

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27578-PP
COLORADO COMPUTER CENTER, INC.,)	
2432 SOUTH DOWNING STREET, DENVER,)	RECOMMENDED DECISION OF
COLORADO, FOR A CLASS "B" PERMIT)	THOMAS M. McCAFFREY,
TO OPERATE AS A CONTRACT CARRIER)	EXAMINER
BY MOTOR VEHICLE FOR HIRE.)	
)	DISMISSING APPLICATION

November 7, 1974

Appearances: John A. Kintzele, Esq.,
Denver, Colorado, for
Applicant;
Thomas J. Burke, Jr., Esq.,
Denver, Colorado, for
Purolator Courier Corpo-
ration, Protestant;
James M. Lyons, Esq.,
Denver, Colorado, for
Wells Fargo Armored Service
Corporation, Protestant;
Lloyd C. Espinosa and
Dalton O. Ford, Denver,
Colorado, of the Staff of
the Commission.

PROCEDURE AND RECORD

On May 14, 1974, Applicant filed the above-titled application with this Commission for authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

The Commission assigned Docket No. 27578-PP to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

On June 11, 1974, Wells Fargo Armored Service Corporation (Wells Fargo) filed its protest, and on June 14, 1974, Purolator Courier Corporation (Purolator) filed its protest to the granting of this application.

Subsequent to the filing of protests, the parties filed various motions. After due and proper notice to all interested persons, firms, or corporations, the Commission set the matter for hearing on September 12, 1974, at which time oral arguments on the various motions were heard by Examiner Thomas M. McCaffrey, to whom the matter had been duly assigned. Rulings on the various motions were made in Decision No. 85715, issued September 18, 1974, and further hearing on a Motion to Dismiss on the basis of this Commission's lack of jurisdiction over the subject matter was set for Tuesday, October 1, 1974, at 9 a.m. in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado.

The said hearing was held at the scheduled time and place.

Exhibit 1 was offered and admitted into evidence, and official notice was taken of L. A. Woitishek Common Carrier Application, 42 M.C.C. 193 (1943), and at the conclusion of the hearing, the Motion to Dismiss 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 exhibit 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 Colorado corporation duly organized under and existing by the laws of the State of Colorado, with principal offices located at 2432 South Downing Street, Denver, Colorado. Its officers are L. Richard Kintzele, Jr., President; Walter Emery, Vice-President; Ellwood Kullgren, Secretary; and William G. Griffith, Treasurer.

2. By this application, Applicant seeks a Class "B" permit to operate as a contract carrier by motor vehicle for hire for the

Transportation of

Papers and data for computer processing

To and from banks within the state of Colorado on the one hand, and on the other to and from said banks to Colorado Computer Center, Inc., 2432 South Downing Street, Denver, Colorado.

Said authority would be restricted to rendering service to 40 named banks located at various points in the Denver metropolitan area, Boulder, Vail, Monument, Berthoud, Lyons, Minturn, Colorado Springs, Flagler, Fort Collins, Fort Morgan, and Greeley, Colorado.

3. Protestant Wells Fargo Armored Service Corporation (Wells Fargo) is owner and operator of Certificate of Public Convenience and Necessity PUC No. 8084, which authorizes transportation of the same or similar commodities proposed to be transported in this application between all points and places within the state of Colorado.

4. Purolator Courier Corporation is owner and operator of Certificates of Public Convenience and Necessity PUC No. 3379, PUC No. 3379-I, and PUC No. 8870, which authorities conflict in whole or in part with the authority sought in this application.

5. Evidence in this proceeding shows that Applicant corporation is engaged in the rendering of computer data processing services for approximately 40 banks in Colorado. In rendering this service, Applicant, on schedule, picks up checks, bank drafts, previously negotiated instruments, and business papers from the various banks, transports these items to its processing center at 2432 South Downing Street in Denver, and returns the items to the respective banks the same day. Time is very important in the

Applicant's operation, and it is presently running eight scheduled routes to service its present bank customers.

Applicant has written contracts with all its bank customers. The contract agreement used is a standard form, as shown in Exhibit 1, and is the same for all customers. The contract is the entire agreement between Applicant and its bank customers and contains a price list for all services rendered. There is no specific charge for transportation services rendered, and the prices charged for Applicant's services are the same regardless of the bank's location. Transportation of the data processing materials is rendered through the leasing of eight vehicles owned by individuals. Applicant leases these vehicles, paying the owners and operators \$3 per hour and 15¢ per mile, withholding all income and F.I.C.A. taxes from payments made to these individuals. The gross amount paid to these individuals is approximately \$8,000 per month. Applicant also provides liability insurance on all vehicles leased, and all owners-operators are under the direct supervision of Applicant's supervisory personnel. Continual supervision is necessary to ensure that all time schedules are promptly met and courteous, efficient service is rendered.

6. Evidence in this proceeding clearly shows that the Applicant's primary business is computing and processing checks, bank drafts, previously negotiated instruments, and business papers of various banks. Picking up these items from the bank, transporting them to Applicant's computer facilities, and returning them to the customer banks are a necessary and integral part of Applicant's services. Although Applicant's charges admittedly recover the cost of transportation, there is no specific and separate charge made therefor, and Applicant has no intention of making any profit on transportation services. The issue to be decided at this time in this proceeding is whether Applicant, based upon the above facts, is a common or contract carrier by motor vehicle for hire, thus requiring either a certificate of public convenience and necessity or a contract carrier permit.

7. Applicant serves, and will in the future serve, only bank customers requiring immediate data processing services. It has now and will in the future have written contracts with all of its customers and does not now nor will in the future hold itself out to serve the general public. It is thus hereby found as fact that Applicant is not a common carrier by motor vehicle as defined in 115-9-1, CRS 1963, as amended, and needs no certificate from this Commission to transport the checks, bank drafts, previously negotiated instruments, and business papers it transports for and on behalf of its customers.

8. A private motor carrier, requiring either a Class "A" or Class "B" permit from this Commission, is defined in 115-11-1(h), CRS 1963, as amended, as follows:

" 'Contract carrier by motor vehicle', every corporation, person, firm, association of persons, lessee, trustee, or any receiver or trustee appointed by any court, other than motor vehicle carriers as defined by subsection (4) of section 115-9-1, owning, controlling, operating, or managing any motor vehicle in the business of transporting persons or property of others or of transporting ashes, trash, waste, rubbish, and garbage to and from disposal sites, for compensation or hire over any public highway of this state between fixed points or over established routes, or otherwise, by special contract or otherwise."

The word "compensation" is defined in 115-11-1(g) as follows:

" 'Compensation', money or property of value charged or received, or to be charged or received, whether directly or indirectly, as compensation for the service rendered of transporting over any of the public highways of Colorado in motor vehicles by a private carrier by motor vehicle, as the term is defined in this article, any person, property, article, or thing."

As indicated above, evidence clearly shows that Applicant's primary business is the processing of computer data material, and picking up and delivering the items to be processed from and to the customer banks is an incident of, and in furtherance of, the data processing business. Time of pick up, time in processing, and time of delivery to the banks are of vital importance, and it would be impossible for the Applicant to continue in its business without rendering the transportation services itself. No specific charge, as stated above, is made for transportation services, and the price of Applicant's services is the same to all customers regardless of location. While it is true that Applicant's charges for services rendered do include recovery for transportation expenses, the inclusion of this expense is meant solely to counterbalance the cost of the transportation furnished, and is in no way intended to make a profit for the Applicant. Any compensation received for transportation services rendered is not identifiable.

9. No statutory or case law has been called to the Commission's attention in this proceeding wherein and whereby the State of Colorado has either adopted or rejected the "primary business" test to determine whether a carrier is a contract carrier by motor vehicle, as relied upon by the Interstate Commerce Commission in L. A. Woitishek Common Carrier Application, 42 I.C.C. 193 (1943). Indeed, the I.C.C. in that case dealt with the issue as to what is the meaning of "for compensation." In discussing this issue, the Interstate Commerce Commission stated

" . . . that transportation 'for compensation' is that supplied with a purpose to profit from the transportation as such, rather than that supplied merely as an incident to some other primary business, even though in the latter case the cost of any incidental transportation which may be performed is recouped by a charge, which may or may not be identifiable as compensation for transportation as such." (42 I.C.C. 193, 205)

In the instant application, however, it would seem that the meaning of the word "compensation" is not an issue, since this word is defined in 115-11-1(g), CRS 1963, as amended, supra. This statutory definition, however, does itself present some problems of interpretation arising out of the terminology ". . . money or property of value charged or received, or to be charged or received, whether directly or indirectly, as compensation . . ." (emphasis added). If we are to construe the word "indirectly" to include any unidentifiable cost of transportation services rendered incidental to a non-carrier business or service, then such definition would necessarily include laundry and dry cleaning establishments which pick up and deliver items to be washed or cleaned, appliance repair firms, television repair firms, many bookkeeping and general secretarial services, as well as other similar business operations. The type of services rendered by such business enterprises is directly analogous to Applicant's services in that each transports its customers' property to its main place of business, performs services thereon, and returns it to the customer.

P.U.C.

In each case, there is no specific charge for such pickup and delivery service but for which some charge must necessarily be included in the firm's prices. There is no intent, however, to derive a profit from such transportation services, as such. Such transportation services are offered not for compensation but as a necessary and integral part of the firm's primary non-carrier business. While neither the courts, legislative bodies, nor this Commission, so far as is indicated in the record in this proceeding, has formally adopted the "primary business" test in determining whether a person or firm is a contract carrier by motor vehicle, this Commission has informally adopted such test, since it does not regulate the transportation services conducted by such firms as enumerated in the foregoing paragraph. Nor would it be practical or logical to attempt to do so. It is thus hereby found as fact that compensation charged or received, "whether directly or indirectly," as set forth in 115-11-1(g), CRS 1963, as amended, does not include recovered costs of transportation services rendered incidental to a primarily non-carrier business unless such cost or charge is identifiable as such.

10. Applicant's primary business is clearly computing and processing checks, bank drafts, previously negotiated instruments, and business papers, and the pickup and delivery of these items to customer banks is a necessary and incidental service rendered in furtherance of the Applicant's primary business. Based upon all evidence of record in this proceeding, it is found that Applicant is not now operating, and does not propose in the future to operate, as a contract carrier by motor vehicle as defined in 115-11-1, CRS 1963, as amended, and this application should be dismissed upon the basis of this Commission's lack of jurisdiction.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant's Motion to Dismiss Application No. 27578-PP on the basis of lack of jurisdiction of the subject matter 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. 27578-PP, being the application of Colorado Computer Center, Inc., 2432 South Downing Street, Denver, Colorado, for a Class "B" permit to operate as a contract carrier by motor vehicle for hire, be, and hereby is, dismissed for lack of jurisdiction.
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. McLaughlin
Examiner
n/r/hbp

(Decision No. 85926)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE MATTER OF INCREASED RATES	)	INVESTIGATION AND SUSPENSION
AND CHARGES FILED ON BEHALF OF	)	DOCKET NO. 890
CERTAIN PARTICIPATING CARRIERS,)	
RESPONDENTS HEREIN, IN SUPPLEMENT	)	ORDER VACATING HEARING DATE,
NO. 5, COLORADO MOTOR TARIFF	)	ALLOWING CANCELLATION OF
BUREAU, INC., HOUSEHOLD GOODS	)	SUSPENDED TARIFF SUPPLEMENT
TARIFF NO. 25, COLORADO PUC NO. 23.	)	AND CLOSING I&S DOCKET.

November 6, 1974

STATEMENT

BY THE COMMISSION:

On August 13, 1974, the Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Amick Transfer and Storage Company, Bekins Van and Storage Co., A Colo. Corporation, Buehler Transfer Company, Cowen Transfer and Storage, A Corporation, Dalby Transfer and Storage, Inc., Johnson Storage and Moving Co., A Corporation, Weicker Transfer and Storage Company, the (Denver based operation under PUC No. 341 only) and North Denver Storage Co., d/b/a Weicker Transport Co., Participating Carriers, Respondents herein, filed Supplement No. 5, to its Household Goods Tariff No. 25, Colorado PUC No. 23, increasing rates and charges, to become effective September 12, 1974.

On September 3, 1974, the Commission by Decision No. 85632 suspended said filing, assigned Investigation and Suspension Docket No. 890 and set the matter for hearing on November 8, 1974.

On October 31, 1974, the Colorado Motor Tariff Bureau, for and on behalf of Respondents herein, filed an application seeking permission to cancel the matter under suspension in Investigation and Suspension Docket No. 890.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. That Respondents do not intend to defend the rates under suspension.
2. That cancellation of the suspended matter will result in no change in the existing rates of Respondents.

CONCLUSIONS ON FINDINGS OF FACT

1. It will be in the public interest to allow Respondents to withdraw the tariff matter under suspension.

2. It will be in the public interest to vacate the hearing date and close Investigation and Suspension Docket No. 890.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That Respondents, be, and they are hereby, authorized and directed to forthwith cancel Supplement No. 5 to Colorado Motor Tariff Bureau Tariff No. 25, PUC No. 23, by issuing Supplement No. 6, to become effective on one day's notice.

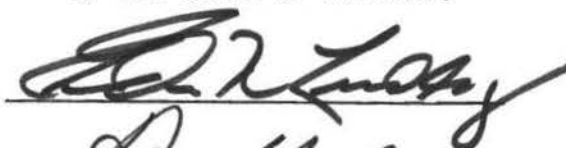
2. That the hearing date of November 8, 1974 in Investigation and Suspension Docket No. 890 be, and it hereby is, vacated.

3. That Investigation and Suspension Docket No. 890 be, and it hereby is, closed.

4. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 6th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HOWARD S. BJELLAND
ABSENT.

(Decision No. 85927)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: SUPPLEMENT K-8 TO TARIFF OF)	INVESTIGATION AND SUSPENSION
INCREASED RATES AND CHARGES)	DOCKET NO. 878
X-305-A.)	
-----)	ORDER EXTENDING PERIOD OF
	SUSPENSION

November 6, 1974

STATEMENT

BY THE COMMISSION:

On June 18, 1974, E. A. McCarron, Tariff Publishing Officer, for and on behalf of Colorado Railroads transporting intrastate traffic within the State of Colorado, filed Supplement K-8 to Tariff of Increased Rates and Charges X-305-A. Said supplement has a proposed effective date of July 20, 1974 and, if allowed to become effective, would increase intrastate rates and charges by ten (10) percent.

By Decision No. 85403, dated July 16, 1974, the Commission suspended said tariff filing to and including November 17, 1974, assigned Investigation and Suspension Docket No. 878, and set the matter for hearing on October 7, 1974.

The matter was assigned to Hearing Examiner Thomas M. McCaffrey, was heard at the designated time and place, and was taken under advisement at the conclusion of the hearing.

FINDINGS OF FACT

The suspension of Supplement K-8 to Tariff of Increased Rates and Charges X-305-A will expire prior to the effective date of the Examiner's recommended decision.

CONCLUSIONS ON FINDINGS OF FACT

The suspension of Supplement K-8 to Tariff of Increased Rates and Charges X-305-A should be extended for an additional ninety (90) days as provided in CRS 115-6-11 (1).

O R D E R

THE COMMISSION ORDERS:

1. That Supplement K-8 to Tariff of Increased Rates and Charges X-305-A be further suspended for an additional period of ninety (90) days or until February 15, 1975, unless otherwise ordered by the Commission.

2. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 6th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND
ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: PETITION TO CORRECT TYPOGRAPHICAL)
ERRORS IN SUPPLEMENT 264 TO CUW TARIFF)
1-B, ICC 54, ON ONE DAY'S NOTICE.)

APPLICATION NO. 27941

ORDER AUTHORIZING PUBLICATION
CORRECTING TYPOGRAPHICAL ERRORS.

November 6, 1974

STATEMENT

BY THE COMMISSION:

On October 3, 1974, Supplement 264 to CUW Tariff 1-B, ICC 54, was filed with the Commission making certain changes therein, with a scheduled effective date of November 15, 1974. Said publication contained certain typographical errors in Item 1689-E, which flagged the 284 rate with an intrastate reference and the 283 rate with an interstate reference.

On November 1, 1974, application was filed by the Colorado-Utah-Wyoming Committee, Agent, seeking permission to correct the typographical errors on less-than-statutory notice.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. That the rate of 284 as published in Item 1689-E of Supplement 264 to CUW Tariff 1-B, ICC 54, should have been flagged with a symbol making it subject to interstate application and that the rate of 283 should have been flagged with a reference making it subject to intrastate application.

2. That the errors in this publication will become effective on November 15, 1974, unless corrected on less-than-statutory notice.

CONCLUSIONS ON FINDINGS OF FACT

The Colorado-Utah-Wyoming Committee, Agent, should be authorized to amend Item 1689-E of Supplement 264 to CUW Tariff 1-B, ICC 54, to correct the typographical errors specified herein, on one day's notice, to become effective not earlier than November 15, 1974.

An appropriate Order shall be issued

O R D E R

THE COMMISSION ORDERS:



1. That the Colorado-Utah-Wyoming Committee, Agent, be, and it hereby is, authorized to amend Item 1689-E of Supplement 264 to CUW Tariff 1-B, ICC 54, to correct the typographical errors therein, on one day's notice, to become effective not earlier than November 15, 1974.

2. That said corrections shall be accomplished by republication of Item 1689-E as Item 1689-F.

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 6th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND
ABSENT.

(Decision No. 85929)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN SERVICE OF SALIDA)	DOCKET NO. 899
GAS SERVICE CO., SALIDA, COLORADO,)	
FILED UNDER ADVICE LETTER NO. 18.)	ORDER SUSPENDING EFFECTIVE DATE
	OF TARIFFS AND NOTICE OF HEARING

- - - - -
November 6, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 10, 1974, Salida Gas Service Co., Salida, Colorado (hereinafter referred to as "Company" or "Respondent") filed with this Commission its Advice Letter No. 18, Colorado PUC No. 2 - Gas, accompanied by three tariff sheets as more fully described therein and reference to which is hereby made. The stated purpose of this filing is to provide a Purchased Gas Adjustment Clause in the Company's tariffs in order that there may be an upward or downward adjustment of rates to reflect changes in the Company's unit cost of gas per Mcf purchased from its suppliers of natural gas and propane used for peak shaving purposes.

The Company further stated that there will be no immediate revenue effect from the filing; however, the Company has experienced an increase since June 30, 1974, in its wholesale natural gas rates paid to its supplier, Western Slope Gas Company. It is contemplated such increase will be passed on pursuant to the proposed Purchased Gas Adjustment Clause unless other proceedings are undertaken to track this increase.

The proposed tariffs would become effective on thirty (30) days' notice or on November 9, 1974, unless suspended by the Commission.

The Commission has decided on its own motion to suspend the effective date of said gas tariffs for a period of one hundred twenty (120) days or until March 9, 1975, 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 Salida Gas Service Co., Salida, Colorado, on October 10, 1974, under Advice Letter No. 18, be, and hereby is, suspended for the period of one hundred twenty (120) days or until March 9, 1975, 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 o'clock A.M.

DATE: Thursday, December 12, 1974

PLACE: Hearing Room
500 Columbine Building
1845 Sherman Street
Denver, Colorado

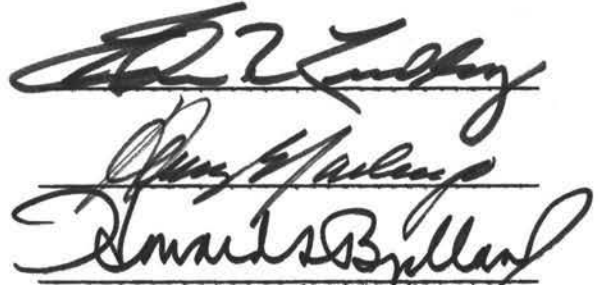
Testimony of individual customer witnesses who desire to be heard will be taken as the first order of business at such hearings.

3. Notice be, and hereby is, given of the hearing in this matter as stated above.

4. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 6th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
ds

SALIDA



GAS

SERVICE CO.

Natural Gas - Salida - Poncha Springs

L. P. Gas - Salida - Gunnison - Crested Butte

Divisions: TRIO PROPANE - Gunnison
COLORADO MOUNTAIN GAS - Fairplay

1448 F Street Salida, Colorado 81201 [303] 539-2505

October 10, 1974

Advice Letter No. 18

The Public Utilities Commission
of the State of Colorado
500 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

The accompanying tariff sheets issued by Salida Gas Service Company are sent you for filing in compliance with the requirements of the Public Utilities Law:

COLORADO P.U.C. NO. 2 - GAS

Colo. P.U.C.
Sheet Number

Title of Sheet

Cancels Colo. P.U.C.
Sheet Number

Fourth Revised 2

Index

Third Revised 2

Original 19

Purchased Gas Adjustment

-

First Revised 20

Reserved for Future Filing

Original 19-20

The purpose of this filing is to provide a Purchased Gas Adjustment clause in the Company's tariffs in order that there may be an upward or downward adjustment of rates to reflect changes in the Company's unit cost of gas per MCF purchased from its suppliers of natural gas and propane used for peak shaving purposes.

There will be no immediate revenue effect from the enclosed filing; however, the Company has experienced an increase since June 30, 1974 in its wholesale natural gas rates paid to its supplier, Western Slope Gas Company. Unless other proceedings are undertaken to track this increase, such increase will be passed on pursuant to the proposed Purchased Gas Adjustment Clause filed herewith.

A notice setting forth the proposed changes and the effective date thereof will be mailed at least thirty days before the effective date to each of the Company's active customers affected by the proposed changes.

It is desired that this filing will be effective on thirty (30) days' notice.



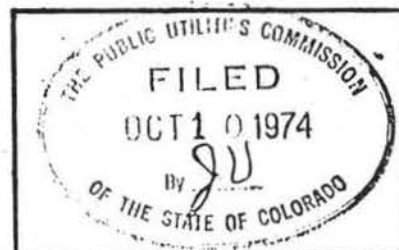
Frank M. Chaff
President

INDEX

<u>Description</u>	<u>Sheet No.</u>
Title Page-----	1
Index-----	2
Reserved for Future Filing-----	3-7
Liquefied Petroleum Gas Rates:	
Residential and Commercial Service-----	8
Residential and Commercial Service-----	9
Natural Gas Rates:	
Residential Service-----	10
Commercial Service-----	11
Temporary Rider No. 1-----	12
Temporary Rider No. 2-----	13
Temporary Rider No. 3-----	14
Temporary Rider No. 4-----	15
Reserved for Future Filing-----	16-17
Interruptible Industrial Service-----	18
Purchased Gas Adjustment-----	19
Reserved for Future Filing-----	20
Rules and Regulations:	
Index-----	R1-R2

Symbols used to point out changes herein:

"I" - Increase
"D" - Decrease
"C" - Change
"N" - New
"O" - Omitted



PURCHASED GAS ADJUSTMENT

1. All rates of the Company for natural gas sales shall be subject to adjustment upward or downward to reflect changes in Company's unit cost of gas per MCF purchased from its suppliers of natural gas and propane used for peak shaving purposes.

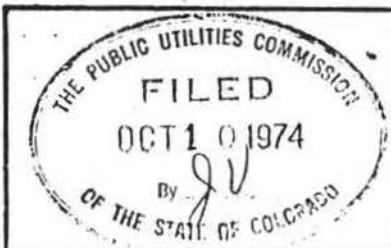
2. The Company's rates for firm gas sales in effect on June 30, 1974 (base rates) reflect a base average cost of purchased gas and propane of 53.82¢ per MCF based on the volume of natural gas and propane sold (adjusted for weather deviations from normal) during the 12 months ended June 30, 1974. The amount of the Purchased Gas Adjustment (PGA) shall be the newly determined cost per MCF based on the volumes of natural gas and propane sold (adjusted for weather deviations) during the 12 months ended two calendar months prior to the effective date of a change in the PGA less the base cost of gas as herein set forth. Changes in the PGA, either an increase or decrease, will not be made unless at least 1/10 mill per MCF change is required. Such PGA change shall be effective in each subsequent billing period beginning not earlier than the effective date of the increase or decrease in the Company's wholesale purchase of natural gas or propane.

3. The Company's rates for Interruptible Industrial Service in effect on June 30, 1964, reflect a commodity cost of 28.82¢ per MCF. To the extent such commodity cost changes, either an increase or a decrease, a corresponding change in an equal amount to the nearest 1/10 of one cent per MCF shall be made in the rate charged for Interruptible Industrial Service.

4. In the event a wholesale rate increase which activated a PGA change is later reduced and a wholesale refund is received by Company, it will in turn make appropriate refunds to all of the customers affected thereby. Such refund shall include interest at the same rate as paid by Company's pipeline supplier on the wholesale refund.

5. When any change in rates pursuant to paragraphs 2 or 3 above is made, the Company shall file with The Public Utilities Commission of the State of Colorado such information as will set forth proof of the Company's increased or decreased costs incurred from its suppliers, together with such other supporting data or information as the Commission may request from the Company.

6. For the purpose of applying these tariffs and the above Purchased Gas Adjustment, the pressure base for Company's natural gas service area is fixed at 11.61 P.S.I. and at that pressure base the minimum monthly average BTU content per cubic foot at 60° Fahrenheit is 733.



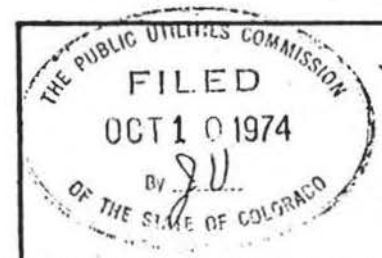
ADVICE LETTER No. 18

DECISION OR
AUTHORITY No.*Frank M. Chaff*
ISSUING OFFICER
President

ISSUE DATE October 10, 1974

EFFECTIVE DATE November 9, 1974

Reserved for Future Filing



ADVICE LETTER No. 18

DECISION OR

AUTHORITY No.

Frank M. Cheff
ISSUING OFFICER
President

ISSUE DATE October 10, 1974

EFFECTIVE DATE November 9, 1974

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JACOB C. WOLFE, JR., DOING BUSINESS)
AS FAST TAXI SERVICE, 1150 NORTH)
CASCADE, MONTROSE, COLORADO, FOR A)
CLASS "B" PERMIT.)

APPLICATION NO. 27903
MOTION TO INTERVENE AND PROTEST

November 12, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 4, 1974 Continental Bus Systems, Inc., (Rocky Mountain Lines Division) by its attorney, John R. Barry, filed with the Commission a Motion for Leave to Intervene and Protest in the above Application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Continental Bus Systems, Inc., (Rocky Mountain Lines Division) be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1974.

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 BROADMOOR HOTEL, INC., DOING)
BUSINESS AS BROADMOOR HOTEL GARAGE,)
P. O. BOX 1439, COLORADO SPRINGS,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 27898

MOTION TO INTERVENE AND PROTEST

November 12, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 4, 1974 Ski Country Coaches, Inc., and Art Walker doing business as Colorado Springs-Limon Transportation Company, by their attorney, John R. Barry, filed with the Commission a Motion for Leave to Intervene and Protest in the above Application.

The Commission states and finds that the above 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 interventions should be authorized.

An appropriate order will be entered.

O R D E R

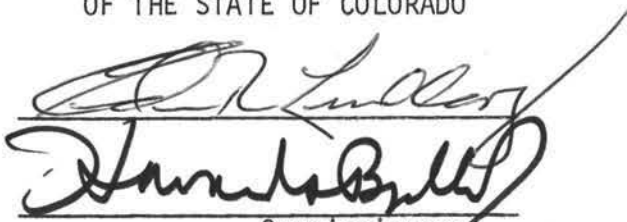
THE COMMISSION ORDERS THAT:

Ski Country Coaches, Inc., and Art Walker doing business as Colorado Springs-Limon Transportation Company be, and hereby are, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1974.

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

* * *

RE: INVESTIGATION AND SUSPENSION OF)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN SERVICE OF ROCKY)	DOCKET NO. 860
MOUNTAIN NATURAL GAS COMPANY, INC.,)	
DENVER, COLORADO, FILED UNDER ADVICE)	RECOMMENDED DECISION OF
LETTER NO. 32.)	HOWARD S. BJELLAND,
	HEARING COMMISSIONER,
	APPROVING TARIFF

November 8, 1974

Appearances: Wynn M. Bennett, Jr., Esq., Denver, Colorado,
for Rocky Mountain Natural Gas Company, Inc.,
Respondent;
C. Wesley Tyson, Jr., Esq., Colorado Springs, Colo.,
for Trans-Colorado Pipeline Company;
John Cooper, Esq., Colorado Springs, Colorado,
for Holly Sugar Corporation;
Andrew Hecht, Esq., Aspen, Colorado,
for the Board of County Commissioners
of Pitkin County;
N. L. Darrow, Esq., Delta, Colorado,
for the City of Delta;
Gary Rosentrater, Esq., Montrose, Colorado,
for Phillips Construction Co.;
Phillip Mahoney and
Larry Simmons, Aspen, Colorado, for
the City of Aspen;
Lawrence Broderick, Montrose, Colorado,
for Lothlorien Logging & Lumber Co., Inc.;
Paul Barringer, Boulder, Colorado, for the
Plateau Valley Hospital, Collbran, Colorado;
Charles W. Miller, Aspen, Colorado, for the
Aspen Valley Improvement Association;
Kent A. Teall, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

On November 2, 1973, Rocky Mountain Natural Gas Company, Inc., Respondent, filed with the Commission Application No. 27091 seeking authority to file on less than statutory notice certain tariff revisions, the purpose of which was to place a moratorium on adding new natural gas loads to the system of Rocky Mountain Natural Gas Company, Inc., in order to continue to provide reliable service to existing customers. In Decision No. 83966 dated November 2, 1973, the Commission concluded that good cause existed to allow the proposed tariffs to become effective as of 10:40 a.m. November 2, 1973, and entered an appropriate Order.

On April 15, 1974, Respondent filed with this Commission its Advice Letter No. 32, Colo. PUC No. 3, accompanied by three tariff sheets designated as Original Sheets Nos. 16.3, 16.4, and 16.5, and reading as follows:

GAS SERVICE
WESTERN SLOPE AREA ATTACHMENT SCHEDULE

The Company filed, effective at 10:40 a.m., November 2, 1973, its Colo. P.U.C. No. 3, Seventh Revised Sheet No. 7, Seventh Revised Sheet No. 8, Fifth Revised Sheet No. 9, and Fourth Revised Sheet No. 10, placing a moratorium on gas service connections, covered by said tariffs, requested after said time and date in its Western Slope area serviced by its district offices in Aspen, Glenwood Springs, Delta and Montrose. Since that time, to the present, the Company has received applications for gas service in its Western Slope area on forms supplied by the Company and maintained in chronological order (Registry List). The moratorium is lifted effective 8:00 a.m. on the 15th day of May, 1974, subject to the following limitations.

A. AVAILABILITY OF SERVICE

To those persons who applied and were on the Company Registry List, prior to April 15, 1974, immediate service connections will be offered subject to the limitations contained in these rules. All future applications for gas service may be approved by the Company when, in the judgment of the Company, supplies of natural gas, including propane air or other sources, make available additional capacity and peaking for the system to serve such applications. The Company through its Executive Committee or other authorized review committee shall review quarterly (between the 1st and 10th of the months of July, October, January and April) all applications pending and authorize such additional connections for service as it shall determine additional capacity and peaking for the system is available to serve such authorized additional connections. Subject to limitations herein, the Company shall have the right to approve such number of gas applications quarterly for service connections to the extent supplies to satisfy the customer requirements, are deemed available.

B. PRIORITIES FOR SERVICE

(a) All persons whose applications in writing have been received by the Company and placed on the Registry List prior to April 15, 1974, subject to the provisions of C(a), (b) and (c) below.

(b) The owner of the real property with an existing connected gas load on which improvements are removed or demolished for any reason shall have the right to reconnect such load or a lesser amount within one year from the removal or demolition of improvements at that or another location.

(c) Existing gas customers shall have a first priority to connect additional loads to the system provided the additional load shall not exceed 30 cf/hr, or 250 cubic feet per day, whichever is applicable.

(d) Residences, including multi-family, and small commercial users shall have priority over large commercial and industrial customers subject to the provisions of C(b) hereof.

(e) Gas applications approved for service shall not be transferrable between persons, firms, or corporations.

(f) All applications for natural gas service in the Company's Western Slope area, served by the district offices in Aspen, Glenwood Springs, Delta and Montrose, shall be handled on a first come, first served basis, as hereinafter indicated with respect to pending applications. The first come, first served basis shall apply in each classification of service, excluding separate interruptible industrial contracts, subject to the limitations imposed by these rules, and subject to the priorities outlined in this rule.

The Company shall continue to maintain a Registry List in chronological order reflecting the time and date of each application throughout its Western Slope service area, served by the district offices in Aspen, Glenwood Springs, Delta and Montrose, which shall be combined into one master list. To the extent possible conflicts shall be pro-rated among the district offices.

C. CONDITIONS OF APPLICATIONS

(a) Each outstanding gas application received prior to April 15, 1974, shall expire on June 30, 1975, unless prior to said date the applicant has made a connection for the use of the gas for which the application has been made. In the event of major construction of any building or structure which normally cannot be completed within one year from the start of construction, such gas application received prior to April 15, 1974, shall expire on June 30, 1976, unless prior to said date, the applicant has made a connection for the use of the gas for which the application has been made.

(b) In the event any pending applications, not previously approved, whether received prior to April 15, 1974, or subsequent thereto, under any rate schedules, and subject to exceptions hereinafter set forth, requests in excess of 1,300 cubic feet per hour usage for all appliances to be connected to the gas distribution system, then such application shall be limited to 1,300 cubic feet per hour usage, unless in the opinion of the executive committee or review committee such limitation should be waived considering availability of supply and benefit to the community. It shall be the intention of said committee to favor gas usage being available to individual residential and small commercial users, without however discouraging connections which encourage development and employment opportunities. The 1,300 cubic foot per hour guideline shall not apply to connections to public building, governmental owned or sponsored buildings, hospitals, schools and similar types and the company shall endeavor to furnish gas service to such in chronological order, subject to priorities, where supplies are deemed available and sufficient.

Any interruptible industrial contracts shall be negotiated with the Company's executive committee or review committee to avoid industrial usage during any probable peak periods.

The Company may in its sole judgment, determine whether multiple applications are being used as a subterfuge to avoid limitations.

(c) Each gas application approved for service heretofore or hereafter shall be cancelled for failure of applicant to comply with any of the following requirements.

(1) Secure of building permit within two (2) months after approval of the gas application for service

(2) Construction of the improvement is started within two (2) months after securing of the building permit.

(3) Gas connection for the use of gas for which application has been made is effected on or before nine (9) months from the date of the start of construction, as determined by the Company, except that for major construction of any building or structure which normally cannot be completed within nine (9) months from the start of construction, as determined by the Company, an extension of up to one (1) year may be permitted.

The proposed tariffs, the stated purpose being "to remove the moratorium and in place thereof to substitute a plan of procedure for the orderly connection of existing and future applications for gas service," all as established by Decision No. 83966, were scheduled to become effective on May 15, 1974, unless suspended by the Commission.

On May 14, 1974, the Commission entered its Decision No. 85031, suspending the effective date of the tariffs for 120 days or until September 12, 1974, or until further order of the Commission and also set the matter for hearing.

Commencing with July 8, 1974, and concluding on July 11, 1974, hearings were held on the tariffs filed under Advice Letter No. 32.

On July 16, 1974, by Decision No. 85395, the Commission entered its findings and order which found that Respondent did not have sufficient gas supplies at that time such that, consistent with provisions of CRS 115-3-1(2), as amended, a removal of the moratorium as proposed in Advice Letter No. 32 would be just and reasonable. The Commission further found that there were sufficient gas supplies for a removal of the moratorium only as to certain therein named public and quasi-public applicants for gas service. Commission Decision No. 85395 suspended the tariffs filed under Advice Letter No. 32, except as same applied to the therein named public and quasi-public applicants for an additional period of 90 days or until December 11, 1974, and set the matter for further hearing on Respondent's gas supplies on October 23, 24 and 25, 1974, commencing at 10 a.m. in the District Courtroom, Pitkin County Courthouse, 506 East Main, Aspen, Colorado.

The matter was heard at said time and place by Commissioner Howard S. Bjelland to whom the matter was assigned pursuant to law.

The following public witnesses appeared and testified: Paul C. Barringer, Boulder, Colorado, for Plateau Valley Hospital; Lawrence G. Broderick, Montrose, Colorado, for Lothlorien Logging & Lumber Co., Inc.; Mrs. Carter Iddings and Carter Iddings, Glenwood Springs, Colorado; and Charles W. Miller, Aspen, Colorado, for Aspen Valley Improvement Association.

The following witnesses appeared for Respondent and gave testimony on behalf of Respondent:

Richard D. Rinehart
Terrapet Ltd.
13601 Preston Road
Dallas, Texas;

Dean R. Fellows
Terrapet Ltd.
13601 Preston Road
Dallas, Texas;

Orville M. Shockley, Denver, Colorado
(President, Chief Executive Officer and
member of Board of Directors of Rocky
Mountain); and

Edward J. Carr, President
Norris Oil Co.
Ventura, California.

Phillips Construction Co., through its attorney, Gary Rosentrater, Montrose, Colorado, requested a partial lifting of the moratorium so that construction of housing could continue.

Larry Simmons and Phillip Mahoney appeared on behalf of the City of Aspen, cross-examined witnesses and expressed concern for present as well as long-term gas supply. They indicated that they had been assured by the testimony of short-term supply and that sincere efforts were being made by Rocky Mountain to assure a long-term supply.

Pursuant to request from the Commission, Trans-Colorado Pipeline Company, Colorado Springs, Colorado, appeared and through their Vice President, Robert H. Mahon, testified as to their present endeavors to assure Rocky Mountain of more gas. The testimony reflected that drilling in Andy's Mesa was likely as well as in the Buzzard Creek area. They presented exhibits to show an emergency supply of up to 4,000,000 cubic feet per day from Reserve Pipeline Company of Liberal, Kansas, via Colorado Interstate Gas Co., Mountain Fuel Supply Co. and Cascade Natural Gas for a period of from 60 to 120 days commencing about November 1, 1974, and at a price at Divide Creek of approximately 75¢ per Mcf. The following exhibits were admitted:

Exhibit No. 34 - Tri-Party Agreement -- Reserve Pipeline,
Rocky Mountain, CIG, dated October 22, 1974.

Exhibit No. 35 - Four-Party Agreement -- Rocky Mountain,
Cascade, Mountain Fuel, CIG.

Exhibit No. 36 - Letter Agreement -- Rocky Mountain and
Trans-Colorado, dated October 22, 1974.

Paul C. Barringer on behalf of the Plateau Valley Hospital requested gas service for an 8,000 square foot addition to the hospital. The addition should be completed within about six months, and is not on the April 15, 1974, list although it has since applied.

Holly Sugar Company through its attorney, John C. Cooper, requested gas for its beet drying process on a firm basis and for the sugar processing on an interruptible basis. The drying use and other incidental use would require about 1,500 Mcf per day during October, November, December and January of each year. Their presentation was supported by testimony from J.E.A. Rich

as Eastern District Factory Manager, by Warren Comerer, Montrose, Colorado, President of the Western Colorado Beet Growers and by Orville M. Shockley, President of Rocky Mountain. The following exhibits on behalf of Holly Sugar Company were admitted:

- Exhibit No. 40 - Pulp Dryer Fuel Cost, Bar Graph.
- Exhibit No. 41 - Boiler House Fuel Cost, Bar Graph.
- Exhibit No. 42 - 1974 Crop Sugarbeet Contract.
- Exhibit No. 43 - Agreement with Rocky Mountain dated June 1, 1971.

Nick Darrow, as City Attorney of Delta, Colorado, presented testimony through Clyde Albright, City Manager, to the effect that Delta is a depressed area, industry is needed in the area and some natural gas should be made available to industry in Delta so that they may successfully compete.

Through witnesses of Rocky Mountain, the following exhibits were offered and admitted:

- Exhibit No. 1 - Western Colorado Gas Producing Basins and Gas Pipeline Map.
- Exhibit No. 2 - Western Portion of the Southern Piceance Basin -- Fields Producing into Rocky Mountain Pipeline System.
- Exhibit No. 3 - Eastern Portion of the Southern Piceance Basin -- Fields Producing into Rocky Mountain Pipeline System.
- Exhibit No. 4 - Buzzard Field (Page 1 through Page 11).
- Exhibit No. 5 - Hells Gulch Field (Page 1 of 1).
- Exhibit No. 6 - Plateau Field (Page 1 through Page 15).
- Exhibit No. 7 - Wolf Creek Field (Page 1 of 1).
- Exhibit No. 8 - Andy's Mesa Field (Page 1 of 1).
- Exhibit No. 9 - Southeast Lisbon Field (Page 1 of 1).
- Exhibit No. 10 - Bar-X Field (Page 1 through Page 3).
- Exhibit No. 11 - Big Hole Field (Page 1 through Page 11).
- Exhibit No. 12 - Black Sulphur Creek Field (Page 1 through Page 4).
- Exhibit No. 13 - South Canyon Field (Page 1 through Page 3).
- Exhibit No. 14 - Summary Propane-Air System.
- Exhibit No. 15 - Summary Gas Received from Other Carriers.
- Exhibit No. 16 - Summary System Supply (Page 1 through Page 2).

- Exhibit No. 17 - Summary Annual Supply and Demand (Page 1 through Page 2).
- Exhibit No. 18 - Summary Heating Season Supply and Demand (Page 1 through Page 2).
- Exhibit No. 19 - Summary Peak Day Demand and Deliverability (Page 1 through Page 2).
- Exhibit No. 20 - Piceance Basin Geologic Section (Page 1 of 1).
- Exhibit No. 21 - Gas Well Deliverabilities (Page 1 of 1).
- Exhibit No. 22 - Average Porosities (Page 1 of 1).
- Exhibit No. 23 - Distribution of Cumulative Gas Production (Page 1 of 1).
- Exhibit No. 24 - Distribution of Gas Producing Rock Volume (Page 1 of 1).
- Exhibit No. 25 - Gas Initially in Place (Page 1 of 1).
- Exhibit No. 26 - Average Net Pay (Page 1 of 1).
- Exhibit No. 27 - Average Cumulative Well Production (Page 1 of 1).
- Exhibit No. 28 - Gas Show Map -- Piceance and Sand Wash Basins (Page 1 of 1).
- Exhibit No. 29 - Drilling Activity -- Number of Wells (Page 1 of 1).
- Exhibit No. 30 - Drilling Activity -- Total Footage (Page 1 of 1).
- Exhibit No. 31 - Drilling Activity -- Number of Wildcats (Page 1 of 1).
- Exhibit No. 32 - Drilling Activity -- Wildcat Footage (Page 1 of 1).
- Exhibit No. 33 - Average Depth of Production (Page 1 of 1).
- Exhibit No. 37 - Letter from Jack Grynberg and Associates dated 10-16-74 to Rocky Mountain entitled Proposal Gas Contract Blue Gravel and Dragon Trail Areas.
- Exhibit No. 38 - Gas Purchase Contract dated 10-8-74 between Mobil Oil Corporation and Rocky Mountain.
- Exhibit No. 39 - Chart Entitled Gas Supplies Not Reflected in Exhibit 16 for 1974-75 Heating Season.

The Hearing Commissioner, on his own motion, now takes official notice of Application No. 27091 and Commission Decision No. 83966, being the application of the Respondent and the Commission decision which initiated

and authorized the present moratorium, prior to partial lifting in Decision No. 85395. At the conclusion of the hearing, the matter of the instant proceeding was taken under advisement by the Hearing Commissioner. All parties were advised to file a statement of their position, if they so desired, on or before November 6, 1974, and the attorney for Respondent was requested to submit proposed Findings and Order on or before November 6, 1974.

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

FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Hearing Commissioner finds as fact from such record that:

1. Respondent, Rocky Mountain Natural Gas Company, Inc., is a public utility as defined in CRS 1963, 115-1-3, as amended, and is engaged in the business of purchasing, acquiring, distributing, furnishing and selling natural gas to its consumers principally located in the Towns of Carbondale, Basalt, Olathe, Cedaredge, Hotchkiss, Paonia, Eagle and Gypsum and the Cities of Aspen, Glenwood Springs, Delta and Montrose, and the environs of said towns and cities, all in the State of Colorado. This service territory is designated in the tariffs of the company as its Western Slope Area. The company also provides natural gas service in certain other areas in the State of Colorado.

2. The Commission has jurisdiction over the Respondent and the subject matter of this hearing.

3. On November 2, 1973, by Application No. 27091, Respondent herein filed certain tariff revisions with the stated purpose being to place a moratorium on adding new natural gas loads to Respondent's system in order that gas supplies to provide reliable, continuous service to existing customers. The company proceeded to maintain a register of customers requesting gas service after the moratorium became effective.

4. On April 15, 1974, Respondent filed with this Commission its Advice Letter No. 32, P.U.C. No. 3, accompanied by three tariff sheets as more fully described therein and reference to which is hereby made. The stated purpose of such filing was to remove the moratorium, imposed by Decision No. 83966, from the Western Slope Service Area and in place thereof to substitute a plan or procedure for the orderly connection of existing and future applications for gas service. Hearings were held on July 8, 9 and 10, 1974, following which the Commission on July 16, 1974, duly issued its Order, Decision No. 85395, to which decision reference is hereby made. Under the terms of said decision, certain public and quasi-public users in the Delta, Montrose and Glenwood Springs districts were authorized for connection. With the exception of those users, the proposed tariffs in Respondent's Advice Letter No. 32 were suspended until December 11, 1974, and further hearings were set for October 23, 24 and 25, 1974, in Aspen, Colorado.

5. As set forth in Decision No. 85395, connections using 482 Mcf of natural gas per day were authorized and requests for connections totaling 1,368 Mcf per day were suspended. At that time it was estimated that peak

day demand for present customers for the 1974-75 heating season would be 26,500 Mcf/day which added to the authorized public and quasi-public users would bring the peak to just under 27,000 Mcf per day. Additional pending applications, if authorized for connection, would have brought the peak day demand to 28,350 Mcf/day. It is found as fact that these figures are still valid and if the tariffs as filed on April 15, 1974, pursuant to Advice Letter No. 32 are approved for filing, and connections made, a peak day demand for the 1974-75 heating season of 28,350 Mcf/day can reasonably be expected. Actual peak day demands will vary, since all persons on the register may not connect for service this heating season and the severity of the winter is an unknown variable as are consumer conservation practices.

6. Respondent has engaged an outside consultant, Terrapet Ltd. of Dallas, Texas, which firm reviewed all connected and existing sources of natural gas. The Respondent's present sources of gas for peak day demand are as follows:

A. Plateau Field	1,550 Mcf/day
B. Buzzard Field	1,083
C. Hell's Gulch Field	30
D. South Canyon Field	3,000
E. Big Hole Field	2,202
F. Black Sulphur Creek Field	907
G. Bar-X Field	2,000
H. Wolf Creek (net including storage)	5,000
I. Southeast Lisbon	1,582
J. Andy's Mesa	2,594
K. Propane Air	<u>3,500</u>

Total Existing 23,448 Mcf/day

On an annual basis, assuming no additional supplies, for 1974 the demand should be 4,058,000 Mcf with available supplies at 4,062,107 Mcf. For the 1974-75 heating season demand should be 2,654,463 Mcf and supply 2,816,357 Mcf. As a plus factor it should be noted that Southeast Lisbon and Andy's Mesa combined are presently delivering 5,500 Mcf per day; and Black Sulphur Creek is presently delivering 2,000 Mcf per day.

7. In addition, drilling has been completed, is in process, or drilling will start within the next 30 days in proven areas of drilling which represents probable additional sources of gas which may be counted as dependable for the 1974-75 heating season.

These sources of gas are as follows:

A. Bar-X Field -- three additional wells between 11-10-74 and 12-31-74	1,500 Mcf/day
B. Black Sulphur Creek -- one additional well to be drilled starting 11-1-74	2,000
C. Big Hole Field -- one additional well @ 7,500 feet going to 8,000. Second additional well to start as soon as number one completed.	2,000
D. Plateau Creek -- Norris Oil Co. Three now completed, three more to be completed by 12-31-74.	3,000
E. Brush Creek -- Mobil Oil Co. -- connected.	200
F. South of Rifle -- Atlantic Richfield completed, in process of connecting.	1,500
Total	10,200 Mdf/day

Rocky Mountain has also contracted for 4,000 Mcf per day from Reserve Pipeline Co. of Liberal, Kansas, for a maximum of 120 days. While this volume may be reduced due to other demands on Reserve Pipeline or because of peak capacity restrictions of Colorado Interstate or Mountain Fuel, it is anticipated that volumes from this source will be substantial. If deliveries are received on non-peak days, the volumes received, if necessary, can be placed in storage in Wolf Creek.

8. Long-term sources of natural gas become of major concern to the company, its area of service and this Commission. The company has been aggressively seeking and contracting for long-term sources as well as relief from immediate needs. Atlantic Richfield and Exxon have some 40,000 acres available for development and contracting to Rocky Mountain. Jack Grynberg & Associates have five wells completed in Blue Gravel and Dragon Trail, have a total acreage of over 10,000 acres, are presently drilling and have offered the gas to Rocky Mountain. Huber is starting development of 10,000 acres north of Blue Gravel. Kemmerer Coal Co. at Big Hole will drill additional wells in ensuing years. Mobil Oil Company has large undeveloped acreage along Rocky Mountain's Pipeline. Norris Oil Co. is committed to an extensive drilling program on acreage farmed out to it by Rocky Mountain. Union Oil Co. may drill additional wells at Andy's Mesa. Chandler and Associates is contemplating a 90 well drilling program in the Douglas Creek area which Trans-Colorado hopes to contract for the benefit of Rocky Mountain. Drilling in general in western Colorado is increasing. Undoubtedly, price is a substantial factor in order to encourage complete development of the area. Mountain Fuel has assured the company verbally of emergency supplies on a best efforts basis as has Colorado Interstate.

9. Based on the testimony and exhibits, Respondent can reasonably expect at its 1974-75 heating season peak day supply of gas 33,648 Mcf/day. This volume will decline unless the company continues to aggressively seek and contract for additional volumes arising out of additional drilling. Competition will be severe and Respondent must be in a position to compete. The sources for 1974-75 are as follows:

Connected Sources	23,448 Mcf/day
Probable Additional	<u>10,200</u>
Total	33,648 Mcf/day

This does not take into account the volumes from Reserve Pipeline Company. Even if some sources do not prove out, the Respondent will be able to meet its peak day demands including connecting all customers on its register up to April 15, 1974. Permitting the proposed tariffs to go into effect should have no detrimental effect.

10. Removal of the moratorium as to gas service as authorized in Decision No. 83966 (November 2, 1973) and approval of the tariffs as submitted in Respondent's Advice Letter No. 32 will promote the safety, health, comfort and convenience of Respondent's patrons and the public and is just and reasonable.

11. Respondent should continue to maintain a register of applicants seeking new or increased gas service and should as set forth in the terms of its tariff Advice Letter No. 32 review the applications quarterly, the next review to take place between the 1st and 10th of January, 1975, and quarterly thereafter.

12. It is not in the public interest that Holly Sugar Company or Lothlorien Logging & Lumber Co., Inc., be connected at this time. This does not preclude their being connected in the future under proper showing. Holly Sugar Company did not desire service until the fall of 1975. The Plateau Valley Hospital would fall under the terms of the quarterly review since they do not desire connection for six months. The Commission suggests that the hospital being quasi-public be favorably considered if at all possible. This suggestion, of course, applies equally to other public and quasi-public uses. The Respondent should also, in determining gas allocations, give full and complete consideration to the economic needs of the communities it serves.

13. Even though the Respondent has established that adequate natural gas supplies are available for the heating season of 1974-75, the record does not establish that adequate natural gas supplies will be available in the future. Whether or not such supplies will be available depends on the success of the Respondent in developing new sources of supply.

14. Therefore, it would be in the public interest and would contribute to the safety, health, comfort and convenience of Respondent's patrons and the public, if Respondent would report quarterly to this Commission in writing as to its short term and long term gas supply, the first report to be due on or before April 10, 1975, and to report to the cities and towns annually in September, with public meetings to be held in the Cities of Aspen, Glenwood Springs, Montrose and Delta.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The proposed tariffs in Respondent's Advice Letter No. 32 are consistent with the provisions of CRS 115-3-1(2), 1963, as amended.

2. The removal of the moratorium from Respondent's Western Slope Service Area as set forth in Decision No. 83966 is in accordance with CRS 115-3-1(2), 1963 as amended.

3. Quarterly reports to this Commission, in writing, from Respondent as to its short term and long term gas supply are in the public interest and just and reasonable.

4. Annual reports to the cities and towns as to gas supply together with public meetings in September in the Cities of Aspen, Glenwood Springs, Montrose and Delta are in the public interest and just and reasonable. A copy of this annual report shall also be filed with the Commission. The annual report shall be similar in format to the report prepared by Terrapet Ltd. (Exhibit No. 1 through Exhibit No. 33, inclusive) and shall cover, at a minimum, a yearly projection of gas supply and demand for five (5) years.

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

ORDER

THE COMMISSION ORDERS THAT:

1. The proposed tariffs in Respondent's Advice Letter No. 32 are hereby permitted to go into effect and the suspension heretofore ordered until December 11, 1974, is hereby removed.

2. The moratorium as to gas service by Respondent, permitted by this Commission in its Decision No. 83966, be, and hereby is removed upon the terms and conditions contained in Respondent's Advice Letter No. 32 with the next review period to take place in January 1975 and quarterly thereafter.

3. Respondent shall file with this Commission, in writing, quarterly reports as to its short term and long term gas supply with the first such report due not later than April 15, 1975.

4. Respondent shall submit to the cities and towns in its Western Slope Service Area annual reports as to its short term and long term gas supply in the month of September and shall hold public meetings as to said gas supply in the Cities of Aspen, Glenwood Springs, Montrose and Delta in the month of September of each year.

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


Hearing Commissioner
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
A.N.A. DISPOSAL, INC., 4030 EAST)	APPLICATION NO. 27840
SAN MIGUEL, COLORADO SPRINGS, COLO-)	
RADO, FOR AUTHORITY TO OPERATE AS)	ORDER OF THE COMMISSION
A COMMON CARRIER BY MOTOR VEHICLE.)	

- - - - -
November 12, 1974
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); and 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 ordered;

WE FIND, That the present or future public convenience and necessity requires or will require the transportation service as hereinafter ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the service as hereinafter granted, and

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

IT IS FURTHER ORDERED, That this Order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.

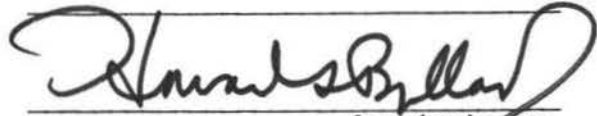
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Henry E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A handwritten signature in dark ink, appearing to read "Donald Byler", written over a horizontal line.
Commissioners

Appendix
Decision No. 85933
November 12, 1974

A.N.A. Disposal, Inc.

Transportation of

Ash, trash, and other refuse

From all points located within the County of Huerfano, State of Colorado,
to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 85934)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWARD L. TALLEY, DOING BUSINESS AS)
"E. L. TALLEY," 137 NORTH TOWNSEND,)
MONTROSE, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27946-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 12, 1974

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 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 85934
November 12, 1974

E. L. Talley

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 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)	
H. H. HALL, DOING BUSINESS AS "HALL)	
CONCRETE COMPANY," P. O. BOX 3020,)	APPLICATION NO. 27858-PP-Transfer
ASPEN, COLORADO, FOR AUTHORITY TO)	
TRANSFER ALL RIGHT, TITLE, AND)	ORDER OF THE COMMISSION
INTEREST IN AND TO CONTRACT CARRIER)	
PERMIT NO. B-8441 TO HALL CONCRETE)	
COMPANY, P. O. BOX 3020, ASPEN,)	
COLORADO.)	

- - - - -
November 12, 1974
- - - - -

Appearances: F. E. Woodring, Esq., Estes Park, Colorado
Attorney 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 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-8441, as granted by Commission Decision No. 85497 dated August 13, 1974, 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.

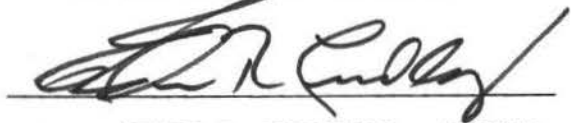
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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.

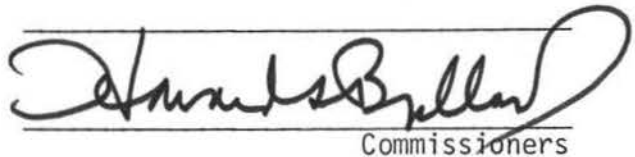
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Henry E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A large, stylized handwritten signature in dark ink, written over a horizontal line. The signature is cursive and appears to be "James B. Bell".

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARY C. BOGUE, DOING BUSINESS AS)
"ROARING FORK EXPRESS COMPANY,")
P. O. BOX 1934, ASPEN, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 8287 TO ROSWELL)
R. AND BEVERLY B. HOWE, DOING BUS-)
INESS AS "ROARING FORK EXPRESS)
COMPANY," P. O. BOX 5556, WEST)
VILLAGE, COLORADO.)

APPLICATION NO. 27860-Transfer

ORDER OF THE COMMISSION

- - - - -
November 12, 1974
- - - - -

Appearances: Edward B. Simonson, Esq., Basalt, Colorado
Attorney for Transferor

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. 8287, as granted by Commission Decision No. 78697 dated September 21, 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 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.

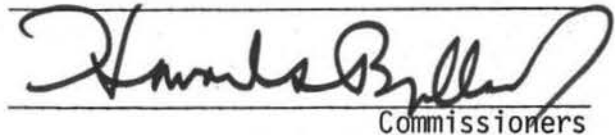
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Henry E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A handwritten signature in dark ink, appearing to read "James Byler", written over a horizontal line. Below the line, the word "Commissioners" is printed.

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EARL C. JONES, DOING BUSINESS AS)
"JONES BROTHERS," TOPONAS, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO CON-)
TRACT CARRIER PERMIT NO. B-1018 TO)
DAROLD D. JONES, BOX 817, KREMMLING,)
COLORADO.)

APPLICATION NO. 27862-PP-Transfer

ORDER OF THE COMMISSION

November 12, 1974

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-1018, as granted by Commission Decision No. 60163 dated February 25, 1963, 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.

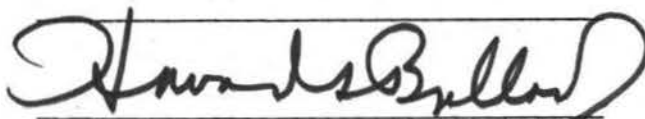
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Henry E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A handwritten signature in dark ink, appearing to read "Howard S. Bullard", written over a horizontal line.
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAWRENCE THOMAS, 13092 RANDOLPH)
PLACE, DENVER, COLORADO, FOR AUTH-)
ORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27864-PP

ORDER OF THE COMMISSION

November 12, 1974

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.

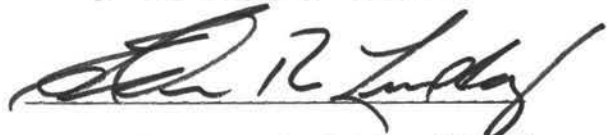
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENKO - ABSENT


Commissioners

Appendix
Decision No. 85938
November 12, 1974

Lawrence Thomas

Transportation of

Building materials and related items as sold by lumber yards

From the 84 Lumber Company Yard at 3750 Nome Street, Denver, Colorado, to all points located within the Counties of Denver, Adams, Arapahoe, Elbert, Douglas, Jefferson, Clear Creek, Gilpin and Boulder, State of Colorado.

RESTRICTION: This Permit is restricted to rendering transportation service for one customer only, 84 Lumber Company, 3750 Nome Street, Denver, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
COORS TRANSPORTATION COMPANY, 5101)	APPLICATION NO. 27849-PP-Extension
YORK STREET, DENVER, COLORADO, FOR)	
AUTHORITY TO EXTEND OPERATIONS UNDER)	ORDER OF THE COMMISSION
CONTRACT CARRIER PERMIT NO. B-7999.)	

- - - - -
November 19, 1974
- - - - -

Appearances: Leslie R. Kehl, Esq., Denver, Colorado
Attorney 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 service 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 herein, be, and hereby is, authorized to extend operations under said Contract Carrier Permit No. B-7999, by the addition of Coors Container Company as a customer under Item No. 3.

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 19th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT



Commissioners

Appendix
Decision No. 85939
November 19, 1974

Coors Transportation Company

Transportation of

- (1) Malt beverages and related advertising materials

From Golden, Colorado, to all points located within the State of Colorado.

- (2) Barley and empty malt beverage containers

From all points located within the State of Colorado, to Golden, Colorado.

RESTRICTION: Items No. 1 and No. 2 of this Permit are restricted to rendering transportation service for only Adolph Coors Company, Golden, Colorado.

- (3) Machinery, equipment, materials, and supplies, used by or dealt in by breweries or porcelain manufacturing facilities

Between all points located within the State of Colorado.

RESTRICTION: Item No. 3 of this Permit is restricted to rendering transportation service for only Adolph Coors Company, Coors Porcelain Company and Coors Container Company.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ROY MEAD, DOING BUSINESS AS "ROY)	
MEAD TRAILER SALES," 425 ERIE STREET,)	APPLICATION NO. 27824-Transfer
PUEBLO, COLORADO, FOR AUTHORITY TO)	
TRANSFER ALL RIGHT, TITLE, AND INTER-)	ORDER OF THE COMMISSION
EST IN AND TO CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY PUC NO. 3748)	
TO JOHNSON'S ENTERPRISES, INC., 3221)	
ELIZABETH STREET, PUEBLO, COLORADO.)	

November 19, 1974

Appearances: John R. Wall, Esq., Pueblo, Colorado
Attorney 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 Certificate of Public Convenience and Necessity PUC No. 3748, as granted by Commission Decision No. 47748 dated April 17, 1957, 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.

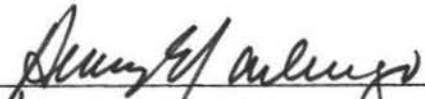
IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to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

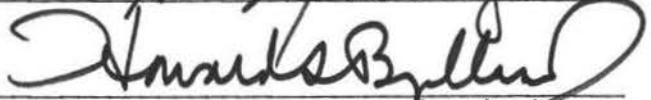
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 19th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT





Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED)	
INCREASED RATES AND CHARGES)	INVESTIGATION AND SUSPENSION
CONTAINED IN TARIFF REVISIONS)	DOCKET NO. 867
FILED BY THE MOUNTAIN STATES)	
TELEPHONE AND TELEGRAPH COMPANY)	<u>PROTECTIVE ORDER</u>
UNDER ADVICE LETTER NO. 987.)	

November 11, 1974

STATEMENT AND FINDINGS OF FACT

This matter came before the Commission on the stipulation of the attorneys for Respondent, The Mountain States Telephone and Telegraph Company, and the attorney for Intervenor, Sturgeon Electric Company and Sears, Roebuck & Company, that a manual titled Service Items Inventory For Year Ending June 30, 1974, requested by the attorney for the Intervenor, contains information which are alleged to be trade secrets and/or proprietary or confidential information of Respondent; and Respondent and Intervenor agree that such information may be necessary to the attorney for the Intervenor for his participation in this proceeding.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The manual titled Service Items Inventory For year Ending June 30, 1974, contains information which are alleged to be secrets and/or proprietary or confidential information of Respondent, The Mountain States Telephone and Telegraph Company.
2. Respondent shall deliver one copy of said manual to the attorney for the Intervenor who shall hold, use and return said manual in accordance with the provisions of the following paragraphs.
3. Attorney for Intervenor may use said manual in preparation for cross-examination in this case and for any other requirements he may have in the preparation of pleadings, briefs, memoranda or argument in this proceeding and for no other purpose.
4. Attorney for Intervenor shall not reveal any information contained in said manual, except upon prior agreement by an attorney for Respondent that such information is not a trade secret and/or proprietary or confidential information of Respondent, to his clients or to any other person nor shall any information from said manual be contained in any pleading, brief, memoranda or argument in this proceeding unless such pleading, brief, memoranda or argument are sealed and made available only to the Commission, the staff of this Commission and attorneys appearing of record in this proceeding, which attorneys will be required to use this information only as attorneys in this proceeding and will not be able to reveal it to their clients or third parties.

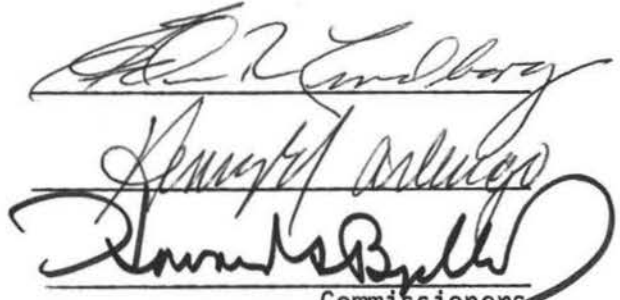
5. If any dispute arises as to whether or not particular information contained in said manual is or is not a trade secret and/or proprietary or confidential information of Respondent that issue shall be resolved by this Commission and the attorney for Intervenor and all other persons affected by this order shall treat the information as if it were a trade secret and/or proprietary or confidential information of Respondent until such issue is finally resolved upon appropriate judicial review.

6. At the conclusion of this proceeding and/or final judicial review of any nature which arises under this Order, attorney for Intervenor shall return said manual to attorneys for Respondent, and attorney for Intervenor shall retain no copies thereof.

This Order shall be effective forthwith.

DONE this 11th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
aa

(Decision No. 85942)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RATES AND CHARGES)	INVESTIGATION AND SUSPENSION
CONTAINED IN TARIFF REVISIONS FILED)	DOCKET NO. 894
BY PUBLIC SERVICE COMPANY OF)	
COLORADO UNDER ADVICE LETTER NO.)	
197 - GAS.)	

November 12, 1974

Appearances: Donald D. Cawelti, Esq., **Denver, Colorado**,
for Public Service Company of Colorado
Respondent;
Robert Hahn, Denver, Colorado,
for Colorado Motel Association;
John E. Archibold, Esq., Denver, Colorado
for the Commission.

S T A T E M E N T

BY THE COMMISSION:

On October 16, 1974, Public Service Company of Colorado (hereinafter referred to as "Public Service" or "the Company" or "Respondent") filed Advice Letter No. 197 - Gas, accompanied by tariff revisions which would result in increased rates and charges in its gas services.

The Advice Letter stated that the purpose of the filing was to place into effect revisions in basic natural gas rate schedules and revised gas cost adjustment amounts, pursuant to the Gas Cost Adjustment provisions of Public Service's tariff approved by the Commission in Decision No. 85724 dated September 24, 1974. Said Advice Letter further stated that the revenue of the Company would be increased approximately \$7,050,900 as a result of the filing. Exhibits 1 through 4 setting forth supporting data of the proposed changes in the base gas schedules and the Gas Cost Adjustment amounts were attached to the Advice Letter.

The proposed effective date of the filed gas tariff was to be October 22, 1974.

By Decision No. 85868 dated October 21, 1974, the Commission, on its own motion, set the proposed tariff for hearing on November 4, 1974, and suspended the effective date of the proposed tariff until February 18, 1975, or until further order of the Commission.

The order giving notice of hearing and suspending the tariff was sent to all parties who participated in the proceeding leading to Commission Decision No. 85724, and said order advised that any person, firm or corporation desiring to intervene as a party in the within proceeding should file an appropriate pleading therefor with the Commission on or before 10 a.m. on November 1, 1974. No pleadings to intervene were filed.

At the hearing on November 4, 1974, there were no appearances by any parties other than the Respondent and the only member of the public present was Mr. Robert Hahn who read a statement into the record on behalf of the Colorado Motel Association.

Appearing on behalf of Public Service was Mr. James Ranniger who, in addition to testifying, identified the following exhibits:

- EXHIBIT A - Diagram showing gas sale and purchase relationships of wholesale natural gas suppliers.
- EXHIBIT B - Illustration of calculation of gas cost adjustment amount.
- EXHIBIT C - Advice Letter No. 197 - Gas, with attached Exhibits 1 through 4.
- EXHIBIT D - Gas Cost Adjustment rate sheets.
- EXHIBIT E - Federal Power Commission orders in Dockets RP71-14, 71-137, 72-122, 73-93 and 74-77.
- EXHIBIT F - Rate of Return Exhibit showing rate of return to Gas Department with and without increased revenue from Gas Cost Adjustment pursuant to Advice Letter No. 197 - Gas.

The Commission took official notice of its Decision No. 85724 dated September 24, 1974.

Mr. Kent A. Teall of the Staff of the Commission also testified.

At the conclusion of the hearing, the Commission took the matter under advisement.

FINDINGS OF FACT

1. Public Service Company of Colorado is a public utility operating solely within the State of Colorado, engaged principally in the generation, purchase, transmission, distribution and sale of electricity, and the purchase, distribution and sale of natural gas to various areas of the State of Colorado. This docket is concerned solely with the Company's sale of natural gas.

2. This Commission, in its Decision No. 85724 dated September 24, 1974, approved a Gas Cost Adjustment Clause which provides that the Company's Gas Cost Adjustment amount shall be subject to revision annually and at such other times when increases or decreases equate to at least one mill (\$.001) per thousand cubic feet in rates which the Company must pay to its pipeline suppliers.

3. In order to track changes in the wholesale price of gas which became effective October 1, 1974, the Company filed Advice Letter No. 197 - Gas, to adjust its retail rates corresponding to net increases in its wholesale prices. The Company purchases the majority of its natural gas supply from Colorado Interstate Gas Company (CIG). In addition, the Company also purchases a portion of its gas supply from Western Slope Gas Company (Western). Western, in turn, purchases a portion of its gas from CIG. Both Western and CIG purchase a portion of their gas from Northwest Pipeline Corporation, which was previously the Northwest Division of El Paso Natural Gas Company. As a result, Public Service Company, either directly or indirectly, purchases gas from CIG, from Western, or from Northwest Pipeline Corporation.

4. The subject filing tracks six separate changes in cost of gas from these suppliers. Those six changes are:

First, a 1974 CIG rate which became effective October 1, 1974. That particular case has increased the Company's cost of gas on an annual basis some \$11,089,718. Authority for that October 1st increase was granted by the Federal Power Commission (FPC) in its order in Docket No. RP74-77 dated September 26, 1974. This increased cost of gas is subject to later adjustment and possible refund in accordance with future FPC actions.

The second and third items relate to a Purchased Gas Adjustment Clause in CIG's rate schedules. By authority of the FPC granted in its order in Docket No. RP72-122 dated September 29, 1972, CIG was authorized to annually, or more often if necessary, adjust its rates to track changes in its purchased gas costs. Effective October 1, 1974, CIG eliminated the Purchased Gas Adjustment amount which had been in effect prior to that date. This action reduced gas costs to Public Service Company in the amount of \$7,614,381 annually. At the same time, CIG made effective its Purchased Gas Adjustment Clause for the period beginning October 1, 1974, which increased the annual cost of gas to Public Service in the amount of \$5,754,068. The net result of the modification in the CIG Purchased Gas Adjustment amounts is an annual reduction in costs to Public Service of \$1,860,313.

The fourth item involves the settlement of CIG's 1973 rate case. That settlement produced a reduction in annual gas costs to Public Service of \$2,343,057. That settlement and the attendant lower rates were authorized by the FPC's order in FPC Docket No. RP73-93. The Company indicated that it would, in its next subsequent adjustment of Gas Cost Adjustment amounts, include a component to refund to its customers those amounts which are due to the customers as a result of this settlement of CIG's 1973 rate case.

The remaining two items do not result in any changes in cost of gas or revenues but are merely a rolling in to the base rates of two 1971 El Paso Natural Gas Company rate matters for which the FPC has recently issued its final order. That FPC order is in FPC Docket Nos. RP71-14 and RP71-137. The net additional cost to the Company of the foregoing wholesale rate changes is in the amount of \$6,886,348 on an annual basis.

5. Exhibit 2 (Attached to Advice Letter No. 197 - Gas) which was admitted in evidence as a portion of Exhibit C demonstrated the increased gas cost to the Company together with the proof that the increased gas cost adjustment proposed was in the required amount to obtain those increased revenues necessary to track the wholesale gas cost increases.

6. The methodology of tracking such increases was shown by Exhibit B admitted into evidence. Such exhibit has been attached to this order and by this reference is made a part hereof, to demonstrate on a simplified basis the correct procedure for computing the proper gas cost adjustments as authorized by the Commission in Decision No. 85724 and this order.

7. Exhibit No. 1 (attached to Advice Letter No. 197 - Gas) which was admitted in evidence as a portion of Exhibit C indicated the Gas Cost Adjustment amounts in effect prior to the filing of Advice Letter No. 197 - Gas. In addition, the exhibit demonstrated the required adjustment to those Gas Cost Adjustment amounts in order to give effect to the six separate events involved in the filing. The last column on Exhibit 1 demonstrated the revised Gas Cost Adjustment amounts after accumulating the effect of the six different changes and it is these amounts which are shown by the rates that were proposed to be effective October 22, 1974.

8. All of the wholesale rate changes involved were made by natural gas pipeline companies subject to the jurisdiction of the PFC or of this Commission. Exhibit E admitted into evidence contained copies of the FPC orders authorizing the adjustments made by that Commission.

9. Exhibit F admitted into evidence showed that the return to the Gas Department of the Company would fall to 6.60% which amount is substantially less than the rate of return of 8.82% for the Gas Department as authorized by Commission Decision No. 85724. The combined effect of the wholesale rate changes and the proposed new Gas Cost Adjustment amounts

is to leave the net income of the Company unaffected, except for any slippage that may have occurred in placing the new Gas Cost Adjustment amounts in effect.

CONCLUSIONS ON FINDINGS OF FACT

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

1. That the tariff sheets filed by the Company, with Advice Letter No. 197 - Gas, were properly filed by the Company to implement that authority given the Company by this Commission Decision No. 85724 to place in operation a Gas Cost Adjustment Clause. The wholesale rate changes referred to in the above findings triggered the operation of said clause and authorized the filing of the subject tariff sheets.

2. The Revised Gas Cost Adjustment amounts proposed by the Company by the tariff revisions accompanying Advice Letter No. 197 - Gas, are in the correct amount to track the wholesale rate changes which have affected it.

3. To properly carry out the purpose and intent of the Gas Cost Adjustment Clause contained in the Company's tariff as approved by this Commission Decision No. 85724, the tariff sheets filed with the Company's Advice Letter No. 197 - Gas, should be allowed to become effective.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent b e, and hereby is, authorized to place in effect upon the effective date hereof those tariff sheets filed by its Advice Letter No. 197 - Gas, the suspension of which has been the subject matter of this proceeding.

2. Investigation and Suspension Docket No. 894 be, and hereby is, closed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
did

COMMISSIONER HENRY E. ZARLENGO DISSENTS.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent for the following reasons.

On October 16, 1974, Public Service Company of Colorado filed Advice Letter No. 197 - Gas accompanied by tariff revisions which would result in increased rates and charges in its gas services.

The Advice Letter states that the purpose of the filing is to place into effect revisions in basic natural gas rate schedules and revised gas cost adjustment amounts, pursuant to the Gas Cost Adjustment revisions of Public Service Company's tariff approved by the Commission in Decision No. 85724 dated September 24, 1974. Said Advice Letter further states that the revenue of the Company will be increased approximately \$7,050,900 as a result of the filing. Exhibits 1 through 4 setting forth supporting data of the proposed changes in the base gas schedules and the Gas Cost Adjustment amounts are attached to the Advice Letter.

I.

The proposed effective date of the filed gas tariff was to be October 22, 1974, six days after filing, but was suspended and by order this investigation and proceeding was instituted and a hearing held.

Chapter 115-6-8(2) provides, inter alia, to wit:

"Notice of all . . . orders instituting investigations . . . shall be given to all persons, firms, or corporations who, in the opinion of the commission are interested in or who would be affected by . . . (such) proceeding."

Rule 8 NOTICE, of the Rules of Practice and Procedure, inter alia, specifically requires PERSONAL notice to be given in addition to any other notice which may be required by law such as notice to the PUBLIC, or notice to the COMMISSION; and provides to wit:

"A. Personal Notice. Written notice of an application, petition, rule-making procedure, order instituting investigation or inquiry will be given by mail to all persons who in the opinion of the Commission have a legally protected interest or right which would be affected thereby. Additionally, notice of hearing will be given to those persons who are party to such proceedings.

. . .

C. Notice of Rate Changes, Notice of rate changes for fixed utilities . . . will be in accordance with Rule 18."

Rule 18 A. Procedure to Increase Rates. 2.a. provides, inter alia, to wit:

"a. Notice to Customers. A written or printed notice setting forth the proposed changes and the effective date thereof shall be mailed or delivered at least thirty (30) days before said effective date to each of the public utility's active consumers or users affected by the proposed changes, . . ." (Emphasis supplied.)

An order, I&S Docket No. 894, was entered by the Commission on October 24, 1974 instituting this proceeding. Involved is the question of the validity of a Gas Cost Adjustment provision for automatic increases in charges approved by majority Decision No. 85724. Notice of this Order was given to persons as shown on copy of Certificate of Service hereto attached as Appendix A.

Commission records indicate that in the proceeding in which Decision No. 85724 was entered some 700 other persons as consumers and users, and who have a legally protected interest or right and are directly affected, filed protests or objections, or appeared and testified at the hearing. These persons were participants in the original proceeding and demonstrated that they are persons who are interested in, or would be

affected by, any increase in charges based upon the original proceeding, or this proceeding; -- yet, notice of the order instituting this proceeding was not given them as was given to those shown on the Certificate of notice. Why these persons are treated differently and not also given the same required notice of the order remains unexplained. Why they are not considered as "persons, firms or corporations who, in the opinion of the commission are interested in or who would be affected by (this) proceeding" remains unexplained. These persons, as well as many thousand others, are "active consumers or users affected by the proposed changes" but no written or printed notice of the proposed changes was mailed or delivered to them as required by Rule 18.2(a).

Some other provisions of law under certain conditions provide for shortening the period of notice but in no way do they affect the mandatory requirements specifically providing that certain persons must be given notice.

It is obvious that Notices of the order, or of the changes in rates, to be given to certain persons as required by the statute, and by the Rules above referred to, were not given and the Commission is powerless to act until proper notice shall have been given and, therefore, the decision herein is invalid. That some hardship may be involved cannot excuse non-compliance with the law.

II.

Chapter 115-6-8(2) provides, inter alia, that:

"Except for good cause shown, any person desiring to file an objection, intervene in, or participate as a party in any such proceeding shall file his objection or petition for leave to intervene or, under such rules as the commission may prescribe, file other appropriate pleadings to become a party, within thirty days after the date of such notice, or such lesser time as the commission may prescribe." (Emphasis supplied.)

This provision of law provides for periods of time within which a person may file an objection, or petition to intervene. He may do so within 30 days after the date of notice, or within a lesser time as the Commission may prescribe, or, for good cause shown, within some other and

different period of time. Of necessity it uncontrovertibly implies that the objector, or intervenor, has an absolute right to file an objection, or intervention, provided, of course, it is filed within 30 days or within some other period of limitation prescribed by the Commission. No "lesser time", or other period, has been prescribed and, therefore, the 30 day period is the effective period of limitation.

On October 21, 1974, the Commission entered in Decision No. 85868, its order setting this matter for hearing on November 4, 1974, and Notice thereof was mailed on October 22, 1974. The Commission's order herein is being entered 9 days before expiration of a 30-day period, the only possible effective period of limitation of the right to file an objection, or petition to intervene, and thereby effectively precludes objectors, or intervenors, of their rights as provided by law. The Order, therefore, is invalid.

III.

Chapter 115-6-8(2) provides, inter alia, that:

"No final action shall be taken by the commission in any such proceeding during the time any such filing is permitted. . ." (Emphasis supplied.)

The time has not elapsed during which any person desiring to file an objection, or intervention, may legally do so (supra). The Commission is expressly precluded from taking final action. This the Commission has done, contrary to the law. The Order, therefore, is invalid.

IV.

The so-called "Gas Adjustment Clause", under which the charges hereby are ordered to be increased, is itself illegal in that the Gas Adjustment Clause authorizes Public Service Company to automatically increase charges in the future in an amount presently unknown to provide revenues in an amount equal to any amount of increase in its cost of gas which may be authorized by any commission having jurisdiction over its suppliers. The Commission authorization of the Gas Adjustment Clause in fact is premature.

This premature authorization of automatic increased charges of unknown amount in the future also disregards the many other factors which the law requires the Commission to consider in determining whether, or not, charges should be increased; such as the rate of return on rate base, the rate of return on equity, the capital structure of the company, the efficiency of operations, etc., which may exist at the time the rates are to be increased. In other words, it is clearly illegal to approve beforehand future increases of unknown amount as all the factors required by law to be considered at that time presently are unknown.

After a thoughtful and informative study a paper which represents the consensus of the NARUC Subcommittee of Staff Experts on Economics stated, to wit:

"Automatic adjustment clauses give undue weight to a single cost item while ignoring other cost items, thus possibly distorting the overall relationship of rates to costs . . . these clauses pass on to the consumer increased costs without allowing for compensating economies that may accrue from economy of scale, improved technology or other sources of higher operating efficiency."*

Furthermore, this type of authorization destroys any incentive which the Company might have to resist the granting of increases to its suppliers, as its ultimate profits would, as a practical matter, remain unaffected, and the suppliers aware of this "automatic pass on" are encouraged to seek more, and more, increases.

V.

The capital structure of a utility, i.e. its debt vs. equity ratio, is both relevant and material in determining the "just and reasonable" rates as required by law as the amount of operating expenses and the amount of revenues are the determinative factors in determining its profit, or fair rate of return, which rate of return the charges for service must provide. The debt ratio of Public Service is a very important factor and must be considered at the time the rate increases

* Congressional Record #93-44, October 16, 1974.

are authorized to be increased. The arithmetical fact is that debt capital costs the Public Service Company, and in turn the ratepayers, 25% less than common equity capital.* This drastic difference between the cost of debt capital and equity capital (expense items) makes it imperative that the Commission at the time a change of rates is determined should at that time determine what the debt ratio is and whether or not it is a debt ratio which prudent managerial financing should dictate, as managerial discretion cannot be abused to the detriment of the ratepayers. An automatic Gas Adjustment Clause authorization disregards this most important expense factor. This authorization of increase in charges based thereon is, therefore, invalid.

VI.

The efficiency of operations of a utility is a very material issue to be considered and must be first determined before authorizing increases in rates. Efficient operation is, and must be, a condition precedent, for unless the utility operates efficiently any rates increased would not be "just and reasonable" rates. Inefficiency cannot be disregarded. The Commission must make a finding that the utility is operating efficiently, otherwise in authorizing an increase it could well be authorizing an increase regardless of the efficiency of the utility's operations and such rates would not be "just and reasonable." In authorizing this 7 million dollar increase there is no finding of fact that Public Service Company is operating efficiently. In fact, the Company tenders no proof thereof, and this, in face of the fact that it has available an efficiency survey by an expert firm covering a period of approximately 20 months and costing the ratepayers some \$200,000, which it refused to divulge during the original rate case (I&S No. 868).

VII.

Under the law the power and authority is vested in the Commission to adopt and regulate rates. It is even empowered "to generally

* Decision No. 85628, September 3, 1974, pages 6 and 7.

supervise and regulate every public utility in this state and to do all things . . . which are necessary or convenient in the exercise of such power." This power, however, does not include the power to disregard the requirement of due process of law, to disregard the expressed statutory requirements for service of notices or applications, or to disregard its own duly adopted rules requiring notices in certain cases. It is no defense that persons deprived of such rights may resort to some other relief in some other and different proceeding.

VIII.

The increase of over 7 million dollars is being authorized by the majority to maintain a rate of return on equity of 15% which, in my opinion for the reasons set out in dissent in Decision No. 85724 dated September 24, 1974, is too high and is above a fair rate of return for the Company.

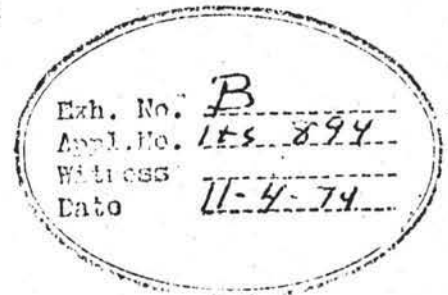
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner
hbp

PUBLIC SERVICE COMPANY OF COLORADO

ILLUSTRATION OF CALCULATION
 OF
 GAS COST ADJUSTMENT AMOUNT



Gas Quantity Purchased

Demand (MCF X 12 months)
 Commodity (MCF)

5,928,014
 100,592,985

Gas Quantity Sold (MCF)

Firm customers (75%)
 Interruptible customers (25%)
 TOTAL

86,250,000
 28,750,000
 115,000,000

Wholesale Cost at Old Rates

Demand @ \$1.18 X 5,928,014
 Commodity @ \$0.3879 X 100,592,985

\$ 6,995,057
 \$ 39,020,019

Wholesale Cost at New Rates

Demand @ \$1.27 X 5,928,014
 Commodity @ \$0.4237 X 100,592,985

\$ 7,528,578
 \$ 42,621,248

Increased Cost

Demand
 Commodity
 TOTAL

\$ 533,521
 \$ 3,601,229
 \$ 4,134,750

	<u>Applicable to</u>	
	<u>Firm</u>	<u>Interruptible</u>

Increased Cost per MCF Sold

Commodity (\$3,601,229/115,000,000)
 Demand (\$533,521/86,250,000)
 TOTAL

\$.0313	\$.0313
\$.0062	- -
\$.0375	\$.0313

Increased Price per MCF (X102%)

\$.0383	\$.0319
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CERTIFICATE OF SERVICE

I&S

NO.

894

DECISION NO.

85068

I, Harry A. Galligan, Jr., Secretary of The Public Utilities Commission of the State of Colorado, do hereby certify that I served a true and correct copy of the above Commission Decision--as duly entered in the above numbered matter of record--upon each of the persons whose names and addresses appear below, by mailing the same thereof in sealed envelopes, properly addressed, with sufficient postage prepaid thereon to carry the same to its destination on the date as set forth below at Denver, Colorado.

Public Service Co. of Colorado
550 15th Street
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Attn: Bryant O'Donnell, Esq.
Donald D. Cawelti, Esq.

David W. Furgason, Esq.
CF&I Steel Corp.
1100 United Bank Center
Denver, CO 80202

General Services Admin.
General Services Bldg.
Washington, DC 20405

John M. Hewins, Esq.
Assistant Regional Counsel, Region 8
General Services Admin.
Denver Federal Center
Denver, CO 80225

John L. Mathews, Esq.
General Services Adm.
Denver Federal Center
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Jay W. Swearingen, Esq.
Colorado Association of School Boards
1330 Logan Street
Denver, CO 80203

Colorado Public Interest Research Group
1711 Pennsylvania
Denver, CO 80203

The Board of County Commissioners of Pitkin County
J. Nicholas McGrath, Jr., Esq.
Box 3707
Aspen, CO 81611
Kenneth R. Fish
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Denver, CO 80202

Home Builders Association
5840 East Evans Avenue
Denver, CO 80222

Associated Press
650 15th Street
Denver, Colorado 80202

United Press International
430 16th Street
Denver, Colorado 80201

Rocky Mountain News
P. O. Box 719
Denver, Colorado 80201

Denver Post
P. O. Box 1709
Denver, Colorado 80201

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WITNESS MY HAND AND THE SEAL OF THE PUBLIC UTILITIES COMMISSIO

THE STATE OF COLORADO THIS 22nd DAY OF October 1974

Harry A. Galligan, Jr.
Secretary

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VAIL CAB COMPANY, 812 PATTERSON)
BUILDING, DENVER, COLORADO, FOR TEM-)
PORARY APPROVAL TO CONDUCT OPERATIONS)
UNDER A PORTION OF CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY PUC)
NO. 1681, PENDING DETERMINATION OF)
THE APPLICATION TO ACQUIRE A PORTION)
OF SAID CERTIFICATE.)

APPLICATION NO. 27905-Transfer
Portion-TA

ORDER GRANTING TEMPORARY APPROVAL

November 12, 1974

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

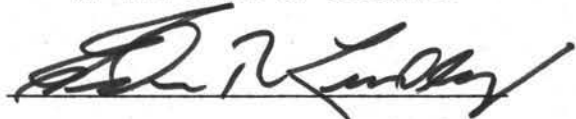
IT APPEARING, That failure to grant temporary approval herein
may result in destruction of, or injury to the carrier or carrier proper-
ties sought to be acquired, or interfere substantially with their future
usefulness in the performance of adequate and continuous service to the
public.

IT IS ORDERED, That Transferee 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
appendix attached hereto.

IT IS FURTHER ORDERED, That the Transferee 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 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 85943
November 12, 1974

Vail Cab Company

(1) Transportation -- in taxicab service -- of

Passengers and their baggage,

Between points in the County of Eagle, State of Colorado, which are within a twelve (12) mile radius of Vail, Colorado, and to and from said points from and to all points in the State of Colorado.

RESTRICTION: Item No. 1 of this temporary approval is restricted as follows:

- (a) Restricted to the use of only vehicles having a capacity not to exceed seven (7) passengers.
- (b) Offices for the solicitation of business shall be located only within a twelve (12) mile radius of Vail, Colorado.

(2) Transportation -- in sightseeing service -- of

Passengers

Between points and places in the following Counties of the State of Colorado: Garfield, Rio Blanco, Eagle, Mesa, Delta, Gunnison, Pitkin and Lake.

RESTRICTIONS: Item No. 2 of this temporary approval is restricted as follows:

- (a) Restricted to the use of only vehicles having a capacity not to exceed twelve (12) passengers, including the driver.
- (b) Offices for the solicitation of business shall be located only within a twelve (12) mile radius of Vail, Colorado.

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) APPLICATION NO. 27934
PASS ON AN INCREASED COST OF GAS)
TO ITS CUSTOMERS IN THE TOWN OF)
DOVE CREEK AND ITS ENVIRONS.)

November 12, 1974

S T A T E M E N T

BY THE COMMISSION:

On October 31, 1974, Rocky Mountain Natural Gas Company, Inc., Applicant herein, a Colorado corporation, and a utility subject to the jurisdiction of this Commission, filed the above application seeking authorization of the Commission, without formal hearing, and on less than statutory notice, to file -- to become effective as hereinafter set forth -- an emergency gas rate adjustment to track increases in the cost of gas purchased from its wholesale pipeline supplier.

On November 11, 1974, Applicant filed an amended application herein, amending the effective date of Applicant's increased cost of purchased gas and of Applicant's proposed rate adjustment.

FINDINGS OF FACT

1. Applicant herein is a public utility subject to the jurisdiction of this Commission, engaged in the transmission, distribution and sale of natural gas to domestic, commercial and industrial customers in various communities within the State of Colorado. Applicant supplies gas service for said customers under its Schedules of Rates for Gas and its Rules and Regulations presently on file with this Commission.

2. Applicant purchases its natural gas supply from Northwest Pipeline Corporation for service to its customers in the Town of Dove Creek and its environs, and will continue to do so. Natural gas purchases from Northwest Pipeline Corporation are presently made pursuant to Service Agreement and applicable rate schedules, as successor to El Paso Natural Gas Company.

3. Northwest Pipeline Corporation increased its wholesale gas rates by authority of the Federal Power Commission and subject to refund effective November 18, 1974. Taking into consideration the base tariff rate, increases heretofore passed on, and the current adjustment effective on November 18, 1974, the effective tariff rate as of November 18, 1974, will be a charge of 9.551¢ per therm. The charge of 9.551¢ per therm based on 1069.86 Btu gas purchased by Applicant converts to a charge of \$1.0229 per Mcf.

4. Applicant presently serves its customers in the Town of Dove Creek and its environs under a Natural Gas Rate Schedule with an effective date of the 16th day of May, 1974, together with temporary riders effective April 1, 1971, December 24, 1971, and January 5, 1974.

5. The increased cost of gas to Applicant will have a serious detrimental effect on the economic feasibility of service in the community unless the cost can be immediately passed on to the customers of Applicant. The increase in the cost of gas is beyond the control of Applicant and there neither are nor will be, any known offsetting decreases in cost which can be realized. The Applicant does not presently earn the rate of return which has been authorized by the Public Utilities Commission of the State of Colorado in the Town of Dove Creek and its environs and in fact has an operating loss in its Dove Creek area. The increased gas cost from Northwest Pipeline Corporation effective November 18, 1974, will further adversely affect Company earnings in the Town of Dove Creek and its environs, and substantially increase its loss in said area.

6. Applicant proposes to pass on the increased cost for natural gas from Northwest Pipeline Corporation to its customers by adding the sum of \$.0220 together with \$.0011 to cover increased franchise tax for a total increase of \$.0231 per Ccf to said customers on not less than one (1) day's notice and proposes to file with this Commission on not less than one (1) day's notice its Temporary Rider Original Sheet No. 6.4 (Colo. PUC No. 3), reflecting such gas rate adjustment as required by the Commission's Rules and Regulations. Applicant proposes to make the pass-on increase effective November 18, 1974, or such later date as approved by this Commission, and to be added to future billings which will include this pass on, the basic rate tariff of May 16, 1974 (Colo. PUC No. 3, Fifth Revised Sheet No. 6), and the three temporary riders of April 1, 1971 (Colo. PUC No. 3, Original Sheet No. 6.1), December 24, 1971 (Colo. PUC No. 3, Original Sheet No. 6.2), and January 5, 1974 (Colo. PUC No. 3, Original Sheet No. 6.3).

7. Based on customer billings for the twelve months ended July 31, 1974, the average annual billing per residential customer in the Town of Dove Creek and environs would be increased \$31.92 and the average annual billing per commercial customer would be increased to \$105.15.

8. Pursuant to Rule 18 of the Commission's Rules of Practice and Procedure, the filing of this application was brought to the attention of the public affected by publication of the notice of such filing in the Dove Creek Press, a newspaper of general circulation in Applicant's Dove Creek service area. Copy of the notice has been mailed to the Town Clerk of the Town of Dove Creek, Colorado. Said notice advised affected members of the public that a hearing may be held with respect to the application and that anyone wishing notice of such hearing, if any, may make written request therefor to the Public Utilities Commission of the State of Colorado, Denver, Colorado.

CONCLUSIONS ON FINDINGS OF FACT

The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2), CRS 1963, and Rule 18 A.1. of the Rules of Practice and Procedure before this Commission. Any delay in placing the increased rates into effect and to pass on its increased costs would do substantial harm to Applicant. For any period of time that it is denied the pass-on of its increased cost, Applicant's rate of return would fall below its authorized reasonable rate of return. Good cause exists for the Commission to allow the proposed increases on less than 30 days' notice.

An appropriate Order will be entered.

O R D E R

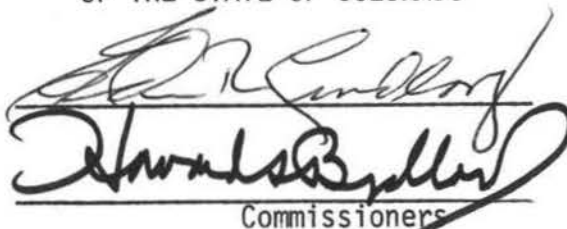
THE COMMISSION ORDERS THAT:

Applicant, Rocky Mountain Natural Gas Company, Inc., be, and hereby is, authorized to file on not less than one (1) day's notice -- to become effective no earlier than November 18, 1974 -- its proposed gas rate adjustment temporary rider, as delineated on Temporary Rider Original Sheet No. 6.4, which is attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTS

jp

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

The notice as required by law has not been given and there is insufficient evidence before the Commission to support the order. The tariff should be suspended to provide the Commission with sufficient time to thoroughly investigate the matter.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner
hbp

NATURAL GAS RATES (General Service Classification)	
TEMPORARY RIDER (Rate Title or Number)	Company Rate Code
EMERGENCY GAS RATE ADJUSTMENT APPLICABLE IN SELLER'S DOVE CREEK AREA	
• RATE	
I. The rate for natural gas shall be increased per CCF per month	\$.0231
II. The rates on file and affected hereby are identified as:	
COLO. PUC No. 3, sheet #6	
DO NOT WRITE IN THIS SPACE	

Advice Letter No. _____

Signature of Issuing Officer _____

Issue Date _____

Decision or

Authority No. _____

Title _____

Effective Date _____

Appendix A

(Decision No. 85945)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED INCREASED)	INVESTIGATION AND SUSPENSION
RATES AND CHARGES CONTAINED IN TARIFF)	DOCKET NO. 868
REVISIONS FILED BY PUBLIC SERVICE)	
COMPANY OF COLORADO UNDER ADVICE LETTER)	SUPPLEMENTAL ORDER DENYING IN
NO. 190 - GAS AND UNDER ADVICE LETTER)	PART MOTION FOR ORDER AWARDING
NO. 643 - ELECTRIC.)	ATTORNEY'S FEES

November 12, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 21, 1974, Intervenor, Darold and Amye Martin, et al., by their attorney, Tucker K. Trautman, filed a "Motion for Order Awarding Attorney's Fees" which prays that this Commission award reasonable attorney's fees in the amount of \$927.50 to their attorney. By letter to the Commission dated October 23, 1974, Mr. Trautman advises that the fees, if awarded, would be received by the Legal Aid Society of Metropolitan Denver, Inc., with whom Mr. Trautman is employed. The letter further advises that the funds, if received, would be placed in a "litigation fund" which is used, for example, to pay for depositions and expert witness fees that come up in litigation on behalf of Legal Aid clients.

It should be noted that the principal decision in this case (Decision No. 85724) was entered on September 24, 1974, and the Motion herein was filed one (1) day less than four (4) weeks subsequent to that time. As such, the Motion is not timely and, accordingly, should be denied. In view of the procedural disposition of Intervenor Martins' Motion, we need not, and do not, reach the merits of the same.

An appropriate Order will be entered.

O R D E R

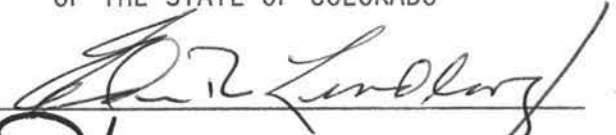
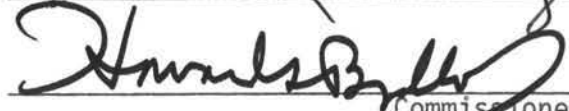
THE COMMISSION ORDERS THAT:

The Motion for Order Awarding Attorney's Fees filed by Intervenor Darold and Amye Martin, et al., be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1974.

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

* * *

RE: THE MATTER OF THE COLORADO)	
MOTOR TARIFF BUREAU, INC., AGENT,	)	APPLICATION NO. 27947
FOR AND ON BEHALF OF PETCO, INC.,)	
INTERSTATE (APPLICANT) BY ADDING	)	ORDER ALLOWING PUBLICATION
THE APPLICATION OF COLUMN "A"	)	OF THE APPLICATION OF RATES
AND COLUMN "B" RATES ON LESS THAN	)	ON LESS THAN STATUTORY NOTICE.
STATUTORY NOTICE.)	

November 12, 1974

STATEMENT

BY THE COMMISSION:

On October 25, 1974, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Petco, Inc., Interstate, Applicant, filed its petition to amend the rate scale applicable on petroleum and petroleum products as published on Original Page No. 42-B of Motor Freight Tariff No. 7-A by adding the following:

"Column A rates apply on all products as described in Item 10, except Residual Fuel Oil or Burner Fuel Nos. 3, 4, 5 and 6.

Column B rates apply only on Residual Fuel Oil or Burner Fuel Nos. 3, 4, 5 and 6."

FINDINGS OF FACT

1. Through omission, the application of the Column "A" and the Column "B" was not shown on Original Page No. 42-B which was issued on October 22, 1974, to become effective on November 22, 1974.

2. By this application, Applicant requests approval to file an Amended Page No. 42-B, to show the application of Column "A" and Column "B" rates, to become effective on less than statutory notice on November 22, 1974.

CONCLUSIONS ON FINDINGS OF FACT

The Commission concludes that good cause has been shown for authorization to publish the application of Column "A" and Column "B" rates as specified in the "Statement" herein, on less than statutory notice, that same will be necessary for the proper interpretation of the tariff, is just, reasonable and non-discriminatory, is in the public interest, is lawful, and should be allowed.

An appropriate Order will be entered.

O R D E R

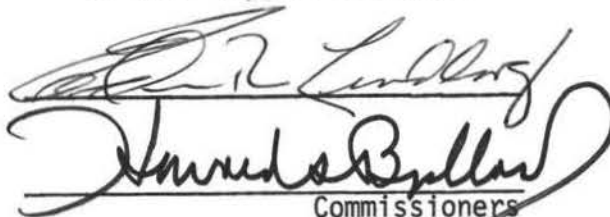
THE COMMISSION ORDERS THAT:

1. The Applicant, Petco, Inc., Interstate, by its Agent, Colorado Motor Tariff Bureau, Inc., be, and hereby is, authorized to publish the application of Column "A" and Column "B" rates, as specified in the "Statement" herein, by filing an Amended Page No. 42-B, to Motor Freight Tariff No. 7-A, on less than statutory notice, to become effective on November 22, 1974.

2. This Order shall be effective forthwith.

DONE IN OPEN MEETING this 12th day of November, 1974.

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

* * *

RE: THE MATTER OF INCREASED RATES AND CHARGES FILED ON BEHALF OF COLORADO DISPOSAL, INC., IN ITEM NO. 460, COLORADO MOTOR TARIFF BUREAU TARIFF NO. 1, COLORADO PUC NO. 1. -----	}	INVESTIGATION AND SUSPENSION DOCKET NO. 891 ORDER VACATING HEARING DATE, CLOSING DOCKET AND ALLOWING AMENDED TARIFF TO BECOME EFFECTIVE.
---	---	---

November 12, 1974

STATEMENT

BY THE COMMISSION:

On August 29, 1974, the Colorado Motor Tariff Bureau, Inc., as publishing agent for Colorado Disposal, Inc., Respondent, filed 6th Revised Page No. 28, 2nd Revised Page No. 28-A, 1st Revised Page No. 28-B and Original Page No. 28-C to Item 460, Colorado Motor Tariff Bureau Tariff No. 1, Colorado PUC No. 1, increasing rates and charges for the transportation of trash, to become effective October 1, 1974.

Sixteen letters of protest were received and the Commission by Decision No. 85712, dated September 17, 1974, suspended said filing, assigned Investigation and Suspension Docket No. 891, and set the matter for hearing on October 31, 1974.

The hearing was called at the designated time and place and it was noted that none of the sixteen protestants were present. Respondent offered Exhibit No. 1, which consisted of six (6) pages of revised rates and thirteen (13) pages of supporting data, and then requested a continuance of the hearing to allow staff additional time to analyze the revised rates and supporting data.

By Decision No. 85914, dated November 1, 1974, Examiner Robert Temmer, to whom this matter was assigned, set the matter for continued hearing on Monday, November 18, 1974.

FINDINGS OF FACT

THE COMMISSION FINDS AS FACT:

1. That the rates and charges as originally filed and suspended in this matter have been amended by the filing of Exhibit No. 1 at the hearing dated October 31, 1974.

2. That said Exhibit No. 1 was received into evidence by Examiner Temmer.

3. That those rates and charges amended by Exhibit No. 1 are all less than the increased rates and charges originally filed and suspended in this matter.

4. That additional supporting data has been furnished by Respondent in support of the amended rates.

5. That said supporting data included as a cost item a provision entitled "Regulatory Lag" which attempted to assign as a cost of operation the interest on rate increase revenues approved by the Commission but not immediately collected.

6. That the concept of "Regulatory Lag" as expounded by Respondent is incorrect in the determination of a rate case.

7. That excluding the "Expense" assigned to "Regulatory Lag" the remaining data furnished by Respondent reveals that the amended rates are cost justified and, if allowed to become effective, will not result in any improvement in Respondent's operating ratio.

8. That the amended rates are just and reasonable.

9. That sixteen (16) parties had filed protests to the increases as filed.

10. That none of the protestants appeared at the hearing on October 31, 1974.

CONCLUSIONS ON FINDINGS OF FACT

THE COMMISSION CONCLUDES:

1. That the increased rates and charges as contained in the amended tariff pages (Exhibit No. 1) are just and reasonable and should be allowed to become effective.

2. That the continued hearing set for November 18, 1974 should be vacated and Investigation and Suspension Docket No. 891 be closed.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That Respondent, Colorado Disposal, Inc., be, and it hereby is, authorized to place into effect the amended rates and charges contained in Exhibit No. 1 of this proceeding, on or after November 15, 1974, by the necessary publication in Colorado Motor Tariff Bureau Tariff No. 1, PUC No. 1.

2. That Investigation and Suspension Docket No. 891 be, and hereby is, closed.

3. That the continued hearing date of November 18, 1974 be, and it hereby is, vacated.

4. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 12th day of November, 1974.

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) WESTERN AIR STAGES, INC., FOR TEM-) PORARY AUTHORITY TO EXTEND OPERA-) TIONS UNDER ACS-71 TO INCLUDE THE) TRANSPORTATION OF PERSONS AND PROP-) ERTY IN SCHEDULED SERVICE BETWEEN) SPECIFIED POINTS IN COLORADO.)	APPLICATION NO. 27606-TA-Extension ORDER GRANTING PETITION TO REOPEN AND RECONSIDER APPLICATION FOR TEMPORARY AUTHORITY AND MOTION FOR CONTINUANCE, AND VACATING AND RESETTING HEARING.
--	--

November 12, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 29, 1974, Applicant, Western Air Stages, Inc., filed with the Commission Application No. 27606-TA-Extension.

On June 14, 1974, by Decision No. 85187, the Commission denied temporary authority in this application to Western Air Stages, Inc.

On August 22, 1974, an Amended Application for Temporary Authority was filed with the Commission by Applicant, Western Air Stages, Inc.

By Decision No. 85637 issued September 10, 1974, the Commission denied Applicant's second request for temporary authority.

On September 25, 1974, Applicant filed with the Commission a Petition for Reconsideration of Order Denying Temporary Authority.

The Commission's Decision No. 85772 issued October 1, 1974, denied Petition for Reconsideration of Order Denying Temporary Authority.

On November 7, 1974, Applicant, Western Air Stages, Inc., filed a Petition to Reopen and Reconsider Application for Temporary Authority.

On November 6, 1974, Rocky Mountain Airways, Inc., filed a Motion for Continuance and to Strike Hearing Date.

The Commission states and finds that the allegations of the Motion for Continuance are true and set forth good and sufficient grounds for granting the relief requested.

The Commission further states and finds that the allegations of the Petition to Reopen and Reconsider are true. Considering that the within application will not be heard until after the beginning of 1975, or until half the 1974-1975 ski season is over, to deny the requested temporary authority will result in hardship to the public. It therefore appears, and the Commission finds, that due to the granting of the Motion for Continuance, together with the start of the ski season, there now appears to be an immediate and urgent need for the proposed service and no other carrier service capable of meeting such need.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application for Temporary Authority filed by Applicant, Western Air Stages, Inc., filed on August 22, 1974, be, and hereby is, granted as set forth in Appendix A attached hereto.

2. Hearing set for November 21, 1974, be, and hereby is, vacated and hearing is reset as follows:

DATE: January 9, 1975

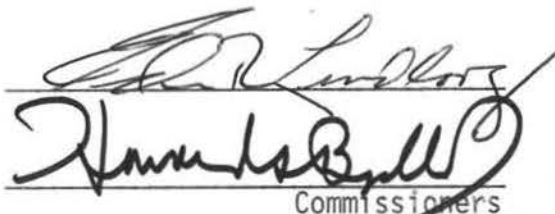
TIME: 9:00 o'clock A.M.

PLACE: Division No. 1 Courtroom
Mesa County Court House
Grand Junction, Colorado

3. This Order shall be effective forthwith.

DONE IN OPEN MEETING this 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT

cp

Appendix A
Decision No. 85948
November 12, 1974

Western Air Stages, Inc.

This Temporary Authority shall become effective November 22, 1974, and shall be in force and effect until final determination of the application pending before the Commission, but for not more than 180 days and shall create no presumption that the corresponding permanent authority will be granted thereafter.

Transportation -- by fixed wing aircraft on schedule -- of
Passengers and property

Between the following described points:

- (1) Colorado Springs, Colorado, and Aspen, Colorado;
- (2) Colorado Springs, Colorado, and airports located within a twenty-five (25) mile radius of Steamboat Springs, Colorado, serving the intermediate points of Vail, Colorado, and Eagle, Colorado.

RESTRICTION: Item No. 2 of this Temporary Authority is restricted against rendering transportation service between airports located within a twenty-five (25) mile radius of Steamboat Springs, Colorado, and Vail and Eagle, Colorado, in local movements.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOBBY T. KERBY, DOING BUSINESS AS)
"B T K TRUCKING," 1192 APPLEWOOD)
DRIVE, COLORADO SPRINGS, COLORADO,)
FOR AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27930-PP

ORDER OF THE COMMISSION

November 19, 1974

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.

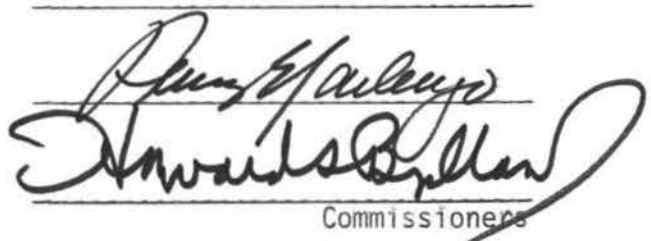
IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 19th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

Appendix
Decision No. 85949
November 19, 1974

B T K 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 and stone

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)
CALVIN A. KELLEY, 2061 MOUNT ZION)
DRIVE, GOLDEN, COLORADO, FOR AUTH-)
ORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27929-PP

ORDER OF THE COMMISSION

November 19, 1974

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.

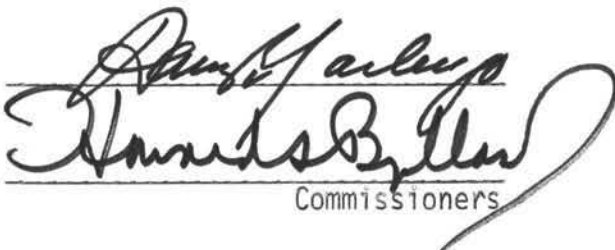
IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 19th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

Appendix
Decision No. 85950
November 19, 1974

Calvin A. Kelley

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 and stone

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)
LESTER W. COX, JR., BOX 538, CRAIG,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27924-PP

ORDER OF THE COMMISSION

November 19, 1974

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 November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

Appendix
Decision No. 85951
November 19, 1974

Lester W. Cox, Jr.

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 and stone

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)
FREDDIE GENTZ AND VIC QUINT, DOING)
BUSINESS AS "FREDDIE GENTZ TRUCKING,")
P. O. BOX 1289, STERLING, COLORADO,)
FOR AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27923-PP

ORDER OF THE COMMISSION

November 19, 1974

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.

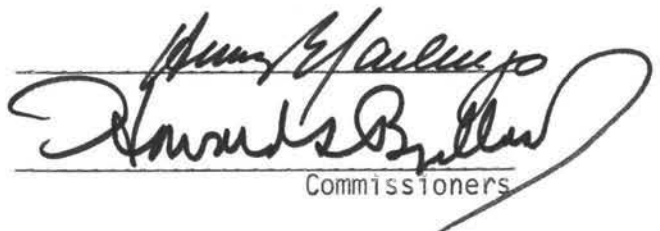
IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 19th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

Appendix
Decision No. 85952
November 19, 1974

Freddie Gentz 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 and stone

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: Item 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 of origin.

- (5) Farm products

Between all points located within an area comprised of the Counties of Logan, Washington, Phillips, Morgan, Yuma, and Sedgwick, State of Colorado.

RESTRICTION: Item No. (5) of this Permit is restricted against the transportation of livestock, bulk milk, and dairy products.

- (6) Natural fertilizer

Between all points located within an area comprised of the Counties of Logan, Washington, Phillips, Morgan, Yuma, and Sedgwick, State of Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAYMOND PFAFFENHAUSER, DOING BUSINESS)
AS "PFAFFENHAUSER CONSTRUCTION," BOX)
18, ALAMO STAR ROUTE, WALSENBURG,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27913-PP

ORDER OF THE COMMISSION

November 19, 1974

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 November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

Appendix
Decision No. 85953
November 19, 1974

Pfaffenhauser Construction

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 and stone

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.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY R. GLEASON, ROUTE 1, BOX 310,)
MONTROSE, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27907-PP
ORDER OF THE COMMISSION

- - - - -
November 19, 1974
- - - - -

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 November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

Appendix
Decision No. 85954
November 19, 1974

Roy R. Gleason

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 200 miles from the point(s) of origin.

(Decision No. 85955)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN SERVICE OF)	DOCKET NO. 900
WESTERN SLOPE GAS CO., DENVER,)	
COLORADO, FILED UNDER ADVICE)	ORDER SUSPENDING EFFECTIVE DATE
LETTER NO. 67.)	OF TARIFFS AND NOTICE OF HEARING

- - - - -
November 12, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Western Slope Gas Co., Denver, Colorado (hereinafter referred to as "Respondent" or "Western") filed with the Commission on October 18, 1974, its Advice Letter No. 67, Colorado PUC No. 2 - Gas, accompanied by various tariff sheets as more fully described therein and reference to which is hereby made. Respondent states that the purpose of this filing is to provide for a Gas Cost Adjustment (GCA) Clause in Respondent's tariff. The purpose of this filing is to cancel all currently effective Gas Rate Adjustment Riders, and to delete references to Presidential Executive Order 11723 pertaining to the so-called "price freeze".

The proposed tariffs would become effective on November 17, 1974, unless suspended by the Commission.

Pursuant to the provisions of 115-6-11 CRS 1963, as amended, the Commission may -- in its discretion -- suspend the effective date of a tariff filing for a period of 120 days pending further investigation and hearing. Said statute also provides for an additional ninety (90) day suspension period. The Commission's power and authority to suspend the changed rates as set forth in the tariffs accompanying Advice Letter No. 34 - Gas, therefore extend for a maximum period of 210 days, or, in this docket until June 15, 1975. If the Commission takes no action with respect to the filed tariffs by the aforesaid date in this docket, the tariffs filed by Western Slope Gas Co., will become effective by operation of law.

The Commission, on its own motion, states and finds that it should suspend the effective date of the herein proposed tariff revisions pending further investigation, and, accordingly will set the instant matter for hearing -- in the manner and form as set forth -- in the Order hereinafter to follow.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The herein matter with respect to the tariffs filed by Western Slope Gas Co., pursuant to its Advice Letter No. 67, be, and the same hereby is, set for hearing as follows:

DATE: December 13, 1974

TIME: 10:00 A.M.

PLACE: 500 Columbine Building
1845 Sherman Street
Denver, Colorado

2. Any person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before 10 a.m. on December 3, 1974.

3. The effective date of the tariff sheets filed by Western Slope Gas Co., Respondent herein, on October 18, 1974, under Advice Letter No. 67 - Gas, be, and hereby is, suspended until March 17, 1975, or until further order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 85956)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN SERVICE OF)	DOCKET NO. 901
CITIZENS UTILITIES COMPANY, LA JUNTA,)	
COLORADO, FILED UNDER ADVICE LETTER)	ORDER SUSPENDING EFFECTIVE DATE
NO. 34.)	OF TARIFFS AND NOTICE OF HEARING

November 12, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Citizens Utilities Company, a Delaware corporation, on October 10, 1974, filed with this Commission its Advice Letter No. 34, Colorado PUC No. 9 - Gas, accompanied by three tariff sheets as follows:

Colo. PUC No. 9 Gas

<u>Colo. PUC Sheet No.</u>	<u>Title of Sheet</u>	<u>Cancels Colo. PUC Sheet No.</u>
1.2, Original	Gas Cost Adjustment	
1.3, Original	Gas Cost Adjustment (Cont.)	
2, 23rd Revised	Index	2, 22nd Revised

The stated purpose of this filing is to incorporate a Purchased Gas Cost Adjustment which will allow the Company to pass on to gas customers increases or decreases in the purchased cost of natural gas. This Purchased Gas Cost Adjustment is intended to replace the current method of passing on changes in cost of purchased gas.

The proposed tariffs would become effective on November 15, 1974, unless suspended by the Commission.

Pursuant to the provisions of 115-6-11 CRS 1963, as amended, the Commission may -- in its discretion -- suspend the effective date of a tariff filing for a period of 120 days pending further investigation and hearing. Said statute also provides for an additional ninety (90) day suspension period. The Commission's power and authority to suspend the changed rates as set forth in the tariffs accompanying Advice Letter No. 34 - Gas, therefore extend for a maximum period of 210 days, or, in this docket until June 13, 1975. If the Commission takes no action with respect to the filed tariffs by the aforesaid date in this docket, the tariffs filed by Citizens Utilities Company will become effective by operation of law.

The Commission, on its own motion, states and finds that it should suspend the effective date of the herein proposed tariff revisions pending further investigation, and, accordingly will set the instant matter for hearing -- in the manner and form as set forth -- in the Order hereinafter to follow.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The herein matter with respect to the tariffs filed by Citizens Utilities Company pursuant to its Advice Letter No. 34, be, and the same hereby is, set for hearing as follows:

DATE: December 19, 1974

TIME: 10:00 A.M.

PLACE: 507 Columbine Building
1845 Sherman Street
Denver, Colorado

2. Any person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before 10 a.m. on December 9, 1974.

3. The effective date of the tariff sheets filed by Citizens Utilities Commission, Respondent herein, on October 10, 1974, under Advice Letter No. 34 - Gas, be, and hereby is, suspended until March 15, 1975, or until further order of the Commission.

4. Notice be, and hereby is, given of the hearing in this matter, as stated above.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF	)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN RATES OF CITIZENS	)	DOCKET NO. 902
UTILITIES COMPANY FILED UNDER ADVICE)	
LETTER NO. 33 AND ADVICE LETTER NO.	)	ORDER SUSPENDING EFFECTIVE DATE
33-SUPPLEMENTAL.	)	OF TARIFFS AND NOTICE OF HEARING

- - - - -
November 12, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 10, 1974, Citizens Utilities Company (hereinafter referred to as "Respondent" or "Company") filed Advice Letter No. 33, Colorado PUC No. 9 - Gas, accompanied by tariff revisions which would result in increased rates and charges in its gas services. Thereafter, on October 23, 1974, Respondent filed Advice Letter No. 33-Supplemental, likewise accompanied by various tariff revisions.

The stated purpose of these filings is to allow the Company the opportunity to earn a rate of return commensurate with what the Company believes is required by present day conditions, or not less than 10.1%.

The proposed tariffs would become effective on November 15, 1974, unless suspended by the Commission.

Pursuant to the provisions of 115-6-11, CRS 1963, as amended, the Commission may -- in its discretion -- suspend the effective date of a tariff filing for a period of 120 days pending further investigation and hearing. Said statute also provides for an additional ninety (90) day suspension period. The Commission's power and authority to suspend the changed rates as set forth in the tariffs accompanying Advice Letter No. 33 - Gas and Advice Letter No. 33-Supplemental - Gas therefore extend for a maximum period of 210 days, or, in this docket until June 13, 1975. If the Commission takes no action with respect to the filed tariffs by the aforesaid date in this docket, the tariffs filed by Citizens Utilities Company will become effective by operation of law.

The Commission, on its own motion, states and finds that it should suspend the effective date of the herein proposed tariff revisions pending further investigation, and, accordingly, will set the instant matter for hearing -- in the manner and form as set forth -- in the Order hereinafter to follow.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The herein matter with respect to the tariffs filed by Citizens Utilities Company pursuant to its Advice Letter No. 33 - Gas and Advice Letter No. 33-Supplemental - Gas be, and the same hereby is, set for hearing as follows:

DATE: December 30, 1974

TIME: 10 a.m.

PLACE: 500 Columbine Building
1845 Sherman Street
Denver, Colorado

2. Any person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before 10 a.m. on December 20, 1974.

3. The effective date of the tariff sheets filed by Citizens Utilities Commission, Respondent herein, on October 10, 1974, under Advice Letter No. 33 and Advice Letter No. 33-Supplemental - Gas be, and hereby is, suspended until March 15, 1975, or until further order of the Commission.

4. Notice be, and hereby is, given of the hearing in this matter, as stated above.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1974.

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 PROPOSED	)	INVESTIGATION AND SUSPENSION
INCREASED RATES AND CHARGES	)	DOCKET NO. 867
CONTAINED IN TARIFF REVISIONS)	
FILED BY MOUNTAIN STATES TELE-	)	ORDER OF THE COMMISSION
PHONE AND TELEGRAPH COMPANY	)	SETTING FOR FURTHER HEARING
UNDER ADVICE LETTER NO. 987.)	

November 12, 1974

S T A T E M E N T

BY THE COMMISSION:

On Monday, November 11, 1974, Sander N. Karp, Esq., as attorney for the Colorado Workers Unity Organization, by oral motion made at open hearing then in process before the entire Commission, withdrew the Motion theretofore filed requesting reimbursement of attorneys' fees and costs advanced for expert witnesses, stating that his oral motion would be confirmed in writing. Permission was granted by the Commission to withdraw the Motion requesting reimbursement.

The Colorado Municipal League is the only other party which has filed a request for relief by way of reimbursement, and the time for filing such motions has elapsed, so there remains only the Motion of the Colorado Municipal League to be considered by this Commission for costs advanced and attorneys' fees incurred, pursuant to the preliminary Order of the Commission dated October 15, 1974, being Decision No. 85817.

Counsel for the Colorado Municipal League, by oral motion, requested a setting for hearing of the request for reimbursement of the League, to be heard by the full Commission on Monday, November 25, 1974 at 10 a.m.

Said Decision No. 85817 of October 15, 1974, under paragraph 3 of the Order, indicated that ten days notice would be given by the Commission prior to the date of the hearing.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. With respect to the Motion for Reimbursement heretofore filed by the Colorado Municipal League for costs advanced for the employment of expert witnesses and for attorneys' fees incurred, that a hearing thereon will be had as follows:

DATE: Monday, November 25, 1974

TIME: 10 o'clock A.M.

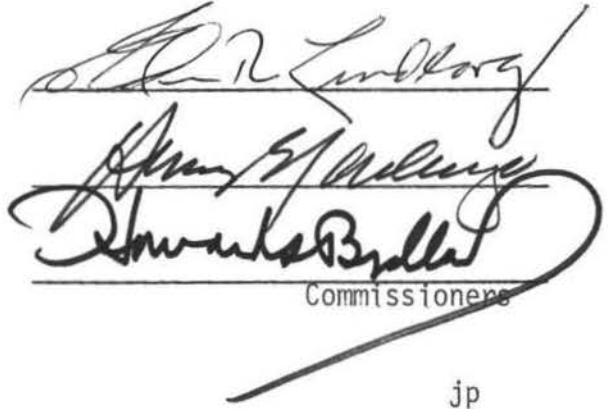
PLACE: Hearing Room
500 Columbine Building
1845 Sherman Street
Denver, Colorado

2. That a copy of this Statement and Order will be forthwith served upon counsel for the parties of record by the Secretary of this Commission by regular mail.

3. This Order shall be effective forthwith.

DONE IN OPEN MEETING this 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RICHARD W. DREBENSTEDT
2355 FLORA DRIVE
LOVELAND, COLORADO
Complainant,

vs.

MOUNTAIN BELL TELEPHONE COMPANY
931 14TH STREET
DENVER, COLORADO
Respondent.

CASE NO. 5571

ORDER GRANTING MOTION TO DISMISS

November 12, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 15, 1974, Complainant filed his verified complaint herein.

On October 18, 1974, the Commission directed its Order to Satisfy or Answer to Respondent within 20 days. Subsequently, Respondent filed a Motion to Dismiss, dated November 6, 1974, asserting therein that the complaint should be dismissed.

The Commission states and finds that the allegations made in the Motion to Dismiss are correct and that for the reasons set forth therein, or any of them, said motion should be granted.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. Respondent's Motion to Dismiss be, and hereby is, granted.
2. The within complaint be, and hereby is, dismissed without prejudice.

This order shall be effective forthwith.

DONE IN OPEN MEETING this 12th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision No. 85960)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES C. ROLL, DOING BUSINESS AS)
"BIG HORN ENTERPRISES," 810 WEST)
SECOND STREET, SALIDA, COLORADO,)
FOR TEMPORARY APPROVAL TO CONDUCT)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 9653, PENDING DETERMINATION)
OF THE APPLICATION TO ACQUIRE SAID)
CERTIFICATE.)

APPLICATION NO. 27912-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

November 19, 1974

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 November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MICHAEL L. BIRD, DOING BUSINESS AS)
"T-K CAB," P. O. BOX 531, VAIL,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27937-TA

ORDER DENYING TEMPORARY AUTHORITY

- - - - -
November 19, 1974
- - - - -

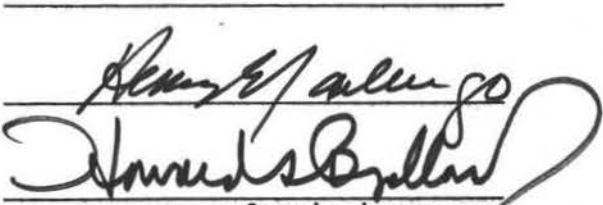
The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

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

DONE IN OPEN MEETING the 19th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES K. AND EDITH AKERS, DOING)
BUSINESS AS "AKERS TRUCK SERVICE,")
ROUTE 2, BOX 16B, LAMAR, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27935-TA
ORDER DENYING TEMPORARY AUTHORITY

- - - - -
November 19, 1974
- - - - -

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 November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

(Decision No. 85963)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
S. A. LINTHICUM, 2217 NORTH FRANKLIN)
STREET, COLORADO SPRINGS, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT CAR-)
RIER BY MOTOR VEHICLE.)

APPLICATION NO. 27950-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 19, 1974

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 November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

Appendix
Decision No. 85963
November 19, 1974

S. A. Linthicum

Transportation of

Lost or overdue passenger baggage, clothing and personal effects

From passenger terminals at Peterson Field Airport, Colorado Springs, Colorado, to all points located within the Counties of Teller and El Paso, State of Colorado.

RESTRICTION: This emergency temporary authority is restricted to rendering transportation service for the following customers only: Braniff International Airways, Peterson Field, Colorado Springs, Colorado; Continental Airlines, Peterson Field, Colorado Springs, Colorado; Frontier Airlines, Peterson Field, Colorado Springs, Colorado; Trans World Airlines, Stapleton Airport, Denver, Colorado; United Airlines, Stapleton Airport, Denver, Colorado; Western Airlines, Stapleton Airport, Denver, Colorado.

(Decision No. 85964)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BROADMOOR HOTEL, INC., DOING BUSI-)
NESS AS BROADMOOR HOTEL GARAGE,)
P. O. BOX 1439, COLORADO SPRINGS,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 27898

ORDER GRANTING LEAVE TO INTERVENE

November 19, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 11, 1974 San Juan Tours, Inc., by its attorney Eric Paul, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

San Juan Tours, Inc., be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 19th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT

jp

(Decision No. 85965)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELBERT BARR, 719 31ST STREET, DENVER,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27956-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 19, 1974

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.

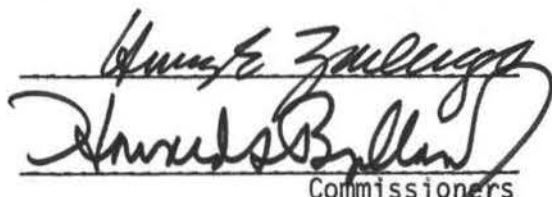
IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

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 November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

Appendix
Decision No. 85965
November 19, 1974

Elbert Barr

Transportation of

Used tires

From Montgomery Wards Store No. 2196 located at 1400 South Havanna, Aurora, Colorado, to Firestone Tire & Rubber Company, located at 4300 Brighton Boulevard, Denver, Colorado.

RESTRICTION: This emergency temporary authority is restricted to rendering transportation service for one customer only, Montgomery Ward & Company.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
EUGENE MICHAEL LEWIS, DOING BUSINESS)	APPLICATION NO. 27640
AS "LEWIS I.D.A. PRESCRIPTION AND)	
GROCERY SERVICE," 3011 YORK STREET,)	RECOMMENDED DECISION OF
DENVER, COLORADO, FOR A CERTIFICATE)	THOMAS M. McCAFFREY,
OF PUBLIC CONVENIENCE AND NECESSITY)	EXAMINER
AUTHORIZING OPERATIONS AS A COMMON)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	DENYING APPLICATION

- - - - -
November 14, 1974
- - - - -

Appearances: Arthur R. Hauver, Esq.,
Denver, Colorado, for
Applicant;
Harlan G. Balaban, Esq.,
Denver, Colorado, for
Yellow Cab, Inc., Protestant;
Thomas J. Wegs, Esq.,
Denver, Colorado, for
Cabs, Inc., d/b/a Dollar
Cab Line, operating as
Zone Cabs, Protestant;
I. H. Kaiser, Esq., Denver,
Colorado, for Independent
Drivers Association of
Denver, Protestant.

PROCEDURE AND RECORD

On June 7, 1974, Applicant filed the above-titled application for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned Docket No. 27640 to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

Yellow Cab, Inc.; Cabs, Inc., d/b/a "Dollar Cab Line, operating as Zone Cabs"; and the Independent Drivers Association of Denver filed timely protests to the granting of the application.

After due and proper notice to all interested persons, firms, or corporations, the Commission set the application to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Tuesday, September 3, 1974, at 10 a.m. The application was called for hearing at the scheduled time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been assigned. Applicant proceeded to present evidence in support of the application; and, after a complete day of hearing, it was agreed among all parties present that the matter would

be continued for additional hearing in the Hearing Room of the Commission on October 10, 1974, and October 15, 1974, at 9 a.m. The hearing was reconvened on October 10, 1974, and concluded on October 15, 1974.

Exhibits 1 through 6, inclusive, and Exhibits 9 and 11 through 16, inclusive, were offered and admitted into evidence. Exhibits 7 and 8 were so marked but not offered, and Exhibit 10 was rejected by the Examiner. Official notice was taken of Protestant Yellow Cab, Inc.'s tariffs on file with the Commission.

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 the 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 Eugene Michael Lewis, Jr., is an individual doing business as "Lewis I.D.A. Prescription and Grocery Service," residing at 3011 York Street, Denver, Colorado.

2. By this application, as restrictively amended in the hearing, Applicant proposes to operate as a common carrier by motor vehicle for hire for:

Transportation -- on call and demand -- of

Such commodities as are sold by or dealt in by retail grocery stores, chain stores and supermarkets, and passengers (only when accompanied by their purchases from the retail grocery stores, chain stores and supermarkets)

From retail grocery stores, chain stores and supermarkets located within the area bounded by Alameda Avenue on the south, Sheridan Boulevard on the west, Yosemite Street on the east, and the city limits of the city and county of Denver on the north, to private homes and residences of the customers of the said retail grocery stores, chain stores and supermarkets, located within the above-described area, excepting therefrom Stapleton International Airport and Lowry Air Force Base.

3. Protestant Yellow Cab, Inc., is owner and operator of Certificates of Public Convenience and Necessity PUC No. 2204, PUC No. 2204-I, PUC No. 2378, and PUC No. 2378-I. The pertinent authority, PUC No. 2378 and PUC No. 2378-I, provides as follows:

"(1) Transportation -- by taxicab -- of

Passengers and their personal baggage

From point to point within a radius of twenty (20) miles of 16th and Champa Streets, Denver, Colorado, and to and from said area, from and to all points in the State of Colorado.

(2) Transportation -- by taxicab -- of

Packages, parcels, baggage, messages, letters, papers and documents

From point to point within a radius of twenty (20) miles of 16th and Champa Streets, Denver, Colorado.

(3) Transportation -- by taxicab -- of

Packages, parcels, baggage, messages, letters, papers, and documents

From the area within a radius of twenty (20) miles of 16th and Champa Streets, Denver, Colorado, to all points in the State of Colorado.

RESTRICTIONS:

(a) Items (2) and (3) of this Certificate are restricted as follows:

1) Restricted against transportation of items that exceed fifty (50) pounds

2) Each delivery from point of origin to point of destination shall be charged as though one passenger was transported in addition to the extra charge made for leaving the vehicles to pick up or deliver such item;

(b) Item (3) is restricted to one shipment per cab.

(c) All operations under this Certificate shall be limited to the use of one hundred eleven (111) cabs.

(4) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

4. Protestant Cabs, Inc., doing business as Dollar Cab Line, operating Zone Cabs, is owner and operator of Certificate of Public Convenience and Necessity PUC No. 1221, providing:

"1. Transportation -- in taxicab service -- of

Passengers and their baggage

Between all points within the City and County of Denver, State of Colorado, and between said points, on the one hand, and points within an eighty-five (85) mile radius of 16th and Champa Streets, Denver, Colorado.

RESTRICTION:

Item 1 of this Certificate is restricted in the following manner, to-wit:

- (a) Against the rendering of any service originating within a fifteen (15) mile radius of the following cities of the State of Colorado: Boulder, Fort Collins, Greeley, Longmont, and Loveland, except that area of said radius that lies within a twelve (12) mile radius of 16th and Champa Streets, Denver, Colorado.
- (b) Restricted to the use of vehicles rated by manufacturers as five (5) passengers, including driver.
- (c) The number of vehicles to be used in the conduct of operations hereunder shall not exceed sixty-seven (67) in number.

2. Transportation -- on call and demand -- of

Packages, parcels, baggage, messages, letters, papers and documents

Between all points within a sixteen (16) mile radius of 16th & Champa Streets, Denver, Colorado, and between said points, on the one hand, and those areas in Jefferson County known as Rocky Flats and the Martin Company near Waterford, Colorado, on the other hand.

RESTRICTION:

Item 2 of this Certificate is restricted in the following manner, to-wit:

- (a) All transportation service to be rendered hereunder shall be performed only in taxicabs.
- (b) Individual items transported shall not exceed fifty (50) pounds in weight.
- (c) Each delivery from one origin to one destination shall be charged as though one passenger has been transported from that origin to that point of delivery, in addition to any extra charge made for leaving the vehicle to pick up or deliver such item.

- (d) The number of vehicles to be used in the conduct of operations hereunder shall not exceed sixty-seven (67) in number."

5. Protestant Independent Drivers Association of Denver holds no authority from this Commission and is the authorized representative of numerous Yellow Cab drivers in Denver.

6. Five public witnesses testified in support of this application, and it was stipulated among the parties that an additional approximately 101 public witnesses, whose names and addresses are listed in Applicant's Answers to Interrogatories propounded by Protestant Yellow Cab, Inc., would have testified the same in substance and effect as the five witnesses who did testify. Included in this list of witnesses were four persons who operated, managed, or were otherwise connected with retail grocery stores.

The five persons who testified in support of the application were: Charmaine Bain, 1353 Meade Street, Denver; Lita Barba, 1338 Lowell Boulevard, Denver; Cody Walker, 3056 Gaylord Street, Denver; Rose Hernandez, 2905 West 10th Avenue, Denver; and Lawrence Castillo, Manager of Ace's Super Market, 1304 East 22nd Avenue, Denver. Each of these witnesses cited at least one instance when it has been necessary to wait an extraordinary length of time for cab service from the grocery store, in some instances taking up to 2 1/2 hours to obtain service. Testimony also indicated that cab drivers are often discourteous, refusing to either come in the store to help them with their bags of groceries or to assist the customer in carrying the groceries from the cab to their house. It takes an average of approximately 20 minutes to obtain cab service at the grocery store Mr. Castillo manages, and this delay may be as much as 1 1/2 hours around the first of the month.

7. Substantial evidence of record clearly shows that while existing taxi service to and from retail grocery stores, chain stores, and supermarkets may not at all times be entirely satisfactory, the presently authorized carriers, particularly the Protestants herein, do render generally efficient and reasonably prompt service. Testimony concerning purported inadequacy was inconsistent, indefinite, and vague. Protestants give immediate attention to all complaints received, and all drivers who fail to give reasonably prompt and courteous service are reprimanded or otherwise disciplined. Applicant in this proceeding has failed to show that the existing common carrier service is inadequate; and, indeed, substantial evidence indicates that Applicant would be unable to efficiently and promptly render the proposed transportation service. Neither the Applicant nor any witness who testified in this hearing was aware of the rates Applicant would charge, how Applicant would be contacted when service was desired, or how Applicant could serve all of the grocery stores, chain stores, and supermarkets (estimated by Applicant at 200 within the area he proposes to serve). If this application were granted, Applicant would initially use three vehicles, a 1969 Cadillac Sedan, a 1967 Cadillac Sedan, and a 1959 Ford pickup truck, purchasing additional vehicles as needed. Applicant has made no study of the economic feasibility of the proposed operation and does not know how much or by what method he would compensate the drivers he would necessarily have to employ. Applicant has spoken with a Mountain Bell representative concerning possible mobile phone service in his vehicles, but does not know what type of such service is feasible in his operation or what the cost thereof may be.

8. Applicant contends that the doctrine of regulated competition, as set forth in 115-9-5, CRS 1963, as amended, which applies to the transportation of property, also applies to the authority sought in this application, since no passengers would be transported unless accompanied by their purchases. Applicant's position, simply stated, is that the doctrine of

regulated competition applies whenever property is also transported. This contention is clearly untenable, and no cases cited by Applicant supports this position. The doctrine of regulated competition, as set forth in 115-9-5(2), CRS 1963, as amended, does not include the transportation of passengers, with or without property, and the authority sought in this application falls within the doctrine of regulated monopoly. There is no substantial evidence of record to show that the existing common carrier service is inadequate, and the present and future public convenience and necessity does not require, or will not in the future require, the granting of the authority as requested in this application.

9. Applicant also contends in his application that neither Protestant Yellow Cab, Inc., nor Zone Cab is presently authorized to render the service Applicant proposes to render if this application is granted. It is Applicant's position that these Protestants' authorities as set forth in Findings of Fact Nos. 3 and 4, respectively, do not authorize the transportation of customers and their items of purchase weighing in excess of 50 pounds since the word "baggage" does not include food and non-food items that may be purchased at grocery stores, chain stores, and supermarkets. Applicant's interpretation of Protestants' respective authorities is that paragraph (1) of Yellow Cab's certificates and paragraph 1. of Zone Cab's certificate do not authorize the transportation of passengers with their items of purchase, and it is under paragraph (2) and 2. of the respective certificates, limiting the weight of items to 50 pounds, wherein the Protestants are granted authority to transport purchased items with passengers. Under this interpretation, Protestants must necessarily refuse service to any person when accompanied by any item in excess of 50 pounds.

In considering Applicant's interpretation, the Examiner notes initially that to refuse service to any person because he or she may be carrying an item or items weighing more than 50 pounds would be in violation of Rule VII of this Commission's Rules and Regulations Governing Operations of Taxicabs, of which Rule the Examiner on his own motion takes official notice. Such interpretation would, in numerous instances, defeat the purpose and intent of the subject authorities, i.e., to transport any person, except those specifically enumerated in said Rule VII, upon request.

Applicant would make the word "baggage" as contained in Protestants' authorities synonymous with the words "suitcase," "valise," or similar items commonly accompanying travelers on out-of-town trips. This position is not supported by Colorado case law cited by Applicant, viz., The Denver and Rio Grande Railroad Company v. Johnson, 114 P. 65, 50 Colo. 187 (1911). In the cited case, the Colorado Court stated:

" . . . The term 'baggage' includes such articles of necessity or convenience as are usually carried by passengers for personal use or comfort or protection during the continuance of a journey, and what constitutes baggage in any given case depends, in some measure, upon its own circumstances." (50 Colo. 187, 189)

The term "baggage" as defined in Black's Law Dictionary, of which the Examiner on his own motion takes official notice, is as follows:

"BAGGAGE. In the law of carriers, this term comprises such articles of personal convenience or necessity as are usually carried by passengers for their personal use. It includes whatever the passenger takes with him for his personal use or convenience according to the habits or wants of the particular class to which he belongs, either with reference to the immediate necessities or ultimate purpose of the journey." (Black's Law Dictionary, p. 176)

The tariffs of Protestants Yellow Cab, Inc., and Zone Cab, as shown in Exhibit Nos. 13 and 15, respectively, contain provisions and charges for the transportation of passengers, with a specific charge for each piece of hand baggage without weight limitation. While certainly tariffs accepted by and on file with this Commission are not determinative of a utility's authority, it is clearly Colorado law that ". . . great weight must be given to the interpretation which the Commission gives to its own language, and unless such interpretation is clearly erroneous, arbitrary, or in excess of its jurisdiction, the Courts may not interfere." Malone Freight Lines, Inc. v. U. S., 344 U. S. 925. And ". . . certainly the Commission, as the immediate authority issuing the Certificate, is in the best position to know what rights were intended to be granted thereunder." PUC v. Weicker Transportation Company, 102 Colo. 211, 78 P.2d 633. It is thus hereby found as fact that the phraseology "passengers and their personal baggage" as stated in Certificates of Public Convenience and Necessity PUC Nos. 2204, 2204-I, 2378, and 2378-I owned and operated by Yellow Cab, Inc., and the phraseology "passengers and their baggage" as used in Certificate of Public Convenience and Necessity PUC No. 1221 issued to Zone Cabs were at the time of issuance and are now intended and interpreted to include the authority to transport passengers, accompanied by their purchases from retail grocery stores, chain stores, and supermarkets. Applicant's much more restrictive interpretation of the word "baggage" is without merit as said interpretation pertains to the foregoing authorities.

10. The granting of this application would not be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Application No. 27640 should be denied.
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. 27640, being the application of Eugene Michael Lewis, doing business as "Lewis I.D.A. Prescription and Grocery Service," 3011 York Street, Denver, Colorado, for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, be, and hereby is, denied.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 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
nlr

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: SUPPLEMENT K-8 TO TARIFF OF)	INVESTIGATION AND SUSPENSION
INCREASED RATES AND CHARGES	)	DOCKET NO. 878
X-305-A.)	
	)	RECOMMENDED DECISION OF
	)	THOMAS M. McCAFFREY,
	)	EXAMINER

- - - - -
November 14, 1974
- - - - -

Appearances: John S. Walker, Esq.,
Denver, Colorado,
Commerce Counsel and
Attorney for the Colorado
Railroads;
Willard L. Peck, Esq.,
Denver, Colorado, for
The Colorado and Southern
Railway and Burlington-
Northern, Inc.;
Douglas McHendrie, Esq.,
Denver, Colorado, for
The Atchison, Topeka &
Santa Fe Railway Company;
John J. Burchell, Esq.,
Omaha, Nebraska, for the
Union Pacific Railroad
Company;
Don McDevitt, Esq.,
Chicago, Illinois, for
the Chicago, Rock Island
& Pacific Railroad Co.;
Herbert M. Boyle, Esq.,
Denver, Colorado, for
Great Western Sugar Company,
Protestant;
Oscar Goldberg, Esq.,
Denver, Colorado, for the
Staff of the Commission.

PROCEDURE AND RECORD

On June 18, 1974, E. A. McCarron, Tariff Publishing Officer, for and on behalf of Colorado Railroads transporting intrastate traffic within the state of Colorado, filed Supplement K-8 to Tariff of Increased Rates and Charges X-305-A. If allowed to become effective, said Supplement would have increased intrastate rates and charges by ten (10) percent.

The increased charges as filed would have become effective on July 20, 1974, and the Commission, in Decision No. 85403, issued July 16, 1974, suspended Supplement K-8 for a period of one hundred twenty (120) days or until November 17, 1974, unless otherwise ordered by the Commission.

On July 1, 1974, the Great Western Sugar Company filed its Protest and Petition for Suspension. Said Petition and Protest was limited to the application of the proposed increased rates on sugar beets, molasses, and beet sugar final.

The Commission, in the aforesaid Decision No. 85403, with due and proper notice to all interested persons, firms, or corporations, set the matter for hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on October 7, 1974, at 10 a.m. In the same Decision the Commission ordered that the Respondent Railroads provide data to the Secretary of the Commission relating specifically to intrastate operations. In supplementary Decision No. 85593, the Commission restricted the submission of the specific data to those Respondents with annual revenues from intrastate operations exceeding one million dollars. The hearing was held at the scheduled time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned.

Exhibits 1 through 6 and 8 through 14, inclusive, were offered and admitted into evidence. Exhibit 7, which stated the fuel oil cost for 1973-74, was so marked but withdrawn as an exhibit. Official notice was taken of Decision No. 85567, issued August 20, 1974; Decision No. 85156, dated June 10, 1974; and the Annual Reports and Documents contained in the files of the respective Respondents on file with the Commission.

At the conclusion of the hearing, the Examiner ordered all parties, including Staff of the Commission, to file Statements of Position on or before October 15, 1974, which Statements were duly filed. The subject matter of the proceeding 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, 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. Respondents in this matter are the Atchison, Topeka & Santa Fe Railway Company; Burlington-Northern, Inc.; Chicago, Rock Island & Pacific Railroad Company; The Colorado and Southern Railway Company; The Colorado & Wyoming Railway Company; The Denver & Rio Grande Western Railroad Company; The Great Western Railway; Missouri Pacific Railroad Company; Southern San Luis Valley Railroad Company; Union Pacific Railroad Company; and The San Luis Central Railroad, all common carriers by rail operating within the state of Colorado and subject to the jurisdiction of this Commission.

2. On May 6, 1974, the Respondents filed schedules with the Interstate Commerce Commission for a nationwide general increase of ten percent in freight rates and charges. This Tariff of Increased Rates and Charges X-305 was to become effective June 5, 1974, and the Interstate Commerce Commission, after permitting the filing of protests and verified statements in opposition to the proposed increase, did, on June 3, 1974, issue an order approving the increase, subject to certain exceptions and conditions. Tariff filing X-305 was suspended, but the ICC authorized the carriers to publish on not less than 15 days' notice to the ICC and the public a new tariff X-305-A in line with the ICC order. This order encompassed two important changes in the original tariff consisting of elimination of the increase on recyclables and increasing Tables 3 and 3-G .3 of one percent. The tariff X-305-A was published to become effective June 20, 1974. Respondents

herein thus seek authority from this Commission to increase freight rates and charges in the amount of ten percent on intrastate shipments in Colorado.

3. In Decision No. 85403, dated July 16, 1974, in which the Commission suspended this tariff filing, which Decision was supplemented by Decision No. 85593, dated August 27, 1974, both of which Decisions the Examiner on his own motion hereby takes official notice, ordered, inter alia, that 15 days prior to the hearing date as set forth in said Order Respondents 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, and a list of their witnesses; and . . . "said exhibits shall include but not be limited to: Specific Intrastate Data concerning the major commodities (not less than five) moving intrastate within Colorado." Said Decision No. 85403 further ordered as follows:

"9. That the specific data by commodity shall be for a base year and shall include:

- a. Number of Cars
- b. Average Revenue per Car
- c. Average Operating Cost per Car

"10. That the base year statistics required herein shall be adjusted to reflect:

- a. Rate increases authorized by the Public Utilities Commission since the base year data, and
- b. Cost changes on labor and on material used from base year to current date.

"11. That in addition to the specific data list in Ordering Paragraph Seven herein for the major commodities, one additional listing giving data for 'All Other Commodities' will have to be made so that the total revenue will equal that reported by each Respondent in the Annual Report R-1, Schedule 710, Line 1 (Freight)."

The Supplemental Order in Decision No. 85593 amended the above portions of the Order so that the requested data would be applicable only to those Respondents whose annual revenue from Colorado intrastate traffic exceeds one million dollars per year.

4. Of the Respondents herein, only The Denver & Rio Grande Western Railroad Company has annual revenue from Colorado intrastate traffic in excess of one million dollars per year, and this Respondent was thus the only carrier to submit the data listed above. Denver & Rio Grande's Exhibits 1 through 4 show comparative rates on barley from Monte Vista to Golden, Colorado; on cement in bulk from Portland, Colorado, to Grand Junction, Colorado; on gasoline from Denver to Grand Junction, Colorado; and on cement in bulk from Portland, Colorado, to Laramie, Wyoming, to Denver, from January 1, 1971, through the hearing date and include the proposed rate under X-305-A. These exhibits show that the amount of increase has not been consistent due to adjustments which have been made in some specific rates, and the witness supporting the exhibits agreed that the proposed rates might also be subject to adjustment due to competitive factors.

5. Exhibit 5, introduced by H. N. Maris, Senior Costs Analyst of The Denver & Rio Grande Western Railroad, shows increases in material prices, other than fuel, for the period from October, 1973, through August of 1974. These figures show a total increase in material prices, other than fuel, of 21.5 percent from October 1, 1973, through August, 1974. While this percentage figure is undoubtedly correct, this Commission in Decision No. 85156, issued June 10, 1974, of which official notice has been taken, did authorize a freight rate increase in the amount of four percent based upon material price increases, other than fuel, through January of 1974, and any such material price increases prior to January, 1974, were thus covered in that authorized four percent increase.

Respondent Denver & Rio Grande Western in Appendix A of Exhibit 5 has used September of 1973 as the base month and shows that the total cost of materials purchased through August of 1974, based upon September, 1973, prices, would have been \$16,733,806. Using the monthly average over this 11-month period, the projected purchase cost over a 12-month period would be approximately \$18,255,000. In Denver & Rio Grande Western's 1973 Annual Report filed with this Commission, of which report official notice has been taken, this carrier's railway operating expenses for 1973 were \$87,198,000. Thus, the \$18,255,000 material cost expense is approximately 20.94 percent of the total operating expenses. With September, 1973, as the base month, the compounded percent increase of 21.5 percent multiplied by the material factor of 20.94 percent equals approximately 4.5 percent.

As indicated above, material price increases through January of 1974 were considered by this Commission in authorizing the four percent freight rate increase in Decision No. 85156, supra, and thus January of 1974 should be used as the base month in computing the actual percentage of increase Denver & Rio Grande Western has incurred since the last four percent authorized increase. Using January, 1974, as the base month, the compounded percent increase would be thus:

January, 1974		100.0
February	.4	100.4
March	3.7	104.1
April	1.2	105.3
May	4.8	110.4
June	2.6	113.3
July	3.7	117.5
August	1.1	118.8

The compounded percent of increase of 18.8 percent indicated immediately above, multiplied by the material factor of 20.94 percent equals approximately 3.9 percent as the actual material costs increase. Evidence submitted by Denver & Rio Grande Western in this proceeding thus does not justify any increase in excess of four percent.

6. Evidence in this proceeding, as set forth in Exhibit 6, is based upon the Respondents' entire systems. Evidence does indicate that the Respondents' systems as a group have experienced a decline in net operating income in 1973, reflecting the deleterious effect inflationary pressures have had on the railroad systems for the period 1966 through 1973. The record herein does generally show a need for increased revenues to be disbursed in the areas of higher maintenance standards, expanded maintenance of equipment programs and additional rolling stock, etc. This evidence, however, fails to relate these data to the Colorado intrastate operations of the Respondents. Respondents undoubtedly are in need of increased freight rates, but before this Commission can authorize the

proposed ten percent increase as requested in this tariff filing, the various Respondents must submit definitive data as to their respective operations within the state of Colorado, as well as the amount and kind of expenditure to be made on their respective systems within this state. Without such specific, detailed information showing the amount of revenue derived, operating expenses incurred and projected expenditures to be made on Respondents' systems within the state, it is not in the public interest for this Commission to authorize rate increases based upon Respondents' entire systems.

7. Respondent Union Pacific Railroad has, in Exhibit 9, provided information concerning the actual number of cars of selected commodities which moved intrastate in Colorado in 1973, and the average revenue and average operating cost per car were also provided. The cost thereof, however, was computed on the basis of average Rail Form A costs by car type and thus provide no specific data insofar as actual intrastate operations are concerned. As indicated above, such evidence is insufficient to justify the proposed ten percent rate increase. It is recognized that of all the Respondents herein, only Respondent Denver & Rio Grande Western Railroad Company was required to, and did, furnish the specific data as ordered in Decision No. 85403, supplemented by Decision No. 85593, in this proceeding, and it is not assumed that the Denver & Rio Grande is representative of the majority of the respective Respondents herein. The type and volume of rail services rendered by each Respondent within the state of Colorado necessarily vary, and for this Commission to determine what is a just and reasonable increase for all of the Respondents, such determination must be based upon specific data relating to each Respondent's operations within the state. It is not the intent or desire of this Commission to deprive railroad utilities operating within the state of needed revenues, nor does the Commission ignore the fact that the Respondents' operating expenses are increasing rapidly in this period of spiraling inflation. The need for increased revenue based upon increased expenditures must, however, be related to services rendered within the state. If sufficiently detailed information is submitted to this Commission, a just and reasonable rate increase will not be denied.

8. Respondents' Exhibit 7, which was withdrawn, was designed to justify an increase in rates to offset increased fuel charges. This Commission in Decision No. 85567, issued August 20, 1974, Re: The Matter of Supplement K-7 to Tariff of Surcharges Account Increases in Fuel Costs X-301-D Increasing Rates and Charges on Colorado Intrastate Rail Traffic, of which official notice has been taken, authorized an increase of 3.3 percent to offset increased fuel charges. These increased fuel costs are included in Table 3 of this instant filing, and, having been previously justified, should be authorized. X-301-D should be canceled and the authorization granted in Decision No. 85567 should be included in this tariff, i.e., X-305-A.

9. Substantial evidence of record shows that Respondents are clearly in need of an increase in the amount of four percent over and above their existing freight rates and charges in intrastate traffic, and said four percent increase is just and reasonable. There is no substantial, clear and convincing evidence in this proceeding to justify any increase in excess of four percent.

10. It is the position of Protestant Great Western Sugar Company that any additional increase authorized in this proceeding should exclude therefrom sugar beets, molasses, and beet sugar final rates. It is common knowledge, and official notice is hereby taken of the fact, that sugar prices have increased at an extraordinarily rapid rate above other food commodities, but there is no evidence in this proceeding to show that such

increases are in any way connected with freight rates charges by Respondents. It is thus hereby found as fact that this Protestant's contentions in this proceeding are without merit, and the specified commodities should not be excluded from the increase hereinafter granted.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Respondent's request for authority to increase freight rates and charges on intrastate traffic within the state of Colorado in any amount exceeding four percent should be denied.

2. Supplement K-7 to Tariff of Surcharges Account Increases in Fuel Costs X-301-D should be canceled, and the increase in the amount of 3.3 percent on rates and charges on Colorado intrastate traffic granted therein should be included in an appropriate K-Supplement to Tariff of Increased Rates and Charges X-305-A.

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. Respondents be, and hereby are, authorized to increase, effective on the effective date of this Order, the freight rates and charges on intrastate traffic within the state of Colorado in the amount of four percent over and above the freight rates presently on file with this Commission.

2. Respondents be, and hereby are, authorized to file a K-Supplement to Ex Parte Tariff 305-A making Colorado intrastate traffic subject to Tables 3 and 3-C and concurrently therewith file the necessary Supplement canceling the application of Ex Parte Tariff 301-D (fuel cost increase) insofar as Colorado intrastate traffic is concerned.

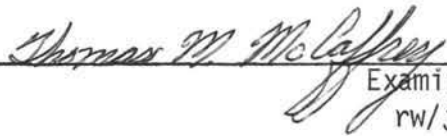
3. The K-Supplement to Ex Parte 305-A authorized herein shall state that rates and charges on Colorado intrastate traffic shall not be subject to Tables 5, 10, or 10G of X-305-A but that all said rates and charges shall be subject to an increase of four percent (4%) with the exception of (a) those items in X-305-A which are not specifically made subject to the said X-305-A increases or, (b) those items which are made subject to the Table 3 increase only.

4. No increase will be applicable to those items referred to in Ordering Paragraph 3(a) herein and the Table 3 increases will apply to those items referred to in Ordering Paragraph 3(b) herein.

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
rw/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE DENVER AND RIO GRANDE WESTERN	)	APPLICATION NO. 27709
RAILROAD COMPANY AND BLUE HERON)	
INVESTORS, A COLORADO GENERAL PARTNER-	)	RECOMMENDED DECISION OF
SHIP, FOR AUTHORITY TO CONSTRUCT A	)	ROBERT E. TEMMER, EXAMINER
SPUR TRACK ACROSS RIVER ROAD, A COUNTY)	
ROAD SITUATED IN MESA COUNTY, NEAR	)	GRANTING APPLICATION
RAILROAD MILE POST 451 AT DURHAM,)	
COLORADO.)	

November 14, 1974

Appearances: Eric Paul, Esq., Denver,
Colorado, for Applicants;
John H. Baier, Denver,
Colorado, of the Staff of
the Commission.

PROCEDURE AND RECORD

On July 15, 1974, Applicants, The Denver and Rio Grande Western Railroad Company and Blue Heron Investors, hereinafter referred to as the Rio Grande or Blue Heron, under the provisions of Section 115-4-6, CRS 1963, as amended, filed the above-entitled application with this Commission for authority to construct a railroad crossing over River Road, near Durham in Mesa County, Colorado, and for authority and approval of proposed protective devices at said crossing.

The Commission assigned Docket No. 27709 to the application, and, after due and proper notice to all interested persons, firms, or corporations, set the matter for hearing in the Mesa County Courthouse, Sixth and Rood Avenue, Grand Junction, Colorado, on Wednesday, October 30, 1974, at 9 a.m. The hearing was held at the said time and place by Examiner Robert E. Temmer, to whom the matter had been duly assigned.

The Commission received no protests to the granting of the application, and no one appeared at the hearing to object or protest to the application.

As a preliminary matter to the hearing, Applicants requested that paragraph 1 of the application be corrected so that the location of the property, mentioned there, would be shown as "between 24 and 24-3/4 Roads," rather than "between 23-3/4 and 24 Roads." This request was granted by the Examiner.

Exhibits 1 through 5 were marked for identification and admitted into evidence at the hearing, and testimony was received from Mr. D. G. Philp, a Vice President of Coors Porcelain Company; Mr. J. M. Porter, an architect; Mr. T. Prinster, a Vice President of City Market Company and a partner in Blue Heron; Mr. J. D. Bowman, the Designated Supervisor of the Mesa County Road Department; Mr. A. R. Fjeldsted, the Director of Industrial

Development for the Rio Grande; Mr. W. M. French, an Agent-District Manager for the Rio Grande; and Mr. G. K. Hoskin, the attorney for Blue Heron, a partner in Blue Heron, and the General Counsel for City Market Company.

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 Robert E. Temmer 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 Commission has jurisdiction over the matters involved in this proceeding.

2. Applicants propose to construct a spur track across River Road, near the point where 24-1/2 Road formerly intersected River Road, and also near Durham in Mesa County, Colorado. The crossing would be in the vicinity of Rio Grande's Mile Post 451.76.

3. River Road, at the proposed point of crossing, is a county road in Mesa County, Colorado, consisting of a two-lane surfaced roadway with a 22-foot wide oil mat. The roadway at this point is not lighted and the county does not plan to light the roadway. The county does not have any plans to widen the roadway. The visibility approaching the crossing from either direction on River Road is very good, and it can be seen for a distance of at least one-quarter mile. The speed limit on River Road is 50 miles per hour. Mesa County has agreed to allow Applicants to cross its roadway with the spur track, and will make minor modifications to the roadway so that there will be a level approach to the crossing for 50 feet on either side of the crossing. The angle of the proposed crossing would be approximately 30 degrees. The county will install a no passing centerline stripe in the vicinity of the crossing and at the crossing, and will install standard highway advance warning signs, indicating a railroad crossing ahead, to warn traffic approaching the crossing from either direction.

Traffic counts have been conducted at the proposed point of crossing. In 1973, for a one-week period during July, 461 vehicles per day traveled on River Road at the proposed point of crossing. In a comparable period in 1974, 505 vehicles per day traveled on River Road at the proposed point of crossing. The traffic consisted primarily of commercial vehicles and trucks coming from and going to gravel pits located along River Road to the west of the proposed crossing.

4. The purpose of the spur track Applicants propose to construct would be to provide rail service to industrial sites located on property being developed by Applicant Blue Heron, which property is located on the south side of River Road, between 24 and 24-3/4 Roads. The Coors Porcelain Company has purchased a site on this tract, and is beginning construction of a 150,000-square-foot manufacturing plant, which will be for the manufacture of technical ceramics. Coors Porcelain Company anticipates that the manufacturing plant will be in operation in November or December of 1975, and

that approximately 100 persons will be employed at the plant at the commencement of operations. Additional employees will be added as time goes along. Employee parking will be provided for the manufacturing plant, and the entrance to the employee parking lot will be constructed so that if employees approach the site from the east they will not have to cross the proposed point of crossing to get into the parking lot. An entrance will also be provided for truck traffic for the manufacturing plant so that trucks coming from the east will not have to cross the proposed point of crossing. The Coors Porcelain Company plant will receive between six and ten railroad cars per month of in-bound shipments of materials to be used in the manufacturing process at the plant.

5. The City Market Company intends to locate warehouse facilities on the Blue Heron property, although a final agreement has not been reached. It is anticipated that the City Market Company will build one 130,000-square-foot warehouse on the site, and that it will be served by the proposed spur track. This facility probably will not be constructed for approximately one year. When the warehouse is constructed, it will be staffed by approximately 50 employees. Most of the employees that would work at the City Market Company site live to the east of the proposed spur track and if they approached the site on River Road, would have to cross the proposed crossing to get to their employment. The City Market Company would receive six to eight railroad cars a day at the warehouse, five days a week. It is anticipated that the City Market Company may build further buildings on this site in the future, but there are no definite plans at this time.

6. Additional industrial development may take place on the Blue Heron property in the future. If this occurs, it is possible that this additional development would need rail service provided by the proposed spur track.

7. Applicant Rio Grande will construct the proposed spur track from its mainline, which lies just north of River Road, up to the right-of-way of River Road, and enter into a contract for the construction of the crossing over River Road. The spur track from the right-of-way line of River Road onto the property of the firms to be served will be constructed by the property owners involved. Construction of the spur track would commence in the spring of 1975, and it would be carried out in compliance with the Public Utilities Law and the Rules and Regulations of the Public Utilities Commission. The Rio Grande will maintain the spur track up to the Coors property line, after it is constructed.

8. If the proposed spur crossing is approved, the Rio Grande will install standard crossbuck warning signs on each side of the crossing.

9. The actual operation of trains over the crossing will probably be conducted between midnight and 6 a.m., and generally would involve one switch per day at the crossing. This could involve as many as four train movements across the crossing per day. The speed of a train using the crossing probably would not exceed five miles per hour, and there would be a crewman on the point of the train. At the time of crossing, a crewman would be stationed on the ground, and would place fusees, if the movement was not made during daylight hours, to give warning to oncoming traffic. The Engineer would have the locomotive light on, and blow its whistle and ring its bell when crossing River Road.

10. Mesa County has two proposed roadways under consideration at the present time, which would, if and when constructed, divert traffic flow from River Road so that River Road will probably remain a relatively lightly traveled roadway in the future.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Allowing the spur track to cross River Road would not endanger the public safety, and would be consistent with the public interest.
2. The proposed protective devices at this crossing would be sufficient to adequately protect the public using this crossing.
3. The Order sought in the instant application should be granted.
4. 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 Denver and Rio Grande Western Railroad Company be, and hereby is, authorized to construct a spur track over River Road near Durham in Mesa County, Colorado, at the location shown on Exhibit 4, which was admitted in evidence herein, and be, and hereby is, authorized and directed to construct standard crossbuck protective devices on each side of said crossing.
2. The installation, construction, and maintenance of said spur track crossing and crossbuck protective devices shall be in conformity with the rules and regulations of the Public Utilities Commission of the State of Colorado.
3. The Commission hereby retains jurisdiction to make such further Order or Orders as may be required so as to give this Decision full force and effect.
4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
5. As provided by 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

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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,
Respondents.)

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

November 14, 1974

Appearances: Robert G. Shepherd, Jr., Esq.,
Denver, Colorado, for Danny
Ansbach, doing business as
"Ansbach Trucking," Respondent;
Anne Murphey, 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 29, 1974. The matters were duly called for hearing pursuant to such notice on Monday, November 11, 1974, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed on "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 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 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 the 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


Examiner

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Charles Dussart, dba Dussart Truck Line Trinidad, CO 81082	445 & I	1615-H-Ins.
Holdcroft Transportation Co., Inc. 3112 Highway 75 North Sioux City, IA 51105	814-I	1616-H-Ins.
Clarkson Hunter, Inc., dba Indian Detours Transportation Co. 10,200 Bell, S.E. Albuquerque, NM 87123	941-I	1617-H-Ins.
A. Leander McAlister Trucking Co. 1610 East Scott Street Wichita Falls, TX 76307	1896-I	1618-H-Ins.
Commercial Carriers, Inc. 10701 Middlebelt Road Romulus, MI 48174	2009-I	1619-H-Ins.
Harvey Brown Box 82502 Oklahoma City, OK 73102	2284-I	1620-H-Ins.
P & A Refrigerated Express, Inc. Box 626, Wilmington Manor New Castle, DE 19720	3845-I	1621-H-Ins.
Dave Heinze Route 1, Box 231 Henderson, CO 80640	5819-I	1622-H-Ins.
Mid States Trucking Co., Inc. 2517 North Grand Enid, OK 73701	6151-I	1623-H-Ins.
Springdale Farms Produce Company, Inc. Highway 71 North & Backus Street Box 152 Springdale, AR 72764	6511-I	1624-H-Ins.
Hubert S. Hollan, dba Hubert Hollan Trucks Box 415 Fowlerton, TX 78021	6724-I	1627-H-Ins.
Wilbur Dean Johnson 1227 4th Alva, OK 73717	6902-I	1628-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
John E. Steskal Inman, NE 68742	7651-I	1630-H-Ins.
William Oakley Bullock 1815 Warford Street Perry, IA 50220	8290-I	1632-H-Ins.
Danny Ansbach, dba Ansbach Trucking 821 West 15th Kearney, NE 68847	8419-I	1633-H-Ins.
Edward C. & Harry W. Ressler, dba E & M Ressler Trucking Route 4 Mandan, ND 58554	8513-I	1634-H-Ins.
Dan Mackey, dba Poultry Packers Express Box 96 Purdy, MO 65734	8864-I	1635-H-Ins.
Detta Duncan, dba Durable Wood Products 2560 Wood Avenue Eugene, OR 97402	8888-I	1636-H-Ins.
Donald P. Paffile, dba Paffile Truck Lines 2906 29th Street Lewiston, ID 83501	8916-I	1637-H-Ins.
George L. Peoples 4534 East Xyler Tulsa, OK 74115	8918-I	1638-H-Ins.
Lowell Kent Young 805 North Main Anna, IL 62906	8934-I	1639-H-Ins.
I. K. Rowen Box 1284 Greeley, CO 80631	9082-I	1640-H-Ins.
Vickers Produce Co., Inc. 1500 South Zarzamora Street Unit 413 San Antonio, TX 78207	9215-I	1641-H-Ins.
Bobby Millsap 64 West Morrilton, AR 72110	9290-I	1642-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Jack D. Whatley & Robert T. Calhoun, dba Magic Valley Refrigerated Express Box 2101, 1400 Whitewing McAllen, TX 78501	9341-I	1643-H-Ins.
Gene Day, dba Days Feed & Trucking Route 2, Box 14 Bunker, MO 63629	9450-I	1644-H-Ins.
Mildred T. DeWitt, dba Tor Farms Box 103, Rural Route 1 Bennett, CO 80102	9462-I	1645-H-Ins.
Don Blake, dba M & D Trucking Box 41 Bridgeport, TX 76026	9630-I	1647-H-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Jack B. & Terry L. Surles, dba Surles Trucking 5601 Cliftview Court Bellvue, CO 80512	B-4662	1648-H-Ins.
Charles Briggs Box 121 South Fork, CO 81154	B-7137	1650-H-Ins.
Hudco Saratoga, WY 82331	B-7352-I	1651-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

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,)
Respondents.)

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

- - - - -
November 14, 1974
- - - - -

Appearances: Anne Murphey, 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 29, 1974. The matters were duly called for hearing pursuant to such notice on Monday, November 11, 1974, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed on "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 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 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 the 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:

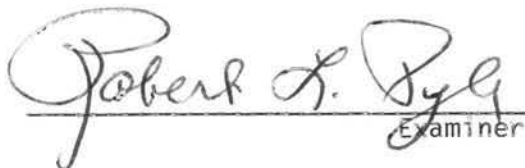
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

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


Examiner

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Lawrence Phillips, dba Uintah Basin Oil Company P. O. Box 537 Vernal, UT 84078	M-1008	2211-M-Ins.
Furr's Cafeterias, Inc. P. O. Box 6747 Lubbock, TX 79413	M-1586	2212-M-Ins.
Earl L. Wilson 4010 South Huron Street Englewood, CO 80110	M-2233	2213-M-Ins.
Jack B. Surles and Terry L. Surles, dba Surles Trucking 5601 Cliftview Court Bellvue, CO 80512	M-2775	2214-M-Ins.
Frank B. Sparks, dba Mac's Towing 2900 Inca Denver, CO 80202	M-3779	2216-M-Ins.
Donald J. and Darlene Tea P. O. Box 735 Montrose, CO 81401	M-5025	2219-M-Ins.
Ghent Motor Co., Inc. 2601 South College Avenue Fort Collins, CO 80521	M-5434	2220-M-Ins.
Arlene Starr, dba Starr's Service Center 300 Block, Grand Avenue Platteville, CO 80651	M-5946	2221-M-Ins.
Dave Heinze Route 1, Box 231 Henderson, CO 20640	M-6477	2222-M-Ins.
Centaur Industries, Inc. 1436 Jamica Suite E Aurora, CO 80010	M-6505	2223-M-Ins.
Detta Duncan, dba Durable Wood Products 2560 Wood Avenue Eugene, OR 97402	M-7112	2224-M-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Jake Kauffman, dba Jake Kauffman and Son 923 Whitford Loveland, CO 80537	M-7524	2226-M-Ins.
Charles Ward, dba Sinton Jobber No. 4145 2303 Twilight Drive Colorado Springs, CO 80910	M-7805	2228-M-Ins.
Marshall C. Griffith, dba Sinton Dairy Jobber #4149 4118 Edwinstowe Avenue Colorado Springs, CO 80907	M-7992	2229-M-Ins.
Isaac A. Montez, dba Montez Trucking Box 38 North Avondale, CO 81061	M-8634	2230-M-Ins.
Mid America Industries, Inc. Mead, NE 68041	M-8976	2232-M-Ins.
Oliver Mosher 713 Indiana Trinidad, CO 81082	M-9799	2233-M-Ins.
ME, Inc., dba Lander Husky P. O. Box 429 Lander, WY 82520	M-10781	2235-M-Ins.
Park Hdw. Gas and Equip. Co., Inc. Box 406 Woodland Park, CO 80863	M-11465	2236-M-Ins.
Rebel Enterprises, Inc. 2555 18th Street Denver, CO 80211	M-11498	2237-M-Ins.
Arlo G. Lott Box 174 Arco, ID 83213	M-11981	2238-M-Ins.
Ronald Dostie Star Route, Box 179204 Morrison, CO 80465	M-12273	2239-M-Ins.
Danny Ansbach, dba Ansbach Trucking 821 West 15th Kearney, NE 68847	M-12626	2240-M-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Homer M. Lynch, dba Homer Lynch Trucking 6742 North 63rd Street Longmont, CO 80501	M-12923	2241-M-Ins.
Mildred T. DeWitt, dba Tor Farms Rural Route 1 Bennett, CO 80102	M-13092	2242-M-Ins.
HUDCO Saratoga, WY 82331	M-13108	2243-M-Ins.
Charles Eugene Keefauver 459 Lark Lane Montrose, CO 81401	M-13624	2245-M-Ins.
William U. Buhl, dba Sinton Dairy Independent Distributor 7010 Wildridge Colorado Springs, CO 80908	M-15068	2247-M-Ins.
<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Don Ingenthron, dba Don's Automatic Transmission Service 5485 Sheridan Boulevard Arvada, CO 80002	T-224	260-T-Ins.
Clarence O. Bates, Jr., dba Casey's Auto Salvage P. O. Box 985 Rifle, CO 81650	T-497	261-T-Ins.
Don and Linda Soule, dba Custom Towing 4208 Sheilley Avenue Colorado Springs, CO 80910	T-970	262-T-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

(Decision No. 85971)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: IN THE MATTER OF THE PROPOSED	)	CASE NO. 5409
REVISION OF RULE 19 G OF THE RULES)	
OF PRACTICE AND PROCEDURE BEFORE	)	RECOMMENDED DECISION OF
THE PUBLIC UTILITIES COMMISSION OF	)	ROBERT L. PYLE, EXAMINER
THE STATE OF COLORADO.)	
	)	ADOPTING AND PROMULGATING REVISED
	)	RULE 19 G OF THE RULES OF
	)	PRACTICE AND PROCEDURE BEFORE
	)	THE PUBLIC UTILITIES COMMISSION

November 15, 1974

Appearances: Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for
Richard H. Eshe and Lois Mae
Eshe, doing business as "South
Park Motor Lines"; Larson
Transportation Company; Rio
Grande Motor Way, Inc.; Edson
Express, Inc.; Overland Motor
Express, Inc., doing business
as "Boulder-Denver Truck Line";
Trans-Western Express, Ltd.;
Petco, Inc. Interstate; Frank C.
Klein & Co., Inc.; Sorenson Truck
Service, Inc.; Don Ward, Inc.,
doing business as "Don Ward & Co.";
G & L Tractor Service, Inc.;
Ashton Trucking Co., a Corporation;
Ward Transport, Inc.; Colorado
Motor Tariff Bureau, Inc., and
carriers parties to its tariffs;
William Andrew Wilson, Esq., and
Robert G. Shepherd, Jr., Esq., Denver,
Colorado, for A-Aurora Removal Service;
Allied Sanitation; Arvada Rubbish
Removal; Aurora F & S Sanitation Carriers;
Aurora Trash, Inc.; B & W Disposal
Service; Bestway Disposal; Braaksma &
Son, Inc.; Brantner Trash Service;
Brite'n Best Rubbish Removal; J. W.
Burback, Jr.; Colorado Disposal, Inc.,
(Boulder); Colorado Disposal, Inc.,
(Englewood); Decker Disposal; Donnel
Trash Service; Don's Hauling; E-Z Refuse
Service, Inc.; Fountain Valley Disposal
Co.; Joe Gonzales; Grand County Sanitary
Landfill & Trash Removal; Adam Green;
Hall Rubbish Removal; Hize Rubbish
Removal; Industrial Disposal; Jacoby
Rubbish Removal; Kembel Rubbish Removal;

Moore Sanitation; Clarence Praznik; Refuse Management, Inc.; Rodriguez Trash Service; S & S Sanitation; George Schimpf, Jr.; Security Garbage Co.; Star Disposal; Alfred Strassheim; Superior Sanitation, Inc.; United States Disposal Systems, Inc.; Ed Walters; The Way Rubbish Removal Co.; Western Trash Service; Yellow Barrel Disposal; Solid Waste Carriers; and SCA Services, Intervenors;
Joseph F. Nigro, Esq., Denver, Colorado, for Colorado Transfer and Warehousemen Association;
Eric Paul, Esq., Denver, Colorado, for Denver & Rio Grande Western Railroad Company;
John R. Barry, Esq., Denver, Colorado, for Continental Trailways Bus Company;
John E. Archibold, Esq., and Bruce C. Bernstein, Esq., Denver, Colorado, for the Staff of the Commission.

PROCEDURE AND RECORD

Under date of January 29, 1974, by Decision No. 84447, the Commission entered its ORDER REOPENING CASE NO. 5409 AND NOTICE OF PROPOSED RULE-MAKING AND NOTICE OF HEARING. This Decision served to give notice that the Public Utilities Commission of the State of Colorado proposed to reopen Case No. 5409 for the purpose of amending Rule 19 G of the Rules of Practice and Procedure before the Public Utilities Commission. By subsequent decision, the matter was set for hearing to commence Monday, September 30, 1974, at 9 a.m. in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Testimony was taken from members of the Staff of the Commission, general commodity carriers, petroleum carriers, livestock carriers, Mr. J. R. Smith of the Colorado Motor Tariff Bureau, and over-the-road bus passenger and express carrier, and carriers involved in the ash and trash or refuse removal motor carrier industry.

Notice was taken of the following: Chapter 115-3-4(1), CRS 1963, as amended; existing Rule 19, and particularly Rule 19 G, of the Rules of Practice and Procedure of the Commission; and the several official notices of the Secretary of the Commission giving notice of the matter involved in this proceeding. Hearing was commenced on September 30, 1974, and concluded on October 2, 1974. Exhibits 1, 2, 3, 4, and 5 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, CRS 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. By Commission Decision No. 84447, dated January 29, 1974, the Public Utilities Commission of the State of Colorado ordered the reopening of Case No. 5409 for the purpose of considering the revision of Rule 19 G of the Rules of Practice and Procedure before the Public Utilities Commission.

2. Rule 19 of the Commission's Rules of Practice and Procedure has to do with CHANGES IN RATES, RULES, OR TIME SCHEDULES OF COMMON CARRIERS. Part A of that Rule is the provision and procedure to be followed when any common carrier desires to change a rate, tariff, or rule or regulation ... It generally provides that such common carrier shall give thirty (30) days' notice to the Commission and to the public by filing with the Commission and keeping open for public inspection the new schedules or tariffs stating plainly the change or changes to be made in the rates, tariffs, schedules, or regulations then in force and the time when the change or changes will go into effect.

3. Rule 19 G presently provides as follows:

"G. NOTICE TO PUBLIC.

In addition to the notice given by filing with the Commission in accordance with Rule 19 A, any common carrier shall contemporaneously with filing a tariff revision or changes in time schedules post in a prominent public place in each terminal facility of the carrier a written or printed notice thereof. Such notice shall advise the public of the proposed changes, the proposed effective date thereof, that protests to the proposed changes may be filed with the Commission, the deadline for protests, and the address of the Commission where protests may be filed. Such notice shall also advise the public that the effective date of the proposed changes may be suspended by the Commission; that, if suspended, a hearing may be held thereon; and that any affected party may request from the Commission a notice of hearing. Passenger carriers must also post a copy of such notice in each vehicle used in the transportation of passengers affected by the proposed changes. Proof of posting of the required notice shall be made by affidavit and shall be filed by the carrier with the Commission immediately after the posting is completed."

4. The pertinent statute is 115-3-4(1), which provides as follows:

"115-3-4. CHANGES IN RATES -- NOTICE. -- (1) Unless the commission otherwise orders, no change shall be made by any public utility in any rate, fare, toll, rental, charge, classification, or in any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification or service, or in any privilege or facility, except after thirty days' notice to the commission and the public. Such notice shall be given by filing with the commission and keeping open for public inspection new schedules statingly (sic) plainly the changes to be made in the schedules then in force, and the time when the changes will go into effect."

5. Rule 19 G of the Commission's Rules of Practice and Procedure is the Rule promulgated by the Commission to specify how a carrier shall give notice to the public of any change in rates other than as specified in Rule 19 A. Stated simply, it is the Commission's rule placing into effect a motor carrier's method of giving notice to the public of any change in rates.

6. The original Staff Proposal regarding revision of Rule 19 G is identified as Exhibit No. 1 in this proceeding. That proposal generally divided common carriers into three categories, viz.: 1) Common Carriers of general commodities, 2) Common Carriers of specialized commodities, and 3) all other Common Carriers. With regard to notice, this proposal authorized the general commodity carriers to give notice by publication in the Legal Notice section of a newspaper. This proposal then directed that the Common Carriers of specialized commodities must send a notice to each of their known customers, and these specialized commodity carriers were listed as transporters of automobiles, ash and trash, petroleum, livestock, milk and cream, commodities of unusual value, bulk commodities, and packages. The category of "all other Common Carriers" was authorized to give notice by way of publication in a newspaper.

7. The final proposal of the Commission's Staff is identified as Exhibit No. 4 in this proceeding. Generally, without going into specific detail, the Staff's final proposal in giving "notice to the public" may be summarized as follows:

(1) common carrier of property shall cause to be published in the Legal Notice section of a newspaper circulated in the area of the state wherein are located the members of the public affected by proposed rate increase a notice of said rate increase.

(2) carriers of ash, trash, and other refuse shall send a notice to each of their known customers setting forth the proposed rate increase.

(3) common carriers of passengers shall post in a prominent place in each terminal facility a printed notice of a tariff revision or time schedule change setting forth certain information.

(4) the other provision of the Staff proposal has to do with definitions and miscellaneous provisions.

8. Stated in its simplest terms, it was the contention of the Staff of the Commission that common carriers of property should be allowed to give public notice by publishing in the Legal Notice section of a newspaper; that common carriers of passengers should be allowed to give public notice by posting printed notice in each terminal facility and in vehicles; but that common carriers of ash, trash, and other refuse should send or mail a notice to each of their known customers.

9. It is particularly noted that 115-3-4(1), CRS 1963, as amended, specifies that a carrier shall give notice to the Commission and the public (emphasis supplied) and says absolutely nothing whatsoever about giving notice to "known customers" or "known users" of the carrier. The law is clear, and it is fundamental, that authority to regulate does not give the authority to legislate. This Commission is limited to the authority to regulate, and to institute a rule expanding or abrogating a statute would be unlawful. A requirement such as proposed by Staff that notice be sent to known customers is a prerogative of the legislature and not this Commission. Giving "public

notice" by publication in the Legal Notice section of a newspaper having general circulation in the area or areas wherein are located the members of the public affected has long been recognized in the law as a means of giving notice to the public.

10. Carriers of ash and trash having customers ranging in number from 25,000 to 35,000 presented evidence establishing that the mere filing of a "flier" (notice) in an envelope, addressing, stamping, and mailing it, would cost 50¢ per notice for each customer, and the mailing of two such notices per year would not be unusual. The evidence further established that since substantial numbers of customers of these carriers are billed quarterly, it would unjustifiably increase the regulatory lag necessary to obtain a rate adjustment by any carrier using this mailout for its notice of a tariff increase. Added to this cost would be another 200 man-hours in compiling for mailing a list of customers to receive these notices with additional time being expended on returns and remailing. The evidence established that the numerous movements of customers of these carriers from one area, or one carrier, to another would make it impossible to comply with the affidavit under the Staff's proposed rule as to the accuracy of the list of known customers, since this list varies almost daily. Further, certain customers of these carriers, such as elderly persons, contractors, etc. requiring special pickups of their trash less than once a month are billed by hand instead of computer printout. This is cumulative evidence of the impossibility of compliance to the Staff's proposed Rule 19 G requiring an affidavit of service by these carriers. The evidence established that these carriers could not file, let alone prepare, an affidavit of compliance within the ten (10) day period set forth in the Staff's proposed rule. The testimony further established that of all the specialized commodity carriers regulated by this Commission, the ones having the greatest burden in giving notice in compliance with the Staff's proposed Rule 19 G would be the carriers of ash and trash because of the great numbers of customers they serve. It would seem arbitrary and capricious to require only those particular motor carriers out of all the other motor carriers that are regulated by the Commission to notice the public by mail of tariff increases instead of through publication, because of the cost of preparation of the notices and the impossibility of compliance by any carrier through submission of an affidavit as to the accuracy of the list of known customers within the ten (10) days after the filing of the tariff.

11. Notice to the public, as provided by the statute (115-3-4(1)) includes more than "customers." The statute specifically provides for "notice to the public." It is, therefore, the public which requires notice, not a specific customer; for it is the public that is affected, not the specific customer.

12. Mailing out notices to the customers would only intensify claims of a failure to give notice requiring extra preparation, duplication of effort, rehearings, all of which costs must be borne by the public. Notice to the public in the Legal Notice section of a newspaper having general circulation in the area or areas wherein are located the members of the public affected is much nearer to being "fool-proof" and does, in fact, give notice to the public. Further, proof of such notice is much easier to effect. This cost of complying with the requirement to give notice to individual customers could well use up the entire increase for a one-year period.

13. No carrier in the motor carrier industry is presently geared or staffed to accomplish the feat of sending notices to customers, and the cost of instigating the policy could also be prohibitive from that standpoint alone. According to the evidence (testimony of Mr. J. R. Smith of the Colorado Motor Tariff Bureau), it would be impossible for motor carriers to comply with the individual or customer mail-outs. The cost of such mail-outs would be prohibitive. At a time when inflation is running rampant, it does not behoove a state agency to instigate a policy (in this instance, a rule) that simply increases the unreasonable and unnecessary cost of doing business, which costs must eventually be borne by the public. It is difficult to imagine that the public would be better informed by means of a "flier" giving notice of a rate increase than by publication in the Legal Notice section of a newspaper, especially if the newspaper is published locally and does contain local news and current events. The only sure and absolute way to get "notice to the public" would be to make a personal call upon each and every member of the public and explain the matter at issue. This, of course, would be ridiculous and it is doubtful that any more "interested persons" would appear at a hearing and present relevant testimony than if notice was given by way of publication.

14. To insure that the best possible newspaper notice to the public can be given, Rule 19 G, as hereinafter ordered, does provide that where certain specific services are being rendered, the carrier shall not only cause a NOTICE to be published in the Legal Notice section of a newspaper having general circulation in the state of Colorado; but such carrier shall, in addition thereto, cause to be published an identical NOTICE in the Legal Notice section of a local newspaper having general circulation in the area or areas of the state wherein are located the members of the public directly affected by the proposed rate increase.

15. By Commission Decision No. 84962, dated April 30, 1974, the Commission noted in Finding of Fact No. 4 therein "that notice of the proposed rate change has been published in the local newspapers in Lakewood, Wheatridge, and Arvada." This decision then ordered that the increased rates and charges be allowed to be put into effect. This decision is identified in this proceeding as Exhibit No. 5.

16. With respect to the bus companies (common carriers of passengers), it was agreed by all concerned that the title of that section should be changed to read: "Common Carriers of Passengers and Package Express Transported Via Passenger Vehicle."

17. The adoption and promulgation of Rule 19 G (as revised), as set forth in the "APPENDIX" attached hereto, is reasonable and necessary for the effective administration of the provisions of Article 2, Chapter 115, CRS 1963, as amended, and is in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based upon the findings of fact as above set forth, it is concluded that:

1. The revision of Rule 19 G, as hereinafter ordered, is in the public interest and should be adopted as set forth in the Appendix attached to this Decision.

2. An opinion of the Attorney General of the State of Colorado will be sought by this Commission as to the constitutionality and legality of Rule 19 G, as revised, as hereinafter ordered. In addition, a copy of Rule 19 G, as revised, will be placed on file in the Office of the Secretary of State of Colorado by the Secretary of this Commission.

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. Rule 19 G of the Rules of Practice and Procedure Before the Public Utilities Commission of the State of Colorado, as revised, be, and hereby is, adopted -- all as set forth in the Appendix attached to this Decision and made a part hereof by reference.

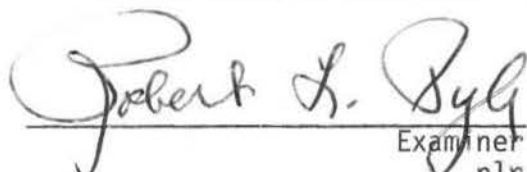
2. Existing Rule 19 G be, and hereby is, canceled.

3. The Secretary of the Commission be, and hereby is, directed to place on file in the Office of the Secretary of State of Colorado (1) a duplicate copy of revised Rule 19 G as set forth in the Appendix attached to this Decision and (2) a duplicate copy of the opinion of the Attorney General of the State of Colorado, when obtained.

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

5. As provided by 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
nlr
jp

RULE 19-G

G. Notice to Public:

In addition to the Notice given by filing with the Commission in accordance with Rule 19-A, every common carrier shall give notice to the public as required herein.

1. Common Carriers of Property

- (a) Except as hereinafter provided in 1(b), each and every common carrier, or its authorized tariff publishing agent, filing for an increase in rates or charges shall cause to be published in the Legal Notice section of a newspaper having general circulation in the State of Colorado, a notice which shall include the following:

NOTICE

- (1) An increase of _____% in Tariff No. _____
(2) An increase of _____% in Item No. _____ of
Tariff No. _____

was filed with the Public Utilities Commission
on _____, 19____, by or on behalf of

(insert name of carrier or carriers)

Any person desiring to protest said increase or to receive notice of hearing, if said increase is suspended and set for hearing, shall file a written protest with the Public Utilities Commission, (insert current address of the Public Utilities Commission), at least ten days prior to _____, 19____ (the effective date).

(Utilize Line One or Line Two of the above Notice depending upon the type of increase proposed.)

Each such carrier, or its authorized tariff publishing agent, shall file with the Commission an affidavit of such publication within ten days after the filing of the tariff.

- (b) Common carriers of ash, trash, and other refuse, and of bulk commodities and livestock, shall, in addition to 1(a) above, also cause to be published an identical NOTICE in the Legal Notice section of a local newspaper having circulation in the area of the state in which are located the members of the public directly affected by the proposed rate increase. Each such carrier, or its authorized tariff publishing agent, shall file with the Commission an affidavit of such publication within ten days after the filing of the tariff.

2. Common Carriers of Passengers and Package Express Transported By Passenger Vehicle

A passenger carrier shall post in a prominent place in each terminal facility of the carrier a printed notice of any proposed tariff revision or time schedule change. Such printed notice shall advise the public of the proposed changes; the proposed effective date thereof; that a written protest to the proposed changes may be filed with the Commission; the date for the filing of protests; and the address of the Commission where protests may be filed. Such printed notice shall also advise the public that the effective date of the proposed changes may be suspended by the Commission; that, if suspended, a hearing may be held thereon; and that any affected person may request from the Commission a notice of hearing. A passenger carrier must also conspicuously post a copy of the aforesaid printed notice in the passenger compartment of each vehicle used in the transportation of passengers affected by the proposed changes.

In the event a tariff revision results in an increase in rates or charges, a passenger carrier, or its authorized tariff publishing agent, in addition to the above and foregoing, shall also cause to be published in the Legal Notice section of a newspaper having general circulation in the State of Colorado a notice of such increase in rates or charges similar to that as set forth in part 1(a) of this Rule.

Each such carrier, or its authorized tariff publishing agent, shall file with the Commission an affidavit of such publication within ten days after the filing of the tariff.

3. Definitions and Miscellaneous Provisions

(a) Wherever referred to herein, the following terms shall have the following meanings:

(i) A newspaper having general circulation shall mean a newspaper published in Colorado, having a paid circulation of at least 100,000.

(ii) Increase in rates or general increase, or similar terms, shall include tariff rules and regulations which have the effect of increasing the revenue of the carrier or carriers involved. Such terms do not include changes in the National Motor Freight Classification or the Uniform Freight Classification.

(iii) A local newspaper shall mean a newspaper having a daily or weekly paid circulation of at least 1,000 published and circulated in the area of the state wherein are located the members of the public directly affected by the proposed rate increase.

(b) Orders authorizing changes in rates on less than statutory notice pursuant to special permission of the Commission shall provide the manner of effecting notice to the public in lieu of the provisions of this rule.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES J. FISH, DOING BUSINESS AS)
"PARK ASH & TRASH," BOX 167, SHAWNEE,)
COLORADO, FOR AUTHORITY TO TRANSFER)
ALL RIGHT, TITLE, AND INTEREST IN)
AND TO CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO.)
7375 TO PARK COUNTY DISPOSAL, INC.,)
3190 SOUTH LAFAYETTE, ENGLEWOOD,)
COLORADO.)

APPLICATION NO. 27843-Transfer

ORDER OF THE COMMISSION

- - - - -
November 19, 1974
- - - - -

Appearances: William Andrew Wilson, Esq., Denver, Colorado
Attorney 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 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 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.

And 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. 7375, as granted by Commission Decision No. 75888 dated September 21, 1970 and as amended by Decision No. 79404 dated January 13, 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 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.

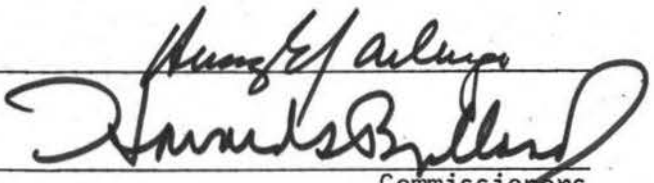
IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to 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 19th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT



Commissioners

(Decision No. 85973)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM LAURANCE HYDE, JR., DOING)
BUSINESS AS "BILL HYDE," ROUTE 2,)
BOX 79, OLATHE, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27965-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 19, 1974

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.

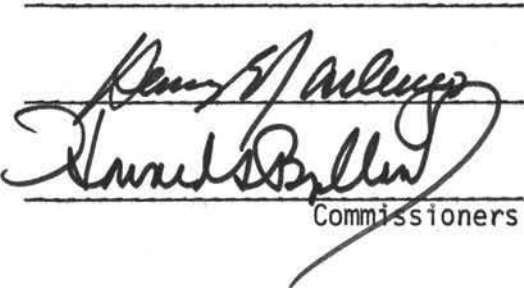
IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

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 November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

Appendix
Decision No. 85973
November 19, 1974

Bill Hyde

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 and stone

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

* * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF --	)	DOCKET NO. 881
COLO. PUC NO. 5 - TELEPHONE,)	
MOUNTAIN STATES TELEPHONE AND	)	ORDER OF ROBERT E. TEMMER,
TELEGRAPH COMPANY, UNDER ADVICE	)	EXAMINER
LETTER NO. 1010.)	

November 18, 1974

Appearances: Joseph C. O'Neil, Esq.,
Denver, Colorado, and
Alan C. DeMuth, Esq.,
Denver, Colorado, for
Respondent Mountain States
Telephone and Telegraph
Company;
James M. Lyons, Esq.,
Denver, Colorado, for
Intervenor Sturgeon
Electric Company;
Charles H. Parmelee, Colorado
Springs, Colorado, for
Intervenor Executone of
Colorado, Inc.;
Stuart S. Keown, Esq.,
Denver, Colorado, for
Amicus Curiae the Attorney
General of the State of
Colorado;
Oscar Goldberg, Esq., Denver,
Colorado, for the Staff of
the Commission;
Robert Cantor, Esq., New York,
New York, appearing for witnesses
from Western Electric Company.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

The hearing on the above-entitled matter was commenced on October 3, 1974, pursuant to due and proper notice. As a preliminary matter to the hearing, Respondent Mountain States Telephone and Telegraph Company, hereinafter referred to as Respondent, and Intervenor Sturgeon Electric Company, hereinafter referred to as Sturgeon, requested that an order be issued establishing certain procedures to protect confidential, proprietary and/or trade secret information. A written proposed order and stipulation was marked for identification as Exhibit No. 26 and admitted into evidence. Said Exhibit No. 26 was agreed to by

Respondent and Sturgeon and was also agreed to by Intervenor Executone of Colorado, Inc., hereinafter referred to as Executone. The Staff of the Commission, through its counsel, stated it would not enter into the Stipulation, but that it would comply with any order entered as a result of the Stipulation. Amicus Curiae did not enter into the Stipulation, but stated there was no objection to the stipulation or any order entered in regard to the matters dealt with in the stipulation.

Statements were received from all counsel concerning the power of the Commission to enter an order which, inter alia, would provide that during certain portions of the hearing to be conducted, that all persons, excepting counsel for the parties, counsel for Amicus Curiae, and counsel for, and members of, the Commission, and expert witnesses of the parties be excluded from the hearing. In addition, Statements were received concerning the power of the Commission to order that portions of the record in this proceeding be sealed, so that portions of the record and exhibits would not be available to anyone except counsel for the parties, counsel for Amicus Curiae, and counsel for, and members of, the Staff of the Commission, and that all discovery proceedings would be subject to the same sort of requirements.

Rule 14M of the Rules of Practice and Procedure of the Public Utilities Commission of the State of Colorado provides for discovery, and incorporates the Colorado Rules of Civil Procedure relating to discovery, except for Rule 36. Rule 26(c) of the Colorado Rules of Civil Procedure provides for protective orders in regard to discovery matters, specifically including provisions that an order can be entered that discovery be conducted only with designated persons present, that depositions be sealed to be opened only upon order, and that trade secrets or confidential research, development, or commercial information be not disclosed or only be disclosed in certain designated ways. Rule 26(c) clearly provides the power and authority for setting up procedures as contemplated by the parties in this proceeding, and this Commission has the power and authority to order protective procedures in regard to the use of discovery, so that confidential, proprietary, or trade secret information will be protected from disclosure.

Rule 14I of the Rules of Practice and Procedure of this Commission provides, "All hearings will be open to the public." Rule 29 of the Rules of Practice and Procedure of this Commission provides, "For good cause shown, if not contrary to statute, the Commission may permit deviation from these rules insofar as it finds compliance therewith to be impossible, impractical, or unreasonable." CRS 115-6-1(1) (1963, as amended) provides, "... All hearings before the commission, any individual commissioner, or examiner shall be public." CRS 115-6-1(1) (1963, as amended), also provides that article 16 of chapter 3, Colorado Revised Statutes 1963, as amended, shall apply to the work and business of the Commission. CRS 3-16-4(4) (1963, as amended), provides that to the extent it is practicable, hearings may be conducted in accordance with procedures used in the District Court. Some proceedings during trials in the District Courts of this State are conducted without allowing spectators to be present, even though they are public trials. CRS 3-19-1(1) (1963, as amended), provides, "All meetings of any board, commission, ... are declared to be open meetings and open to the public at all times; provided such groups by majority consent of members present, may go into executive session for consideration of documents or testimony given in confidence, ..."

It would be unreasonable to require the parties to this proceeding to disclose confidential, proprietary, and/or trade secret information without providing procedures for the protection of that information. It would be in the public interest to establish protective procedures so that this Commission and the parties to this proceeding can have available to them all of the

necessary information that may be confidential, proprietary, and/or trade secrets, so that all of the issues can be fully examined. The relevant rules and statutes provide this Commission with the power and authority to make protective orders as contemplated by the parties in their stipulation.

O R D E R

THE EXAMINER ORDERS THAT:

1. Such evidence and testimony as may be presented by the parties during hearings herein and the pendency of this proceeding, and which are determined by the Examiner to be trade secret(s), proprietary, or confidential shall not be disclosed to any person, except counsel for the parties, including counsel for the Attorney General and the Staff of the Commission, expert witnesses of the parties, the Staff of the Commission, the Commission, or any court on judicial review.
2. During the presentation of evidence and/or testimony claimed to be trade secret(s), proprietary, or confidential, there shall be excluded from the hearing room all persons, except counsel for the parties, including the Attorney General and counsel for the Staff of the Commission, expert witnesses of the parties and the Staff of the Commission.
3. Any information, testimony, or evidence sought to be adduced by means of discovery, and which is claimed to be trade secret(s), proprietary, or confidential shall be produced or provided, and any and all objections thereto preserved during the pendency of this proceeding. During the pendency of this proceeding, such information produced or testimony or evidence adduced shall be deemed to be trade secret(s), proprietary, or confidential and governed by the applicable provisions of this Order, unless otherwise determined by the Examiner.
4. The parties to this proceeding will not participate in any discovery proceedings in connection with this matter except by and through counsel duly licensed to practice law in the State of Colorado, and no one shall attend the taking of depositions except duly authorized counsel and expert witnesses.
5. Any counsel or expert witnesses retained or used by the parties to this proceeding in discovery proceedings will agree to and be bound by this Order.
6. Counsel for the parties, including the Attorney General and Staff of the Commission, and the expert witnesses of the parties shall not disclose to Mountain States Telephone and Telegraph Company, Sturgeon Electric Company, or any other intervenor such information which has been determined by the Examiner to be trade secret(s), proprietary or confidential and shall not reveal any such information to any person except in pleadings, briefs, memoranda, or argument in this proceeding before the Commission or any court on judicial review.
7. Discovery, and the record in this proceeding, containing information determined by the Examiner to be trade secret(s), proprietary, or confidential shall be sealed and protected from inspection by any person other than counsel for the parties, including the Attorney General, the expert witnesses of the parties, members of the Commission or its staff and counsel, or any court on judicial review.

8. All parties herein shall take all reasonable precautions necessary to prevent the disclosure of information determined by the Examiner to be trade secret(s), proprietary, or confidential, except as otherwise herein provided.

9. This Order shall in no way constitute any waiver of any objections, or of any rights of any party herein to appeal, whether by administrative means or judicial review, any determination by the Examiner regarding information claimed to be trade secret(s), proprietary, or confidential; provided, all such information is to be controlled by this Order unless finally determined otherwise.

10. This Order shall be effective forthwith, and shall also apply to the evidence and testimony presented on October 3 and 4, 1974, and to any Discovery proceedings taken since those dates.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in cursive script, reading "Robert E. Semmer". The signature is written in dark ink and is positioned above the printed name and title.

Examiner
nlr
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

SUPERIOR SANITATION, INC.; C & C)
DISPOSAL SERVICE; COLORADO SPRINGS)
SANITATION, INC.; BESTWAY DISPOSAL;)
SECURITY GARBAGE CO.; AND ACE DIS-)
POSAL SERVICE, INC.)
Complainants,)
vs.)
BIG MAC DISPOSAL SERVICE, INC.,)
Respondent.)

CASE NO. 5548
SUPPLEMENTAL ORDER

- - - - -
November 26, 1974
- - - - -

Appearances: Robert G. Shepherd, Jr., Esq.,
Denver, Colorado, for
Complainants;
Leslie R. Kehl, Esq., Denver,
Colorado, for Respondent

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 24, 1974, Examiner Thomas M. McCaffrey entered Recommended Decision No. 85888 in the above-entitled Case, as provided by Section 115-6-9 (2), CRS 1963 as amended, which provided inter alia:

"1. Respondent, Big Mac Disposal Service, Inc., P.O. Box 8, Colorado Springs, Colorado, 80901, be, and hereby is, found to be in violation of the Public Utilities Act of the State of Colorado and the Rules and Regulations of this Commission in the following respect, to-wit:

By charging, demanding, collecting, or receiving a greater, or less, or different, compensation for services rendered during a period from October 1, 1973, through June, 1974, than the rates and charges applicable to such transportation services as specified in its schedule on file and in effect at the time.

2. Respondent, be, and hereby is, ordered to cease and desist from further violating any terms or provisions of its tariff on file with this Commission.

3. Respondent's authority with this Commission, namely, Certificate of Public Convenience and Necessity PUC No. 2573, be, and the same hereby is, revoked and canceled as of November 15, 1974; provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Two Thousand

Five Hundred Dollars (\$2,500) to the Treasurer of the State of Colorado on or before November 15, 1974, for the use and benefit of the Public Utilities Commission, Cash Account No. 11456, 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."

On November 8, 1974, the Respondent, Big Mac Disposal Service, Inc., by check, paid the Public Utilities Commission of the State of Colorado, the sum of Two Thousand Five Hundred Dollars (\$2,500) for the use and benefit of the Public Utilities Commission Cash Account No. 11456 in accordance with the terms of the Alternative Penalty Provision of said Decision No. 85888.

The Commission states and finds that inasmuch as the Respondent herein has elected and has paid the sum of Two Thousand Five Hundred Dollars (\$2,500) on or before November 15, 1974, Certificate of Public Convenience and Necessity PUC No. 2573 should not be revoked and should remain in full force and effect.

O R D E R


THE COMMISSION ORDERS THAT:

That portion of Decision No. 85888, dated October 24, 1974, providing for the revocation of Certificate of Public Convenience and Necessity PUC No. 2573 of the Respondent, Big Mac Disposal Service, Inc., be, and the same hereby is, set aside and held for naught, and that said operating rights should remain in full force and effect, and be fully operative.

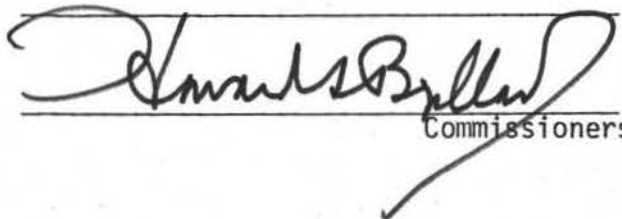
That except as herein provided, said Decision No. 85888, shall remain in full force and effect.

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDWIN R. LUNDBORG - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALFRED D. VECCHIARELLI, DOING BUSI-)
NESS AS "A & B RUBBISH REMOVAL,")
6710 WEST 35TH, WHEATRIDGE, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A COMMON CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27967-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
November 19, 1974
- - - - -

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

IT APPEARING, That on August 1, 1974, Thomas M. McCaffrey entered Recommended Decision No. 85475, which by operation of law, became the Commission decision. Said Decision No. 85475 revoked Applicant's authority under Certificate of Public Convenience and Necessity PUC No. 3209 for failure to file an Annual Report with the Commission. Applicant herein advises the Commission that on two occasions, an Annual Report was sent to the Commission. Applicant further states that he did not receive a copy of the revocation order, or if he did, it was misplaced. Applicant has now caused a copy of the Annual Report to be filed with this Commission.

IT FURTHER 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.

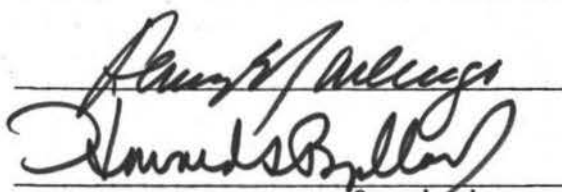
IT IS ORDERED, That the Applicant named in the caption above be granted emergency temporary authority to operate as a Common Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

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 November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT


Commissioners

Appendix
Decision No. 85976
November 19, 1974

A & B Rubbish Removal

Transportation of

Ash, trash, and other refuse

From all points within the City and County of Denver, State of Colorado, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 85977)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: GENERAL INVESTIGATION IN THE)	
MATTER OF THE OPERATIONS OF TAXI-)	CASE NO. 5062
CABS, AND THE ADOPTION OF RULES)	
AND REGULATIONS GOVERNING TAXI-)	ORDER GRANTING LEAVE TO INTERVENE
CABS.)	

November 19, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 14, 1974 Teamsters Local Union No. 435, an unincorporated labor organization, by its attorney Philip Hornbein, Jr., filed with the Commission a Petition for Leave to Intervene in the above case.

The Commission states and finds that the above petitioner for intervention is an organization which 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.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Teamsters Local Union No. 435, be, and hereby is, granted leave to intervene in the above-entitled case.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 19th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN EDUARD R. LUNDBORG ABSENT

jp

(Decision No. 85978)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN PASSENGER FARES)
AS PUBLISHED BY NORTHGLENN)
SUBURBAN COMPANY IN ITS TARIFF)
NO. 5, COLORADO PUC NO. 5.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 898

ORDER SUSPENDING INCREASE IN
PASSENGER FARES.

November 19, 1974

STATEMENT AND FINDINGS

BY THE COMMISSION:

On October 24, 1974, Northglenn Suburban Company filed its Passenger Tariff No. 5 cancelling its Tariff No. 2 increasing the one way passenger fares between Denver and Thornton and Northglenn and intermediate points. Said tariff, if allowed to become effective, would increase the adult fares from .50¢ to .75¢ and children fares from .25¢ to .50¢ and was scheduled to become effective on November 25, 1974.

Nine individual protests and four petitions containing one hundred twenty four names, all protesting the increased adult fare of .75¢, have been received by the Commission.

The Commission, on its own motion, states and finds that the within tariff should be suspended and set for hearing.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That Northglenn Suburban Company Passenger Tariff No. 5, PUC No. 5, be, and it hereby is, suspended for a period of 120 days or until March 25, 1975, unless otherwise ordered by the Commission.

2. That it shall enter into a hearing concerning the lawfulness of said tariff filing by Northglenn Suburban Company.

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 tariff under the Public Utilities Law.

4. That neither the tariffs 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 tariff in the office of the Commission and that a copy hereof be served upon Eugene H. Cukr, President, Northglenn Suburban Company, 2565 South University Boulevard, Apt. 610, Denver, Colorado 80210. That the necessary suspension supplement be issued, filed and posted to the respective tariff referred to in Ordering Paragraph No. 1 herein.

6. That fifteen (15) days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case together with a list of its witnesses and a detailed summary of their direct testimony.

7. That this Investigation and Suspension Docket No. 898, be, and the same is hereby, set for hearing before the Commission on:

Date: December 30, 1974

Time: 10:00 a.m.

Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

Testimony of public witnesses shall be the first order of business at such hearing.

8. Respondent be, and hereby is, directed to forthwith conspicuously post a copy of this order in each of its vehicles used between Denver and Thornton and Northglenn and intermediate points, and shall advise the Commission by letter when this posting has been completed.

9. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 19th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDWIN R. LUNDBORG
ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES)	INVESTIGATION AND SUSPENSION
AS PUBLISHED BY WEICKER TRANSFER &)	DOCKET NO. 903
STORAGE COMPANY IN ITS TARIFF NO.)	
5, COLORADO PUC NO. 5.)	ORDER SUSPENDING INCREASED
- - - - -	RATES AND CHARGES.

- - - - -
November 19, 1974
- - - - -

STATEMENT AND FINDINGS

BY THE COMMISSION:

On October 15, 1974, Weicker Transfer & Storage Company filed 1st Revised Page No. 5, 1st Revised Page No. 6, 1st Revised Page No. 7, 1st Revised Page No. 8, 1st Revised Page No. 9, 3rd Revised Page No. 11, 3rd Revised Page No. 15, 1st Revised Page No. 18 and Original Page No. 19 to its Tariff No. 5, Colorado PUC No. 5, increasing rates and charges. Said revised pages, if allowed to become effective, would increase the rates and charges on hourly work by approximately 6 percent, specific point to point commodity rates from 5.2 to 7.7 percent, cement distance scale of rates from 4.7 to 8.3 percent, and starches, sugar and edible syrup distance scale of rates from 5.3 to 7.6 percent and are scheduled to become effective on November 20, 1974.

Review of the data submitted by carrier in support of the above mentioned revised pages indicates that the said filings may be in violation of the Public Utilities Law.

The Commission, on its own motion, states and finds that the within tariff should be suspended and set for hearing.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That 1st Revised Page No. 5, 1st Revised Page No. 6, 1st Revised Page No. 7, 1st Revised Page No. 8, 1st Revised Page No. 9, 3rd Revised Page No. 11, 3rd Revised Page No. 15, 1st Revised Page No. 18 and Original Page No. 19 to Tariff No. 5, Colorado PUC No. 5, filed by Weicker Transfer & Storage Company, be, and they hereby are, suspended for a period of 120 days or until March 20, 1975, unless otherwise ordered by the Commission.
2. That it shall enter into a hearing concerning the lawfulness of said tariff filing by Weicker Transfer & Storage Company.

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 tariff under the Public Utilities Law.

4. That neither the tariff filings 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 tariff in the office of the Commission and that a copy hereof be served upon Hubert Work, President, 2900 Brighton Boulevard, Denver, Colorado 80216. That the necessary suspension supplement be issued, filed and posted to the respective tariff referred to in Ordering Paragraph No. 1 herein.

6. That at least fifteen (15) days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case together with a list of its witnesses and a detailed summary of their direct testimony.

7. That this Investigation and Suspension Docket No. 903, be, and the same is hereby, set for hearing before the Commission on:

Date: January 10, 1975

Time: 10:00 a.m.

Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 19th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
ABSENT.

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
	)	ROBERT L. PYLE, EXAMINER
Respondents.)	

- - - - -
November 20, 1974
- - - - -

Appearances: R. Kenton Page, doing business as
"Page Delivery & Installation,"
Respondent;
George L. Baker, 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 November 4, 1974. The matters were duly called for hearing pursuant to such notice on Monday, November 18, 1974, at 9 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, 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, except as indicated above in the Appearances.

Pursuant to the provisions of Chapter 115, Article 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 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, with the exception of Respondent shown in the Appearances above, 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/or failure, without good cause shown, to appear at the 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.

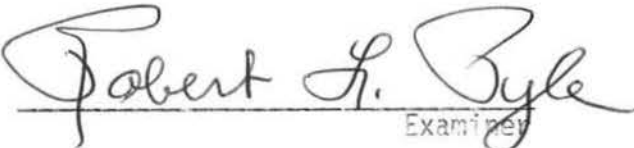
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to each respective Respondent who files the specified requirements as listed in "Appendix A" prior to the effective date of this Order.

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

(Decision No.

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>APPL. NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
Alpine Transportation, Inc. 1365 Logan Street Denver, CO 80203	27525	PLPD Ins.	343-App.
B. L. Klutts, dba Klutts Construction 1474 North Yampa, #55 Craig, CO 81625	27686-PP	Tariff & Issuance fee	348-App.
Dennis Ralph & Mabel A. LaChappell, dba Office Furniture Services 8375 Katherine Way Denver, CO 80221	27571-PP	PLPD Ins., Cargo Ins. Tariff, COD	349-App.
R. Kenton Page, dba Page Delivery & Installation 605 South Oakland Aurora, CO 80012	27699-PP	PLPD Ins., Cargo Ins. Tariff, COD Issuance fee	350-App.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
LONDELL A. BUNTING, ROUTE 4,) PUC NO. 4587
BOX 266, GREELEY, COLORADO.)

November 26, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Londell A. Bunting (Debtor), Route 4, Box 266, Greeley, Colorado 80631, owner and operator of Certificate of Public Convenience and Necessity PUC No. 4587, herein seeks authority to encumber said Certificate to the Greeley National Bank, P. O. Box 1098, Greeley, Colorado 80631 (Secured Party), to secure payment of indebtedness in the principal sum of Forty Nine Thousand One Hundred Fourteen Dollars and Eight Cents (\$49,114.08) in accordance with the terms and conditions of the Security Agreement and Financing Statement, dated August 14, 1974 and properly filed with the Commission, as executed by and between said parties.

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

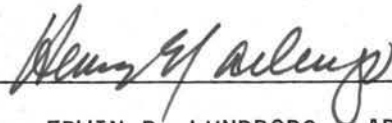
O R D E R

THE COMMISSION ORDERS:

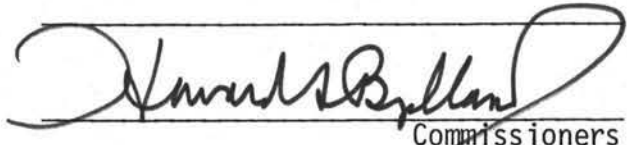
That Londell A. Bunting (Debtor), Route 4, Box 266, Greeley, Colorado 80631, be, and hereby is, authorized to encumber all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 4587 to the Greeley National Bank, P. O. Box 1098, Greeley, Colorado 80631 (Secured Party) to secure payment of indebtedness in the amount of Forty-Nine Thousand One Hundred Fourteen Dollars and Eight Cents (\$49,114.08) in accordance with the terms and conditions set forth in the statement preceding.

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDWIN R. LUNDBORG - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD N. DRAKE AND BETTY L. DRAKE,)
SELLERS OF NINETY SHARES OF THE)
ISSUED AND OUTSTANDING CAPITAL)
STOCK IN AND TO GRAND COUNTRY U.S.A.)
TRANSPORTATION, INC., RECORD OWNER)
OF CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 7137, FOR)
AUTHORITY TO TRANSFER SAID CAPITAL)
STOCK TO ESTHER M. ODEN AND DEAN M.)
ODEN, PURCHASERS.)

APPLICATION NO. 27878-Stock Transfer

ORDER OF THE COMMISSION

November 26, 1974

IT APPEARING, That by Notice of the Commission dated October 7, 1974, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

IT FURTHER APPEARING, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Notice, and that the herein proceeding is therefore noncontested and unopposed;

IT FURTHER APPEARING, 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 that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing and the files and records of the Commission;

AND IT FURTHER APPEARING, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

WE FIND, That the Transferees are fit, willing and able to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 7137, and that the transaction is compatible with the public interest and that the following Order should be entered.

IT IS ORDERED, That Donald N. Drake and Betty L. Drake, sellers of ninety (90) shares of the issued and outstanding capital stock in and to Grand Country U.S.A. Transportation, Inc., be, and hereby are, authorized to transfer said capital stock in and to Grand Country U.S.A. Transportation, Inc., record owner of Certificate of Public Convenience and Necessity PUC No. 7137 to Esther M. Oden and Dean M. Oden, purchasers.

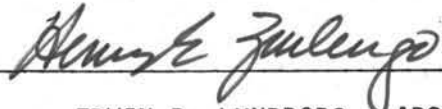
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before said Transferors and Transferees, in writing, have advised the Commission that said stock certificates have been formally assigned, and that said parties have accepted, and in the future will comply with,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

IT IS FURTHER ORDERED, That the right of Transferees 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 prior filing by Transferors of delinquent reports, if any, covering operations under said Certificate up to the time of transfer of said capital stock.

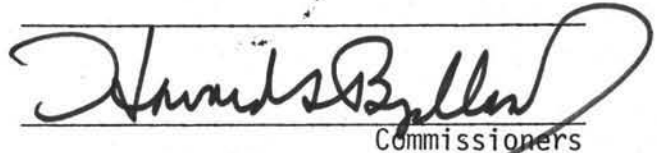
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDWIN R. LUNDBORG - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FREIGHT SERVICE, INC., SELLER OF)
16,000 SHARES OF THE ISSUED AND)
OUTSTANDING CAPITAL STOCK IN AND)
TO FREIGHT SERVICE, INC., RECORD)
OWNER OF CONTRACT CARRIER PERMIT)
NO. A-765, FOR AUTHORITY TO TRANS-)
FER 4,000 SHARES OF SAID CAPITAL)
STOCK TO CARROLL L. HELTENBERG AND)
EILEEN E. HELTENBERG, PURCHASERS,)
AS JOINT TENANTS: AND FOR AUTHORITY)
TO TRANSFER 12,000 SHARES OF SAID)
CAPITAL STOCK TO HUBERT E. LEE AND)
BERNICE L. LEE, PURCHASERS, AS JOINT)
TENANTS.)

APPLICATION NO. 27893-PP-Stock Transfer
ORDER OF THE COMMISSION

November 26, 1974

Appearances: John J. Conway, Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That by Notice of the Commission dated October 21, 1974, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

IT FURTHER APPEARING, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Notice, and that the herein proceeding is therefore noncontested and unopposed;

IT FURTHER APPEARING, 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 that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing and the files and records of the Commission;

AND IT FURTHER APPEARING, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

WE FIND, That the Transferees are fit, willing and able to control the operations called for and required by Contract Carrier Permit No. A-765, and that the transaction is compatible with the public interest and that the following Order should be entered.

IT IS ORDERED, That Freight Service, Inc., Seller of 16,000 shares of the issued and outstanding capital stock in and to Freight Service, Inc., record owner of Contract Carrier Permit No. A-765, be, and hereby is, authorized to transfer 4,000 shares of said capital stock to Carroll L. Heltenberg and Eileen E. Heltenberg, Purchasers, as joint tenants; and is authorized to transfer 12,000 shares of said capital stock to Hubert E. Lee and Bernice L. Lee, Purchasers, as joint tenants.

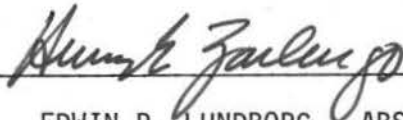
IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferees, in writing, have advised the Commission that said stock certificates have been formally assigned, and that said parties have accepted, and in the future will comply with,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

IT IS FURTHER ORDERED, That the right of Transferees 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 prior filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer of said capital stock.

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 November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDWIN R. LUNDBORG - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOE MAX JOHNSON, DOING BUSINESS AS)	
"TAXICAB OF GUNNISON," P. O. BOX)	APPLICATION NO. 27901-Transfer
446, GUNNISON, COLORADO, FOR AUTH-)	
ORITY TO TRANSFER ALL RIGHT, TITLE,)	ORDER OF THE COMMISSION
AND INTEREST IN AND TO CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 8397 TO GUNNISON TAXI, INC.,)	
BOX 155, CRESTED BUTTE, COLORADO.)	

November 26, 1974

Appearances: F. Lynn French, Esq., Crested Butte, Colorado
Attorney 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 Certificate of Public Convenience and Necessity PUC No. 8397, as granted by Commission Decision No. 79184 dated December 3, 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 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.

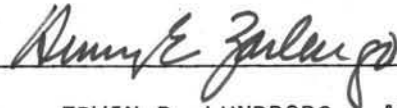
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDWIN R. LUNDBORG - ABSENT


Commissioners

(Decision No. 85985)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BILL'S RUBBISH REMOVAL, INC., 6530)
BRENTWOOD STREET, ARVADA, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PUC NO. 4808.)

APPLICATION NO. 27454-Extension
ORDER GRANTING EXTENSION OF TIME
FOR FILING EXCEPTIONS

November 26, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 20, 1974 SCA Services of Colorado, Inc., by its attorney William Andrew Wilson, filed with the Commission a Petition for an Extension of Time until 20 days after the filing of the official transcript within which to file its Application for Rehearing, Reargument, or Reconsideration in the above-captioned matter.

The Commission states and finds that sufficient grounds have been shown for granting said request.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Petition for an Extension of Time within which to file an Application for Rehearing, Reargument, or Reconsideration in the above-captioned matter until 20 days after the filing of the official transcript be, and hereby is, granted.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBERG ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE CITY OF PUEBLO, A MUNICIPAL COR-)
PORATION, AND THE DILL HAHN COMPANY)
FOR THE AUTHORITY TO OMIT ONE GRADE)
CROSSING SOUTH OF 29TH STREET, RE-)
PLACE THE GRADE CROSSING AT 29TH)
STREET WITH AN UNDERPASS, CONSTRUCT)
A NEW GRADE CROSSING AT 37TH STREET)
AND TO ALTER AND IMPROVE THE EXISTING)
GRADE CROSSING AT 40TH STREET WHICH)
WILL INCLUDE AUTOMATIC DETECTING)
DEVICES, ALL IN THE CITY OF PUEBLO,)
AND CROSSING THE TRACKS OF THE)
DENVER RIO GRANDE RAILROAD COMPANY,)
LOCATED IN THE CITY OF PUEBLO,)
STATE OF COLORADO.)

APPLICATION NO. 27529

ORDER OF THOMAS M. McCAFFREY,
EXAMINER

November 21, 1974

Appearances: Jeffrey C. Pond, Esq., Denver,
Colorado, and
John R. Naylor, Esq., Pueblo,
Colorado, for Dill Hahn Company,
Applicant;
Stephen Pfeffer, Esq., and
Thomas Jagger, Esq., Pueblo,
Colorado, for the City of
Pueblo, Applicant;
Marlin D. Opperman, Assistant
Attorney General, Denver,
Colorado, for the Colorado
Department of Highways;
John S. Walker, Esq., Denver,
Colorado, for The Denver and
Rio Grande Western Railroad
Company, Intervenor;
Bruce C. Bernstein, Esq.,
Denver, Colorado, for the
Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

The above-titled application was called for additional hearing on Tuesday, November 19, 1974, in Room 207, Federal Building, 5th and Main, Pueblo, Colorado. Applicants proceeded to present evidence, and upon completion of one full day's hearing, it was agreed among the parties that an additional day would be necessary to complete presentation of testimony and other evidence. It was further agreed that such additional

day of hearing could be scheduled in the Hearing Room of the Commission in Denver with the hearing date to be set by the Examiner.

O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 27529, being the application of the City of Pueblo and the Dill Hahn Company for authority to omit one grade crossing, replace an existing grade crossing with an underpass, and to construct a new grade crossing, all in the city of Pueblo and crossing the tracks of The Denver and Rio Grande Western Railroad Company, be, and hereby is, continued for further hearing on Monday, December 9, 1974, at 10 a.m. in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. M. Caffrey
Examiner
rw/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED PASSENGER FARES AND)
CHARGES AS PUBLISHED IN COLORADO)
MOTORWAY, INC. LOCAL PASSENGER)
TARIFF NO. 17, COLORADO PUC NO. 18,)
AND IN DENVER-BOULDER BUS COMPANY)
LOCAL PASSENGER TARIFF NO. 42,)
COLORADO PUC NO. 43, REVISED PAGES)
1, 2, 5, 6, 7, 8, and 9, ALL)
SCHEDULED TO BECOME EFFECTIVE ON)
AUGUST 1, 1974.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 879

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

- - - - -
November 22, 1974
- - - - -

Appearances: David Butler, Esq.,
Denver, Colorado, for
Respondents;
William McEwan, Esq.,
Denver, Colorado, for
Regional Transportation
District;
Richard Daily, Esq.,
Denver, Colorado, and
Steven Brett, Esq.,
Denver, Colorado,
pro se, and for all
individual intervenors;
Bruce C. Bernstein, Esq.,
Denver, Colorado, for
the Staff of the Commission.

PROCEDURE AND RECORD

On June 28, 1974, Colorado Motorway, Inc., Respondent, filed its Local Passenger Tariff No. 17, Colo. PUC No. 18, and on the same date Denver-Boulder Bus Company, Respondent, filed its revised pages 1, 2, 5, 6, 7, 8, and 9 to its Local Tariff No. 42, Colo. PUC No. 43. All of the aforesaid filings were scheduled to become effective on August 1, 1974, which would have increased passenger fares and charges.

On July 23, 1974, by Decision No. 85437, the Commission instituted I & S No. 879 and suspended all of the aforesaid filings for a period of 120 days to and including November 28, 1974, unless otherwise ordered by the Commission. The Commission also set the matter for hearing on October 10, 1974.

On August 8, 1974, the hearing date of October 10, 1974, was vacated and the matter was reset for hearing on September 10, 1974.

On September 3, 1974, 11 persons filed a pleading entitled "Petition for Leave to Intervene or in the Alternative Protest and Motion for Continuance," to-wit:

Stephen M. Brett, pro se and for other Petitioners/Protestants; James Ruh, pro se and for other Petitioners/Protestants; Richard W. Daily, pro se and for other Petitioners/Protestants; Sharon Lavoie; Charles Boxwell; John Coburn; Lawrence Weiss; Andrew Kramer; Thomas Foss; Glenn Porzak; Richard McLean.

By Decision No. 85635, dated September 3, 1974, these persons were granted leave to intervene and the hearing set for September 10, 1974, was vacated and reset for October 8, 1974, at which time hearings commenced before Examiner Robert L. Pyle, to whom the matter was assigned pursuant to law.

On September 27, 1974, the Regional Transportation District (RTD) filed with the Commission a Petition for Leave to Intervene, which was granted on October 1, 1974, by Decision No. 85762.

Ten exhibits were marked, nine of which were offered and admitted into evidence. Exhibit No. 3 was not offered or admitted into evidence. Testimony was received from witnesses for the Respondent, for the Staff, on behalf of RTD, and one public witness offered testimony.

Pursuant to the provisions of Chapter 115, Article 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 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 Commission has jurisdiction over the Respondent and subject matter of this proceeding.

2. In order to determine just and reasonable rates, it is necessary to determine actual revenues and expenses over a test period, and make appropriate adjustments to known test-period figures to measure current operational changes from the test period.

3. Although the methods used by witnesses to project cost increases of both Respondents varied, all the witnesses testifying on this point agreed that both Respondents needed rate relief due to cost increases.

4. Both Respondents operate bus and non-bus operations. The allocation of revenue and expenses between bus and non-bus operations as proposed by Respondent are reasonable and are accepted.

5. Four methods were proposed by the various parties for the purpose of measurement of needed rate relief.

6. The Respondents used two different methods to project 1974 results relying heavily upon actual expenses incurred for the first six months of 1974. The Staff projected operations based on the entire operating year of 1973, with adjustments for cost increases known to be experienced

in 1974, and estimating the amount of other cost increases since 1973 operations. RTD projected operations based upon the Staff projections with certain modifications made by RTD's witness, Mr. Bidwell.

7. The use of actual operations for part of a year in order to project expenses for an entire year, as was done by Respondent, fails to take into account short-term variations in operations and recordkeeping. A longer period of time used as a base period tends to normalize any short-term fluctuations, unusual or nonrecurring expenses, and seasonal variations. Projection of costs, based upon a full 12 months known operating revenue and expense period, with appropriate adjustments, should, in this case at least, result in a more accurate picture of projected current operations than will result from use of projections based upon comparative operations for short periods. Therefore, the method to project 1974 cost effects, as proposed by Staff, is found to be a more accurate means of measuring than those proposed by the Respondents or the RTD.

8. The education, training, experience and skill of the Staff witness is such that great weight is given to the estimates made by him. His estimates are found to be as reasonably accurate as can be made in this case, and more accurate than those made by any of the other witnesses.

9. Both Respondents receive revenue and incur expenses from charter operations, commuter operations, and express and miscellaneous operations. As this proceeding is concerned with only commuter rates, it is desirable that an allocation be made between revenue and expenses for these different operations, insofar as such is possible.

10. The relation between express and commuter operations is such that no reasonably accurate allocation between them as to expenses can be made. The revenue and expenses from charter operations can be separated from the commuter-express operations. The testimony of the Staff as to a reasonable method of dividing commuter and express operations from the charter bus operations was un rebutted and is found to be as accurate an allocation as can be made in this case. Here, again, great weight is given to the testimony of Staff's witness as to the method used.

11. With regard to the Respondent Denver-Boulder Bus Co., it is found that its 1973 operating revenue from commuter and express operations at current rates in effect is \$625,966. Its operating expense covering this revenue at current restated costs will be \$658,556, resulting in an operating ratio of 105.21%.

12. With regard to the Respondent Colorado Motorway, Inc., it is found that its 1973 operating revenue from commuter and express operations at current rates in effect is \$472,869. Its operating expenses covering this revenue at current restated costs will be \$522,644, resulting in an operating ratio of 110.53%.

13. An operating ratio in excess of 100 is unjust and unreasonable in that the operator would be conducting his operations at a loss.

14. The operations of both Respondents, to a degree, overlap each other. Each Respondent honors tickets issued by the other on such overlapping operations, which is a convenience to the public. It is, therefore, desirable that any increase in rates be applied in equal percentage to both Respondents.

15. The operating ratio for commuter and express operations of Respondent Denver-Boulder Bus Co. in 1973 was 89.15%, which is just and reasonable.

16. In order for Respondent Denver-Boulder Bus Co. to maintain an operating ratio of 89.15% for its commuter and express operations with commuter and express operating expenses of \$658,556, commuter operation revenues, exclusive of charter bus and express and miscellaneous, in the sum of \$643,632, is necessary. This is a 21.23% increase in commuter fares.

17. Applying this increase of 21.23% to the commuter revenues of Colorado Motorway, Inc., in 1973 of \$314,749 results in an increase of \$66,821 or an adjusted revenue of \$539,690 with a resulting operating ratio when applied to commuter and express expenses of \$522,644 of 96.84%.

18. An across-the-board increase in passenger fares rates of 22% will produce revenues which are just, reasonable, and nondiscriminatory both for the Respondents and for the public which the Respondents serve.

19. The tariffs as proposed by the Respondents, since they produce revenues in excess of those found to be reasonably necessary herein, are found to be unjust and unreasonable.

20. For ease of operation both to Respondents and to the public, it is just and reasonable to adjust the across-the-board 22% increase by rounding off the resulting fares to the nearest "0" or "5" and by continuing to offer for sale 10-ride and 20-ride commuter books which will offer a saving to the public over the purchase of individual tickets, except as to minimum fares. The structuring of fares to encourage the purchase of 10-ride and 20-ride ticket books in lieu of purchasing an equal number of individual tickets offers convenience to the public and economy to the Respondents.

21. The point-to-point tariff schedules attached hereto as Appendix A and Appendix B are in accordance with these findings and are found to be just, reasonable and nondiscriminatory.

22. Increasing the balance of the rates, fares and charges as contained in Colorado Motorway, Inc., Local Passenger Tariff No. 16, and the Revised pages to Denver-Boulder Bus Co. Tariff No. 42, presently under suspension herein, by 22%, rounded to the nearest "0" or "5" cents, will result in rates, fares, and charges which are just, reasonable, and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The increased tariffs as designated in Findings 21 and 22 hereto are lawful and in the public interest.

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 tariffs filed herein by Respondents, to-wit:

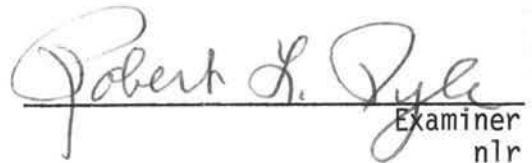
Colorado Motorway, Inc., Local Passenger Tariff No. 17, Colorado P.U.C. No. 18, and Denver-Boulder Bus Co., Inc., Local Passenger Tariff No. 42, Colorado P.U.C. No. 43, Revised Pages 1, 2, 3, 5, 6, 7, 8, and 9, be, and hereby are, ordered canceled.

2. The Respondents be, and hereby are, authorized to forthwith place into effect the tariff increases designated in Findings 21 and 22 herein.

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
nlr

DENVER-BOULDER BUS COMPANY

SECTION B
ONE-WAY ADULT FARES
DENVER-LAFAYETTE-BOULDER

INDEX NO. BETWEEN		B-1	B-2	B-3	B-4	B-5	B-6	B-7	B-8	B-9	B-10
INDEX NO.	AND	Denver	Heerlein	Western Hills	Westminster Jct.	Kentucky Avenue	Vonalt	Kozy Corner	Exchange	Broomfield	
B-2	Heerlein	.60									
B-3	Western Hills	.60									
B-4	Westminster Jct.	.60	.60	.60	.60						
B-5	Kentucky Ave.	.60	.60	.60	.60						
B-6	College Hill	.60	.60	.60	.60	.60					
B-7	Vonalt	.60	.60	.60	.60	.60	.60				
B-8	Kozy Corner	.65	.60	.60	.60	.60	.60	.60			
B-9	Exchange	.65	.60	.60	.60	.60	.60	.60	.60		
B-10	Broomfield	.85	.60	.60	.60	.60	.60	.60	.60	.60	
B-11	Broomfield Interchange	.85	.60	.60	.60						
B-12	Johnsons	1.00	.65	.65	.60	.60	.60	.60	.60	.60	.60
B-13	Rickards	1.05	.65	.65	.65	.65	.60	.60	.60	.60	.60
B-14	Lafayette	1.05	.80	.80	.80	.80	.65	.65	.60	.60	.60
B-15	Louisville	1.05	.80	.80	.80	.80	.65	.65	.60	.60	.60
B-16	Paragon Estates	1.10	.85	.85	.85	.85	.80	.80	.60	.60	.60
B-17	Superior Jct.	1.15	.85	.85	.85						
B-18	Boulder	1.35	1.05	1.05	1.05	1.05	1.00	1.00	.85	.85	.80
INDEX NO. BETWEEN		B-11	B-12	B-13	B-14	B-15	B-16	B-17			
INDEX NO.	AND	Broomfield Interchange	Johnsons	Rickards	Lafayette	Louisville	Paragon Estates	Superior Jct.			
B-12	Johnsons	.60									
B-13	Rickards	.60	.60								
B-14	Lafayette	.60	.60	.60							
B-15	Louisville	.60	.60	.60	.60						
B-16	Paragon Estates	.60	.60	.60	.60	.60					
B-17	Superior Jct.	.60									
B-18	Boulder	.80	.60	.60	.60	.60	.60	.60			

COLORADO MOTORWAY, INC.

SECTION C.

ONE-WAY ADULT FARES
DENVER-FORT COLLINS-LARAMIE

INDEX NO.		E-1	E-2	E-3	E-4	E-5	E-6	E-7	E-8	E-9	E-10	E-11	E-12
INDEX NO.	BETWEEN	DENVER, COLO.	Heerlein, Colo.	Westminster Jct., Colo.	94th Avenue, Colo.	Kozy Corner, Colo.	Broomfield, Colo.	Johnsons, Colo.	Richards, Colo.	Lafayette, Colo.	Boulder Jct., Colo.	Erie Jct., Colo.	Longmont, Colo.
	AND												
COLORADO		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
E-2	Heerlein. . . . .	.60											
E-3	Westminster Jct. . . . .	.60	.60										
E-4	94th Avenue . . . . .	.60	.60	.60									
E-5	Kozy Corner . . . . .	.65	.60	.60	.60								
E-6	Broomfield. . . . .	.85	.60	.60	.60	.60							
E-7	Johnsons.	1.00	.65	.60	.60	.60	.60						
E-8	Richards.	1.05	.65	.65	.60	.60	.60	.60					
E-9	Lafayette	1.05	.80	.80	.65	.60	.60	.60	.60				
E-10	Boulder Jct.	1.10	.90	.90	.80	.60	.60	.60	.60	.60			
E-11	Erie Jct.	1.35	1.05	1.05	1.00	.80	.60	.50	.60	.60	.60		
E-12	Longmont.	1.70	1.40	1.40	1.30	1.05	1.00	.90	.65	.60	.60	.60	
E-13	Barthoud.	2.30	2.00	1.95	1.90	1.65	1.45	1.35	1.10	1.10	1.05	1.00	.60
E-14	Campion Jct.	2.45	2.15	2.15	2.00	1.70	1.65	1.55	1.45	1.35	1.30	1.05	.65
E-15	Loveland.	2.60	2.30	2.25	2.20	1.85	1.85	1.65	1.60	1.55	1.40	1.20	1.00
E-16	Ft. Collins	3.30	3.00	2.95	2.85	2.55	2.50	2.30	2.25	2.20	2.05	1.85	1.60
E-17	LaPorte	3.60	3.30	3.25	3.15	2.80	2.80	2.60	2.55	2.45	2.40	2.15	1.90
E-18	Ted's Place	3.70	3.40	3.35	3.30	3.00	2.95	2.75	2.75	2.60	2.55	2.30	2.00
E-19	Owl Canyon.	4.05	4.05	3.65	3.60	3.30	3.25	3.05	3.00	2.95	2.80	2.55	2.45
E-20	Fork's Hotel.	4.20	3.90	3.85	3.80	3.50	3.40	3.25	3.25	3.10	3.05	2.80	2.50
E-21	Virginia Dale	4.90	4.60	4.50	4.45	4.15	4.10	3.95	3.90	3.80	3.70	3.50	3.15
WYOMING													
E-23	Tie Siding.	4.95	4.70	4.65	4.60	4.25	4.25	4.10	4.05	3.95	3.90	3.70	3.50
E-24	LARAMIE	5.45	45.45	45.40	45.35	45.05	45.00	44.85	44.80	44.75	44.70	44.50	44.20
INDEX NO.			E-13	E-14	E-15	E-16	E-17	E-18	E-19	E-20	E-21	E-23	
INDEX NO.	BETWEEN	Barthoud, Colo.	Campion Jct., Colo.	Loveland, Colo.	Ft. Collins, Colo.	LaPorte, Colo.	Ted's Place, Colo.	Owl Canyon, Colo.	Fork's Hotel, Colo.	Virginia Dale, Colo.	TIE SIDING, WYO.		
	AND												
COLORADO		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$		
E-14	Campion Jct. . . . .	.60											
E-15	Loveland. . . . .	.60	.60										
E-16	Ft. Collins	1.05	.80	.65									
E-17	LaPorte	1.35	1.20	1.15	.60								
E-18	Ted's Place	1.45	1.30	1.30	.60	.60							
E-19	Owl Canyon.	1.75	1.60	1.45	.85	.60	.60						
E-20	Fork's Hotel.	1.95	1.75	1.65	1.00	.60	.60	.60					
E-21	Virginia Dale	2.75	2.45	2.30	1.65	1.35	1.20	.90	.65				
WYOMING													
E-23	Tie Siding.	3.00	2.80	2.65	2.05	1.70	1.65	1.40	1.25	.60			
E-24	LARAMIE	3.80	3.60	3.50	2.85	2.60	2.45	2.20	2.00	1.40			

(Decision No. 85988)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
STANDLEY H. SCOTT, DOING BUSINESS)
AS "SCOTT FARMS," ROUTE 3, BOX 44,)
BRIGHTON, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27974-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 26, 1974

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 November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDWIN R. LUNDBORG - ABSENT


Commissioners

Appendix
Decision No. 85955
November 26, 1974

Scott Farms

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 and stone

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.

(Decision No. 85989)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH P. PELCZAR AND FRANCIS A.)
MACK, JR., DOING BUSINESS AS VAIL -)
DENVER SKI SHUTTLE, P. O. BOX 2786,)
VAIL, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 27960

ORDER GRANTING LEAVE TO INTERVENE

November 26, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 22, 1974 San Juan Tours, Inc., by its attorney John S. Walker, Jr., filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

San Juan Tours, Inc. be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING THE 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT

jp

(Decision No. 85990)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DARYLE FREEL, ROUTE 2, BOX 282 C,)
LOVELAND, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27975-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 26, 1974

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.

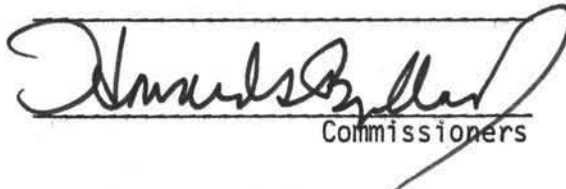
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDWIN R. LUNDBORG - ABSENT


Commissioners

Appendix
Decision No. 85990
November 26, 1974

Daryle Freel

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 and stone

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)	
JOSEPH P. PELCZAR AND FRANCES A.)	APPLICATION NO. 27960
MACK, JR., DOING BUSINESS AS VAIL-)	
DENVER SKI SHUTTLE, C/O TAYLOR's,)	ORDER GRANTING LEAVE TO INTERVENE
P. O. BOX 2786, VAIL, COLORADO,)	
FOR A CERTIFICATE OF PUBLIC CON-)	
VENIENCE AND NECESSITY TO OPERATE)	
AS A COMMON CARRIER BY MOTOR)	
VEHICLE FOR HIRE.)	

November 26, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 22, 1974 Continental Bus System, Inc., and Continental Bus System, Inc., (Rocky Mountain Lines Division), by their attorney John R. Barry, filed with the Commission a Motion for Leave to Intervene and Protest in the above Application.

The Commission states and finds that the above 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.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Continental Bus System, Inc., and Continental Bus System, Inc., (Rocky Mountain Lines Division) be, and hereby are, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
COLORADO LIMOUSINE & HEARSE SERVICE,)	APPLICATION NO. 27951-Extension
IHC., 1306 OGDEN STREET, DENVER,)	
COLORADO, FOR A CERTIFICATE OF)	MOTION TO INTERVENE AND PROTEST
PUBLIC CONVENIENCE AND NECESSITY)	
AUTHORIZING EXTENSION OF OPERATIONS)	
UNDER PUC NO. 4006.)	

November 26, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 22, 1974 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 for Leave to Intervene and Protest in the above application.

The Commission states and finds that the above 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.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Denver-Colorado Springs-Pueblo Motorway, Continental Bus Systems, Inc., Continental Bus Systems, 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 in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BRADLEY S. HUFF AND RUTH E. HUFF,)
AS JOINT TENANTS, DOING BUSINESS AS)
"BRADLEY/HUFF TRUCKING COMPANY,")
U.S. 85-87 NORTH OF WALSENBURG,)
COLORADO, FOR AUTHORITY TO TRANSFER)
ALL RIGHT, TITLE, AND INTEREST IN)
AND TO CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 351)
AND 351-I TO ROBERT WELDON KNIGHT)
AND JOHNNY I. KING, DOING BUSINESS)
AS "KNIGHT AND KING CATTLE COMPANY)
TRUCKING," P.O. BOX 310, WALSENBURG,)
COLORADO.)

APPLICATION NO. 27825-Transfer
ORDER OF THE COMMISSION

December 3, 1974

Appearances: John R. Naylor, II., Esq., Pueblo, Colorado
Attorney 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 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 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. 351 and 351-I, as granted by Commission Decision No. 72952 dated May 1, 1969, 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.

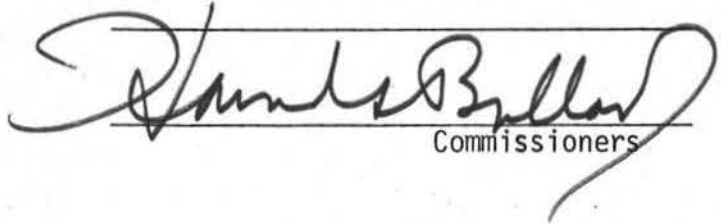
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Henry E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A large, stylized handwritten signature in dark ink, written over a horizontal line. Below the line, the word "Commissioners" is printed.

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RUSSELL A. AND SANDRA H. MOCK,)	
DOING BUSINESS AS "BYERS TRUCK LINE,")	
BYERS, COLORADO, FOR AUTHORITY TO)	APPLICATION NO. 27822-Lease
LEASE ALL RIGHT, TITLE, AND INTEREST)	
IN AND TO CERTIFICATE OF PUBLIC)	ORDER OF THE COMMISSION
CONVENIENCE AND NECESSITY PUC NO.)	
3054 TO ROGER L. PETERS, DOING BUSI-)	
NESS AS "PETERS ENTERPRISES," P. O.)	
BOX 119, BYERS, COLORADO.)	

- - - - -
December 3, 1974
- - - - -

Appearances: Allen J. Kincaid, Esq., Brush, Colorado
Attorney 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 thus submitted amply warrants approval of the lease as hereinafter ordered;

WE FIND, That the financial standing of the Lessee has been satisfactorily established and that the lease is compatible with the public interest;

AND WE FURTHER FIND, That Lessee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be leased and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

IT IS ORDERED, That Russell A. and Sandra H. Mock, doing business as Byers Truck Line, Byers, Colorado, be, and are hereby, authorized to lease all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 3054 to Roger L. Peters, doing business as Peters Enterprises, in accordance with the terms and conditions of the Agreement of Lease, dated September 6, 1974, and by reference made a part hereof.

IT IS FURTHER ORDERED, That said lease shall be effective until November 30, 1977.

IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Lessor shall upon proper adoption notice, become and remain those of Lessee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Lessee 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 prior filing by Lessor of delinquent reports, if any, covering operations under said Certificate up to the time of lease of said Certificate.

IT IS FURTHER ORDERED, That this Order shall be effective as of the day and date hereof.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RUSSELL A. AND SANDRA H. MOCK,)	
DOING BUSINESS AS "BYERS TRUCK)	APPLICATION NO. 27821-Lease
LINE," BYERS, COLORADO, FOR AUTHORITY)	
TO LEASE ALL RIGHT, TITLE AND INTEREST)	ORDER OF THE COMMISSION
IN AND TO CERTIFICATE OF PUBLIC CON-)	
VENIENCE AND NECESSITY PUC NO. 1564)	
AND 1564-I TO ROGER L. PETERS, DOING)	
BUSINESS AS "PETERS ENTERPRISES,")	
P. O. BOX 119, BYERS, COLORADO.)	

- - - - -
December 3, 1974
- - - - -

Appearances: Allen J. Kincaid, Esq., Brush, Colorado
Attorney 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 thus submitted amply warrants approval of the lease as hereinafter ordered;

WE FIND, That the financial standing of the Lessee has been satisfactorily established and that the lease is compatible with the public interest;

AND WE FURTHER FIND, That Lessee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be leased and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

IT IS ORDERED, That Russell A. and Sandra H. Mock, doing business as Byers Truck Line, Byers, Colorado, be, and are hereby, authorized to lease all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 1564 and 1564-I to Roger L. Peters, doing business as Peters Enterprises, in accordance with the terms and conditions of the Agreement of Lease, dated September 6, 1974, and by reference made a part hereof.

IT IS FURTHER ORDERED, That said lease shall be effective until November 30, 1977.

IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Lessor shall upon proper adoption notice, become and remain those of Lessee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Lessee 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 prior filing by Lessor of delinquent reports, if any, covering operations under said Certificate up to the time of lease of said Certificate.

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

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES FOR THE	)	INVESTIGATION AND SUSPENSION
TRANSPORTATION OF ASH AND TRASH	)	DOCKET NO. 896
AS PUBLISHED IN WESTERN TRUCKING)	
COMPANY, INC. MOTOR FREIGHT	)	ORDER OF ROBERT E. TEMMER,
COMPANY COLORADO PUC NO. 7.	)	EXAMINER, CONTINUING HEARING

- - - - -
November 25, 1974
- - - - -

Appearances: James O. Thorvilson, Esq.,
Boulder, Colorado, for
Respondent;
Ralph H. Knull, Denver,
Colorado, of the Staff
of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

The hearing on the above-entitled matter was commenced, pursuant to due and proper notice, on November 22, 1974, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, 80203, by Examiner Robert E. Temmer to whom the matter had been duly assigned. As a preliminary matter to the hearing, Respondent requested that the hearing be continued. Respondent had previously submitted a letter to the Commission requesting that the matter be continued, on the grounds that there had been insufficient time available to counsel for Respondent to properly prepare for the hearing. The Staff of the Commission did not object to the continuance.

CONCLUSIONS ON FINDINGS OF FACT

Good cause exists for granting the Motion for Continuance, and continuing the hearing would be in the public interest.

O R D E R

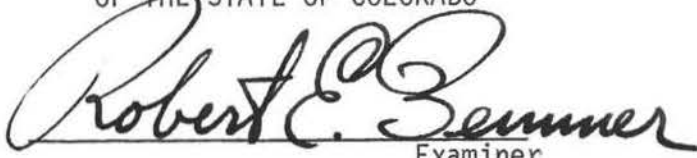
THE EXAMINER ORDERS THAT:

1. Investigation and Suspension Docket No. 896 be, and hereby is, set for further hearing in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Friday, January 10, 1975, commencing at 10 a.m.

2. Ten days prior to the hearing date set herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case, together with a list of the witnesses it intends to call and a summary of their direct testimony.

3. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
SOUTHEAST COLORADO POWER ASSOCIATION,)	APPLICATION NO. 27942-Securities
A COLORADO CORPORATION, 901 WEST)	
THIRD STREET, LA JUNTA, COLORADO, FOR)	ORDER OF THE COMMISSION
PERMISSION TO BORROW MONEY AND FOR AN)	GRANTING APPLICATION
ORDER AUTHORIZING ISSUE OF SECURITIES.)	

- - - - -
November 26, 1974
- - - - -

Appearances: Thomas T. Farley, Esq.,
Petersen & Fonda P.C.
Pueblo, Colorado,
for Applicant

James D. Grundy and
Glenn L. Pierre,
Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

On November 4, 1974, Southeast Colorado Power Association (hereinafter referred to as Southeast or Applicant), filed with the Commission the above-entitled application for authority: (1) to execute an Amendment dated July 1, 1974, to the Amending Loan Contract between Southeast and the United States of America, dated as of March 2, 1967, and (2) to execute a Mortgage Note to the United States of America for \$801,000 with interest at the rate of 2% per annum and repayable within thirty-five (35) years after the date thereof, and (3) to execute a Supplemental Mortgage and Security Agreement to be made by Southeast in favor of the United States of America, which mortgage will secure the promissory notes to which reference is made above.

The matter was set for hearing after due and proper notice to all interested parties on November 25, 1974, at 9 a.m., in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and at such time and place was heard by Hearing Examiner Thomas M. McCaffrey, to whom the matter was assigned pursuant to law.

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 and administrative assistant appeared and testified in support of the application.

The Applicant offered as an exhibit an Affidavit and Proof of Publication of "Notice of Securities Application" (Exhibit O).

Exhibits A through M, inclusive, and Exhibit O were admitted into evidence; Exhibit N was late filed.

At the conclusion of the hearing the application was taken under advisement.

FINDINGS OF FACT

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

1. The Applicant, Southeast Colorado Power Association, is a cooperative electric association. It is engaged in the business of purchasing, acquiring, transmitting, distributing and selling electricity to its consumers on its lines in the counties of Baca, Cheyenne, Crowley, El Paso, Kiowa, Las Animas, Lincoln, Otero, Bent, Prowers and Pueblo, all in the State of Colorado.

2. 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.

3. The Applicant needs the loan funds sought to be approved in this application for the improvement of its electrical properties and distribution facilities, for the improvement and maintenance of its service, and for other lawful purposes.

4. The Board of Directors of the Applicant and the Rural Electrification Administration have all approved the herein loan application, totaling \$801,000 subject to the approval of the Commission.

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

6. The Commission is fully advised in the premises.

7. Since Chapter 115-1-4, CRS 1963, as amended, requires that securities applications be disposed of within thirty (30) days, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Examiner be omitted.

CONCLUSIONS ON FINDINGS OF FACT

1. Applicant, Southeast Colorado Power Association, is a public utility as defined in Chapter 115-1-3, CRS 1963, as amended.

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

3. Pursuant to Chapter 115-6-9 (6), CRS 1963, as amended, this Decision should be the initial decision of the Commission.

4. Each of the following are not inconsistent with the public interest, and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, CRS 1963, as amended:

A. The Amendment, dated July 1, 1974, to the Amending Loan Contract between Southeast Colorado Power Association and the United States of America, dated March 2, 1967 (Exhibit A);

B. The Mortgage Note payable to the United States of America in the amount of \$801,000 (Exhibit B);

C. The Supplemental Mortgage and Security Agreement made by the Applicant and the United States of America, (Exhibit C);

and each should be authorized and approved.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Each of the following be, and the same hereby is, authorized and approved:

A. The execution of the Amendment, dated July 1, 1974, to the Amending Loan Contract between Southeast Colorado Power Association and the United States of America, dated March 2, 1967 (Exhibit A);

B. The issuance of the Mortgage Note to the United States of America, in the amount of \$801,000 (Exhibit B);

C. The execution of the Supplemental Mortgage and Security Agreement made by and between Applicant and the United States of America (Exhibit C);

2. Within one hundred twenty (120) days of the execution of the three (3) loan instruments authorized herein, Southeast Colorado Power Association shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

3. 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.

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

5. The authority granted herein shall be exercised from and after date of this Order and the Order herein contained shall be effective forthwith.

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

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EDWARD L. TALLEY, DOING BUSINESS AS)
"E. L. TALLEY," 137 NORTH TOWNSEND,)
MONTROSE, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27946-PP

ORDER OF THE COMMISSION

- - - - -
December 3, 1974
- - - - -

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 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 85998
December 3, 1974

E. L. Talley

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 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)
REX PHELPS, JR. AND R.L. TOW, DOING)
BUSINESS AS "REX GARDEN SERVICE,")
2925 F. ROAD, GRAND JUNCTION, COLO-)
RADO, FOR AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27952-PP

ORDER OF THE COMMISSION

December 3, 1974

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.

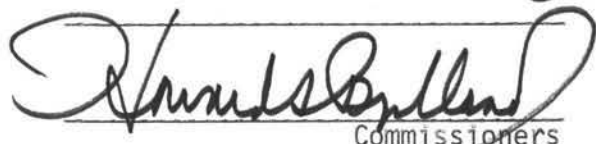
IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 85999
December 3, 1974

Rex Garden Service

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 and stone

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)
WILLIAM LAURANCE HYDE, JR., DOING)
BUSINESS AS "BILL HYDE," ROUTE 2,)
BOX 79, OLATHE, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27965-PP

ORDER OF THE COMMISSION

December 3, 1974

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.

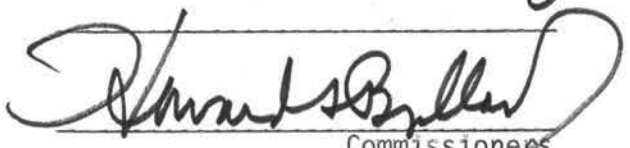
IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 86000
December 3, 1974

Bill Hyde

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 and stone

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 (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 200 miles from the point 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 (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 of origin.

(Decision No. 86001)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOARD OF COUNTY COMMISSIONERS OF)
PITKIN COUNTY, BOX 4096, ASPEN,)
COLORADO, FOR EMERGENCY TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 8581,)
PENDING DETERMINATION OF THE APPLI-)
CATION TO ACQUIRE SAID CERTIFICATE.)

APPLICATION NO. 27988-Transfer-ETA

ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

December 3, 1974

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 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ASPEN AIRPORT TRANSIT COMPANY, INC.,)
DOING BUSINESS AS "QUICKSILVER)
LIMOUSINE SERVICE," BOX 2751, ASPEN,)
COLORADO, FOR EMERGENCY TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 8581,)
PENDING THE DETERMINATION OF THE)
APPLICATION FOR APPROVAL OF LEASE)
OF SAID CERTIFICATE.)

APPLICATION NO. 27989-Lease-ETA

ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

- - - - -
December 3, 1974
- - - - -

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 leased, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT FURTHER APPEARING, That the Commission entered its order in Decision No. 86001, dated December 3, 1974, granting the Board of County Commissioners of Pitkin County emergency temporary approval to conduct operations under Certificate of Public Convenience and Necessity PUC No. 8581, in that the Transferor "Pitkin County Airport Authority," a Colorado non-profit corporation and a sub-division of Pitkin County Government, is in the process of dissolution pursuant to Resolution No. 74-94. The Board of County Commissioners of Pitkin County desire to now lease such authority to be operated pursuant to a lease agreement entered into by and between the Applicant herein and said Board in order to assure continuous and adequate transportation service to the public concerned.

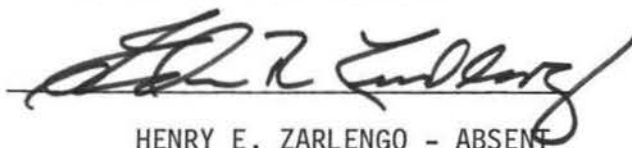
IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

IT IS ORDERED, That the Lessee 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 Lessor 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 Lessee may commence operations.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "H. E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A handwritten signature in dark ink, appearing to read "Donald S. Byland", written over a horizontal line.

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF COLORADO TRAIN)
LEASE, INC. D/B/A STEAMBOAT STAGE)
COMPANY TO AMEND TARIFF ON LESS) APPLICATION NO. 27986
THAN STATUTORY NOTICE.)

November 26, 1974

STATEMENT

BY THE COMMISSION:

On November 20, 1974, Colorado Train Lease, Inc. d/b/a Steamboat Stage Company, Applicant, filed Supplement No. 1 to its Tariff No. 2, PUC No. 2, with the request that said supplement be allowed to become effective on less than statutory notice on December 1, 1974. The proposed supplement would have the effect of cancelling the existing rates and routes between Steamboat Springs and the Mount Werner Ski Area and would establish a regular day time shuttle service between these areas at no cost to the users of the service. Compensation to the carrier will be made by the City of Steamboat Springs per contract executed on November 18, 1974 and filed with the Commission on November 20, 1974.

As the contract expires on April 10, 1975 the regular rates would be reinstated on that date.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. That the existing tariff provides a fare of .50¢ per passenger for shuttle service between Steamboat Springs and the Mount Werner Ski Area.
2. That Applicant and the City of Steamboat Springs have entered into a contract which will provide a free day time shuttle service between Steamboat Springs and the Mount Werner Ski Area for the period of December 1, 1974 and April 10, 1975.
3. That Applicant will be paid \$14.63 per bus hour for the proposed shuttle service.
4. That amendment of the tariff on less than statutory notice to reflect the terms of the contract is required.

CONCLUSIONS ON FINDINGS OF FACT

It will be in the public interest to allow Applicant to amend its Tariff No. 2 to reflect the terms of the contract with the City of Steamboat Springs on less than statutory notice, to become effective on December 1, 1974.

An appropriate Order shall be issued.

O R D E R

THE COMMISSION ORDERS:

1. That Colorado Train Lease, Inc. d/b/a Steamboat Stage Company be, and it hereby is, authorized to amend its Tariff No. 2 to reflect the free day time shuttle service, as outlined in the contract on file between Applicant and the City of Steamboat Springs, on less than statutory notice, to become effective on December 1, 1974 and to expire on April 10, 1975.

2. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF THE COLORADO)
AND WYOMING RAILWAY COMPANY,)
APPLICANT, TO MAKE TARIFF CHANGES) APPLICATION NO. 27987
ON LESS THAN STATUTORY NOTICE.)

November 26, 1974

STATEMENT

BY THE COMMISSION:

By application filed November 20, 1974, The Colorado & Wyoming Railway Company, request permission to amend its Tariff No. 894-S by publishing a new item, viz.:

"Switching - slag-ballast - from The Colorado & Wyoming Railway Company to its connections at Minnequa, Colorado. Switch charge \$31.00 per car."

The application stated that the proposed rate would be limited to delivery of not less than 20 cars on one bill of lading.

FINDINGS OF FACT

1. The Publishing of the new item would reduce the switching charge from \$50.00 per car to \$31.00 per car, when not less than 20 cars are delivered at one time.

2. The Colorado & Wyoming Railway Company will not have the weighing and billing expense and further the connecting carrier will relieve The Colorado & Wyoming Railway Company of all per diem expense.

3. The slag-ballast is used for railroad construction of new trackage and for proper maintenance of existing trackage, and is presently needed by the Denver & Rio Grande Railroad, The Santa Fe and the Colorado Southern Railroad, and there is an urgent and immediate need for this material.

4. Rates will be subject to all Ex-Parte and K Supplement increases.

5. By this application, Applicant, requests approval to file the new item, to show the application of the reduced rate to become effective on less than statutory notice on December 6, 1974.

CONCLUSIONS ON FINDINGS OF FACT

The Commission concludes that good cause has been shown for authorization to publish the reduced rate on switching charge in regard to a large movement of slag-ballast, on less than statutory notice, that same is just, reasonable and non-discriminatory, is in the public interest, is lawful, and should be allowed.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. That Applicant, The Colorado & Wyoming Railway Company, be, and hereby is, authorized to publish on less than statutory notice, to become effective on December 6, 1974, in its Tariff No. 894-S the following:

"Switching - slag-ballast - from The Colorado & Wyoming Railway Company to its connections at Minnequa, Colorado. Switch charge \$31.00 per car. Said rate shall be limited to delivery of not less than 20 cars on one bill of lading."

2. This Order shall be effective forthwith.

DONE IN OPEN MEETING this 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER EDWIN R. LUNDBORG
ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TIMBERLINE HELICOPTERS, INC., FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS AN AIR)
CARRIER BY HELICOPTER FOR THE TRANS-)
PORTATION - ON CALL AND DEMAND - OF)
PERSONS AND PROPERTY BETWEEN ALL)
POINTS IN THE STATE OF COLORADO,)
RESTRICTED TO A BASE OF OPERATIONS)
AND AN OFFICE FOR THE SOLICITATION)
OF BUSINESS AT PETERSON FIELD,)
COLORADO SPRINGS, COLORADO.)

APPLICATION NO. 27927-Air Carrier
ORDER GRANTING MOTION TO CONSOLIDATE

November 26, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 4, 1974 Roberts Aircraft, Inc., filed its Application No. 27812 - Air Carrier concerning certain air carrier operations in Colorado Springs, Colorado.

On October 24, 1974 Timberline Helicopters, Inc., filed its Application No. 27927 - Air Carrier concerning essentially the same operations as concerned in Application No. 27812 - Air Carrier.

On November 18, 1974 Timberline Helicopters, Inc., filed its Motion to Consolidate the two aforesaid applications.

The Commission states and finds that good cause has been shown why these applications should be consolidated for hearing and that the Motion to Consolidate should be granted.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Motion to Consolidate Application No. 27812 - Air Carrier and Application No. 27927 - Air Carrier filed by Timberline Helicopters, Inc., be, and hereby is, granted.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) ROBERTS AIRCRAFT, INC., 1255 AVIA-) TION WAY, COLORADO SPRINGS, COLO-) RADO, FOR A CERTIFICATE OF PUBLIC) CONVENIENCE AND NECESSITY TO OPERATE) AS AN AIR CARRIER BY ROTARY WING) AIRCRAFT FOR HIRE.)	APPLICATION NO. 27812-Air Carrier ORDER GRANTING LEAVE TO INTERVENE
---	--

November 26, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 18, 1974 Timberline Helicopters, Inc., by its attorneys Leonard M. Campbell and William H. McEwan, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Timberline Helicopters, Inc., be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT

jp

(Decision No. 86007)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HELENE G. JOHNSTON, DOING BUSINESS)
AS "IVAN R. JOHNSTON TRUCKING,")
7480 EAST 82ND PLACE, COMMERCE CITY,)
COLORADO, FOR TEMPORARY APPROVAL)
TO CONDUCT OPERATIONS UNDER CONTRACT)
CARRIER PERMIT NO. B-4504, PENDING)
DETERMINATION OF THE APPLICATION TO)
ACQUIRE SAID PERMIT.)

APPLICATION NO. 27826-PP-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

- - - - -
December 3, 1974
- - - - -

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 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
S. A. LINTHICUM, 2217 NORTH FRANKLIN)
STREET, COLORADO SPRINGS, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27950-PP-TA
ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
December 3, 1974
- - - - -

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 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 86008
December 3, 1974

S. A. Linthicum

Transportation of

Lost or overdue passenger baggage, clothing and personal effects

From passenger terminals at Peterson Field Airport, Colorado Springs, Colorado, to all points located within the Counties of Teller and El Paso, State of Colorado.

RESTRICTION: This temporary authority is restricted to rendering transportation service for the following customers only: Braniff International Airways, Peterson Field, Colorado Springs, Colorado; Continental Airlines, Peterson Field, Colorado Springs, Colorado; Frontier Airlines, Peterson Field, Colorado Springs, Colorado; Trans World Airlines, Stapleton Airport, Denver, Colorado; United Airlines, Stapleton Airport, Denver, Colorado; Western Airlines, Stapleton Airport, Denver, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
QUINBY BROS. HOUSE MOVERS, INC.,)
ROUTE 1, BOX 51, COMMERCE CITY,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27957-TA
ORDER DENYING TEMPORARY AUTHORITY

- - - - -
December 3, 1974
- - - - -

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 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) ELBERT BARR, 719 31ST STREET, DENVER,) COLORADO, FOR TEMPORARY AUTHORITY TO) OPERATE AS A CLASS "B" CONTRACT) CARRIER BY MOTOR VEHICLE.)	APPLICATION NO. 27956-PP-TA ORDER GRANTING TEMPORARY AUTHORITY
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- - - - -
December 3, 1974
- - - - -

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 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 86010
December 3, 1974

Elbert Barr

Transportation of

Used tires

From Montgomery Wards Store No. 2196 located at 1400 South Havanna,
Aurora, Colorado, to Firestone Tire & Rubber Company, located at
4300 Brighton Boulevard, Denver, Colorado.

RESTRICTION: This temporary authority is restricted to rendering
transportation service for one customer only, Montgomery Ward & Company.

(Decision No. 86011)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TRAMMELL CROW DISTRIBUTION CORPORA-)
TION OF DENVER, 4744 FOREST STREET,)
P.O. BOX 7173, DENVER, COLORADO,)
FOR TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CONTRACT CARRIER)
PERMIT NO. B-7765.)

APPLICATION NO. 27959-PP-Extension-
TA
ORDER DENYING TEMPORARY AUTHORITY

- - - - -
December 3, 1974
- - - - -

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 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALEX A. ABEYTA, BOX 524, SAGUACHE,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27961-PP-TA
ORDER DENYING TEMPORARY AUTHORITY

- - - - -
December 3, 1974
- - - - -

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

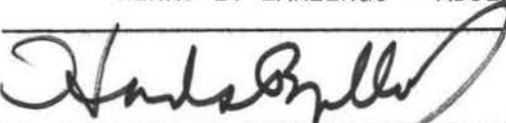
IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners

(Decision No. 86013)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY HARRISON, 245 SECOND AVENUE,)
MONTE VISTA, COLORADO, FOR TEM-)
PORARY AUTHORITY TO OPERATE AS A)
COMMON CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27962-TA

ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
December 3, 1974
- - - - -

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

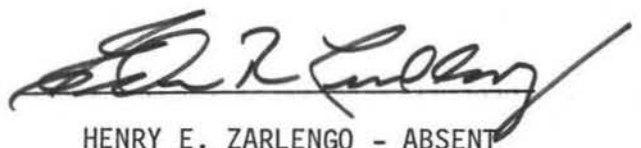
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

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 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 86013
December 3, 1974

Henry Harrison

Transportation - on call and demand - of

Mobile homes and other types of trailers, designed to be drawn by
passenger automobiles or tow trucks

From and to Monte Vista, Colorado, to and from all points within
the State of Colorado.

(Decision No. 86014)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARTHUR SCHREIBER AND JAMES E. MAREK,)
DOING BUSINESS AS "THE PONY EXPRESS,")
BOX 5118, STEAMBOAT VILLAGE, COLO-)
RADO, FOR TEMPORARY AUTHORITY TO)
OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27963-TA

ORDER DENYING TEMPORARY AUTHORITY

December 3, 1974

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

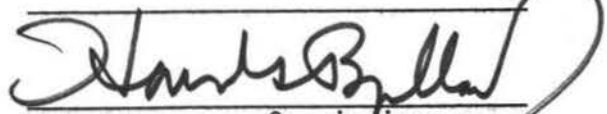
IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERTS AIRCRAFT, INC., 1591 AVIA-)
TION WAY, COLORADO SPRINGS, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS AN AIR CARRIER BY ROTARY WING)
AIRCRAFT.)

APPLICATION NO. 27812-TA

ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
December 3, 1974
- - - - -

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 air 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 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 rotary wing aircraft to the extent and in the manner set forth in the Appendix attached hereto.

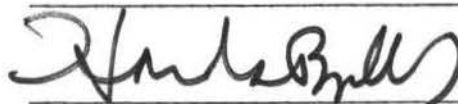
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners

Appendix
Decision No. 86015
December 3, 1974

Roberts Aircraft, Inc.

Transportation - on call and demand by rotary wing aircraft - of
Passengers and property

Between all points located within the State of Colorado.

RESTRICTION: This temporary authority is restricted as follows:

- (1) All operations hereunder shall be conducted from bases of operations located at Petersen Field, Colorado Springs, Colorado and airports within a thirty (30) mile radius thereof.
- (2) Tariffs and rates for passengers between points served by air carriers operating on schedule over fixed routes and in competition therewith shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith.

(Decision No. 86016)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: IN THE MATTER OF THE PROPOSED)	CASE NO. 5409
REVISION OF RULE 19 G OF THE RULES)	
OF PRACTICE AND PROCEDURE BEFORE)	ORDER OF THE COMMISSION STAYING
THE PUBLIC UTILITIES COMMISSION OF)	AND POSTPONING RECOMMENDED
THE STATE OF COLORADO.)	DECISION NO. 85971

November 26, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 15, 1974, Hearing Examiner Robert L. Pyle entered his Recommended Decision No. 85971 in the above matter.

Pursuant to 115-6-9(2), CRS 1963, as amended, the Commission, on its own motion, has decided to reconsider the matter and the Recommended Decision of the Examiner should therefore be stayed and postponed, pending final determination thereof by the Commission.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

By the herein decision, Recommended Decision No. 85971, dated November 15, 1974, be, and hereby is, stayed and postponed, pending final determination and ruling thereon by the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

PUBLIC SERVICE COMPANY OF
COLORADO, a Colorado
corporation,

Complainant,

vs.

TRI-STATE GENERATION AND
TRANSMISSION ASSOCIATION,
INC., a corporation,

Respondent.

CASE NO. 5557

ORDER DENYING FURTHER REHEARING,
RECONSIDERATION OR REARGUMENT OF
COMMISSION DECISION NO. 85737

November 26, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 24, 1974, the Commission entered its Decision No. 85737 in the above-captioned matter.

On November 22, 1974, Intervenor, K. C. Electric Association, filed with the Commission an Application for Further Rehearing, Reconsideration or Reargument of Commission Decision No. 85737 dated September 24, 1974.

The Commission states and finds that Intervenor's Application for Rehearing, Reconsideration or Reargument of Decision No. 85737 does not set forth sufficient grounds for any change or modification and that said Application should therefore be denied.

An appropriate Order will be entered.

O R D E R



THE COMMISSION ORDERS THAT:

The Application for Further Rehearing, Reconsideration or Reargument of Commission Decision No. 85737 filed by Intervenor, K. C. Electric Association, on November 22, 1974, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT.
vjr

(Decision No. 86018)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WESTERN AIR STAGES, INC., FOR)	
TEMPORARY AUTHORITY TO EXTEND)	
OPERATIONS UNDER ACS-71 TO INCLUDE)	APPLICATION NO. 27606-TA-Extension
THE TRANSPORTATION OF PERSONS AND)	
PROPERTY IN SCHEDULED SERVICE BE-)	
TWEEN SPECIFIED POINTS IN COLORADO.)	

November 26, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 12, 1974, the Commission entered its Decision No. 85948 granting Applicant, Western Air Stages, Inc., temporary authority.

On November 22, 1974, Protestant, Rocky Mountain Airways, Inc., filed with the Commission a pleading entitled "Motion of Rocky Mountain Airways, Inc., for Reopening and Reconsideration of Decision No. 85948 of This Commission and for an Order Suspending the Authority Granted Therein Pending its Reconsideration."

The Commission states and finds that insufficient grounds exist for granting the above Motion and concludes that the following Order should be entered.

O R D E R

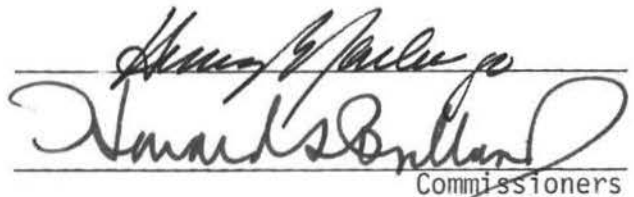
THE COMMISSION ORDERS THAT:

The Motion filed November 22, 1974, by Protestant, Rocky Mountain Airways, Inc., entitled "Motion of Rocky Mountain Airways, Inc., for Reopening and Reconsideration of Decision No. 85948 of This Commission and for an Order Suspending the Authority Granted Therein Pending its Reconsideration" be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT.
vjr

(Decision No. 86019)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: SUPPLEMENT K-8 TO TARIFF OF)
INCREASED RATES AND CHARGES)
X-305-A.)
-----)

INVESTIGATION AND SUSPENSION
DOCKET NO. 878

SUPPLEMENTAL ORDER CORRECTING
TYPOGRAPHICAL ERROR IN RECOMMENDED
DECISION NO. 85967 OF EXAMINER.

November 26, 1974

STATEMENT AND FINDINGS

BY THE COMMISSION:

On November 14, 1974, Recommended Decision No. 85967 was issued by Thomas M. McCaffrey, Examiner on the above captioned case. A review of said recommended decision reveals that a typographical error occurred in the third line of Ordering Paragraph No. 2. The pertinent portion of line three therein presently reads "--- Subject to Tables 3 and 3-C.". Said portion should read as follows: "Subject to Tables 3 and 3-G.".

The Commission finds that it will be in the public interest to correct said typographical error.

An appropriate Order shall be issued.

O R D E R

THE COMMISSION ORDERS THAT:

1. That portion of Line 3 of Ordering Paragraph No. 2 of Examiner's Recommended Decision No. 85967, dated November 14, 1974, which presently reads "Subject to Tables 3 and 3-C" shall be, and it hereby is, corrected to read:

"Subject to Tables 3 and 3-G."

2. That, except as herein amended, said Decision No. 85967, dated November 14, 1974, shall remain the same and be in full force and effect.

DONE IN OPEN MEETING this 26th day of November, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDWIN R. LUNDBORG
ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF --	)	DOCKET NO. 881
COLO. PUC NO. 5 - TELEPHONE,)	
MOUNTAIN STATES TELEPHONE AND	)	ORDER OF ROBERT E. TEMMER,
TELEGRAPH COMPANY, UNDER ADVICE	)	EXAMINER, GRANTING MOTION FOR
LETTER NO. 1010.	)	ENLARGEMENT OF TIME AND CONTIN-
	)	UANCE, SETTING ADDITIONAL
	)	HEARING DATES, AND SETTING HEARING
	)	ON PENDING MOTIONS CONCERNING
	)	DISCOVERY

November 27, 1974

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

On October 10, 1974, Decision No. 85813 was issued, and it was there ordered that discovery in the above-captioned matter was to be completed by December 2, 1974, the date upon which the further hearing would commence. On November 18, 1974, Intervenor Sturgeon Electric Company, hereinafter referred to as Sturgeon, filed a Motion with this Commission requesting a Continuance of the hearing dates, and an Enlargement of Time within which to complete discovery. In its motion, Sturgeon summarized the discovery that has been conducted and states that additional discovery is required, and that sufficient time therefore does not remain prior to December 2, 1974. Sturgeon requests that an additional 45 days after December 2, 1974, be allowed for the completion of discovery and that the hearing recommence sometime after those 45 days.

On November 20, 1974, Amicus Curiae, the Attorney General of the State of Colorado, filed his Response to the Motion for Enlargement of Time and Continuance filed by Sturgeon. In that Response, it is stated that diligence has been used in trying to complete discovery in this matter prior to December 2, 1974, but that it cannot be completed prior to that date and that additional discovery is needed so that all parties can be adequately prepared for the hearing, so that all issues can be fully presented for decision by this Commission. Amicus Curiae supports the Motion of Sturgeon for a Continuance and Enlargement of Time and concurs that an additional 45 days should be allowed.

On November 22, 1974, the Staff of this Commission, through its counsel, submitted its Response to Sturgeon's Motion for Enlargement of Time and Continuance. Staff concurred in the position of Amicus Curiae and supported the Motion of Sturgeon stating that additional time was necessary to properly develop information and material so that all issues can be fully developed and explored.

On November 25, 1974, the Mountain States Telephone and Telegraph Company, hereinafter referred to as Respondent, filed its Reply in Opposition to the Motion for Enlargement of Time and Continuance. In its Response,

Respondent states that Sturgeon has not acted diligently in pursuing discovery, and also states that Sturgeon has attempted to delay this proceeding. In addition, on November 25, 1974, Respondent filed a Memorandum in Support of its position that the Motion for Continuance and for Enlargement of Time within which to complete discovery should be denied.

In addition to the Motion for Continuance and Enlargement of Time and Responses thereto, the parties have filed the following Motions and Responses with the Commission:

1. "Response and Objection to Request for Production of Documents, and Motion for Protective Order," filed by Sturgeon on November 18, 1974;
2. "Motion and Opposition to Response and Objection to Request for Production of Documents, and Motion for Protective Order," filed by Respondent on November 22, 1974;
3. "Motion for Protective Order" filed by Respondent on November 22, 1974;
4. "Motion for an Order Permitting the Suspended Tariffs to be Effective Immediately Upon a Temporary Basis Pending the Determination of this Matter," filed by Respondent on November 25, 1974; and
5. "Motion to Strike and Motion for Order Compelling Discovery," filed by Sturgeon on November 26, 1974.

With the exception of the Motion for an Order Permitting the Suspended Tariffs to become Effective Immediately upon an Temporary Basis, all of the Motions and related Responses listed directly above relate to disputes between the parties concerning discovery procedures. Discovery cannot be orderly completed until these matters are ruled on. It would not be in the public interest to proceed with the hearing without ruling on the pending Motions regarding discovery, and without allowing time for the orderly completion of discovery.

By Decision No. 85563, issued August 20, 1974, Investigation and Suspension Docket No. 881 was established, and the effective date of the tariff sheets under consideration herein were suspended until December 28, 1974, or until further order of the Commission. Said Decision also noted that the authority of the Commission would allow the tariffs to be suspended until March 28, 1975. Setting the hearing herein for the latter part of January will allow for the completion of the hearing of this matter and for the issuance of a Recommended Decision, which could become effective on or before March 28, 1975. However, any further continuances would raise serious questions as to whether or not the hearing in the matter could be concluded in sufficient time so that a Recommended Decision could be timely issued. One prior continuance has been granted in this matter, and with the continuance granted in this Decision, there should be no reason why the hearing will not be able to be commenced and concluded as set forth in the Order herein.

The official file herein shows that the parties have engaged in substantial discovery, even though certain problems regarding the protection of proprietary, confidential, or trade secret information had to be worked out, and were not resolved until October 3, 1974. The official file also shows that informal discovery was commenced prior to October 15, 1974, and that the parties have been engaged in discovery proceedings since that time. Granting the request of Sturgeon for an additional 45 days

should be an entirely sufficient amount of time for the completion of discovery in this matter, so that no further delays of the hearing herein will be required or allowed.

CONCLUSIONS ON FINDINGS OF FACT


1. The public interest would best be served by continuing the hearing dates presently set for the recommencement of the hearing in this matter.
2. The deadline for the completion of discovery should be extended.
3. The present hearing date of December 2, 1974, should be used for the determination of the Motions pending and which are set forth in "Statement and Findings of Fact," supra.

O R D E R

THE EXAMINER ORDERS THAT:

1. On the previously scheduled hearing date of December 2, 1974, the motions filed by the parties, as numbered and set forth above in the "Statement and Findings of Fact," will be heard in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 a.m.
2. The hearing presently scheduled to commence on December 2, 1974, be, and hereby is, vacated and reset to commence on January 16, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and the additional hearing dates of January 17, 20, 21, 22, 23, and 24, 1975, be, and hereby are, reserved on the Commission's hearing docket and will be available if necessary for the completion of the hearing.
3. Discovery shall be completed in this matter on or before January 16, 1975.
4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. 86021)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THOMAS H. BRADBURY, JAMES F. SHERRILL)
AND DELBERT R. SHERRILL, OWNERS OF)
ALL THE OUTSTANDING CAPITAL STOCK IN)
AND TO E-Z REFUSE SERVICE, INC., FOR)
AUTHORITY TO TRANSFER SAID CAPITAL)
STOCK IN AND TO E-Z REFUSE SERVICE,)
INC., RECORD OWNER OF CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY PUC)
NO. 8622 TO DELBERT P. AND MARTHA P.)
SHERRILL, AS JOINT TENANTS, AND DON)
E. AND ANABEL MICHELE, AS JOINT)
TENANTS.)

APPLICATION NO. 27848-Stock Transfer

ORDER GRANTING
WITHDRAWAL OF APPLICATION

- - - - -
December 3, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 17, 1974 Applicants herein filed their application for the transfer of all the outstanding stock in E-Z Refuse Service, Inc.

The within application was given due and proper notice on September 23, 1974. On November 6, 1974, no protests having been filed, the Commission entered Decision No. 85895 authorizing the transfer of PUC No. 8622 to Delbert P. and Martha P. Sherrill and Don E. and Anabel Michele.

On November 26, 1974 the Transferee and Transferor, by and through their attorney William Andrew Wilson, requested rescission of aforesaid decision and dismissal of application.

Commission states and finds that Applicants herein have shown good cause why this decision should be set aside and the application should be dismissed.

An appropriate order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. Decision No. 85895 be, and hereby is, rescinded and held for naught.
2. Application No. 27848-Stock Transfer be, and hereby is, dismissed.

3. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 86022)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
BILL'S RUBBISH REMOVAL, INC., 6530)	APPLICATION NO. 27454-Extension
BRENTWOOD STREET, ARVADA, COLORADO,)	
FOR AUTHORITY TO EXTEND OPERATIONS)	ORDER GRANTING EXTENSION OF TIME
UNDER PUC NO. 4808.)	IN WHICH TO FILE EXCEPTIONS

- - - - -
December 3, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 7, 1974 Recommended Decision No. 85924 of Examiner Robert E. Temmer was entered and served upon the parties.

On November 26, 1974 Protestant, Arvada Rubbish Removal, Inc. by its attorney William Andrew Wilson, filed with the Commission a Petition for Extension of Time in Which to File Exceptions in the above-captioned matter until thirty days after the filing of the official transcript.

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

An appropriate order will be entered.

O R D E R

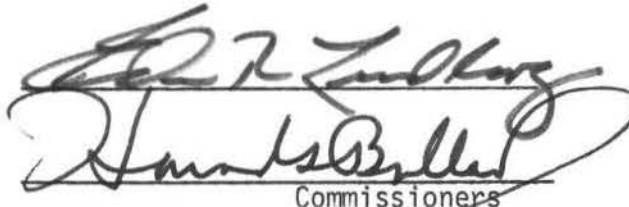
THE COMMISSION ORDERS THAT:

Protestant, Arvada Rubbish Removal, Inc. be, and hereby is, granted an extension of time within which to file exceptions to the recommended decision of the examiner until thirty days after the filing of the official transcript.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 86023)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH P. PELCZAR AND FRANCIS A.)
MACK, JR., DOING BUSINESS AS "VAIL-)
DENVER SKI SHUTTLE," C/O TAYLOR'S,)
P.O. BOX 2786, VAIL, COLORADO, FOR)
TEMPORARY AUTHORITY TO OPERATE AS)
A COMMON CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27960-TA

ORDER DENYING TEMPORARY AUTHORITY

- - - - -
December 3, 1974
- - - - -

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 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 86024)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ASPEN CAB COMPANY AND LITTLE PERCENT,)
INC., DOING BUSINESS AS ASPEN CAB)
SERVICE COMPANY, 125 NORTH MILL,)
ASPEN, COLORADO, TO TRANSFER A)
PORTION OF PUC NO. 1681 TO VAIL CAB)
COMPANY, 812 PATTERSON BUILDING,)
DENVER, COLORADO.)

APPLICATION NO. 27905-Transfer Portion
ORDER GRANTING LEAVE TO INTERVENE

- - - - -
December 3, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 27, 1974 Michael L. Bird doing business as T-K Cab, by its attorney Robert G. Shepherd, Jr., filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

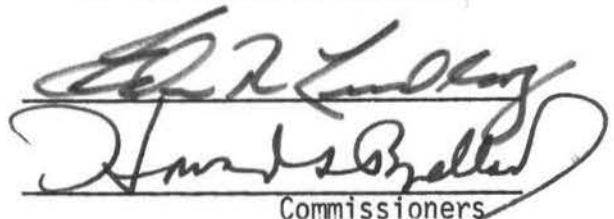
THE COMMISSION ORDERS THAT:

Michael L. Bird doing business as T-K Cab be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ASPEN CAB COMPANY AND LITTLE PERCENT,)
INC., DOING BUSINESS AS ASPEN CAB)
SERVICE COMPANY, 125 NORTH MILL,)
ASPEN, COLORADO, TO TRANSFER A POR-)
TION OF PUC NO. 1681 TO VAIL CAB)
COMPANY, 812 PATTERSON BUILDING,)
DENVER, COLORADO)

APPLICATION NO. 27905-Transfer Portion

ORDER GRANTING LEAVE TO INTERVENE

December 3, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 29, 1974 Edwin J. Smart, by his attorneys, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Edwin J. Smart be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 86026)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ASPEN CAB COMPANY AND LITTLE PERCENT,)
INC., DOING BUSINESS AS ASPEN CAB)
SERVICE COMPANY, 125 NORTH MILL,)
ASPEN, COLORADO, TO TRANSFER A POR-)
TION OF PUC NO. 1681 TO VAIL CAB)
COMPANY, 812 PATTERSON BUILDING,)
DENVER, COLORADO.)

APPLICATION NO. 27905-Transfer Portion
ORDER GRANTING LEAVE TO INTERVENE

- - - - -
December 3, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 29, 1974 Continental Bus System, Inc., Continental Bus Systems, Inc., (Rocky Mountain Lines Division), by their attorney, John R. Barry, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above 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.

An appropriate order will be entered.

O R D E R

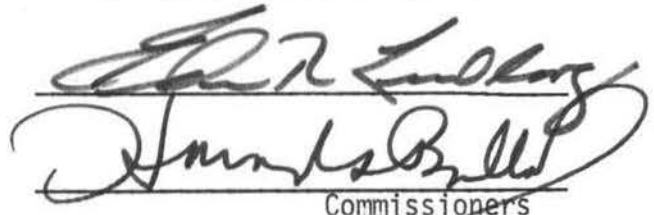
THE COMMISSION ORDERS THAT:

Continental Bus System, Inc., Continental Bus Systems, Inc., (Rocky Mountain Lines Division), be, and hereby are, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 86027)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION	)	APPLICATION NO. 27707-Reinstatement
OF JAMES S. MYK, DOING BUSINESS AS)	
"MYK RUBBISH REMOVAL," RFD #3,	)	RECOMMENDED DECISION OF
BOX 277-B, BRIGHTON, COLORADO, FOR	)	ROBERT L. PYLE, EXAMINER
REINSTATEMENT OF PUC NO. 3259.)	
	)	GRANTING APPLICATION

December 2, 1974

Appearances: Donald W. Marshall, Jr., Esq.,
Brighton, Colorado, for
Applicant, Myk Rubbish Removal.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on July 12, 1974, to which the Commission assigned Docket No. 27707 and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

A protest was duly filed on behalf of United States Disposal Systems, Inc.; however, said protest was later withdrawn by pleading filed on behalf of said Protestant on October 11, 1974. The matter was, therefore, heard as a noncontested application.

Emergency temporary authority was granted by Commission Decision No. 85384, dated July 16, 1974, and temporary authority was granted by Decision No. 85535 on August 20, 1974. Both the emergency temporary authority and the temporary authority were granted in the following terms:

"Transportation of

Ash, trash, and other refuse

From all points located within the City and County of Denver, as the boundaries appeared on January 16, 1956, to such locations where the same may lawfully be delivered or disposed of."

After due and proper notice to all interested parties, the application was set for hearing on Tuesday, November 26, 1974, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Testimony was taken from Mr. James S. Myk, the Applicant. Exhibit 1 was 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, CRS 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. Applicant is an individual who does business as "Myk Rubbish Removal," and maintains an office for such purposes in a rural area near Brighton, Colorado. Mr. Myk has no employees, but operates and conducts his business by himself.

2. This authority was originally issued in 1956 and was purchased by James S. Myk in 1971. Mr. Myk had previously worked in the rubbish removal department for the City and County of Denver and, therefore, at this time has about six years' experience, three years of which have been operating his own rubbish removal business.

3. By Commission Decision No. 79404, dated January 13, 1972, the Commission first required the ash, trash, and other refuse haulers to file tariffs and thereby brought the rates of this segment of the industry under the jurisdiction of the Commission. Applicant had failed to comply with the filing of rates and tariffs as required by the aforementioned decision, and by Commission Decision No. 81315, dated September 19, 1972, the certificate of this Applicant, namely, Certificate of Public Convenience and Necessity PUC No. 3259, was canceled for failure to file tariffs and an annual report.

4. The file reveals that the requisite notices were sent out; however, Mr. Myk testified that he has had trouble mainly because of vandals receiving his mail, but at any rate, he failed to receive notice of the fact that his certificate was canceled. Subsequently, Mr. Myk filed this application

"FOR REINSTATEMENT OF PUC NO. 3259, WHICH PROVIDES FOR THE TRANSPORTATION OF ASH, TRASH, AND OTHER REFUSE FROM ALL POINTS LOCATED WITHIN THE CITY AND COUNTY OF DENVER TO SUCH LOCATIONS WHERE THE SAME MAY BE LAWFULLY DELIVERED OR DISPOSED OF. (APPLICANT REQUESTS IN THE EVENT THE AUTHORITY HEREIN SOUGHT IS GRANTED THAT SAID OPERATING RIGHTS BE KNOWN AS PUC NO. 3259, BEING THE NUMBER OF A CERTIFICATE FORMERLY HELD BY HIM.)"

5. Considering the trouble that has been experienced by this particular segment of the motor carrier industry (transportation of ash, trash, and other refuse) in meeting the requirements of the Commission in filing tariffs and rates, and also considering the fact that Mr. Myk, the Applicant in this instance, did not receive correspondence and orders from the Commission with respect thereto, his failure to meet the requirements is excusable under the particular circumstances. His certificate should, therefore, be reinstated; however, testimony was elicited from Applicant as though this were a new application, and the following findings of fact are also made.

6. Applicant presently serves 120 accounts for which he receives an annual gross revenue of a little more than \$13,000. For equipment, he has one 20-yard Leach packer and one 10-yard Leach packer. As indicated

above, he has no employees and operates the truck as well as doing all of the work involved for his customers. He has no other business or source of income. He keeps one of the trucks in reserve. He does his own mechanical work, has no liabilities, and a net worth of approximately \$20,000. He has six years' experience in the transportation of refuse. Applicant's equipment, net worth, and experience are all ample and suitable for the operation of the authority sought herein.

7. Applicant has insurance on his vehicles and will inform himself of the Rules and Regulations of the Commission and abide by them. Applicant was instructed, especially since he has trouble getting his mail, that he should make it a point to contact the Transportation Department of the Commission at least once every two or three months to make sure he is fully informed of any requirements.

8. Applicant presented as Exhibit No. 1 letters from 16 of his customers, all of whom spoke highly of him and expressed their need and desire for his services. It is found as a matter of fact that there is a present and special need for the service and that the present public convenience and necessity requires or will require the services sought to be reinstated by the Applicant.

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

CONCLUSIONS ON FINDINGS OF FACT

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

1. The authority previously held by Applicant; namely, PUC No. 3259, should be reinstated.

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. James S. Myk, doing business as "Myk Rubbish Removal," RFD #3, Box 277-B, Brighton, Colorado, be, and hereby is, granted reinstatement of Certificate of Public Convenience and Necessity PUC No. 3259, previously owned and operated by him; and all matters having to do with the cancellation and revocation of said Certificate to and until this date be, and hereby are, held for naught.

2. Said Certificate of Public Convenience and Necessity PUC No. 3259 shall henceforth read and be as follows:

Transportation of

Ash, trash, and other refuse

From all points located within the City and County of Denver, as the boundaries appeared on January 16, 1956, to such locations where the same may lawfully be delivered or disposed of.

3. Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

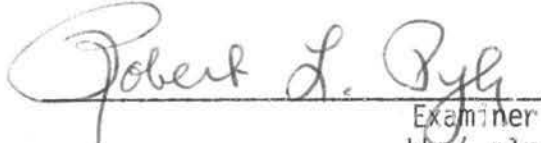
4. Applicant shall operate his carrier system in accordance with this Order except when prevented by an Act of God, the public enemy, or extreme conditions.

5. This Order is subject to compliance by Applicant with all present and future laws and rules and regulations of this Commission.

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

7. As provided by 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/ nlr

(Decision No. 86028)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF	)	CASE NO. 5560
COLORADO DISPOSAL, INC., OPERATING)	
UNDER CERTIFICATES OF PUBLIC	)	RECOMMENDED DECISION OF
CONVENIENCE AND NECESSITY PUC NO.	)	ROBERT L. PYLE, EXAMINER
2042 AND PUC NO. 3202.)	

- - - - -
December 2, 1974
- - - - -

Appearances: Robert G. Shepherd, Jr., Esq.,
Denver, Colorado, for Respondent;
Bruce C. Bernstein, Esq., Denver,
Colorado, for the Staff of the
Commission.

PROCEDURE AND RECORD

By Decision No. 84940, dated May 7, 1974, the Commission entered its ORDER TO SHOW CAUSE AND NOTICE OF HEARING instituting this proceeding. After calling attention to an investigation of the Respondent's tariffs as currently filed with the Commission, and the statement that it appears that Respondent may have violated the Public Utilities Law and the Rules and Regulations of the Commission by failing and neglecting to assess charges as required by its tariffs, the Commission ordered Respondent to appear and show cause why the Commission should not take such action and enter such Order or penalty as may be appropriate.

By said Decision, the Commission set the matter to be heard on June 26, 1974, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. The matter was later continued until August 7, 1974, at which time and place, it was heard by Examiner Robert L. Pyle, to whom it had been duly assigned. Following the taking of testimony on that date, the hearing was continued to September 9, 1974, at which time Respondent and the Staff of the Commission presented a Stipulation which was accepted by the Examiner and resulted in Recommended Decision No. 85860, dated September 13, 1974. Subsequently, on September 24, 1974, the Commission, by Decision No. 85865, entered its Order declaring the Stipulation and the Recommended Decision of the Examiner (No. 85860) entered pursuant to such Stipulation, as rejected, disapproved, and void. The matter was returned to the Hearing Examiner with specific directions to continue and complete the hearing and, having done so, to enter a Recommended Decision properly supported by factual findings.

After due and proper notice to all interested parties, the case was continued and further evidence was taken by the Examiner on Tuesday, October 29, 1974, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

Exhibits 1, 2, and 3 were tendered and admitted into evidence, and at the conclusion of the hearing, the subject matter was taken under advisement. The parties indicated that they might stipulate as to findings of fact and, if they failed to do so, they were to submit proposed findings of fact on or before November 22, 1974. Staff and Respondent apparently failed to agree on findings of fact; however, proposed findings of fact were submitted by Respondent on November 11, 1974, pursuant to order. Staff was given until November 22, 1974, within which to take exceptions to said proposed findings of fact. Staff did not submit exceptions or proposed findings.

Pursuant to the provisions of Chapter 115, Article 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 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. By Commission Decision No. 84940, dated May 7, 1974, the Commission entered its ORDER TO SHOW CAUSE AND NOTICE OF HEARING directing Colorado Disposal, Inc., hereinafter referred to by name, as C.D.I., or as Respondent, to appear before the Commission and show cause why the Commission should not take such action and enter such Order or penalty as may be appropriate if Respondent was, in truth and in fact, in violation of the Public Utilities Law and the Rules and Regulations of the Commission by failing and neglecting to assess charges as required by its tariffs.

2. Colorado Disposal, Inc., is the owner and operator of Certificates of Public Convenience and Necessity PUC No. 2042 and PUC No. 3202, which generally authorize the transportation of ash, trash, and refuse from certain areas to disposal sites.

3. Respondent presently serves from 33,000 to 35,000 customers. The Show Cause Order listed thirteen (13) customers of the Respondent (see Exhibit No. 1) setting forth alleged undercharges and overcharges under its participation in Colorado Motor Tariff Bureau, Inc., Tariff No. 1, Colorado PUC No. 1, 11th Revised Page Two, 3rd Revised Page Twenty-Eight, Original Page 28-A, and Original Page 28-B, as amended. The testimony of Staff was directed to only those customers and charges listed in the Show Cause Order and no others. They are as follows:

UNDERCHARGES BY RESPONDENT

<u>CUSTOMER</u>	<u>SERVICE</u>	<u>NO. PICKUPS PER WEEK</u>	<u>TARIFF CHARGE</u>	<u>AMOUNT PAID</u>	<u>MONTHLY UNDER- CHARGE</u>
Accu Tool, Inc.	6-55 gal. barrels	1	\$ 14.00	\$ 5.00	\$ 9.00
University Hills Chr. Nurse Home	2-yard container	3	29.00	21.00	8.00
UAW Local 766	3-55 gal. cans	1	8.00	7.00	1.00

<u>CUSTOMER</u>	<u>SERVICE</u>	<u>NO. PICKUPS PER WEEK</u>	<u>TARIFF CHARGE</u>	<u>AMOUNT PAID</u>	<u>MONTHLY UNDER- CHARGE</u>
Lutz Restaurant -Lounge	1-3 yard container, 1-2 yard container	6	\$110.00	\$70.00	\$40.00
Lorretta Center	6-yard container	3	76.00	60.00	16.00
All Souls School	6-32 gal. cans, 4-20 gal. cans	5	40.00	36.00	4.00
Pettee Cycle	3-yard container	1	20.00	10.00	10.00

OVERCHARGES BY RESPONDENT

<u>CUSTOMER</u>	<u>SERVICE</u>	<u>NO. PICKUPS PER WEEK</u>	<u>TARIFF CHARGE</u>	<u>AMOUNT PAID</u>	<u>MONTHLY OVER- CHARGE</u>
Abes Cafe	3-yard container	7	\$60.00	\$65.00	\$ 5.00
Acme Door Co.	3-yard container	5	52.00	68.00	16.00
Village Inn Pancake	2-yard container	7	50.00	60.00	10.00
Int. House of Pancakes	1 - 2 yard container, 1 - 3 yard container	3	65.00	68.00	3.00
The Bingo King Co.	2-yard container	5	43.00	48.00	5.00

NEITHER UNDERCHARGE OR OVERCHARGE

<u>CUSTOMER</u>	<u>SERVICE</u>	<u>NO. PICKUPS PER WEEK</u>	<u>TARIFF CHARGE</u>	<u>AMOUNT PAID</u>	<u>DIFFERENCE</u>
Vertical Honeycomb	Loose Cardboard	4	\$30.00 per hr.	\$120.00	----

4. The Respondent was providing Acme Door Co. with a 3-yard container picked up five days per week. The tariff charge for this service was fifty-two dollars (\$52.00). The Respondent was charging the customer sixty-eight dollars (\$68.00). The sixteen dollar (\$16.00) difference was being charged to the customer by the Respondent for cleaning a crib which the customer removed but never notified Respondent.

5. The Respondent was serving The Village Inn Pancake with a 2-yard container picked up seven days per week. The Respondent did not have a seven-day-per-week pickup tariff on file. The seven-day tariff provision for a 2-yard container, which the Respondent believed had been filed, was fifty-seven dollars (\$57.00). The Respondent was charging The Village Inn Pancake sixty dollars (\$60.00) per month. The additional three dollars (\$3.00) per month was for picking up trashbags, which was based upon their hourly rate in addition to emptying the 2-yard container.

6. The Respondent was serving Abe's Cafe with a 3-yard container seven days per week when no seven-day tariff was on file. The seven-day tariff provision for a 3-yard container, which the Respondent believed had been filed, was sixty-eight dollars (\$68.00). The Respondent was charging Abe's Cafe sixty-five dollars (\$65.00) per month, resulting in an undercharge of three dollars (\$3.00) per month.

7. The Respondent is providing service to Vertical Honeycomb by picking up loose cardboard four times per week and charging the customer thirty dollars (\$30.00) per hour for the service, resulting in a monthly charge based upon the average number of hours spent per month at the customer's premises of one hundred twenty dollars (\$120.00). The Respondent is not undercharging or overcharging this customer.

8. The Respondent was serving Pettee Cycle with a 3-yard container once per week and charging said customer ten dollars (\$10.00) per month for the service. This service is based upon the fact that the customer owns the container and, therefore, should not have been charged the twenty dollars (\$20.00) per month tariff provision for the Respondent-owned container service.

9. Lutz Restaurant-Lounge canceled service with the Respondent on May 1, 1974, as a result of the Respondent notifying the customer that the charges per month would be raised to one hundred ten dollars (\$110.00). This action was taken on the part of the Respondent prior to being notified by the Commission of any violation regarding this customer.

10. The Respondent also raised the tariff charges of University Hills Chr. Nurse Home to twenty-nine dollars (\$29.00) on May 1, 1974, which was prior to being notified by the Commission of any violations regarding this customer.

11. The Respondent was not on tariff in providing service to Accu Tool, Inc., UAW Local 766, Lorretta Center, All Souls School, Int. House of Pancakes, The Bingo King Co., and Abe's Cafe as of the date of the Show Cause Order. The total dollar amount the Respondent was off tariff on these customers was forty-one dollars (\$41.00).

12. The Respondent was off tariff in serving Lutz Restaurant-Lounge and University Hills Chr. Nurse Home in a total amount of forty-eight dollars (\$48.00).

13. By Commission Decision No. 79404, dated January 13, 1972, the Commission first directed the ash, trash, and other refuse carriers to file tariffs. According to the Staff witness, rate matters have been a continuing problem with such carriers ever since, and there have been a multitude of such

carriers who have failed and neglected to assess charges as required by their tariffs. The Staff of the Commission has given all the assistance to such carriers as time will allow and, presumably, the problem will be alleviated in due course. Colorado Disposal, Inc., is actually a merger of three companies; which merger took place in 1972. Shortly after the merger, Mr. Howard Lenderink, one of the key personnel, left the company and there was considerable turnover with other personnel that had a dramatic effect on operations. The new company is presently serving between 33,000 and 35,000 customers, and the merging of the routes created considerable confusion. Then in the latter part of 1973, the company converted to a new computer and accounting system, replacing the previous manual system.

14. Immediately upon notification by the Commission of the questions concerning the thirteen (13) customers listed in the Appendix to the Show Cause Order, the Respondent took immediate steps to verify the accuracy of its charges and, where they were inaccurate, immediate changes were made. All of the thirteen (13) customers were customers of one of the three predecessors to the Respondent.

15. The Respondent fully cooperated with the Commission's Staff in its investigation.

16. During December of 1973, the President of the Respondent, Arend R. Lenderink, directed a subordinate to take appropriate steps to have a seven-day-per-week pickup tariff filed for its containerized service. The Respondent prepared new tariffs for office use during December of 1973, reflecting the addition of the seven-day-per-week pickup. Thereafter, customers were charged according to what the Respondent mistakenly believed had been filed with the Public Utilities Commission. The Respondent did not learn that the seven-day pickup provisions had not been added to its tariff until the first day of hearing in the Show Cause proceeding.

17. The total dollar amount received by Respondent for both the undercharges and overcharges listed in the Appendix of the Show Cause Order and attested to by the Staff of the Commission is five hundred eighteen dollars (\$518.00). This does not consider the Vertical Honeycomb account, which was neither an overcharge nor undercharge, but which was a seven-day-per-week pickup for which there was no tariff on file. Of this total dollar amount, the sum of two hundred sixty-five dollars (\$265.00) was unquestionably charged contrary to tariffs on file, and a total of one hundred eighty-five dollars (\$185.00) was charged with no tariff on file [the seven-day-per-week pickup]. The remaining sixty-eight dollars (\$68.00) of such charges, as well as the others, can best be described as being due to confusion, inadvertence, and careless operations.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Respondent is in violation of the Public Utilities Law and the Rules and Regulations of the Commission by failing and neglecting to assess charges as required by its tariffs.

2. Respondent's actions in not assessing charges in accordance with tariffs were not willful and wanton, but nevertheless they are not excusable either. The recent requirements of tariffs in 1972 followed by the merger of three (3) companies to constitute the Respondent corporation,

the resulting confusion in routing, and then converting to a new accounting system, plus even some changes in key personnel (all within a two-year period), together with serving some 33,000 to 35,000 customers, make errors and violations, such as here shown, at least foreseeable.

3. In order to maintain the competitive scope and balance of this segment of the motor carrier industry and in order to protect the public from excessive and discriminatory charges, it is imperative that charges be assessed in accordance with tariffs on file with this Commission.

4. 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, Colorado Disposal, Inc., be, and hereby is, ordered and directed to file, keep, and maintain tariffs on file with this Commission pursuant to the Public Utility Law and the Rules and Regulations of this Commission.

2. Having been found to be in violation of the Rules and Regulations of this Commission by failing and neglecting to assess charges as required by its tariffs, Respondent be, and hereby is, ordered to cease and desist from further violating terms or provisions of its tariff on file with this Commission.


3. Respondent's authority with this Commission; namely, Certificates of Public Convenience and Necessity PUC No. 2042 and PUC No. 3202, be, and the same are hereby, revoked and canceled as of December 20, 1974; provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of \$518.00 to the Treasurer of the State of Colorado on or before December 20, 1974, for the use and benefit of the Public Utilities Commission cash account No. 11456, 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 certificates shall be null and void and of no effect, and said authorities shall be fully operative.

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

5. As provided by 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
hsp/ nlr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE CITY AND COUNTY OF DENVER AND)	
THE REGIONAL TRANSPORTATION DISTRICT)	
FOR AUTHORITY TO SURRENDER CERTIFI-)	APPLICATION NO. 27775-Surrender
CATE OF PUBLIC CONVENIENCE AND)	
NECESSITY, PUC NO. 210, AND)	
THAT SAID CERTIFICATE BE THEREAFTER)	
CANCELED.)	

IN THE MATTER OF THE APPLICATION TO)	
TRANSFER PUC NO. 7099 FROM THE CITY)	APPLICATION NO. 27776-Transfer
AND COUNTY OF DENVER TO THE)	
REGIONAL TRANSPORTATION DISTRICT.)	

RECOMMENDED DECISION OF
ROBERT E. TEMMER, EXAMINER,
GRANTING APPLICATIONS

- - - - -
December 2, 1974
- - - - -

Appearances: William H. McEwan, Esq.,
 Denver, Colorado, for
 Applicants;
 Bruce C. Bernstein, Esq.,
 Denver, Colorado, for the
 Staff of the Commission.

PROCEDURE AND RECORD

On August 8, 1974, Applicants, The City and County of Denver and the Regional Transportation District, hereinafter referred to respectively as Denver and RTD, filed the above-entitled applications with this Commission for authority to surrender Certificate of Public Convenience and Necessity PUC No. 210, and to have said Certificate canceled by the Commission, and for authority to transfer Certificate of Public Convenience and Necessity PUC No. 7099 from Denver to RTD.

The Commission assigned Docket No. 27775-Surrender to the application concerning Certificate of Public Convenience and Necessity PUC No. 210 and assigned Docket No. 27776-Transfer to the application concerning Certificate of Public Convenience and Necessity PUC No. 7099, and gave due notice of the applications in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

No protests were filed to the granting of these applications.

After due and proper notice to all interested persons, firms, or corporations, the Commission set each of the matters for a hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845

Sherman Street, Denver, Colorado, on Wednesday, November 6, 1974, at 10 a.m. The hearings were held at the said time and place by Robert E. Temmer, Examiner, to whom the matters had been duly assigned, and Application No. 27775-Surrender was heard on a joint record with Application No. 27776-Transfer.

Exhibits 1 through 11, 12-A, 12-B, 13, and 14 were marked for identification and offered into evidence. Exhibits 1 through 6, 8 through 11, and 12-A, 12-B, 13, and 14 were admitted into evidence. Exhibit No. 7 was rejected. Official notice was taken of Certificate of Public Convenience and Necessity PUC No. 210, and Certificate of Public Convenience and Necessity PUC No. 7099. Official notice was also taken of the following statutes: 89-20-3(15)(b), CRS 1963, as amended; 89-20-5, CRS 1963, as amended; and 89-20-18, CRS 1963, as amended, through 89-20-21, CRS 1963, as amended. Testimony was received from Mr. H. Beck and Mr. J. Reading.

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 Robert E. Temmer 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. Denver, Transferor herein, is a municipal corporation created and existing under the Constitution and laws of the State of Colorado, and is the present owner of Certificates of Public Convenience and Necessity PUC No. 210 and PUC No. 7099, which are the subject matter of this proceeding. These authorities have been continually operated in the past and are presently in good standing with the Commission.

2. RTD, Transferee herein, is a political subdivision of the State of Colorado.

3. The Commission has jurisdiction over the subject matter of this proceeding and Transferor and Transferee.

4. Transferee does not hold any previously granted authority from this Commission which would duplicate or conflict with the authority sought to be transferred herein.

5. Denver and RTD have entered into an agreement to transfer the operating authorities which are the subject matter of these proceedings, and the terms and conditions thereof are fair and reasonable.

6. The Certificates, which are the subject matter of this proceeding, are free and clear of any debts, encumbrances, or obligations.

7. RTD owns or leases 317 buses of various sizes. The types, sizes, and models are shown on Exhibit No. 13, which also indicates whether the buses are owned or leased. RTD is in the process of acquiring more buses, and will in the future acquire additional buses, so that at all times there will be sufficient equipment available for the operation of the authority to be transferred.

8. RTD, Transferee herein, pursuant to applicable statutes, has taxing authority. RTD's financial ability and fitness is ample and suitable for the operation of the authority sought to be transferred herein.

9. RTD has entered into an agreement with ATE Management and Service Company, Inc., a Delaware corporation, for the physical operation of the bus transportation system to be operated pursuant to the authority sought to be transferred in this proceeding. A copy of this agreement was entered into evidence as Exhibit No. 3. ATE Management and Service Company, Inc., and its subsidiary, Transit Management of Colorado, Inc., had previously physically operated the bus transportation system of Denver under the authorities which are the subject matter of this proceeding, pursuant to a contract. Their services were satisfactory during the time they operated the bus transportation system for Denver. In addition, RTD has experienced personnel, so that in total there is sufficient personnel with sufficient experience to adequately and efficiently operate the authority sought to be transferred herein. Transferee, RTD, is sufficiently familiar with the rules and regulations of the Public Utilities Commission, and, if these applications are granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission, and has and will make adequate provisions for insurance.

10. The territory authorized to be served by Certificate of Public Convenience and Necessity PUC No. 210 is wholly within the geographic boundary of RTD as set forth in 89-20-5, CRS 1963, as amended. This Commission does not have jurisdiction over any mass transportation system operations conducted by RTD wholly within its statutory geographic boundary.

11. Certificate of Public Convenience and Necessity PUC No. 7099 authorizes:

"Transportation of

Passengers and their baggage;

Between points in the City and County of Denver, Aurora, Fitzsimons General Hospital, Englewood, Fort Logan, Golden, Arvada, and Leyden, Colorado, including intermediate points thereto, from and to said points, to and from points in the State of Colorado in the nature of a special bus service.

RESTRICTION:

Restricted to an office and agent in the City and County of Denver, Colorado."

This authority would allow operations within and without the statutory geographic boundary of RTD. Any operations conducted wholly within the statutory geographic boundary of RTD would not be subject to the jurisdiction of this Commission, but any operations conducted outside of said boundary would be subject to the jurisdiction of this Commission.

12. The granting of the application for the surrender and cancellation of Certificate of Public Convenience and Necessity PUC No. 210 would be in the public interest, since this Commission would have no jurisdiction over any operations conducted by RTD pursuant to PUC No. 210. The granting of the application for the transfer of PUC No. 7099 would be in the public interest.

13. If the transfer of PUC No. 7099 is approved, RTD, Transferee herein, intends to and will engage in bona fide motor carrier operations under the operating rights to be transferred herein.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Application No. 27775-Surrender should be granted.
2. The transfer sought by Applicants in Application No. 27776-Transfer should be granted.
3. RTD should file an application for clarification or amendment of Certificate of Public Convenience and Necessity PUC No. 7099 so that said Certificate may be redrafted to properly reflect the transportation services authorized which would be subject to the jurisdiction of this Commission.
4. 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 City and County of Denver, 353 City and County Building, Denver, Colorado 80202, be, and hereby is, authorized to transfer all of its right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 7099 to Regional Transportation District, 1325 South Colorado Boulevard, Denver, Colorado 80222, subject to encumbrances, if any, against said authority.

2. Henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 7099 shall read and be as follows, to-wit:

Transportation of

Passengers and their baggage;

Between points in the City and County of Denver, Aurora, Fitzsimons General Hospital, Englewood, Fort Logan, Golden, Arvada, and Leyden, Colorado, including intermediate points thereto, from and to said points, to and from points in the State of Colorado in the nature of a special bus service.

RESTRICTION:

Restricted to an office and agent in the City and County of Denver, Colorado.

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

4. 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.

5. 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 PUC No. 7099 up to the time of transfer of said Certificate.

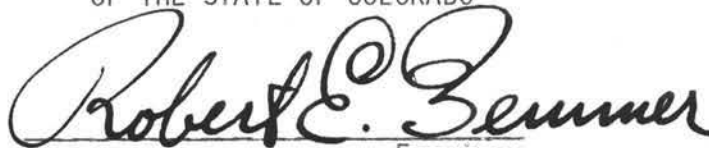
6. Regional Transportation District shall within thirty (30) days from the effective date of this Order file an application for clarification or amendment of Certificate of Public Convenience and Necessity PUC No. 7099 with this Commission so that said Certificate may be clarified or amended to properly reflect the transportation services subject to the jurisdiction of this Commission.

7. The City and County of Denver and Regional Transportation District are authorized to surrender Certificate of Public Convenience and Necessity PUC No. 210, and the same be, and hereby is, canceled and of no further force or effect.

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

9. As provided by 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/hbp

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,	)	ROBERT L. PYLE
Respondents.)	

December 2, 1974

Appearances: George L. Baker, 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 November 11, 1974. The matters were duly called for hearing pursuant to such notice on Monday, November 25, 1974, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed on "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 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 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 herein.
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 the 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:

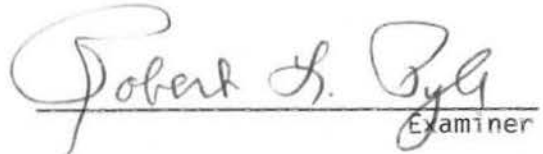
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

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


Examiner

(Decision No. 86030)

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
W. R. Lloyd Mesa, CO 81643	1517 & I	1652-H-Ins.
Victor Greenfield, dba Lamar Taxi Company 108 West Olive Street Lamar, CO 81052	1528	1653-H-Ins.
Alex Denes, dba Morgan County Rubbish Removal Route 1, Box 614 Fort Morgan, CO 80701	4353	1654-H-Ins.
Tax Specialist, Inc., dba Yellow Cab Company of Pueblo, Inc. 1724 Stout Street Denver, CO 80202	4844	1655-H-Ins.
Thomas Zakrzewski, Sr. O'Neill, NE 68763	5805-I	1656-H-Ins.
Commercial Carrier Corporation 502 East Bridgers Avenue Auburndale, FL 33823	6041-I	1657-H-Ins.
George A. Brown, dba F O B Transfer Box 306 Gothenburg, NE 69138	6110-I	1658-H-Ins.
Bredehoeft Produce Company, Inc. P. O. Box 7 Decatur, AR 72722	6615-I	1659-H-Ins.
C. A. Muck, dba Muck Transfer Hettinger, ND 58639	6265-I	1660-H-Ins.
Harold Spade Rural Route Box 177A Brush, CO 80723	6827-I	1661-H-Ins.
G. G. Brown, dba G. G. Brown Trucking Company Box 815 Pasucah, TX 79248	7020-I	1662-H-Ins.
Mercer Trucking Co., Inc. Box 475 Greenacres, WA 99016	7455-I	1663-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION.-- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
A. G. Briggs Box 274 Sidney, IA 51652	7497-I	1664-H-Ins.
Gerald N. Evenson, Inc. 835 1st Street, S.W. Pelican Rapids, MN 56572	7643-I	1665-H-Ins.
Frank L. McGraw, dba Cattle Haulers of Arizona 7305 North Loop El Paso, TX 79915	8224-I	1667-H-Ins.
Lumber Transport, Inc. P. O. Box 6181 South Station Fort Smith, AR 72901	8291-I	1668-H-Ins.
Scenic Railways, Inc., dba Cumbres & Toltec Scenic Railroad P. O. Box 325 Antonito, CO 81120	8435-I	1670-H-Ins.
Ross Brothers Transportation, Inc. P. O. Box 103 Circle, MT 59215	8921-I	1674-H-Ins.
St. Louis Cape Bus Lines, Inc. 16 North Frederick St., Box 544 Cape Girardeau, MO 63701	8925-I	1675-H-Ins.
Harry F. Rose Glidden, IA 51443	9024-I	1677-H-Ins.
Frank Charlie Boykin 4627 Sea Breeze San Antonio, TX 78220	9039-I	1678-H-Ins.
Othal D. Crowl Parkside Mobile Lodge Yuma, CO 80759	9123-I	1679-H-Ins.
Missouri Beef Express, Inc. 630 Amarillo Bldg. Amarillo, TX 79101	9137-I	1680-H-Ins.
K & R Transportation, Inc. 253 East 2100 South Salt Lake City, UT 84115	9175-I	1681-H-Ins.
Alcoholism Treatment & Recovery Program P. O. Box 26 San Acacio, CO 81150	9329-I	1684-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Michael Gaillour and Kenneth Jassmann, dba M & K Enterprises P. O. Box 35 Questa, NM 87556	9233-I	1685-H-Ins.
L & M Brokerage Co., Inc. 3126 North Boulevard Raleigh, NC 27604	9522-I	1687-H-Ins.
Ted Green, dba T & R Green Route 1 Cordell, OK 73632	9594-I	1691-H-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
W. R. Lloyd Mesa, CO 81643	B-2386	1692-H-Ins.
W. R. Lloyd Mesa, CO 81643	B-2390	1693-H-Ins.
Leo Valdez 2330 West 45th Avenue Denver, CO 80221	B-4557	1694-H-Ins.
W. Warren Harris P. O. Box 1203 Adams City, CO 80022	B-6762	1697-H-Ins.
Glenn G. Meador 9000 West 68th Avenue Arvada, CO 80002	B-7103	1699-H-Ins.
Westring, Inc. P. O. Box 807 Saratoga, WY 82331	B-7123-I	1700-H-Ins.
June and John B. Gindro, dba Gindro Excavation P. O. Box 2710 Whitehorse, Yukon Territory, Canada	B-8205	1702-H-Ins.
Charles H. Gore, Jr., dba Gore's Trucking 518 Cherry Lane Pueblo, CO 81004	B-8335	1703-H-Ins.
Lonny Leroy Lawson, dba Lawson Trucking Company 685 South 104th Street Lafayette, CO 80026	B-8389	1704-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

NAME AND ADDRESSPERMIT NO.CASE NO.

Donald Arnold and Charles Ross, dba
A & R Logging
P. O. Box 493
Nuc1a, CO 81424

B-8438

1706-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMERCIAL AND TOWING CARRIERS LISTED	)	RECOMMENDED DECISION OF
ON "APPENDIX A" HERETO,	)	ROBERT L. PYLE, EXAMINER
)	
Respondents.)	

- - - - -
December 2, 1974
- - - - -

Appearances: George L. Baker, 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 November 11, 1974. The matters were duly called for hearing pursuant to such notice on Monday, November 25, 1974, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed on "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 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 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 the 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:

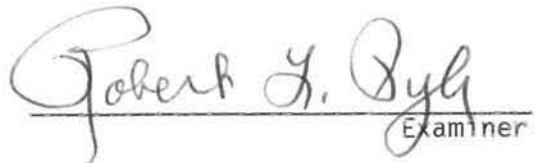
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

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


Examiner

(Decision No. 86031)

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Ford Distributing Company 317 N.E. 31st Oklahoma City, OK 73105	M-3	2248-M-Ins.
Jerry Ward 417 Park Street Sterling, CO 80751	M-230	2249-M-Ins.
Herbert D. Winter 1003 Venice Longmont, CO 80501	M-704	2250-M-Ins.
Dick Green Siloam Star Route, Box 226 Pueblo, CO 81004	M-1001	2251-M-Ins.
Francis, Ernest, and Leo Osantowski, dba Osantowski Brothers R.F.D. Bellwood, NE 68624	M-1805	2253-M-Ins.
Fred J. Jungman, dba Jungman Box 83 Atkinson, NE 68713	M-1908	2254-M-Ins.
Maurice Barnhardt, dba Hatchett Ranch Route 3, Box 46 Goodland, KS 67735	M-2016	2255-M-Ins.
Richard A. Haines 111 North Olive Leon, KS 67074	M-2824	2257-M-Ins.
Harold Spade Rural Route, Box 177A Brush, CO 80723	M-3000	2259-M-Ins.
Dennis J. Shaydak Box 29, Route 3 Westcliffe, CO 81252	M-3167	2260-M-Ins.
R. M. Prouty 1032 North 11th Avenue Greeley, CO 80631	M-3212	2261-M-Ins.
Bennie J. Hatch 1640 La Veta Grand Junction, CO 81501	M-3484	2262-M-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Denzel Harris, dba Harris "66" 1017 South Division Avenue Sterling, CO 80751	M-3534	2263-M-Ins.
Edward S. Humbert, dba E. S. Humbert Trucking Co. 9737 West 57th Avenue Arvada, CO 80002	M-3858	2264-M-Ins.
Frank R. DePew, dba Frاند R. DePew Construction 201 Midway Pueblo, CO 81004	M-4251	2265-M-Ins.
Richard W. Rogers P. O. Box 412 Saguache, CO 81149	M-4254	2266-M-Ins.
William Van Woensel, dba Van Woensel Electric Co. 521 Main Street Longmont, CO 80501	M-5099	2267-M-Ins.
Larry N. Wright, dba Pagosa Custom Concrete P. O. Box 992 Pagosa Springs, CO 81147	M-5302	2268-M-Ins.
Jimmie E. Anderson Box 687 Fruita, CO 81521	M-6243	2269-M-Ins.
Harry Hoffman, Inc. 935 18th Street Denver, CO 80202	M-6640	2270-M-Ins.
Casten-Eichorn, Inc. 503 Main Street Windsor, CO 80550	M-6726	2272-M-Ins.
Ross Brothers Transportation, Inc. P. O. Box 103 Circle, MT 59215	M-6742	2273-M-Ins.
Thomas J. Dinkel, dba Thomas J. Dinkel and Sons 1720 North Overland Trail Fort Collins, CO 80521	M-6843	2274-M-Ins.
James H. Bennett, dba Mountain Tire Company Box 322 Pagosa Springs, CO 81147	M-7047	2276-M-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
George A. Walker, dba Walker Farm Implements Route 1, Box 217 Loveland, CO 80537	M-7710	2277-M-Ins.
John T. Plum 324 North Washington Otis, CO 80743	M-7796	2278-M-Ins.
Milford Bailey Box 19 Dinosaur, CO 81610	M-7979	2280-M-Ins.
Sign Services, Inc. 7015 Julian Bldg., #10 Westminster, CO 80030	M-8206	2281-M-Ins.
Vincent A. Domiana and Charles Cito, dba Machinery Reserve of Denver 730 West 42nd Avenue Denver, CO 80216	M-8283	2282-M-Ins.
Denver Spring Service and Mfg. Company, Inc. 3434 Brighton Boulevard Denver, CO 80205	M-8512	2283-M-Ins.
James E., John L. Kaup, and Edward E. Logan, dba K and L Asphalt Services 3172 West Monmouth Englewood, CO 80110	M-9170	2284-M-Ins.
Lawrence LeGault 5548 South Hill Street Littleton, CO 80120	M-9217	2285-M-Ins.
P. W. Brown and R. T. Sperry, dba Cortez Home and Auto Supply 430 East Main Street Cortez, CO 81321	M-9280	2286-M-Ins.
John P. Murphy Implement Co. 116 South Main Street Longmont, CO 80501	M-9409	2287-M-Ins.
Louis B. and Betty J. Miller Box 120 Brewster, KS 67732	M-9483	2288-M-Ins.
Snyder Fiber Glass Co. P. O. Box 4583 Lincoln, NE 68504	M-9720	2289-M-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Richard P. Morgan Box 593 La Jara, CO 81140	M-9749	2290-M-Ins.
Lyman David Benson, dba Fabtek 30 A Mill Street Healdsburg, CA 95448	M-10343	2292-M-Ins.
Amoco Chemicals Corporation 1530 Commerce Drive Stow, OH 44224	M-10656	2293-M-Ins.
Ron Baar, dba Pan Abode Sales Box 502 Crested Butte, CO 81224	M-11151	2294-M-Ins.
Edward Coopersmith 923 Curtis Street Denver, CO 80204	M-11802	2295-M-Ins.
Rambling Road, Inc. 8081 North Federal Denver, CO 80221	M-12361	2296-M-Ins.
Eugene Gilliland Route 1 Edson, KS 67733	M-12405	2298-M-Ins.
Leo Joseph Deidel, Jr. 1592 South Ogden Street Denver, CO 80210	M-12647	2299-M-Ins.
Darrell D. King P. O. Box 541 Fort Morgan, CO 80701	M-13081	2300-M-Ins.
American Beef Packers, Inc. Box 278 Minatare, NE 69356	M-13116	2301-M-Ins.
Midwest Agri Warehouse Co. 150 South Main Street Fremont, NE 68025	M-13484	2303-M-Ins.
Albert E. Merritt, dba Western Office Equipment Co. 21 South Nevada Colorado Springs, CO 80902	M-14277	2304-M-Ins.
Page Short 703 North Walnut Colorado Springs, CO 80905	M-14777	2305-M-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Allsam Company, Inc. 1494 South Dover Way Denver, CO 80226	M-14837	2306-M-Ins.
Dan Benzel, dba Dan Benzel Machine Shop Box 759 Sidney, NE 69162	M-14874	2307-M-Ins.
Loveland Auto Supply, Inc. 124 South Cleveland Loveland, CO 80537	M-15065	2308-M-Ins.
Donald Ned Dusatko, dba San Miguel Plumbing and Heating 205 South Oak Telluride, CO 81435	M-15127	2309-M-Ins.
Denver Golf Tennis Co. 4575 Joliet Street Denver, CO 80239	M-15410	2310-M-Ins.
Northrup King and Company 1500 Jackson Street, N. E. Minneapolis, MN 55413	M-15753	2311-M-Ins.
<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
George H. Ehnes, dba Sprucewood Wrecker Service Route 2 Sedalia, CO 80135	T-139	263-T-Ins.
Harvey G. Graves, dba A-C Auto Repair 2518 Glen Avenue P. O. Box 67 Glenwood Springs, CO 81601	T-738	265-T-Ins.
Doonan Truck and Equipment, Inc. Box 93, Junction 56 and 156 Highway Great Bend, KS 67530	T-749	266-T-Ins.
Donald A. Hutter, dba Hutter Auto Service 1535 Chester Street Aurora, CO 80010	T-977	267-T-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COMBS AIRCRAFT, INC., STAPLETON)
INTERNATIONAL AIRPORT, DENVER, COLO-)
RADO, FOR AUTHORITY TO TRANSFER ALL)
RIGHT, TITLE, AND INTEREST IN AND TO)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. AC-5 TO STAR)
AVIATION CORPORATION, STAPLETON)
INTERNATIONAL AIRPORT, HANGAR NO. 1,)
DENVER, COLORADO.)

APPLICATION NO. 27899-Transfer

ORDER OF THE COMMISSION

- - - - -
December 10, 1974
- - - - -

Appearances: Theresa W. Dorsey, Esq., Denver, Colorado
Attorney 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 air 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. AC-5, as granted by Commission Decision No. 31104 dated August 25, 1948, 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.



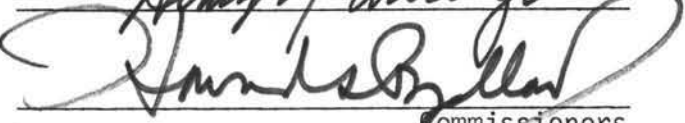
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 10th day of December, 1974.

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)
BOBBY D. HOPKINS AND LAMAR E. HOLLO-)
WAY, DOING BUSINESS AS "LA PLATA)
SANITATION," PINION ACRES, R.R. 3,)
BOX 380, DURANGO, COLORADO, FOR AUTH-)
ORITY TO TRANSFER ALL RIGHT, TITLE,)
AND INTEREST IN AND TO CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 7710 TO LA PLATA SANITATION)
CORPORATION, P.O. BOX 1535, DURANGO,)
COLORADO.)

APPLICATION NO. 27874-Transfer
ORDER OF THE COMMISSION

December 10, 1974

Appearances: David W. Duncan, Esq., Durango, Colorado
Attorney 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 Certificate of Public Convenience and Necessity PUC No. 7710, as granted by Commission Decision No. 77705 dated May 25, 1971, and as amended by Decision No. 79404 dated January 13, 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 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.

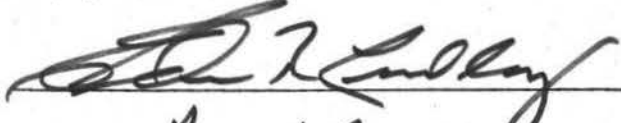
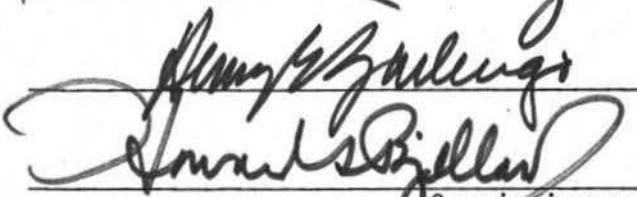
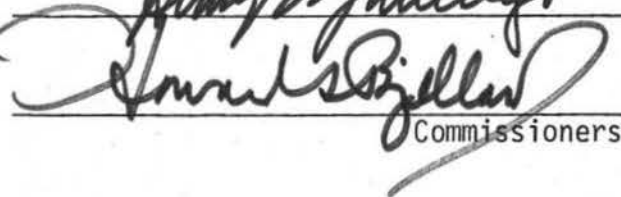
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 10th day of December, 1974.

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)	
AMERICAN ECOLOGY DISPOSAL COMPANY,)	
INC., BOX 18644, DENVER, COLORADO,)	APPLICATION NO. 27753
FOR AUTHORITY TO OPERATE AS A)	
COMMON CARRIER BY MOTOR VEHICLE.)	
RE: MOTOR VEHICLE OPERATIONS OF)	
ROBERT E. BATH, DOING BUSINESS AS)	
"AMERICAN ECOLOGY DISPOSAL," 1730)	PUC NO. 3380
LOGAN, APARTMENT 34, DENVER,)	
COLORADO.)	

ORDER OF THE COMMISSION

- - - - -
December 10, 1974
- - - - -

IT APPEARING, That by Notice of the Commission dated August 26, 1974, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

IT FURTHER APPEARING, That all protests, objections, or petitions to intervene or otherwise participate in the proceeding have been withdrawn, and that the herein proceeding may now be considered as noncontested and unopposed;

IT FURTHER APPEARING, 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 that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

IT FURTHER APPEARING, That on January 1, 1974, by Decision No. 84359, Robert E. Bath, doing business as "American Ecology Disposal," President of Applicant corporation herein, acquired ownership of Certificate of Public Convenience and Necessity PUC No. 3380;

IT FURTHER APPEARING, That the authority herein sought, completely overlaps and duplicates the authority presently held by Robert E. Bath under Certificate of Public Convenience and Necessity PUC No. 3380. Robert E. Bath, President of Applicant, herein states that should the Certificate of Public Convenience and Necessity as requested by Applicant, American Ecology Disposal Company, Inc. be granted, he would have no objection to the concurrent elimination of duplication of authority under his common control by cancelling the authority under Certificate of Public Convenience and Necessity PUC No. 3380;

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

Wherefore, and good cause appearing therefor:

WE FIND, That the present or future public convenience and necessity requires or will require Applicant's transportation services as hereinafter ordered; that the duplication of authority under control of Robert E. Bath should be eliminated, and Certificate of Public Convenience and Necessity PUC No. 3380 should be cancelled as set forth in the order following;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the service as hereinafter granted, and an appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for-hire, with authority as set forth in Appendix "A" attached hereto, and this Order shall be taken, deemed, and held to be a Certificate of Public Convenience and Necessity therefor;

IT IS FURTHER ORDERED, That the authority under Certificate of Public Convenience and Necessity PUC No. 3380, be, and hereby is, cancelled and revoked as of the effective date of this Order;

IT IS FURTHER ORDERED, That the Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission;

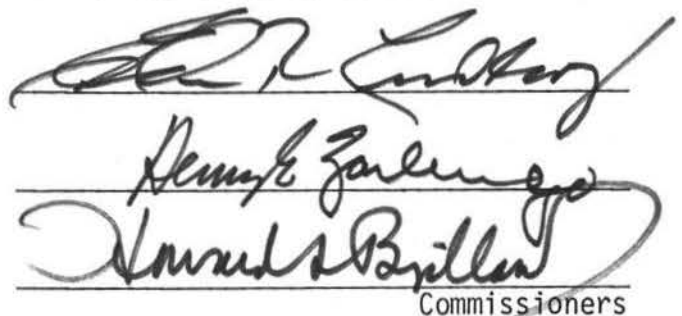
IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy, or extreme conditions;

IT IS FURTHER ORDERED, That this Order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission;

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 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 86034
December 10, 1974

American Ecology Disposal Company, Inc.

Transportation of

Ash, trash, and other refuse

From all points located within the City and County of Denver, Colorado as the boundaries existed on July 1, 1974, to such locations where the same may be lawfully delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF } EASTERN COLORADO UTILITY CO. FOR AN } ORDER AUTHORIZING IT TO PUT INTO } EFFECT AN EMERGENCY GAS RATE AD- } JUSTMENT RIDER. }	APPLICATION NO. 27931
---	-----------------------

December 3, 1974

STATEMENT

BY THE COMMISSION:

On October 30, 1974, Applicant Eastern Colorado Utility Co., a Colorado corporation, filed its application requesting approval of the Commission, without formal hearing and on less than statutory notice, to file -- to become effective on November 15, 1974 -- an emergency gas rate adjustment rider to its existing natural gas rates now on file with the Commission, attached hereto as Appendix A. Applicant filed an amendment to said application which strikes paragraph 4. of the original application and substitutes the following paragraph, to wit:

"4. On October 23, 1974, Colorado Interstate filed with the FPC an application to increase its jurisdictional rates to track an increase by Northwest Pipeline Corporation. Said increase became effective November 18, 1974."

FINDINGS OF FACT

1. Applicant is an operating public utility subject to the jurisdiction of this Commission, engaged in the transmission and sale of natural gas in various areas in the State of Colorado.

2. Applicant's Colorado natural gas requirements are obtained from Colorado Interstate Gas Company (Colorado Interstate), a division of Colorado Interstate Corporation. Colorado Interstate is a natural gas company under the provision of the Natural Gas Act. The rates and charges of Colorado Interstate incident to the sale of gas to Applicant are subject to the jurisdiction of the Federal Power Commission (FPC).

3. On August 15, 1974, Colorado Interstate filed with the FPC, Docket No. RP72-122, an application to increase its jurisdictional rates which went into effect on October 1, 1974, subject to adjustment.

4. On October 23, 1974, Colorado Interstate filed with the FPC an application to increase its jurisdictional rates to track an increase by Northwest Pipeline Corporation. Said increase became effective November 18, 1974.

5. Based on volumes purchased July 1, 1973, to June 30, 1974, the rates of Colorado Interstate as filed are estimated to increase the annual cost of gas purchased by Applicant from Colorado Interstate by approximately \$16,725.00 or 17%.

6. By Decision No. 82255, the Public Utilities Commission allowed Applicant a rate of return on common equity of 8.06%. If this emergency rate adjustment is not granted, the rate of return on common equity will decrease to approximately 5.25 percent.

7. Applicant's proposed emergency gas rate adjustment rider to its effective natural gas rates now on file with the Commission, attached hereto as Appendix A, will increase Applicant's gas rates by an amount calculated to produce, on an annual basis, additional revenue substantially equivalent to the annual increase in the cost of gas to be purchased by Applicant from Colorado Interstate.

This increase will result in an average monthly increase of \$1.37 for those customers in Kit Carson and Sheridan Lake for an average user of 200 Mcf per year. The increase will result in an average monthly increase of \$1.14 for those customers in Deer Trail, Byers, Strasburg, and Bennett, for an average user of 195 Mcf per year.

8. In the event Colorado Interstate should subsequently refund to Applicant all or part of the increase in such rates, Applicant will refund to its customers the applicable amount of any refund so received in such manner as shall be approved by this Commission.

9. The filing of this application was brought to the attention of Applicant's affected customers by publication in the Range Ledger and Cheyenne Wells Record, newspapers of general circulation in the areas affected. This notice included advice that any customer of Applicant, upon request to the Commission, may receive notice of any hearing which may be ordered by the Commission in this matter.

10. The proposed tariff is just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2) CRS 1963, and Rule 18 I.A.(5) of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on Applicant's increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased costs, Applicant's rate of return would fall below its authorized reasonable rate of return.

4. Good cause exists for the Commission to allow the proposed increases on less than thirty (30) days' notice.

5. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

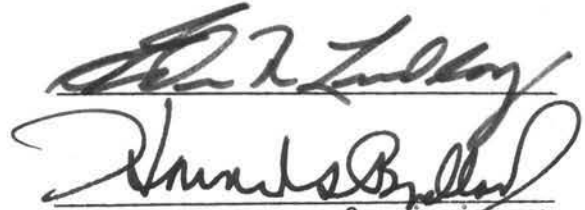
1. Eastern Colorado Utility Co., be and hereby is, authorized to file, on not less than one (1) day's notice - - to become effective no earlier than December 4, 1974, the tariffs attached hereto as Appendix A and made a part hereof.

2. In the event that Applicant's supplier, Colorado Interstate Gas, should subsequently reduce and/or refund all or part of said supplier's increase in rates, Applicant shall forthwith notify the Commission and file appropriate tariffs to reduce Applicant's rates to its customers, and/or refund to its customers the applicable amount of any refund so received by Applicant in a manner approved by this Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

hw

Eastern Colorado Energy Co.

name of utility

Original

COLO. PUC No.

Sheet No. 2.1

Cancels

Sheet No.

(General Service Classification)	
(Rate Title or Number)	Company Rate Code
RIDER TARIFF SHEET	SG-1
<u>RATE</u> Rider per MCF, to increase residential and commercial general gas service rate SG-1, Sheet 2 Towns of Kit Carson and Sheridan Lake	RATE .082
DO NOT WRITE IN THIS SPACE	

Advice Letter No. 15

Issue Date

Decision or
Authority No.

Signature of Issuing Officer

President

Effective Date

Title

Eastern Colorado Utility Co.
name of utility

Original _____
Cancels _____
Sheet No. 4.1
Sheet No. _____

Colo. PUC No. 1
Sheet No. 4.1
Sheet No. _____

(General Service Classification)	
(Rate Title or Number)	Company Rate Code
RIDER TARIFF SHEET	SG-1
<u>RATE</u> Rider per MCF, to increase residential and commercial general gas service rate SG-1, Sheet 4 Towns of Deer Trail, Byers, Strasburg and Bennett	RATE .070
DO NOT WRITE IN THIS SPACE	

Advice Letter No. 15
Decision or Authority No. _____
Signature of Issuing Officer
President
Title
Issue Date
Effective Date

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: REQUEST TO ADJUST GAS RATES)	
TO PASS ON IOWA ELECTRIC LIGHT)	APPLICATION NO. 27943
AND POWER COMPANY'S INCREASE IN)	
PURCHASED GAS COSTS WITHOUT RE-)	ORDER GRANTING RELIEF SOUGHT
QUIRING THE 30-DAY NOTICE.)	BY APPLICANT

- - - - -
December 3, 1974
- - - - -

STATEMENT

On November 6, 1974, Iowa Electric Light and Power Company, Applicant, an Iowa corporation and a 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 a gas adjustment to its existing natural gas rates now on file with the Commission.

FINDINGS OF FACT

1. Applicant is a public utility engaged in the production and transmission of electrical energy and the distribution thereof in some areas of the State of Colorado and elsewhere.

2. Applicant is subject to the jurisdiction of this Commission with respect to its distribution and sale of natural gas in its certificated area in and around Sterling and Atwood in the State of Colorado.

3. Applicant obtains all of its natural gas supply for resale in its certificated territory in Colorado, from Kansas-Nebraska Natural Gas Company, Incorporated ("K-N") under K-N's Federal Power Commission Gas Tariff and Rate Schedules.

4. On or about August 31, 1973, K-N tendered for filing with the Federal Power Commission ("FPC") proposed changes in its FPC Gas Tariff, having the effect of increasing its FPC jurisdictional revenues in excess of \$2,179,000 annually to be effective October 16, 1973. Such proposed changes were suspended by the FPC until March 16, 1974 in Docket No. RP74-11, and then permitted to become effective subject to possible refund upon final FPC decision.

5. On or about September 25, 1973, K-N tendered for filing with the FPC, data to exercise its purchased gas adjustment clause to reflect the current cost of its purchased gas to become effective on December 1, 1973. Such adjustment was allowed to be placed into effect by the FPC upon the requested date.

6. The annualized effect upon Applicant of the rate increase and purchased gas adjustment of K-N upon Applicant's cost of gas purchased was shown on Exhibit 8 attached to the Application as \$110,712, for the twelve month period ended June 30, 1974. Applicant has been absorbing the cost of the purchased gas adjustment since December 1, 1973 and the increase in Docket RP74-11 since March 16, 1974. As shown by Applicant, the additional cost of gas actually paid by Applicant for such twelve-month period was \$80,132.

7. Submitted concurrently with Applicant's filing was a revised tariff sheet setting forth in detail increased gas rates proposed to become effective on less than thirty (30) days' notice, which will increase gas revenues in an amount of \$111,060 annually. Said tariff sheet is attached hereto as Appendix A.

8. Applicant requests that the increased rate be permitted to become effective on less than thirty (30) days' notice in order to prevent further erosion of Applicant's earnings. The entire amount of annual increase proposed is necessary to recover the increased wholesale cost of gas which Applicant has been for some months, and is currently, paying to K-N under proceedings currently before the Federal Power Commission.

9. A rate-of-return study attached to the application shows that for the twelve-month period ended June 30, 1974, without adjustments including adjustment for increase in cost-of-gas, Applicant has a rate-of-return of 4.46% on its Colorado rate base; and would have a rate-of-return of only 6.04%, after such adjustments and the revenue adjustment here proposed.

10. The Commission recognizes that the 6.04% rate-of-return is substantially below the 7.75% rate-of-return (12.529% return on common equity) found to be "fair, reasonable, necessary and adequate" for Applicant in its last rate order under date of March 5, 1971, in Applicant 24736 (Decision No. 77084). The proposed adjustment will result only in serving to arrest the continued erosion of Applicant's earnings due only to wholesale gas costs, but will not improve the overall earnings of Applicant toward the enjoyment of an adequate rate-of-return.

11. Notice to customers in the form prescribed by Rule 18 was published in the Sterling Journal-Advocate on November 8, 1974.

12. The proposed tariff is just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2), CRS 1963, and Rule 18A.1. of the rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on its increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased cost, Applicant's rate of return would fall below its authorized reasonable rate of return.

4. Good cause exists for the Commission to allow the proposed increases on less than 30 days' notice.

5. The proposed tariff is lawful and in the public interest.

An appropriate Order will be entered.

O R D E R

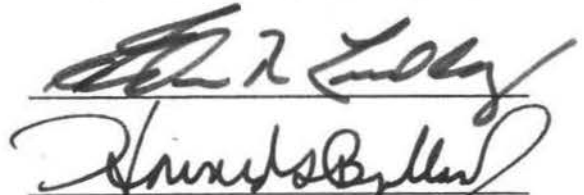
THE COMMISSION ORDERS THAT:

Iowa Electric Light and Power Company be, and hereby is, authorized to file on not less than one (1) days' notice, tariffs as delineated on Colo. PUC No. 4, Fifth Revised Sheet No. 6, attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING this 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

hw

Iowa Electric Light and Power Company

name of utility

Colo. PUC No. 4

5th Revised

Sheet No. 6

Cancels 4th Revised

Sheet No. 6

COST OF GAS ADJUSTMENT (General Service Classification)	
RIDER NO. 3 (Rate Title or Number)	Company Rate Code
All rates for small firm gas service rate schedules, i.e., GN-43 and GN-44, adjustment per Ccf of gas delivered; increase	RATE \$.0247 I
All rates for interruptible gas service rate schedules, i.e., GN-45, adjustment per Ccf of gas delivered; increase	\$.0143 I
Any charges collected under this rider, based upon increased purchased gas costs which are subsequently disallowed by the F.P.C. to KN shall be refunded to Iowa Electric customers with interest from date of collection to date of refund, under Kansas-Nebraska's Federal Power Commission's Docket RP74-11.	N
DO NOT WRITE IN THIS SPACE	

Decision or
Authority No.

Signature of Issuing Officer

Issue Date November 4, 1974

Senior Vice-President

Effective Date

Title

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WESTERN SLOPE GAS COMPANY FOR)
AN ORDER AUTHORIZING IT TO PUT)
INTO EFFECT CERTAIN GAS RATE AD-)
JUSTMENT RIDERS TO TRACK CHANGES)
IN THE COST OF GAS PURCHASED FROM)
ITS SUPPLIER FOR USE IN ITS CEN-)
TRAL SYSTEM.)

APPLICATION NO. 27966

December 3, 1974

BY THE COMMISSION:

On 15 November 1974, Western Slope Gas Co., Applicant, filed the within verified application. The relief sought is an Order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on 18 November 1974 tariffs resulting in an increase to its existing natural gas rates now on file with the Commission. The grounds set forth in the application for the relief requested are that Applicant's supplier (has increased) the rates Applicant pays to purchase natural gas and that it is unjust and unreasonable to require Applicant to absorb the increased costs. The stated purpose of the proposed tariffs, which were attached to the application, is to pass on to Applicant's customers Applicant's increased costs to purchase natural gas for resale. The proposed tariffs (affect only those customers of Applicant in its Central System).

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.

2. Applicant obtains its natural gas supply at wholesale from Colorado Interstate Gas (for Applicant's customers in its Central System).

3. This Commission has no jurisdiction over the wholesale rates of Colorado Interstate Gas.

4. Effective 18 November 1974, Applicant's supplier increased its wholesale rates to Applicant by approximately \$2,240,044, based upon volumes purchased by Applicant for the twelve months ended 30 June 1974.

5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will produce additional annual revenues of \$2,240,259, which is an increase of 7.05%.

6. If this application be denied, Applicant's pro forma rate of return for the test year ending 30 June 1974, will be a negative 0.81%.

7. If this application be granted, Applicant's pro forma rate of return for the test year ending 30 June 1974 will be 6.30%.

8. The filing of this application was brought to the attention of Applicant's affected customers by publication in the Rocky Mountain News and The Denver Post, newspapers of general circulation in the areas affected.

9. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2), CRS 1963, and Rule 18 I.A.(5) of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on Applicant's increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased costs, Applicant's rate of return would fall below its authorized reasonable rate of return.

4. Good cause exists for the Commission to allow the proposed increases on less than 30 days' notice.

5. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

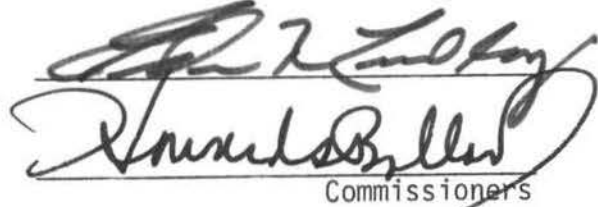
1. Western Slope Gas Co., be and hereby is, authorized to file on not less than one day's notice, to become effective for meter readings made on and after December 4, 1974, the tariffs attached hereto as Appendix "A" and made a part hereof.

2. In the event that Applicant's supplier, Colorado Interstate Gas Company, should subsequently reduce and/or refund all or part of said supplier's increase in rates, Applicant shall forthwith notify the Commission and file appropriate tariffs to reduce Applicant's rates to its customer, and/or refund to its customers the applicable amount of any refund so received by Applicant.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

hw

WESTERN SLOPE GAS COMPANY

CANCELS

SHEET No.

NATURAL GAS RATES

GAS RATE ADJUSTMENT

COMPANY RATE
CODE

APPLICABLE IN SELLER'S EASTERN DIVISION

Territory

Rate No.

1. The rate for GENERAL RESALE SERVICE (CG-1) rendered to a Buyer supplied with natural gas shall be increased per one thousand cubic feet at 14.65 pounds per square inch absolute:

Demand Charge

Each MCF of Contract Demand, per month, per MCF.....\$.00000

Commodity Charge

All use per month, per MCF......03635

Excess Gas Used Charge

All use per month, per MCF......03635

2. The rate for SMALL RESALE SERVICE (CSG-1) rendered to a Buyer shall be increased per one thousand cubic feet at 14.65 pounds per square inch absolute:

Commodity Charge

All use per month, per MCF......03635

Excess Gas Used Charge

All use per month, per MCF......03635

3. The rate for DIRECT FIRM SERVICE (CDF-1) rendered to a Buyer shall be increased per one thousand cubic feet at 14.65 pounds per square inch absolute......03635

4. The rate for RESALE INTERRUPTIBLE SERVICE (CI-1), DIRECT INTERRUPTIBLE SERVICE (CDI-1) and SPECIAL SERVICE (CS-1B) rendered to a Buyer shall be increased per one thousand cubic feet at 14.65 pounds per square inch absolute......03635

5. The rate for SPECIAL INDUSTRIAL SERVICE (CS-1A) rendered to a Buyer shall be increased per one thousand cubic feet at 14.65 pounds per square inch absolute:

(Continued on Sheet No. 32A)

ADVICE LETTER No. _____
DECISION OR
AUTHORITY No. _____

John M. Hassoldt

ISSUING OFFICER

Vice President

TITLE

ISSUE DATE _____

EFFECTIVE DATE _____

WESTERN SLOPE GAS COMPANY

CANCELS

SHEET No.

NATURAL GAS RATES

GAS RATE ADJUSTMENT

COMPANY RATE
CODE

APPLICABLE IN SELLER'S EASTERN DIVISION

Territory Rate No.

RATE

Demand Charge

Each MCF of Contract Demand, per month, per MCF..... \$.54245

Commodity ChargeAll MCF in excess of 17 days use of Contract Demand
per MCF..... .03635Excess Gas Used Charge

All use per month, per MCF..... .03635

6. The rate for SPECIAL INDUSTRIAL SERVICE (CS-1C) rendered to a Buyer shall be increased per one thousand cubic feet at 14.65 pounds per square inch absolute:

Demand Charge

Each MCF of Contract Demand, per month, per MCF..... .51236

Commodity ChargeAll MCF in excess of 18 days use of Contract Demand,
per MCF..... .03635Excess Gas Used Charge

All use for month, per MCF..... .03635

(Continued on Sheet No. 32B)

ADVICE LETTER No. _____
DECISION OR
AUTHORITY No. _____

John M. Hassoldt

ISSUING OFFICER

Vice President

TITLE

ISSUE DATE _____

EFFECTIVE DATE _____

COLO. P.U.C. No. 2

WESTERN SLOPE GAS COMPANY

Original

Sheet No. 32B

Cancels

Sheet No.

NATURAL GAS RATES

RATE

GAS RATE ADJUSTMENT

APPLICABLE IN SELLER'S EASTERN DIVISION

7. The rate for PEAKING SERVICE (CPS-1) rendered to a Buyer supplied with natural gas shall be increased per one thousand cubic feet at 14.65 pounds per square inch absolute:

Peaking Service Commodity Charge

All use per month, per MCF..... \$.03635

Peaking Service Excess Gas Used Charge

All use per month, per MCF..... .03635

(Continued on Sheet No. 32C)

Advice Letter
Number

John M. Hassoldt

Issue
DateDecision
NumberVICE PRESIDENT
Issuing OfficerEffective
Date

NATURAL GAS RATES

GAS RATE ADJUSTMENT

COMPANY RATE
CODE

APPLICABLE IN SELLER'S EASTERN DIVISION

Territory

Rate No.

The rates on file and affected hereby are identified as follows:

1. General Resale Service

Colo. P.U.C. No. 2, Third Revised Sheet No. 11

2. Small Resale Service

Colo. P.U.C. No. 2, Third Revised Sheet No. 13

3. Direct Firm Service

Colo. P.U.C. No. 2, Third Revised Sheet No. 16

4. Resale Interruptible Service, Direct Interruptible Service,
Special Service

Colo. P.U.C. No. 2, Third Revised Sheet No. 14

Colo. P.U.C. No. 2, Third Revised Sheet No. 17

Colo. P.U.C. No. 2, Third Revised Sheet No. 19

5. Special Industrial Service

Colo. P.U.C. No. 2, Third Revised Sheet No. 18

Colo. P.U.C. No. 2, Third Revised Sheet No. 18A

6. Special Industrial Service

Colo. P.U.C. No. 2, Third Revised Sheet No. 20

Colo. P.U.C. No. 2, Third Revised Sheet No. 20A

7. Peaking Service

Colo. P.U.C. No. 2, First Revised Sheet No. 12

Colo. P.U.C. No. 2, First Revised Sheet No. 12C

RATE

ADVICE LETTER No. _____
DECISION OR
AUTHORITY No. _____John M. Hassoldt
ISSUING OFFICERVice President
TITLE

ISSUE DATE _____

EFFECTIVE DATE _____

WESTERN SLOPE GAS COMPANY

NATURAL GAS RATES	
GAS RATE ADJUSTMENT	COMPANY RATE CODE
APPLICABLE IN SELLER'S SOUTHERN DIVISION	Territory Rate No.
1. The rate for GENERAL RESALE SERVICE (CG-2) rendered to a Buyer supplied with natural gas shall be increased per one thousand cubic feet at local pressure base:	
<u>Demand Charge</u> Each MCF of Contract Demand, per month, per MCF.....	\$.00000
<u>Commodity Charge</u> All use per month, per MCF.....	.01191
<u>Excess Gas Used Charge</u> All use per month, per MCF.....	.01191
2. The rate for SMALL RESALE SERVICE (CSG-2) rendered to a Buyer shall be increased per one thousand cubic feet at local pressure base:	
<u>Commodity Charge</u> All use per month, per MCF.....	.01191
<u>Excess Gas Used Charge</u> All use per month, per MCF.....	.01191
3. The rate for DIRECT COMMERCIAL SERVICE (CDC-2) rendered to a Buyer shall be increased per one thousand cubic feet at local pressure base.....	.01191
4. The rates for DIRECT FIRM SERVICE (CDF-2A) and (CDF-2B) and the rate for SPECIAL SERVICE (CS-2A) first rate step, shall be increased per one million British Thermal Units.....	.01595
(Continued on Sheet No. 64A)	

ADVICE LETTER No. _____
DECISION OR
AUTHORITY No. _____

John M. Hassoldt
ISSUING OFFICER
Vice President
TITLE

ISSUE DATE _____
EFFECTIVE DATE _____

WESTERN SLOPE GAS COMPANY

SHEET No.

CANCELS

SHEET No.

NATURAL GAS RATES	
GAS RATE ADJUSTMENT	COMPANY RATE CODE
APPLICABLE IN SELLER'S SOUTHERN DIVISION	<u>Territory</u> <u>Rate No.</u>
	<u>RATE</u>
5. The rates for DIRECT INTERRUPTIBLE SERVICE (CDI-2A) and (CDI-2B), the rates for RESALE INTERRUPTIBLE SERVICE (CI-2A) and (CI-2B) and the two remaining steps of the SPECIAL SERVICE (CS-2A) rate shall be increased per one million British Thermal Units.....	\$.01595
6. The rate for SPECIAL INDUSTRIAL SERVICE (CS-2B) rendered to a Buyer shall be increased per one million British Thermal Units:	
<u>Demand Charge</u> Each MMBTU of Contract Demand, per month, per MMBTU.....	.27089
<u>Commodity Charge</u> All MMBTU in excess of 20 days use of Contract Demand, per MMBTU.....	.01590
<u>Excess Gas Used Charge</u> All use per month, per MMBTU.....	.01435
7. The rate for PEAKING SERVICE (CPS-2) rendered to a Buyer supplied with natural gas shall be increased per one thousand cubic feet at local pressure base:	
<u>Peaking Service Commodity Charge</u> All use per month, per MCF.....	.01191
<u>Peaking Service Excess Gas Used</u> All use per month, per MCF.....	.01191
(Continued on Sheet No. 64B)	

ADVICE LETTER No. _____
DECISION OR
AUTHORITY No. _____John M. Hassoldt
ISSUING OFFICER
Vice President
TITLEISSUE DATE _____
EFFECTIVE DATE _____

WESTERN SLOPE GAS COMPANY

CANCELS

SHEET No.

NATURAL GAS RATES

GAS RATE ADJUSTMENT

COMPANY RATE
CODE

APPLICABLE IN SELLER'S SOUTHERN DIVISION

Territory

Rate No.

The rates on file and affected hereby are identified as follows:

1. General Resale Service

Colo. P.U.C. No. 2, Third Revised Sheet No. 41

2. Small Resale Service

Colo. P.U.C. No. 2, Third Revised Sheet No. 43

3. Direct Commercial Service

Colo. P.U.C. No. 2, Third Revised Sheet No. 46

4. Direct Firm Service, Special Service

Colo. P.U.C. No. 2, Third Revised Sheet No. 47

Colo. P.U.C. No. 2, Third Revised Sheet No. 48

Colo. P.U.C. No. 2, Third Revised Sheet No. 51

5. Direct Interruptible Service, Resale Interruptible Service,
Special Service

Colo. P.U.C. No. 2, Third Revised Sheet No. 49

Colo. P.U.C. No. 2, Third Revised Sheet No. 50

Colo. P.U.C. No. 2, Third Revised Sheet No. 44

Colo. P.U.C. No. 2, Third Revised Sheet No. 45

Colo. P.U.C. No. 2, Third Revised Sheet No. 51

6. Special Industrial Service

Colo. P.U.C. No. 2, Third Revised Sheet No. 52

Colo. P.U.C. No. 2, Third Revised Sheet No. 52A

7. Peaking Service

Colo. P.U.C. No. 2, First Revised Sheet No. 42

Colo. P.U.C. No. 2, First Revised Sheet No. 42C

RATE

ADVICE LETTER No. _____

DECISION OR

AUTHORITY No. _____

John M. Hassoldt

ISSUING OFFICER

Vice President

TITLE

ISSUE DATE _____

EFFECTIVE DATE _____

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)	APPLICATION NO. 27970
FOR AN ORDER AUTHORIZING IT TO)	
EFFECT REVISED TARIFF SHEETS WHICH)	
REFLECT PROPOSED RATES OF FPC)	
DOCKET NOS. RP 72-122 & PGA 75-2-A)	

- - - - -
December 3, 1974
- - - - -

BY THE COMMISSION:

On 19 November 1974, City of Colorado Springs, Applicant, filed the within verified application. The relief sought is an Order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on 3 December 1974 tariffs resulting in an increase to its existing natural gas rates now on file with the Commission. The grounds set forth in the application for the relief requested are that Applicant's supplier has increased the rates Applicant pays to purchase natural gas and that it is unjust and unreasonable to require Applicant to absorb the increased costs. The stated purpose of the proposed tariffs, which were attached to the application, is to pass on to Applicant's customers Applicant's increased costs to purchase natural gas for resale. The proposed tariffs affect all of Applicant's customers.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Colorado Interstate Gas.
3. This Commission has no jurisdiction over the wholesale rates of Colorado Interstate Gas.
4. Effective 18 November 1974, Applicant's supplier (increased) its wholesale rates to Applicant by approximately \$772,285, based upon volumes purchased by Applicant for the twelve months ended 31 August 1974.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will produce additional annual revenues of \$765,260, which is an increase of 5.44%.
6. Applicant's currently authorized operating ratio is 85.21%, set in Commission Decision No. 82304, dated 9 February 1974.
7. If this application be denied, Applicant's pro forma operating ratio for the test year ending 31 August 1974 will be 99.95%.

8. If this application be granted, Applicant's pro forma rate of return for the test year ending 31 August 1974, will be 94.79%.

9. The filing of this application was brought to the attention of Applicant's affected customers by publication in the Colorado Springs Sun and The Colorado Springs Gazette - Telegraph, newspapers of general circulation in the areas affected.

10. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2), CRS 1963, and Rule 18 I.A.(5) of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on Applicant's increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased costs, Applicant's rate of return would fall below its authorized reasonable rate of return.

4. Good cause exists for the Commission to allow the proposed increases on less than 30 days' notice.

5. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

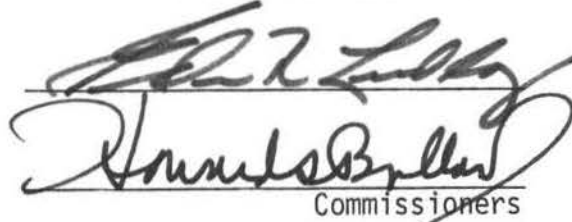
1. The City of Colorado Springs, be and hereby is, authorized to file on not less than one day's notice, to become effective for meter readings made on and after December 4, 1974, the tariffs attached hereto as Appendix "A" and made a part hereof.

2. In the event that Applicant's supplier, Colorado Interstate Gas, should subsequently reduce and/or refund all or part of said supplier's increase in rates, Applicant shall forthwith notify the Commission and file appropriate tariffs to reduce Applicant's rates to its customers, and/or refund to its customers the applicable amount of any refund so received by Applicant, in a manner approved by this Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

hw

Application No. _____

FORM R-1 CITY OF COLORADO SPRINGS, COLORADO

Department of Public Utilities

name of utility

Eleventh Revised

Colo. PUC No. 1

Sheet No. 2

Cancels

Tenth Revised

Sheet No. 2

NATURAL GAS RATES (General Service Classification)	
RESIDENTIAL SERVICE (Rate Title or Number)	Company Rate Code
<u>AVAILABILITY</u> Available by contract to existing service locations for present connected load and for gas volume commitments made under this schedule prior to June 28, 1973, using the Department's standard service for residential purposes. Availability of service for additional loads will be in accordance with the provisions of the Rules and Regulations of the Department, made a part hereof. Service to existing service locations under Rate Schedules G1-C, G2-I, G3-I and Special Contracts will not be allowed to transfer service to this rate schedule.	G1-R
<u>APPLICABILITY</u> Applicable to Residential Service which is defined as the furnishing of natural gas for the exclusive use of the individual customer for domestic purposes, e.g., cooking, water heating, space heating, clothes drying, area lighting in a private home or individual living unit where only one household is served through a single meter. Service to buildings appurtenant to the residence, including garages and other minor buildings for use of the residents may also be served through the residential meter. Each family dwelling place or housekeeping unit shall be considered as a separate living unit. Service to multi-family dwellings where more than one dwelling or one living unit is served through a single meter shall be considered as commercial service.	RATE
<u>RATE</u> First 500 cubic feet or less used per month	\$1.19 "I"
Next 1000 cubic feet used per month, per 100 cu. ft. . . . .	.1384 "I"
Next 2500 cubic feet used per month, per 100 cu. ft. . . . .	.0840 "I"
Additional cubic feet used per month, per 100 cu. ft. . . . .	.0687 "I"
<u>MINIMUM CHARGE</u> Per Meter, Per Month, Net	\$1.19 "I"
<u>PAYMENT</u> The above rates are net. Service bills become due and payable within ten (10) days from date of bill.	
<u>RULES AND REGULATIONS</u> Service under this schedule will be in accordance with the provisions of the Service Rules and Regulations of the Department, made a part hereof.	
<u>RESERVATION</u> The Department reserves the right to limit the number of space heating installations or the size of any installation taking service under this schedule when or where it appears that such installation or installations may endanger adequate service to previously connected customers. Includes amounts for pass-on of supplier's increases totaling \$.0136 per 100 cu. ft. subject to refund by FPC. "I" = Increase	DO NOT WRITE IN THIS SPACE

Advice Letter No. _____ Issue Date November 19, 1974

Decision or _____ Signature of Issuing Officer

Authority No. J. H. B. Wilson, Director, F&MS Effective Date December 3, 1974

Title

Application No. _____

FORM 11 CITY OF COLORADO SPRINGS, COLORADO

Department of Public Utilities

name of utility

Eighth Revised

Colo. PUC No. 1

Sheet No. 2A

Cancels

Seventh Revised

Sheet No. 2A

NATURAL GAS RATES

(General Service Classification)

COMMERCIAL SERVICE

(Rate Title or Number)

Company
Rate
CodeAVAILABILITY

Available by contract to existing service locations for present connected load and for gas volume commitments made under this schedule prior to June 28, 1973, using the Department's standard service for commercial purposes. Availability of service for additional loads will be in accordance with the provisions of the Rules and Regulations of the Department, made a part hereof. Service to existing service locations under Rate Schedules G2-I, G3-I and Special Contracts will not be allowed to transfer service to this rate schedule.

G1-C

RATE

APPLICABILITY

Applicable to commercial service which shall include any establishment engaged in the operation of a business, whether or not for profit. Such enterprises will include but not be limited to clubs, fraternities, sororities, lodges, hotels, apartment and rooming houses, tourist and cottage-camps, multi-family dwellings where one or more dwelling or living unit is served through one meter, schools, municipal, county, State and Federal buildings, churches, schools, etc.

RATE

First 500 cubic feet or less used per month	\$2.17	"I"
Next 1000 cubic feet used per month, per 100 cu. ft. . . . .	.1415	"I"
Next 2500 cubic feet used per month, per 100 cu. ft. . . . .	.0870	"I"
Additional cubic feet used per month, per 100 cu. ft. . . . .	.0718	"I"

MINIMUM CHARGE

Per Meter, Per Month, Net	\$2.17	"I"
-------------------------------------	--------	-----

PAYMENT

The above rates are net. Service bills become due and payable within ten (10) days from date of bill.

RULES AND REGULATIONS

Service under this schedule will be in accordance with the provisions of the Service Rules and Regulations of the Department, made a part hereof.

RESERVATION

The Department reserves the right to limit the number of space-heating installations or the size of any installation taking service under this schedule when or where it appears that such installation or installations may endanger adequate service to previously-connected customers.

Includes amounts for pass-on of supplier's increases totaling \$.0136 per 100 cu. ft., subject to refund by FPC. "I" = Increase

DO NOT WRITE
IN THIS SPACE

Advice Letter No. _____ Issue Date November 19, 1974
 Decision or Authority No. _____ J. H. B. Wilson, Director, F&MS Effective Date December 3, 1974
 Title _____

Application No. _____

CITY OF COLORADO SPRINGS

DEPARTMENT OF PUBLIC UTILITIES

name of utility

Ninth Revised

Colo. PUC No. 1

Sheet No. 3

Cancels

Eighth Revised

Sheet No. 3

NATURAL GAS RATES

(General Service Classification)

INTERRUPTIBLE INDUSTRIAL SERVICE

(Rate Title or Number)

Company
Rate
CodeAVAILABILITY

Available by contract, for not less than a period of twelve consecutive months, in Colorado Springs and adjacent areas served by high-pressure gas mains. No additional service locations or expansion of present connected load will be permitted under this schedule. Service to existing service locations under Rate Schedules G3-I and Special Contracts will not be allowed to transfer service to this rate schedule.

G2-I

RATE

APPLICABILITY

For manufacturing, processing and general industrial and institutional purposes. Service is subject to immediate cutoff. Not applicable for residential (including cottage and bungalow courts), retail business or resale use of any kind.

RATE

Measurement base 60° F. and 12.01 pounds per square inch absolute.

Part One -- Billing Demand Charge, per 1000 cubic feet

Per Month \$1.77

Part Two -- Per 1000 cubic feet per month :506

PLUS an On-Peak penalty for On-Peak use as defined in the special provisions of this schedule of \$25.00 per MCF of such On-Peak usage.

BILLING DEMAND

(a) The Billing Demand for any monthly billing period, for service furnished between November 1st and March 31st, shall be the maximum daily demand during the billing period, computed as six percent (6%) of the total units used during that period, or as determined by daily meter readings, at the option of the Department; but in any case not less than six percent (6%) of the total units used or ninety percent (90%) of the largest Billing Demand for any of the preceding eleven (11) months, whichever is larger.

(b) The Billing Demand for any monthly billing period for service furnished between April 1st and October 31st shall be computed as under (a) except the Billing Demand during these months will not exceed ninety percent (90%) of the largest Billing Demand during the preceding months of November to March inclusive, regardless of increased use during the months of April to October inclusive.

Includes amounts for pass-on of supplier's increases totaling \$.156 per 1000 cu. ft., subject to refund by FPC.

"I" = Increase

DO NOT WRITE
IN THIS SPACE

Advice Letter No. _____ Issue Date November 19, 1974
Decision or Authority No. _____ J. H. B. Wilson, Director, F&MS Effective Date December 3, 1974
Signature of Issuing Officer
Title

Application No. _____

FORM 10-1 CITY OF COLORADO SPRINGS, COLORADO
DEPARTMENT OF PUBLIC UTILITIES

Name of utility _____

Eleventh Revised _____

Colo. PUC No. 1Sheet No. 5Cancels Tenth Revised _____ Sheet No. 5

NATURAL GAS RATES (General Service Classification)	
INTERRUPTIBLE INDUSTRIAL SERVICE (Rate Title or Number)	Company Rate Code
<u>AVAILABILITY</u> Available by contract for manufacturing, processing, general industrial and institutional service of not less than sixty-one million cubic feet (61,000,000cf) annually, at contract pressure base, for a period of not less than twelve (12) consecutive months "and automatically continued thereafter, but subject to cancellation on thirty (30) days written notice by either party to contract at any time after expiration of the original contract period." No additional service locations or expansion of present connected load will be permitted under this schedule. Service to existing service locations under the Special Contract Rate Schedule will not be allowed to transfer service to this rate schedule.	G3-I
<u>RATE</u> Measurement base 60° F. and 12.01 pounds per square inch absolute. First 2,000,000 cubic feet or less used per month \$ 1,175.81 "I" All additional cubic feet used per month, per 1000 cu.ft.556 "I" PLUS an On-Peak Penalty for on-peak usage as defined in the special provisions of this schedule of \$25.00 per Mcf of such on-peak usage.	RATE
<u>MINIMUM</u> Net minimum as specified in individual application but not less than. . . . \$ 1,175.81 "I"	
<u>PAYMENT</u> The above rates are net. Service bills become due and payable within ten (10) days from date of bill.	
<u>RULES AND REGULATIONS</u> All service under this schedule shall be subject to the General Service Rules and Regulations of the Department, together with such supplements thereto and revisions thereof as are from time to time in effect.	
<u>SPECIAL PROVISIONS</u> Customers served under this schedule are subject to the priority in the use of gas of customers served under Residential and Commercial Service Schedules Rate Codes G1-R and G1-C, and Interruptible Industrial Service Schedule Rate Code G2-I. Service under this schedule is limited to applications with complete standby fuel and standby fuel utilization equipment available for use when immediate cutoff for any reason is required. On-Peak Usage shall be any gas used by the customer beginning when customer is requested by City to discontinue the use of gas, or in the event curtailed use is requested, any gas used in excess of authorized use, and continuing until the cutoff or curtailed period is terminated by notice from the City. Includes amounts for pass-on of supplier's increases totalling \$.156 per 1000 cu.ft., subject to refund by FPC. "I" = Increase	DO NOT WRITE IN THIS SPACE

Advice Letter No. _____ Issue Date November 19, 1974Decision or Authority No. J. H. B. Wilson, Director, F&MS Effective Date December 3, 1974
Tillu

FORM 101 CITY OF COLORADO SPRINGS, COLORADO
DEPARTMENT OF PUBLIC UTILITIES
name of utility _____

Cancels _____
Ninth Revised _____
Eighth Revised _____
Colo. PUC No. 1
Sheet No. 5A
Sheet No. 5A

NATURAL GAS RATES (General Service Classification)	
SPECIAL CONTRACT SERVICE (Rate Title or Number)	Company Rate Code
<u>AVAILABILITY</u> Available to the United States of America at Fort Carson and the United States Air Force Academy, Colorado, in accordance with the terms and conditions of the special contracts between the City and its customers for the present committed load covered by the respective contracts.	SCS
<u>APPLICABILITY</u> Applicable to firm and interruptible service as set forth in contracts between the City and customers.	RATE
<u>RATE</u>	
<u>FIRM SERVICE</u> Per 1000 cubic feet used per month Includes amounts for pass-on of supplier's increases totaling \$.168 per 1000 cu. ft.	\$0.712 "I"
<u>INTERRUPTIBLE SERVICE</u> Per 1000 cubic feet used per month Includes amounts for pass-on of supplier's increases totaling \$.190 per 1000 cu. ft.	\$0.566 "I"
<u>SPECIAL PROVISION</u> There shall be an On-Peak penalty of \$25.00 per Mcf of On-Peak Usage. This penalty will apply to interruptible service only and shall mean any gas used by customer beginning at the time customer is requested by City to discontinue the use of gas, or in the event curtailed use is requested, any gas used in excess of authorized use, and continuing until the cutoff or curtailed period is terminated by notice from the City.	
<u>RULES AND REGULATIONS</u> Service supplied under this schedule is subject to the rules and orders of The Public Utilities Commission of The State of Colorado and the conditions of the contracts for service between the City and customers not in conflict therewith.	
"I" = Increase	

DO NOT WRITE
IN THIS SPACE

Advice Letter No. _____ Issue Date November 19, 1974
Decision or Authority No. J. H. B. Wilson, Director, F&MS Effective Date December 3, 1974
Signature of Issuing Officer
Title

(Decision No. 86039)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BILL'S RUBBISH REMOVAL, INC., 6530) APPLICATION NO. 27454-Extension
BRENTWOOD STREET, ARVADA, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER PUC NO. 4808.)

- - - - -
December 3, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 7, 1974, Recommended Decision No. 85924 of Hearing Examiner Robert E. Temmer was entered and served upon the parties.

On November 20, 1974, Protestant, SCA Services of Colorado, Inc., by its attorney William Andrew Wilson, filed with the Commission a request for an extension of time until twenty (20) days after the filing of the official transcript within which to file its exceptions in the above-captioned matter.

On November 26, 1974, the Commission entered its Decision No. 85985 granting the Protestant, SCA Services of Colorado, Inc., an extension of time to file an application for rehearing, reargument or reconsideration in the above-captioned matter until twenty (20) days after the filing of the official transcript. The Commission, in fact, intended to grant an extension of time in order to file exceptions, and incorrectly granted an extension of time for the filing of a petition for rehearing, reargument or reconsideration. An appropriate order to reflect same should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Decision No. 85985 entered by the Commission on November 26, 1974, be, and the same hereby is, vacated, set aside and held for naught.

2. Protestant, SCA Services of Colorado, Inc., be, and hereby is, granted an extension of time within which to file exceptions to the said Recommended Decision No. 85924 of the Hearing Examiner until twenty (20) days after certification of the transcript by the official reporter.

This Order shall be effective, nunc pro tunc, as of November 26,
1974.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 86040)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27937-TA
MICHAEL L. BIRD, DOING BUSINESS AS)	
"T-K CAB", P. O. BOX 531, VAIL,)	COMMISSION ORDER DENYING
COLORADO, FOR TEMPORARY AUTHORITY)	PETITION FOR REHEARING,
TO OPERATE AS A COMMON CARRIER BY)	RECONSIDERATION AND REARGUMENT
MOTOR VEHICLE.)	OF COMMISSION DECISION NO. 85961

- - - - -
December 3, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 19, 1974, by Commission Decision No. 85961, the Commission denied Applicant's Application for Temporary Authority.

On November 27, 1974, Applicant filed its Petition for Rehearing, Reconsideration and Reargument directed to Decision No. 85961.

The Commission states and finds that said Petition for Rehearing, Reconsideration and Reargument fails to state sufficient grounds to grant the relief requested. The Commission further states that, pursuant to 115-6-20(1), CRS 1963, as amended, it has discretion to grant temporary authority only upon a showing that the territory to be served has no carrier service capable of meeting such a need. The Commission, on its own motions, takes official notice of its Decision No. 85943 dated November 12, 1974, granting temporary authority to Vail Cab Company to commence operations similar to those proposed by the within Applicant in an overlapping area. The supporting shipper's statements filed with the within Application for Temporary Authority, all dated prior to Commission Decision No. 85943, cannot take into account the granting of temporary authority to Vail Cab Company. Therefore, they do not support Applicant's burden of showing present lack of adequate carrier service in the area sought to be served.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Petition for Rehearing, Reconsideration and Reargument filed on November 27, 1974, by Applicant, Michael L. Bird, doing business as "T-K Cab",

of Decision No. 85961 dated November 19, 1974, be, and hereby is, denied.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner's

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF CITIZENS UTILITIES COMPANY, 502	)	APPLICATION NO. 27984
COLORADO AVENUE, LA JUNTA, COLORADO,)	
FOR AN ORDER APPROVING A REFUND)	
PLAN.)	

- - - - -
December 3, 1974
- - - - -

S T A T E M E N T

On November 25, 1974, Citizens Utilities Company, Applicant, filed its verified application for an order approving a refund plan, without formal hearing, together with a proposed refund plan attached hereto as Appendix A.

FINDINGS OF FACT

1. Applicant is engaged in the distribution and sale of natural gas to the public in La Junta, Rocky Ford, Swink, Ordway, Fowler, Manzanola, Las Animas, Crowley, Fort Lyon, Olney Springs, Sugar City, Cheraw, and their vicinities (Arkansas Valley Division) and other areas of Colorado.

2. Applicant's natural gas requirements for its Arkansas Valley Division are obtained from Colorado Interstate Gas Company (CIG), a division of Colorado Interstate Corporation. CIG is a natural gas company under the provisions of the Natural Gas Act, as amended, and its rates and charges incident to the sale of gas to Applicant for resale are subject to the jurisdiction of the Federal Power Commission (FPC).

3. Under Advice Letter No. 22, Amended, filed September 10, 1973, Applicant filed a temporary gas rate adjustment rider, effective October 1, 1973, to track and recover Applicant's increased wholesale cost of gas in its Arkansas Valley Division resulting from CIG's filed increased wholesale rates in FPC Docket No. RP73-93.

4. By its Order dated May 10, 1974, the FPC approved settlement rates in FPC Docket No. RP73-93, effective October 1, 1973, and ordered CIG to refund to its customers the revenue received by it in excess of the revenue which would have been received under the rates agreed to and placed into effect pursuant to such settlement.

5. Applicant proposes to refund to its Arkansas Valley Division customers the amounts collected by Applicant in excess of the aforesaid CIG settlement rates, in accordance with the plan as detailed and shown on Appendix A attached hereto.

6. The total sum collected by Applicant to be included under Applicant's proposed plan in \$72,000, which is equal to the amount to be refunded to Applicant by CIG.

7. The proposed plan is just, reasonable and non-discriminatory and in the public interest.

8. To hold a formal hearing herein would serve only to delay making the refund and would not be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

1. Applicant is a public utility subject to the jurisdiction of this Commission.

2. The proposed refund plan is lawful and should be authorized.

3. Good cause has been shown to approve the refund plan as shown on Appendix A attached hereto without the necessity of a formal hearing.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:


1. Citizens Utilities Company be, and hereby is, ordered to forthwith place into effect the refund plan attached hereto as Appendix A.

2. Within sixty (60) days from the date of this order, Citizens Utilities Company shall advise the Commission in writing of the status of the refund plan, together with the names and addresses and corresponding amounts of refunds due but which Citizens Utilities Company was unable to make.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

CITIZENS UTILITIES COMPANY
1974 Refund Plan

Citizens Utilities Company (Citizens) proposes to make a refund to all of its customers in its Arkansas Valley Division as a result of the settlement rates of Colorado Interstate Gas Company (CIG) in its FPC Docket No. RP73-93.

The total refund will be the sum of the following:

- (a) Total Gas Rate adjustment collected by Citizens from its Arkansas Valley Customers from October 1, 1973, the effective date of CIG's rate change, through September 30, 1974 as determined by gas usage for this period,

Less:

- (b) The net increase paid by Citizens to CIG for the same period,

Plus:

- (c) Interest on such overcollection (a - b) at 7% per annum.

Refunds or credits to Citizens' customers will be determined and effected as follows:

- (a) Total refund due will be determined as above (a - b + c) and distributed as follows:
 - 1. The refund due to special contract customers was computed based on actual consumption for the period October 1, 1973 through May 31, 1974.^{1/}
 - 2. The refund due to Citizens' 30 large load Arkansas Valley tariff customers will be computed based on actual consumption for the period October 1, 1973 to September 30, 1974.
 - 3. The total refund less the amounts computed in items 1 and 2 will be divided by the total remaining Arkansas Valley customers classified as residential and small load to determine the average refund per customer.
- (b) Refunds to all tariff customers will be credited to the applicable billings beginning December 1, 1974.

^{1/} CIG's FPC Docket RP73-93 settlement rates were applied to special contract customers commencing on June 1, 1974.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
NORTHERN NATURAL GAS COMPANY FOR AN)	
ORDER AUTHORIZING IT TO PUT INTO	)	APPLICATION NO. 27944
EFFECT EMERGENCY GAS RATE ADJUST-)	
MENT.)	

- - - - -
December 3, 1974
- - - - -

STATEMENT

BY THE COMMISSION:

On November 6, 1974, Peoples Natural Gas Division of Northern Natural Gas, a Delaware corporation and a utility subject to the jurisdiction of this Commission and Applicant herein, 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 adjustment to its existing natural gas rates now on file with the Commission. Said application was amended on December 3, 1974, to accurately reflect Applicant's rate of return.

FINDINGS OF FACT

1. Applicant is an operating public utility subject to the jurisdiction of this Commission, engaged in the transmission and sale of natural gas in various areas in the State of Colorado and elsewhere.

2. Applicant obtains its 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 (City of Colorado Springs) which Company received authority from the Public Utilities Commission of the State of Colorado to effectuate two changes in its wholesale cost of gas.

3. On July 31, 1974, the City of Colorado Springs filed with the Commission an Application to effectuate on August 14, 1974, a reduction in its wholesale rates to reflect the settlement at FPC Docket No. RP73-93 by Colorado Interstate Gas Company, the supplier to the City of Colorado Springs.

4. On October 8, 1974, the City of Colorado Springs filed with the Commission an Application to increase its rates effective October 16, 1974. The increase by the City of Colorado Springs reflected a general increase at FPC Docket RP74-77 and a PGA increase received from their supplier, Colorado Interstate Gas Company.

5. As is shown by Exhibits A through C attached to the Application, the increased rates of the City of Colorado Springs involve a substantial cost increase to Applicant for the areas supplied by the City. The net increase in the rates of the City of Colorado Springs as described above is estimated to increase the annual cost of gas purchased by Applicant from the City by \$11,183.

6. Applicant's pro forma rate of return for the State of Colorado for the test year ending December 31, 1973, if this application is granted, is 7.127 percent which rate is the authorized rate of return for its Colorado operations, including the area supplied by the City of Colorado Springs.

7. Applicant's pro forma rate of return for the Ute Pass area supplied by the City of Colorado Springs for the test year ending December 31, 1973, if this application is denied is 7.984 percent or 1.272 percent below its authorized rate of return.

8. Applicant filed proposed emergency gas rate adjustments to its Rate C copies of which are attached to the application and marked Exhibit "B" and made a part thereof by reference, to become effective on less than statutory notice for meter readings made on and after October 31, 1974. Applicant's filing herewith will only increase its 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 Applicant from the City of Colorado Springs and the increased franchise taxes resulting from the pass-along of the increased gas costs.

9. The filing of this application was brought to the attention of Applicant's affected customers by publication in the Ute Pass Courier, a newspaper of general circulation in the areas affected. This notice included advice that any customer of Applicant, upon request to the Commission may receive notice of any hearing which may be ordered by the Commission in this matter. Proof of publication was submitted to the Commission.

10. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2) CRS 1963, and Rule 18 I.A. (5) of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on Applicant's increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased costs, Applicant's rate of return would fall below its authorized reasonable rate of return.

4. Good cause exists for the Commission to allow the proposed increases on less than thirty (30) days' notice.

5. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

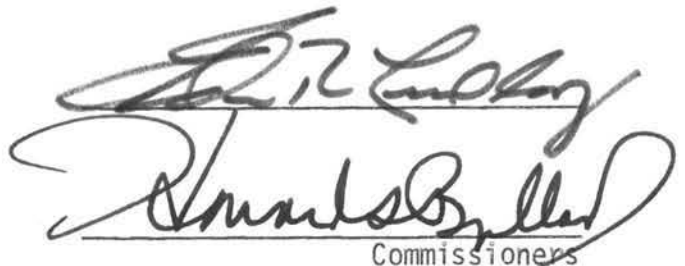
THE COMMISSION ORDERS THAT:

Peoples Natural Gas Division of Northern Natural Gas Company be, and hereby is, authorized to file on not less than one (1) day's notice, to become effective no earlier than December 4, 1974, tariffs as delineated on Colo. PUC I, Tenth Revised Sheet No. 11, which is attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

rw

Form R-1 PEOPLES NATURAL GAS DIVISION OF
NORTHERN NATURAL GAS COMPANY
name of utility

Colo. PUC No. 1

Tenth Revised Sheet No. 11

Cancels Ninth Revised Sheet No. 11

Natural Gas (General Service Classification)		Company Rate Code
General Gas Service (Rate Title or Number)		
<u>AVAILABILITY</u> Natural gas service under this schedule is available to any individually metered customer for residential, commercial or apartment service at any point in the Company's certificated territory in the "Ute Pass" area, El Paso and Teller Counties, Colorado, where adequate capacity presently exists or can be provided in accordance with the rules filed with the Public Utilities Commission of Colorado.		C
Gas service under this schedule is not available for resale or for standby service.		RATE
<u>INTERRUPTIBLE</u> Any commercial consumer receiving natural gas service under this schedule using in excess of 2000 cubic feet of gas per hour is subject to interruption, and standby service or dual fuel burning equipment must be provided by the consumer. Service to commercial consumers using in excess of 2000 cubic feet of gas per hour may be interrupted on immediate notice.		
<u>RATES</u>		
Rate per month: First	1 MCF or less per month	\$2.189 I
Next	3 MCF, per MCF per month	1.151 I
Next	11 MCF, per MCF per month	1.086 I
Next	15 MCF, per MCF per month	.989 I
	All Over 30 MCF, per MCF per month	.903 I
<u>MINIMUM CHARGE</u>		
Per Month:		\$2.19 I
<u>PAYMENT</u> The above rates are net and are due and payable within ten (10) days from presentation of bill.		
<u>RESERVATION</u> The Company reserves the right to limit the number of new customers or the size of any new installation taking service under this schedule when or where it appears that such new customers or installations may endanger adequate service to previously connected customers; and so long as the Company supplier is restricting service under the authority of the Public Utilities Commission of the State of Colorado.		
<u>REMARKS:</u> The above rates are subject to possible reduction pending final determination by the Federal Power Commission concerning Colorado Interstate's rate filing at Dkt. RP74-77. Colorado Interstate is a supplier to the City of Colorado Springs, which Company is the wholesale supplier to Peoples Division for customers served under this rate schedule.		DO NOT WRITE IN THIS SPACE

Advice Letter No. Issue Date
Decision or Authority No. Signature of Issuing Officer
Vice President

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
NORTHERN NATURAL GAS COMPANY FOR AN)	
ORDER AUTHORIZING IT TO PUT INTO)	APPLICATION NO. 27945
EFFECT EMERGENCY GAS RATE ADJUST-)	
MENT.)	

- - - - -
December 3, 1974
- - - - -

On November 6, 1974, Peoples Natural Gas Division of Northern Natural Gas, a Delaware corporation and a utility subject to the jurisdiction of this Commission and Applicant herein, filed the above application, and on November 15, 1974, filed an Amendment to the above application, seeking authorization of the Commission, without formal hearing and on less than thirty (30) days' notice, to file an emergency gas adjustment to its existing natural gas rates now on file with the Commission. Said application was further amended on December 3, 1974, to accurately reflect the Applicant's rate of return.

FINDINGS OF FACT

1. Applicant is an operating public utility subject to the jurisdiction of this Commission, engaged in the transmission and sale of natural gas in various areas in the State of Colorado and elsewhere.
2. Applicant obtains its gas supply for the Towns of Cortez, Dolores and Mancos, Montezuma County; in areas surrounding Durango, Colorado; and a partial supply for the Town of Durango, Colorado, from Northwest Pipeline Corporation (formerly El Paso Natural Gas Company). The rates and charges of Northwest Pipeline Corporation (Northwest) incident to the sale of gas to Applicant are subject to the jurisdiction of the Federal Power Commission.
3. On August 15, 1974, Northwest filed with the Federal Power Commission for a reduction in its wholesale rates to become effective October 1, 1974. The reduction was a net decrease to Northwest's wholesale rates and reflected a net Purchased Gas Adjustment increase, the elimination of a temporary surcharge and an increase to recover unrecovered Demand Charge Credits.
4. On October 4, 1974, Northwest filed with the Federal Power Commission for a substantial Purchased Gas Adjustment which was the result of the directives of the Canadian National Energy Board. These directives required that existing export licenses be amended to establish a border export price of not less than, nor greater than, \$1.00 per Mcf. This increase in the border export price of gas purchased by Northwest was to become effective November 1, 1974. Northwest requested in their filing with the Federal Power Commission an effective date of November 1, 1974, for their Purchased Gas Adjustment to recover the increase in the border export price. However, the Federal Power Commission made the filing effective as of November 18, 1974, as reflected in Exhibit D attached to the Amended Application.

5. As is shown in Exhibits A through C attached to the Application, the increased rates of Northwest involve a substantial cost increase to Applicant for the areas supplied by Northwest. The net increase in the rates of Northwest as described above is estimated to increase the annual cost of gas purchased by Applicant from Northwest by \$197,467, or an annual cost increase of nearly 30 percent.

6. Applicant's pro forma rate of return for the State of Colorado for the test year ending December 31, 1974, if this application is granted, is 7.126 percent which rate is the authorized rate of return for its Colorado operations, including the areas supplied by Northwest.

7. Applicant's pro forma rate of return for the Southwest Colorado area supplied by Northwest for the test year ending December 31, 1973, if this application is denied, is zero percent or 5.473 percent below its authorized rate of return; Applicant's rate of return for the Durango, Colorado, area supplied by Northwest, if this application is denied, is 1.035 percent or .255 percent below its currently authorized rate of return.

8. Applicant filed proposed emergency gas rate adjustments to its Rates E, E-1, G, I and J, copies of which were attached to the application and marked Exhibit "B" and made a part thereof by reference, to become effective on less than statutory notice for meter readings made on and after December 3, 1974. Applicant's filing herewith will only increase its 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 Applicant from Northwest and the increased franchise taxes resulting from the pass-along of the increased gas costs.

9. The filing of this application was brought to the attention of Applicant's affected customers by publication in The Montezuma Valley Journal, The Mancos Times-Tribune, Durango Herald and The Dolores Star, newspapers of general circulation in the areas affected. This notice included advice that any customer of Applicant, upon request to the Commission, may receive notice of any hearing which may be ordered by the Commission in this matter. Proof of publication was submitted to the Commission.

10. The proposed tariffs are just, reasonable and non-discriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2) CRS 1963, and Rule 18 I.A.(5) of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on Applicant's increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased costs, Applicant's rate of return would fall below its authorized reasonable rate of return.

4. Good cause exists for the Commission to allow the proposed increases on less than thirty (30) days' notice.

5. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

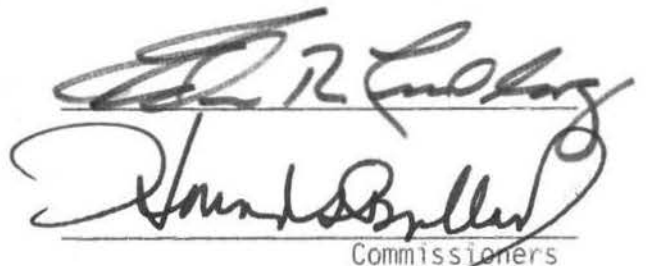
THE COMMISSION ORDERS THAT:

1. Peoples Natural Gas Division of Northern Natural Gas Company, be, and hereby is, authorized to file on not less than one (1) day's notice, to become effective no earlier than December 4, 1974, tariffs as delineated on Colo. PUC I, Seventh Revised Sheet No. 13, Seventh Revised Sheet No. 14, Ninth Revised Sheet No. 16, Sixth Revised Sheet No. 18, and Eighth Revised Sheet No. 19, all of which are attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

Natural Gas (General Service Classification)		Company Rate Code																								
General Gas Service (Rate Title or Number)																										
<p><u>AVAILABILITY</u></p> <p>Natural gas service under this schedule is available to any individually metered customer for residential, commercial or apartment at any point in the Company's certificated territory in Montezuma County, Colorado, where adequate capacity presently exists or can be provided in accordance with the rules filed with the Public Utilities Commission of Colorado.</p> <p>Gas service under this schedule is not available for resale or for standby service.</p> <p><u>INTERRUPTIBLE</u></p> <p>Any commercial consumer receiving natural gas service under this schedule using in excess of 2,000 cubic feet of gas per hour is subject to interruption and standby service or dual fuel burning equipment must be provided by the consumer. Service to commercial consumers using in excess of 2,000 cubic feet of gas per hour may be interrupted on immediate notice.</p> <p><u>RATES</u></p> <table> <tr> <td>Rate per month: First</td> <td>1 MCF, or less per month</td> <td>\$2.624</td> <td>I</td> </tr> <tr> <td>Next</td> <td>3 MCF, per MCF per month</td> <td>1.674</td> <td>I</td> </tr> <tr> <td>Next</td> <td>11 MCF, per MCF per month</td> <td>1.586</td> <td>I</td> </tr> <tr> <td>Next</td> <td>15 MCF, per MCF per month</td> <td>1.346</td> <td>I</td> </tr> <tr> <td>Next</td> <td>370 MCF, per MCF per month</td> <td>1.297</td> <td>I</td> </tr> <tr> <td>All Over</td> <td>400 MCF, per MCF per month</td> <td>1.247</td> <td>I</td> </tr> </table> <p><u>MINIMUM CHARGE</u></p> <p>Per Month: \$2.62 I</p> <p><u>PAYMENT</u></p> <p>The above rates are net and are due and payable within ten (10) days from presentation of bill.</p>		Rate per month: First	1 MCF, or less per month	\$2.624	I	Next	3 MCF, per MCF per month	1.674	I	Next	11 MCF, per MCF per month	1.586	I	Next	15 MCF, per MCF per month	1.346	I	Next	370 MCF, per MCF per month	1.297	I	All Over	400 MCF, per MCF per month	1.247	I	
Rate per month: First	1 MCF, or less per month	\$2.624	I																							
Next	3 MCF, per MCF per month	1.674	I																							
Next	11 MCF, per MCF per month	1.586	I																							
Next	15 MCF, per MCF per month	1.346	I																							
Next	370 MCF, per MCF per month	1.297	I																							
All Over	400 MCF, per MCF per month	1.247	I																							
		DO NOT WRITE IN THIS SPACE																								

Advice Letter No. Issue Date
Decision or Authority No. Signature of Issuing Officer
Vice President Effective Date November 15, 1974
Title

Natural Gas

(General Service Classification)

General Gas Service

(Rate Title or Number)

Company
Rate
Code

AVAILABILITY

Natural gas service under this schedule is available to any individually metered customer for residential, commercial or apartment, when such natural gas service is provided through the use of a temperature compensated meter, at any point in the Company's certificated territory in Montezuma County, Colorado, where adequate capacity presently exists or can be provided in accordance with the rules filed with the Public Utilities Commission of Colorado.

E-1

RATE

Gas service under this schedule is "not available for resale or for standby service.

INTERRUPTIBLE

Any commercial consumer receiving natural gas service under this schedule using in excess of 2,000 cubic feet of gas per hour is subject to interruption and standby service or dual fuel burning equipment must be provided by the consumer. Service to commercial consumers using in excess of 2,000 cubic feet of gas per hour may be interrupted on immediate notice.

RATES

Rate Per Month:	First	1 MCF, or less per month	\$2.624	I
	Next	3 MCF, per MCF per month	1.674	I
	Next	11 MCF, per MCF per month	1.586	I
	Next	15 MCF, per MCF per month	1.318	I
	Next	370 MCF, per MCF per month	1.271	I
	All Over	400 MCF, per MCF per month	1.223	I

MINIMUM CHARGE

Per Month:	\$2.62	I
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PAYMENT

The above rates are net and are due and payable within ten (10) days from presentation of bill.

DO NOT WRITE
IN THIS SPACE

Advice Letter No. _____ Issue Date _____

Decision or Authority No. _____ Signature of Issuing Officer _____

Vice President

Title

Effective Date November 15, 1974

Form R-1 PEOPLES NATURAL GAS DIVISION OF
NORTHERN NATURAL GAS COMPANY
name of utility

Colo. PUC No. 1

Ninth Revised Sheet No. 16

Cancels Eighth Revised Sheet No. 16

Natural Gas (General Service Classification)		Company Rate Code																								
General Gas Service (Rate Title or Number)																										
<p><u>AVAILABILITY</u></p> <p>Natural gas service under this schedule is available to any individually metered customer for residential, commercial, or apartment at any point within the City of Durango, Colorado, and its environs where adequate capacity presently exists or can be provided in accordance with the rules filed with the Public Utilities Commission of Colorado.</p> <p>Gas service under this schedule is not available for resale or standby service.</p> <p><u>INTERRUPTIBLE</u></p> <p>Any commercial consumer receiving natural gas service under this schedule using in excess of 2,000 cubic feet of gas per hour is subject to interruption and standby service or dual fuel burning equipment must be provided by the consumer. Service to commercial consumers using in excess of 2,000 cubic feet of gas per hour may be interrupted on immediate notice.</p> <p><u>RATES</u></p> <table> <tr> <td>Rate per month: First</td> <td>1 MCF, or less per month</td> <td>\$1.939</td> <td>I</td> </tr> <tr> <td>Next</td> <td>3 MCF, per MCF per month</td> <td>1.276</td> <td>I</td> </tr> <tr> <td>Next</td> <td>11 MCF, per MCF per month</td> <td>1.024</td> <td>I</td> </tr> <tr> <td>Next</td> <td>35 MCF, per MCF per month</td> <td>.929</td> <td>I</td> </tr> <tr> <td>Next</td> <td>450 MCF, per MCF per month</td> <td>.789</td> <td>I</td> </tr> <tr> <td>All Over</td> <td>500 MCF, per MCF per month</td> <td>.739</td> <td>I</td> </tr> </table> <p><u>MINIMUM CHARGE</u></p> <p>Per Month \$1.94 I</p> <p><u>PAYMENT</u></p> <p>The above rates are net and are due and payable within ten (10) days from presentation of bill.</p>		Rate per month: First	1 MCF, or less per month	\$1.939	I	Next	3 MCF, per MCF per month	1.276	I	Next	11 MCF, per MCF per month	1.024	I	Next	35 MCF, per MCF per month	.929	I	Next	450 MCF, per MCF per month	.789	I	All Over	500 MCF, per MCF per month	.739	I	
Rate per month: First	1 MCF, or less per month	\$1.939	I																							
Next	3 MCF, per MCF per month	1.276	I																							
Next	11 MCF, per MCF per month	1.024	I																							
Next	35 MCF, per MCF per month	.929	I																							
Next	450 MCF, per MCF per month	.789	I																							
All Over	500 MCF, per MCF per month	.739	I																							
		DO NOT WRITE IN THIS SPACE																								

Advice Letter No. _____ Signature of Issuing Officer _____ Date _____

Decision or Authority No. _____ Vice President _____ Effective Date November 15, 1974

Natural Gas (General Service Classification)																																
General Gas Service (Rate Title or Number)		Company Rate Code																														
<p><u>AVAILABILITY</u></p> <p>Natural gas service under this schedule is available only to those customers identified by El Paso Natural Gas Company as customers supplied under terms of gas purchase contract between El Paso Natural Gas Company and Southern Union Gas Company, dated December 12, 1963, and amendments thereto.</p> <p>Gas service under this schedule is not available for resale or standby service.</p>		<p>I</p> <hr/> <p>RATE</p>																														
<p><u>RATES</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Rate per month:</td> <td style="width: 40%;">First</td> <td style="width: 20%;">1 MCF, or less per month</td> <td style="width: 10%; text-align: right;">\$2.138</td> <td style="width: 5%; text-align: center;">I</td> </tr> <tr> <td></td> <td>Next</td> <td>3 MCF, per MCF per month</td> <td style="text-align: right;">1.628</td> <td style="text-align: center;">I</td> </tr> <tr> <td></td> <td>Next</td> <td>22 MCF, per MCF per month</td> <td style="text-align: right;">1.478</td> <td style="text-align: center;">I</td> </tr> <tr> <td></td> <td>Next</td> <td>24 MCF, per MCF per month</td> <td style="text-align: right;">1.368</td> <td style="text-align: center;">I</td> </tr> <tr> <td></td> <td>Next</td> <td>100 MCF, per MCF per month</td> <td style="text-align: right;">1.278</td> <td style="text-align: center;">I</td> </tr> <tr> <td></td> <td>All Over</td> <td>150 MCF, per MCF per month</td> <td style="text-align: right;">1.158</td> <td style="text-align: center;">I</td> </tr> </table>		Rate per month:	First	1 MCF, or less per month	\$2.138	I		Next	3 MCF, per MCF per month	1.628	I		Next	22 MCF, per MCF per month	1.478	I		Next	24 MCF, per MCF per month	1.368	I		Next	100 MCF, per MCF per month	1.278	I		All Over	150 MCF, per MCF per month	1.158	I	
Rate per month:	First	1 MCF, or less per month	\$2.138	I																												
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	Next	100 MCF, per MCF per month	1.278	I																												
	All Over	150 MCF, per MCF per month	1.158	I																												
<p><u>MINIMUM CHARGE</u></p> <p>Per Month</p>		<p>\$2.14</p> <p style="text-align: center;">I</p>																														
<p><u>PAYMENT</u></p> <p>The above rates are net and are due and payable within ten (10) days from presentation of bill.</p>																																
		<p>DO NOT WRITE IN THIS SPACE</p>																														

Advice Letter No. _____ Issue Date _____
 Signature of Issuing Officer _____
 Decision or Authority No. _____ Vice President _____ Effective Date November 15, 1974
 Title _____

Natural Gas (General Service Classification)		Company Rate Code										
General Gas Service (Rate Title or Number)												
<p><u>AVAILABILITY</u></p> <p>Natural gas service under this schedule is available to the Fort Lewis College at its new location in the City of Durango, Colorado.</p> <p>Gas service under this schedule is not available for resale or standby service.</p> <p><u>RATES</u></p> <table> <tr> <td>Rate per month:</td> <td>First</td> <td>500 MCF, per MCF per month</td> <td>\$.802</td> </tr> <tr> <td></td> <td>EXCESS</td> <td>MCF, per MCF per month</td> <td>.752</td> </tr> </table> <p><u>MINIMUM CHARGE</u></p> <table> <tr> <td>Per Month</td> <td>\$25.00</td> </tr> </table> <p><u>PAYMENT</u></p> <p>The above rates are net and are due and payable within ten (10) days from presentation of bill.</p>		Rate per month:	First	500 MCF, per MCF per month	\$.802		EXCESS	MCF, per MCF per month	.752	Per Month	\$25.00	<p>J</p> <p>RATE</p>
Rate per month:	First	500 MCF, per MCF per month	\$.802									
	EXCESS	MCF, per MCF per month	.752									
Per Month	\$25.00											
		<p>DO NOT WRITE IN THIS SPACE</p>										

Advice Letter No. 100-1-111111 Issue Date _____
 Signature of Issuing Officer _____
 Decision or Authority No. _____ Vice President _____ Effective Date November 15, 1974

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF --	)	DOCKET NO. 889
COLORADO PUC NO. 9 - ELECTRIC,)	
SAN ISABEL ELECTRIC SERVICES, INC.,	)	ORDER GRANTING MOTION TO VACATE
316 WEST 15TH STREET, PUEBLO,	)	AND RESET HEARING AND
COLORADO 81003.	)	NOTICE OF HEARING

December 3, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 10, 1974, San Isabel Electric Services, Inc., Respondent, filed its Advice Letter No. 20.

On August 27, 1974, in Decision No. 85616, the Commission instituted Investigation and Suspension Docket No. 889, suspended the effective date of the proposed tariffs, and set the matter for hearing on December 5, 1974.

On December 2, 1974, the Staff of the Commission filed its Motion to Vacate and Reset Hearing. The Commission states and finds that the allegations of said Motion are true, support the relief requested therein, and that said Motion should be granted.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The hearing of the within matter set for December 5, 1974, be, and the same hereby is, vacated and reset as follows:

DATE: Thursday, January 30, 1975

TIME: 10 a.m.

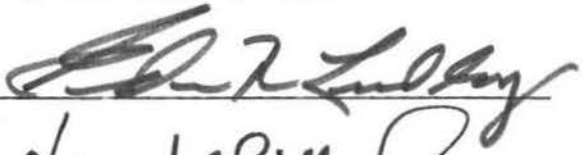
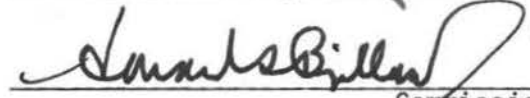
PLACE: Conference Room
Pueblo West Inn
Pueblo West, Colorado

2. At least twenty (20) days prior to said hearing date, Respondent shall file with the Commission, and provide to all parties herein, including the Staff, a copy of its proposed exhibits, and a list of its witnesses, together with a detailed summary of their direct testimony, or if prepared testimony is to be used, a copy of same.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 86045)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: SUPPLEMENT K-8 TO TARIFF)
OF INCREASED RATES AND CHARGES)
X-305-A.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 878

ORDER DENYING EXCEPTIONS TO
RECOMMENDED DECISION NO. 85967

- - - - -
December 3, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 14, 1974, Recommended Decision No. 85967 was entered by the Examiner herein.

On November 27, 1974, Respondent railroads filed Exceptions to the Recommended Decision. Said Exceptions challenge both the findings of fact and the conclusions thereon in the Recommended Decision. No transcript of the proceedings was filed.

Pursuant to 115-6-13(4), CRS 1963, as amended -- as no transcript was filed -- the Commission must, on exceptions, conclusively presume that the basic findings of fact are complete and accurate. Given the findings of fact, the Commission's review is limited, therefore, to a determination of whether the recommended Order and requirements are in accord with the findings of fact.

Basically, the Respondents argue that they are entitled to a ten percent (10%) increase instead of the four percent (4%) allowed by the Examiner. The Commission, conclusively presuming that the Examiner's findings of fact that the evidence did not support an increase in excess of four percent (4%) are complete and accurate, cannot conclude that an increase of ten percent (10%) should have been allowed. The Examiner's conclusion that the request for increases in excess of four percent (4%) should be denied, and his recommended order allowing a four percent (4%) increase are the only possible conclusions and order which would be in accord with the findings of fact. Therefore, this argument is without merit. Nor is any other point raised in the Exceptions such that would warrant any change in the Examiner's conclusions or order.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Respondent railroads be, and the same hereby are, overruled and denied.

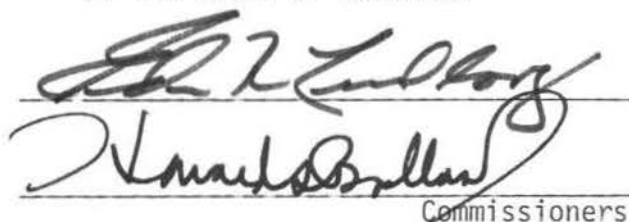
2. The findings of fact and conclusions of Hearing Examiner Thomas M. McCaffrey in Recommended Decision No. 85967 be, and hereby are, adopted by the Commission.

3. The Examiner's Recommended Order in said Decision No. 85967 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and the said Recommended 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 be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Two handwritten signatures in cursive script are written over two horizontal lines. The first signature is more legible and appears to be 'John J. Zarlengo'. The second signature is more stylized and appears to be 'Donald B. ...'.

Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 86046)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF GREELEY GAS COMPANY FOR AN)	
ORDER AUTHORIZING IT TO FILE	)	APPLICATION NO. 27990
NEW RATES TO TRACK RECENT INCREASES)	
IN THE COST OF GAS PURCHASED FROM)	
ITS SUPPLIERS.)	

December 3, 1974

S T A T E M E N T

BY THE COMMISSION:

On November 26, 1974, Greeley Gas Company, Applicant, filed the within verified application. The relief sought is an Order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on December 4, 1974, certain tariffs pertaining to its Canon City Division and a later date pertaining to tariffs pertaining to its Greeley Division, resulting in an increase to its existing natural gas rates now on file with the Commission. The grounds set forth in the application for the relief requested are that Applicant's supplier has increased the rates Applicant pays to purchase natural gas and that it is unjust and unreasonable to require Applicant to absorb the increased costs. The stated purpose of the proposed tariffs, which were attached to the application, is to pass on to Applicant's customers Applicant's increased costs to purchase natural gas for resale. The proposed tariffs affect only those customers of Applicant in Greeley and Canon City service areas.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from CIG and Western Slope Gas Company for Applicant's customers in Canon City and Greeley, respectively.
3. This Commission has no jurisdiction over the wholesale rates of CIG, but does have jurisdiction over Western Slope Gas Company.
4. Effective November 18, 1974, Applicant's supplier, CIG, increased its wholesale rates to Applicant by approximately \$138,020, based upon volumes purchased by Applicant for the 12 months ended June 30, 1974 -- same statement -- Western \$223,698.
5. Applicant's supplier, Western Slope Gas Company, by its Application No. 27966, seeks authority to pass on increases to its customers on the increased cost of gas to it. With reference to Applicant herein, Western Slope Gas Company's wholesale rates to Applicant will be increased by \$223,698, based upon volumes purchased by Applicant during the 12 months ended June 30, 1974. Western Slope's application was approved by the Commission on December 3, 1974, and it is expected its increased rates will become effective on December 4, 1974.

6. The proposed tariffs accompanying this application, attached hereto as Appendix "A" and Appendix "B", will produce additional annual revenues of \$236,464 in the Greeley Division and \$138,464 in the Canon City Division, respectively, which is an increase of 4.98% and 7.42%, respectively.

7. Applicant's currently authorized rate of return is 9.79%, set in Applicant's Advice Letter No. 89, dated May 1, 1974, for each of the Divisions herein affected.

8. If this application be denied, Applicant's pro forma rate of return for the test year ending June 30, 1974, will be 3.56% and 0.19% in the Greeley and Canon City Divisions, respectively.

9. If this application be granted, Applicant's pro forma rate of return for the test year ending June 30, 1974, will be 6.93% in its Greeley Division and 7.75% in its Canon City Division.

10. The filing of this application was brought to the attention of Applicant's affected customers by publication in the Greeley Tribune and the Canon City Record newspapers of general circulation in the areas affected.

11. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2), CRS 1963, and Rule 18 1.A(5) of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on Applicant's increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased costs, Applicant's rate of return would fall below its authorized reasonable rate of return.

4. Good cause exists for the Commission to allow the proposed increases on less than 30-day notice.

5. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Greeley Gas Company be, and hereby is, authorized to file on not less than one day's notice, to become effective for meter readings made on and after December 4, 1974, the tariffs attached hereto as Appendix "A" and made a part hereof, which tariffs are applicable to the Canon City Division.

2. Greeley Gas Company be, and hereby is, authorized to file on not less than one day's notice the tariffs attached hereto as Appendix "B" and made a part hereof, which tariffs are applicable to the Greeley Division, to become effective for meter readings made 16 days on and after

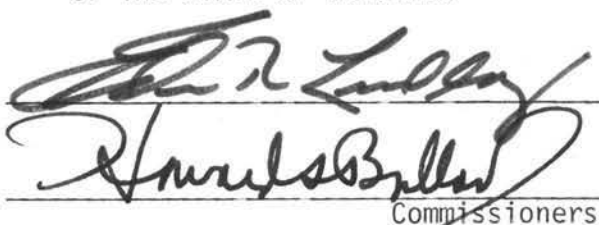
December 4, 1974, or 16 days on or after such other date as the pass-on increase authorized to Western Slope Gas Company in Application No. 27966 becomes effective pursuant to Western Slope Gas Company's tariff.

3. In the event that Applicant's suppliers, Colorado Interstate Gas or Western Slope Gas Company, or both, should subsequently reduce and/or refund all or part of said supplier's increase in rates, Applicant shall forthwith notify the Commission and file appropriate tariffs to reduce Applicant's rates to its customers, and/or refund to its customers the applicable amount of any refund so received by Applicant.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

GREELEY GAS COMPANY

name ility

Colo. PUC No. 6

Sixteen Revised Sheet No. 11

Cancels Fifteenth Revised Sheet No. 11

NATURAL GAS RATES
(General Service Classification)RESIDENTIAL AND COMMERCIAL SERVICE
(Rate Title or Number)Company
Rate
Code

AVAILABILITY

Available in Ault, Eaton, Evans, Garden City, Gilcrest, Greeley, Hudson, Keenesburg, Kersey, LaSalle, Lucerne, Pierce, Platteville, Roggen, Rosedale and contiguous territory in Weld County, Colorado.

01

RATE

APPLICABILITY

Applicable to residential and commercial service--not applicable to resale service

MONTHLY RATE

First	500 cubic feet or less used	\$1.89	I
Next	1,000 cubic feet used, per 100 cu. ft.	.1482	I
Next	2,000 cubic feet used, per 100 cu. ft.	.0922	I
Next	2,000 cubic feet used, per 100 cu. ft.	.0872	I
All additional	cu. ft. used, per 100 cu. ft.	.0782	I

MONTHLY MINIMUM \$1.89 I

KERSEY, ROGGEN, COLORADO, SURCHARGE

See Sheet #12

NORTH-EAST EATON PROJECT, SURCHARGE

See Sheet #12A

PAYMENT

Bills for gas service are due and payable within ten (10) days from date of bill.

CONTRACT PERIOD

All contracts under this schedule shall be for a minimum period of 30 days and thereafter until terminated, where service is no longer required, on 3 days' notice.

RULES AND REGULATIONS

Service supplied under this schedule is subject to the terms and conditions set forth in the Company's Rules and Regulations on file with The Public Utilities Commission of the State of Colorado.

DO NOT WRITE
IN THIS SPACE

Advice Letter No. _____

Decision or

Authority No. _____

Signature of Issuing Officer

Senior Vice President

Title

Issue Date

with meters read on & after

Effective Date December 12, 1974

Appendix A

Page 1 of 6 pages

Decision No. 86046

GREELEY GAS COMPANY
name utility

Colo. PUC No. 6

Twelfth Revised Sheet No. 17

Cancels Eleventh Revised Sheet No. 17

NATURAL GAS RATES (General Service Classification)	
NATURAL GAS ENGINES (Rate Title or Number)	Company Rate Code
<u>AVAILABILITY</u> Available by service contract only in Ault, Eaton, Evans, Garden City, Gilcrest, Greeley, Hudson, Keenesburg, Lucerne, Platteville, Pierce, Rosedale, and contiguous territory in Weld County, Colorado.	02
<u>APPLICABILITY</u> Applicable to natural gas engines for irrigation pumping beginning April 1 through September 15 each year.	RATE
<u>MONTHLY RATE</u> All gas consumed per 100 cubic feet. In calculating bills for gas service, the volume of gas as registered on the meter shall be adjusted to a volume based on sixty degrees Fahrenheit and at a pressure of four ounces per square inch above atmospheric pressure.	\$.0582 I
<u>MONTHLY MINIMUM</u>	\$17.19 I
<u>PAYMENT</u> Bills for gas service are due and payable within ten (10) days from date of bill.	
<u>CONTRACT PERIOD</u> All contracts under this schedule shall be for a minimum period of one year and thereafter from year to year until terminated.	
<u>RULES AND REGULATIONS</u> Service supplied under this schedule is subject to the terms and conditions set forth in the Company's Rules and Regulations on file with The Public Utilities Commission of the State of Colorado and the following special conditions. 1. The interruption of gas deliveries in whole or in part under this schedule shall not be the basis for claims for damages sustained by customers. 2. Customers may be required to install an adequate pulsation chamber ahead of the gas engine. 3. For service to gas engine driven irrigation pumps the point of delivery and location of the meter shall be determined by the company. Excepting in unusual situations, such point and meter locations shall be at the customer's property line nearest the Company's source of natural gas. All piping beyond point of delivery shall be installed, owned, and maintained by customer.	DO NOT WRITE IN THIS SPACE

Advice Letter No. _____

Signature of Issuing Officer _____

Issue Date _____

Decision or

with meters read on & after

Authority No. _____

Senior Vice President

Effective Date December 12, 1974

Title

Exhibit A

Page 2 of 6 pages
Decision No. 86046

GREELEY GAS COMPANY

name & city

Colo. PUC No. 6

Sixteen Revised Sheet No. 18

Cancels Fifteenth Revised Sheet No. 18

NATURAL GAS RATES

(General Service Classification)

INTERRUPTIBLE COMMERCIAL HEAT

(Rate Title or Number)

Company
Rate
Code

CLASS I

AVAILABILITY

Available by contract only in Ault, Eaton, Evans, Garden City, Gilcrest, Greeley, Hudson, Keenesburg, Kersey and contiguous territory in Weld County, Colorado. The Company reserves the right to render service only where it has adequate distribution capacity.

03

RATE

APPLICABILITY

Applicable to commercial heat requirements including schools, municipalities and small processing requirements where the minimum monthly charge will not be in excess of the estimated monthly requirements.

MONTHLY RATE

First	500 CF used per month	\$1.62	I
Next	500 CF used per month, per CCF	.1730	I
Next	1,000 CF used per month, per CCF	.1530	I
Next	4,000 CF used per month, per CCF	.0980	I
Over	6,000 CF used per month, per CCF	.0780	I

UNAUTHORIZED OVERRUN GAS

In the event customer fails or refuses to curtail or shut off its use of gas when and as directed by Greeley Gas Company, the customer, in addition to the gas service rates (or commodity charge) provided in the contract between Greeley Gas Company and customer, shall pay to Greeley Gas Company an on-peak demand penalty for such unauthorized overrun gas the greater of (1) Five Dollars (\$5.00) per MCF or (2) the MCF charge per MCF made to Greeley Gas Company by its pipeline supplier.

MONTHLY MINIMUM

The minimum monthly charge shall be \$72.20 for the months of November, December, January, February, March and April. During the months of May, June, July, August, September and October if the use of gas drops below \$72.20 per month under this rate, then the regular commercial rate and monthly minimum shall apply.

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Advice Letter No. _____

Signature of Issuing Officer

Issue Date _____

Decision or
Authority No. _____

Senior Vice President

Title

Effective Date, December 12, 1974

Exhibit A

Page 3 of 6 pages
Decision No. 86046

NATURAL GAS RATES

(General Service Classification)

INTERRUPTIBLE COMMERCIAL AND INDUSTRIAL SERVICE

(Rate Title or Number)

Company
Rate
Code

CLASS II

AVAILABILITY

Available by contract only in Ault, Eaton, Evans, Garden City, Gilcrest, Greeley, Hudson, Keenesburg, Kersey LaSalle, Lucerne, Pierce, Platteville, Roggen, Rosedale and contiguous territory in Weld County, Colorado. The Company reserves the right to render service only where it has adequate distribution capacity.

04

RATE

APPLICABILITY

Applicable to larger commercial and industrial requirements where a minimum monthly charge of One Hundred Dollars (\$100.00) will not be in excess of the estimated monthly requirements.

MONTHLY RATE

First	10,000 CF used per month	\$15.53
Next	40,000 CF used per month, per CCF	.0850
Next	50,000 CF used per month, per CCF	.0680
Next	200,000 CF used per month, per CCF	.0570
Over	300,000 CF used per month, per CCF	.0530

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UNAUTHORIZED OVERRUN GAS

In the event customer fails or refuses to curtail or shut off its use of gas when and as directed by Greeley Gas Company, the customer, in addition to the gas service rates (or commodity charge) provided in the contract between Greeley Gas Company and customer, shall pay to Greeley Gas Company an on-peak demand penalty for such unauthorized overrun gas the greater of (1) Five Dollars (\$5.00) per MCF or (2) the MCF charge per MCF made to Greeley Gas Company by its pipeline supplier.

MONTHLY MINIMUM

The minimum monthly charge shall be not less than \$ 155.87 but may be more; depending upon the terms of the individual contract.

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Advice Letter No.

Issue Date

Signature of Issuing Officer

Decision or
Authority No.

Senior Vice President

Title

Effective Date December 12, 1974

Appendix A

Page 4 of 6 pages

Decision No. 86046

GREELEY GAS COMPANY

name utility

Page 6 of 7
Colo. PUC No. 6

Thirteen. 1. Revised Sheet No. 20

Cancels Twelfth Revised Sheet No. 20

NATURAL GAS RATES
(General Service Classification)INDUSTRIAL GAS SERVICE SUMMER REQUIREMENTS ONLY
(Rate Title or Number)Company
Rate
Code

CLASS III

AVAILABILITY

Available beginning May 15 and ending November 1 each year by contract only in Ault, Eaton, Evans, Garden City, Gilcrest, Greeley, Hudson, Keenesburg, Kersey, LaSalle, Lucerne, Pierce, Platteville, Roggen, Rosedale and contiguous territory in Weld County, Colorado. The Company reserves the right to render service only where it has adequate distribution capacity.

LB

RATE

APPLICABILITY

Summer service only for such uses as hay and grain dryers.

MONTHLY RATE

First 10 MCF used per month
Next 90 MCF used per month, per MCF
Next 400 MCF used per month, per MCF
Over 500 MCF used per month, per MCF

\$14.18 I
.703 I
.503 I
.483 I

MONTHLY MINIMUM

The minimum monthly charge shall be \$ 363.72.

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Advice Letter No. _____

Signature of Issuing Officer

Issue Date _____

Decision or

Authority No. _____

Senior Vice President

Title

Effective Date December 12, 1974

Appendix A

Page 5 of 6 pages

Decision No. 86046

GREELEY GAS COMPANY

name of city

Colo. PUC No. 6

Elevent Revised Sheet No. 32

Cancels Tenth Revised Sheet No. 32

NATURAL GAS RATES
(General Service Classification)SPECIAL CONTRACTS
(Rate Title or Number)Company
Rate
Code

Applicable in Seller's Greeley, Colorado Division

LB

MONTHLY RATE

1. Flatiron Paving Company

RATE

First 10 MCF
 Next 90 MCF, per MCF
 Next 400 MCF, per MCF
 Next 500 MCF, per MCF

\$15.51
 .745
 .525
 .502

I
I
I
I

2. Great Western Sugar Company-Eaton

First 10,000 CF
 Next 40,000 CF, per MCF
 Next 50,000 CF, per MCF
 Next 200,000 CF, per MCF
 Next 300,000 CF, per MCF

\$15.53
 .855
 .685
 .575
 .519

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UNAUTHORIZED OVERRUN GAS

In the event customer fails or refuses to curtail or shut off its use of gas when and as directed by Greeley Gas Company, the customer, in addition to the gas service rates (or commodity charge) provided in the contract between Greeley Gas Company and customer, shall pay to Greeley Gas Company an on-peak demand penalty for such unauthorized overrun gas the greater of (1) Five Dollars (\$5.00) per MCF or (2) the MCF charge per MCF made to Greeley Gas Company by its pipeline supplier.

All rates subject to additional terms and conditions as specified in Contracts.

The unit volume for measurement and billing shall be 1,000 cubic feet at 60 degrees Fahrenheit and 12.64 PSIA.

DO NOT WRITE
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Advice Letter No. _____ Issue Date _____

Signature of Issuing Officer

Decision or Authority No. _____ Senior Vice President _____ Effective Date December 12, 1974

Title

Appendix A
 Page 6 of 6 pages
 Decision No. 86046

GREELEY GAS COMPANY

name of city

Colo. PUC No. 6

Twelfth Revised Sheet No. 14

Cancels Eleventh Revised Sheet No. 14

NATURAL GAS RATES
(General Service Classification)

RESIDENTIAL AND COMMERCIAL SERVICE

(Rate Title or Number)

Company
Rate
Code

AVAILABILITY

Available in Canon City, East Canon, and contiguous territory in Fremont County, Colorado

06

APPLICABILITY

Applicable to residential and commercial service--not applicable to resale service.

RATE

MONTHLY RATE

First	500 cubic feet or less used	\$1.38	I
Next	500 cubic feet used, per 100 cu. ft.	.1463	I
Next	4,000 cubic feet used, per 100 cu. ft.	.1003	I
Next	95,000 cubic feet used, per 100 cu. ft.	.0793	I
	All over 100,000 cubic feet used, per 100 cu. ft.	.0723	I

MONTHLY MINIMUM..... \$1.38 I

PAYMENT

Bills for gas service are due and payable within ten (10) days from date of bill.

CONTRACT PERIOD

All contracts under this schedule shall be for a minimum period of 30 days and thereafter until terminated where service is no longer required, on 3 days' notice.

RULES AND REGULATIONS

Service supplied under this schedule is subject to the terms and conditions set forth in Company's Rules and Regulations on file with the The Public Utilities Commission of The State of Colorado.

DO NOT WRITE
IN THIS SPACE

Advice Letter No. _____

Signature of Issuing Officer

Issue Date _____

Decision or

with meters read on and after

Authority No. _____

Senior Vice President

Effective Date December 4, 1974

Title

Appendix B

Page 1 of 4 pages

Decision No. 86046

GREELEY GAS COMPANY
name of city

Colo. PUC No. 6

Fourteen, Revised Sheet No. 21

Cancels Thirteenth Revised Sheet No. 21

NATURAL GAS RATES (General Service Classification)		Company Rate Code
INTERRUPTIBLE COMMERCIAL HEAT (Rate Title or Number)		
CLASS I		
AVAILABILITY Available by contract only in Canon City, East Canon and contiguous territory in Fremont County, Colorado. The Company reserves the right to render service only where it has adequate distribution capacity.		07
APPLICABILITY Applicable to commercial heat requirements including schools, municipalities and small processing requirements where the minimum monthly charge will not be in excess of the estimated monthly requirements.		RATE
MONTHLY RATE First 500 CF used per month Next 500 CF used per month, per CCF Next 4,000 CF used per month, per CCF Next 5,000 CF used per month, per CCF		\$1.18 .1347 .0947 .0665
UNAUTHORIZED OVERRUN GAS In the event customer fails or refuses to curtail or shut off its use of gas when and as directed by Greeley Gas Company, the customer, in addition to the gas service rates (or commodity charge) provided in the contract between Greeley Gas Company and customer, shall pay to Greeley Gas Company an on-peak demand penalty for such unauthorized overrun gas the greater of (1) Five Dollars (\$5.00) per MCF or (2) the MCF charge per MCF made to Greeley Gas Company by its pipeline supplier.		
MONTHLY MINIMUM The minimum monthly charge shall be \$79.60 for the months of November, December, January, February, March and April. During the months of May, June, July, August, September and October if the use of gas drops below \$79.60 per month under this rate, then the regular commercial rate and monthly minimum shall apply.		
		DO NOT WRITE IN THIS SPACE

Advice Letter No. _____ Issue Date _____
 Decision or Authority No. _____ Senior Vice President _____ Effective Date December 4, 1974
 Title _____

GREELEY GAS COMPANY

name of utility

Colo. PUC No. 6

Tenth Revised

Sheet No. 33

Cancels Ninth Revised

Sheet No. 33

NATURAL GAS RATES
(General Service Classification)SPECIAL CONTRACTS
(Rate Title or Number)Company
Rate
Code

Applicable in Seller's Canon City, Colorado Division

LB

MONTHLY RATE

RATE

1. Denver Fire Clay Ceramics IndustriesColorado Refractories CorporationCotter Corporation

First 100 MCF or less \$78.06 I

Next 400 MCF, per MCF .749 I

Next 500 MCF, per MCF .649 I

Next 1,000 MCF, per MCF .629 I

Next 8,000 MCF, per MCF .619 I

Over 10,000 MCF, per MCF .609 I

2. Central Telephone and Utilities CorporationA. Contract dated March 20, 1967

All gas used, per MCF .507 I

S-1 gas used, per MCF .555 I

B. Contract dated February 27, 1970

All gas used

Demand, per MCF 1.44

Commodity, per MCF .507 I

UNAUTHORIZED OVERRUN GAS

Applicable to contracts listed above under 1 and 2A only.

In the event customer fails or refuses to curtail or shut off its use of gas when and as directed by Greeley Gas Company, the customer, in addition to the gas service rates or (commodity charge) provided in the contract between Greeley Gas Company and customer, shall pay to Greeley Gas Company an on-peak demand penalty for such unauthorized overrun gas the greater of (1) Five Dollars (\$5.00) per MCF or (2) the MCF charge per MCF made to Greeley Gas Company by its pipeline supplier.

DO NOT WRITE
IN THIS SPACE

All rates subject to additional terms and conditions as specified in contracts.

The unit of volume for measurement and billing shall be 1,000 cubic feet at 60 degrees Fahrenheit and 14.65 PSIA.

Advice Letter No. _____

Issue Date _____

Decision or

Signature of Issuing Officer

Authority No. _____

Senior Vice President

Effective Date December 4, 1974

Title

Appendix B

Page 3 of 4 pages

Decision No. 86046

GREELEY GAS COMPANY

name of utility

Colo. PUC No. 6

Fifth Revised

Sheet No. 33A

Cancels Fourth Revised

Sheet No. 33A

NATURAL GAS RATES

(General Service Classification)

SPECIAL CONTRACTS

(Rate Title or Number)

Company
Rate
Code

Applicable in Seller's Canon City, Colorado Division

LB

MONTHLY RATE (Continued)

3. Colorado State Penitentiary

Natural Gas Service for Central Heating Plant

RATE

First 100 MCF or less used

\$78.06 I

Next 400 MCF used per MCF

.749 I

Next 500 MCF used per MCF

.649 I

Next 1,000 MCF used per MCF

.629 I

Next 8,000 MCF used per MCF

.619 I

All over 10,000 MCF used per MCF

.609 I

The unit of volume for measurement and billing shall be
1,000 cubic feet at 60 degrees Fahrenheit and 12.36 PSIA.

All rates subject to additional terms and conditions as
specified in Contracts.

DO NOT WRITE
IN THIS SPACE

Advice Letter No. _____

Issue Date _____

Signature of Issuing Officer

Decision or

Authority No. _____

Senior Vice President

Effective Date December 4, 1974

Title

Appendix B

Page 4 of 4 pages

Decision No. 86046

(Decision No. 86047)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF NORTHERN NATURAL GAS COMPANY)	
FOR AN ORDER AUTHORIZING IT TO PUT	)	APPLICATION NO. 27976
INTO EFFECT EMERGENCY GAS RATE)	
ADJUSTMENT.)	

- - - - -
December 3, 1974
- - - - -

STATEMENT

BY THE COMMISSION:

On November 22, 1974, Northern Natural Gas Company, Applicant, filed the within verified application. The relief sought is an Order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on December 3, 1974, tariffs resulting in an increase to its existing natural gas rates now on file with the Commission. The grounds set forth in the application for the relief requested are that Applicant's supplier has increased the rates Applicant pays to purchase natural gas and that it is unjust and unreasonable to require Applicant to absorb the increased costs. The stated purpose of the proposed tariffs, which were attached to the application, is to pass on to Applicant's customers Applicant's increased costs to purchase natural gas for resale. The proposed tariffs affect only those customers of Applicant in C.I.G. Supplied Area.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical, or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Colorado Interstate Gas for Applicant's customers in C.I.G. Supplied Area.
3. This Commission has no jurisdiction over the wholesale rates of Colorado Interstate Gas.
4. Effective November 18, 1974, Applicant's supplier increased its wholesale rates to Applicant by approximately \$188,845, based upon volumes purchased by Applicant for the twelve months ended December 31, 1973.
5. Applicant's pro forma rate of return for the test year ending December 31, 1973, if this application is granted, is 7.121% which rate is .005% below Applicant's authorized rate of return for its Colorado operations, including the areas supplied by C.I.G.

6. Applicant's pro forma rate of return for the areas supplied by C.I.G. for the test year ending December 31, 1974, if this application is denied is 6.974% or 1.233% below its authorized rate of return.

7. If this application be granted, Applicant's pro forma rate of return for the test year ending December 31, 1974, will be 8.196%.

8. The filing of this application was brought to the attention of Applicant's affected customers by publication in The Flagler News, Limon Leader, Eastern Colorado Plainsman, The Black Forest News, The Florence Citizen, Range Ledger and Cheyenne Wells Record, and The Security Advertiser and Fountain Valley News, newspapers of general circulation in the areas affected.

9. The proposed tariffs are just, reasonable, and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2), CRS 1963, and Rule 18-I.A.(5) of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on Applicant's increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased costs, Applicant's rate of return would fall below its authorized reasonable rate of return.

4. Good cause exists for the Commission to allow the proposed increases on less than 30 days' notice.

5. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

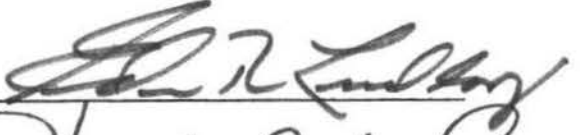
1. Northern Natural Gas Company be, and hereby is, authorized to file on not less than one day's notice, to become effective for meter readings made on and after December 4, 1974, the tariffs attached hereto as Appendix "A" and made a part hereof.

2. In the event that Applicant's supplier, Colorado Interstate Gas, should subsequently reduce and/or refund all or part of said supplier's increase in rates, Applicant shall forthwith notify the Commission and file appropriate tariffs to reduce Applicant's rates to its customers, and/or refund to its customers the applicable amount of any refund so received by Applicant.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

Natural Gas

(General Service Classification)

General Gas Service
(Rate Title or Number)Company
Rate
CodeAVAILABILITY

Natural gas service under this schedule is available to any individually metered customer for residential, commercial or apartment service at any point in the Company's certificated territory in Douglas, Elbert, El Paso, Fremont and Kiowa Counties, Colorado; and in the towns of Limon and Hugo, Lincoln County, Colorado, where adequate capacity presently exists or can be provided in accordance with the rules filed with the Public Utilities Commission of Colorado.

B

RATE

Gas service under this schedule is not available for resale or standby service.

INTERRUPTIBLE

Any commercial consumer receiving natural gas service under this schedule using in excess of 4,000 cubic feet of gas per hour is subject to interruption and standby service or dual fuel burning equipment must be provided by the consumer. Service to commercial consumers using in excess of 4,000 cubic feet of gas per hour may be interrupted on immediate notice.

MINIMUM CHARGE

Per Month

\$2.25

I

RATES

Rate per month:	First	1 MCF or less per month	\$2.253	I
	Next	3 MCF, per MCF per month	1.215	I
	Next	11 MCF, per MCF per month	1.121	I
	Next	15 MCF, per MCF per month	.823	I
	All Over	30 MCF, per MCF per month	.783	I

PAYMENT

The above rates are net and are due and payable within ten (10) days from presentation of bill.

DO NOT WRITE
IN THIS SPACEREMARKS

The above rates are subject to possible reduction pending final determination by the Federal Power Commission concerning Colorado Interstate's rate filing at Docket No. RP74-77.

Advice Letter No.

Signature of Issuing Officer

Issue Date

Decision or

Authority No.

Vice President Effective Date November 15, 1974

Title

EXHIBIT B

Page 1 of 5

Northern Natural Gas Company

name of utility

Colo. PUC No. 1

Ninth Revised Sheet No. 10

Cancels Eighth Revised Sheet No. 10

Natural Gas

(General Service Classification)

General Gas Service

(Rate Title or Number)

Company
Rate
CodeAVAILABILITY

Natural gas service under this schedule is available to any individually metered customer for residential, commercial or apartment service when such natural gas service is provided through the use of a temperature compensated meter, at any point in the Company's certificated territory in Douglas, Elbert, El Paso, Fremont and Kiowa Counties, Colorado; and in the Towns of Limon and Hugh, Lincoln County, Colorado, where adequate capacity presently exists or can be provided in accordance with the rules filed with the Public Utilities Commission of Colorado.

B-1

RATE

Gas service under this schedule is not available for resale or for standby service.

INTERRUPTIBLE

Any commercial consumer receiving natural gas service under this schedule using in excess of 4,000 cubic feet of gas per hour is subject to interruption and standby service or dual fuel burning equipment must be provided by the consumer. Service to commercial consumers using in excess of 4,000 cubic feet of gas per hour may be interrupted on immediate notice.

MINIMUM CHARGE

Per Month:

\$2.25

I

RATES:

Rate Per Month:	First	1 MCF or less per month	\$2.253	I
	Next	3 MCF, per MCF per month	1.215	I
	Next	11 MCF, per MCF per month	1.121	I
	Next	15 MCF, per MCF per month	.800	I
	All Over	30 MCF, per MCF per month	.762	I

PAYMENT

The above rates are net and are due and payable within ten (10) days from presentation of bill.

DO NOT WRITE
IN THIS SPACEREMARKS

The above rates are subject to possible reduction pending final determination by the Federal Power Commission concerning Colorado Interstate's rate filing at Docket No. RP74-77.

Advice Letter No.

Signature of Issuing Officer

Issue Date

Decision or

Authority No.

Vice President

Title

Effective Date November 15, 1974

EXHIBIT B

Page 2 of 5

Cancels _____ Ninth Revised _____ Sheet No. 12
Eighth Revised _____ Sheet No. 12

Natural Gas (General Service Classification)																					
General Gas Service (Rate Title or Number)	Company Rate Code																				
<p><u>AVAILABILITY</u> Natural gas service under this schedule is available to any individually metered customer for residential, commercial or apartment at any point in the Company's certificated territory in Cheyenne, Kit Carson, Lincoln, Washington and Yuma Counties, Colorado, where adequate capacity presently exists or can be provided in accordance with the Public Utilities Commission of Colorado.</p> <p>Gas service under this schedule is not available for resale or for standby service.</p> <p><u>INTERRUPTIBLE</u> Any commercial consumer receiving natural gas service under this schedule using in excess of 4,000 cubic feet of gas per hour is subject to interruption, and standby service or dual fuel burning equipment must be provided by the consumer. Service to commercial consumers using in excess of 4,000 cubic feet of gas per hour may be interrupted on immediate notice.</p> <p><u>MINIMUM CHARGE</u></p> <p>Per Month</p> <p><u>RATES</u></p> <p>Rate per month:</p> <table><tbody><tr><td>First</td><td>1 MCF or less per month</td><td>\$2.265</td><td>I</td></tr><tr><td>Next</td><td>3 MCF, per MCF per month</td><td>1.515</td><td>I</td></tr><tr><td>Next</td><td>11 MCF, per MCF per month</td><td>1.265</td><td>I</td></tr><tr><td>Next</td><td>15 MCF, per MCF per month</td><td>.985</td><td>I</td></tr><tr><td>All Over</td><td>30 MCF, per MCF per month</td><td>.930</td><td>I</td></tr></tbody></table> <p><u>PAYMENT</u> The above rates are net and are due and payable within ten (10) days from presentation of bill.</p> <p><u>REMARKS</u> The above rates are subject to possible reduction pending final determination by the Federal Power Commission concerning Colorado Interstate's rate filing at Docket No. RP74-77.</p>	First	1 MCF or less per month	\$2.265	I	Next	3 MCF, per MCF per month	1.515	I	Next	11 MCF, per MCF per month	1.265	I	Next	15 MCF, per MCF per month	.985	I	All Over	30 MCF, per MCF per month	.930	I	<p>D</p> <p>RATE</p> <p>\$2.27</p> <p>I</p> <p>DO NOT WRITE IN THIS SPACE</p>
First	1 MCF or less per month	\$2.265	I																		
Next	3 MCF, per MCF per month	1.515	I																		
Next	11 MCF, per MCF per month	1.265	I																		
Next	15 MCF, per MCF per month	.985	I																		
All Over	30 MCF, per MCF per month	.930	I																		

Advice Letter No. _____ Issue Date _____
Decision or Authority No. _____ Signature of Issuing Officer _____
Vice President Title Effective Date November 15, 1974
EXHIBIT B
Page 3 of 5

Colo. PUC No. 1

Eighth Revised Sheet No. 30

Cancels Seventh Revised Sheet No. 30

Natural Gas

(General Service Classification)

Special Irrigation Gas Service
(Rate Title or Number)

Company
Rate
Code

AVAILABILITY

Natural gas service under this schedule is available to any individually metered customer using gas engine-driven pumps, for irrigating land, at any point in the Company's certificated territory in Cheyenne, Kit Carson, Lincoln, Washington and Yuma Counties, Colorado, where adequate capacity presently exists or can be provided in accordance with the rules filed with the Public Utilities Commission of Colorado.

Q

RATE

Gas service under this schedule is not available for resale or for standby service.

RATES

Rate per month:	First	2 MCF or less per month	\$5.538	I
	Next	148 MCF, per MCF per month	.791	I
	Next	250 MCF, per MCF per month	.750	I
	All Over	400 MCF, per MCF per month	.709	I

MINIMUM CHARGE

Per Month:	\$5.54	I
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PAYMENT

The above rates are net and are due and payable within ten (10) days from presentation of bill.

RULES AND REGULATIONS

Gas service provided under Rate Schedule D has priority over gas service provided under Rate Schedule Q. The Company reserves the right to limit or curtail and quantity of gas supplied hereunder depending upon the supply and facilities available to render service.

REMARKS

The above rates are subject to possible reduction pending final determination by the Federal Power Commission concerning Colorado Interstate's rate filing at Docket No. RP74-77.

DO NOT WRITE
IN THIS SPACE

Advice Letter No. Issue Date

Decision or Authority No. Signature of Issuing Officer

Vice President
Title

Effective Date November 15, 1974

EXHIBIT B

Page 4 of 5

Natural Gas (General Service Classification)	
Gas Service for Municipally-Owned Electric Generating Plant (Rate Title or Number)	Company Rate Code
<u>AVAILABILITY</u> Natural gas service under this schedule is available to the municipally-owned electric generating plant of Burlington, Colorado on an interruptible basis. Gas service under this schedule is not available for resale or for standby service. <u>RATE</u> Rate per month: Per MCF per month \$.691 <u>PAYMENT</u> The above rates are net and are due and payable within ten (10) days from presentation of bill. <u>RULES AND REGULATIONS</u> The Company will not contract service under this rate for a period longer than one (1) year and reserves the right to renegotiate contract at the end of one (1) year period or discontinue service on thirty (30) days' written notice thereafter. Gas service provided under Rate Schedules D and Q have priority rights over gas service provided under Rate Schedule U. The Company reserves the right to limit or curtail the quantity of gas supplied hereunder depending upon the supply and facilities available to render service. <u>REMARKS</u> The above rates are subject to possible reduction pending final determination by the Federal Power Commission concerning Colorado Interstate's rate filing at Docket No. RP74-77.	U RATE \$.691 I
DO NOT WRITE IN THIS SPACE	

Advice Letter No. _____ Issue Date _____
 Decision or Authority No. _____ Signature of Issuing Officer _____
 Title Vice President

Effective Date November 15, 1974

EXHIBIT B

Page 5 of 5

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CITIZENS UTILITIES COMPANY FOR AN)
ORDER AUTHORIZING IT TO PUT INTO) APPLICATION NO. 27908
EFFECT CERTAIN GAS RATE ADJUSTMENT)
RIDERS INCREASING ITS GAS RATES.)

- - - - -
December 3, 1974
- - - - -

STATEMENT

BY THE COMMISSION:

On October 21, 1974, Citizens Utilities Company, a Delaware corporation, Applicant, filed Application No. 27908 which application seeks an order authorizing it to put into effect, without formal hearing and on less than statutory notice, certain gas rate adjustment riders increasing its existing natural gas rates now on file with the Commission to track increases in the cost of gas purchased from Colorado Interstate Gas Company (CIG), its wholesale pipeline supplier. Thereafter, on October 30, 1974, Applicant filed an amendment to Application No. 27908 reducing the amount of its proposed gas rate adjustment.

On November 15, 1974, Applicant filed Amended Application No. 27908 to reflect a change of date in the effective date of CIG's wholesale pipeline tariff.

On November 27, 1974, Applicant filed an Amendment to the Amended Application together with revised Schedules 1, 3, and 5, which it requested be substituted for the corresponding Schedules of its Exhibit A to the application.

FINDINGS OF FACT

1. Applicant is an operating public utility, subject to the jurisdiction of this Commission, engaged in the distribution and sale of natural gas to the public in, and in the vicinity of, La Junta, Rocky Ford, Swink, Ordway, Fowler, Manzanola, Las Animas, Crowley, Fort Lyon, Olney Springs, Sugar City, Cheraw (Arkansas Valley Division), and other areas of Colorado.
2. Applicant's natural gas requirements for its Arkansas Valley Division are obtained from Colorado Interstate Gas Company (CIG), a division of Colorado Interstate Corporation. CIG is a natural gas company under the provisions of the Natural Gas Act, as amended, and its rates and charges incident to the sale of gas to Applicant for resale are subject to the jurisdiction of the Federal Power Commission (FPC).
3. On or about October 15, 1974, CIG filed proposed revised tariff sheets with the FPC in Docket No. RP72-122. In its covering letter making said filing dated October 15, 1974, CIG indicated the proposed revised tariff sheets reflect an increase in CIG's rates charged to its jurisdictional customers, pursuant to its purchased gas cost

adjustment provisions, to enable CIG to recover increased gas costs it will experience as a result of rate filings by its supplier, Northwest Pipeline Corporation (Northwest). CIG requested that the revised rates be made effective November 1, 1974, or on such date as the Northwest increase was permitted to go into effect. The Northwest increase was made effective November 18, 1974. By letter dated November 13, 1974, CIG was advised by the Secretary of the FPC that by direction of the FPC its revised rates were accepted for filing effective November 18, 1974.

4. The increase in CIG's P-1 rate schedule under which Applicant purchases gas from CIG, which became effective November 18, 1974, is estimated to increase the annual purchased gas cost of Applicant by approximately \$139,858 computed on the basis of the volume of gas purchased from CIG and sold during the twelve-month period ended June 30, 1974.

5. Applicant herein seeks authority to "track" CIG's increase in the wholesale rates at which Applicant purchases gas from CIG. Applicant requests the Commission's authority to file a gas rate adjustment rider reflecting such increase, to become effective on November 18, 1974, with meter readings made that date and thereafter, or on such other date as the FPC permits CIG's increased rates to go into effect. Said gas rate adjustment rider will increase Applicant's rates by an amount calculated to produce on an annual basis additional revenue equivalent to the annual increase in the cost of gas to be purchased by Applicant from CIG under its increased wholesale rates referred to above.

6. In support of the application, Exhibit A is attached thereto and made a part thereof. Schedule 1 of Exhibit A, which is entitled "Repricing of Purchased Gas and Proof of Pass-on" sets forth on a normalized basis for the twelve months ended June 30, 1974, the quantity and cost of gas purchased from CIG, the increase in cost of gas under CIG's new rates for the volume of gas purchased during said period, and the revenue increase which Applicant would receive for the volume of gas sold during that period with the revised rate adjustment rider in effect during said twelve months.

7. In further support of the application, Exhibit A thereto, as supplemented, includes the following:

Schedule 2 - Comparative Balance Sheets at June 30, 1974, and June 30, 1973, and Comparative Statements of Income for the Twelve Months ended June 30, 1974, and June 30, 1973.

Schedule 3 - Rate of Return for Twelve Months ended June 30, 1974, with adjustments showing effect on Rate of Return of CIG's New Revised Rates, and the gas rate adjustment rider.

Schedule 4 - Cost of Capital.

Schedule 5 - Gas Rate Adjustment Rider, Colo. PUC No. 9, (revised) Original Sheet No. 1.4.

8. In the event CIG shall refund the Applicant all or any part of the increase in the cost of purchased gas to Applicant which became effective November 18, 1974, Applicant will refund to its customers the applicable amount of any refund so received in a manner to be approved by this Commission.

9. This Application is being made pursuant to Section 115-3-4(2), CRS 1963, and Rule 18 I.A.(5) of the Rules of Practice and Procedure of this Commission. Due to the increases in the cost of natural gas purchased by Applicant as set forth in this application, good cause exists for the Commission to authorize the filing of the proposed gas rate adjustment rider on less than thirty (30) days' notice. Any delay in placing said rider into effect to pass on such increased costs will do substantial harm to Applicant. As shown on Schedule 3 of Exhibit A, in the absence of approval of said tracking increase, Applicant's rate of return would be reduced to a confiscatory 1.71 percent.

10. Notice of the filing with this Commission of the original application was published on or about the date of filing of the application, pursuant to Rule 18 I.A.(5) of the Commission's Rules of Practice and Procedure by publication in the La Junta Tribune Democrat, Rocky Ford Daily Gazette and the Pueblo Chieftain, newspapers of general circulation in the areas affected. This notice included advice that any customer of Applicant, upon request to the Commission, may receive notice of any hearing which may be ordered by the Commission in this matter. Proof of publication was submitted to the Commission.

11. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2) CRS 1963, and Rule 18 I.A.(5) of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on Applicant's increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased costs, Applicant's rate of return would fall below its authorized reasonable rate of return.

4. Good cause exists for the Commission to allow the proposed increases on less than thirty (30) days' notice.

5. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

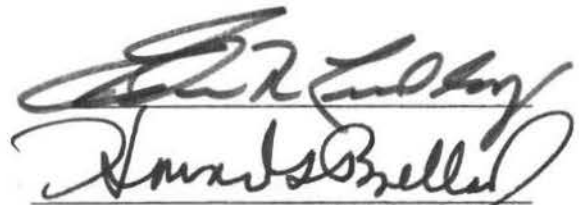
1. Citizens Utilities Company be, and hereby is, authorized to file on not less than one (1) day's notice, to become effective no earlier than December 4, 1974, the gas rate adjustment rider attached hereto as Appendix A and made a part hereof.

2. In the event that Applicant's supplier, Colorado Interstate Gas Company, should subsequently reduce and/or refund all or part of said supplier's increase in rates, Applicant shall forthwith notify the Commission and file appropriate tariffs to reduce Applicant's rates to its customers, and/or refund to its customers the applicable amount of any refund so received by Applicant.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

CITIZENS UTILITIES COMPANY

Original

SHEET NO.

1.4

CANCELS

SHEET NO.

		COMPANY RATE CODE
		TERRITORY RATE NO.
GAS RATE ADJUSTMENT		
I. All rates for Residential and Commercial natural gas service shall be increased per hundred cubic feet used per month		
. at 14.65 psia pressure base		\$0.004
. at 12.95 psia pressure base		0.004
II. All rates for Industrial natural gas service shall be increased per thousand cubic feet used per month		
. at 14.65 psia pressure base		\$0.036
. at 12.95 psia pressure base		0.032
III. All rates for Special Contract Service shall be increased per thousand cubic feet used per month		
. at 14.65 psia pressure base		\$0.036
. at 12.95 psia pressure base		0.032
The Rates on file and affected hereby are identified as follows:		
I. <u>Residential and Commercial Natural Gas Service</u>		
Colo. P.U.C. No. 9 Seventh Revised Sheet No. 3		
Colo. P.U.C. No. 9 Original Sheet No. 4.1		
Colo. P.U.C. No. 9 Eighth Revised Sheet No. 5		
Colo. P.U.C. No. 9 Original Sheet No. 6.1		
II. <u>Industrial Natural Gas Service</u>		
Colo. P.U.C. No. 9 Eighth Revised Sheet No. 7		
Colo. P.U.C. No. 9 Original Sheet No. 8.1		
Colo. P.U.C. No. 9 Tenth Revised Sheet No. 9		
III. <u>Special Contracts</u>		
Colo. P.U.C. No. 9 First Revised Sheet No. 10.1		
Colo. P.U.C. No. 9 Original Sheet No. 10.3		
Colo. P.U.C. No. 9 Original Sheet No. 10.4		
Note: This adjustment is in addition to Company's currently effective Gas Rate Adjustment for its Arkansas Valley Division. It will also be added to subsequent revisions, as filed under Advice Letters Nos. 33 and 34, when approved.		

ADVICE LETTER NO.

DECISION OR

AUTHORITY NO.

ISSUING OFFICER

ISSUE DATE

October 17, 1974

EFFECTIVE DATE

(Decision No. 86049)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ASPEN CAB COMPANY AND LITTLE PERCENT,)
INC., DOING BUSINESS AS ASPEN CAB)
SERVICE COMPANY, 125 NORTH MILL,)
ASPEN, COLORADO, TO TRANSFER A)
PORTION OF PUC NO. 1681 TO VAIL)
CAB COMPANY, 812 PATTERSON BUILDING,)
DENVER, COLORADO.)

APPLICATION NO. 27905-Transfer Portion
ORDER GRANTING LEAVE TO INTERVENE

December 10, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 2, 1974 Pauline Faroni, by her attorney Arthur R. Hauver, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

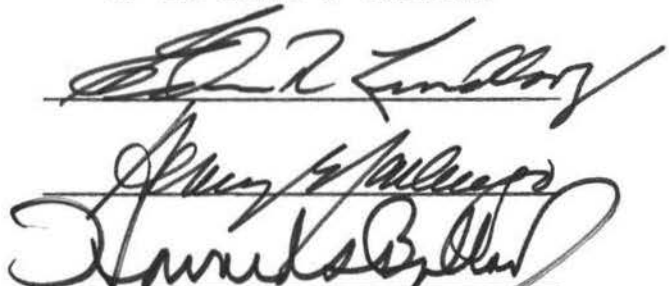
THE COMMISSION ORDERS THAT:

Pauline Faroni be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF A. T. BURBRIDGE TRUCK, INC.,)	APPLICATION NO. 27919
937 A STREET, GREELEY, COLORADO,)	
FOR A CERTIFICATE OF PUBLIC CON-)	ORDER GRANTING LEAVE TO INTERVENE
VENIENCE AND NECESSITY.)	

December 10, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 2, 1974 Regular Route Common Carrier Conference of the Colorado Motor Carriers Association, by its attorneys Alvin J. Meiklejohn, Jr., and Kenneth R. Hoffman, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

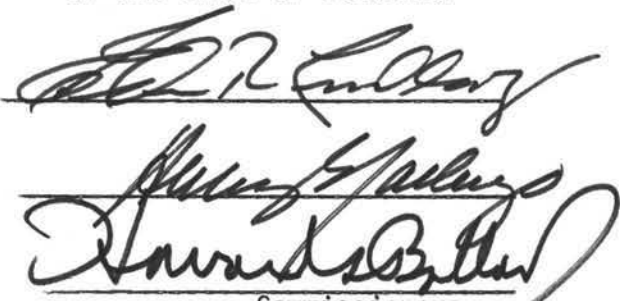
THE COMMISSION ORDERS THAT:

Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association, be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF FREIGHT SERVICE, INC., P. O. BOX	)	APPLICATION NO. 27915
428, GREELEY, COLORADO, FOR A CERTI-)	
FICATE OF PUBLIC CONVENIENCE AND	)	ORDER GRANTING LEAVE TO INTERVENE
NECESSITY.)	

- - - - -
December 10, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 2, 1974 Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association, by its attorneys Alvin J. Meiklejohn, Jr., and Kenneth R. Hoffman, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

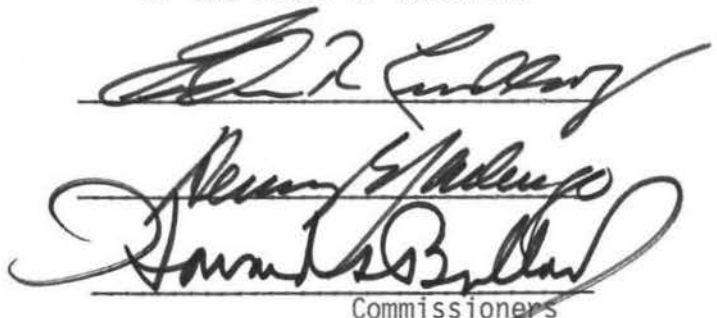
THE COMMISSION ORDERS THAT:

Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association, be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	APPLICATION NO. 27932 and
OF A & A TRUCK LINES, INC., 1221)	APPLICATION NO. 27932-Amended
LA PALOMA WAY, COLORADO SPRINGS,)	
COLORADO, FOR A CERTIFICATE OF)	ORDER GRANTING LEAVE TO INTERVENE
PUBLIC CONVENIENCE AND NECESSITY.)	

- - - - -
December 10, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 2, 1974 Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association, by its attorneys Alvin J. Meiklejohn, Jr., and Kenneth R. Hoffman, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

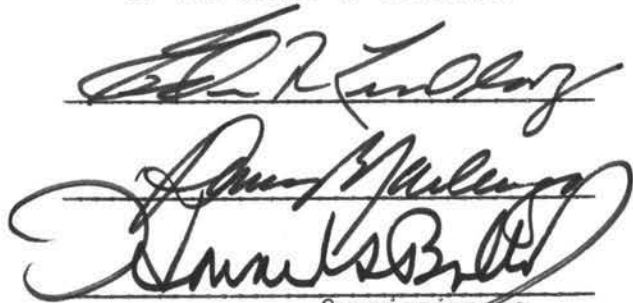
THE COMMISSION ORDERS THAT:

Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association, be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MILLER BROTHERS, INC., P. O. BOX)	APPLICATION NO. 27918
1228, GREELEY, COLORADO, FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	ORDER GRANTING LEAVE TO INTERVENE
AND NECESSITY.)	

December 10, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 2, 1974 Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association, by its attorneys Alvin J. Meiklejohn, Jr., and Kenneth R. Hoffman, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

ORDER

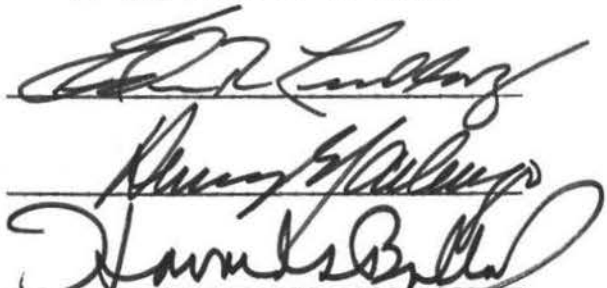
THE COMMISSION ORDERS THAT:

Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association, be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

(Decision No. 86054)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. M. MOREY, DOING BUSINESS AS STAR)
MOTOR FREIGHT LINES, 1210 NORTH CEDAR)
STREET, COLORADO SPRINGS, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY.)

APPLICATION NO. 27916

ORDER GRANTING LEAVE TO INTERVENE

December 10, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 2, 1974 Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association, by its attorneys Alvin J. Meiklejohn, Jr., and Kenneth R. Hoffman, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

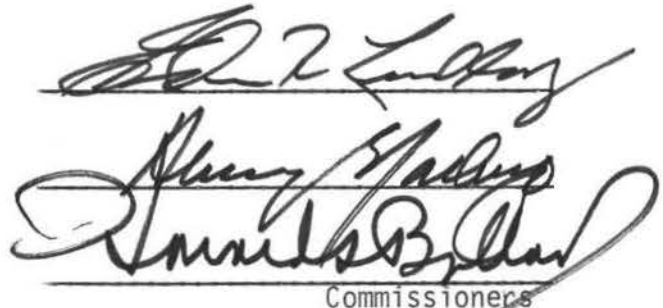
THE COMMISSION ORDERS THAT:

Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association, be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF THACKER BROTHERS TRANSPORTATION,	)	APPLICATION NO. 27917
INC., 240 SOUTH SANTA FE AVENUE,)	
PUEBLO, COLORADO, FOR A CERTIFI-	)	ORDER GRANTING LEAVE TO INTERVENE
CATE OF PUBLIC CONVENIENCE AND)	
NECESSITY.)	

December 10, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 2, 1974 Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association, by its attorneys Alvin J. Meiklejohn, Jr., and Kenneth R. Hoffman, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

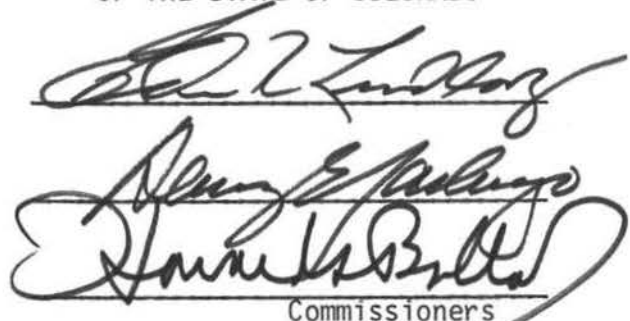
THE COMMISSION ORDERS THAT:

Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association, be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

(Decision No. 86056)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF --	)	DOCKET NO. 889
COLORADO PUC NO. 9 - ELECTRIC,)	
SAN ISABEL ELECTRIC SERVICES, INC.,	)	ORDER OF THE COMMISSION
316 WEST 15TH STREET, PUEBLO,	)	EXTENDING PERIOD OF SUSPENSION
COLORADO 81003.)	

December 3, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 10, 1974, San Isabel Electric Services, Inc., Respondent filed with the Commission its Advice Letter No. 20.

On August 27, 1974, by Decision No. 85616, the Commission suspended the within proposed tariffs for a period of one hundred twenty (120) days, or until December 30, 1974, or until further order of the Commission.

It presently appears that it may not be possible for a Commission decision to be rendered herein prior to the elapse of the suspension period. Therefore, on its own motion pursuant to 115-6-11(1), CRS 1963, as amended, the Commission finds that it should extend the period of suspension for a further period of ninety (90) days, or until March 30, 1975, or until further order of the Commission.

An appropriate order will be entered.

O R D E R

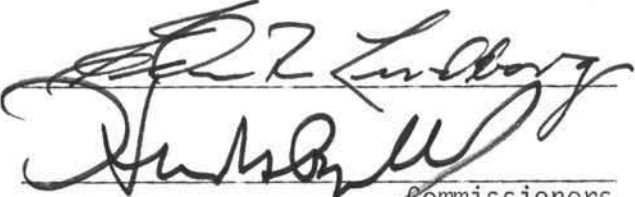
THE COMMISSION ORDERS THAT:

The effective date of the proposed tariff sheets filed by Respondent, San Isabel Electric Services, Inc., on July 10, 1974, under Advice Letter No. 20 be, and the same hereby is, further suspended for a period of ninety (90) days from December 30, 1974, or until March 30, 1975, or until further order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 3rd day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 86057)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF)
COLORADO, 550 - 15TH STREET,)
DENVER, COLORADO, FOR AN ORDER)
AUTHORIZING THE ISSUANCE OF)
SHORT-TERM UNSECURED NOTES TO)
COMMERCIAL BANKS AND TO COMMER-)
CIAL PAPER DEALERS.)

APPLICATION NO. 27971
Securities

December 10, 1974

Appearances: Lee, Bryans, Kelly & Stansfield,
Denver, Colorado, by
Robert F. Thompson, Esq.,
Denver, Colorado, for Applicant.
Craig Merrell, Denver, Colorado,
of the Staff of the Commission

S T A T E M E N T

BY THE COMMISSION:

On November 20, 1974, Public Service Company of Colorado, a Colorado corporation and Applicant herein, filed the above-entitled application with the Commission requesting an order of this Commission authorizing the issuance and renewal by Applicant from time to time to commercial banks and to commercial paper investors of not to exceed \$145,000,000 short-term unsecured promissory notes with a maturity of not more than twelve (12) months from the date of issuance or renewal (herein collectively called "short-term notes") to finance in part Applicant's 1975 construction program, to reimburse Applicant's treasury for moneys to be expended on such program, and for other corporate purposes.

The application was set for hearing after due and proper notice to all interested persons, firms or corporations at 9 A.M. on Tuesday, December 3, 1974, in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and was there heard by Robert E. Temmer, Hearing Examiner of the Commission, to whom the matter was assigned pursuant to law, and at the conclusion thereof was taken under advisement.

No petitions were filed in opposition to the application and no one appeared at the hearing opposing the authority sought in the application.

Applicant's Exhibits A, B, C, D, E, F and G were admitted into evidence.

FINDINGS OF FACT

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

1. Applicant Public Service Company of Colorado, a Colorado corporation, is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963, as amended.

2. Applicant is a public utility operating company subject to the jurisdiction of this Commission engaged principally in the generation, purchase, transmission, distribution and sale of electricity and in the purchase, distribution and sale of natural gas in various areas all within the State of Colorado. Applicant is the owner of all the capital stock of Cheyenne Light, Fuel and Power Company, a Wyoming corporation; Green and Clear Lakes Company, a New York corporation; Western Slope Gas Company, a Colorado corporation; Fuel Resources Development Co., a Colorado corporation; and 1480 Welton, Inc., a Colorado corporation. Applicant also holds controlling interest in four relatively small water and ditch companies, whose operations are not significant and are not consolidated in Applicant's financial or statistical statements.

3. A certified copy of Applicant's Restated Articles of Incorporation, constituting the Articles of Incorporation of Applicant as amended to date, was admitted into evidence as Exhibit G.

4. This Commission has jurisdiction over Applicant and the subject matter of this application.

5. This Commission is fully advised in the premises.

6. Pursuant to Applicant's Restated Articles of Incorporation, the authorized capital stock of Applicant consists of \$450,000,000 divided into 30,000,000 shares of Common Stock of the par value of \$5 each, and 3,000,000 shares of Cumulative Preferred Stock of the par value of \$100 each. At September 30, 1974, there were issued and outstanding 17,021,683 shares of Common Stock. Applicant's Cumulative Preferred Stock is authorized to be issuable in series. There were issued and outstanding as of September 30, 1974, in the aggregate, 1,694,000 shares of its Cumulative Preferred Stock consisting of the various series set forth in its application in this matter.

7. As of September 30, 1974, the funded indebtedness of Applicant was \$491,500,764 consisting of First Mortgage Bonds issued in various series pursuant to that certain Indenture of Mortgage and Deed of Trust, dated as of December 1, 1939, between Applicant and Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), as Trustee, as amended and supplemented.

8. Applicant's statement of income and retained earnings for the 12 months ended September 30, 1974 (Applicant's Exhibit D) reflects that Applicant had operating revenues for the period of \$316,863,832 and net income of \$37,832,012.

9. Applicant heretofore has issued and it has outstanding as of December 2, 1974, short-term notes aggregating \$56,488,000 bearing interest at rates varying from 8.5% to 9.75%.

10. The proposed issuance and renewal by Applicant from time to time of \$145,000,000 short-term notes to commercial banks and to commercial paper investors for the purpose of obtaining temporary capital to finance in part Applicant's 1975 construction program, to reimburse Applicant's treasury for moneys to be expended on such program, and for other corporate purposes, is reasonably required and necessary for Applicant's proper corporate financing and should be authorized and approved.

11. Applicant's Exhibit E shows the capital structure of Applicant as of September 30, 1974, and a pro forma capital structure as of the same date giving effect to the proposed issuance of short-term notes in the maximum amount of \$145,000,000 at any one time outstanding. As shown by said Exhibit E, the percentage of debt to the total capital structure after issuance of the proposed maximum amount of said short-term notes will increase to 56.1 percent from 50.9 percent. The Preferred Stock will decrease to 14.9 percent from 17.5 percent, and the Common Stock equity will decrease to 29.0 percent from 31.6 percent.

12. The said proposed securities transactions are not inconsistent with the public interest, and the purposes for which such securities will be issued or renewed are permitted by, and are consistent with, the provisions of Chapter 115, Colorado Revised Statutes, 1963, as amended.

13. The Commission finds that since Section 115-1-4 Colorado Revised Statutes, 1963, as amended, requires that security applications be disposed of within thirty (30) days after the filing thereof, due and timely execution of its functions imperatively and unavoidably require that the recommended decision of the Hearing Examiner be omitted and that this decision should be the initial decision of the Commission.

CONCLUSION

Based upon the above and foregoing Findings of Fact, it is the conclusion of the Commission that the authorization sought in the instant application should be granted, and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. For the purpose of obtaining temporary capital to finance Applicant's 1975 construction program, to reimburse Applicant's treasury for moneys to be expended on such program, and for other corporate purposes, the proposed issuance and renewal by Applicant from time to time of not to exceed \$145,000,000 of short-term unsecured notes at any one time outstanding to commercial banks and to commercial paper investors in the form of commercial paper at current market interest rate levels be, and the same hereby is, authorized and approved.

2. Applicant be, and it hereby is, directed to reflect in its accounts the financing outlined above and to make and record the various accounting entries in accordance with the Uniform System of Accounts prescribed for Public Utilities and Licensees by the Federal Power Commission and adopted by this Commission.

3. Nothing herein contained shall be construed to imply any recommendation or guarantee of, or any obligation with respect to, the securities to be issued by Applicant as herein authorized on the part of the State of Colorado.

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

5. This Decision and Order shall be the initial Decision and Order of the Commission as provided for in Section 115-6-9(6) Colorado Revised Statutes 1963, as amended.

6. The authority herein granted shall be exercised from and after the date of this Decision and Order which shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
NOT PARTICIPATING.

hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MICHAEL UMBRIACO, 5589 NORTH PEARL,)
DENVER, COLORADO, FOR AUTHORITY TO)
TRANSFER ALL RIGHT, TITLE, AND)
INTEREST IN AND TO CONTRACT CARRIER)
PERMIT NO. B-6650 TO GEORGE AND)
LANCE G. PALLAORO, DOING BUSINESS)
AS "G.L.M. FARMS," ROUTE 1, BOX)
256, MORRISON, COLORADO.)

APPLICATION NO. 27940-PP-Transfer

ORDER OF THE COMMISSION

- - - - -
December 10, 1974
- - - - -

Appearances: Gerald E. Boatright, Esq., Wheatridge, Colorado
Attorney 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-6650, as granted by Commission Decision No. 64278 dated December 23, 1964 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.


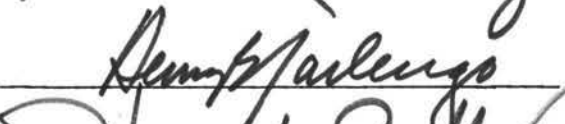
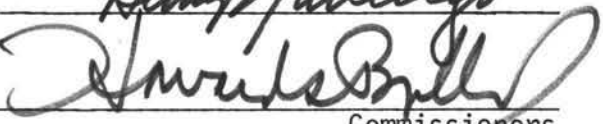
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 10th day of December, 1974.

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)	
MD TRUCKING CORPORATION, 1221 EAST)	APPLICATION NO. 27939-PP-Extension
COSTILLA AVENUE, LITTLETON, COLO-)	
RADO, FOR AUTHORITY TO EXTEND)	ORDER OF THE COMMISSION
OPERATIONS UNDER CONTRACT CARRIER)	
PERMIT NO. B-6307.)	

December 10, 1974

Appearances: Max M. Glaston, Esq., Denver, Colorado
Attorney 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. B-6307 to include the following:

Transportation of

Light weight aggregate (Fountain lite)

From the Fountain Sand and Gravel plant located in Pueblo, Colorado, to all points located within the State of Colorado.

RESTRICTION: This Permit is restricted to rendering transportation service for one customer only, Fountain Sand and Gravel Company, Pueblo, Colorado.

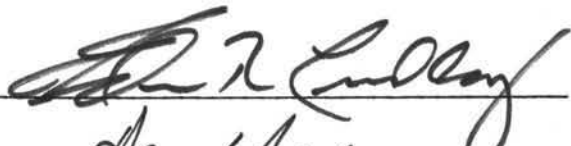
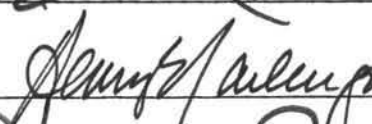
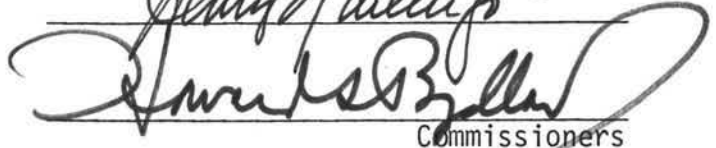
IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit, as extended, shall read and be as set forth in the Appendix attached hereto and this Order shall be deemed to be, a PERMIT therefor.

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 twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 86059
December 10, 1974

MD Trucking Corporation

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of 200 miles of said pits and supply points;

- (2) Sand and Gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of 200 miles of said pits and supply points;

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

From and to building construction jobs, to and from points within a radius of 200 miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 200 miles of said pits and supply points;

RESTRICTION: Items numbered 1, 2, 3, and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

- (5) Light weight aggregate (Idealite)

From the plant site of Idealite Co. located in Jefferson County, State of Colorado, to the plants (within the specific city addresses) of the following named customers:

- a. Valley Concrete Company, Rocky Ford, Colorado;
- b. Valley Concrete Company, Lamar, Colorado;
- c. Canyon Concrete Company, Canon City, Colorado;
- d. Mountain Vale Memorial Park, Inc., Canon City, Colorado;
- e. Rencher Concrete Products, Canon City, Colorado;
- f. Shavano Sand and Gravel Company, Salida, Colorado;
- g. Trinidad Transit Mix, Trinidad, Colorado.

- (6) Light weight aggregate (Idealite)

From the Idealite Company located in Jefferson County, State of Colorado, to all points located within El Paso and Pueblo Counties, State of Colorado.

- (7) Light weight aggregate (Fountain lite)

From the Fountain Sand and Gravel plant located in Pueblo, Colorado, to all points located within the State of Colorado.

RESTRICTION: Item number 7 of this Permit is restricted to rendering transportation service for one customer only, Fountain Sand and Gravel Company, Pueblo, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BRUNO WEGNER CONT., INC., 4412 EAST)
MULBERRY #107, FORT COLLINS, COLO-)
RADO, FOR AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27922-PP

ORDER OF THE COMMISSION

- - - - -
December 10, 1974
- - - - -

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.

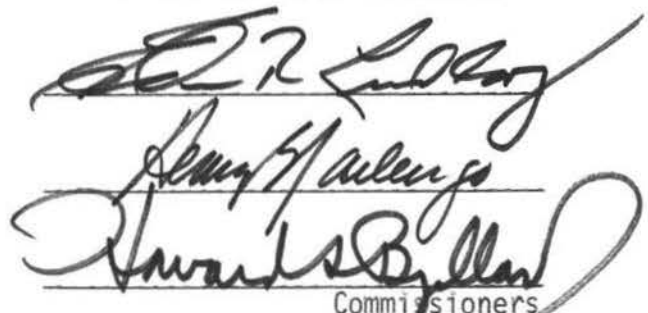
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 86060
December 10, 1974

Bruno Wegner Cont., 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 and stone

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 of origin.

- (5) Limestone

From Colorado Lien located eighteen (18) miles north of Fort Collins, Colorado on U.S. Highway No. 287, to the Great Western Sugar Company located in Loveland, Colorado; Greeley, Colorado and Eaton, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27756
COLORADO MILK TRANSPORT, INC.,)	
ROUTE 1, BOX 152, BROOMFIELD, COLO-)	ORDER GRANTING
RADO, FOR AN EXTENSION OF PUC NO.)	WITHDRAWAL OF APPLICATION
375 AUTHORIZING TRANSPORTATION BY)	
MOTOR VEHICLE AS A COMMON CARRIER.)	

December 10, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 2, 1974 Applicant Colorado Milk Transport, Inc. filed with the Commission a letter requesting that the Commission grant withdrawal of the above-captioned application.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Colorado Milk Transport, Inc., be, and hereby is, granted permission to withdraw the above-captioned application, and the application is dismissed without prejudice.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

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
Respondents.	)	THOMAS M. McCaffrey,
	)	EXAMINER

- - - - -
December 6, 1974
- - - - -

Appearances: George L. Baker, 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 November 18, 1974. The matters were duly called for hearing pursuant to such notice on Monday, December 2, 1974, 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, 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, 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. 86062)

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>APPL. NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
A. R. Claunch Box 638 La Jara, CO 81140	27734-PP-Tfr.	Cargo Ins., Acceptance of Transfer, Tariff, COD, Designation of Agent	353-App.
Land Enterprises, Inc. 12500 West Cedar Lakewood, CO 80228	27792-PP	PLPD Ins., Issuance fee, Tariff, list of equipment	354-App.
Rio Grande Sanitation, Inc. P. O. Box 309 South Fork, CO 81154	27755	PLPD Ins., issuance fee	355-App.
Robert J. Salz, dba Robert J. Salz Trucking 11501 Washington Street, Apt. 203 Northglenn, CO 80233	27805-PP	PLPD Ins.	356-App.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE JOINT APPLICATION)	
OF COLUMBINE TELEPHONE COMPANY, A COLO-)	
RADO CORPORATION, TRANSFEROR, AND)	APPLICATION NO. 27883
EAGLE VALLEY TELEPHONE COMPANY, A COLO-)	
RADO CORPORATION, TRANSFEREE, FOR AN)	ORDER OF ROBERT L. PYLE
ORDER AUTHORIZING THE SALE AND TRANSFER)	EXAMINER
OF ALL ASSETS, INCLUDING A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY.)	

- - - - -
December 6, 1974
- - - - -

Appearances: Joseph F. Nigro, Esq., Denver,
Colorado, for Transferor;
Monte Pasco, Esq., Denver,
Colorado, for Transferee;
John P. Thompson, Esq., Denver,
Colorado, for Baca Grande
Corporation, Intervenor;
G. M. Westa, Esq., Denver, Colorado,
for Mountain States Telephone and
Telegraph Company, Intervenor;
Ralph McFadden, of the United States
Department of the Interior, National
Park Service;
Bruce C. Bernstein, Esq., Denver,
Colorado, for the Staff of the
Commission.

PROCEDURE AND RECORD

Pursuant to Notice and Order, the above-entitled application was called for hearing on Friday, November 29, 1974, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place, the above-noted parties entered their appearances.

Following opening statements and various other matters that were placed into the record, direct testimony was elicited from Norman W. Mills, President of Transferor Columbine Telephone Company. During cross-examination, it became obvious that additional information would be required, whereupon and after discussion with counsel for the various parties, the Examiner entered the following Order.

O R D E R

THE EXAMINER ORDERS THAT:

1. No later than 5 p.m. on Wednesday, December 11, 1974, Transferor, Columbine Telephone Company shall deliver to Mr. James Grundy of the Staff of the Commission, 5th floor, Columbine Building, 1845 Sherman Street, Denver,

Colorado, the following enumerated items:

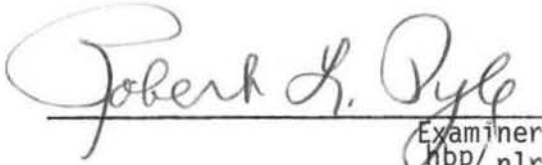
- a) General ledgers and sub-ledgers so as to make up a balance sheet and a profit and loss statement as of September 30, 1974;
- b) All matters pertaining to investments in, and advances to, affiliated companies;
- c) Bank statements as of September 30, 1974, relating to cash and working funds and to REA construction funds and accounts;
- d) Ledgers on amounts due from customers and agents;
- e) Copies of notes and repayment schedules for long-term debts including those to REA;
- f) Schedules, names, amounts, bases, etc. for the following items:
 - 1) notes and accounts payable,
 - 2) accrued liabilities,
 - 3) deferred credits,
 - 4) operating reserves;
- g) Contracts or work orders to produce the figures for the following accounts:
 - 1) telephone plant under construction (\$310,072.08),
 - 2) property held for future use (\$130,594.89);
- h) Copy of REA audit.

2. A transcript of Mr. Mills' testimony shall be supplied prior to the next hearing date and shall be jointly paid for by Transferor, Transferee, and Intervenor Mountain States Telephone and Telegraph Company.

3. This matter is continued to Wednesday, December 18, 1974, at 9:30 a.m. in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado.

4. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp/nlr

(Decision No. 86064)

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," 7815 WEST 55TH)
AVENUE #10, ARVADA, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27994-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
December 10, 1974
- - - - -

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.

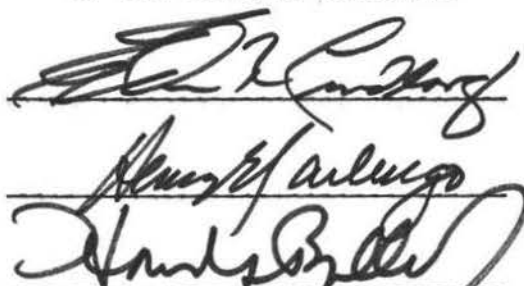
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

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 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 86064
December 10, 1974

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 and stone

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)
CHARLES W. CONWAY DOING BUSINESS AS)
ACADEMY CAB, P. O. BOX 202, PALMER)
LAKE, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 27906

ORDER GRANTING LEAVE TO INTERVENE

December 10, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 6, 1974 Yellow Cab Company of Colorado Springs, by its attorney Eric Paul, filed with the Commission a Petition for Leave to Intervene in the above case.

The Commission states and finds that the petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

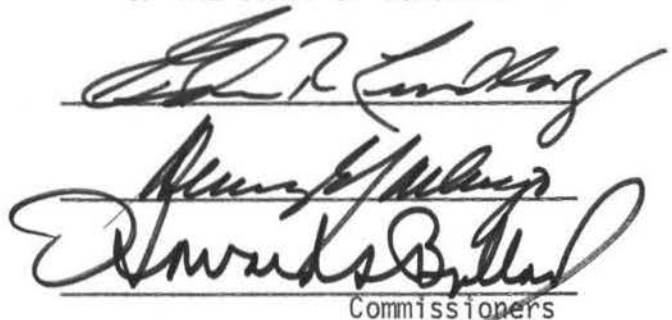
THE COMMISSION ORDERS THAT:

Yellow Cab Company of Colorado Springs be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF --	)	DOCKET NO. 881
COLO. PUC NO. 5 - TELEPHONE,)	
MOUNTAIN STATES TELEPHONE AND	)	ORDER OF ROBERT E. TEMMER,
TELEGRAPH COMPANY, UNDER ADVICE	)	EXAMINER, CONCERNING CERTAIN
LETTER NO. 1010.	)	MOTIONS FILED BY THE PARTIES

- - - - -
December 9, 1974
- - - - -

Appearances: Joseph C. O'Neil, Esq.,
Denver, Colorado, and
Alan C. DeMuth, Esq.,
Denver, Colorado, for
Respondent Mountain States
Telephone and Telegraph
Company;
James M. Lyons, Esq.,
Denver, Colorado, for
Intervenor Sturgeon
Electric Company;
Charles H. Parmelee,
Denver, Colorado, for
Intervenor Executone of
Colorado, Inc.;
Stuart S. Keown, Esq.,
Denver, Colorado, for
Amicus Curiae the Attorney
General of the State of
Colorado;
Oscar Goldberg, Esq., Denver,
Colorado, for the Staff of
the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

Pursuant to Decision No. 86020 issued November 27, 1974, a hearing was held on Monday, December 2, 1974, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, to consider certain motions and responses thereto filed by the parties. The motions heard were as follows: (1) "Response and Objection to Request for Production of Documents, and Motion for Protective Order," filed by Intervenor Sturgeon on November 18, 1974, (2) "Motion and Opposition to Response and Objection to Request for Production of Documents, and Motion for Protective Order" filed by Respondent on November 22, 1974, (3) "Motion for Protective Order," filed by Respondent on November 22, 1974, (4) a Motion "for an Order Permitting the Suspended Tariffs to be Effective Immediately upon a Temporary Basis Pending the Determination of this Matter," and "Memorandum in Support," filed by Respondent on November 25, 1974, (5) "Motion to Strike and Motion for Order Compelling Discovery," filed by Intervenor

Sturgeon on November 26, 1974. Also considered was (6) "Motion to Strike Motion and Memorandum of Respondent Mountain Bell," filed by Intervenor Sturgeon on November 27, 1974. The various motions and responses will be referred to by number, as set out above.

As a preliminary matter, it was stated by Intervenor Sturgeon and Respondent that an agreement had been reached concerning the matters in dispute in Items (3) and (5), the agreement being that the Deposition of Robert L. Hess would be taken in Denver on December 13, 1974, pursuant to a certain letter sent by the attorney for Intervenor Sturgeon to an attorney for American Telephone & Telegraph Company, Inc., dated November 29, 1974. Intervenor Sturgeon therefore withdrew Item (5), and Respondent withdrew Item (3), such withdrawals being allowed by the Examiner.

Counsel for the various parties, and the representative of Intervenor Executone, presented statements concerning the various matters remaining to be determined. The matters were taken under advisement, and Respondent was allowed until December 4, 1974, to file a written response to Item (6) referred to above. Said Response was duly received on December 4, 1974.

A.

Items (1) and (2) are related and will be discussed together. In Item (1) Sturgeon objects to the production of all correspondence and documentation that is "necessary, appropriate or transferred" between Sturgeon and a company Sturgeon is in the process of negotiating a merger with. Further, Sturgeon objects to the production of final drafts and preliminary drafts of any documentation in connection therewith. The stated basis for the objection is that the material is irrelevant, immaterial, and not calculated to lead to the discovery of admissible evidence, and that it also contains privileged communications between Intervenor and its counsel. Respondent, in Item (2), and in its statements at the hearing, takes the position that it is entitled to know who the Intervenor in this proceeding is, and that the merger negotiations must, of necessity, provide for this proceeding. Insofar as the corporate identity of Sturgeon is in doubt, Respondent is entitled to know whether or not a merger has been completed, but the details of any merger negotiations, and the discovery thereof do not appear to be such that they could reasonably lead to the discovery of admissible evidence, unless there are specific provisions therein relating to this proceeding. Respondent should be allowed to inquire as to whether or not any contemplated merger is complete, and if any provision or provisions in the negotiations has been made concerning this particular proceeding, and, if so, Respondent is and should be allowed to discover what those provisions are, unless they constitute privileged communications between Sturgeon and its counsel.

B.

In Item (1), Sturgeon also objects to the production of "all financial statements, balance sheets, and work sheets reflecting the financial and accounting structure of Sturgeon Electric Company prepared on or after January 1, 1971." Sturgeon objects to this on the basis that the material is irrelevant and immaterial and would not lead to the discovery of admissible evidence, and that it is vexatious and prejudicial to Sturgeon, as it is alleged that the matters inquired of are related to the merger negotiations. Sturgeon further states that there does not exist cost accounting data as to its three operating divisions. Respondent takes the position that it is entitled to inquire into the pricing and cost

information relating to the telephone station equipment that Sturgeon markets, and insofar as Respondent's request for production relates to that information, it is reasonable. However, any financial information sought by Respondent beyond that information would not appear to be reasonably calculated to lead to the discovery of any admissible evidence and therefore should not be allowed. As requested, the information sought goes beyond these limits.

C.

Intervenor Sturgeon also asks for two protective orders in Item (1). The first one relates to a proposed deposition of Tom Frisby. The grounds stated are that the deposition was intended to elicit information about merger negotiations and documents involving Sturgeon and therefore it would be irrelevant and immaterial. Insofar as any deposition would go beyond the matters set forth above in paragraph A., it would not appear to be reasonably calculated to lead to the discovery of any admissible evidence and should not be allowed. Sturgeon also seeks a protective order in regard to a proposed deposition of Dale Copeland, so that it would be limited to such matters not within the scope of the attorney-client privilege. Respondent in Item (2) states that the deposition has already been taken, and that the Respondent did not intend to inquire into privileged attorney-client communications. If the deposition is complete, no further order need be made; however, if not complete, it should be limited to such matters as are not within the attorney-client privilege.

D.

In Item (4) Respondent has asked for an order permitting the tariffs, which are the subject matter of this proceeding, to be allowed to become effective immediately on a temporary basis. Respondent asserts that it has made a prima facie showing of fairness and reasonableness to date, and that it should not be prevented from putting its tariffs into effect at the instance of an unregulated Intervenor. Respondent claims that this is a unique situation. However, whenever a regulated utility files tariffs, they are subject to being suspended by the Commission, as was done here. It should be noted that when a regulated utility files tariffs for a rate increase, protests are quite often received from members of the public, who, of course, are not regulated utilities, but who object to the rate increase. The Commission quite often suspends these tariffs and does not allow the rate increases to go into effect. This is analagous to the situation that is presented here. Respondent has not shown that it will be irreparably harmed by having this suspension remain in effect and has not shown sufficient grounds for allowing these tariffs to go into effect temporarily. Further, since the tariffs under consideration here have leasing provisions in them, having them become temporarily effective could cause serious problems if they are later determined to be other than just and reasonable, even if, as Respondent contends, a prima facie showing has been made.

E.

In Item (6), Intervenor Sturgeon has moved to strike from Item (4) certain matter which it claims to be false, impertinent, scandalous, and scurrilous. Respondent, in its reply to Item (6), states that it has not accused Intervenor Sturgeon or its counsel of unethical conduct, and that it has not implied that a protective order entered in this matter will be violated. Rule 4 E. of the Rules of Practice and Procedure of this Commission provides:

"Objectionable Matter. The Commission may order any redundant, immaterial, impertinent, or scandalous matter stricken from any pleading, document, or paper filed with it."

Counsel should be allowed a good deal of latitude when making argument in a proceeding, so that they can adequately present their position and draw all logical inferences from the facts of record. However, when facts not of record are brought in, and conclusions and inferences are drawn therefrom, especially when the implication is left that conduct may be improper, then a motion to strike is appropriate. Therefore, all references to a suit pending in Washington, D.C. in the documents comprising Item (4) should be stricken, and inferences concerning the alleged effect that case has on this proceeding should also be stricken from the documents comprising Item (4).

O R D E R

THE EXAMINER ORDERS THAT:

1. Respondent's discovery concerning any merger negotiations carried on by Intervenor Sturgeon, be, and hereby is, limited to inquiring whether any such merger negotiations are completed, and to such matters as establish the legal identity of Intervenor Sturgeon and/or such documents or matters involved in the merger negotiations that make reference to or have provisions concerning this proceeding, so long as said documents or matters do not fall within the attorney-client privilege.

2. Respondent's discovery of financial information of Intervenor Sturgeon be, and hereby is, limited to such information as is related to the telephone station equipment that Intervenor Sturgeon markets, including all pricing and cost information of whatsoever kind or nature.

3. The deposition of Tom Frisby shall be controlled by paragraph 1 of this Order; however, Respondent can inquire of the deponent concerning any other proper matter that it so desires.

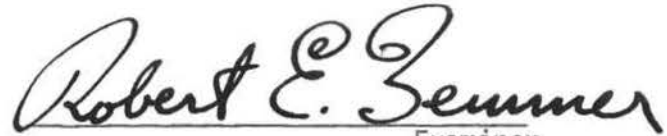
4. The deposition of Dale Copeland shall be limited to such matter that does not fall within the attorney-client privilege.

5. Respondent's motion "for an Order Permitting the Suspended Tariffs to be Effective Immediately upon a Temporary Basis Pending the Determination of this Matter," be, and hereby is, denied.

6. Paragraph number 3 at the top of page 2 of "Reply in Opposition to Motion for Enlargement of Time and Continuance, and for an Order Permitting the Suspended Tariffs to be Effective Immediately upon a Temporary Basis Pending the Determination of this Matter," and paragraphs 11 and 12, on pages 5 and 6 of "Memorandum in Support of Reply in Opposition to Motion for Enlargement of Time and Continuance, and for an Order Permitting the Suspended Tariffs to be Effective Immediately upon a Temporary Basis Pending the Determination of this Matter," be, and hereby are, stricken.

7. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
(1) OF UTAH POWER & LIGHT COMPANY)
FOR AN ORDER AUTHORIZING THE SALE)
OF THE WESTERN COLORADO POWER)
COMPANY PROPERTIES USED IN THE)
GENERATION, TRANSMISSION AND)
DISTRIBUTION OF ELECTRICAL POWER)
AND ENERGY TO WESTERN COLORADO)
POWER AGENCY, A JOINT VENTURE;)
(2) OF WESTERN COLORADO POWER)
AGENCY FOR AN ORDER AUTHORIZING)
IT TO PURCHASE THE SAME; AND)
(3) OF EMPIRE ELECTRIC ASSOCIA-)
TION, INC., AND SAN MIGUEL POWER)
ASSOCIATION, INC., FOR AN ORDER)
AUTHORIZING THEM TO TRANSFER)
THEIR UTAH PROPERTIES TO UTAH)
POWER & LIGHT COMPANY.)

APPLICATION NO. 27880

IN THE MATTER OF THE APPLICATION)
OF WESTERN COLORADO POWER AGENCY, A)
JOINT VENTURE, MONTROSE, COLORADO,)
AND ITS MEMBERS FOR AUTHORITY FOR)
THE AGENCY TO DISTRIBUTE TO ITS)
MEMBERS, AND ITS MEMBERS TO RECEIVE)
ASSETS AND FACILITIES PURCHASED BY)
THE AGENCY; TO REARRANGE MEMBERS')
TERRITORIES AND SERVICE IN CONNEC-)
TION THEREWITH; AND FOR AUTHORITY)
TO TRANSFER CERTAIN TERRITORY AND)
FACILITIES FROM DELTA-MONTROSE)
RURAL POWER LINES ASSOCIATION TO)
SAN MIGUEL POWER ASSOCIATION, INC.)

APPLICATION NO. 27881

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

GRANTING APPLICATIONS

December 9, 1974

Appearances: Thomas W. Forsgren, Esq.,
Salt Lake City, Utah, and
John R. Barry, Esq., Denver,
Colorado, for Applicant
Utah Power & Light Company;
John P. Thompson, Esq.,
Denver, Colorado, for
Applicants:
Western Colorado Power Agency
and its members; Colorado-Ute
Electric Association, Inc.;
Delta-Montrose Rural Power Lines
Association; Empire Electric
Association, Inc.; La Plata

Electric Association, Inc.; and
San Miguel Power Association, Inc.;
Oscar Goldberg, Esq., Denver,
Colorado, for the Staff of the
Commission.

PROCEDURE AND RECORD

On October 3, 1974, Utah Power & Light Company, P. O. Box 899, Salt Lake City, Utah, (hereinafter referred to as Utah Power), filed a joint application with Western Colorado Power Agency (Agency), a joint venture, P. O. Box 59, Delta, Colorado; Empire Electric Association, Inc. (Empire); and San Miguel Power Association (San Miguel) for an order authorizing the sale of The Western Colorado Power Company (Western) to the Agency; for an order authorizing the Agency to purchase the same; and for an order authorizing Empire and San Miguel to transfer their Utah properties to Utah Power. This application was docketed as Application No. 27880.

Also, on October 3, 1974, the Agency and its members filed a joint application for authority for the Agency to distribute to its members, and for its members to receive the assets and facilities purchased from Utah Power by the Agency; to rearrange members' territories and service in connection therewith; and for authority to transfer a portion of the present territory and facilities of Delta-Montrose to San Miguel. This application was docketed as Application No. 27881.

The Commission assigned these applications for hearing, and gave widespread notice of the applications and the dates, places, and times of hearing throughout the southwestern Colorado territory involved.

Pursuant to law, the Commission assigned the applications to Robert L. Pyle, Examiner, for the purpose of conducting a hearing and, after due and proper notice to all interested persons, firms, corporations, cities, and towns; set the matter for hearing to be heard in the Council Chambers, City Hall, Montrose, Colorado, on Tuesday, November 12, 1974, at 10:30 a.m., continuing at the South Room, Extension Building, Fairgrounds, at Durango, Colorado, on Thursday, November 14, 1974, commencing at 9 a.m. The hearing of both applications on a joint record was held at the said times and places.

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 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. Applicant, Utah Power & Light (Utah Power) is a corporation duly organized and existing under the laws of the State of Maine and holding a Certificate of Authority to do business in the state of Colorado. Its principal place of business is located in Salt Lake City, Utah. It is the

sole owner of all of the issued and outstanding capital stock of The Western Colorado Power Company (Western). Western is a corporation duly organized and existing under the laws of the State of Colorado. Its principal place of business is located at Montrose, Colorado. The Agency is a joint venture formed in December, 1971, to acquire on behalf of its members any facilities for the generation, transmission, and distribution of electric power and energy in southwestern Colorado which would be beneficial to its members. If the present transaction is approved and consummated, the Agency will immediately be dissolved. Its membership initially consisted of Colorado-Ute Electric Association, Inc. (Colorado-Ute), Delta-Montrose Rural Power Lines Association (Delta-Montrose), Empire, La Plata Electric Association, Inc. (La Plata), and San Miguel. All of these are Colorado corporations. Their respective principal offices are located at Montrose, Delta, Cortez, Durango, and Nucla, Colorado. Though originally a member of the group, Empire has recently withdrawn and is no longer a member of the Agency. All of the parties are public utilities and subject to the regulatory authority of this Commission.

2. Western presently holds authority from this Commission to generate, transmit, and distribute electric power and energy in a number of southwestern Colorado counties, pursuant to numerous Certificate of Public Convenience and Necessity issued by this Commission. It renders electric service for approximately 19,000 customers in that area. It operates both hydroelectric and thermal generating plants in the territory. Among the communities it serves are Cedaredge, Durango, Hotchkiss, Montrose, Orchard City, Olathe, Paonia, Rico, Ridgway, Silverton, and Telluride. It also serves territory adjacent to these communities and serves rural areas. Its service territory totaling approximately 3,200 square miles is illustrated on Exhibit 8.

3. In January, 1973, Utah Power filed an application at the U.S. Securities and Exchange Commission (SEC), seeking authority to acquire the assets of its wholly-owned subsidiary, Western. The SEC ordered a hearing to be held to determine whether Utah Power's proposal complied with the Public Utility Holding Company Act of 1935 (Act). Utah Power was subsequently informed by the SEC staff that Utah Power would be required to divest itself of Western, and the SEC has entered an order requiring Utah Power to take the necessary steps to do so. It is solely because of this SEC requirement that Utah Power is now proposing the sale of Western's assets for which it now seeks authority.

4. On February 19, 1974, the Agency submitted to Utah Power a letter offering to purchase Western's assets. On March 18, 1974, Utah Power accepted that offer subject, however, to obtaining all required regulatory approval and subject also to compliance with the requirements of the Act. Utah Power subsequently by advertising and otherwise solicited bids for the property, furnished extensive information to inquiring parties, and conducted three rounds of bidding. At the conclusion of the third round bidding, Utah Power determined that the Agency's bid was the best of the bids and accepted its bid. The parties subsequently negotiated and on September 26, 1974, signed the very lengthy Agreement (Exhibit 7) which is the subject matter of these applications.

5. The Agreement provides in extensive detail for the sale of all of the Western properties which are used for the generation, transmission, and distribution of electrical power and energy. The exact description of these facilities is set forth in the Agreement (Exhibit 7). The approximate net book value of all of Western's properties is \$25,000,000. After removing those which are not used in providing utility service (such as cash on hand, non-utility real estate, and many other similar items [listed in Exhibit F to the Agreement]) the net book value of the properties now sought to be

transferred is approximately \$19,500,000. The Agreement provides that the purchase price is to be paid in part by the transfer of the Utah properties of Empire (having a net book value of approximately \$250,000) and the Utah properties of San Miguel (having a net book value of approximately \$800,000) to Utah Power, the balance in cash. The values indicated are approximate only, as the Agreement provides for an exchange at net book value as they exist at time of future closing. San Miguel's members have authorized the transfer of its Utah properties. Empire is unable to deliver its Utah properties, however, due to action of its members, and it has surrendered its rights under the Agreement to San Miguel. San Miguel is willing, prepared, and able to be substituted for Empire, provided Utah Power will accept cash in lieu of Empire's Utah facilities. Utah Power has agreed to accept cash in lieu of Empire's Utah facilities, and has accepted the substitution of San Miguel for Empire. If this transaction is approved, San Miguel will thus obtain the properties Empire would have received. These are all located in Dolores and San Miguel Counties in the general vicinity of Telluride and Rico. This area is illustrated on San Miguel's territory map (Exhibit 20) where it is outlined in red. On this basis, the \$19,500,000 worth of facilities (at estimated net book value) would be distributed as follows:

Colorado-Ute	\$ 6,600,000
Delta-Montrose	6,500,000
La Plata	4,200,000
San Miguel	<u>2,200,000</u>
TOTAL	\$19,500,000

The properties and their respective values have been sorted out according to the territory each will serve. Each is consequently paying only for properties which it will receive and operate. All values are net book values, i.e., original cost less depreciation. In the circumstances of these applications, that method of valuation results in a reasonable price. That it is indeed reasonable is fortified by the fact that it was determined only at arm's length and after three rounds of competitive bidding.

6. In addition to the Utah Power transaction, Delta-Montrose and San Miguel seek approval for the transfer of a small territory and facilities in Ouray County and adjacent portion of Montrose County from Delta-Montrose to San Miguel. This transfer would involve approximately 130 Delta-Montrose consumers and approximately \$125,000 worth of facilities at the agreed net book value price. These consumers are all served from a Western substation located in the area which will be acquired by San Miguel from Western, and known as the Ridgway substation. As San Miguel will also be taking over Western's operations and office in Ouray, these consumers can obtain better local service in the future from San Miguel than from Delta-Montrose.

7. Specific metes and bounds descriptions of the total territories which each would be serving if these applications are approved, and maps illustrating those total territories were offered and received in evidence.

8. Because these applications involved in one way or another every person and business who receives electric service in southwestern Colorado, the Commission gave the matter very widespread public notice, advising all county and municipal governing bodies, newspapers and radio stations in the area, among others. In addition, the parties themselves mailed explanations of the transaction and information concerning the hearings to all of their customers and members by first class mail well in advance of the hearings. In total, approximately 27,000 notices were distributed by first class mail in the territory, in a saturation program designed to insure that anyone who would be affected would certainly be made personally aware of the matter.

In addition, the parties made personal visits to all of the governing municipal officials in the territory to explain the proposal. Notwithstanding this extremely heavy notification program, neither the Commission nor any of the parties received even any correspondence about the matter, much less any complaint or objection. Only two public witnesses appeared in the hearings. One of those was a Durango City Councilman, who brought the message that the City does not object to the proposed transfer; the other was a State electrical inspector seeking information. It is abundantly clear that no one in the territory finds the transaction objectionable; everyone appears to be content with it.

9. No one will be adversely affected by the transaction. Officials of Colorado-Ute, Delta-Montrose, La Plata, and San Miguel gave individual assurance that their organizations were well aware of the obligations they would be undertaking. Colorado-Ute's relationship with its members and others with whom it deals will not be changed by this transaction, except as to its present relationship with Western. Each distribution company representative on behalf of his organization gave assurance that all conditions of the Agreement would be fully honored in good faith by them to the extent they involved his company. Each agreed for his company to honor all franchises, leases, and easements acquired according to their terms, and to honor in good faith the Agreement provision that all employees are to be fully protected in their employment. All offices presently used by Western will be retained by the buyers. All customer agreements will be fully honored. Each gave assurance that his company is not seeking any rate increase to help pay the cost of its purchase. Financially, each company will be better off after the purchase than before. Although eventually each company will have but one set of rates, rules, and regulations governing its service, all testified that the public will continue to receive from them either the same conditions of service they now receive, or conditions more favorable. The transactions thus will be beneficial to the public as well as to the parties.

10. All of the purchasing entities plan to finance their respective purchase with loan funds from National Rural Utilities Cooperative Finance Corporation (CFC), a private financing organization funded by rural cooperatives which obtains funds in the open market. CFC has been kept aware of the transaction and there appears to be no doubt that the financing will be provided, at approximately current open market levels. On this basis, the transaction is financially feasible. All of the purchasing entities understand that approval of this Commission is necessary before they may issue the securities involved.

11. No customers being transferred from one system to another will be required to pay any cost in connection with the reconnection of his service. The disposition of all customer deposits and contributions in aid of construction will be governed by the present rules and regulations affecting those customers. Memberships will be refunded or transferred on request. Those having capital credits to their accounts will receive their distributions when distributions are made, as fully as though they remained members at that time.

12. The transaction will have no competitive effect and no environmental effect.

13. Passing mention should be made concerning a minor modification of the plan originally proposed, in that Empire has dropped out of the transaction and San Miguel will assume its obligations (except as to the Utah properties of Empire) and receive the benefits which Empire would have received. This relates only to the Telluride-Rico area, a very small part of the 3,200 square miles and 19,000 customers involved. The public in the

Telluride-Rico area is aware that it will be losing its private stock company supplier, who will be replaced by a rural electric cooperative. No one from that area evidenced the slightest concern with that change. San Miguel is a capable public utility, subject to regulation and supervision by this Commission. That San Miguel should be substituted for Empire in this area is not cause for concern. The public there will be well served.

14. All of the acquiring entities are willing to study and abide by all applicable laws, rules, and regulations.

15. The transactions proposed are compatible with the public interest and should be approved.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Commission has jurisdiction over the parties and the subject matter of these proceedings.

2. The authority sought by the Applicants should be granted as hereinafter set forth.

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. Western Colorado Power Agency (Agency), P. O. Box 59, Delta, Colorado, be, and hereby is, authorized to acquire all of the properties of Utah Power & Light Company which properties (Western properties) are, at the time of closing the transaction, used by Utah Power for the generation, transmission, and distribution of electrical power and energy in the territory formerly served by the Western Colorado Power Company, including but not limited to all of the real property, physical facilities, territory, certificates, and intangible rights so used; said properties and the conditions pertaining to such acquisition being as more fully described in an Agreement dated September 26, 1974, between Utah Power, Western, and the Agency and exhibits attached thereto. Specifically excluded shall be cash, real property not used for the generation, transmission, and distribution of electric power and energy, and all other assets not specifically mentioned in the aforementioned Agreement.

2. Western Colorado Power Agency be, and hereby is, authorized to distribute said properties among its members Colorado-Ute Electric Association, Inc. (Colorado-Ute), Delta-Montrose Rural Power Lines Association, Inc. (Delta-Montrose), La Plata Electric Association, Inc. (La Plata), and San Miguel Power Association, Inc. (San Miguel).

3. All of the generation and transmission facilities among said properties shall be distributed to Colorado-Ute, except only sub-transmission lines of approximately 46 kilovolt capacity extending from Durango through Happy Canyon to Oliver, which shall be distributed to the remaining members in their respective territories.

4. The total service territories certificated to Delta-Montrose, La Plata, and San Miguel shall henceforth be the territories described in Appendices A, B, and C to this Order, and this Order shall be deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

5. All of the distribution properties of Western pertinent to service in those respective territories, and the respective portion of the Durango-Oliver sub-transmission line hereinabove described, shall be distributed to the member holding the service rights in such territory.

6. San Miguel be, and it hereby is, authorized to acquire from Delta-Montrose the territory and facilities of Delta-Montrose located in Ouray County and adjacent Montrose County and presently served from the Ridgway substation of Western.

7. Delta-Montrose, La Plata, and San Miguel shall install, operate, and maintain their electric systems and supply services in the areas they are acquiring heretofore designated in accordance with the existing schedules of rates, classifications, rules, and regulations now on file with this Commission applicable to the transferring utility or until the same may be changed in the future in accordance with applicable law and the rules and regulations of this Commission and shall adopt the schedule of rates of the transferring utility in accordance with Rule 24 of the Rules of Practice and Procedure of this Commission.

8. Each acquiring utility shall assume all of the rights, duties, and obligations of any franchises, leases, rights-of-way, and contracts of the transferring utility which may be applicable in its respective territory.

9. Each acquiring utility shall maintain its books and accounts in accordance with the Uniform System of Accounts prescribed from time to time by this Commission.

10. Each acquiring utility shall within thirty (30) days after this Order becomes final, file its written acceptance thereof.

11. All parties to the transaction shall, within one hundred eighty (180) days following the closing of its purchase, file with this Commission the journal entries effecting such purchase of its books of account.

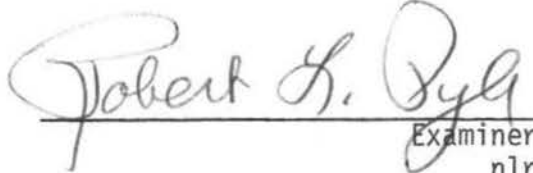
12. Utah Power & Light Company shall prepare and file with this Commission a terminating Annual Report for Western (in the form prescribed for Annual Reports) with all diligence following the closing of this transaction.

13. 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.

14. 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
nlr

Dec. No. 86067
December 9, 1974
Appendix A

TOTAL SERVICE TERRITORY
CERTIFICATED TO
DELTA-MONTROSE RURAL POWER LINES ASSOCIATION

In Delta County, Colorado

All of the territory in Delta County except the following described portions in Delta County.

T10S-R-91W in Delta County

T10S-R-92W in Delta County

T11S-R-91W in Delta County

T11S-R-92W in Delta County

Section 36, and those parts of sections 24,25,26, 35 of
T11S-R-93W in Delta County

T12S-R-91W

T12S-R-92W

Sections 1,2,11,12,13,14,23,24,25,26,35,36 of T12S-R-93W

That portion of Delta County incorporated within the City
limits of Delta, Colorado

T14S-R-97W

Sections 6 and 7

T14S-R-98W

T15S-R-98W

Sections 2,3,4,5,8,9,10,11 and 12

T4S-R 3E of Ute Meridian

Sections 5,6,7,8,17,18,19,20,29,30,31 and 32

In Gunnison County, Colorado

T11S-R-89W

All of T11S-R-89W in Gunnison County

T11S-R-90W

All of T11S-R-90W

In Gunnison County (continued)

T12S-R-88W

All of T12S-R-88W

T12S-R-89W

All of T12S-R-89W

T12S-R-90W

All of T12S-R-90W

T13S-R-88W

All of T13S-R-88W

T13S-R-89W

All of T13S-R-89W

T13S-R-90W

All of T13S-R-90W

T13S-R-91W

That part of T13S-R-91W in Gunnison County

T14S-R-88W

All of T14S-R-88W

T14S-R-89W

All of T14S-R-89W

T14S-R-90W

All of T14S-R-90W in Gunnison County

T15S-R-88W

All of T15S-R-88W

T15S-R-89W

All of T15S-R-89W

T15S-R-90W

All of T15S-R-90W

T51N-R-5W

All of sections 7, 18, 19, 30, 31, and the W 1/2 of sections 8, 17, 20, 29, 32.

In Gunnison County (continued)

T61N-R-5 1/2W

All of T51N-R-5 1/2W

T51N-R-6W

All of T51N-R-6W in Gunnison County

T50N-R-5W

All of sections 6,7,18,19,30,31, and the W 1/2 of section 5,8,17,20,29,32.

T50N-R-5 1/2W

All of T50N-R-5 1/2W

T50N-R-6W

All of T50N-R-6W in Gunnison County

T49N-R-5W

All of sections 6,7,18,19,30,31, and the W 1/2 of sections 5,8,17,20,29,32.

T49N-R-5 1/2W

All of T49N-R-5 1/2W

T49N-R-6W

All of T49N-R-6W in Gunnison County

T48N-R-5W

All of sections 4,5,8,9,16,17,20,21,28,29,32,33

T48N-R-6W

All of T48N-R-6W in Gunnison County

T47N-R-5W

All of sections 4,5,8,9,16,17,20,21,28,29,32,33.

T47N-R-6W

All of T47N-R-6W in Gunnison County

T47N-R-7W

All of T47N-R-7W in Gunnison County

T46N-R-5W

All of sections 4,5,8,9,16,17,20,21,28,29,32,33

In Gunnison County (continued)

T46N-R-6W

All of T46N-R-6W in Gunnison County

T46N-R-7W

All of T46N-R-7W in Gunnison County

T46N-R-6W

That part of T45N-R-6W in Gunnison County

In Montrose County, Colorado

All of Montrose County except that portion lying south and west of a point beginning at the intersection of the Montrose and Ouray County lines at the SE 1/4 of NE 1/4 of the NE 1/4 section 13 T47N-R-12W, thence west along the S 1/2 of the N 1/2 of the N 1/2 of sections 13,14,15,16 of T47N-R-12W, thence in a Northwesterly direction to the SE corner of section 36 T48N-R-13W, thence in a Northwesterly direction to the north 1/16 corner along west side Section 26, T48N-R-14W, thence north along the west section lines of sections 26,23,14,11,2 of T48N-R-14W, thence west along south line of sections 36,35 of T49N-R-14W, thence north along west section line of sections 35,36,23 where it intersects the Mesa County line.

Also that portion of Montrose County particularly described as the N 1/2 of N 1/2 of sections 13,14,15,16 T47N-R-8W and the N 1/2 of sections 16,17,18 of T47N-R-7W.

Dec. No. 86067
December 9, 1974
Appendix C

TOTAL SERVICE TERRITORY
CERTIFICATED TO
SAN MIGUEL POWER ASSOCIATION, INC.

Beginning at a point where the Utah-Colorado state line is intersected by the boundary line of Townships 44 North-43 North; thence easterly along the boundary line of Townships 43 North-44 North to its intersection with the Dolores River; thence southeasterly along the Dolores River to its intersection with the boundary line of Townships 40 North-41 North; thence East along the South line of Township 41 North to the Southeast corner of Section 36, Township 41 North, Range 13 West of the N.M.P.M.; thence North along the East line of Section 36, Township 41 North, Range 13 West, to the intersection with the San Miguel-Dolores County line; thence easterly along the San Miguel-Dolores County line to its intersection with the East boundary of Section 9, Township 41 North, Range 11 West; thence southerly along the East boundary of Sections 9, 16, 21, 28, and 33 all in Township 41 North, Range 11 West; thence on a straight line to a point where the 108° 10' longitude intersects the South section line of Section 22, Township 40 North, Range 12 West; thence southerly along the 108° 10' longitude line to its intersection with the Montezuma-Dolores County line; thence easterly along the Montezuma-Dolores County line to the intersection of the Montezuma-Dolores-San Juan and La Plata County lines; thence East along the South line of San Juan County to the Southwest corner of Section 14 Township 39 North, Range 9 West; thence North along the West line of Section 14, Township 39 North, Range 9 West to the Southwest corner of Section 35, Township 40 North, Range 9 West; thence East along the South line of Section 35, Township 40 North, Range 9 West to the Northwest corner of Section 5, Township 39 North, Range 8 West; thence South along the West line of Section 5, Township 39 North, Range 8 West to the Southwest corner of Section 17, Township 39 North, Range 8 West; thence East along the South line of San Juan County to the intersection of San Juan, La Plata and Hinsdale County; thence North to the Southwest corner of Section 18, Township 41 North, Range 5 West; thence in a northeasterly direction to the East line of Section 36, Township 42 North, Range 5 West where the transcontinental divide crosses said section; thence North approximately 11 1/2 miles to the Northeast corner, Township 43 North, Range 5 West; thence West approximately six miles to the Northeast corner of Township 43 North, Range 6 West; thence North approximately 10 miles where the Hinsdale and Gunnison County lines intersect; thence West along the Hinsdale and Gunnison County line to the intersection of Hinsdale, Gunnison and Ouray County lines; thence in a northwesterly direction along the Ouray and Gunnison County line to the Northeast corner of Section 16, Township 47 North, Range 7 West; thence West along the North line of Section 16, Township 47 North, Range 7 West to the Northwest corner of Section 18, Township 47 North, Range 7 West; thence South along the West line of Section 18, Township 47 North, Range 7 West to the Northeast corner of Section 13, Township 47 North, Range 8 West; thence West along the North line of Section 13, Township 47 North, Range 7 West to the Northwest corner of Section 16, Township 47 North, Range 8 West; thence South along the West line of Section 16, Township 47 North, Range 8 West to the intersection of Ouray and Montrose County line; thence West along the Montrose, Ouray County line to a point in the Northwest 1/4 of Section 16, Township 47 North, Range 12 West where the old certificated area and the new certificated area will meet; thence in a northwesterly direction to the Southeast corner of Section 36, Township 48 North, Range 13 West; thence in a northwesterly direction to the Northwest corner of Section 1, Township 48 North, Range 18 West; thence West along the North line of Township 48 North to the Colorado-Utah State line; thence South along the Colorado-Utah state line to the point of beginning.

Dec. No. 86067
December 9, 1974
Appendix B

TOTAL SERVICE TERRITORY
CERTIFICATED TO
LA PLATA ELECTRIC ASSOCIATION, INC.

- - - - -

1. All of La Plata County, Colorado.
2. The following portion of San Juan County, Colorado:
Sections 1, 2, 11, 12, 13, & 14, Township 39 North,
Range 9 West, N.M.P.M.
Sections 6, 7, & 18, Township 39 North, Range 8 West, N.M.P.M.
3. Those portions of Archuleta, Hinsdale, and Mineral
Counties, Colorado, as are situated on the Western Slope
of the Continental Divide.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE CITY OF FOUNTAIN ELECTRIC DEPART-)
MENT FOR AN ORDER AUTHORIZING IT TO)
PUT INTO EFFECT CERTAIN ELECTRIC RATE)
ADJUSTMENT RIDERS INCREASING ITS ELECTRIC)
RATES.)

APPLICATION NO. 27991

December 17, 1974

S T A T E M E N T

BY THE COMMISSION:

On December 3, 1974, the City of Fountain Electric Department, Applicant, filed with the Commission Application No. 27991, accompanied by a tariff setting forth a fuel cost adjustment clause and a tariff increasing rates for residential and commercial electric service. The relief sought is an order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on one (1) day's notice tariffs resulting in an increase to its existing electric rates now on file with the Commission. The grounds set forth in the application for the relief requested are that Applicant's supplier has increased the rates Applicant pays to purchase electric power and that it is unjust and unreasonable to require Applicant to absorb the increased costs. The stated purpose of the proposed tariffs, which were attached to the application, is to pass on to Applicant's customers Applicant's increased wholesale power costs. The proposed tariffs affect all of Applicant's customers except area and street light services.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with electric power and energy for domestic, commercial or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its electric power and energy at wholesale from the City of Colorado Springs Department of Public Utilities for Applicant's customers.
3. This Commission authorized all of the tariffs of the City of Colorado Springs as proposed in Advice Letter No. 23 - Electric, to become effective on November 11, 1974, resulting in increased rates to Applicant. Effective November 11, 1974, Applicant's supplier increased its wholesale rates to Applicant by approximately \$172,568.40, based upon demand and energy purchased by Applicant for the twelve months ended September 30, 1974.

4. Included in the City of Colorado Springs Advice Letter No. 23 - Electric, is an automatic fossil fuel cost adjustment charge.

5. The proposed tariffs accompanying this application, attached hereto as Appendix A, will produce additional annual total system revenues of \$171,219.39, which is an increase of 12.36%, of which \$121,293.33 will be derived from customers outside the city limits of Fountain. In addition fuel cost adjustment will allow the City of Fountain rates to automatically track with those it will be charged by the City of Colorado Springs Department of Public Utilities.

6. If this application be denied, Applicant's pro forma operating ratio for the test year ending September 30, 1974 will be 96.7%.

7. If this application is granted, Applicant's pro forma operating ratio for the test year ending September 30, 1974 will be 86.1%.

8. The filing of this application was brought to the attention of Applicant's affected customers by publication in the Colorado Springs Gazette Telegraph newspaper of general circulation in the area affected.

9. The proposed tariff providing for increased rates for residential and commercial electric service is just, reasonable and non-discriminatory.

10. No evidence has been offered in support of the tariff providing for the fuel cost adjustment clause.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2), CRS 1963, and Rule 18 I.A.(5) of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on Applicant's increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased costs, Applicant's operating ratio would fall substantially below a reasonable operating ratio.

4. Good cause has been shown for the Commission to allow the proposed increases for residential and commercial electric service, as provided in the Applicant's proposed tariff, Colo. PUC No. 2, Second Revised Sheet No. 3.1, on less than thirty (30) days' notice. Said tariff is lawful and in the public interest.

5. Good cause has not been shown for the Commission to allow on less than statutory notice the proposed tariff providing for a fuel cost adjustment clause.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The City of Fountain Electric Department be, and hereby is, authorized to file on not less than one (1) day's notice, the tariff, Colo. PUC No. 2 Second Revised Sheet No. 3.1 attached hereto as Appendix A and made a part hereof.

2. In the event that Applicant's supplier, the City of Colorado Springs Department of Public Utilities, should subsequently reduce and/or refund all or part of said supplier's increase in rates, Applicant shall forthwith notify the Commission and file appropriate tariffs to reduce Applicant's rates to its customers, and/or refund to its customers the applicable amount of any refund so received by Applicant.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTS

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent. The giving of the notice is illegal, the evidence to support this order is insufficient and incompetent, and the "pass-on" is not in accordance with the law.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

jp

The City of Fountain

name of utility

Colo. PUC No. 2

Second Revised

Sheet No. 3.1

Cancels

First Revised

Sheet No. 3.1

(General Service Classification)	
Electric Service Rates (All) (Rate Title or Number)	Company Rate Code
	RATE
<p>All rates for residential or commercial electric service shall be increased per kwh used</p> <p>The rates on file and affected hereby are identified as follows:</p> <p><u>Residential and Commercial Electric Service</u> Colo. P.U.C. No. 2, Fourth Revised Sheet No. 3 Colo. P.U.C. No. 2, Fourth Revised Sheet No. 4 Colo. P.U.C. No. 2, Third Revised Sheet No. 5 Colo. P.U.C. No. 2, Second Revised Sheet No. 6 Colo. P.U.C. No. 2, Second Revised Sheet No. 9</p>	<p>\$0.0034 N</p>
<p>DO NOT WRITE IN THIS SPACE</p>	

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORTHERN NATURAL GAS COMPANY FOR) APPLICATION NO. 27993
AN ORDER AUTHORIZING IT TO PUT INTO)
EFFECT EMERGENCY GAS RATE ADJUSTMENT.)

December 10, 1974

S T A T E M E N T

BY THE COMMISSION:

On December 4, 1974 Northern Natural Gas Company, Applicant, filed the within verified application. The relief sought is an Order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on December 18, 1974 tariffs resulting in an increase to its existing natural gas rates now on file with the Commission. The grounds set forth in the application for the relief requested are that Applicant's supplier has increased the rates Applicant pays to purchase natural gas and that it is unjust and unreasonable to require Applicant to absorb the increased costs. The stated purpose of the proposed tariffs, which were attached to the application, is to pass on to Applicant's customers Applicant's increased costs to purchase natural gas for resale. The proposed tariffs affect only those customers of Applicant in the "Ute Pass" service area.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from the City of Colorado Springs for Applicant's customers in the "Ute Pass" service area.
3. This Commission has jurisdiction over the rates of the City of Colorado Springs.
4. Effective December 4, 1974, Applicant's supplier increased its rates to Applicant by approximately \$11,038, based upon volumes purchased by Applicant for the twelve months ended December 31, 1973.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will produce additional annual revenues of \$10,777, which is an increase of 2.83%.
6. Applicant's currently authorized rate of return is 8.89%, set in Advice Letter No. 89, dated June 21, 1974.

7. If this application be denied, Applicant's pro forma rate of return for the test year ending December 31, 1973 will be 8.334%.

8. If this application be granted, Applicant's pro forma rate of return for the test year ending December 31, 1973 will be 8.856%.

9. The filing of this application was brought to the attention of Applicant's affected customers by publication in the Ute Pass Courier newspaper of general circulation in the area affected.

10. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2), CRS 1963, and Rule 18-1-A(5) of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on Applicant's increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased costs, Applicant's rate of return would fall below its authorized reasonable rate of return.

4. Good cause exists for the Commission to allow the proposed increases on less than 30 days' notice.

5. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

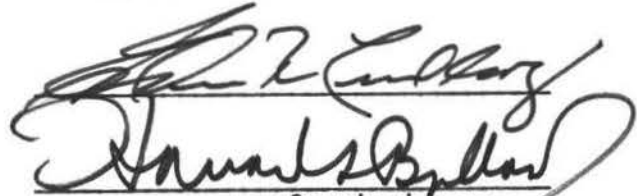
1. Northern Natural Gas Company, be, and hereby is, authorized to file on not less than one day's notice, to become effective for meter readings made on and after December 18, 1974, the tariffs attached hereto as Appendix "A" and made a part hereof.

2. In the event that Applicant's supplier, the City of Colorado Springs, should subsequently reduce and/or refund all or part of said supplier's increase in rates, Applicant shall forthwith notify the Commission and file appropriate tariffs to reduce Applicant's rates to its customers, and/or refund to its customers the applicable amount of any refund so received by Applicant.

This Order shall be effective forthwith.

DONE IN OPEN MEETING this 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTS

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

The giving of notice is illegal, the evidence to support the order insufficient and incompetent, and the "pass-on" not in accordance with the law.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FLEET DISTRIBUTING SERVICE, INC.,)
5280 NEWPORT STREET, COMMERCE CITY,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 2730 AND 2730-I.)

APPLICATION NO. 27828-Extension

ORDER OF THE COMMISSION

- - - - -
December 17, 1974
- - - - -

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 the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 2730 and 2730-I to include the following:

Transportation - on call and demand - of

General commodities

Between all points located within the City and County of Denver, Colorado, on the one hand, and the warehouse and terminal facilities of Fleet Distributing Service, Inc., Adams County, State of Colorado, on the other hand.

RESTRICTION: This Certificate is restricted against the transportation of used household goods and used office furniture and fixtures; commodities, which because of size or weight, require special equipment and commodities moving in package delivery service to private homes.

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 2730 and 2730-I as extended, shall read and be as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

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 17th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "H. E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A large, stylized handwritten signature in dark ink, written over a horizontal line. Below the signature, the word "Commissioners" is printed.

Commissioners

Appendix
Decision No. 86070
December 17, 1974

Fleet Distributing Service, Inc.

- (1) Transportation - on call and demand - of
General commodities

Between all points located within the City and County of Denver, Colorado and between said points on the one hand, and the warehouse and terminal facilities of Fleet Distributing Service, Inc., located in Adams County, State of Colorado on the other hand.

RESTRICTION: Item No. 1 of this Certificate is restricted against the transportation of used household goods and used office furniture and fixtures; commodities which because of size or weight require special equipment and commodities moving in package delivery service to private homes.

- (2) Authority to use equipment in the State of Colorado as a common interstate carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DARYLE FREEL, ROUTE 2, BOX 282 C,)
LOVELAND, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27975-PP

ORDER OF THE COMMISSION

- - - - -
December 17, 1974
- - - - -

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.

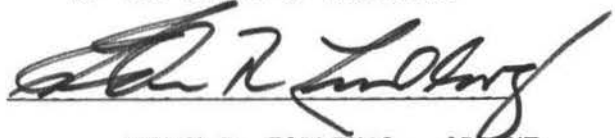
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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.

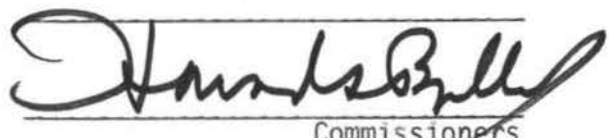
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 17th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 86071
December 17, 1974

Daryle Freel

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 and stone

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)	
STANDLEY H. SCOTT, DOING BUSINESS)	APPLICATION NO. 27974-PP
AS "SCOTT FARMS," ROUTE 3, BOX 44,)	
BRIGHTON, COLORADO, FOR AUTHORITY)	ORDER OF THE COMMISSION
TO OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

December 17, 1974

IT APPEARING, That by Notice of the Commission dated December 2, 1974, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

IT FURTHER APPEARING, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Notice, and that the herein proceeding is therefore noncontested and unopposed;

IT FURTHER APPEARING, 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 that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filing, and the files and records of the Commission;

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

Wherefore, and good cause appearing therefor:

WE FIND, That there is a present and special need for Applicant's transportation services as hereinafter ordered;

WE FURTHER FIND, 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;

WE FURTHER FIND, That the grant of authority as hereinafter ordered should be identified and be known as "Permit No. B-7499," being the number of a permit formerly held by Applicant.

AND WE FURTHER FIND, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

IT IS ORDERED, That Standley H. Scott, doing business as "Scott Farms," Route 3, Box 44, Brighton, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto; that the class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-7499," and this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

IT IS FURTHER ORDERED, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

IT IS FURTHER ORDERED, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.


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

DONE IN OPEN MEETING the 17th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 86072
December 17, 1974

Scott Farms

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 and stone

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)
ELDON E. NOYES, 413 PARK DRIVE,)
CORTEZ, COLORADO, FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27978-PP
ORDER OF THE COMMISSION

December 17, 1974

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 17th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENKO - ABSENT


Commissioner

Appendix
Decision No. 86073
December 17, 1974

Eldon E. Noyes

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

* * *

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.)

RE: THE FAILURE OF CERTAIN CORPORATIONS,)
PARTNERSHIPS, AND/OR PERSONS TO COMPLETE)
ACTIONS INSTITUTED BEFORE THE COMMISSION)
FOR AUTHORITY TO OPERATE AS TOWING CAR-)
RIERS BY MOTOR VEHICLE OVER THE PUBLIC)
HIGHWAYS OF THE STATE OF COLORADO.)

December 17, 1974

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 attached hereto have paid to the Commission the required filing fee for authority to operate as commercial carriers or towing carriers by motor vehicle over the public highways of the State of Colorado, but have either (1) failed to file an application; (2) have failed, after filing an application for such authority, to file either the required certificate of insurance; (3) designation of agent for service of notices, orders or process; (4) articles of incorporation; (5) list of equipment; or (6) description of storage area -- all of which are required by law and the Commission's Rules and Regulations Governing Commercial Carriers or Towing 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

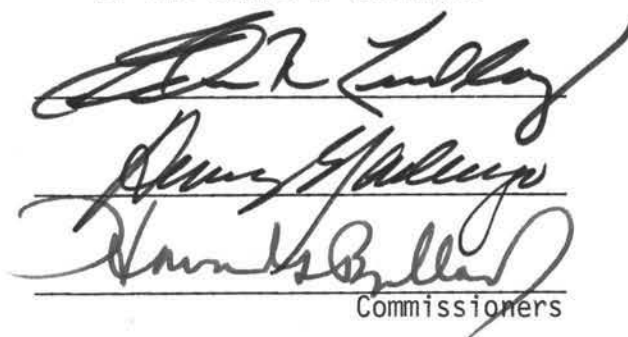
THE COMMISSION ORDERS:

That all actions heretofore 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 towing carriers or commercial carriers by motor vehicle over the public highways of the State of Colorado, be, and the same hereby are, dismissed.

This Order shall become effective thirty (30) days from the day and date hereof.

DONE IN OPEN MEETING the 17th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

NAME

REASON - FAILURE TO FILE

Kenneth E. Shewbert, dba
Beasley Oil Company
100 South Public Road
Lafayette, Colorado 80026

Public Liability & Property Damage
Insurance

Bering Gas Process, Inc.
3514 Singleton Blvd.
Dallas, Texas 75212

Public Liability & Property Damage
Insurance

Carl Robert Berniger
109 St. Clair Place
Longmont, Colorado 80502

Public Liability & Property Damage
Insurance

Big D Industrial Equipment, Inc.
414 Union Trust Blvd.
Parkersburg, West Virginia 26101

Public Liability & Property Damage
Insurance, Designation of Agent

Branson Construction, Inc.
Box 31264
Aurora, Colorado 80011

Public Liability & Property Damage
Insurance

W. A. Jarrett & Carl Arick, dba
C L A Enterprises
1023 Orchard
Canon City, Colorado 81212

Public Liability & Property Damage
Insurance

G.W. & W.E. Clark, dba
Clark's Livestock
2203 Berkley
Brownwood, Texas 76801

Public Liability & Property Damage
Insurance

Cliffrose Company
129 Coffman
Longmont, Colorado 80501

Public Liability & Property Damage
Insurance

Mathew David & Judy Marlene Coffey, dba
Coffey's Coffee Wagon
Route 3, Lot 26, (Florida Estates)
Durango, Colorado 81301

Public Liability & Property Damage
Insurance

Computer Concepts Corporation
3731 Martin Mill Pine
Knoxville, Tennessee 37920

Public Liability & Property Damage
Insurance

Courtesy Mobile Homes, Inc.
4040 South State Street
Salt Lake City, Utah 84107

Public Liability & Property Damage
Insurance

Danube Carpet Mills, Inc.
212 First Street
Oglethorpe, Georgia 30741

Public Liability & Property Damage
Insurance, Designation of Agent

Desert Gold Fee Co.
P. O. Box 294
Liberty, Missouri 64065

Public Liability & Property Damage
Insurance, Designation of Agent

NAME

REASON - FAILURE TO FILE

Elijah Blair, dba
Dinnebito Trading Post
P. O. Box 35
Oraibi, Arizona 86039

Designation of Agent

Ralph W. Ellis
Box 425
Basalt, Colorado 81621

Public Liability & Property Damage
Insurance

Evans Steel
9601 South Cooper Road
Gilbert, Arizona 85234

Public Liability & Property Damage
Insurance, Designation of Agent

Evans Steel Manufacturing Co.
837 South Center
Mesa, Arizona 85203

Public Liability & Property Damage
Insurance, Designation of Agent,
Application

Farm to Market, Inc.
610 1st Capitol Drive
St. Charles, Missouri 63301

Public Liability & Property Damage
Insurance

Galaxie Corp., dba
Galaxie-Holiday
P. O. Box 115
Elkhart, Indiana 46514

Public Liability & Property Damage
Insurance, Designation of Agent

Robert G. Greer, dba
Greer Auto Parts
P. O. Box 91
Paul, Idaho 83347

Public Liability & Property Damage
Insurance, Designation of Agent

Hall Concrete
P. O. Box 3020
Aspen, Colorado 81611

Public Liability & Property Damage
Insurance

Bill Hancock & Mitch Pecaric
1120 West New York Space 5
Gunnison, Colorado 81230

Public Liability & Property Damage
Insurance

Hol - Met Manufacturing Corp.
441 South Robson
Mesa, Arizona 85202

Public Liability & Property Damage
Insurance, Designation of Agent

Intervinyls, Inc.
P. O. Box 2386
Muscle Shoals, Alabama 35660

Public Liability & Property Damage
Insurance

J C O Pipe & Supply, Inc.
Box 2354 Price Road
Pampa, Texas 79065

Public Liability & Property Damage
Insurance

Health Equipment, Inc., dba
Ken Mar Machine & Health
125 South 1400 West
Salt Lake City, Utah 84104

Public Liability & Property Damage
Insurance, Designation of Agent

Kitchens, Inc.
2510 5th
Dodge City, Kansas 67801

Public Liability & Property Damage
Insurance

NAME

REASON - FAILURE TO FILE

M & H Construction
Route 1, Box 246
Cedaredge, Colorado 81413

Public Liability & Property Damage
Insurance

Robert H. McKean, dba
McKean Lumber Company
P. O. Box 2251
Redding, California

Public Liability & Property Damage
Insurance, Designation of Agent

Terry McMillan
Box 332
Fountain, Colorado 80817

Public Liability & Property Damage
Insurance

Miller Welding Supply, Inc.
East Highway 40
Vernal, Utah 84078

Designation of Agent

Nevada Recycling Corp., dba
Nevada Iron & Metals
301 West Miller
North Las Vegas, Nevada 89030

Public Liability & Property Damage
Insurance

Harold G. Reed & Paul Parsons, dba
P & R Industries
5392 Xanadu
Denver, Colorado 80239

Public Liability & Property Damage
Insurance

Plains Manufacturing Co., Inc., dba
Plainsman
Box 611
Sidney, Nebraska 69162

Public Liability & Property Damage
Insurance

Harry O. Probst
Box 215
Hugo, Colorado 80821

Public Liability & Property Damage
Insurance

Richard P. Lyon, dba
R & S Enterprises
1401 So. McCulloch
Pueblo West, Colorado 81007

Public Liability & Property Damage
Insurance

Fred A. Rodriguez
120 West 6th
Walsenburg, Colorado 81089

Public Liability & Property Damage
Insurance

Donald Santisi Trucking Co., Inc.
P. O. Box 2411
Youngstown, Ohio

Public Liability & Property Damage
Insurance, Designation of Agent

Schuler Industries, Inc.
P. O. Box 5366
Birmingham, Alabama

Designation of Agent

Skelley Oil Company
P. O. Box 632
El Dorado, Kansas 67042

Public Liability & Property Damage
Insurance, Designation of Agent

Bill Swad Leasing Co.
4655 South Hamilton Road
Columbus, Ohio 43123

Public Liability & Property Damage
Insurance, Designation of Agent

NAME

Transport Resources, Inc.
Route 34
Matawan, New Jersey 07747

Harvey C. Walker, dba
Walker Ranch
P. O. Box 123
Salida, Colorado 81210

West Slope Ag Center, Inc.
Box 160
Olathe, Colorado 81425

R. Park & Ina L. Jackson, dba
West Side Furniture Mart
2432 West Colorado Avenue
Colorado Springs, Colorado 80904

Noah Thomas & Isvtow S. Fugita, dba
Y W & T Sales
125 East Julia Street
San Bernardino, California 92408

Lawrence B. Meisman, dba
Iron & Metal Salvage
General Delivery
Hartman, Colorado 81043

John David Kenney, dba
Kenney's Garden of the Gods Texaco
2930 West Colorado Avenue
Colorado Springs, Colorado 80904

Frank Tullio Jr. & Robert T. Lake, dba
Mylars Automotive Refinishing Services
429 North 1st
Montrose, Colorado 81401

Ben G. Divine, dba
B & W Body Shop
Box 732, Sunnyside Lane
Alamosa, Colorado 81101

REASON - FAILURE TO FILE

Public Liability & Property Damage
Insurance, Designation of Agent,
Application

Public Liability & Property Damage
Insurance

Public Liability & Property Damage
Insurance

Public Liability & Property Damage
Insurance

Public Liability & Property Damage
Insurance, Designation of Agent

Public Liability & Property Damage
Insurance

Public Liability & Property Damage
Insurance, Designation of Agent,
Cargo Insurance

Public Liability & Property Damage
Insurance, Cargo Insurance

Public Liability & Property Damage
Insurance, Cargo Insurance

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27905-Transfer
VAIL CAB CO., A COLORADO CORPORATION,)	Portion-TA
812 PATTERSON BUILDING, DENVER,)	
COLORADO, FOR TEMPORARY AUTHORITY)	ORDER DENYING PETITION FOR
TO OPERATE PORTIONS OF PUC CERTI-)	RECONSIDERATION OF DECISION
FICATE NO. 1681, PENDING TRANSFER)	NO. 85943
THEREOF.)	

December 10, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 16, 1974, Applicant filed its application for temporary authority as more specifically set forth therein.

On October 21, 1974, the Secretary of the Commission issued a NOTICE OF APPLICATIONS FILED which included notice of the within application and stated, inter alia, that any protests to same must be filed within five days from the date of the Notice.

On November 8, 1974, eighteen days after the date of the Notice, American Limousine Service, Inc., doing business as AA Tours, filed its Protest to the application for temporary authority and permanent authority.

On November 12, 1974, by Decision No. 85943, the Commission granted the application for temporary authority.

On December 2, 1974, American Limousine Service, Inc., doing business as AA Tours, filed its Petition for Reconsideration of the Commission's Order Granting Temporary Approval. As American Limousine Service, Inc., doing business as AA Tours failed to timely file its Protest to the application for temporary authority, and has not requested nor been granted leave to intervene therein, American Limousine Service, Inc., doing business as AA Tours is not a party to said application and has no standing to petition for reconsideration of any orders issued therein. Such being the case, the petition for reconsideration must be denied on the ground of lack of standing, and we do not reach the merits raised therein.

An appropriate Order will be entered.

O R D E R

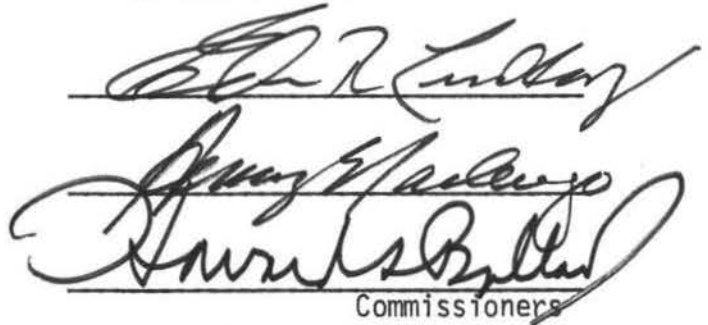
THE COMMISSION ORDERS THAT:

1. The Petition for Reconsideration of the Order of the Commission Granting Temporary Approval filed by American Limousine Service, Inc., doing business as AA Tours be, and the same hereby is, denied.

2. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

(Decision No. 86076)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FRANCIS KUBOSKE, DOING BUSINESS AS)	
SAN JUAN SCENIC JEEP TOURS, BOX 143,)	APPLICATION NO. 26375-Extension
OURAY, COLORADO, FOR A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	SUPPLEMENTAL ORDER
AUTHORIZING EXTENSION OF OPERATIONS)	
UNDER PUC NO. 1846, AND IF GRANTED,)	
FOR AUTHORITY TO LEASE SUCH CERTI-)	
FICATE AS EXTENDED TO SAN JUAN)	
SCENIC JEEP TOURS, INC., THE PRESENT)	
LESSEE OF SAID PUC NO. 1846.)	

December 10, 1974

STATEMENT AND FINDINGS OF FACT

On February 5, 1973, Applicant filed the within application for authority to extend operations as a common carrier by motor vehicle. On May 3, 1973, Applicant filed an Amended Application. The authority sought by the amended application is as follows:

Transportation of passengers and baggage on conducted all expense tours by motor vehicle between places and points within Ouray, Colorado, and places and points within a radius of 30 miles of Ouray, Colorado, and places and points within a radius of 30 miles of Silverton, Colorado, excepting therefrom the area located within a radius of 15 miles of Durango, Colorado.

Further, said application requested authority to lease of such authority from Applicant to San Juan Scenic Jeep Tours, Inc.

Applicant presently holds authority from this Commission under Certificate of Public Convenience and Necessity PUC No. 1846, which reads as follows and which is leased to San Juan Scenic Jeep Tours, Inc.:

Transportation of

Passengers and their baggage in the same vehicle
with passengers

Between places and points within a 25-mile radius of
Ouray, Colorado.

On August 1, 1973, after notice and hearing, Recommended Decision No. 83441 was entered denying the application. Exceptions were duly filed and denied, as was a Request for Reconsideration, Reargument or Rehearing.

Thereafter, Applicant appealed the denial to the District Court In and For Ouray County, Colorado, Civil Action No. C-2866; wherein on December 11, 1973, the Commission was reversed and ordered to grant the application as applied for. Subsequently, this decision was affirmed by the Colorado Supreme Court in the case of Kuboske, et.al. v. The Public Utilities Commission of the State of Colorado, _____ Colo. _____, (No. 26365) on November 18, 1974.

Therefore, pursuant to the mandate of the District Court, affirmed by the Supreme Court, the following Order shall be entered granting the authority sought.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Certificate of Public Convenience and Necessity, PUC No. 1846, heretofore granted to Francis Kuboske, doing business as "San Juan Scenic Jeep Tours," be, and hereby is, amended to read as follows:

Transportation of

Passengers and their baggage on conducted all expense tours by motor vehicle

- 1) Between places and points within Ouray, Colorado;
- 2) Between places and points within a radius of 30 miles of Ouray, Colorado;
- 3) Between places and points within a radius of 30 miles of Silverton, Colorado.

RESTRICTION: Item No. (3) of this Certificate is restricted against rendering any transportation service within said area which lies within a radius of 15 miles of Durango, Colorado.

2. Authority be, and hereby is, granted to Francis Kuboske, doing business as "San Juan Scenic Jeep Tours," to lease said Certificate to San Juan Scenic Jeep Tours, Inc.

3. This Order shall be effective forthwith.

DONE IN OPEN MEETING this 10th day of December, 1974.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG

HENRY E. ZARLENGO

HOWARD S. BJELLAND

Commissioners

jp

ATTEST: A TRUE COPY

Harry A. Calligan, Jr.
Harry A. Calligan, Jr., Secretary

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ROBERTS AIRCRAFT, INC., 1591)
AVIATION WAY, COLORADO SPRINGS,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS AN AIR CARRIER BY)
ROTARY WING AIRCRAFT FOR HIRE.)

APPLICATION NO. 27812-TA

- - - - -
December 10, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 11, 1974, Roberts Aircraft, Inc., filed with the Commission Application No. 27812-TA.

On November 22, 1974, Timberline Helicopters, Inc., filed with the Commission a Motion requesting the Commission to enter an order deferring its decision regarding the temporary authority to Roberts Aircraft until such time as an application for temporary authority filed by Timberline Helicopters can be heard concurrently with Roberts Application No. 27812-TA.

On December 3, 1974, by Decision No. 86015, Roberts Aircraft, Inc., was granted the temporary authority requested in Application No. 27812-TA. Therefore, the Motion to defer decision in the application for temporary authority is moot.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

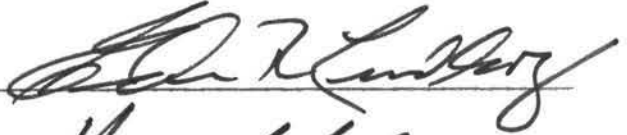
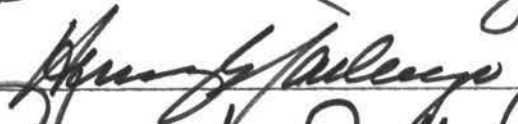
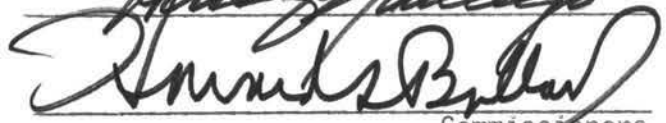
1. The Motion filed November 22, 1974, by Timberline Helicopters, Inc., requesting the Commission to defer its decision regarding the within authority until such time application for same can be heard with Timberline's application for temporary authority be, and hereby is, denied.

2. By Decision No. 86015 dated December 3, 1974, Timberline's Motion to defer decision on Application No. 27812-TA be, and hereby is, rendered moot.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED HOURLY CHARGES AS)
PUBLISHED FOR AAA TRANSFER & STORAGE)
CO., INC. IN COLORADO MOTOR TARIFF)
BUREAU TARIFF NO. 1, PUC NO. 9.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 904

ORDER SUSPENDING INCREASED
RATES AND CHARGES

December 10, 1974

STATEMENT AND FINDINGS

BY THE COMMISSION:

On November 15, 1974, 26th Revised Page No. 16 and 39th Revised Page No. 19 to Colorado Motor Tariff Bureau Tariff No. 1, PUC No. 9, were filed with the Commission. Said pages would have the effect of substantially increasing the labor rates and the hourly charges for the transportation of household goods for the account of AAA Transfer & Storage Co., Inc. and are scheduled to become effective on December 16, 1974.

Review of the supporting data indicates that many problem areas exist and that further investigation will be required to determine just and reasonable rate levels.

The Commission on its own motion, states and finds that the tariff pages referred to herein should be suspended and set for hearing.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That 26th Revised Page No. 16 and 39th Revised Page No. 19 to Colorado Motor Tariff Bureau Local Household Goods Tariff No. 1, PUC No. 9, be, and they hereby are suspended for a period of 120 days or until April 15, 1975, unless otherwise ordered by the Commission.

2. That it shall enter into a hearing concerning the lawfulness of said tariff filing for the account of AAA Transfer & Storage Co., Inc.

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 tariff under the Public Utilities Law.

4. That neither the tariff filings 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 tariff, in the office of the Commission and that copies hereof be served upon Ella A. Shank, President, AAA Transfer & Storage Co., Inc., 324 West Cucharas Street, Colorado Springs, Colorado 80903 and J. R. Smith, Chief of Tariff Bureau, Colorado Motor Tariff Bureau, Inc., 4060 Elati Street, Denver, Colorado 80216. That the necessary suspension supplement be issued, filed and posted to the respective tariff referred to in Ordering Paragraph No. 1 herein.

6. That at least fifteen (15) days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case together with a list of its witnesses and a detailed summary of their direct testimony.

7. That this Investigation and Suspension Docket No. 904, be, and the same is hereby, set for hearing before the Commission on:

Date: February 6, 1975

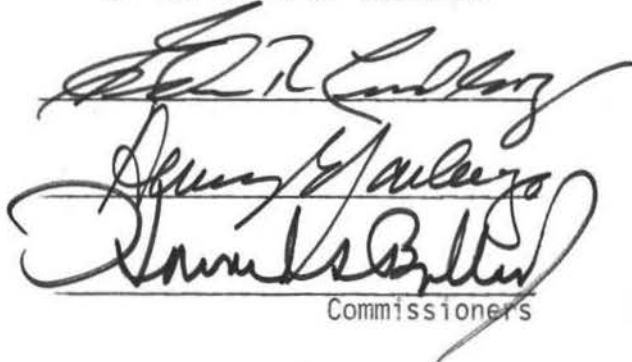
Time: 10:00 a.m.

Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES AND CHARGES)	
FILED FOR AND ON BEHALF OF THOMAS	)	INVESTIGATION AND SUSPENSION
AND SON TRANSFER LINE, INC.,	)	DOCKET NO. 905
(RESPONDENT) BY COLORADO MOTOR)	
TARIFF BUREAU, INC., AGENT,	)	ORDER SUSPENDING EFFECTIVE
(CMTB).	)	DATE OF TARIFFS.

December 10, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 15, 1974, J. R. Smith, Chief of Tariff Bureau, (CMTB) filed with the Commission revisions in certain Colorado Motor Tariff Bureau tariffs, for and on behalf of Thomas and Son Transfer Line, Inc., Respondent herein.

Said tariff revisions are as follows:

1. 15th Revised Page No. 3-A, Colorado Motor Tariff Bureau Local Household Goods Tariff No. 1, eliminating Respondent's participation in said tariff on December 16, 1974.
2. 3rd Revised Page No. 10, Colorado Motor Tariff Bureau Local Cartage Tariff No. 3, eliminating Respondent's participation in Item 100, which allowed carrier to use the hourly rates in Tariff No. 3 for the purpose of "hauling used, second-hand personal effects and property used or to be used in a dwelling or office---," to become effective December 16, 1974.
3. 11th Revised Page No. 3-A, Colorado Motor Tariff Bureau Local Household Goods Tariff No. 2, adding Respondent as a participating carrier to this tariff for the movement of household goods at increased rates. Said participation to become effective December 16, 1974.
4. 26th Revised Page No. 4, Colorado Motor Tariff Bureau Tariff No. 25, adding Respondent's participation to this tariff for the movement of household goods over 30 miles, resulting in increased rates and charges. Scheduled to become effective December 16, 1974.

The Respondent's elimination from Colorado Motor Tariff Bureau Tariff No. 1 and Item 100 to Colorado Motor Tariff Bureau Tariff No. 3, thence the participation in Colorado Motor Tariff Bureau Tariff No. 2 and Colorado Motor Tariff Bureau Tariff No. 25 results in substantial increases in rates and charges.

Review of the data submitted by carrier in support of the above mentioned revised pages indicates that the said filings may be in violation of the Public Utilities Law.

The Commission, on its own motion, states and finds that the within tariff filings should be suspended and set for hearing.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That 15th Revised Page No. 3-A, Colorado Motor Tariff Bureau Local Household Goods Tariff No. 1, eliminating Respondent from tariff; 3rd Revised Page No. 10, Colorado Motor Tariff Bureau Local Cartage Tariff No. 3, eliminating Respondent from Item 100; 11th Revised Page No. 3-A, Colorado Motor Tariff Bureau Local Household Goods Tariff No. 2, adding Respondent as a participating carrier and 26th Revised Page No. 4, Colorado Motor Tariff Bureau Tariff No. 25, adding Respondent as a participating carrier, be, and they hereby are suspended for a period of 120 days or until April 15, 1975, unless otherwise ordered by the Commission.
2. That it shall enter into a hearing concerning the lawfulness of said tariff filings by Thomas and Son Transfer Line, Inc.
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 tariff under the Public Utilities Law.
4. That neither the tariff filings 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 tariff 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, 4060 Elati Street, Denver, CO 80216. That the necessary suspension supplement be issued, filed and posted to the respective tariffs referred to in Ordering Paragraph No. 1 herein.
6. That at least fifteen (15) days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case together with a list of its witnesses and a detailed summary of their direct testimony.

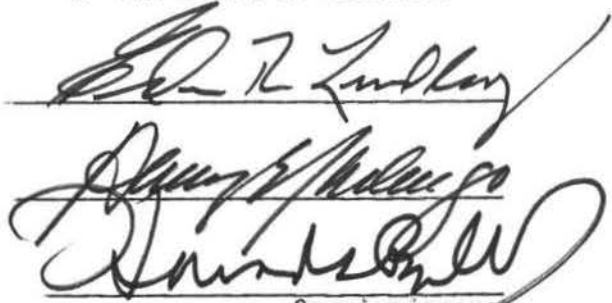
7. That this Investigation and Suspension Docket No. 905, be, and the same is hereby, set for hearing before the Commission on:

Date: February 14, 1975
Time: 10:00 a.m.
Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED PACKING AND UNPACKING)	
RATES AND HOURLY RATES FOR TRANSPORTING)	
HOUSEHOLD GOODS AT COLORADO SPRINGS,	)	INVESTIGATION AND SUSPENSION
DENVER AND LONGMONT, AS PUBLISHED IN	)	DOCKET NO. 906
COLORADO MOTOR TARIFF BUREAU LOCAL)	
HOUSEHOLD GOODS TARIFF NO. 2, PUC NO.	)	ORDER SUSPENDING TARIFF
17.)	

December 10, 1974

STATEMENT AND FINDINGS

BY THE COMMISSION:

On November 15, 1974, 7th Revised Page No. 17 and 39th Revised Page No. 21 to Colorado Motor Tariff Bureau Local Household Goods Tariff No. 2, PUC No. 17, were filed with the Commission by J. R. Smith, Chief of Tariff Bureau, for and on behalf of the participating carriers therein, Respondents herein. Said tariff pages, if allowed to become effective, would increase the packing and unpacking rates in Item 370 and would increase the hourly rates for distances of 30 miles or less for a motor van and driver and for a motor van, driver and helper at the points of Colorado Springs, Denver and Longmont for those carriers listed in circle references D, F and H.

Review of the data submitted by the carriers in support of the above mentioned revised pages indicates that the said filings may be in violation of the Public Utilities Law.

The Commission on its own motion, states and finds that the tariff provisions specified herein should be suspended and set for hearing.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the packing and unpacking rates as shown on 7th Revised Page No. 17, and the increased hourly charges for motor van and driver and motor van, driver and helper as shown on 39th Revised Page No. 21 of Colorado Motor Tariff Bureau Local Household Goods Tariff No. 2, PUC No. 17, be, and they hereby are, suspended for a period of 120 days or until April 15, 1975, unless otherwise ordered by the Commission.

2. That it shall enter into 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 tariff under the Public Utilities Law.

4. That neither the tariff filings 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 tariff 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, 4060 Elati Street, Denver, CO 80216. That the necessary suspension supplement be issued, filed and posted to the respective tariff referred to in Ordering Paragraph No. 1 herein.

6. That at least fifteen (15) days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case together with a list of its witnesses and a detailed summary of their direct testimony.

7. That this Investigation and Suspension Docket No. 906, be, and the same is hereby, set for hearing before the Commission on:

Date: February 21, 1975

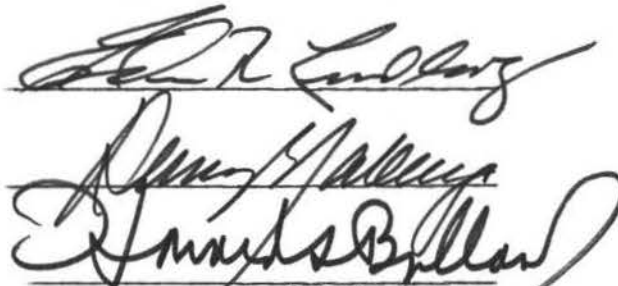
Time: 10:00 a.m.

Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

(Decision No. 86080)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: CONTINENTAL TRAILWAYS, INC., AND)	
ITS SUBSIDIARIES OR DIVISIONS OPERATING	)	CASE NO. 5578
IN COLORADO AND SAN JUAN TOURS, INC.,)	
DOING BUSINESS AS GLENWOOD ASPEN STAGES,	)	ORDER TO SHOW CAUSE
INC., a/k/a GRAY LINE OF DENVER AND	)	AND
GRAY LINE OF COLORADO SPRINGS, FOR	)	NOTICE OF HEARING
FAILURE TO COMPLY WITH COMMISSION)	
DECISION NO. 85611.)	

- - - - -
December 10, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 8, 1974, Application No. 27461 was filed by Continental Trailways, Inc., and its subsidiaries or divisions operating in Colorado, and San Juan Tours, Inc., doing business as Glenwood Aspen Stages, Inc., a/k/a Gray Line of Denver and Gray Line of Colorado Springs, which application sought the approval of this Commission of a reciprocal exchange agreement with respect to passenger transportation equipment. Said application was approved by Recommended Decision No. 85611 entered on August 28, 1974, by Robert L. Pyle, Examiner. Said Decision became the decision of the Commission by operation of law on September 17, 1974. Paragraph 2 of the Order in Decision No. 85611 required the parties, above-named, and Respondents herein, to file certain reports with the Commission, to-wit:

- "2. The parties shall file regular monthly reports with the Transportation Section of the Public Utilities Commission setting forth in detail the following information:
 - a) The equipment that has been interchanged during the one-month period;
 - b) The origin and destination of such movements;
 - c) The surplus business that has been tendered by each of the parties;
 - d) The revenue generated by such interchange of surplus business and equipment."

The Commission has not received the required reports, or has not been advised that no such operations have been conducted thereby negating the required information.

The Commission finds and states that a hearing should be held to determine the facts in the matter.

O R D E R

THE COMMISSION ORDERS THAT:

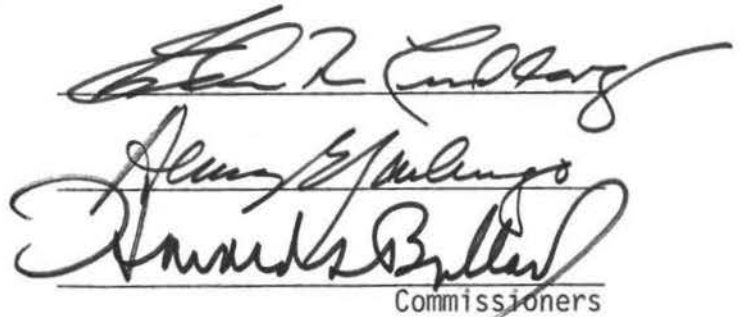
This case be, and the same hereby is, set for hearing before the Commission in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 a.m. on January 27, 1975, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

Respondents, Continental Trailways, Inc., and the following-named subsidiaries or divisions: American Bus Lines; Denver-Colorado Springs-Pueblo Motorways, Inc.; Continental Bus Systems; Denver-Salt Lake-Pacific Stages; Continental Central Lines; Checker Cab Company; and San Juan Tours, Inc., and San Juan Tours, Inc., doing business as Glenwood-Aspen Stages, Inc., be, and hereby are, directed to appear before this Commission on January 27, 1975, as specifically set forth above, to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate, including, but not limited to an order setting aside the approval as granted in Decision No. 85611.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: VARIOUS CHANGES AS PUBLISHED	)	CASE 1585
IN COLORADO MOTOR TARIFF BUREAU)	
TARIFF NO. 12-B WITH A SCHEDULED	)	ORDER OF COMMISSION
EFFECTIVE DATE OF DECEMBER 14, 1974.	)	PRESCRIBING CHANGES IN
-----		RATES AND RULES

December 10, 1974

STATEMENT

BY THE COMMISSION:

On November 8, 1974, J. R. Smith, Chief of Tariff Bureau, for and on behalf of the participating carriers in Colorado Motor Tariff Bureau Tariff No. 12-B, PUC No. 19, filed 7th Revised Page No. 58, 9th Revised Page No. 89, 10th Revised Page No. 272 and 1st Revised Page No. 286-A to the above referenced tariff, scheduled to become effective on December 14, 1974.

Copies of the revised pages are reproduced herein and attached as Appendix "A".

The revision on 7th Revised Page No. 58 involves a change in wording in Item 40 which eliminates excess wordage and results in clarification of the item.

The revision on 9th Revised Page No. 89 adds the words "Which is immediately accessible to the carrier's vehicle." to the rule involving Pick Up and Delivery Service and would also result in clarification of the item.

The revision on 10th Revised Page No. 272 involves the addition of "Fruits or Vegetables, Fresh" to the list of commodities for which rates are provided in Item 1945 from Denver to Aspen.

The revision on 1st Revised Page No. 286-A amends Item 2340 by eliminating the provision that a Release Value of \$1.15 per gallon be applied at the time of shipment.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. That the revisions enumerated in the Statement herein and as shown in Appendix "A" hereto will result in clarification of the first two items, will result in a reduction of charges on fresh fruit or vegetables in the third item and will eliminate an unnecessary restriction in the fourth item.

2. That none of the revisions enumerated herein will result in any increase in rates or charges to the public.

3. That the revisions enumerated herein will result in rates, charges and provisions which are just and reasonable.

CONCLUSIONS ON FINDINGS OF FACT

THE COMMISSION CONCLUDES:

1. That an Order should be entered in Case 1585 prescribing the changes as shown in Appendix "A" herein.

2. An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the proposed rates and charges set forth in Appendix "A" attached hereto shall become the prescribed rates, rules and regulations governing common motor vehicles operating for-hire.

2. That all motor vehicle common carriers who are affected by the changes prescribed herein shall be published, or caused 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 December 14, 1974, 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 in Rule 385 of Case 1585.

5. That on and after December 14, 1974, 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 or collecting rates and charges which shall not be less than those herein prescribed, provided that Class "B" contract carriers shall be subject to the penalty rule of twenty (20) percent in Rule 385 of Case 1585.

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.

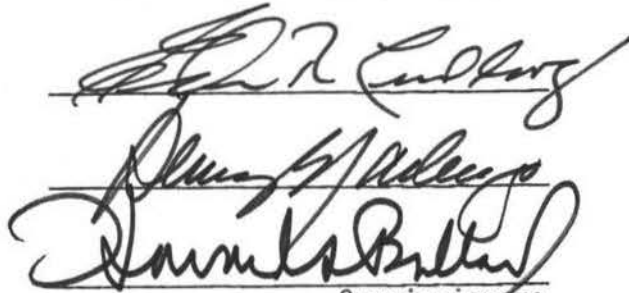
7. That the Order as entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

8. That this Order shall become effective forthwith.

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

DONE IN OPEN MEETING this 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

MF-ICC 8*		
COLO. PUC 19*		
(*COLORADO MOTOR CARRIERS'		
ASSOCIATION, AGENT, SERIES)		
TARIFF 12-B		7TH REVISED PAGE 58
COLORADO MOTOR TARIFF BUREAU, INC., AGENT		
EXCEPTIONS TO RATINGS OF THE GOVERNING CLASSIFICATION		
ITEM	ARTICLES	CLASS RATING
40	<p>FREIGHT, ALL KINDS, EXCEPT THOSE ARTICLES HAVING TRUCKLOAD RATINGS HIGHER THAN CLASS 85 AS PUBLISHED IN THE NATIONAL MOTOR FREIGHT CLASSIFICATION:</p> <p>MINIMUM WEIGHT 20,000 POUNDS PER VEHICLE USED MINIMUM WEIGHT 25,000 POUNDS PER VEHICLE USED MINIMUM WEIGHT 35,000 POUNDS PER VEHICLE USED</p> <p>SUBJECT TO CONSIGNOR LOAD; CONSIGNEE UNLOAD. THIS PROVISION MUST APPEAR ON THE SHIPPING ORDER COPY OF THE BILL OF LADING ▲AT TIME OF SHIPMENT.</p> <p>WHEN THE MINIMUM WEIGHT SPECIFIED IN CONNECTION WITH ANY RATE ARRIVED AT BY USE OF THIS ITEM CANNOT BE LOADED INTO A VEHICLE (SEE NOTE 1) OF NOT LESS THAN 1800 CUBIC FEET CAPACITY, THAT PORTION OF THE SHIPMENT WHICH CAN BE LOADED ON SAID VEHICLE WILL BE CHARGED FOR ON THE BASIS OF THE MINIMUM WEIGHT SPECIFIED FOR THE RATE PUBLISHED. THE REMAINING PORTION OF THE SHIPMENT WILL BE CHARGED FOR AS A SEPARATE SHIPMENT.</p> <p>NOTE 1: THE TERM "VEHICLE" MEANS:</p> <p>(A) A TRUCK (B) A TRUCK AND TRAILER COMBINED (C) A TRACTOR AND A SEMI-TRAILER COMBINED (D) A TRACTOR COMBINED WITH TWO SEMI-TRAILERS, EACH TRAILER NOT EXCEEDING 28 FEET IN LENGTH.</p> <p>WHEN THE CHARGES BASED ON THE HIGHER RATE AND ACTUAL WEIGHT (BUT NOT LESS THAN THE MINIMUM WEIGHT SPECIFIED FOR THE LOWER RATE) EXCEEDS THE CHARGE BASED ON THE LOWER RATE AND THE ACTUAL WEIGHT (BUT NOT LESS THAN THE MINIMUM WEIGHT SPECIFIED FOR THE LOWER RATE), THE LATTER CHARGE WILL APPLY.</p> <p>TO ASCERTAIN RATES TO APPLY, REFER TO SECTION 1 OR 1-A OF THIS TARIFF AND DETERMINE THE CLASS RATE BASE UNDER THE COLUMN HEADED "MINIMUM WEIGHT 10,000 POUNDS." NEXT, REFER TO PAGES 173 TO 244 OF THE TARIFF AND LOCATE THE CLASS RATE BASE IN THE COLUMN HEADED "RATE BASE No." THEN, THE DESIRED CLASS RATE WILL BE FOUND OPPOSITE THAT FIGURE.</p> <p>WHERE LINES "A," "B," "C," "D," AND "E" ARE SHOWN IN CONNECTION WITH RATE BASE NUMBERS ON PAGES 173 TO 244, RATES PUBLISHED OPPOSITE LINE "E" WILL BE USED.</p> <p>NOT SUBJECT TO ITEM 570 OF THIS TARIFF, NOR TO ITEM 595 OF GOVERNING NATIONAL MOTOR FREIGHT CLASSIFICATION.</p>	45 37½ 32½
FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 53.		
ISSUED NOVEMBER 8, 1974		
EFFECTIVE DECEMBER 14, 1974		

CORRECTION No. 2851

ISSUED BY:
J. R. SMITH, CHIEF OF TARIFF BUREAU
4060 ELATI STREET, DENVER, COLORADO 80216

- 58 -

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT
RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

CHARGES ARE SUBJECT TO AMENDMENT 34.
CHARGES ARE SUBJECT TO SUPPLEMENT 20.

MF-ICC 8*
COLO. PUC 19*
(*COLORADO MOTOR CARRIERS'
ASSOCIATION, AGENT, SERIES)

TARIFF 12-B

9TH REVISED PAGE 89

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

RULES AND REGULATIONS

ITEM	APPLICATION
480 (CON- CLU- DED)	<p><u>PICK-UP AND DELIVERY SERVICE: (CONCLUDED)</u></p> <p><u>EXCEPTION:</u> PICK-UP AND DELIVERY SERVICE WITHIN THE CITY LIMITS OF DENVER WHEN SHIPMENT IS MOVING VIA LARSON TRANSPORTATION CO., WILL ALSO INCLUDE FREE PICK-UP AND DELIVERY SERVICE IN AN AREA WITHIN A RADIUS OF THREE MILES OF THE CITY LIMITS OF DENVER, ON SHIPMENTS HAVING A PRIOR OR SUBSEQUENT MOVEMENT OVER THE LINE HAUL ROUTE OF LARSON TRANSPORTATION CO.</p> <p><u>EXCEPTION:</u> PICK-UP AND DELIVERY SERVICE WITHIN THE CITY LIMITS OF DENVER, WHEN SHIPMENT IS MOVING VIA RIO GRANDE MOTOR WAY, INC., WILL ALSO INCLUDE FREE PICK-UP AND DELIVERY SERVICE IN AN AREA WITHIN A RADIUS OF FIVE MILES OF THE CITY LIMITS OF DENVER, ON SHIPMENTS HAVING A PRIOR OR SUBSEQUENT MOVEMENT OVER THE LINE HAUL ROUTE OF RIO GRANDE MOTOR WAY, INC.</p> <p><u>EXCEPTION:</u> (APPLIES ON INTERSTATE TRAFFIC ONLY) (APPLIES VIA DENVER-CLIMAX TRUCK LINE, INC., ONLY) SHIPMENTS PICKED UP AT OR DELIVERED TO THE SITE OF STAPLETON INTERNATIONAL AIRPORT, DENVER, AT THE REQUEST OF THE CONSIGNOR OR CONSIGNEE, BETWEEN THE HOURS OF 12:00 O'CLOCK, MIDNIGHT, AND 7:00 A.M., WILL BE SUBJECT TO A CHARGE OF \$20.45 EACH IN ADDITION TO ALL OTHER CHARGES APPLICABLE.</p> <p><u>EXCEPTION:</u> PICK-UP AND DELIVERY SERVICE WITHIN THE CITY LIMITS OF DENVER, WHEN SHIPMENT IS MOVING VIA COLORADO CARTAGE COMPANY, INC., WILL ALSO INCLUDE FREE PICK-UP AND DELIVERY SERVICE IN AN AREA EXTENDING FIVE MILES BEYOND AND CONTIGUOUS TO THE CITY LIMITS OF DENVER, ON SHIPMENTS HAVING A PRIOR OR SUBSEQUENT MOVEMENT OVER THE LINE HAUL ROUTE OF COLORADO CARTAGE COMPANY, INC.</p> <p><u>EXCEPTION:</u> PICK-UP AND DELIVERY SERVICE WITHIN THE CITY LIMITS OF BOULDER, WHEN SHIPMENT IS MOVING VIA BOULDER-DENVER TRUCK LINE, WILL ALSO INCLUDE FREE PICK-UP AND DELIVERY SERVICE IN AN AREA EXTENDING FIVE MILES BEYOND AND CONTIGUOUS TO THE CITY LIMITS OF BOULDER, ON SHIPMENTS HAVING A PRIOR OR SUBSEQUENT MOVEMENT OVER THE LINES OF BOULDER-DENVER TRUCK LINE.</p> <p><u>EXCEPTION:</u> PICK-UP AND DELIVERY SERVICE WITHIN THE CITY LIMITS OF DENVER, WHEN SHIPMENT IS MOVING VIA BOULDER-DENVER TRUCK LINE, WILL ALSO INCLUDE FREE PICK-UP AND DELIVERY SERVICE IN AN AREA EXTENDING THREE MILES BEYOND AND CONTIGUOUS TO THE CITY LIMITS OF DENVER, ON SHIPMENTS HAVING A PRIOR OR SUBSEQUENT MOVEMENT OVER THE LINES OF BOULDER-DENVER TRUCK LINE.</p> <p><u>EXCEPTION:</u> PICK-UP AND DELIVERY SERVICE WITHIN THE CITY LIMITS OF PUEBLO, WHEN SHIPMENT IS MOVING VIA RED BALL MOTOR FREIGHT, INC., WILL ALSO INCLUDE FREE PICK-UP AND DELIVERY SERVICE IN AN AREA EXTENDING THREE AND ONE-HALF MILES BEYOND AND CONTIGUOUS TO THE CITY LIMITS OF PUEBLO, ON SHIPMENTS HAVING A PRIOR OR SUBSEQUENT MOVEMENT OVER THE LINE HAUL ROUTE OF RED BALL MOTOR FREIGHT, INC.</p> <p><u>EXCEPTION:</u> IN THE EVENT CONSIGNOR OR CONSIGNEE REQUESTS DELIVERY OR PICK-UP OF SHIPMENTS AT POINTS OTHER THAN THE GROUND FLOOR DOOR OR DOCK WHICH IS IMMEDIATELY ACCESSIBLE TO THE CARRIERS' VEHICLE, THE RATE FOR SUCH ADDITIONAL SERVICE WILL BE 39¢ PER ONE HUNDRED POUNDS, SUBJECT TO A MINIMUM CHARGE OF \$4.30 WHICH SHALL BE IN ADDITION TO THE LINE HAUL TRANSPORTATION CHARGES. UNLESS THE BILL OF LADING IS SPECIFICALLY ENDORSED TO SHOW PREPAYMENT OF THESE CHARGES, THEY WILL BE COLLECTED FROM THE PARTY REQUESTING SUCH SERVICE, EXCEPT SUCH CHARGES FOR SHIPMENTS MOVING ON GOVERNMENT BILLS OF LADING WILL BE COLLECTED FROM THE GOVERNMENT. THIS PARAGRAPH WILL NOT APPLY WHERE SUCH PLACEMENT OR PICK-UP OF SHIPMENTS IS PROHIBITED BY CITY ORDINANCE. WHERE THE CITY ORDINANCE PROHIBITS SUCH PLACEMENT OR PICK-UPS, PICK-UP AND DELIVERY SERVICE WILL BE PROVIDED ONLY TO OR FROM THE GROUND FLOOR DOOR OR DOCK ACCESSIBLE TO TRUCKS.</p>

FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 53.

ISSUED NOVEMBER 8, 1974

EFFECTIVE DECEMBER 14, 1974

CORRECTION NO. 2852

ISSUED BY:

J. R. SMITH, CHIEF OF TARIFF BUREAU
4060 ELATI STREET, DENVER, COLORADO 80216

- 89 -

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT
RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

RATES ARE SUBJECT TO AMENDMENT 34.
RATES ARE SUBJECT TO SUPPLEMENT 20.

MF-ICC 8*

COLO. PUC 19*

(*COLORADO MOTOR CARRIERS'
ASSOCIATION, AGENT, SERIES)

TARIFF 12-B

10TH REVISED PAGE 272

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 (X)
1920	FOODSTUFF: CANNED GOODS, VIZ.: FRUITS AND VEGETABLES, INCLUDING JAMS, JELLIES OR PRESERVES AND FRUIT OR VEGETABLE JUICE, PACKED IN ACCORDANCE WITH CURRENT CLASSIFICATION. FEED, ANIMAL OR POULTRY, PACKED IN ACCORDANCE WITH CURRENT CLASSIFICATION. PIPE, SEWER, CEMENT, CLAY OR TILE, LOOSE. MINIMUM WEIGHT 10,000 POUNDS.	<u>BETWEEN</u> DENVER	<u>AND</u> BERTHOUD LONGMONT MEAD	36	28
1930 +	FOODSTUFF: CANNED GOODS, EDIBLE, SUBJECT TO A MINIMUM WEIGHT OF 40,000 POUNDS.	GRAND JUNCTION	KUNER-EMPSON WAREHOUSE ADJACENT TO THE CITY LIMITS OF BRIGHTON.	67	57; 62
1940	FOODSTUFF: CANNED GOODS, EDIBLE, MINIMUM WEIGHT 40,000 POUNDS. LOADING TO BE PERFORMED BY CONSIGNOR AND UN- LOADING BY CONSIGNEE.	CROWLEY	DENVER AND POINTS WITHIN 5 MILES OF THE DENVER CITY LIMITS.	42	48
			KUNER-EMPSON WAREHOUSE ADJACENT TO THE CITY LIMITS OF BRIGHTON.	48	60
	FOODSTUFF: CANNED GOODS, EDIBLE. LOADING TO BE PERFORMED BY CONSIGNOR AND UNLOADING BY CONSIGNEE. (4) MINIMUM WEIGHT 20,000 POUNDS. (5) MINIMUM WEIGHT 40,000 POUNDS. (SUBJECT TO ITEM 595 OF THE GOVERNING CLASSIFICATION)	LA JUNTA	DENVER	(4) 56 (5) 42	47
			PUEBLO	(4) 34	
1945	FOODSTUFF: 78 FRUITS OR VEGETABLES, FRESH; GROCERIES, AS DESCRIBED IN ITEM 715; MEAT, FRESH; SAUSAGE, FRESH; PACKING HOUSE PRODUCTS AND OTHER ARTICLES, AS DESCRIBED IN ITEM 730; FOODS, FROZEN, NO1; POULTRY, FRESH, FROZEN OR NOT FROZEN. (1) MINIMUM WEIGHT 10,000 POUNDS. (2) MINIMUM WEIGHT 20,000 POUNDS. (3) MINIMUM WEIGHT 25,000 POUNDS. (4) MINIMUM WEIGHT 35,000 POUNDS. (SUBJECT TO ITEM 595 OF THE GOVERNING CLASSIFICATION) SUBJECT TO LOADING BY THE CONSIGNOR AND TO UNLOADING BY THE CONSIGNEE. THIS NOTATION MUST BE SHOWN ON THE SHIPPING ORDER AT TIME OF SHIPMENT.	DENVER	ASPEN	(1) 190 (2) 144 (3) 123 (4) 105	87

FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 53.

ISSUED NOVEMBER 8, 1974

EFFECTIVE DECEMBER 14, 1974

CORRECTION No. 2854

ISSUED BY:

J. R. SMITH, CHIEF OF TARIFF BUREAU
4060 ELATI STREET, DENVER, COLORADO 80216

RECEIVED

- 272 -

NOV 8 1974

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT
RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

Case NO. 1585
Decision No. 86081

RATES ARE NOT SUBJECT TO SUPPLEMENT 20 OR +AMENDMENT 34.

MF-ICC 8*

COLO. PUC 19*

(*COLORADO MOTOR CARRIERS'
ASSOCIATION, AGENT, SERIES)

TARIFF 12-B

1ST REVISED PAGE 286-A

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 (X)
2340	LIQUORS, BEVERAGE: LIQUORS, ALCOHOLIC, NO1, OR WINE, NO1, (E) 8, MINIMUM WEIGHT 40,000 POUNDS, SUBJECT TO NOTE 2. NOTE 1: (E) 8 NOTE 2: SUBJECT TO CONSIGNOR LOAD; CONSIGNEE UNLOAD, AND SO STATED ON THE SHIPPING ORDER AND BILL OF LADING AT TIME OF SHIPMENT.	DENVER	GLENWOOD SPRINGS	80	87

FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 53.

ISSUED NOVEMBER 8, 1974

EFFECTIVE DECEMBER 14, 1974

CORRECTION No. 2855

ISSUED BY:

J. R. SMITH, CHIEF OF TARIFF BUREAU
4060 ELATI STREET, DENVER, COLORADO 80216

- 286-A -

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT
RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT. 3 1974

Case No. 1585
Decision No. 86081

▲ DENOTES CHANGES IN WORDING WHICH RESULT IN NEITHER INCREASES NOR REDUCTIONS
IN CHARGES.

✚ DENOTES ADDITION.

↓ DENOTES REDUCTION.

ⓔ DENOTES ELIMINATION.

(Decision No. 86082)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF KANSAS-NEBRASKA NATURAL GAS)	
COMPANY, INC. FOR AN INCREASE)	APPLICATION NO. 27995
IN THE COST OF PURCHASED GAS)	
APPLICABLE TO COLORADO JURIS-)	
DICTIONAL CUSTOMERS.)	

December 10, 1974

STATEMENT

BY THE COMMISSION:

On December 6, 1974, Kansas-Nebraska Natural Gas Company, Applicant, filed the within verified application. The relief sought is an Order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on less than statutory notice tariffs resulting in an increase to its existing natural gas rates now on file with the Commission. The grounds set forth in the application for the relief requested are that Applicant's supplier has increased the rates Applicant pays to purchase natural gas and that it is unjust and unreasonable to require Applicant to absorb the increased costs. The stated purpose of the proposed tariffs, which were attached to the application, is to pass on to Applicant's customers Applicant's increased costs to purchase natural gas for resale. The proposed tariffs affect all of Applicant's Colorado customers.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Kansas-Nebraska Natural Gas Company, Inc. for Applicant's customers in Colorado.
3. This Commission has no jurisdiction over the wholesale rates of Kansas-Nebraska Natural Gas Company, Inc.
4. Effective December 2, 1974, Applicant's supplier increased its wholesale rates to Applicant by approximately \$150,313, based upon volumes purchased by Applicant for the twelve months ended July 31, 1974.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will produce additional annual revenues of \$149,235, which is an increase of 6.37%.
6. Applicant's currently authorized rate of return is 8.51%, set in Commission Decision No. 84011, dated November 9, 1973.

7. If this application be denied, Applicant's pro forma rate of return for the test year ending July 31, 1974 will be 6.60%.

8. If this application be granted, Applicant's pro forma rate of return for the test year ending July 31, 1974 will be 8.50%.

9. The filing of this application was brought to the attention of Applicant's affected customers by publication in the Denver Post, Sterling Journal-Advocate and the Greeley Daily Tribune, newspapers of general circulation in the areas affected.

10. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2), CRS 1963, and Rule 18 1-A(5) of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on Applicant's increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased costs, Applicant's rate of return would fall below its authorized reasonable rate of return.

4. Good cause exists for the Commission to allow the proposed increases on less than 30 days' notice.

5. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

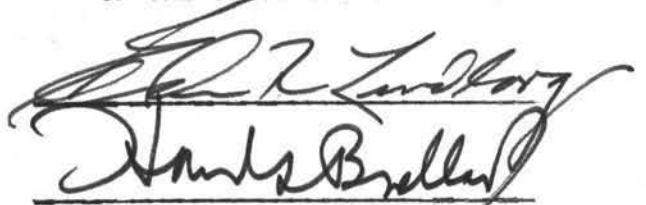
1. Kansas-Nebraska Natural Gas Company, Inc., be and hereby is authorized to file on not less than one day's notice, to become effective on and after December 15, 1974, the tariffs attached hereto as Appendix "A" and made a part hereof.

2. In the event that Applicant's supplier, Kansas-Nebraska Natural Gas Company, Inc., should subsequently reduce and/or refund all or part of said supplier's increase in rates, Applicant shall forthwith notify the Commission and file appropriate tariffs to reduce Applicant's rates to its customers, and/or refund to its customers the applicable amount of any refund so received by Applicant.

This Order shall be effective forthwith.

DONE IN OPEN MEETING this 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Henry E. Zarlengo", written over a horizontal line.

Commissioner Henry E. Zarlengo
Dissenting.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

The giving of notice is illegal, the evidence to support the Order inadequate and incompetent, and the "gas pass-on" is not in accordance with law.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Henry E. Zarlengo", written over a horizontal line.

Kansas-Nebraska Natural Gas Company, Inc.

name of utility

Colo. PUC No. 4

5th Revised

Sheet No. 3

Cancels 4th Revised

Sheet No. 3

GENERAL GAS SERVICE
(General Service Classification)

DOMESTIC AND FIRM COMMERCIAL RATE

(Rate Title or Number)

Company
Rate
CodeSchedule applicable to customers in the municipalities or villages
of Julesburg and Ovid and rural areas adjacent thereto.

GGS-1

AvailabilityAny metered consumer adjacent to Company's mains using
standard gas service.

RATE

Rate

First	1,000 cu. ft. or less per month	\$2.073)
Next	4,000 cu. ft. per month per MCF	1.053)
Next	45,000 cu. ft. per month per MCF	.703	) I
Next	50,000 cu. ft. per month per MCF	.653)
All Additional	per month per MCF	.603)

Minimum Charge

Per Meter Installed Per Month

\$2.073

I

Heat Content

900 BTU per cubic foot

Payment

All Bills Net.

Bills will be rendered at monthly intervals, will be due on
date of rendering and payable within ten (10) days of due date.
Penalty charge of 5% on first \$20.00 of bill plus 2% on excess will
be added if bills are not paid within forty (40) days of due date.

DO NOT WRITE
IN THIS SPACE

Advice Letter No.

Signature of Issuing Officer

Issue Date

Decision or
Authority No.

President

Effective Date

Title

Kansas-Nebraska Natural Gas Company, Inc.

name of utility

8th Revised

Colo. PUC No. 4

Sheet No. 4

Cancels 7th Revised

Sheet No. 4

GENERAL GAS SERVICE
(General Service Classification)DOMESTIC AND FIRM COMMERCIAL RATE
(Rate Title or Number)Company
Rate
Code

Schedule applicable to customers in the municipalities or villages of Akron, Eckley, Fleming, Haxtun, Herford, Holyoke, Iliff, Otis, Paoli, Wray, Yuma, rural areas adjacent thereto and portions of Township 13 North-Range 41 West and Range 42 West, Township 14 North-Range 41 West and Range 42 West, Township 15 North-Range 41 West and Range 42 West all in Cheyenne County, Colorado.

GGS-2

RATE

Availability

Any metered customer adjacent to the Company's mains using standard gas service.

Rate

First	1,000 cu. ft. or less per month	\$2.073)
Next	4,000 cu. ft. per month per MCF	1.093)
Next	45,000 cu. ft. per month per MCF	.893	) I
Next	50,000 cu. ft. per month per MCF	.743)
All Additional	per month per MCF	.693)

Minimum Charge

Per meter installed per month	\$2.073	I
-------------------------------	---------	---

Heat Content

950 BTU per cubic foot.

Payment

All Bills Net.

Bills will be rendered at monthly intervals, will be due on date of rendering and payable within ten (10) days of due date. Penalty charge of 5% on first \$20.00 of bill plus 2% on excess will be added if bills are not paid within forty (40) days of due date.

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Advice Letter No.

Signature of Issuing Officer

Issue Date

Decision or
Authority No.

President

Effective Date

Title

Kansas-Nebraska Natural Gas Company, Inc.

name of utility

8th Revised

Colo. PUC No. 4

Sheet No. 5

Cancels

7th Revised

Sheet No. 5

IRRIGATION
(General Service Classification)

IRRIGATION GAS SERVICE RATE
(Rate Title or Number)

Company
Rate
Code

Availability

Available for farm irrigation purposes only to customers who were receiving irrigation gas service under schedule GGS-5 on July 31, 1971, and the successors and assigns of such customers, and only at those locations where such customers were purchasing gas under schedule GGS-5 on July 31, 1971.

GGS-5

RATERate

All gas consumed per MCF

45.0¢

Minimum Charge

Per meter installed per year

\$36.00

Heat Content

900 BTU per cubic foot.

Payment

All Bills Net.

Bills will be rendered at monthly intervals, will be due on the date of rendering and payable within ten (10) days of due date.

Other Clauses and Conditions

Service under this schedule shall be subject to the conditions of service attached hereto, marked Annex 1 and made a part of this schedule.

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Advice Letter No.

Signature of Issuing Officer

Issue Date

Decision or

President

Effective Date

Authority No.

Title

Kansas-Nebraska Natural Gas Company, Inc.

name of utility

6th Revised

Colo. PUC No. 4

Sheet No. 9

Cancels

5th Revised

Sheet No. 9

OIL FIELD
(General Service Classification)

LEASE PRODUCTION AND TREATMENT OF OIL RATE
(Rate Title or Number)

Company
Rate
Code

Schedule applicable to producers of oil, adjacent to pipeline of Company, for the pumping of oil and treatment thereof on the lease premises.

GG5-6

Availability

RATE

Available to all customers desiring natural gas for the pumping of oil and the treatment thereof.

Rate

All gas consumed, per MCF

45.0¢

Minimum Charge

Per meter installed per month.

\$10.00

Heat Content

900 BTU per cubic foot.

Payment

All Bills Net.

Bills will be rendered at monthly intervals, will be due on the date of rendering and payable within ten (10) days of due date.

Other Clauses and Conditions

Various provisions are set forth in Annex 1 which is incorporated herein and made a part hereof the same as though set forth in full herein.

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Advice Letter No. _____

Signature of Issuing Officer

Issue Date _____

Decision or
Authority No. _____

President

Effective Date _____

Title

Kansas-Nebraska Natural Gas Company, Inc.

name of utility

6th Revised

Colo. PUC No. 4

Sheet No. 13

Cancels

5th Revised

Sheet No. 13

ALFALFA DEHYDRATION
(General Service Classification)

ALFALFA DEHYDRATION GAS SERVICE RATE
(Rate Title or Number)

Company
Rate
Code

Schedule applicable to customers adjacent to pipelines
of Company for the Dehydration of alfalfa.

GGC-7

Availability

Available to all customers desiring natural gas for alfalfa
dehydration.

RATE

Rate

All gas consumed per MCF

45.0¢

I

Minimum Charge

None.

Heat Content

900 BTU per cubic foot.

Payment

All Bills Net.

Bills will be rendered at monthly intervals, will be due on
the date of rendering and payable within ten (10) days of due
date. Any amount not paid within thirty (30) days after date
of rendition shall bear interest at the rate of six per cent
(6%) per annum from due date until paid.

Other Clauses and Conditions

Various provisions are set forth in Annex I which is
incorporated herein and made a part hereof the same as though set
forth in full herein.

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Advice Letter No.

Signature of Issuing Officer

Issue Date

Decision or
Authority No.

President

Effective Date

Title

Kansas-Nebraska Natural Gas Company, Inc.

APPENDIX A, Pg. 6 of 11

name of utility

7th Revised

Colo. PUC No.

Sheet No. 15

Cancels

6th Revised

Sheet No. 15

GENERAL GAS SERVICE
(General Service Classification)

COMBINATION SPACE HEATING, IRRIGATION AND GRAIN DRYING
(Rate Title or Number)

Company
Rate
Code

Schedule applicable to rural customers adjacent to Colorado Interstate Gas Company pipeline which runs from the west boundary of Section 30, T12N, R62W to the east boundary of Section 22, T12N, R60W, and to rural customers adjacent to the Company's pipeline which runs from the west boundary to the north boundary of Section 23, T12N, R60W, all in Weld County, Colorado.

GGs-4

RATE

Availability

Any rural customer desiring natural gas service for domestic use and for pumping water for farm irrigation or grain drying.

Rate

First	1,000 cu. ft. or less per month	\$2.073)
Next	4,000 cu. ft. per month per MCF	1.153)
Next	45,000 cu. ft. per month per MCF	.953	) I
Next	50,000 cu. ft. per month per MCF	.803)
All Additional	per month per MCF	.453)

Minimum Charge

Per meter installed per month.

\$2.073 I

Heat Content

900 BTU per cubic foot.

Unit of Measurement

The unit of measurement for billing shall be 1 cubic foot of gas at sixty degrees (60°) Fahrenheit and absolute pressure of 13.25 pounds per square inch. At the place of measurement the atmospheric pressure is assumed to be 13.0 pounds per square inch.

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Curtailement

Kansas-Nebraska in its absolute discretion and without liability to Customer for damages or otherwise shall have the right at any time with or without notice to curtail in whole or in part delivery of natural gas to Customer for conservation of gas for use having higher priority of service, whether because of lack of supply, diminution of reserves or any other reason.

Advice Letter No.

Signature of Issuing Officer

Issue Date

Decision or

Authority No.

President
Title

Effective Date

name of utility

6th Revised

Sheet No. 16

Cancels

5th Revised

Sheet No. 16

GENERAL GAS SERVICE
(General Service Classification)

COMBINATION SPACE HEATING, IRRIGATION AND GRAIN DRYING
(Rate Title or Number)

Company
Rate
Code

Schedule applicable to farm customers using natural gas both for domestic use and for farm irrigation or grain drying, except those customers in the area to which schedule GGS-4 is applicable.

GGs-3

RATE

Availability

Any rural customer desiring natural gas service for domestic use and for pumping water for farm irrigation or grain drying.

Rate

First	1,000 cu. ft. or less per month	\$2.073)
Next	4,000 cu. ft. per month per MCF	1.153)
Next	45,000 cu. ft. per month per MCF	.953	) I
Next	50,000 cu. ft. per month per MCF	.803)
All Additional	per month per MCF	.753)

In addition to the above rate, each customer served in the following described area is required to pay a contribution in aid of construction of 10¢ per MCF until the cost of the transmission line from Big Springs, Nebraska to Imperial, Nebraska is reimbursed to the Company by customers served from the line:

PHILLIPS COUNTY

T6N, R42W Sections 5 through 8, 17 and 18.
 T6N, R43W Sections 1 through 4 and 9 through 16.
 T7N, R42W Sections 5 through 8, 17 through 20 and 29 through 32.
 T7N, R43W Sections 1 through 4, 9 through 16, 21 through 28, and 33 through 36.
 T8N, R42W Sections 5 through 8, 17 through 20 and 29 through 32.
 T8N, R43W Sections 1 through 4, 9 through 16, 21 through 28 and 33 through 36.
 T9N, R42W Sections 19, 20 and 29 through 32.
 T9N, R43W Sections 20 through 29 and 32 through 36.

SEDGWICK COUNTY

T9N, R42W Sections 5 through 8, 17 and 18.
 T9N, R43W Sections 1 through 5 and 8 through 17.
 T10N, R42W Sections 5 through 8, 17 through 20 and 29 through 32.
 T10N, R43W Sections 1 through 5, 8 through 17, 20 through 29, and 32 through 36.

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Advice Letter No. _____

Signature of Issuing Officer

Issue Date _____

Decision or
Authority No. _____

President

Effective Date _____

Title

Kansas-Nebraska Natural Gas Company, Inc.

name of utility

6th Revised

Colo. PUC No. 4

Sheet No. 17

Cancels

5th Revised

Sheet No. 17

GENERAL GAS SERVICE (General Service Classification)	
COMBINATION SPACE HEATING, IRRIGATION AND GRAIN DRYING (Rate Title or Number)	Company Rate Code
T11N, R42W Sections 5 through 8, 17 through 20 and 29 through 32. T11N, R43W Sections 1 through 5, 8 through 17, 20 through 29, and 32 through 36. T12N, R42W Sections 19, 20 and 29 through 32. T12N, R43W Sections 20 through 29 and 32 through 36.	GGS-3
<u>Minimum Charge</u> Per meter installed, per month.	RATE \$2.073
<u>Heat Content</u> 900 BTU per cubic foot.	
<u>Payment</u> All Bills Net. Bills will be rendered at monthly intervals, will be due on date of rendering and payable within ten (10) days of due date. Penalty charge of 5% on first \$20.00 of bill plus 2% on excess will be added if bills are not paid within forty (40) days of due date.	
<u>Curtailement</u> Kansas-Nebraska in its absolute discretion and without liability to Customer for damages or otherwise shall have the right at any time with or without notice to curtail in whole or in part delivery of natural gas to Customer for conservation of gas for use having higher priority of service, whether because of lack of supply, diminution of reserves or any other reason.	
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Advice Letter No. _____

Signature of Issuing Officer

Issue Date _____

Decision or
Authority No. _____

President

Effective Date _____

Title

Kansas-Nebraska Natural Gas Company, Inc.

Colo. PUC No. 4

name of utility

4th Revised

Sheet No. 27

Cancels

3rd Revised

Sheet No. 27

INDUSTRIAL (General Service Classification)		Company Rate Code
INTERRUPTIBLE INDUSTRIAL SERVICE (Rate Title or Number)		
<u>Availability</u>		
Available to Great Western Sugar Company for its sugar factory located at Ovid, Colorado, in accordance with the terms and conditions of the Interruptible Industrial Agreement between company and customer dated March 15, 1973.		IGS-1
<u>Rate</u>		RATE
First	50,000 cu. ft. per month, per 1,000 cu. ft.	89.2¢)
Next	50,000 cu. ft. per month, per 1,000 cu. ft.	72.7¢)
Next	200,000 cu. ft. per month, per 1,000 cu. ft.	61.7¢) I
Next	9,700,000 cu. ft. per month, per 1,000 cu. ft.	52.2¢)
Excess over	10,000,000 cu. ft. per month, per 1,000 cu. ft.	50.2¢)
<u>Annual Minimum</u>		
The minimum charge per contract year.		\$3,600
<u>Unauthorized Overrun Gas</u>		
For all gas taken by customer during a period of total suspension, or in excess of permitted interruptible volume during a period of partial suspension. After four hours notice to customer of such total suspension or partial suspension, shall constitute "Unauthorized Overrun Gas". All Unauthorized Overrun Gas taken by customer shall be paid for by customer at the rate of \$10.00 per 1,000 cubic feet. The payment for Unauthorized Overrun Gas by customer shall not in any circumstance be considered as giving customer the right to take Unauthorized Overrun Gas.		
<u>Rules and Regulations</u>		
Service under this schedule shall be subject to the rules and orders of the Public Utilities Commission of the State of Colorado and the conditions of the contract for such service between company and customer not in conflict herewith.		
<u>Unit of Measurement</u>		
The unit of measurement for billing shall be 1 cubic foot of gas at sixty degrees (60°) Fahrenheit and at an absolute pressure of 14.65 pounds per square inch. At the place of measurement the atmospheric pressure is assumed to be 13.0 pounds per square inch.		

DO NOT WRITE
IN THIS SPACE

Advice Letter No. _____

Signature of Issuing Officer

Issue Date _____

Decision or
Authority No. _____

President

Effective Date _____

Title

Kansas-Nebraska Natural Gas Company, Inc.

name of utility

4th Revised

Colo. PUC No. 4

Sheet No. 28

Cancels 3rd Revised

Sheet No. 28

INDUSTRIAL

(General Service Classification)

INTERRUPTIBLE INDUSTRIAL SERVICE

(Rate Title or Number)

Company
Rate
CodeAvailability

Available to Great Western Sugar Company for its sugar factory located at Sterling, Colorado, in accordance with the terms and conditions of the Interruptible Industrial Agreement between company and customer dated March 15, 1973.

IGS-2

RATE

Rate

First	50,000 cu. ft. per month, per 1,000 cu. ft.	89.2¢)
Next	50,000 cu. ft. per month, per 1,000 cu. ft.	72.7¢)
Next	200,000 cu. ft. per month, per 1,000 cu. ft.	61.7¢	) I
Next	9,700,000 cu. ft. per month, per 1,000 cu. ft.	52.2¢)
Excess over	10,000,000 cu. ft. per month, per 1,000 cu. ft.	50.2¢)

Annual Minimum

The minimum charge per contract year.

\$3,600

Unauthorized Overrun Gas

For all gas taken by customer during a period of total suspension, or in excess of permitted interruptible volume during a period of partial suspension. After four hours notice to customer of such total suspension or partial suspension, shall constitute "Unauthorized Overrun Gas". All Unauthorized Overrun Gas taken by customer shall be paid for by customer at the rate of \$10.00 per 1,000 cubic feet. The payment for Unauthorized Overrun Gas by customer shall not in any circumstance be considered as giving customer the right to take Unauthorized Overrun Gas.

Rules and Regulations

Service under this schedule shall be subject to the rules and orders of the Public Utilities Commission of the State of Colorado and the conditions of the contract for such service between company and customer not in conflict herewith.

DO NOT WRITE
IN THIS SPACEUnit of Measurement

The unit of measurement for billing shall be 1 cubic foot of gas at sixty degrees (60°) Fahrenheit and at an absolute pressure of 14.65 pounds per square inch. At the place of measurement the atmospheric pressure is assumed to be 13.0 pounds per square inch.

Advice Letter No.

Signature of Issuing Officer

Issue Date

Decision or
Authority No.

President

Effective Date

Title

Kansas-Nebraska Natural Gas Company, Inc.

APPENDIX A, Pg. 11 of 11

name of utility

4th Revised

Colo. PUC No. 4

Sheet No. 29

Cancels

3rd Revised

Sheet No. 29

(General Service Classification)

(Rate Title or Number)

Company
Rate
CodeAvailability

Available to The City of Julesburg for its power plant at Julesburg, Colorado, in accordance with the terms and conditions of the Interruptible Industrial Agreement between company and customer dated March 15, 1973.

IGS-3

RATE

Rate

First	50,000 cu. ft. per month, per 1,000 cu. ft.	89.2¢)
Next	50,000 cu. ft. per month, per 1,000 cu. ft.	72.7¢)
Next	200,000 cu. ft. per month, per 1,000 cu. ft.	61.7¢	) I
Next	9,700,000 cu. ft. per month, per 1,000 cu. ft.	52.2¢)
Excess over	10,000,000 cu. ft. per month, per 1,000 cu. ft.	50.2¢)

Annual Minimum

The minimum charge per contract year.

\$3,600

Unauthorized Overrun Gas

For all gas taken by customer during a period of total suspension, or in excess of permitted interruptible volume during a period of partial suspension. After four hours notice to customer of such total suspension or partial suspension, shall constitute "Unauthorized Overrun Gas". All Unauthorized Overrun Gas taken by customer shall be paid for by customer at the rate of \$10.00 per 1,000 cubic feet. The payment for Unauthorized Overrun Gas by customer shall not in any circumstance be considered as giving customer the right to take Unauthorized Overrun Gas.

Rules and Regulations

Service under this schedule shall be subject to the rules and orders of the Public Utilities Commission of the State of Colorado and the conditions of the contract for such service between company and customer not in conflict herewith.

DO NOT WRITE
IN THIS SPACEUnit of Measurement

The unit of measurement for billing shall be 1 cubic foot of gas at sixty degrees (60°) Fahrenheit and at an absolute pressure of 14.65 pounds per square inch. At the place of measurement the atmospheric pressure is assumed to be 13.0 pounds per square inch.

Advice Letter No. _____

Signature of Issuing Officer

Issue Date _____

Decision or

Authority No. _____

President

Effective Date _____

Title

(Decision No. 86083)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF PROPOSED TARIFF	)	I & S DOCKET NO. 907
REVISIONS FILED BY MOUNTAIN PARKS)	
ELECTRIC, INC., UNDER ADVICE LETTER	)	ORDER OF THE COMMISSION
NO. 50 AND 50-SUPPLEMENTAL	)	SUSPENDING TARIFFS AND
		NOTICE OF HEARING.

- - - - -
December 10, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 15, 1974, Mountain Parks Electric, Inc., Respondent, a public utility subject to the jurisdiction of this Commission, filed its Advice Letter No. 50, together with proposed tariff sheets. On November 21, 1974, Respondent filed its Supplemental Advice Letter No. 50, correcting proposed tariff sheets accompanying Advice Letter No. 50. The effective date of the proposed tariffs is December 15, 1974.

On its own motion, and pursuant to the provisions of 115-6-11, CRS 1963, as amended, the Commission states and finds that it should suspend the effective date of the proposed tariffs for one hundred twenty (120) days and institute a hearing to determine the facts of the matter and whether the proposed tariffs should be placed into effect.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The effective date of the proposed tariff revisions contained in Advice Letter No. 50 and 50-Supplemental, filed by Mountain Parks Electric, Inc., be, and the same hereby are, suspended for one hundred twenty (120) days from and after December 15, 1974, or until April 14, 1975, or until further order of the Commission.

2. The herein matter be, and hereby is, set for hearing as follows:

DATE: Wednesday, February 5, 1975

TIME: 9:00 A. M.

PLACE: District Court Room
Court House
Hot Sulphur Springs, Colorado

The testimony of public witnesses shall be the first order of business at such hearing.

3. Any person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before January 10, 1975.

4. At least thirty (30) days prior to the hearing on the herein matter, Respondent shall file with the Commission a copy of any and all exhibits it intends to present, together with a list of its witnesses and a detailed summary of their direct testimony, or if prepared testimony is to be used, a copy of same, and shall furnish copies of all such material to all parties including the Staff of the Commission.

5. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

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
JOSEPH P. PELCZAR AND FRANCIS A. MACH,
JR., DOING BUSINESS AS "VAIL-DENVER SKI
SHUTTLE," c/o TAYLOR'S, P.O. BOX 2786,
VAIL, COLORADO 81657, FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY TO
OPERATE AS A COMMON CARRIER BY MOTOR
VEHICLE FOR HIRE.

APPLICATION NO. 27960
ORDER GRANTING MOTION
TO INTERVENE AND PROTEST

December 10, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 22, 1974, Continental Bus System, Inc., and Continental Bus Systems, Inc. (Rocky Mountain Lines Division) filed with the Commission a Motion to Intervene and Protest in the above-captioned proceeding.

The Commission states and finds that Petitioners for Intervention, Continental Bus System, Inc., and Continental Systems, Inc. (Rocky Mountain Lines Division) are parties 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.

ORDER

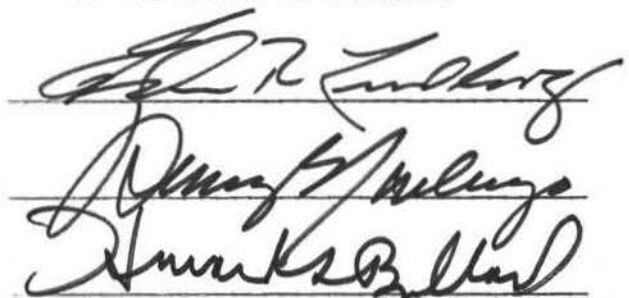
THE COMMISSION ORDERS THAT:

Continental Bus System, Inc., and Continental Bus Systems, Inc. (Rocky Mountain Lines Division) be, and hereby are, granted leave to intervene as requested in the Motion filed November 22, 1974.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
vjr

(Decision No. 86085)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF --
COLORADO PUC NO. 5 - TELEPHONE,
MOUNTAIN STATES TELEPHONE AND
TELEGRAPH COMPANY, UNDER ADVICE
LETTER NO. 1010.

INVESTIGATION AND SUSPENSION
DOCKET NO. 881

ORDER OF THE COMMISSION
EXTENDING PERIOD OF SUSPENSION

December 10, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 31, 1974, Mountain States Telephone and Telegraph Company, Respondent, filed with the Commission its Advice Letter No. 1010.

On August 20, 1974, by Decision No. 85563, the Commission suspended the within proposed tariffs for a period of one hundred twenty (120) days, or until December 28, 1974, or until further order of the Commission.

It presently appears that it may not be possible for a Commission decision to be rendered herein prior to the elapse of the suspension period. Therefore, on its own motion pursuant to 115-6-11(1), CRS 1963, as amended, the Commission finds that it should extend the period of suspension for a further period of ninety (90) days, or until March 28, 1975, or until further order of the Commission.

An appropriate Order shall be entered.

O R D E R

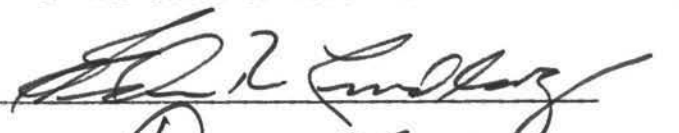
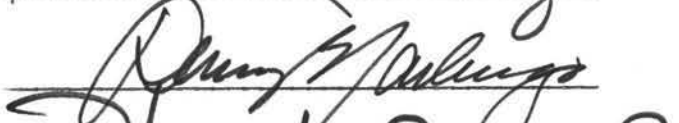

THE COMMISSION ORDERS THAT:

The effective date of the proposed tariff sheets filed by Respondent, Mountain States Telephone and Telegraph Company, on July 31, 1974, under Advice Letter No. 1010 be, and the same hereby is, further suspended for a period of ninety (90) days from December 28, 1974, or until March 28, 1975, or until further order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
vjr

(Decision No. 86086)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	}	APPLICATION NO. 27892-Extension
AIRPORT LIMOUSINE SERVICE, INC.,		
3455 RINGSBY COURT, DENVER, COLORADO,		
FOR AN EXTENSION OF AUTHORITY UNDER		
PUC NO. 2778 AND PUC NO. 2778-1.)	

December 10, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 15, 1974, by Decision No. 85825, Airport Limousine Service, Inc., was granted emergency temporary authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 2778 and PUC No. 2778-1.

On November 6, 1974, by Decision No. 85905, Airport Limousine Service, Inc., was granted temporary authority to extend operations under said certificate.

On December 5, 1974, Petitioner, Independent Drivers' Association of Denver, filed a pleading, the substance of which requests that the tariff filed by Airport Limousine Service, Inc., pursuant to the authority hereinabove stated be suspended and that Airport Limousine Service, Inc.'s temporary authority be suspended "until further hearing and correction of the information on file."

If said Petition is construed as a Petition for Rehearing, Reconsideration or Reargument of Decision No. 85905, or Decision No. 85825, the same was not timely filed. If said Petition is construed to be a complaint, the complaint or petition does not comply with the provisions of 115-6-8(1)(b), CRS 1963, as amended.

An appropriate Order will be entered.

O R D E R

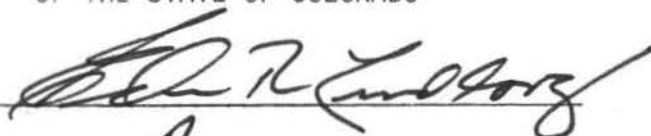
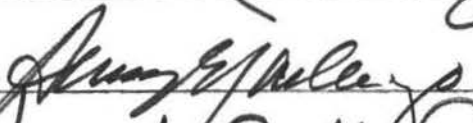
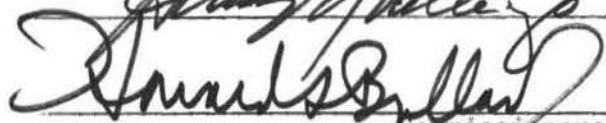
THE COMMISSION ORDERS THAT:

1. The pleading filed on December 5, 1974, by Independent Drivers' Association of Denver be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
vjr

(Decision No. 86087)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: CONSOLIDATION OF TARIFF ITEMS)	INVESTIGATION AND SUSPENSION
BY SCA SERVICES OF COLORADO, INC.,)	DOCKET NO. 895
RESULTING IN INCREASED RATES AND)	
CHARGES IN MANY INSTANCES AND)	ORDER VACATING AND RESETTNG
DECREASES IN OTHERS.)	HEARING

- - - - -
December 10, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 22, 1974, in Decision No. 85880, the within matter was set for hearing on December 16, 1974. In said Decision, Respondent was ordered to file copies of its exhibits and a list of its witnesses, together with a detailed summary of their direct testimony, thirty (30) days prior to the hearing date.

On December 6, 1974, the Staff of the Commission filed a Motion to Vacate and Reset Hearing on the grounds that Respondent had failed to comply with the Order in Decision No. 85880 by not filing any exhibits, list of witnesses, or summary of testimony as of December 6, 1974, and that, therefore, the Staff was unable to analyze the proposed tariffs.

The Commission states and finds that the allegations of said Motion are true, that Respondent has not complied with the aforesaid Order of this Commission, and that the matter should be vacated and reset.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The hearing herein previously set for December 16, 1974, be, and hereby is, vacated and reset as follows:

Date: February 27, 1975

Time: 10:00 A.M.

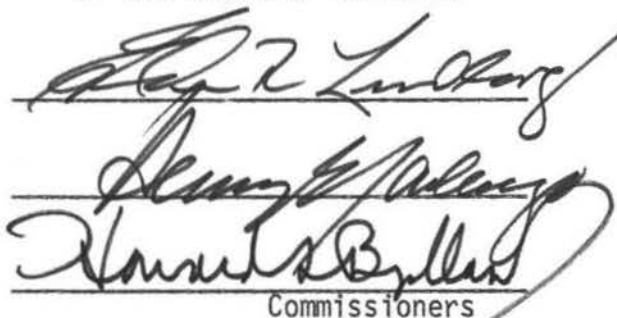
Place: 500 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

2. Thirty (30) days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case, together with a list of the witnesses it intends to call and a summary of their direct testimony.

3. This Order shall be effective herewith.

DONE IN OPEN MEETING this 10th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

(Decision No. 86088)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27985
GLOBE TRUCK LINES, INC., 2065)	
DELGANY STREET, DENVER, COLORADO,)	ORDER GRANTING LEAVE TO INTERVENE
FOR A CERTIFICATE OF PUBLIC CON-)	
VENIENCE AND NECESSITY.)	

December 17, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 9, 1974 Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association by its attorneys Alvin J. Meiklejohn, Jr. and Kenneth R. Hoffman, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

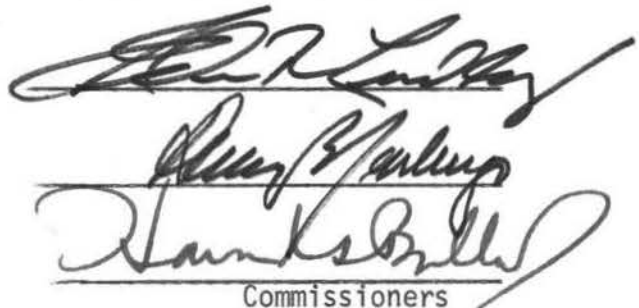
THE COMMISSION ORDERS THAT:

Regular Route Common Carrier Conference of the Colorado Motor Carriers' Association be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

(Decision No. 86089)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27933
ASPEN LIMOUSINE SERVICE, INC., P. O.)	
BOX 8470, ASPEN, COLORADO, FOR A)	ORDER GRANTING
CERTIFICATE OF PUBLIC CONVENIENCE)	WITHDRAWAL OF APPLICATION
AND NECESSITY.)	

December 17, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 10, 1974 Applicant Aspen Limousine Service, Inc. filed with the Commission a letter requesting that the Commission grant withdrawal of the above-captioned application.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

O R D E R

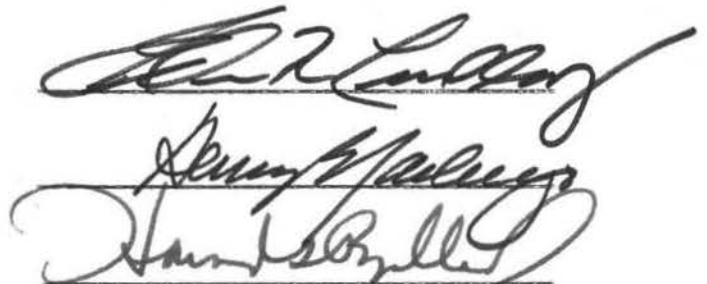
THE COMMISSION ORDERS THAT:

Aspen Limousine Service, Inc. be, and hereby is, granted permission to withdraw the above-captioned application, and the application is dismissed without prejudice.

This order shall be effective forthwith.

DONE IN OPEN MEETING THE 17th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION TO)	
TRANSFER PERMIT NO. A-837 FROM THE)	
ESTATE OF GERALD M. GISI, DECEASED,)	
a/k/a G. M. GISI AND MARY E. GISI,	)	APPLICATION NO. 27692-
INDIVIDUALLY AND AS EXECUTRIX OF THE	)	PP-Transfer
ESTATE, DOING BUSINESS AS "GISI TRUCK)	
LINE," 205 EAST 1ST AVENUE, YUMA,)	
COLORADO, TO HIGH PLAINS TRUCKING,)	
INC., 119 SOUTH MAIN, YUMA, COLORADO.)	
IN THE MATTER OF THE APPLICATION TO)	
TRANSFER PUC NO. 776 FROM MARTIN	)	APPLICATION NO. 27778-
WILSHUSEN, YUMA, COLORADO, TO HIGH	)	Transfer
PLAINS TRUCKING, INC., 119 SOUTH)	
MAIN, YUMA, COLORADO.)	
IN THE MATTER OF THE APPLICATION TO)	
TRANSFER PUC NO. 1461 AND PUC NO.)	
1461-I FROM MARTIN WILSHUSEN, YUMA,	)	APPLICATION NO. 27779-
COLORADO, TO HIGH PLAINS TRUCKING,	)	Transfer
INC., 119 SOUTH MAIN, YUMA,)	
COLORADO.)	

RECOMMENDED DECISION OF
THOMAS M. McCaffrey,
EXAMINER, GRANTING
APPLICATIONS

- - - - -
December 11, 1974
- - - - -

Appearances: Richard W. Breithaupt, Esq.,
Denver, Colorado, for
Martin Wilshusen, Transferor,
and High Plains Trucking, Inc.,
Transferee;
Susan E. Ayer and John P. Thompson,
Esqs., Denver, Colorado, for
the Estate of Gerald M. Gisi,
Deceased, Transferor;
Joseph F. Nigro, Esq., Denver,
Colorado, for Yuma County
Transportation Company,
Protestant;
Kenneth Hoffman, Esq., Denver,
Colorado, for North Eastern
Motor Freight, Inc., Protestant.

PROCEDURE AND RECORD

On June 14, 1974, Applicants filed an application for authority to transfer Permit No. A-837 from the Estate of Gerald M. Gisi, Deceased, to High Plains Trucking, Inc. The Commission assigned Docket No. 27692-

PP-Transfer to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended. On August 2, 1974, Frederic A. Bethke, doing business as "Bethke Truck Line," North Eastern Motor Freight, Inc., and Yuma County Transportation Company, filed their protests to the granting of the application.

On August 9, 1974, two additional applications were filed for authority to transfer PUC No. 776 from Martin Wilshusen to High Plains Trucking, Inc., and to transfer PUC No. 1461 and PUC No. 1461-I from Martin Wilshusen to High Plains Trucking, Inc. The Commission assigned Docket Nos. 27778-Transfer and 27779-Transfer to the respective applications and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended. On August 30, 1974, Yuma County Transportation Company filed its protests to the granting of these applications.

The parties in Application No. 27692-PP-Transfer on August 9, 1974, requested temporary authority, and the Commission in Decision No. 85640, issued September 10, 1974, granted said authority. Temporary authority was also requested in Application Nos. 27778-Transfer and 27779-Transfer, and the Commission in Decision Nos. 85642 and 85641, respectively, both issued September 10, 1974, granted such temporary authority.

Protestant Yuma County Transportation Company on September 13, 1974, filed a Motion to Consolidate the three applications, and the Commission in Decision No. 85732, issued September 24, 1974, granted said Motion, consolidating the applications for hearing and determination.

After due and proper notice to all interested persons, firms, or corporations, the Commission set the applications for hearing to be held in the Columbine Room, Farmers State Bank, 123 East Kiowa Avenue, Fort Morgan, Colorado, on Friday, November 1, 1974, at 10 a.m. The applications were heard at the scheduled time and place by Thomas M. McCaffrey, Examiner, to whom the applications had been duly assigned.

Exhibits 1 through 21, inclusive, were tendered and admitted into evidence. Official notice was taken of all items filed with and attached to the respective applications.

At the conclusions 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, conclusions, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Transferor in Application No. 27692-PP-Transfer is the Estate of Gerald M. Gisi, also known as G. M. Gisi and Mary E. Gisi, individually and as Executrix of the Estate. Probate of the said estate is presently pending before the District Court of Yuma County, Colorado, Docket No. P-716.

2. Transferor in Application Nos. 27778-Transfer and 27779-Transfer is an individual, Martin Wilshusen, residing in Yuma, Colorado.

3. Transferee in all three subject applications is High Plains Trucking, Inc., 119 South Main, Yuma, Colorado, a Colorado corporation. Its officers are Ray H. Luikens, President; Alan H. Seedorf, Vice-President; and David L. Frank, Secretary-Treasurer.

4. Permit No. A-837, sought to be transferred in Application No. 27692-PP-Transfer is presently held in the name of G. M. Gisi Company and provides as follows:

"Transportation of freight in pickup and delivery service from and to points within a five-mile radius of Denver, provided all pickup of freight shall be destined to points on the line of applicant, and all deliveries shall originate along said line as authorized under his permit and between Denver and the Colorado-Nebraska line, and all intermediate points via U. S. Highway No. 85, U. S. Highway No. 34, and U. S. Highway No. 6, provided that no service shall be rendered on U. S. Highway No. 6 between Denver and Wiggins, which shall be an alternate route only."

Certificate of Public Convenience and Necessity PUC No. 776, Certificate of Public Convenience and Necessity PUC No. 1461 and PUC No. 1461-I, also sought to be transferred in this proceeding, provide as follows:

PUC No. 776:

"Transportation of livestock, grain, farm machinery, and furniture, oil well equipment and supplies, lumber, posts and poles, between points within the following described area, viz: 9 miles east, 30 miles south, 5 miles west, and 22 miles north of Otis, Colorado, and between points in said area and all other points in the State of Colorado, excepting no transportation of any commodity except livestock, lumber, posts and poles, oil well equipment and supplies be authorized between points within said area and Denver; transportation of plaster from Loveland, and cement from La Porte, Colorado, to points within the above-described area; transportation of livestock between points within the following described area: 15 miles north, 15 miles south, 5 miles west, and the State line on the east of Wray, Colorado, and between points in said area and all other points in the State without the right to transport livestock from the Sales Pavilion at Yuma, Colorado."

PUC NO. 1461 AND PUC NO. 1461-I:

"UNDER: Decision No. 18895

Transportation of farm products, including livestock, farm supplies, equipment and used HH goods, and cement and plaster into, out of and between points within a 25-mile radius of Yuma and from said area to and from other points in the State of Colorado in irregular service, upon call and demand, save and except that no freight shall be picked up west of the east

boundary line of Washington County except for delivery to that portion of said 25-mile radius of Yuma situated east of said Washington County boundary line. Applicant is also granted the authority to distribute from Yuma freight and express from railroad cars to points within said distribution district; PROVIDED, that the authority granted shall not permit any town to town movement of freight in competition with any line haul common carrier except in the transportation of livestock and farm products in bulk.

Decision No. 14010

Transportation of same commodities listed above to the added territory extended to a point 4 miles west of the east Washington County line, subject to the same restrictions above except the restriction on picking up freight within that part of the 25-mile area lying within his western boundary line as extended. INTERSTATE AUTHORITY ISSUED 11/7/61: Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

These Certificates have been continually operated in the past and are in good standing with the Commission.

5. Transferee High Plains Trucking, Inc., holds no authority from this Commission other than the temporary authorities granted on the respective instant applications.

6. Yuma County Transportation, Protestant to the granting of authority to transfer Permit No. A-837, is owner and operator of Certificate of Public Convenience and Necessity PUC No. 2642 and PUC No. 2642-I, providing as follows:

Transportation of

Freight

Between Akron and Sterling and intermediate points;

Between Sterling, Otis, Yuma, Eckley, Wray, and intermediate points;

From Akron to Denver, and from Denver to Akron, but not between any intermediate points;

Between Denver, Colorado, and Wray, Colorado;

Between Denver, Sterling, Akron and Wray, Colorado, and the Colorado-Nebraska State Line where State Highway #54, east of Wray crosses the same, and between intermediate points and said line in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935;

In intrastate commerce between the City of Denver, Colorado, and the Towns of Otis, Yuma and Eckley, and between Brush, Colorado, and all points east thereof on U.S.#34 (which is through Akron and Wray).

Yuma County Transportation Company also is owner and operator of Certificate of Public Convenience and Necessity PUC No. 1066 and PUC No. 1066-I, which authority is not pertinent to this proceeding.

7. North Eastern Motor Freight, Inc., which protests the transfer of Permit No. A-837 in Application No. 27692-PP-Transfer, is owner and operator of Certificate of Public Convenience and Necessity PUC No. 374 and PUC No. 374-I, which authorities generally conflict with the contract authority in Permit No. A-837.

Protestant Frederic A. Bethke, doing business as "Bethke Truck Line," introduced no evidence in this proceeding, and the provisions of his authority are thus not of record.

8. Mary E. Gisi, widow of Gerald M. Gisi, owner and operator of Permit No. A-837 who died on December 2, 1973, did not participate in the operation of the Gisi Truck Line prior to Mr. Gisi's death. Being completely unfamiliar with the operation of the business, Mrs. Gisi, after her husband's death, hired Mr. Dave Frank, now officer in the Transferee corporation, to service the accounts. Since she is now and will in the future be unable to continue operation under the Permit, Mrs. Gisi, individually and as Executrix of her husband's estate and as duly authorized by the Court, did on May 10, 1974, enter into an Agreement to sell the subject Permit. Subsequent to that date, on or about June 17, 1974, Mrs. Gisi did enter into an oral agreement with Dave Frank whereby he agreed to operate the Permit until such time authority to transfer the Permit could be obtained from this Commission. While such an arrangement with Mr. Frank may have been technically in violation of the Commission's rules and regulations, such an agreement was necessary to continue operations, since Mrs. Gisi had neither experience nor knowledge to do so. Such management agreement was not of such consequence so as to prohibit the transfer of the authority as sought in this proceeding.

9. Protestant Yuma County Transportation Company, in protesting all three applications, contends, inter alia, that Transferor Gisi has not in the past operated Permit No. A-837 to the extent authorized under the Permit, rendering little or no service to any area northeast of Brush to the Nebraska-Colorado state line; that because of such restriction of service under the Permit, Yuma County Transportation Company has been compelled to acquire and dedicate to the public use large amounts of equipment and facilities; that, because of such limited service, the present owners of the authority are estopped from rendering any service on a broader scale than was done previously; and that such past failure to conduct operations in all the authorized area constitutes abandonment of the areas where service was not rendered.

Protestant North Eastern Motor Freight also alleges that the Permit is dormant.

Substantial evidence in this proceeding shows that services rendered under the subject Permit from July 1, 1973, to September 30, 1974, were confined to points of origin and/or destination of Akron, Aurora, Commerce City, Denver, Eckley, Englewood, Fort Morgan, Greeley, Haxtun, Henderson, Lakewood, Littleton, Otis, Schram, Thornton, Wheat Ridge, Wray, and Yuma. Evidence further shows that operations have not in the recent past been conducted in the northeastern portion of the authorized area. There is, however, no substantial evidence to indicate that the Transferee ever intentionally abandoned or refused to serve any part of the authorized area, and the mere fact that the owner of contract authority from this Commission does not at all times render service within its entire authorized area is insufficient to show dormancy and/or abandonment. It is thus hereby

found as fact that Permit No. A-837 is not dormant and/or abandoned, has been continually operated in the past, and is in good standing with this Commission.

The doctrine of equitable estoppel is not applicable to the facts of this case. Dorothy Hickman, President, sole owner, and operator of Yuma County Transportation Company since 1958, has at all times been familiar with the terms and provisions of Permit No. A-837, and thus has known the authorized area encompassed in the Permit. This Protestant contends, that in reliance upon the fact that Mr. Gisi was not rendering service within the entire authorized area, it did purchase certain equipment and facilities to conduct operations in the area not being served by Mr. Gisi. Such reliance was not justified and reasonable. Mr. Gisi could not, under the rules and regulations of this Commission, advertise or solicit business, and it is certainly possible that there would be no request for his contract carrier services for a period of time within any given area of his authority. Mrs. Hickman knew that the subject Permit did authorize service within the subject area, and this Protestant was aware that Mr. Gisi could at any time render service within the area or, as is requested in this proceeding, transfer the Permit to another person or firm for operation in any or all of the authorized territorial area.

10. A primary concern of both Yuma County Transportation Company and North Eastern Motor Freight, Inc., is that if Permit No. A-837 is transferred to Transferee High Plains Trucking, Inc., this firm will conduct operations under the Permit similar to or the same as a common carrier, thus placing the Transferee in direct competition with these common carrier Protestants. The evidence does indicate that Transferee High Plains Trucking, Inc., has advertised and solicited business for all types of hauling, stating in certain advertisements that the Transferee corporation is formerly the Gisi Truck Line. The types of advertising are shown in Exhibits 12, 13, and 14. An advertisement published in the Yuma Pioneer newspaper as recently as October 24, 1974 (Exhibit No. 13), states that Transferee is engaged in "all types hauling," and it clearly appears that such advertising, since the two common carrier authorities presently owned by Mr. Wilshusen and sought to be transferred herein contain specific commodities, not general commodities, Transferee High Plains Trucking, Inc., has included the commodity provisions of the contract permit authority in soliciting business. Transferee, its officers and employees, are now aware that Permit No. A-837 must be operated separate and apart from the common carrier authorities, and thus cannot be used to advertise or solicit business for the Transferee firm. Protestant Yuma County Transportation Company has no objection to the proposed transfer of the subject Permit, so long as it is operated solely as a true contract authority, with no advertising, solicitation, or any attempt to tack, interline with, or operate the Permit in conjunction with or complementary to the common carrier authorities sought to be transferred herein.

As indicated above, Transferee has apparently been somewhat confused as to the operation of the respective authorities sought to be transferred herein, but such confusion has now hopefully been clarified. Transferee will not tack, interline, or operate the contract permit in conjunction with or complementary to the common carrier authorities, and any attempt to do so will result in appropriate action by this Commission, including possible revocation and cancellation of the authorities.

11. There appears to be some slight overlap and duplication between Certificates of Public Convenience and Necessity PUC No. 776 and PUC No. 1461 and PUC No. 1461-I. Such overlap or duplication cannot be eliminated in this proceeding, and it would be advisable for Transferee to initiate the proper proceeding to clarify these authorities.

12. The contract, dated May 10, 1974, for the sale of Permit No. A-837 is between and among the Estate of Gerald M. Gisi and Mary E. Gisi, individually and as Executrix of the Estate, sellers, and Alan Seedorf, R. H. Luikens, Ward Marshall, Raymond Neislanik, Bernard Blach, and Lawrence Meis, all of whom are stockholders in the Transferee corporation and have assigned all rights under the contract to the said corporation. The purchase price to be paid for the said Permit is \$25,000, which price is to include all contracts, assets, trucks, and personal property presently used in the operation of the authority. There are no encumbrances on the Permit, and it is found as fact that the purchase price to be paid is just and reasonable.

13. Transferor Martin Wilshusen is selling his common carrier Certificates because of the recent death of his son, who as assisting in the operation of his transportation service, Mr. Wilshusen's health and age dictate that he can no longer properly handle the business, and on June 30, 1974, he entered into a contract with the Transferee for sale of these Certificates. The purchase price to be paid for both Certificates is \$50,000, payable as follows: \$10,000 down payment already paid; the balance of \$40,000 evidenced by a promissory note payable in monthly amortized installments of \$495.96 for ten years at eight and one-half percent interest per annum, said promissory note to be guaranteed by the present individual stockholders of the Transferee corporation, who are all prominent Yuma businessmen. The \$50,000 purchase price is to include all trucks, trailers, tractors, and rolling stock presently owned by Martin Wilshusen and his wife, Martha Wilshusen, with no known encumbrances on the Certificates. The stated purchase price is just and reasonable.

14. Transferee High Plains Trucking, Inc.'s, operations under the temporary authority granted by this Commission have been supervised primarily by Dave L. Frank. Mr. Frank, since assuming his duties, has hired experienced truck drivers, and all operations have been conducted promptly and satisfactorily. Mr. Frank will continue in a management capacity with the company. Transferee corporation, its officers and employees, have ample and sufficient experience for operation of the authorities sought to be transferred in this proceeding.

15. Transferee High Plains Trucking, Inc., as of September 30, 1974, had assets of \$16,304, with liabilities of \$27,643, for a negative net worth of \$11,339. After the subject authorities have been transferred to High Plains, total assets, including the property, equipment, and value of the Permit and Certificates, will be \$124,219, and total liabilities, including the promissory note to be executed in favor of Transferor Wilshusen, will be \$95,216. As indicated above, the stockholders in the Transferee corporation are all substantial businessmen in Yuma, and these persons will purchase additional stock and arrange for any financing that may be necessary. It is found as fact that the Transferee has sufficient money available to it for the operation of the authorities to be transferred in this proceeding.

16. Transferee has sufficient and suitable equipment, most of which is to be purchased from the Transferors, for the operation of the authorities sought to be transferred.

17. If these transfers are approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

18. Evidence indicates that the officers and employees of the Transferee corporation have in the past been uncertain and confused as to the Transferee's rights and obligations as set forth in the rules and regulations of this Commission and the laws of the State of Colorado. Substantial

evidence does indicate, however, that the Transferee, its chief officers and employees, now have a sufficient working knowledge of the said rules, regulations, and state laws, and will in the future become thoroughly familiar with these standards, for the operation of the authorities sought to be transferred.

19. The granting of these applications will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. This Commission has jurisdiction over the Transferors, the Transferee, and the subject matter of this proceeding.

2. The transfers sought by Applicants in these applications should be granted as hereinafter set forth.

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 Estate of G. M. Gisi, Deceased, and Mary E. Gisi, individually and as Executrix of the Estate, doing business of "Gisi Truck Line," 205 East 1st Avenue, Yuma, Colorado, be, and hereby are, authorized to transfer all right, title, and interest in and to Permit No. A-837 to High Plains Trucking, Inc., 119 South Main, Yuma, Colorado, subject to encumbrances, if any.

2. Martin Wilshusen, Yuma, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 776 to High Plains Trucking, Inc., 119 South Main, Yuma, Colorado, subject to encumbrances, if any.

3. Martin Wilshusen, Yuma, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificates of Public Convenience and Necessity PUC No. 1461 and PUC No. 1461-I to High Plains Trucking, Inc., 119 South Main, Yuma, Colorado, subject to encumbrances, if any.

4. Henceforth the full and complete authority under Permit No. A-837 shall read and be as follows, to-wit:

"Transportation of freight in pickup and delivery service from and to points within a five-mile radius of Denver, provided all pickup of freight shall be destined to points on the line of applicant, and all deliveries shall originate along said line as authorized under his permit and between Denver and the Colorado-Nebraska line, and all intermediate points via U.S. Highway No. 85, U.S. Highway No. 34, and U.S. Highway No. 6, provided that no service shall be rendered on U.S. Highway No. 6 between Denver and Wiggins, which shall be an alternate route only."

5. Henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 776 shall read and be as follows, to-wit:

"Transportation of livestock, grain, farm machinery, and furniture, oil well equipment and supplies, lumber, posts and poles, between points within the following describe area, viz.: 9 miles east, 30 miles south, 5 miles west, and 22 miles north of Otis, Colorado, and between points in said area and all other points in the State of Colorado, excepting no transportation of any commodity except livestock, lumber, posts and poles, oil well equipment and supplies be authorized between points within said area and Denver;

transportation of plaster from Loveland, and cement from La Porte, Colorado, to points within the above-described area;

transportation of livestock between points within the following described area: 15 miles north, 15 miles south, 5 miles west, and the State line on the east of Wray, Colorado, and between points in said area and all other points in the State, without the right to transport livestock from the Sales Pavilion at Yuma, Colorado."

6. Henceforth the full and complete authority under Certificates of Public Convenience and Necessity PUC No. 1461 and PUC No. 1461-I shall read and be as follows, to-wit:

"UNDER: Decision No. 18895

Transportation of farm products, including livestock, farm supplies, equipment and used HH goods, and cement and plaster into, out of and between points within a 25-mile radius of Yuma and from said area to and from other points in the State of Colorado in irregular service, upon call and demand, save and except that no freight shall be picked up west of the east boundary line of Washington County except for delivery to that portion of said 25-mile radius of Yuma situated east of said Washington County boundary line. Applicant is also granted the authority to distribute from Yuma freight and express from railroad cars to points within said distribution district; PROVIDED, that the authority granted shall not permit any town to town movement of freight in competition with any line haul common carrier except in the transportation of livestock and farm products in bulk.

Decision No. 14010

Transportation of same commodities listed above to the added territory extended to a point 4 miles west of the east Washington County line, subject to the same restrictions above except the restriction on picking up freight within that part of the 25-mile area lying within his western boundary line as extended. INTERSTATE AUTHORITY ISSUED 11/7/61: Between all points in Colorado

and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

7. The transfer of the foregoing authorities shall become effective only if and when, but not before, the Transferors and Transferee, in writing, have advised the Commission that the said Permit and Certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or any of them, kept and performed; failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order, shall automatically revoke the authorities herein granted to make the transfers, without further Order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

8. The contract carrier rates and the common carrier rates, rules, and regulations of the respective Transferors shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

9. The right of Transferee to operate under this Order shall depend upon a prior filing of an annual report by the respective Transferors herein, covering the operations of the aforesaid Permit and Certificates up to the time of transfer of said Permit and Certificates.

10. 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.

11. 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
vjr/rw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27612-Transfer
ROCKY MOUNTAIN MOBILE HOME TOWING)	
SERVICE, INC., AURORA, COLORADO, FOR)	RECOMMENDED DECISION OF
AUTHORITY TO TRANSFER PUC NO. 3016)	ROBERT E. TEMMER, EXAMINER
TO BARRETT MOBILE HOME TRANSPORT,)	
INC.)	GRANTING APPLICATION

- - - - -
December 12, 1974
- - - - -

Appearances: Harold D. Torgan, Esq.,
Denver, Colorado, for
Applicant Rocky Mountain
Mobile Home Towing Service,
Inc.;
John P. Thompson, Esq.,
Denver, Colorado, and
Susan E. Ayer, Esq.,
Denver, Colorado, for
Applicant Barrett Mobile
Home Transport, Inc.;
Charles J. Kimball, Esq.,
Denver, Colorado, for
Protestant National Trailer
Convoy, Inc.;
Mark J. Rubald, Esq.,
Denver, Colorado, for
Protestant Chandler Trailer
Convoy, Inc.

PROCEDURE AND RECORD

On May 17, 1974, Applicants Rocky Mountain Mobile Home Towing Service, Inc., hereinafter referred to as Transferor, and Barrett Mobile Home Transport, Inc., hereinafter referred to as Transferee, filed the above-entitled application with this Commission for authority to transfer Certificate of Public Convenience and Necessity PUC No. 3016, to operate as a common carrier by motor vehicle for hire, from Rocky Mountain Mobile Home Towing Service, Inc., to Barrett Mobile Home Transport, Inc.

The Commission assigned Docket No. 27612-Transfer to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended. On June 18, 1974, Protestant Chandler Trailer Convoy, Inc., filed its protest and petition to intervene. On June 20, 1974, Transferor and Transferee filed their Motion to Strike or to Reject the Protest and Motion to Intervene of Chandler Trailer Convoy, Inc. On June 25, 1974, the Commission entered its Decision No. 85249 denying the Motion to Strike or Reject, and granting Chandler Trailer Convoy, Inc., leave to intervene. On June 24, 1974, National Trailer Convoy, Inc., filed its protest.

The matter was originally set for hearing on August 30, 1974, after due and proper notice to all interested persons, firms, or corporations,

and was thereafter reset for hearing in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Wednesday, November 6, 1974, at 10 a.m. The hearing was held at the latter time and place by Robert E. Temmer, Examiner, to whom the matter had been duly assigned.

Exhibits 1 through 19 were marked for identification, and Exhibits 1 through 18 were offered and received into evidence. Exhibit No. 19 was withdrawn. Testimony was received from Floyd M. Hulse, John C. Barrett, Edwin L. West, Ernest Porter, and Winston Chandler.

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 Robert E. Temmer 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. Transferor is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Transferor is the present owner and operator of Certificate of Public Convenience and Necessity PUC No. 3016, which is the subject of this proceeding, and which provides as follows:

"Transportation -- on call and demand -- of

- (1) Mobile homes and other types of trailers, designed to be drawn by passenger automobiles or tow trucks

Between all points within the State of Colorado.

- (2) Modular units and buildings, in sections, mounted on wheeled undercarriages or readily adaptable to be mounted on wheeled undercarriages

Between all points within the State of Colorado.

- (3) Camper tops and camper shells

Between all points within the State of Colorado.

RESTRICTIONS:

This Certificate is restricted as follows:

- (a) Against originating transportation service within the County of El Paso, State of Colorado.
- (b) Against transportation of structures which have been built on site in the conventional manner."

3. Transferee is a corporation organized and existing under the laws of Minnesota and is qualified to do business in the state of Colorado.

4. The Commission has jurisdiction over Transferor, Transferee, and the subject matter of this proceeding.

5. Transferee does not hold previously granted authority from this Commission; however, Transferee does hold authority from the Interstate Commerce Commission which allows Transferee to conduct interstate operations in the state of Colorado and elsewhere.

6. The Transferor and Transferee have entered into an agreement to transfer the operating authority, which is the subject of this proceeding. A copy of the Agreement was entered into evidence as Exhibit No. 3. The consideration for the transfer is \$40,000, and said consideration is fair and reasonable.

7. Certificate of Public Convenience and Necessity PUC No. 3016 is presently free and clear of any debts, encumbrances, or obligations. However, an encumbrance is to be placed upon the authority, which encumbrance should be approved by the Commission upon the filing of the proper documents. The encumbrance will be in the amount of \$30,000, and will be in accordance with the terms set forth in Exhibit No. 3.

8. Transferee owns sufficient equipment and will acquire additional equipment as required, has sufficient experience and net worth, all of which would be ample and suitable for operations of the authority sought to be transferred herein.

9. The chief corporate officers as well as the employees of Transferee are sufficiently familiar, or will make themselves sufficiently familiar, with the rules and regulations of this Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission, and have made or will make adequate provision for insurance.

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

11. Protestant Chandler Trailer Convoy, Inc., presented testimony and exhibits in an effort to establish that it had a prior contract with Transferor concerning PUC No. 3016. Protestant Chandler Trailer Convoy, Inc., does not currently have pending with this Commission an application for the transfer of Certificate of Public Convenience and Necessity PUC No. 3016. This Commission cannot order the sale of a certificate. Public Utilities Commission v. Home Light and Power, 163 Colo. 72, 428 P.2d 928 (1967).

12. Protestant Chandler Trailer Convoy, Inc., contends that this Commission should abate this proceeding pending the outcome of a certain suit now pending in the District Court in Colorado. That suit has been brought by Chandler to determine what rights, if any, it has in connection with the alleged contract between Chandler and Transferor. In Checker Cab Company, et al. v. Public Utilities Commission, et al., 165 Colo. 87, 437 P.2d 351 (1968), the Court said:

"We have reviewed the other authorities cited by Checker Cab. In all of them there was an issue pending decision on review in a court, the resolution of which would directly affect the outcome of the proceeding before the administrative tribunal. Such is not the case here. Unless such a result obtains, there is no reason to dismiss or abate the proceedings in the second case."

The outcome in the District Court of the suit between the parties as it regards contract rights cannot directly affect the outcome of the proceedings before this Commission. This Commission has exclusive jurisdiction to approve or disapprove the transfer of a certificate of public convenience. 115-9-6, CRS 1963, as amended. In the case of Hilst v. Bennett, 175 Colo. 128, 485 P.2d 880, 882 (1971), the Court said:

"Addressing ourselves first to the portion of the injunction against the Manager of Safety, we note that he did not appear in court, nor did he appear in this proceeding; he was therefore made an involuntary respondent. We hold that the Superior Court did not have by injunctive proceedings or any other court order, jurisdiction to interfere with the functions of the Manager of Safety in his capacity as the Denver Liquor Licensing Authority. The statutes give the liquor licensing authority the exclusive jurisdiction in the matter of issuing, transferring or revocation of a liquor license (CRS 1963, 75-2-9, et seq.). The license issued to the corporation is not transferable except upon order of the Manager after hearings as provided by law. His actions are subject to judicial review, but until he has exercised his authority, the courts do not have jurisdiction to interfere with the administrative authority vested in the Manager. (Citation omitted)"

Therefore, the District Court in Colorado does not have jurisdiction to interfere with this proceeding. See also Public Utilities Commission v. Colorado Title and Trust Company, et al., 65 Colo. 472, 178 P. 6 (1918); and Lane v. Public Utilities Commission, et al., 152 Colo. 335, 381 P.2d 818 (1963) where the Court said:

"No declaratory relief should be granted where the purpose is to effect proceedings which may be taken before a public board which has full power to act in the matter."

Furthermore, if this Commission proceeds in this application to approve the transfer, it will not be illegally or unconstitutionally interfering with any contract rights that Protestant Chandler Trailer Convoy, Inc., may possibly have, as any such contract must of necessity have been entered into in contemplation of the requirements of the Public Utilities Commission and knowing that the Public Utilities Commission would have authority to deny approval of any such contract. See Ohio & Colorado Smelting & Refining Company v. Public Utilities Commission, et al., 68 Colo. 137, 187 P.1082 (1920); and Rumney v. Public Utilities Commission, 172 Colo. 314, 472 P.2d 149 (1970), where the Supreme Court said:

"It was not error for the Commission to fail to consider the district court action. It was not a party to it nor bound by it. No authority

to operate under a PUC permit can be transferred without order of the Commission. (Rule 6, 'Rules and Regulations Governing Private Carriers by Motor Vehicle,' supra). Jorgensen is presumed to have known this fact from the time that he obtained the option to purchase the authority."

13. Protestant National Trailer Convoy, Inc., contends that granting the application for transfer would adversely effect its interests since the Transferee would probably be a more aggressive competitor. The evidence does not establish that Certificate of Public Convenience and Necessity PUC No. 3016 is dormant, and no reason appears for the denial of the transfer.

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

CONCLUSIONS ON FINDINGS OF FACT

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

1. The transfer sought by Applicants should be granted as herein-after set forth.

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. Rocky Mountain Mobile Home Towing Service, Inc., 2202 Tower Road, Aurora, Colorado 80011, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 3016 to Barrett Mobile Home Transport, Inc., 1825 Main Avenue, P. O. Box 919, Moorhead, Minnesota 56560, subject to encumbrances, if any, against said authority.

2. Henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3016 shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

- (1) Mobile homes and other types of trailers, designed to be drawn by passenger automobiles or tow trucks

Between all points within the State of Colorado.

- (2) Modular units and buildings, in sections, mounted on wheeled undercarriages or readily adaptable to be mounted on wheeled undercarriages

Between all points within the State of Colorado.

- (3) Camper tops and camper shells

Between all points within the State of Colorado.

RESTRICTIONS:

This Certificate is restricted as follows:

- (a) Against originating transportation service within the County of El Paso, State of Colorado.
- (b) Against transportation of structures which have been built on site in the conventional manner.

3. The encumbrance to be placed upon the authority be, and hereby is, approved upon the filing of the proper documents.

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

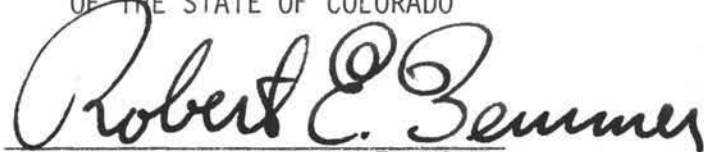
5. The common carrier rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 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

nlr

jp

(Decision No. 86092)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
D & D DISTRIBUTING, INC., 3650 EAST
50TH AVENUE, DENVER, COLORADO, FOR
A CLASS "B" PERMIT TO OPERATE AS A
CONTRACT CARRIER BY MOTOR VEHICLE
FOR HIRE.

APPLICATION NO. 27744-PP

ORDER OF THOMAS M. McCAFFREY,
EXAMINER, CONTINUING HEARING

December 12, 1974

Appearances: Jules Ornstein, Esq.,
Denver, Colorado,
for Applicant;
Thomas J. Burke, Jr.,
Esq., Denver, Colorado,
for Bowers Transfer &
Storage Co., Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

Pursuant to notice, the above-titled application was called for hearing on Tuesday, December 3, 1974, at 10 a.m. in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado.

As a preliminary matter, Applicant moved to withdraw paragraph 1(b) of the application and submitted to the Examiner a written Petition of Withdrawal. Counsel for Applicant stated that all of the Protestants of record represented by Attorney Joseph F. Nigro had agreed, upon Applicant's withdrawal of the said paragraph 1(b) of the application, and the acceptance thereof by the Commission, all of their respective protests to the remainder of the application are withdrawn with Mr. Nigro to remain of record to receive copies of all items issued in this proceeding. The requested withdrawal of paragraph 1(b) of the application, clearly restricting and diminishing the authority requested in this application, was granted by the Examiner, and upon such granting, Protestant Bowers Transfer & Storage Co. also withdrew its protest. Applicant then orally moved for a continuance of the hearing or, in the alternative, to handle the remaining portion of the application under Modified Procedure, stating as the basis for said motion the inability of an authorized representative of the proposed customer, Fuller Brush Company, to be present at the hearing.

Although this application, as amended by the withdrawal of paragraph 1(b) is now uncontested, the Examiner finds that, in keeping with the policies and practices of this Commission, that hearing should be held on the remaining portion of the application, and Applicant's Motion for Continuance, for good cause shown, should be granted. With concurrence of Applicant's counsel, this application is to be reset for hearing on Monday,

December 23, 1974, at 10 a.m. in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado.


O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 27744-PP, being the application of D & D Distributing, Inc., 3650 East 50th Avenue, Denver, Colorado, for a Class "B" permit to operate as a contract carrier by motor vehicle for hire, be, and hereby is, continued for hearing on Monday, December 23, 1974, at 10 a.m. in the Hearing Room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time Applicant shall appear and present evidence in support of its application.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
YW

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ASPEN AIRPORT TRANSIT COMPANY, INC.,)
DOING BUSINESS AS "QUICKSILVER)
LIMOUSINE SERVICE," BOX 2751, ASPEN,)
COLORADO, FOR TEMPORARY APPROVAL TO)
CONDUCT OPERATIONS UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 8581, PENDING THE DETERMINA-)
TION OF THE APPLICATION FOR APPROVAL)
OF LEASE OF SAID CERTIFICATE.)

APPLICATION NO. 27989-Lease-TA
ORDER GRANTING TEMPORARY APPROVAL

December 17, 1974

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

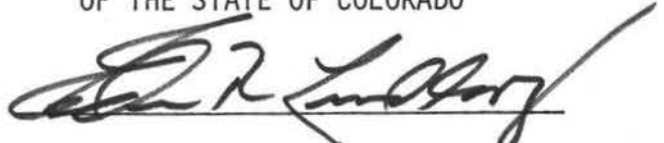
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Lessee be granted temporary approval for a period of 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.

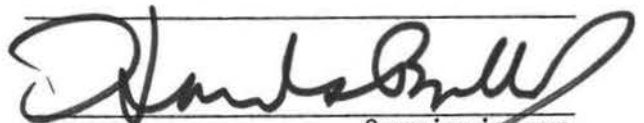
IT IS FURTHER ORDERED, That the Lessee shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 17th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners

(Decision No. 86094)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOARD OF COUNTY COMMISSIONERS OF)
PITKIN COUNTY, BOX 4096, ASPEN,)
COLORADO, FOR TEMPORARY APPROVAL TO)
CONDUCT OPERATIONS UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 8581, PENDING DETERMINATION)
OF THE APPLICATION TO ACQUIRE SAID)
CERTIFICATE.)

APPLICATION NO. 27988-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

December 17, 1974

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

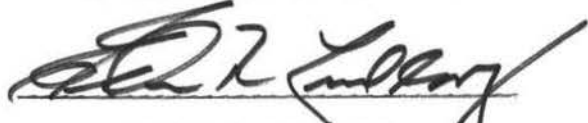
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

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.

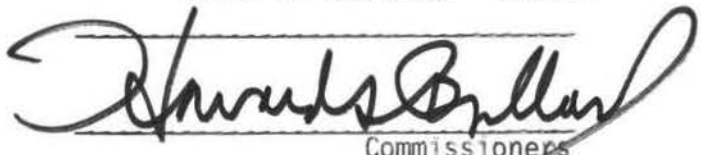
IT IS FURTHER ORDERED, That the Transferee(s) shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 17th day of December, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - AGENT


Commissioners