

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 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 115-6-14,
CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
did

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

JOHN ELLS, JR.,
722 NORTH 11TH AVENUE
GREELEY, COLORADO,

Complainant,

vs.

GREELEY GAS COMPANY,
A COLORADO CORPORATION,
1200 - 11TH AVENUE
GREELEY, COLORADO,

Respondent.)

CASE NO. 5529

ORDER GRANTING MOTION
TO DISMISS COMPLAINT

November 9, 1973

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 5, 1973, a Complaint was filed in the above-captioned matter, and on October 15, 1973, the Commission issued its Order to Satisfy or Answer to the Respondent.

On November 5, 1973, Respondent, Greeley Gas Company, by its attorney, Donald D. Cawelti, filed with the Commission a Motion to Dismiss the Complaint.

The Commission states and finds that sufficient grounds have been shown for the granting of the within request and concludes that the following Order should be entered.

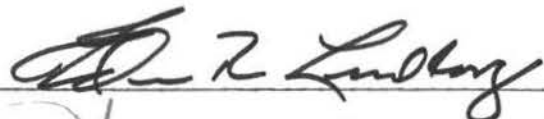
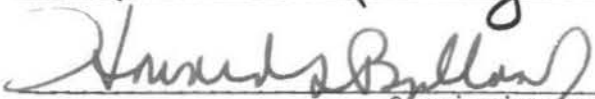
O R D E R

THE COMMISSION ORDERS THAT:

1. The Motion to Dismiss filed in Case No. 5529 on November 5, 1973, by Respondent Greeley Gas Company be, and hereby is, granted.
 2. Case No. 5529 be, and hereby is, dismissed.
- This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of November, 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr