

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES)	INVESTIGATION AND SUSPENSION
AS PUBLISHED BY BRETT H. CROLEY,)	DOCKET NO. 1024
DBA "CROLEY TRUCK LINES," 1980)	
GRAPE AVENUE, BOULDER, COLORADO)	ORDER SETTING HEARING AND
80302, RESPONDENT HEREIN, SCHEDULED)	SUSPENDING INCREASED RATES
TO BECOME EFFECTIVE ON FEBRUARY 15,)	AND CHARGES
1976.)	

February 10, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 16, 1976, Brett H. Croley, d/b/a "Croley Truck Lines," Respondent herein, filed Supplement No. 2 to Tariff No. 4, Colorado PUC No. 4, scheduled to become effective on February 15, 1976. Said tariff supplement, if allowed to become effective, would have the effect of increasing all rates and charges in Tariff No. 4 by a minimum of 16.6 percent.

Review of the data submitted by Respondent herein in support of said increase indicates that Respondent failed to furnish to the Commission sufficient data to justify the increases, and that said increases may be in violation of law.

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

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff filing by Brett H. Croley, d/b/a "Croley Truck Lines."

2. That this Investigation and Suspension Docket No. 1024, be, and the same is hereby, set for hearing before the Commission on:

Date: April 30, 1976

Time: 10:00 AM

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

3. That Supplement No. 2 to Croley Truck Lines Tariff No. 4, Colorado PUC No. 4, be, and it hereby is, suspended for a period of 210 days or until September 12, 1976, unless otherwise ordered by the Commission.

4. 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.

5. That neither the tariff filing 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.



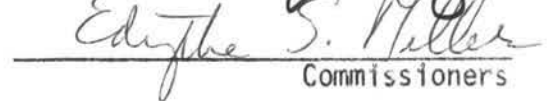
6. That a copy of this Order shall be filed with the tariff in the office of the Commission and that a copy hereof be served upon Brett H. Croley, Croley Truck Lines, 1980 Grape Avenue, Boulder, Colorado 80302, and that the necessary suspension supplement be posted and filed to the tariff.

7. 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.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
FOR AUTHORITY TO TRANSFER PUC NO.)
1820 FROM JAKE SCHLAGEL, JR., DOING)
BUSINESS AS "AURORA & EAST DENVER)
TRASH DISPOSAL", 447 OSWEGO STREET,)
AURORA, COLORADO, TO AURORA F & S)
SANITARY CARRIERS, INC., 11995 EAST)
14TH AVENUE, AURORA, COLORADO.)

APPLICATION NO. 28751-Transfer

IN THE MATTER OF THE APPLICATION OF
JAKE SCHLAGEL, JR., DOING BUSINESS
AS "AURORA & EAST DENVER TRASH
DISPOSAL", 447 OSWEGO STREET,
AURORA, COLORADO, FOR AUTHORITY TO
LEASE PUC NO. 3517 TO JAKE SCHLAGEL,
JR., INC., DOING BUSINESS AS "AURORA
& EAST DENVER TRASH DISPOSAL", 447
OSWEGO STREET, AURORA, COLORADO.

APPLICATION NO. 28772-Lease

IN THE MATTER OF THE APPLICATION OF
JAKE SCHLAGEL, JR., DOING BUSINESS
AS "AURORA & EAST DENVER TRASH
DISPOSAL", 447 OSWEGO STREET,
AURORA, COLORADO, FOR AUTHORITY TO
LEASE PUC NO. 1823 TO JAKE SCHLAGEL,
JR., INC., DOING BUSINESS AS "AURORA
& EAST DENVER TRASH DISPOSAL", 447
OSWEGO STREET, AURORA, COLORADO.

APPLICATION NO. 28773-Lease

IN THE MATTER OF THE APPLICATION OF
JAKE SCHLAGEL, JR., DOING BUSINESS
AS "AURORA & EAST DENVER TRASH
DISPOSAL", 447 OSWEGO STREET, AURORA,
COLORADO, FOR A CERTIFICATE OF PUB-
LIC CONVENIENCE AND NECESSITY AUTH-
ORIZING CLARIFICATION AND/OR INTER-
PRETATION AND/OR EXTENSION OF PUC
NO. 1823.

APPLICATION NO. 28774 -
Clarification and/or Interpretation
and/or Extension

ORDER GRANTING MOTIONS
TO WITHDRAW AS COUNSEL

February 17, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 10, 1976, William Andrew Wilson, Attorney, filed his Motions to Withdraw as Counsel for Protestant, United States Disposal Systems, Inc., in the above-captioned matters.

The Commission states and finds that the aforesaid Counsel has stated sufficient grounds for withdrawal from these matters, and said Motions should be granted.

An appropriate order will be entered.

O R D E R

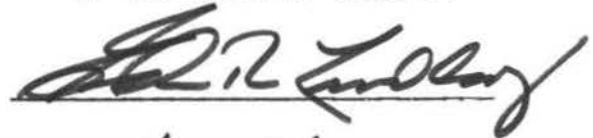
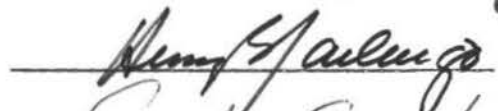

THE COMMISSION ORDERS THAT:

William Andrew Wilson, Attorney, be, and hereby is, permitted to withdraw as Counsel for Protestant, United States Disposal Systems, Inc., in the above-captioned matters.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	TARIFF CASE NOS. TF-52
OPERATIONS OF RESPONDENT CARRIERS'	)	THROUGH AND INCLUDING TF-58
FAILURE TO FILE TARIFFS WITH THE)	
COMMISSION.	)	SUPPLEMENTAL ORDER

February 10, 1976

Appearances: Harry Eastlund, Denver, Colorado,
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 5, 1976, Examiner Robert L. Pyle entered his Recommended Decision No. 88012 in the above-captioned matter.

It now appears that the Examiner through inadvertence omitted the phrase "unless the required tariff is filed within twenty days of the date hereof" as a condition to the revocation in ordering paragraph 1 of said Recommended Decision.

In view of the above and foregoing, the Commission states and finds that Recommended Decision No. 88012 should be amended as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 88012 be, and hereby is, amended, nunc pro tunc, as of January 5, 1976, by striking therefrom the first paragraph of the Order therein appearing on page 2 of said Decision, and inserting in lieu thereof the following:

"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, unless the required tariff is filed within twenty days of the date hereof."

That, except as herein amended, Decision No. 88012 shall remain in full force and effect.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 10th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF EDWARD GILBERT PERRY, JR.,
FOR AUTHORITY TO TRANSFER ALL
THE ISSUED AND OUTSTANDING STOCK
OF ENGLEWOOD TRANSIT COMPANY, A
COLORADO CORPORATION, RECORD
OWNER OF PUC NO. 222 AND PUC NO.
222-I, TO MILLER BROS., INC.,
POST OFFICE BOX 1228, GREELEY,
COLORADO.

APPLICATION NO. 28208 -
Stock Transfer

IN THE MATTER OF THE APPLICATION
OF EDWARD GILBERT PERRY, JR.,
FOR AUTHORITY TO TRANSFER ALL
THE ISSUED AND OUTSTANDING STOCK
OF ENGLEWOOD TRANSIT COMPANY, A
COLORADO CORPORATION, RECORD
OWNER OF PERMIT NO. A-623, TO
MILLER BROS., INC., POST OFFICE
BOX 1228, GREELEY, COLORADO.

APPLICATION NO. 28209-PP -
Stock Transfer

IN THE MATTER OF THE APPLICATION
OF MILLER BROS., INC., AND
ENGLEWOOD TRANSIT COMPANY, FOR
AUTHORITY TO MERGE ENGLEWOOD
TRANSIT COMPANY, A COLORADO
CORPORATION, 5280 NEWPORT STREET,
COMMERCE CITY, COLORADO, INTO
MILLER BROS., INC., POST OFFICE
BOX 1228, GREELEY, COLORADO.

APPLICATION NO. 28210-Merger

IN THE MATTER OF THE APPLICATION
OF MILLER BROS., INC., AND
ENGLEWOOD TRANSIT COMPANY FOR
AUTHORITY TO MERGE ENGLEWOOD
TRANSIT COMPANY, A COLORADO
CORPORATION, 5280 NEWPORT STREET,
COMMERCE CITY, COLORADO, INTO
MILLER BROS., INC., POST OFFICE
BOX 1228, GREELEY, COLORADO.

APPLICATION NO. 28211-PP-Merger

ORDER GRANTING WITHDRAWAL OF APPLICATIONS

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 13, 1976, Transferor and Transferee, by their attorney Truman A. Stockton, Jr., filed with the Commission a Motion to Dismiss in the above-captioned applications.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

O R D E R

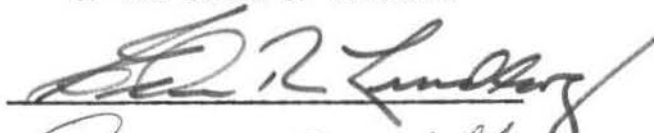

THE COMMISSION ORDERS THAT:

The applications filed by Edward Gilbert Perry, Jr., Transferor, and Miller Bros., Inc., Transferee, be, and hereby are, dismissed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

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246
(Decision No. 88224)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY CER-
TIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY UNDER TITLE 40-10-104)
(2), CRS 1973, FOR THE TEMPORARY OR)
SEASONAL MOVEMENT OF CHOPPED STRAW.)

APPLICATION NO. 28967

EMERGENCY DISTRICT 2-76

- - - - -
February 24, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Chief of Transportation, Transportation Section of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of chopped straw in the counties of Alamosa, Conejos, Costilla, Rio Grande and Saguache, Colorado.

Request, pursuant to the above, has been made for an order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting chopped straw in the counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of chopped straw in the counties of Alamosa, Conejos, Costilla, Rio Grande and Saguache, Colorado, and that present or future public convenience and necessity requires the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided in Title 40, Article 10, Section 104 (2), CRS 1973, and as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates be, and hereby are, authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting chopped straw in the counties of Alamosa, Conejos, Costilla, Rio Grande and Saguache, Colorado; provided however, that said certificates shall be effective only for a period of NINETY (90) DAYS commencing February 28, 1976.

DONE IN OPEN MEETING the 24th day of February, 1976.

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 RE THE MATTER OF MOTOR VEHICLE)	
CARRIERS LISTED ON "APPENDIX A"	)	RECOMMENDED DECISION OF
HERETO,	)	ROBERT E. TEMMER,
	)	EXAMINER
Respondents.)	

- - - - -
February 18, 1976
- - - - -

Appearances: Bob Cheek, Denver, Colorado,
of Coast Cartage Company,
doing business as "Colorado
Distribution Center," Respon-
dent;
James L. Boling, Lakewood,
Colorado, 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 January 26, 1976. The matters were duly called for hearing pursuant to such notice on Monday, February 9, 1976, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert E. Temmer, 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, except as noted in the "Appearances" above.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and 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, with the exception of the above-mentioned Respondents, 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/or failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

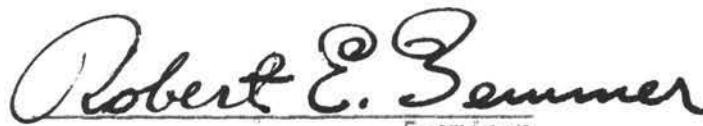
1. The operating authorities of each of the respective Respondents as identified as "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/jp

APPENDIX A

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Cargo & Transportation Services, Inc. P.O. Box 1268 Pueblo, CO 81002	242 & I	3761-Ins.
Harry Sumner 2280 1 Avenue, No. 171 Greeley, CO 80631	5166-I	3764-Ins.
A & M Produce, Inc. 1000 West Commerce Street San Antonio, TX 78205	7019-I	3767-Ins.
Charles Sojourner dba Sojourner Trucking Company 400 Newton Street Crystal Springs, MS 39059	7216-I	3768-Ins.
Delbert W. Hale dba Telluride Stage Line Route 4, Box 211 A Montrose, CO 81401	7762	3769-Ins.
W. B. "Bud" Roberts 114 San Jacinto Terrell, TX 75160	8186-I	3770-Ins.
James E. and Charles R. Suhr dba Suhr Brothers Walnut, IA 51577	8434-I	3771-Ins.
Coast Cartage Company dba Colorado Distribution Center 1735 19th Street Denver, CO 80202	9321-I	3775-Ins.
Ronny Schaefer dba Schaefer Trucking Co. 509 South 7th Street Kingfisher, OK 73553	9597-I	3776-Ins.
Loren D. Bangs dba Loren D. Bangs Harvesting & Hauling Route 1 Doniphan, NE 68832	9912-I	3778-Ins.
Ronald I. Wadsworth dba Ron Wadsworth Trucking 7501 County Road 18 Osseo, MN 55369	9923-I	3779-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>
Kenneth G. Clutter dba K. C. Enterprises 4950 Nome Street, Suite A Denver, CO 80239	9998-I	3780-Ins.
Donald Richard Wood dba V. A. D. S. 7424 Garrison Court Arvada, CO 80005	10039	3781-Ins.
Ronald Stoddard Box 1052 Eaton, CO 80615	10068-I	3783-Ins.
R. W. Snyder Co., Inc. 73 South Monroe Street Battle Creek, MI 49016	10231-I	3785-Ins.
H. E. Nickels, Arthur B. Cohn, and Lee Nickels dba Williams Bus Lines 900 Broadway, Box 185 Waynesville, MO 65583	10239-I	3786-Ins.
Billy L. Lindsey dba Bill Lindsey Trucking/Trans Alaska 1001 South 500 West Bountiful, UT 84010	10326-I	3789-Ins.
Slaughter Transportation Corp. 10910 Lane Houston, TX 77029	10452-I	3790-Ins.
James L. Boling 7615 West 9th Avenue Lakewood, CO 80215	B-7611	3795-Ins.
Tito T. De Vargas Box 93 Center, CO 81125	B-8003	3796-Ins.
W. H. Pagan c/o Kremmling Timber Co. Kremmling, CO 80459	B-8430	3797-Ins.
Don K. Wernick 3604 West County Road Berthoud, CO 80513	B-8506	3798-Ins.
L and R Counter Tops & Cabinets, Inc. Box 515 Meeker, CO 81641	M-539	3799-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>
Kaminsky Barrel Co. 2200 Blake Street Denver, CO 80205	M-2777	3806-Ins.
Eddie F. Rubio Box 27, 505 Hayes Avenue La Junta, CO 81050	M-3062	3807-Ins.
Bendix Corporation American Forest Products Corporation 100 Menaul, NE, Box 25185 Albuquerque, NM 87125	M-3779	3808-Ins.
Michael J. Rich 3139 West Alameda Avenue Denver, CO 80219	M-4114	3810-Ins.
Kenneth G. Clutter dba K C Enterprises Box 4286 Denver, CO 80239	M-4687	3814-Ins.
William C. McClintock dba Thrift Way Building Center 2910 South Havana Street Denver, CO 80232	M-5968	3822-Ins.
Abe Ziegler 2095 Granby Street Aurora, CO 80011	M-6261	3825-Ins.
Billy L. Lindsey dba Bill Lindsey Trucking/Trans Alaska 1001 South 500 West Bountiful, UT 84010	M-6343	3826-Ins.
All Seasons Fertilizer Co. Box 156 Springfield, CO 81073	M-8238	3832-Ins.
Delbert Hale dba Telluride Stage Line 229 North Townsend Montrose, CO 81401	M-8755	3834-Ins.
Anthony Ricotta and James Ricotta dba Western Beef Co. 2048 Larimer Street Denver, CO 80205	M-9731	3835-Ins.
Thermo-King Sales & Equipment Co., Inc. 5455 East 52nd Avenue Commerce City, CO 80022	M-10353	3839-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>
Bill Smith dba Bill's Tree Surgery 401 East 27th Street Loveland, CO 80537	M-10470	3840-Ins.
Donald Richard Wood dba V A D A (Veterinarians Animal Disposal Service) 7424 Garrison Court Arvada, CO 80005	M-11638	3844-Ins.
Harry Sumner 2280 1 Avenue, No. 171 Greeley, CO 80631	M-12658	3845-Ins.
R. W. Snyder Co., Inc. 73 South Monroe Street Battle Creek, MI 49016	M-13696	3851-Ins.
Waldron Furniture Mfg. Corp. 508 North Border Waldron, AR 72958	M-14993	3856-Ins.
Prest Lumber Co. 102 Railroad, Box 26 Erie, KS 66733	M-15742	3859-Ins.
Keith Layton dba Layton's Conoco 504 West Avenue Alamosa, CO 81101	T-539	3861-Ins.
David Harold Shackley dba Shackley's Skelly 1000 Vaughn Street Aurora, CO 80011	T-648	3862-Ins.
Walter Larry Betts dba Pine Valley Roadrunner Route 1, Box 82 Beulah, CO 81023	T-1052	3863-Ins.
Dan Esparza dba Century Towing of Denver 1970 South Holly Street Denver, CO 80222	T-1075	3864-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)
MERLE S. HUMMER, 1742 1ST AVENUE,)
P. O. BOX 111, GREELEY, COLORADO,)
FOR AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28890-PP

ORDER OF THE COMMISSION

February 24, 1976

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT

Edythe S. Miller

Edythe S. Miller
Commissioners
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Appendix
Decision No. 88226
February 24, 1976

Merle S. Hummer

Transportation of

Grain, feed and feed ingredients

Between Northern Colorado Grain Co. facilities located in Greeley, Colorado, on the one hand, and points located within a one hundred (100) mile radius of the intersection of U. S. Highway 85 by-pass and 18th Street, Greeley, Colorado, on the other hand.

RESTRICTION: This Permit is restricted as follows:

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROSE WOKERSIN, DOING BUSINESS AS)
"WOKERSIN MILK LINES," 1708 COLLYER,)
LONGMONT, COLORADO, FOR AUTHORITY)
TO TRANSFER ALL RIGHT, TITLE AND)
INTEREST IN AND TO CONTRACT CARRIER.)
PERMIT NO. B-117 TO ROSE AND TED)
WOKERSIN, DOING BUSINESS AS)
"WOKERSIN MILK LINES," 9111 WELD)
COUNTY ROAD 20, FORT LUPTON,)
COLORADO.)

APPLICATION NO. 28900-PP-Transfer

ORDER OF THE COMMISSION

- - - - -
February 24, 1976
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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-117, as granted by Commission Decision No. 78723 dated September 27, 1971, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said Permit has been formally assigned, and that said parties have accepted, and in the future will comply with the conditions and requirements of this Order, to be by them, or either of them, kept and performed.

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

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

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

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT





Commissioners
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF ROCKY MOUNTAIN HELICOPTERS,)	
INC., FOR A CERTIFICATE OF PUBLIC)	APPLICATION NO. 28884-A/C
CONVENIENCE AND NECESSITY AUTHO-)	
RIZING EXTENSION OF OPERATIONS)	ORDER GRANTING MOTION TO
UNDER CERTIFICATE OF PUBLIC CON-)	COMPEL ANSWERS
VENIENCE AND NECESSITY PUC NO.)	
ACH-75.)	

- - - - -
February 17, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1976, Protestant, Sky Choppers, Inc., served Interrogatories upon Applicant, Rocky Mountain Helicopters, Inc., in the above-captioned matter.

On February 13, 1976, Protestant, Sky Choppers, Inc., filed with the Commission a "Motion to Compel Answers."

The Commission states and finds that good grounds exist for granting the within Motion.

An appropriate order will be entered.

O R D E R

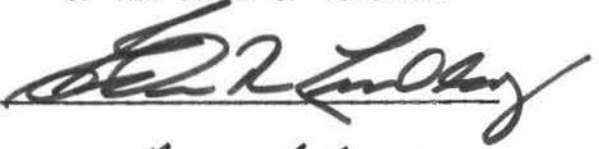
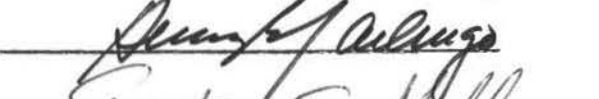

THE COMMISSION ORDERS THAT:

Answers to Interrogatories heretofore served by Protestant, Sky Choppers, Inc., upon Applicant, Rocky Mountain Helicopters, Inc., in this proceeding shall be furnished to said Protestant by Applicant on or before March 2, 1976.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of February, 1976.

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 NORTHWEST TRANSPORT SERVICE,	)	APPLICATION NO. 27806-Extension
INC., 5231 MONROE STREET, DENVER,)	
COLORADO, FOR AN EXTENSION OF	)	ORDER DENYING EXCEPTIONS TO
CERTIFICATE OF PUBLIC CONVENIENCE	)	RECOMMENDED DECISION NO. 86916
AND NECESSITY PUC NO. 7728.)	

February 17, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 28, 1975, Examiner Robert L. Pyle, entered his Recommended Decision No. 86916 in the above-captioned matter.

On June 6, 1975, by Decision No. 86955; on December 23, 1975, by Decision No. 87949; and on January 20, 1976, by Decision No. 88105, the Commission granted Protestant, Rio Grande Motor Way, Inc., extensions of time within which to file exceptions to said recommended decision.

On January 23, 1976, Protestant, Rio Grande Motor Way, Inc., filed with the Commission Exceptions to Recommended Decision No. 86916.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Protestant, Rio Grande Motor Way, Inc., should be overruled and denied; that the Examiner's findings of fact and conclusions in Recommended Decision No. 86916 should be adopted as its own; and concludes that an appropriate order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Protestant, Rio Grande Motor Way, Inc., be, and hereby are, overruled and denied.

2. The findings of fact and conclusions of Examiner Robert L. Pyle in Recommended Decision No. 86916 be, and hereby are, adopted by the Commission.

3. The Examiner's Recommended Order in said Decision No. 86916 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 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN EDWIN R. LUNDBORG DISSENTING.

CHAIRMAN EDWIN R. LUNDBORG DISSENTING:

I respectfully dissent.

I would grant the Exceptions as filed and would deny the instant application in its entirety.

Prior to the enactment of Senate Bill No. 208, in 1967, which established the doctrine of regulated competition (currently set forth in Section 40-10-105 (2), CRS 1973), the doctrine of regulated monopoly was the law in Colorado. On several occasions, pursuant to that doctrine, our Colorado Supreme Court has made it clear that the existence of adequate and satisfactory service by certificated carriers already serving the area was a negation of a public need and demand for added service by another carrier. Denver & R.G.W.R.R. v. PUC, 142 Colo. 400, 351 P.2d 278 (1960); Ephraim Freightways, Inc., v. PUC, 151 Colo. 596, 380 P.2d 228 (1963). Even a showing by a carrier that it could render "better" service was insufficient to prove public convenience and necessity. PUC v. Verl Harvey, 150 Colo. 158, 371 P.2d 452 (1962).

Under the regulated monopoly concept, an applicant for a certificate of public convenience and necessity was obligated to show substantial inadequacy in existing service. Ephraim Freightways, Inc., v. PUC, supra. By enactment of Senate Bill No. 208, the adequacy of existing service was declared to no longer be the controlling determinant by our Supreme Court. Miller Bros., Inc., v. PUC, 185 Colo. 414, 525 P.2d 443 (1974). In other words, the Commission is not now required to find inadequacy of existing carrier service offered in the area in order to justify a grant of an additional certificate. Even though adequacy may no longer be a mandatorily controlling factor, it is not a non-factor.

Senate Bill No. 208 in no way derogated from the requirement -- as set forth in 40-10-105 (2), CRS 1973* -- that the Commission still must find that the present or future public convenience and necessity requires or will require the operation of an additional carrier. Public convenience and necessity, of course, requires that a proposed new operation will serve a useful purpose responsive to public demand or need. Colorado Transportation Company v. PUC, 158 Colo. 136, 371 P.2d 452 (1962); Santa Fe Train Transp. Co. Ext., 41 MCC 713, 716 (1943); Pan-American Bus Line, 1 MCC 190 (1936).

Although Senate Bill No. 208 established the doctrine of regulated competition, by no stretch of the imagination can it be said this legislation gave a green light to this Commission to deregulate -- in whole or in part -- the common carrier motor vehicle industry. Furthermore, our Supreme Court on the occasion of its first opportunity to discuss Senate Bill No. 208, i.e., in Miller Bros., Inc., v. PUC, supra, stated that, in implementing the doctrine of regulated competition, the Commission is obligated to apply guidelines and that it is within the Court's jurisdiction, on appeal, to see that the Commission has so complied. The Court further stated that it has the authority to declare standards and criteria, which the Commission may have adopted, to be unconstitutional, arbitrary, capricious, unreasonable or vague, if such be the case.

With the brief history of regulated monopoly and regulated competition in mind, as set forth above, I will proceed to set forth what, in my opinion, the majority of the Commission has done by entering the Recommended Decision of the Examiner as its own (denying Exceptions).

First of all, the Examiner in his Recommended Decision correctly found that the service provided by Rio Grande Motor Way, Inc. (hereinafter Rio Grande) was adequate. I agree with that finding. In fact, the Examiner even went so far as to find that the Rio Grande adequately answered through Exhibit No. 91, and through oral testimony and cross examination many of the complaints raised about missed pickups, delays in pickups, damaged freight, and misdeliveries which the Examiner characterized as making "mountains of molehills." Regardless, in any event, the test of adequacy is not perfection. Colorado Transportation Company v. PUC, supra and Ephraim Freightways, Inc., v PUC, supra.

*40-10-105, CRS 1973

"(2) The granting of any certificate of public convenience and necessity to operate a motor vehicle for hire for the transportation of property shall not be deemed to be an exclusive grant or monopoly, and the doctrine of regulated competition shall prevail. The commission has authority to grant more than one certificate of public convenience and necessity to operate motor vehicles for the transportation of property over the same route or a part thereof or within the same territory or a part thereof if the commission finds that the present or future public convenience and necessity requires or will require such operation." (emphasis supplied)

The Examiner in his Recommended Decision further found that "supporting shipper witnesses collectively support an alternative carrier service from and to the points here involved for the purposes, among others, of having a choice of service available and to insure competition between the carriers." (Finding No. 12)

There is nothing in either the doctrine of regulated monopoly or the doctrine of regulated competition to support the notion that -- with respect to public utilities (which common motor vehicle carriers are) -- the public is entitled to a "selection" or "assortment" of carriers among whom they may select. Public utilities are not furniture stores or boutiques, as I pointed out in my dissent to Commission Decision No. 87547 (September 30, 1975).

The purpose of regulation of transportation is to provide the public with an orderly and completely adequate and continuous service at the lowest possible price consistent with the carriers making reasonable earnings. Limiting entry into the field is a necessary ingredient in achieving this objective. Also, limiting entry into the field prevents the inauguration of wasteful and duplicative transportation facilities for which ultimately the public must pay. The public should not be required to pay for that which is unnecessary.

Needlessly duplicative transportation services are a burden on the public rather than a benefit. This is especially true where, as in this proceeding, Rio Grande is rendering an adequate service but is not operating at capacity. Moreover, by granting another certificate, this Commission denies Rio Grande the opportunity to take advantage of the economies of scale and the increase in productivity which come with a steadily expanding business. I think this is especially important at the present time where public officials at every level of government are trying to hold the line against inflation. In addition to the needless duplication of transportation facilities, there will also be the impact of wasting precious motor fuel and adding to the pollution and congestion of our streets and highways.

The foregoing, without more, would be sufficient, in my opinion, to deny the application of Northwest Transport Service, Inc. (hereinafter Northwest). Additionally, an economic analysis, far from supporting the desirability of another carrier's entry, leads to the exact opposite conclusion. Although the evidence in the record is abundantly clear that -- with respect to the motor vehicle operations in the area involved in the instant application -- both Rio Grande and Northwest would have operating ratios in excess of 100% if the available traffic is divided between them, the Examiner reaches the astounding conclusion in his Discussion, that since the public wants competition and the Colorado Legislature, by its enactment of Senate Bill No. 208, directed that the doctrine of "regulated competition shall prevail," it would appear that increased rates to the public might very well go hand-in-hand with such "regulated competition." Unfortunately, the Examiner's Recommended Decision does not recognize that the statutory phrase is "regulated competition," not "competition no matter what."

The Exceptions filed by Rio Grande forcibly demonstrate with concrete facts and figures the diversionary impact and ruinous competition that can be expected to occur as a result of the grant of the instant application. The specificity and correctness of this type of evidence is a vivid contrast to the vague and speculative findings made by the Examiner about "increase in population and new industry . . . moving into the area," and "overall growth trends."

The fact that Rio Grande will continue to make an overall profit in its service area, even though it will incur losses in the specific area involved in the instant application, does not justify requiring Rio Grande's other customers in the State of Colorado to subsidize a loss operation merely for the sake of "competition." The Examiner's Recommended Decision, which the majority adopts here, flies in the face of a sound cost analysis approach which analyzes individual commodities and lanes of traffic.

The Examiner in his Recommended Decision found that Northwest will initially obtain traffic from Denver, Colorado Springs and Pueblo, resulting in revenue of \$455 per week. The Examiner further found that the fully allocated expenses for handling of this traffic would be \$423, which would leave a daily profit of \$32. (Finding No. 6 - emphasis supplied). It must be assumed that the expense referred to by the Examiner is for one week, and that therefore the daily profit would be \$6.40 not \$32 as found by the Examiner. As the prescribed minimum charge from Denver to Canon City is \$6.70, it thus can be readily seen that the loss of only one such shipment would make a loss out of that day's operation.

Neither the authority requested by Northwest nor the authority granted to Northwest by the Examiner requires it to maintain or to have terminal facilities in Canon City. This, in effect, means that Northwest would be authorized to "peddle run" from Colorado Springs and Pueblo to Canon City. Such peddle runs of LTL (less than truckload) traffic means that Northwest would have the cream of the truckload traffic moving between the aforesaid points while Rio Grande would be left with most of the LTL traffic which is less profitable.

The Examiner's Order (adopted by the Commission) is technically deficient in that it does not state whether the motor vehicle common carrier operations granted to Northwest are to be conducted on a "scheduled basis" or on a "call and demand basis" -- or both. Thus, it is not certain whether or not the "occasional" 20% penalty rule -- as prescribed by this Commission in Case No. 1585 -- applies.

In summary, it seems clear to me that the Examiner and my colleagues by denying the Exceptions filed by Rio Grande, have misconstrued what the General Assembly intended to accomplish by establishing the doctrine of regulated competition. Surely regulated competition was not meant to be unlimited free entry, competition for the sake of competition (even though rates of the carriers might have to be raised), or de facto deregulation. Contrary to the mandate of our Supreme Court in Miller Bros., Inc., v PUC, *supra*, to the effect that this Commission is obligated to apply guidelines in implementing the doctrine of regulated competition, the Examiner's Recommended Decision -- which the majority adopts -- does not present a well laid out garden of principles and guidelines by which the public can discern the rationale for our decisions, but rather leaves us with an uncharted forest only cut through by the subjective swaths of the Examiner.

If this is the course of action which the Commission desires to pursue, it might as well abandon any serious attempt to establish standards or guidelines with respect to the introduction of a new carrier and candidly announce that, in its opinion, the doctrine of "regulated" competition is, in reality, a legislative invitation for deregulation and unlimited free entry. Additionally, the Commission might likewise announce that non-regulation, rather than regulation, is now what is in the public interest -- despite the fact that our Supreme Court has declared the exact opposite, i.e., regulation is in the public interest and not non-regulation. Western Colorado Power Company vs. Public Utilities Commission, 159 Colo. 262, 411 P.2d 785 (1966), and Consolidated Freightways Corp. vs. Public Utilities Commission, 158 Colo. 239, 406 P.2d 83 (1965).

I would have thought that before this Commission continued upon such a bold departure into the field of de facto deregulation it would await a more definitive invitation to do so by our General Assembly rather than assuming such a course on its own.

In view of the above and foregoing, I would grant the Exceptions as filed by Protestant, Rio Grande Motor Way, Inc., and would accordingly deny the application filed by Northwest Transport Service, Inc., in its entirety.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Chairman

ma

(Decision No. 88230)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF COLORADO MOVING AND STORAGE, INC.,)
2760 HOLLY STREET, DENVER, COLORADO,)
TO PURCHASE ALL OF THE ISSUED AND)
OUTSTANDING CAPITAL STOCK IN AND TO)
HOFFMAN TRANSFER COMPANY (CORP.),)
RECORD OWNER OF PUC NO. 453 AND PUC)
NO. 453-I.)

APPLICATION NO. 28378-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
COLORADO MOVING AND STORAGE, INC.,)
4760 HOLLY STREET, DENVER, COLORADO,)
TO PURCHASE ALL OF THE ISSUED AND)
OUTSTANDING CAPITAL STOCK IN AND TO)
HOFFMAN TRANSFER COMPANY, A COLORADO)
CORPORATION, RECORD OWNER OF PUC NO.)
2500 AND PUC NO. 2500-I, 4700 HOLLY)
STREET, DENVER, COLORADO, FROM)
EARL F. BUCKINGHAM, P. O. BOX 2064,)
RAPID CITY, SOUTH DAKOTA.)

APPLICATION NO. 28462-Stock Tfr.

February 17, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1976, Hearings Examiner James K. Tarpey entered his Recommended Decision No. 88047 in the above-captioned matter.

On January 29, 1976, Transferor, Colorado Moving and Storage, Inc., filed Exceptions to Recommended Decision No. 88047.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Transferor, Colorado Moving and Storage, Inc., should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 88047 should be adopted as its own; and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Transferor, Colorado Moving and Storage, Inc., be, and the same hereby are, overruled and denied.

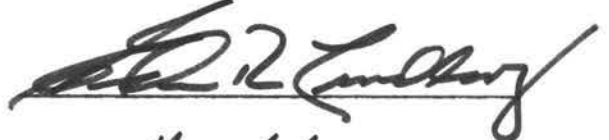
2. The findings of fact and conclusions of Hearings Examiner James K. Tarpey in Recommended Decision No. 88047 be, and hereby are, adopted by the Commission.

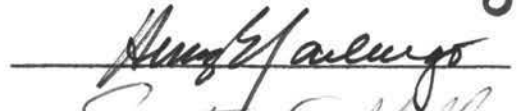
3. The Examiner's Recommended Order in said Decision No. 88047 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners
ds

(Decision No. 88231)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GRAY MOVING & STORAGE, INC., P. O.)	APPLICATION NO. 28463-Extension-
BOX 10096, 1290 SOUTH PEARL STREET,)	Amended
DENVER, COLORADO, FOR A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	ORDER DENYING EXCEPTIONS TO
AUTHORIZING EXTENSION OF OPERATIONS)	RECOMMENDED DECISION
UNDER PUC NO. 1990 AND PUC NO. 1990-I)	

February 17, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 6, 1976, Hearings Examiner Thomas M. McCaffrey entered his Recommended Decision No. 88026 in the above-captioned matter.

On January 20, 1976, by Decision No. 88061, the Commission granted Applicant, Gray Moving & Storage, Inc., an extension of time within which to file exceptions to said recommended decision.

On February 5, 1976, Applicant filed with the Commission Exceptions to the Recommended Decision No. 88026 of Thomas M. McCaffrey, Examiner.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Applicant, Gray Moving & Storage, Inc., should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 88026 should be adopted as its own; and concludes that an appropriate Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Applicant, Gray Moving & Storage, Inc., be, and hereby are, overruled and denied.
2. The findings of fact and conclusions of Hearings Examiner Thomas M. McCaffrey in Recommended Decision No. 88026 be, and hereby are, adopted by the Commission.
3. The Examiner's Recommended Order in said Decision No. 88026 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 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Ed R. Lundberg

Henry G. Salinger

Edythe S. Miller
Commissioners
ds

(Decision No. 88232)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) PUBLIC SERVICE COMPANY OF COLORADO) FOR AN ORDER AUTHORIZING IT TO) ABANDON CERTAIN GAS MAIN FACILITIES) IN PUEBLO COUNTY, COLORADO)	APPLICATION NO. 28924 ORDER GRANTING APPLICATION
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February 17, 1976

STATEMENT

BY THE COMMISSION:

On January 21, 1976, Public Service Company of Colorado, Applicant herein, filed with the Commission Application No. 28924 seeking authority to abandon certain gas main facilities in Pueblo County, Colorado.

FINDINGS OF FACT

1. Public Service Company is an operating public utility subject to the jurisdiction of this Commission, engaged, inter alia, in the purchase, distribution and sale of natural gas in various areas in the State of Colorado.

2. Applicant proposes to abandon approximately 5,267 feet of 2 inch MW natural gas main located in and adjacent to the Toledo Heights Subdivision, City of Pueblo, Pueblo County, Colorado. There are three segments of natural gas main facilities proposed to be abandoned: (1) Segment "A" consists of 835 feet of 2 inch MW natural gas main located northwest of the Toledo Heights Subdivision, (2) Segment "B" consists of 3,937 feet of 2 inch MW natural gas main located entirely within the area known as the Toledo Heights Subdivision, and (3) Segment "C" consists of 495 feet of 2 inch MW natural gas main located southeast of the Toledo Heights Subdivision. Following is a general description of the facilities proposed to be abandoned:

SEGMENT "A"

Beginning at a point approximately 18 feet east of the east property line of Chester Avenue and 30 feet south of north property line of Kelly Avenue, located in the Kelly Addition, and extending in a southeasterly direction for a distance of approximately 295 feet, thence in a general easterly direction a distance of approximately 540 feet along Clarence Road to the northwest corner of the Toledo Heights Subdivision.

SEGMENT "B"

Consisting of 3,937 feet and beginning at the point of termination of Segment "A" and divaricating throughout the Toledo Heights Subdivision as was necessary to provide service to the entire subdivision and terminating at the beginning point of Segment "C" described below.

SEGMENT "C"

Beginning at a point approximately 4 feet east of Clarence Road and approximately 50 feet south of the south property line of Elmore Road or Smelter Street, as it is known, and extending south a distance of approximately 495 feet.

3. No customers are being served from the gas main facilities and incurring the expense of maintaining the facilities which do not serve any customers is imprudent.

4. Applicant has proposed an effective date of February 20, 1976, for the abandonment, and notice of the proposed abandonment was mailed, postage prepaid, to the Board of County Commissioners of Pueblo County, Colorado, and the Mayor of the City of Pueblo, Pueblo County, Colorado, in accordance with Rule 26 B of the Commission's Rules of Practice and Procedure.

5. No protests to the within application have been filed with the Commission.

CONCLUSIONS ON FINDINGS OF FACT

The Commission concludes that this application may be disposed of without the necessity of a formal hearing, and that it is in the public interest, based upon the findings of fact above, that the application be granted.

An appropriate Order will be entered.

O R D E R

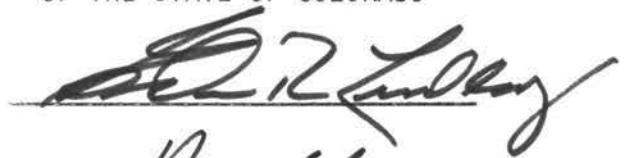


THE COMMISSION ORDERS THAT:

1. Public Service Company of Colorado be, and the same hereby is, authorized to abandon the gas main facilities in Pueblo County, Colorado, described as set forth in Findings of Fact No. 2 above.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO,)
550 - 15TH STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVENI-)
ENCE AND NECESSITY FOR THE CONSTRUC-)
TION, OPERATION AND MAINTENANCE OF A)
STEAM ELECTRIC GENERATING PLANT TO)
BE KNOWN AS THE PAWNEE STEAM ELECTRIC)
GENERATING STATION, NEAR BRUSH,)
COLORADO.)

APPLICATION NO. 28815

February 17, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 1, 1975, Public Service Company of Colorado ("Public Service") Applicant herein, filed the within application for a certificate of public convenience and necessity, for the construction, operation and maintenance of the new Pawnee steam electric generating station, sometimes referred to as the "Pawnee Station" near Brush, Colorado.

By Commission notice dated February 10, 1976, the within application was set for hearing on March 3, 1976.

On February 13, 1976, Information Please, Inc., one of the Intervenor herein, filed a "Motion to Compel Applicant to Answer Interrogatories and Request for Production of Documents by Monday, February 23, 1976." In said Motion, Information Please asks an Order of the Commission compelling Public Service to answer its first set of interrogatories and request for production of documents on or before Monday, February 23, 1976, or in the event Public Service does not have sufficient time to accurately and sufficiently answer all of the written interrogatories and supply Information Please with the documentation requested, that the Commission vacate the present hearing date set for March 3, 1976, and reset the date at a later date.

The Commission states and finds that proper grounds have been shown for the granting of the within Motion with respect to the answering of interrogatories and production of documents.

An appropriate Order will be entered.

O R D E R

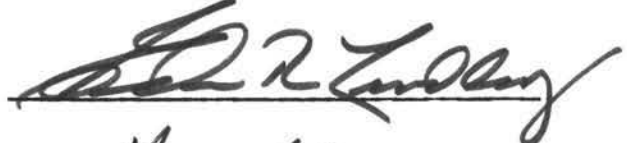


THE COMMISSION ORDERS THAT:

1. Public Service Company of Colorado shall answer the first set of interrogatories and request for production of documents served upon it by Information Please, Inc., on February 13, 1976, on or before Monday, February 23, 1976.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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(Decision No. 88234)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF VALLEY TRANSIT	)	APPLICATION NO. 28969
LINES, INC., P. O. BOX 1027, ALAMOSA,)	
COLORADO 81101, FOR AUTHORIZATION TO	)	ORDER OF THE COMMISSION
PUBLISH ITS TIME SCHEDULE NO. 36 ON	)	ALLOWING PUBLICATION ON
LESS THAN STATUTORY NOTICE.	)	LESS THAN STATUTORY NOTICE

February 17, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 11, 1976, Valley Transit Lines, Inc., Applicant herein, filed a petition requesting authority to publish its Time Schedule No. 36 on less than statutory notice, to become effective on one day's notice to the Commission and the public.

The Applicant states that the change would be in Run No. 4 which will leave Taos, New Mexico at 2:45 AM (MT) instead of 3:00 AM (MT) and will operate fifteen (15) minutes earlier throughout. This will give passengers from El Paso, Albuquerque, Taos, etc. a direct connection with the Rapid City schedule at Fort Garland.

Applicant seeks authority to publish on less than statutory notice in order to satisfy the passengers getting off of Run No. 4 and going to points north of Denver, Colorado.

The Commission states and finds that it will be in the public interest to allow Applicant to change the departure time on Run No. 4 to 2:45 AM instead of 3:00 AM.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

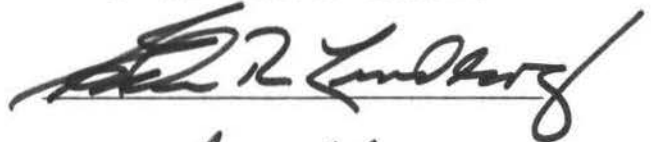
1. That Valley Transit Lines, Inc., be, and hereby is, authorized to publish its Time Schedule No. 36.

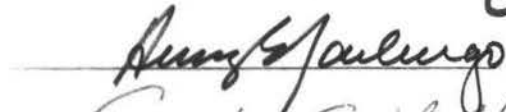
2. That said publication may be made on less than statutory notice to become effective on one day's notice to the Commission and the public.

3. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

dh

(Decision No. 88235)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF THE COLORADO &)	
WYOMING RAILWAY COMPANY AND THE)	APPLICATION NO. 28970
DENVER AND RIO GRANDE WESTERN)	
RAILROAD COMPANY FOR AUTHORIZATION)	ORDER OF COMMISSION
TO PUBLISH PROPORTIONAL RATES ON)	ALLOWING PUBLICATION
CERTAIN COMMODITIES FROM CF&I PLANT)	ON LESS THAN STATUTORY
AT MINNEQUA, COLORADO TO CRAIG,)	NOTICE
COLORADO, ON LESS THAN STATUTORY)	
NOTICE.)	

- - - - -
February 17, 1976
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 11, 1976, The Colorado & Wyoming Railway Company and The Denver and Rio Grande Western Railroad Company, Applicants herein, filed petitions requesting authority to publish reduced combination of rates over Minnequa, Colorado.

The Colorado & Wyoming Railway Company seeks to publish a new item in its Tariff No. 1-W of a proportional rate of \$1.08 per net ton, not subject to Items X-299, X-303, X-305 and X-310, from The Colorado & Wyoming Railway Company to The Denver and Rio Grande Western Railroad Company's interchange track at Minnequa, Colorado, with a minimum weight of 120,000 pounds. The Denver and Rio Grande Western Railroad Company (DRGW) seeks to amend Western Trunk Lines Tariff No. 130-N by publishing a rate of 56 cents per 100 pounds, minimum weight 120,000 pounds (not subject to Rules 24 or 29 of Uniform Freight Classification).

The commodities to be shipped are railroad track fastenings, iron or steel or rails, iron or steel.

Applicants state that the rates will be restricted to apply as proportional rates, applicable only on traffic originating at Minnequa, Colorado on The Colorado & Wyoming Railway Company and the rates will expire with April 10, 1977, unless sooner cancelled, changed or extended.

Applicants further state that the special circumstances and conditions justifying the request are:

Due to the construction of a new line of railroad in the vicinity of Craig, Colorado, considerable rail and fastenings are being purchased by the contractor, and while the movement had been expected to take place in early Spring, production schedules at the Minnequa Steel Plant have been advanced, where immediate shipping is necessary. Agreement has been reached to publish a combination rate over Minnequa, in lieu of the present Denver combination, which has in its construction the Class 27½ and Class 35 rates from Denver to Craig. The present rates to Craig, of course, are considerably out of line with numerous existing rates on rails and fastenings to other destinations, and your favorable consideration to permitting the publication of the reduced rate proposed herein on one day's notice will be appreciated.

The Commission states and finds that it will be in the public interest to allow Applicants to publish the reduced proportional rates on less than statutory notice.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That The Colorado & Wyoming Railway Company, be, and hereby is, authorized to publish a rate of \$1.08 per net ton, minimum weight 120,000 pounds, from The Colorado & Wyoming Railway Company at Minnequa, Colorado to The Denver and Rio Grande Western Railroad Company interchange tracks at Minnequa, Colorado, by amending its Tariff No. 1-W.

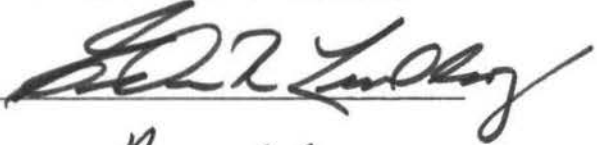
2. That the Denver and Rio Grande Western Railroad Company, be, and hereby is, authorized to publish a rate of 56 cents per 100 pounds, minimum weight 120,000 pounds, from The Denver and Rio Grande Western Railroad Company, Minnequa, Colorado to The Denver and Rio Grande Western Railroad Company, Craig, Colorado, by amending Western Trunk Line Tariff No. 130-N.

3. That said publications in paragraphs 1 and 2 above may be made on less than statutory notice, to become effective on one day's notice to the Commission and the public.

4. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

dh

(Decision No. 88236)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF COLORADO MOTOR)	APPLICATION NO. 28971
TARIFF BUREAU, INC., (CMTB), FOR)	
AND ON BEHALF OF CARRIERS TO TARIFF)	ORDER OF COMMISSION
NO. 14, PUC NO. 13, TO PUBLISH)	ALLOWING PUBLICATION ON
REDUCED RATES ON CEMENT, ON LESS)	LESS THAN STATUTORY
THAN STATUTORY NOTICE.)	NOTICE

- - - - -
February 17, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 9, 1976, Colorado Motor Tariff Bureau, Inc., Applicant herein, filed for and on behalf of carriers party to its Tariff No. 14, Colorado PUC No. 13, seeks to publish the following to become effective on less than statutory notice:

Cement, in bulk, minimum weight 50,000 pounds,
from Boettcher to the Ideal Cement Co. distribution
facilities near Lyons 18¢ per 100 pounds.

Applicant further requests that the proposed rate will be published in Colorado Motor Tariff Bureau Tariff No. 14, Colorado PUC No. 13.

One of Applicant's carriers states that this involves a very substantial volume of traffic, and loading and unloading facilities will be available on an around the clock basis, which will allow carriers to further utilize their equipment.

It is shipper's request that this service commence immediately which is the reason for Applicant's request for less than statutory notice.

The Commission states and finds that it will be in the public interest to allow Applicant to publish the rate stated above on less than statutory notice.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That Colorado Motor Tariff Bureau, Inc., be, and hereby is, authorized to publish the following rate:

Cement, in bulk, minimum weight 50,000 pounds, from Boettcher to the Ideal Cement Co. distribution facilities near Lyons 18¢ per 100 pounds.


2. That said publication may be made on less than statutory notice to become effective on one day's notice to the Commission and the public.

3. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

(Decision No. 88237)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

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

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF --)	
COLORADO PUC NO. 5 -- TELEPHONE,	)	INVESTIGATION AND SUSPENSION
MOUNTAIN STATES TELEPHONE AND	)	DOCKET NO. 948
TELEGRAPH COMPANY, UNDER ADVICE)	
LETTER NO. 1094.)	

ORDER OF THE COMMISSION DENYING APPLICATION
FOR REHEARING, REARGUMENT OR RECONSIDERATION
OF DECISION NO. 88111

February 17, 1976

S T A T E M E N T

BY THE COMMISSION:

On January 20, 1976, the Commission entered Decision No. 88111 allowing partial reimbursement to Intervenor Sturgeon Electric Company (hereinafter referred to as "Sturgeon") for attorney's and expert witness fees and cost expended by Intervenor Sturgeon in I&S Docket No. 881.

On February 9, 1976, Mountain States Telephone and Telegraph Company (hereinafter referred to as "Mountain Bell") filed an application for rehearing, reargument or reconsideration of Decision No. 88111.

The Commission has now reconsidered the matter and has determined that the Application for Rehearing, Reargument or Reconsideration of Decision No. 88111 filed by Mountain Bell should be

denied.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Application for Rehearing, Reargument or Reconsideration of Decision No. 88111 filed by Mountain States Telephone and Telegraph Company on February 9, 1976, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
DISSENTING.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner

jk/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CORNELIUS TRANSFER & STORAGE CO.,)
100 NORTH 4TH, LAMAR, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 346 AND 346-I)
TO CORNELIUS TRANSFER OF LA JUNTA,)
INC., 6TH AND KENLWORTH AVENUE,)
LA JUNTA, COLORADO.)

APPLICATION NO. 28882-Transfer

ORDER OF THE COMMISSION

- - - - -
February 24, 1976
- - - - -

Appearances: Edward Garlington, Jr., Esq., La Junta, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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. 346 and 346-I, as granted by Commission Decision No. 75460 dated August 4, 1970, 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 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT



Edythe S. Miller
Commissioners
md

(Decision No. 88239)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JIM CALABRESE, DOING BUSINESS AS)
"CALABRESE TRUCKING," 4830 SHOSHONE,)
DENVER, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28972-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

February 24, 1976

The above-entitled application under CRS 1973, 40-6-120, 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 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT

Edythe S. Miller

Edythe S. Miller
Commissioners
md

Appendix
Decision No. 88239
February 24, 1976

Calabrese 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 100 miles from the point(s) of origin.

(Decision No. 88240)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF LENNART WALLDEN,)	APPLICATION NO. 28973
DBA "HILL TOP-DENVER TRUCK LINE,")	
FOR AUTHORIZATION TO PUBLISH A)	ORDER OF COMMISSION
CHANGE IN RATES ON LESS THAN)	ALLOWING PUBLICATION ON
STATUTORY NOTICE, TO BECOME)	LESS THAN STATUTORY NOTICE
EFFECTIVE ON ONE DAY'S NOTICE.)	

- - - - -
February 17, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 30, 1976, Lennart Wallden, d/b/a "Hill Top-Denver Truck Line," Applicant herein, filed a petition requesting authority to publish a correction of an error in printing on less than statutory notice, to become effective on February 19, 1976.

The Applicant represents that the proposed publication will be made in Colorado Motor Tariff Bureau, Inc., Agent, Tariff COB 300, Colo. PUC COB 300.

The Applicant bases this application upon the following facts which present certain special circumstances and conditions justifying the request made herein:

On January 20, 1976, your Applicant published 1st Revised Page 333 to the above-described tariff for the purpose of increasing the rates in Item 6080 by approximately 15%, as set forth in the attached schedule of rates agreed to by Mountain Empire Dairymen's Association. This revised tariff page is scheduled to become effective February 19, 1976.

In making the publication, however, an error was made in the rate on less than 8,000 pounds for distances of 75 miles and over 60 and the item, as published, reflects a rate of 40¢ rather than 42¢.

The Commission states and finds that it will be in the public interest to allow Applicant to correct the error in rates in the less than 8,000 pound column, on the 60 to 75 mile line, from 40¢ to 42¢ on less than statutory notice.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

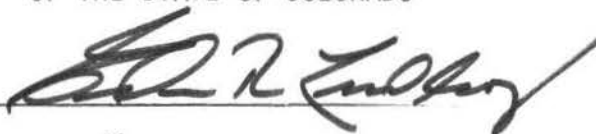
1. That Lennart Wallden, d/b/a "Hill Top-Denver Truck Line," be, and hereby is, authorized to publish in the less than 8,000 pound column for distances of 75 miles and over 60 a 42¢ rate instead of the 40¢ rate presently shown.


2. That said publication may be made on less than statutory notice to become effective on February 19, 1976.

3. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

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

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF --)	
COLORADO PUC NO. 5 -- TELEPHONE,)	INVESTIGATION AND SUSPENSION
MOUNTAIN STATES TELEPHONE AND)	DOCKET NO. 948
TELEGRAPH COMPANY, UNDER ADVICE)	
LETTER NO. 1094.)	

ORDER OF THE COMMISSION DENYING APPLICATION
FOR REARGUMENT AND RECONSIDERATION OF DECISION NO. 88059

February 17, 1976

S T A T E M E N T

BY THE COMMISSION:

On November 26, 1975, by Decision No. 87834 the Commission rejected the tariff sheets filed with Advice Letter No. 1010 and ordered Mountain States Telephone and Telegraph Company (hereinafter referred to as "Mountain Bell") to file new tariff sheets for Com Key 718, offering Com Key 718 on a standard month-to-month basis at the rates set forth in Appendix A attached to Decision No. 87834.

On December 23, 1975, by Decision No. 87960 the Commission consolidated I&S Docket No. 948 with I&S Docket No. 881. In Decision No. 87960, the Commission noted:

On April 29, 1975, while the Commission had the exceptions filed by Respondent and Sturgeon under consideration, Respondent filed Advice Letter No. 1094 and accompanying tariff sheets. According to Advice Letter No. 1094, Advice Letter No. 1094 and the accompanying tariffs were filed for two purposes: The first purpose was to redesignate the effective date of the tariff pages filed on July 31, 1974, with Advice Letter No. 1010 to reflect an effective date of March 28, 1975. The second purpose was to transmit to the Commission new tariff sheets that would

allow for the provision of Com Key 718 Fixed Multiline Telephone Systems on a month-to-month rate plus installation charge basis, as well as the alternate Tela Lease. According to Advice Letter No. 1094, the accompanying tariff sheets made no changes with respect to the tariffs filed under Advice Letter No. 1010, except as to the effective date noted above, and except as to reflect (1) subsequent Commission orders and (2) subsequent tariff changes filed by Respondent which became effective without Commission action. . . .

* * *

As discussed above, Advice Letter No. 1094 stated that it was filed for two purposes: First, to redesignate the effective date of the tariff pages filed on July 31, 1974, with Advice Letter No. 1010 to reflect an effective date of March 28, 1975, and, second, to transmit new tariff sheets making Com Key 718 Fixed Multiline Telephone Systems available upon a month-to-month rate basis plus installation. Inasmuch as a portion of the tariff sheets filed under Advice Letter No. 1094 are the tariff sheets filed under Advice Letter No. 1010, brought up to date as of September 29, 1975, and inasmuch as the Commission has provided in Decision No. 87834 for offering Com Key 718 on a month-to-month basis, Commission will hereinafter order that I&S Docket No. 948 be consolidated with I&S Docket No. 881.

On January 13, 1976, by Decision No. 88059, the Commission denied the Application for Rehearing, Reargument or Reconsideration of Decision No. 87834 filed by Mountain Bell and the Petition for Reconsideration of Decision No. 87834 filed by Intervenor Sturgeon and also ordered that the tariff sheets filed with Advice Letter No. 1094 be rejected and I&S Docket No. 948 be closed. In Decision No. 88059, the Commission stated:

As stated above, I&S Docket No. 948 was consolidated with I&S Docket No. 881 on December 23, 1975. Inasmuch as today's decision by the Commission is the Commission's final decision on the merits of Advice Letter No. 1010, and attached tariffs, it is the judgment of the Commission that the issues in I&S Docket No. 948 have now become moot. Accordingly, the tariffs filed with Advice Letter No. 1094 will be rejected and I&S Docket No. 948 closed.

On February 2, 1976, Mountain Bell filed an application for reargument or reconsideration of Decision No. 88059. Mountain Bell complains in its Application for Reargument or Reconsideration that it was not accorded a hearing by the Commission on the tariff sheets filed with Advice Letter No. 1094. Mountain Bell asserts that the Commission has no authority to reject a tariff filing except for matters of form as prescribed by its regulations, unless the Commission first holds a hearing. The Commission does not agree with Mountain Bell. If the Commission were obligated to conduct hearings every time a utility filed tariff sheets with the Commission (unless the Commission permitted the tariff sheets to become effective without suspension) the Commission

would be at the mercy of the utilities it is supposed to regulate - the regulated would, in fact, become the regulator. If all a utility had to do was to refile almost identical tariffs and demand a hearing, then the Commission could become so mired in needless administrative hearings that its ability to regulate would be effectively destroyed. Mountain Bell acknowledges in its Advice Letter No. 1094 that those portions of the tariffs relating to offering Com Key 718 by means of the Tela Lease on a three-, five- or seven-year tiered basis were identical to the tariff sheets filed with Advice Letter No. 1010, except as to the effective date and except as to minor changes to reflect Commission orders and subsequent tariff changes filed by Mountain Bell which became effective without Commission action. The remaining portion of the tariff sheets filed with Advice Letter No. 1094 made Com Key 718 available to Mountain Bell's customers on a month-to-month basis plus installation. On November 26, 1975, in I&S Docket No. 881, only 48 days prior to entering Decision No. 88059, the Commission had rejected offering Com Key 718 by means of the Tela Lease, and on a three-, five- or seven-year tiered basis, and had ordered Mountain Bell to file tariffs offering Com Key 718 on a standard month-to-month basis at the rates set forth in Appendix A to Decision No. 87834. If the Commission had conducted simultaneous hearings in I&S Docket No. 881 and I&S Docket No. 948 involving the same offering of Com Key 718 this would have been an abuse of the administrative process. The Commission, furthermore, should always be vigilant against the use of the administrative process for the purpose of eliminating competition. C.f., California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508 (1972); Otter Tail Power Company v. United States, 410 U.S. 366 (1973).

The issues the Commission would have been called to rule upon in I&S Docket No. 948 were the same issues that the Commission was ruling upon in I&S Docket No. 881. The Commission was not obligated to conduct duplicate hearings on the same issues. C.f., Panhandle Eastern Pipe Line Co. v. Federal Power Commission, 236 F.2d 606 (3rd Cir. 1956); New England Telephone and Telegraph Co. v. Kennelly, 78 R.I. 211, 80 A.2d 891 (1951).

The Commission has now reconsidered the matter and has determined that Mountain Bell's Application for Reargument or Reconsideration of that portion of Decision No. 88059 which rejected the tariff sheets filed with Advice Letter No. 1094 and closed I&S Docket No. 948 should be denied.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Application for Reargument or Reconsideration of that portion of Decision No. 88059 (which rejected the tariff sheets filed with Advice Letter No. 1094 and closed I&S Docket No. 948) filed by Mountain States Telephone and Telegraph Company on February 2, 1976, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 17th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
DISSENTING.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner

(Decision No. 88242)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: LOCAL COMMODITY TARIFF NO.)	INVESTIGATION AND SUSPENSION
33 FILED BY ENGLEWOOD TRANSIT)	DOCKET NO. 1025
COMPANY, 576 EAST 4TH, PUEBLO,)	
COLORADO, SCHEDULED TO BECOME)	ORDER SETTING TARIFF FOR HEARING
EFFECTIVE FEBRUARY 29, 1976.)	AND SUSPENDING EFFECTIVE DATE

February 17, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 14, 1976, Englewood Transit Company, Respondent herein, filed its Tariff No. 33, Colo. PUC No. 34, naming local commodity rates on roofing or siding or roofing or siding materials between all points within the State of Colorado. Respondent operates under authority of Certificates No. 222 & I. Said certificates includes the following restriction:

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

Respondent herein, notwithstanding the restriction stated above, filed in its Tariff No. 33, Colo. PUC No. 34, Item No. 40, which states:

SPECIALIZED SERVICE:

The rates and charges herein contained apply on specialized service and as such are not subject to any penalties of the so called "Twenty Percent Rule" when movement of product/s transported move between points in competition with regular route common carriers.

The tariff filing of the Respondent was timely protested by Rio Grande Motor Way, Inc., a scheduled common carrier, who could be injured if said tariff is allowed to become effective on February 29, 1976.

The Commission states and finds that the within tariff may be in violation of the Rules and Regulations and should be set for hearing and suspended.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff filed by Englewood Transit Company.
 2. That this Investigation and Suspension Docket No. 1025, be, and the same is hereby, set for hearing before the Commission on:

Date: April 23, 1976

Time: 10:00 AM

Place: Hearing Room
1845 Sherman Street
500 Columbine Building
Denver, Colorado 80203
 3. That Englewood Transit Company Tariff No. 33, Colo. PUC No. 34, be, and it hereby is, suspended for a period of 210 days or until September 25, 1976, unless otherwise ordered by the Commission.
 4. 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.
 5. That neither the tariff filing 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.
 6. 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 E. G. Perry, Jr., President, Englewood Transit Company, 576 East 4th, Pueblo, Colorado, and that the necessary suspension supplement be posted and filed to the tariff.
 7. 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.
 8. That this Order shall be effective forthwith.
- DONE IN OPEN MEETING the 17th day of February, 1976.

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)
DON E. TENNANT AND RAYMOND E.)
FERGUSON, 12782 WOODLAND DRIVE,)
LONGMONT, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28957-PP

ORDER OF THE COMMISSION

February 24, 1976

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT

Edythe S. Miller

Commissioners
md

Appendix
Decision No. 88243
February 24, 1976

Don E. Tennant and Raymond E. Ferguson

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)
JOHN A. FRESQUEZ, JR., DOING BUSI-)
NESS AS "FRESQUEZ BROS. TRUCKING,")
4480 COOK STREET, DENVER, COLORADO,)
FOR AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28958-PP

ORDER OF THE COMMISSION

February 24, 1976

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT

Henry S. Paulino

Edythe S. Miller
Commissioners
md

Appendix
Decision No. 88244
February 24, 1976

Fresquez Bros. 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 100 miles from the point(s) of origin.

(Decision No. 88245)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAKE SCHLAGEL, JR., DOING BUSINESS)
AS "AURORA & EAST DENVER TRASH)
DISPOSAL", 447 OSWEGO STREET,)
AURORA, COLORADO, FOR AUTHORITY TO)
LEASE PUC NO. 3517 TO JAKE SCHLAGEL,)
JR., INC., DOING BUSINESS AS "AURORA)
& EAST DENVER TRASH DISPOSAL", 447)
OSWEGO STREET, AURORA, COLORADO.)

APPLICATION NO. 28772-Lease

IN THE MATTER OF THE APPLICATION OF)
JAKE SCHLAGEL, JR., DOING BUSINESS)
AS "AURORA & EAST DENVER TRASH)
DISPOSAL", 447 OSWEGO STREET,)
AURORA, COLORADO, FOR AUTHORITY TO)
LEASE PUC NO. 1823 TO JAKE SCHLAGEL,)
JR., INC., DOING BUSINESS AS "AURORA)
& EAST DENVER TRASH DISPOSAL", 447)
OSWEGO STREET, AURORA, COLORADO.)

APPLICATION NO. 28773-Lease

IN THE MATTER OF THE APPLICATION OF)
JAKE SCHLAGEL, JR., DOING BUSINESS)
AS "AURORA & EAST DENVER TRASH)
DISPOSAL", 447 OSWEGO STREET, AURORA,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY AUTH-)
ORIZING CLARIFICATION AND/OR INTER-)
PRETATION AND/OR EXTENSION OF PUC)
NO. 1823.)

APPLICATION NO. 28774 -
Clarification and/or Interpretation
and/or Extension

ORDER GRANTING REQUEST
TO WITHDRAW AS CO-COUNSEL

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 17, 1976, Robert G. Shepherd, Jr., Attorney, filed a request to withdraw as co-counsel for the Applicants in the above-captioned matters.

The Commission states and finds that the aforesaid co-counsel has stated sufficient grounds for withdrawal from these matters, and said request should be granted.

An appropriate order will be entered.

O R D E R


THE COMMISSION ORDERS THAT:

Robert G. Shepherd, Jr., Attorney, be, and hereby is, permitted to withdraw as co-counsel for Applicants in the above-captioned matters.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28553
THE CITY COUNCIL OF THE CITY OF)	
THORNTON, COLORADO, FOR AUTHORITY TO	)	RECOMMENDED DECISION OF
WIDEN AND RESIGNALIZE THE CROSSING	)	THOMAS M. McCaffrey,
OF THE UNION PACIFIC RAILROAD COMPANY	)	EXAMINER
AT 88TH AVENUE IN ADAMS COUNTY,)	
COLORADO.	)	GRANTING APPLICATION

February 18, 1976

Appearances: T. William Wallace, Esq.,
Assistant City Attorney,
Brighton, Colorado, for
Applicant;
John J. Mullins, Jr., Esq.,
Denver, Colorado, for the
Union Pacific Railroad
Company;
Oscar Goldberg, Esq.,
Denver, Colorado, for
the Commission.

PROCEDURE AND RECORD

On August 5, 1975, the City Council of the City of Thornton, Colorado, filed the above-titled application with this Commission requesting an order authorizing Applicant to widen the grade crossing of 88th Avenue across the tracks of the Union Pacific Railroad Company in Thornton, Colorado, and to install, operate, and maintain thereat automatic signals and gates.

The Commission assigned Docket No. 28553 to the application, and, after due and proper notice to all interested persons, firms, or corporations, set the application for hearing on Friday, October 31, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, which hearing the Commission subsequently vacated and reset for Friday, November 21, 1975. The matter was heard at the scheduled time and place on a joint record with Application No. 28552 by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned for hearing.

Subsequent to the filing of the application, William E. Storey, D & B Construction, Inc., and Mr. Stanley Lassak filed letters objecting to the proposed widening of the crossing at 88th Avenue. Received by the Commission on October 20, 1975, was a letter from William E. Storey and D & B Construction, Inc., withdrawing their objection. No person or firm, however, appeared at the hearing to protest the granting of this application.

Exhibits 1 and 2 and Exhibits 4 through 9 were offered and admitted into evidence. Exhibit 3, which was the labor and materials cost estimate for both crossings, was so marked but not offered into evidence. Applicant requested permission to late-file certain information pertaining to sidewalks at the subject crossings, and the Union Pacific Railroad Company requested approximately 30 days in which to file a new estimate to reflect the signalization necessary in accordance with the information relating to the sidewalks to be furnished by the City of Thornton. Applicant's information was duly received, but the Union Pacific's estimate of cost was not filed with the Commission until February 11, 1976.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. The purpose of this application is to secure Commission approval for the widening of the railroad crossing across the tracks of the Union Pacific Railroad Company at 88th Avenue in Thornton, Colorado, and for authority to resignalize said crossing.
2. The Commission has jurisdiction over the subject matter in this proceeding.
3. The 88th Avenue thoroughfare is an east-west principle arterial serving the southern portion of Thornton. It also serves as a connecting roadway between U.S. Highway Nos. 6 and 85 to the east and Interstate Highway No. 25 and cities to the west. The City has recently widened 88th Avenue to a width of 64 feet with curb and gutter providing two travel lanes in each direction and a center, left-turn median. A six-foot sidewalk is presently attached to the north curb line and a four-foot sidewalk is attached to the south curb line.
4. Present protection consists of standard mast mounted flashing light signal units with a bell located beyond the existing sidewalks.
5. Present estimated average daily traffic over the crossing is 18,000 vehicles. Present train movements over the single-track crossing consist of six movements per week with a maximum timetable speed of 40 m.p.h. The recommended protection type (Exhibit No. 9) is standard flashing light signals. The City of Thornton has requested authority to install gates at the instant crossing; however, the vehicular and train traffic does not warrant the installation of gates at this crossing location.
6. The present crossing signals should be upgraded by the addition of overhead cantilever flashing light units to provide warning to motorists traveling in the inside traffic lanes. The City will relocate the existing sidewalks to accommodate the additional signal units. Estimated cost of the addition and modification of the signal warning devices is \$48,270.

7. The application is filed under the provisions of 40-6-106, CRS 1973. The City of Thornton has requested that its portion of the cost of the signals be no more than 10 percent because the roadway widening to a large extent is necessitated by cross-town traffic of a regional nature and not primarily of a local nature. As shown by substantial evidence in this proceeding, a fair and reasonable allocation of costs would be 10 percent to the City of Thornton, 10 percent to the Union Pacific Railroad Company, and the remaining 80 percent of the resignalization costs to be paid from the Commission Crossing Protection Fund.

No part of the cost of the proposed signal devices will be paid from funds available under any federal or federal-aid highway act. The Union Pacific Railroad Company will provide all maintenance to the signal devices, at its own expense, for the life of the crossing so protected.

8. The present signal devices at the crossing of 88th Avenue across the Union Pacific Railroad Company tracks are inadequate, in view of the increased width of the crossing, to properly protect the public using the crossing. The public safety, convenience, and necessity require the granting of this application, and such granting will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The widening of 88th Avenue at the crossing of the Union Pacific Railroad Company track in the City of Thornton, Colorado, is necessary for the public convenience and safety.

2. The addition of cantilever flashing light units, as contemplated herein, are required so as to promote the public safety.

3. The application for widening and additional safety devices should be granted and the actual cost of the additional cantilever signal lights allocated as follows:

10 percent to the City of Thornton, Colorado;

10 percent to the Union Pacific Railroad Company;

80 percent to the Commission Crossing Protection Fund.

4. The signal devices and installation should be in conformance with the current Bulletin of the Association of American Railroads' Joint Committee on Railroad-Highway Grade Crossing Warning Systems. Union Pacific Railroad Company should maintain the signal and warning devices for the life of the crossing.

5. As provided by 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The City of Thornton, Adams County, Colorado, be, and hereby is, authorized to widen the grade crossing of 88th Avenue across the Union Pacific Railroad Company's property and track.

2. The Union Pacific Railroad Company be, and hereby is, authorized and directed to install, operate, and maintain cantilever flashing light signal devices in addition to standard mast mounted flashing light signal devices with a bell at the grade crossing on 88th Avenue across the tracks of the Union Pacific Railroad Company's Dent Branch, City of Thornton, Adams County, Colorado.

3. A fair, just, and equitable distribution of the total cost and installation of the proposed protection devices, estimated to be \$48,270, shall be as follows:

(a) The Union Pacific Railroad Company shall contribute out of its own funds, 10 percent of the cost of said installation and shall thereafter maintain the automatic signals and protection devices to cover its share of the benefits therefrom;

(b) The City of Thornton, Adams County, Colorado, shall pay 10 percent of the total cost, including materials and labor, of said installation to cover its share of benefits received from such installation. Upon completion of the proposed work, an itemized statement of the actual cost, and a bill covering said 10 percent, shall be forwarded by Union Pacific Railroad Company to the City of Thornton, which said bill shall be paid to Union Pacific Railroad Company;

(c) The remainder of the costs, or 80 percent, shall be paid out of the Commission Highway Crossing Protection Fund. Upon completion of the proposed work, an itemized statement of the actual cost, and a bill covering such 80 percent, shall be forwarded by the Union Pacific Railroad Company to the Commission, which bill shall be paid to Union Pacific Railroad Company after audit and verification of the signal installation.

4. The signal devices and installation shall all be in conformance with the Current Bulletin of the Association of American Railroads' Joint Committee on Railroad-Highway Grade Warning Systems and in accordance with the plans and specifications heretofore submitted to the Commission in this proceeding.

5. The Union Pacific Railroad Company shall order the materials for the above-stated installation immediately upon the effective date of this Order; and work shall be commenced upon such installation within ninety (90) days of the said effective date. The signal and safety protection devices shall be installed and fully operative within six (6) months of the effective date of this Order, or the Union Pacific Railroad Company shall file with this Commission an application for an extension of time to complete such installation stating specifically in said application the reasons for such requested extension of time.

6. The actual costs for widening the crossing shall be paid as agreed upon between the City of Thornton and the Union Pacific Railroad Company.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

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 THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28552
THE CITY COUNCIL OF THE CITY OF)	
THORNTON, COLORADO, FOR AUTHORITY TO	)	RECOMMENDED DECISION OF
WIDEN AND RESIGNALIZE THE CROSSING	)	THOMAS M. McCaffrey,
OF THE UNION PACIFIC RAILROAD COMPANY	)	EXAMINER
AT 104TH AVENUE IN ADAMS COUNTY,)	
COLORADO.	)	GRANTING APPLICATION

- - - - -
February 18, 1976
- - - - -

Appearances: T. William Wallace, Esq.,
Assistant City Attorney,
Brighton, Colorado, for
Applicant;
John J. Mullins, Jr., Esq.,
Denver, Colorado, for the
Union Pacific Railroad
Company;
Oscar Goldberg, Esq.,
Denver, Colorado, for
the Commission.

PROCEDURE AND RECORD

On August 5, 1975, the City Council of the City of Thornton, Colorado, filed the above-titled application with this Commission requesting an order authorizing Applicant to widen the grade crossing of 104th Avenue across the tracks of the Union Pacific Railroad Company in Thornton, Colorado, and to install, operate, and maintain thereat automatic signals and gates.

The Commission assigned Docket No. 28552 to the application, and after due and proper notice to all interested persons, firms, or corporations, set the application for hearing on Friday, October 31, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, which hearing the Commission subsequently vacated and reset for Friday, November 21, 1975. The matter was heard at the scheduled time and place on a joint record with Application No. 28553 by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned for hearing.

No person or firm appeared at the hearing to protest the granting of this application.

Exhibits 1 and 2 and Exhibits 4 through 9 were offered and admitted into evidence. Exhibit 3, which was the labor and materials cost estimate for both crossings, was so marked but not offered into evidence. Applicant requested permission to late-file certain information pertaining to sidewalks at the subject crossings, and the Union Pacific Railroad Company requested approximately 30 days in which to file a new estimate to reflect the signalization necessary in accordance with the information relating to the sidewalks

to be furnished by the City of Thornton. The City of Thornton duly filed the requested information, but the Union Pacific Railroad Company did not file the requested estimate until February 11, 1976.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. The purpose of this application is to secure Commission approval for the widening of the railroad crossing across the tracks of the Union Pacific Railroad Company at 104th Avenue in Thornton, Colorado, and for authority to resignalize said crossing.
2. The Commission has jurisdiction over the parties and subject matter in this proceeding.
3. The 104th Avenue roadway is an east-west principle arterial serving the central portion of Thornton. It also serves as a connecting arterial between U.S. Highway Nos. 6 and 85 to the east and Interstate Highway No. 25 and cities to the west. The City proposes to widen 104th Avenue to a width of 100 feet curb-to-curb, consisting of two 12-foot traveled lanes in each direction with a 52-foot depressed median, and sidewalks to be located outside the curbs. The roadway is designed to allow for construction of a third traveled lane in each direction as traffic increases in the future.
4. The City of Thornton, together with the City of Northglenn, the Division of Highways, and the Federal Highway Administration is improving 104th Avenue west of the crossing from Interstate Highway No. 25 to York Street, relying heavily on federal funding. The roadway widening to the east of York Street through the crossing is being undertaken by the City of Thornton without federal funding.
5. The subject crossing on 104th Avenue, which is now a two-lane paved street, in the vicinity of the crossing, is protected by standard railroad crossbuck signs and highway stop signs.
6. Estimated average daily traffic over the crossing upon completion of the initial widening is 17,200 vehicles, which is expected to increase to 22,000 upon addition of the third lanes. Present train movements over the single-track crossing consists of six movements per week with a maximum timetable speed of 40 m.p.h. The recommended protection type (Exhibit No. 9) is standard flashing light signals with gate arms.
7. The proposed crossing protection devices will consist of standard mast mounted flashing light signals and short-arm gates, with an additional mast mounted flashing light unit located in the median for each direction of roadway. Upon application to this Commission for additional widening of 104th Avenue in the future, it is intended to install an additional flashing light signal with short-arm gates to replace the mast mounted flashing light units located in the median. Estimated cost of the proposed signal installation is \$53,790.

8. The application is filed under the provisions of 40-4-106, CRS 1973. Because the roadway widening to a large extent is necessitated by cross-town traffic of a regional nature, the City of Thornton has requested that its portion of the cost of the signals be no more than 10 percent. The area in question, however, is experiencing an increase in residential development, and 104th Avenue serves the local community as the principle access for residents to local shopping areas, schools, parks and recreation areas, as well as for police, fire, and emergency vehicles. As shown by substantial evidence of record, a just and reasonable allocation of costs is 20 percent to the City of Thornton, 10 percent to the Union Pacific Railroad Company, and 70 percent to the Crossing Protection Fund.

9. No part of the cost of the proposed signal devices will be paid from funds available under any federal or federal-aid highway act. The Union Pacific Railroad Company will provide all maintenance to the signal devices, at its own expense, for the life of the crossing so protected.

10. The present warning signs at the crossing of 104th Avenue across the Union Pacific Railroad Company tracks will be inadequate upon completion of the proposed road improvement, in view of the increased width of the crossing, to properly protect the public using the crossing. The public safety, convenience, and necessity require the granting of this application, and such granting will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The widening of 104th Avenue at the crossing of the Union Pacific Railroad Company track in the City of Thornton, Colorado, is necessary for the public convenience and safety.

2. The installation of standard flashing light signals with short-arm gates, as contemplated herein, is required so as to promote the public safety.

3. The application for widening and installation of safety devices should be granted, and the actual cost of the installation of standard flashing light signals with short-arm gates prorated as follows:

20 percent to the City of Thornton, Colorado;

10 percent to the Union Pacific Railroad Company;

70 percent to the Commission Crossing Protection Fund.

4. The signal devices and installation should be in conformance with the current Bulletin of the Association of American Railroads' Joint Committee on Railroad-Highway Grade Crossing Warning Systems. Union Pacific Railroad Company should maintain the signal and warning devices for the life of the crossing.

5. As provided by 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. City of Thornton, Adams County, Colorado, be, and hereby is, authorized to widen the grade crossing of 104th Avenue across the Union Pacific Railroad Company's property and track.
2. The Union Pacific Railroad Company be, and hereby is, authorized and directed to install, operate, and maintain standard flashing light signal devices with short-arm gates, together with standard mast mounted flashing light signal devices, located in the median and a bell at the grade crossing on 104th Avenue across the tracks of the Union Pacific Railroad Company's Dent Branch, City of Thornton, Adams County, Colorado.
3. A fair, just, and equitable distribution of the total cost and installation of the proposed protection devices estimated to be \$53,790, shall be as follows:
 - (a) The Union Pacific Railroad Company shall contribute out of its own funds, 10 percent of the cost of said installation and shall thereafter maintain the automatic signals and protection devices to cover its share of the benefits therefrom;
 - (b) The City of Thornton, Adams County, Colorado, shall pay 20 percent of the total cost, including materials and labor, of said installation to cover its share of benefits received from such installation. Upon completion of the proposed work, an itemized statement of the actual cost, and a bill covering said 20 percent, shall be forwarded by Union Pacific Railroad Company to the City of Thornton, which bill shall be paid to Union Pacific Railroad Company;
 - (c) The remainder of the costs, or 70 percent, shall be paid out of the Commission Highway Crossing Protection Fund. Upon completion of the proposed work, an itemized statement of the actual cost, and a bill covering such 70 percent, shall be forwarded by the Union Pacific Railroad Company, to the Commission, which bill shall be paid to Union Pacific Railroad Company, after audit and verification of the signal installation.
4. The signal devices and installation shall all be in conformance with the Current Bulletin of the Association of American Railroads' Joint Committee on Railroad Crossing Warning Systems and in accordance with the plans and specifications heretofore submitted to the Commission in this proceeding.
5. The Union Pacific Railroad Company shall order the materials for the above-stated installation immediately upon the effective date of this Order; and work shall be commenced upon such installation within ninety (90) days of the said effective date. The signal and safety protection devices shall be installed and fully operative within six (6) months of the effective date of ~~this Order~~, or the Union Pacific Railroad Company shall file with this Commission an application for an extension of time to complete such installation stating specifically in said application the reasons for such requested extension of time.

6. The actual costs for widening the crossing shall be as agreed upon between the City of Thornton and the Union Pacific Railroad Company.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. M. Coffey
Examiner
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vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28616
THE BOARD OF TRUSTEES OF THE TOWN)	
OF CASTLE ROCK, COLORADO, FOR	)	RECOMMENDED DECISION OF
AUTHORITY TO SIGNALIZE THE CROSSING	)	THOMAS M. McCAFFREY,
OF THE DENVER AND RIO GRANDE WESTERN	)	EXAMINER
RAILROAD COMPANY AT SECOND STREET IN)	
CASTLE ROCK, DOUGLAS COUNTY, COLORADO.	)	GRANTING APPLICATION

- - - - -
February 18, 1976
- - - - -

Appearances: George F. Elsner, Esq.,
Town Attorney, Castle
Rock, Colorado, for
Applicant;
John S. Walker, Esq.,
Denver, Colorado, for
The Denver and Rio Grande
Western Railroad Company.

PROCEDURE AND RECORD

On September 2, 1975, the Board of Trustees of the Town of Castle Rock, State of Colorado, filed the above-titled application with this Commission requesting authority to install automatic signals at the crossing of Second Street across the tracks of The Denver and Rio Grande Western Railroad Company in the town of Castle Rock, Colorado.

The Commission assigned Docket No. 28616 to the application and with due and proper notice to all interested persons, firms, or corporations, set the application for hearing on Wednesday, November 26, 1975, at 10 a.m. in the District Courtroom, Douglas County Courthouse, 301 Wilcox, Castle Rock, Colorado, at which time and place the matter was called for hearing by Examiner Thomas M. McCaffrey, to whom the matter had been duly assigned. Upon motion of the Applicant, the Examiner, for good cause shown, continued the application for hearing and, in Decision No. 87896, reset the hearing for Monday, December 29, 1975, at 10 a.m. in the District Courtroom of the Douglas County Courthouse in Castle Rock, at which time and place the hearing was held as scheduled.

Exhibits 1 through 3, inclusive, were offered and admitted into evidence. Permission was granted to file a revised Exhibit No. 1, which Exhibit was duly filed.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. By this application the Applicant, the Town of Castle Rock, a municipal corporation and political subdivision of the State of Colorado, requests an order from this Commission authorizing the resignalization by the installation of automatic flashing light signals and gates at the existing crossing on Second Street across the tracks of The Denver and Rio Grande Western Railroad Company, Milepost 32.6, Castle Rock, Colorado.

2. No person or firm has filed with the Commission any objection or protest to the authority requested in this application, and no one appeared at the hearing to intervene or protest the granting of the authority as requested.

3. There are presently three roadways that cross The Denver and Rio Grande Western Railroad Company tracks within the town of Castle Rock, these being at Second, Third, and Fifth Streets. Until recently, the preponderance of vehicular traffic utilized the crossing at Third Street, but placement of traffic stop signs on Third Street has now changed the traffic patterns for the traffic crossing the tracks in an east-west direction. The crossings at Third and Fifth Streets are presently protected by flashing light signals, while the subject crossing on Second Street is presently protected only by crossbuck signs and highway stop signs.

4. Since the shift of traffic patterns from Third Street to Second Street, the number of vehicles using the Second Street crossing has increased considerably. A traffic count commenced on December 3, 1975, showed a total of 10,227 vehicles passing over the tracks on Second Street, for an average of approximately 1,461 vehicles per day. Second Street is now a principle traffic street serving downtown Castle Rock and is the principle link for traffic traveling to and from Interstate Highway No. 25 from the central portion of Castle Rock. Newly developed residential areas east and southeast of Castle Rock also utilize Second Street, which is also the thoroughfare used for school buses traveling to and from the two schools in Castle Rock, both located on the east side of the tracks. Five school buses presently utilize the crossing in both directions daily. Speed limit for vehicles at the crossing is 25 m.p.h.

5. There are three sets of tracks at the crossing on Second Street, a mainline and a passing track, plus an industry track. Visibility for eastbound vehicular traffic is approximately one-half mile to the south, with visibility to the north being obstructed by structures near the crossing. Visibility for westbound traffic is limited by various structures to the north and south of the crossing. There are presently eight trains passing over the crossing daily with a speed limit of 40 m.p.h.

6. The increased vehicular traffic on Second Street and the limited visibility for vehicles at the crossing, together with an increased number of trains, make the existing signalization at the subject crossing inadequate and unsafe for the public traversing the crossing.

7. The proposed signals and protection devices at the crossing will consist of two automatic flasher-light signal units with short-arm gates and a bell warning device. Upon the approach of a train, the gates will lower as a holding barricade for vehicular traffic approaching the

crossing in both directions, thereby protecting the mainline track, passing track, and sidetrack at the crossing. Track circuiting will provide a minimum warning time of 25 seconds before the approach of a train from either direction, and motion sensors will eliminate excessive closing of the short-arm gates. All circuiting will be in conformance with the standards of the Association of American Railroads. Materials for the signals and protective devices are now available and will be installed as soon as possible after authorization is obtained from this Commission. Installation will be done by The Denver and Rio Grande Western Railroad Company, which will thereafter maintain the crossing at its own expense.

8. The estimated cost for the proposed signals and warning devices is \$52,080, including labor and materials. Applicant in the application requested that costs be allocated either as provided by 40-4-106, CRS 1973, or, in the alternative, in accordance with the provisions of the Federal-Aid Safer Roads' Demonstration Program. As shown by the evidence in this proceeding, costs will be paid in accordance with the Federal Highway Safety Act of 1973, which is Title 2 of Public Law 93 - 87, Section 230, United States Code, commonly known as the Federal-Aid Safer Roads' Demonstration Program. Under this program, highway trust fund moneys are authorized specifically for rail-highway crossing safety projects. Federal funds may be used to pay 90 percent of the total cost of each project, with local or state agencies required to pay the remaining 10 percent. Federal Highway Administration guidelines do not require or recommend any railroad financial participation. In accordance with the provisions of Section 230, the Governor of the State of Colorado has designated the Colorado Department of Highways as the proper agency to submit to the U.S. Secretary of Transportation a list of priority projects to be included in the Safer Roads' Demonstration Program. The Colorado Department of Highways and the U.S. Department of Transportation have designated and approved the subject crossing on Second Street in Castle Rock as the No. 5 priority railroad crossing project. The Colorado Highway Protection Fund will thus not be involved in any allocation of cost for the subject crossing in this application. The Colorado Department of Highways has budgeted \$54,000 for this project under Section 230 to cover preliminary engineering, administration, and labor and materials for installation of the protective devices. The Denver and Rio Grande Western Railroad Company has agreed to bear any increased cost over the original estimate upon which the reserved allocation of money has been made under the aforesaid Highway Safety Act.

9. It is hereby found as fact that the installation, operation, and maintenance of the signals and warning protection devices as described herein are necessary and proper to promote the public interest and safety at the railroad crossing across the tracks of The Denver and Rio Grande Western Railroad Company on Second Street at Milepost 32.6, Castle Rock, Colorado. Such signals and warning devices are adequate and proper for this crossing, and the granting of this application will promote the safety and welfare of the public.

CONCLUSIONS ON FINDINGS OF FACT

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

1. This Commission has jurisdiction over the subject matter of this proceeding.

2. Installation of automatic flashing light signals with short-arm gates and warning bell on Second Street across the tracks of The Denver and Rio Grande Western Railroad Company at Milepost 32.6 are required to promote the public safety and should be authorized.

3. The total cost of labor and materials in installing the signals should be paid in accordance with the provisions of the Highway Safety Act of 1973, Title 2 of Public Law 93 - 87, and the Rio Grande should pay any costs over the original estimate.

4. All signal devices and installation thereof should be in accordance with the Current Bulletin of the Association of American Railroads' Joint Committee on Railroad-Highway Grade Crossing Warning Systems and in accordance with the plans and specifications heretofore submitted to the Commission in this proceeding. The Denver and Rio Grande Western Railroad Company should maintain the signal and warning devices for the life of the crossing.

5. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Denver and Rio Grande Western Railroad Company be, and hereby is, authorized and directed to install, operate, and maintain automatic grade crossing protection devices, consisting of standard automatic flashing light signals with short-arm gates and bell, at the crossing on Second Street across the tracks of The Denver and Rio Grande Western Railroad Company at Milepost 32.6, Department of Transportation I.D. No. 253-067F, Town of Castle Rock, Douglas County, Colorado.

2. The total cost of labor and materials, estimated at \$52,080, required for installation of the crossing protection devices at the above-described crossing shall be in accordance with the Agreement by and between the State Department of Highways, Division of Highways, State of Colorado, and the Town of Castle Rock, Douglas County, Colorado, except that The Denver and Rio Grande Western Railroad Company shall pay all costs exceeding \$54,000.

3. All signal devices and installation thereof shall be in accordance with the Current Bulletin of the Association of American Railroads' Joint Committee on Railroad-Highway Grade Crossing Warning Systems.

4. The Denver and Rio Grande Western Railroad Company shall maintain said signal and protection devices at its own expense for the life of the crossing so protected.

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 40-6-109, CRS 1973, 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 40-6-114,
CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas W. M. Laffey
Examiner
rw/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CLARENCE E. GERKIN, BOX 11,) PUC NO. 505
HUDSON, COLORADO.)

February 24, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above entitled authority be, and the same hereby is, authorized by the Commission from February 24, 1976 to and including May 24, 1976.

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

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT

Edythe S. Miller

Edythe S. Miller
Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN L. KUCERIK, DOING BUSINESS AS)
"KUCERIK BROS. MILK LINE," 914)
BOULDER, CALHAN, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 3019 TO RONALD R.)
SWITSER, DOING BUSINESS AS " R.R.)
SWITSER MILK LINE," 1723 AUBURN)
DRIVE, COLORADO SPRINGS, COLORADO.)

APPLICATION NO. 28895-Transfer
ORDER OF THE COMMISSION

- - - - -
February 24, 1976
- - - - -

Appearances: Don Shook, Esq., Colorado Springs, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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. 3019, as granted by Commission Decision No. 67189 dated April 15, 1965, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said 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 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT





Commissioners
md

(Decision No. 88251)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JOSEPH Z. PETO, DOING BUSINESS AS)	APPLICATION NO. 28891-PP
"JOE'S DELIVERY SERVICE," 1 NORTH)	
ELY STREET, COLORADO SPRINGS,)	ORDER GRANTING
COLORADO, FOR A CLASS "B" PERMIT)	WITHDRAWAL OF APPLICATION
TO OPERATE AS A CONTRACT CARRIER)	
BY MOTOR VEHICLE FOR HIRE.)	

- - - - -
March 2, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 18, 1976, Joseph Z. Peto, doing business as "Joe's Delivery Service," by its attorney Kenneth L. Covell, 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:

The application filed by Joseph Z. Peto, doing business as "Joe's Delivery Service," be, and hereby is, dismissed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROY T. CARPENTER, 2337 SOUTH)
SHIELDS, FORT COLLINS, COLORADO,)
AS SUCCESSOR IN INTEREST BY FORE-)
CLOSURE, FOR AN ORDER APPROVING)
THE REPOSSESSION OF ALL THE ISSUED)
AND OUTSTANDING CAPITAL STOCK IN)
AND TO TED CARPENTER & SON, INC.,)
RECORD OWNER OF CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 1017 AND PUC NO. 1017-I.)

APPLICATION NO. 28858-Stock Transfer
ORDER OF THE COMMISSION

February 24, 1976

Appearances: Kenneth R. Hoffman, Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That by Notice of the Commission dated December 15, 1975, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 Transferee is fit, willing and able to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 1017 and PUC No. 1017-I, and that the transaction is compatible with the public interest and that the following Order should be entered.

IT IS ORDERED, That Roy T. Carpenter, 2337 South Shields, Fort Collins, Colorado, be, and is hereby, authorized to assume control of Ted Carpenter & Sons, Inc., record owner of Certificate of Public Convenience and Necessity PUC No. 1017 and PUC No. 1017-I, pursuant to agreement and release dated April 25, 1975, a copy of which is on file with the Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferee, in writing, has advised the Commission that said stock certificates have been formally assigned, and that said party has accepted, and in the future will comply with, the conditions and requirements of this Order, to be 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 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 IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT



Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM D. PERKINS AND E. WAYNE)	
RAGSDALE, GENERAL DELIVERY,)	APPLICATION NO. 28332
BUFFALO CREEK, COLORADO, FOR AUTH-)	
ORITY TO OPERATE AS A COMMON)	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)	

- - - - -
February 24, 1976
- - - - -

Appearances: David A. Senseney, Esq., Englewood, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 the Appendix 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 holders 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 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT

Edythe S. Haller
Edythe S. Haller
Commissioners
md

Appendix
Decision No. 88253
February 24, 1976

William D. Perkins and E. Wayne Ragsdale

Transportation of

Ash, trash and other refuse

From all points located within that portion of Jefferson County, lying south of a line drawn east and west through Conifer, Colorado, excluding the following described area: Commencing at a point where U. S. Highway No. 285 intersects the Park-Jefferson County Line; thence north along said county line one (1) mile to a point; thence east five (5) miles to a point; thence south twelve (12) miles to a point; thence west five (5) miles to the Park-Jefferson County Line; thence north along said county line to the point of beginning, 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)
THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY, BURLINGTON NORTHERN)
INC., THE COLORADO AND SOUTHERN)
RAILWAY COMPANY, AND UNION PACIFIC)
RAILROAD COMPANY FOR AUTHORITY TO)
ABANDON THE DENVER UNION STOCKYARDS)
AGENCY AT DENVER, COLORADO.)

APPLICATION NO. 28364

ORDER GRANTING EXTENSION OF TIME
IN WHICH TO FILE EXCEPTIONS

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 10, 1975, Recommended Decision No. 87792 of Examiner Thomas M. McCaffrey was entered and served upon the parties.

On February 3, 1976, the official transcript was filed with the Commission.

On February 27, 1976, Applicants, The Atchison, Topeka and Santa Fe Railway Company, Burlington Northern Inc., The Colorado and Southern Railway Company, and Union Pacific Railroad Company, by their attorney, W. L. Peck, filed with the Commission a Motion for an Extension of Time in Which to File Exceptions until thirty (30) days from the date of this decision.

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 Atchison, Topeka and Santa Fe Railway Company, Burlington Northern Inc., The Colorado and Southern Railway Company and Union Pacific Railroad Company be, and hereby are, granted an extension of time in which to file exceptions until thirty (30) days from the date of this decision.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

(Decision No. 88255)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28956-PP -
WIND ROW, INC., P. O. BOX 990,)	Transfer Portion
PUEBLO, COLORADO TO TRANSFER A)	
PORTION OF CONTRACT CARRIER PERMIT)	ORDER GRANTING
NO. B-7010 FROM THOMAS J. KNEZ,)	WITHDRAWAL OF APPLICATION
DOING BUSINESS AS "THOMAS J. KNEZ)	
TRUCKING," BOX 508, CRAIG, COLORADO.)	

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 18, 1976, Wind Row, 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

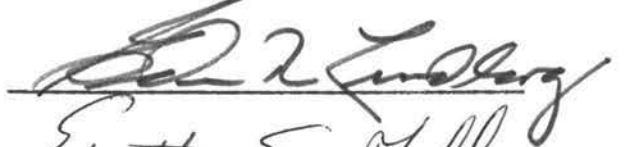
THE COMMISSION ORDERS THAT:

The application filed by Wind Row, Inc., be, and hereby is, dismissed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RED BALL MOTOR FREIGHT, INC., P. O.)
BOX 47407, DALLAS, TEXAS, FOR AUTH-)
ORITY TO TRANSFER ALL RIGHT, TITLE)
AND INTEREST IN AND TO A PORTION OF)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 8 AND PUC NO.)
8-I, TO GRAVES TRUCK LINES, INC.,)
2130 SOUTH OHIO AVENUE, SALINA,)
KANSAS.)

APPLICATION NO. 28856-Transfer Portion

IN THE MATTER OF THE APPLICATION OF)
RED BALL MOTOR FREIGHT, INC., P. O.)
BOX 47407, DALLAS, TEXAS, FOR AUTH-)
ORITY TO TRANSFER ALL RIGHT, TITLE)
AND INTEREST IN AND TO CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 354, TO GRAVES TRUCK LINES,)
INC., 2130 SOUTH OHIO AVENUE,)
SALINA, KANSAS.)

APPLICATION NO. 28857-Transfer

ORDER OF THE COMMISSION

February 24, 1976

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

IT APPEARING, That proper notice of the filing of above entitled applications has been given pursuant to CRS 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in these proceedings has been filed by any person within the time prescribed and that the herein proceedings are therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matters are ones which may properly be determined without the necessity of a formal oral hearing;

IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfers as hereinafter ordered;

AND IT FURTHER APPEARING, That Applicants herein seek authority from this Commission to transfer Certificate of Public Convenience and Necessity PUC No. 354 and the Intrastate portion only of Certificate of Public Convenience and Necessity PUC No. 8 and PUC No. 8-I, and if the transfers are approved, Transferee further request that said Certificates be consolidated with its present Interstate Registration Number 2039-I so that upon completion, the Transferee will hold one Certificate with all its authority both Intrastate and Interstate, designated as Certificate of Public Convenience and Necessity PUC No. 2039 and PUC No. 2039-I.

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfers are 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 authorities to be transferred.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the captions above be authorized to transfer all right, title and interest in and to a portion of Certificate of Public Convenience and Necessity PUC No. 8 and PUC No. 8-I, as granted by Commission Decision No. 56993 dated August 8, 1961 and Certificate of Public Convenience and Necessity PUC No. 354, as granted by Commission Decision No. 81572 dated October 18, 1972, subject to encumbrances, if any, against said authorities approved by this Commission.

IT IS FURTHER ORDERED, That upon consummation of the foregoing transfers, Certificate of Public Convenience and Necessity PUC No. 354 and the Intrastate portion of Certificate of Public Convenience and Necessity PUC No. 8 and PUC No. 8-I shall be consolidated into Certificate of Public Convenience and Necessity PUC No. 2039-I, so that henceforth, the full and complete authority of the Transferee herein, under Certificate of Public Convenience and Necessity PUC No. 2039 and 2039-I, as a result of said consolidation, shall read and be as follows:

(1) Transportation of

Freight and express

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

- (d) Serving an area including a 3½ mile radius of the City Limits of Pueblo, Colorado, on shipments having a prior or subsequent movement on said carrier's line, including the Pueblo Air Base, and serving an area extending 5 miles beyond and contiguous to the City Limits of Denver, Colorado, on shipments having a prior or subsequent movement over said carrier's line, including service to and from the Ramo-Wooldridge Plant site located near the intersection of South Colorado Boulevard and the County Line between Arapahoe and Douglas Counties.
 - (e) Service to and from off-route points includes service to, from and between said off-route points and all intermediate points on the designated routes.
- (2) Transportation -- on call and demand -- of
- Ammunition and explosives, Classes A., B. and C. as described in Dangerous Articles Tariff No. 14, MF-ICC 15 or re-issues thereof, issued by American Trucking Associations, Inc., Agent; and shipments moving either on Government Bills of Lading or on commercial Bills of Lading to be converted to Government Bills of Lading;
- Between points in the Counties of Weld, Larimer, Boulder, and Morgan, in the State of Colorado, and occasional service throughout the State of Colorado.
- (3) 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."

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 Transferors of delinquent reports, if any, covering operations under said Certificates up to the time of transfers.

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 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG-ABSENT



Edythe S. Miller
Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
FOR AUTHORITY TO TRANSFER PUC NO.)	APPLICATION NO. 28751-Transfer
1820 FROM JAKE SCHLAGEL, JR., DOING)	
BUSINESS AS "AURORA & EAST DENVER)	ORDER GRANTING REQUEST TO
TRASH DISPOSAL", 447 OSWEGO STREET,)	WITHDRAW AS CO-COUNSEL
AURORA, COLORADO, TO AURORA F & S)	
SANITARY CARRIERS, INC., 11995 EAST)	
14TH AVENUE, AURORA, COLORADO.)	

- - - - -
March 2, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 18, 1976, Robert G. Shepherd, Jr., Attorney, filed a request to withdraw as co-counsel for the Applicants in the above-captioned matter.

The Commission states and finds that the aforesaid co-counsel has stated sufficient grounds for withdrawal from this matter, and said request should be granted.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Robert G. Shepherd, Jr., Attorney, be, and hereby is, permitted to withdraw as co-counsel for Applicants in the above-captioned matter.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

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 SANGRE DE CRISTO ELECTRIC)
ASSOCIATION, INC., A COLORADO)
CORPORATION, FOR THE PERMISSION)
TO BORROW MONEY FROM THE RURAL)
ELECTRIFICATION ADMINISTRATION)
AND FROM THE NATIONAL RURAL)
UTILITIES COOPERATIVE FINANCE)
CORPORATION.)

APPLICATION NO. 28947 - Securities
ORDER OF THE COMMISSION GRANTING
APPLICATION

- - - - -
February 24, 1976
- - - - -

Appearances: Robert P. Rush, Esq.,
Salida, Colorado,
for Applicant.

PROCEDURE AND RECORD

On January 29, 1976, Sangre De Cristo Electric Association, Inc. (hereinafter referred to as "Sangre De Cristo" or applicant), filed with the Commission the above-entitled application for authority (1) to execute an Amendment to the Amending Loan Contract, dated October 24th, 1975, amending the Loan Contract between Sangre De Cristo and the United States of America, dated April 24th, 1957, as amended; (2) to execute a Mortgage Note for \$738,000 to United States of America bearing interest at the rate of five percent (5%) per annum and payable within thirty-five (35) years after the date thereof (3) to execute a Secured Promissory note made by Sangre De Cristo Electric Association, Inc., to National Rural Utilities Cooperative Finance Corporation in the amount of \$185,000 bearing interest at the initial rate of 9% per annum with the interest rate to thereafter be subject to modification as set forth in said note; the note is payable within thirty-five (35) years after the date thereof; and (4) to execute a Loan Agreement covering advances of \$185,000 dated as of October 24th, 1975, between Sangre De Cristo Electric Association, Inc., and National Rural Utilities Cooperative Finance Corporation.

The matter was set for hearing, after due and proper notice to all interested parties on February 18, 1976, at 10 o'clock A. M. in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and at such time and place was heard by Hearings Examiner, Robert L. Pyle 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 herein.

Applicant's General Manager, Assistant General Manager, Finance and Assistant General Manager, Operations appeared and testified in support of the application.

The applicant offered as an additional exhibit, Exhibit No. 16, which was the affidavit of publication concerning notice of this hearing which was published in the Chaffee County Republican.

Exhibits 1 through 16 were admitted into evidence.

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

FINDINGS OF FACT

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

1. The Applicant, Sangre De Cristo Electric Association, Inc., 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 Lake, Chaffee, Fremont and Custer, 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, the Rural Electrification Administration, and the National Rural Utilities Cooperative Finance Corporation have all approved the herein two loan applications, totaling \$923,000, subject to approval by this 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 section 40-1-104, CRS 1973, 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

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

1. Applicant, Sangre De Cristo Electric Association, Inc., is a public utility as defined by section 40-1-103, CRS 1973.

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

3. Pursuant to section 40-6-109 (6), CRS 1973, this Decision should be the initial decision of the Commission.

4. Each of the following is not inconsistent with the public interest, and the purpose or purposes thereof are permitted by and are consistent with the provisions of Title 40, CRS 1973:

- A. The Amendment, dated October 24th, 1975, to the Amending Loan Contract between Sangre De Cristo Electric Association, Inc., and the United States of America dated April 24th, 1957, (Exhibit 2);

- B. The Mortgage Note payable to the United States of America in the amount of \$738,000 (Exhibit 3);
- C. The Loan Agreement, dated October 24th, 1975, between Sangre De Cristo Electric Association, Inc., and National Rural Utilities Cooperative Finance Corporation (Exhibit 4);
- D. The Secured Promissory Note payable to National Rural Utilities Cooperative Finance Corporation in the amount of \$185,000 (Exhibit 5);

and each should be authorized and approved.

5. Based upon the foregoing Findings of Fact, it is the conclusion of the Commission that the authorization as sought in the instant application should be granted as hereinafter set forth.

6. 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 are, authorized and approved:

- A. The execution of the Amendment dated October 24th, 1975, to the amending loan contract between Sangre De Cristo Electric Association, Inc., and the United States of America, dated April 24th, 1957, (Exhibit 2);
- B. The issuance of the Mortgage Note to the United States of America, in the amount of \$738,000 (Exhibit 3);
- C. The execution of the Loan Agreement between National Rural Utilities Cooperative Finance Corporation and Sangre De Cristo Electric Association, Inc. (Exhibit 4);
- D. The issuance of the Secured Promissory Note payable to National Rural Utilities Cooperative Finance Corporation in the amount of \$185,000 (Exhibit 5).

2. Within one hundred twenty (120) days of the execution of the four (4) loan instruments authorized herein, Sangre De Cristo Electric Association, Inc., 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 retains 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 section 40-6-109 (6), CRS 1973.

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT
ds

(Decision No. 88259)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
HOLY CROSS ELECTRIC ASSOCIATION, INC.,)	APPLICATION NO. 28940-Securities
A COLORADO CORPORATION, GLENWOOD)	
SPRINGS, COLORADO, FOR AN ORDER)	ORDER OF THE COMMISSION
AUTHORIZING THE ISSUANCE OF SECURI-)	GRANTING APPLICATION
TIES IN THE PRINCIPAL AMOUNT OF)	
\$2,164,000 AND THE APPLICATION OF)	
THE PROCEEDS THEREFROM FOR CERTAIN)	
LAWFUL PURPOSES.)	

- - - - -
February 24, 1976
- - - - -

Appearances: John L. Kemp, Esq.,
Glenwood Springs, Colorado,
for Applicant;

PROCEDURE AND RECORD

On January 27, 1976, Holy Cross Electric Association, Inc. (hereinafter referred to as Holy Cross or Applicant) filed with the Commission the above-entitled application: for (1) approval of an Amendment dated as of September 11, 1975, to the Amending Loan Contract, dated as of April 27, 1953, between Holy Cross and United States of America; for (2) authority to execute a Mortgage Note for \$1,515,000 to United States of America bearing interest at the rate of five percent (5%) per annum, and payable within thirty-five (35) years after the date thereof; for (3) approval of a Loan Agreement dated as of September 11, 1975, covering advances of \$649,000, between Holy Cross and National Rural Utilities Cooperative Finance Corporation, (hereinafter referred to as C.F.C.); and for (4) authority to execute a Secured Promissory Note for \$649,000 to C.F.C. bearing interest at the initial rate of nine and one-fourth percent (9 1/4%) per annum, subject to change after 1982 as provided in said note, and payable within thirty-five (35) years after the date thereof.

The matter was set for hearing, after due and proper notice, on February 18, 1976, at 10:00 o'clock A. M., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and at such time and place was heard by Examiner Robert L. Pyle 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 Manager testified in support of the application.

Exhibits A through J, inclusive, were admitted into evidence.

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. Applicant, is a cooperative electric association, and is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing, and selling electricity to its consumers on its lines in the counties of Garfield, Gunnison, Eagle, and Pitkin, all in the State of Colorado.
2. The Applicant 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. Holy Cross needs the loan funds sought to be approved in this application for improvement of its electrical system, for construction, completion, extension, and improvement of its properties, and for improvement and maintenance of its service and for other lawful purposes.
4. The Board of Directors of Applicant, the Rural Electrification Administration, and the National Rural Utilities Cooperative Finance Corporation all have approved the herein two (2) loan applications totaling \$2,164,000 subject to the approval of this Commission.
5. The financial position of Applicant and its ability to serve will not be impaired by this borrowing.
6. The Commission is fully advised in the premises.
7. Since Section 40-1-104, Colorado Revised Statutes 1973, requires that security applications be disposed of within thirty (30) days, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Examiner be omitted.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant, Holy Cross Electric Association, Inc., is a public utility as defined in Section 40-1-103, CRS 1973.
2. The Commission has jurisdiction over the Applicant and the subject matter of this application.
3. Pursuant to Section 40-6-109(6), CRS 1973, this Decision should be the initial decision of the Commission.
4. Each of the following is not inconsistent with the public interest, and the purpose or purposes thereof are permitted by and are consistent with the provisions of Title 40, CRS 1973;
 - A. The Amendment, dated as of September 11, 1975, to the Amending Loan Contract between Holy Cross and United States of America dated as of April 27, 1953 (Exhibit D);
 - B. The Mortgage Note payable to United States of America, in the amount of \$1,515,000 (Exhibit G);
 - C. The Loan Agreement, dated as of September 11, 1975, between Holy Cross and C.F.C. (Exhibit E); and
 - D. The Secured Promissory Note payable to C.F.C. in the amount of \$649,000 (Exhibit F).

5. Based upon the foregoing findings of fact, it is the conclusion of the Commission that the authorization as sought in the instant application should be granted as hereinafter set forth.

6. An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDER THAT:

1. Each of the following be, and the same hereby is, authorized and approved:

A. The execution of the Amendment, dated as of September 11, 1975 to the Amending Loan Contract between Holy Cross and United States of America, dated as of April 27, 1953 (Exhibit D);

B. The issuance of the Mortgage Note to United States of America, in the amount of \$1,515,000 (Exhibit G);

C. The execution of the Loan Agreement dated as of September 11, 1975, between Holy Cross and the National Rural Utilities Cooperative Financial Corporation (Exhibit E),

D. The issuance of the Secured Promissory Note payable to the National Rural Utilities Cooperative Finance Corporation in the amount of \$649,000 (Exhibit F).

2. Within one hundred twenty (120) days of the execution of the four (4) loan instruments authorized herein, Holy Cross 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 the 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 Section 40-6-109(6), CRS 1973.

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT
ds

(Decision No. 88260)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

MARY MARGARET CANTRELL
4692 SOUTH ACOMA
ENGLEWOOD, COLORADO,

Complainant,

vs.

MOUNTAIN BELL
930 15TH STREET
DENVER, COLORADO,

Respondent.

CASE NO. 5642

ORDER GRANTING
DISMISSAL OF COMPLAINT

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 27, 1975, Complainant herein filed a Complaint against Mountain Bell Telephone Company.

On November 3, 1975, an Order to Satisfy or Answer was directed to Mountain Bell Telephone Company.

On February 19, 1976, Complainant and Respondent filed a Stipulation with the Commission to dismiss the above-captioned Complaint.

The Commission states and finds that good cause exists and that the within Complaint should be dismissed.

An appropriate order will be entered.

O R D E R

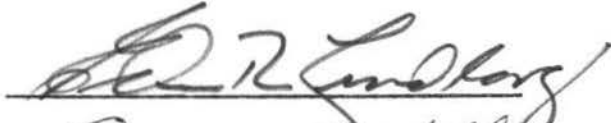
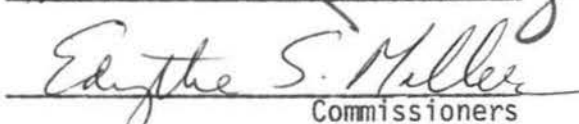
THE COMMISSION ORDERS THAT:

Case No. 5642 be, and hereby is, dismissed.

This Order shall become effective forthwith.

DONE IN OPEN MEETING this 2nd day of March, 1976.

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)	
PAGOSA SPRINGS AVIATION, INC., P.O.)	APPLICATION NO. 28881
BOX 1048, PAGOSA SPRINGS, COLORADO,)	
FOR AUTHORITY TO OPERATE AS A COMMON)	ORDER OF THE COMMISSION
CARRIER BY FIXED WING AIRCRAFT.)	

- - - - -
February 24, 1976
- - - - -

Appearances: Arthur R. Hauver, 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 1973, 40-6-108 (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 1973, 40-6-109 (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 fixed wing aircraft for hire with authority as set forth in the Appendix 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 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT

Samuel G. Gailings
Edythe S. Miller
Commissioners
md

Appendix
Decision No. 88261
February 24, 1976

Pagosa Springs Aviation, Inc.

Transportation -- on call and demand -- of
Passengers and property

Between all points within the State of Colorado.

RESTRICTION: This Certificate is restricted to a base of operations
at Stephens Field, Archuleta County, State of Colorado.

(Decision No. 88262)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH Z. PETO, DOING BUSINESS AS)
"JOE'S DELIVERY SERVICE," 1 NORTH)
ELY STREET, COLORADO SPRINGS, COLO-)
RADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28996-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

February 24, 1976

The above-entitled application under CRS 1973, 40-6-120, 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 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 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT

Edythe S. Miller

Edythe S. Miller
Commissioners
md

Appendix
Decision No. 88262
February 24, 1976

Joe's Delivery Service

Transportation -- on call and demand -- of

General commodities

Between all points within a five (5) mile radius of the intersection of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado.

RESTRICTION: This emergency temporary authority is restricted against the transportation of shipments that exceed three hundred (300) pounds in aggregate weight.

(Decision No. 88263)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN ROY ZIEGLER, DOING BUSINESS AS)
"A-A APPLIANCE REPAIR & DELIVERY)
SERVICE," 319 3RD STREET, BOX 855,)
LaSALLE, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28997-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
February 24, 1976
- - - - -

The above-entitled application under CRS 1973, 40-6-120, 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 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG - ABSENT



Commissioners
md

Appendix
Decision No. 88263
February 24, 1976

A-A Appliance Repair & Delivery Service

Transportation of

Household appliances, including microwave ovens, furniture, television and radio sets, freezers, refrigerators and air conditioners

From the following named stores: Woolco, 2626 11th Avenue, Greeley, Colorado; Roland's Furniture Store, 2 miles east of Greeley on U.S. Highway No. 34; and K-Mart No. 4347, 2829 West 10th, Greeley, Colorado; to all points within an area comprised of the Counties of Weld, Morgan and Larimer, State of Colorado.

RESTRICTION: This emergency temporary authority is restricted as follows:

- (a) To shipments where the articles transported require installation or servicing at the point of destination; and
- (b) To rendering transportation service for the following named customers only: Woolco, 2626 11th Avenue, Greeley, Colorado; Rolands's Furniture Store, 2 miles east of Greeley on U.S. Highway No. 34; and K-Mart No. 4347, 2829 West 10th, Greeley, Colorado.

(Decision No. 88264)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28939-Securities
HIGHLINE ELECTRIC ASSOCIATION,)	
HOLYOKE, COLORADO, FOR AUTHORITY TO)	ORDER OF THE COMMISSION
ISSUE SECURITIES IN THE PRINCIPAL)	GRANTING APPLICATION
AMOUNT OF \$2,595,000.00, AND THE)	
APPLICATION OF THE PROCEEDS FOR)	
CERTAIN LAWFUL PURPOSES.)	

- - - - -
February 24, 1976
- - - - -

Appearances: Arnold, Ross and Leh, Esqs., by
Baxter W. Arnold, Esq.
Sterling, Colorado, for
Applicant.

PROCEDURE AND RECORD

On January 26, 1976, Highline Electric Association (hereinafter referred to as Highline or Applicant), filed with the Commission the above-entitled application for authority: (1) to execute an Amendment dated November 17, 1975, to the Amending Loan Contract between Highline Electric Association and the United States of America, dated as of October 6, 1965, and (2) to execute a Mortgage Note to the United States of America for \$2,595,000 with interest at the rate of 2% per annum and repayable within thirty-five (35) years after the date thereof.

The matter was set for hearing after due and proper notice to all interested parties on February 19, 1976, 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 Robert L. Pyle, 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 herein.

Applicant's manager and consulting engineer appeared and testified in support of the application.

Exhibits "1" through "12", inclusive, were admitted into evidence.

At the conclusion of the hearing, the application was taken under advisement.

FINDINGS OF FACT

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

1. The Applicant, Highline Electric 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 Logan, Morgan, Phillips, Sedgwick, Washington, Weld, and Yuma, all in the state of Colorado, and in the counties of Chase, Deuel, Dundy and Perkins, all in the state of Nebraska.
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 maintenance and improvement of its service, and for other lawful purposes.
4. The Board of Directors of the Applicant, and the Rural Electrification Administration, have approved the loan application in the amount of \$2,595,000.00 subject to the approval of this 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 Section 40-1-104, CRS 1973, 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 and that this Decision should be the initial decision of the Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based upon the foregoing Findings of Fact, it is the conclusion of the Commission that the authorization as sought in the instant application should be granted as hereinafter set forth.

1. Applicant, Highline Electric Association, is a public utility as defined in Section 40-1-103, CRS 1973.
2. The Commission has jurisdiction over the Applicant and the subject matter of this application.
3. Pursuant to Section 40-6-109(6), CRS 1973, 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 Title 40, CRS 1973:
 - A. The Amendment, dated November 17, 1975, to the Amending Loan Contract between Highline Electric Association and the United States of America, dated October 6, 1965 (Exhibit 3); and
 - B. The Mortgage Note payable to the United States of America in the amount of \$2,595,000.00 (Exhibit 4);

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 are, authorized and approved:

- A. The execution of the Amendment, dated November 17, 1975, to the Amending Loan Contract between Highline Electric Association and the United States of America, dated October 6, 1965 (Exhibit 3); and
- B. The issuance of the Mortgage Note to the United States of America, in the amount of \$2,595,000 (Exhibit 4).

2. Within one hundred twenty (120) days of the execution of the loan instruments authorized herein, Highline Electric 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 the 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 Section 40-6-109(6), CRS 1973.

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LA PLATA ELECTRIC ASSOCIATION,)
INC. OF DURANGO, COLORADO FOR AN)
ORDER APPROVING THE ISSUANCE OF)
SECURITIES AND FOR AN ORDER)
AUTHORIZING THE ISSUANCE OF)
SECURITIES AND THE APPLICATION)
OF THE PROCEEDS THEREFROM TO)
CERTAIN LAWFUL PURPOSES.)

APPLICATION NO. 28951-Securities
ORDER OF THE COMMISSION
GRANTING APPLICATION

- - - - -
February 24, 1976
- - - - -

Appearances: Frank E. Maynes, Esq.
Durango, Colorado, for
Applicant

PROCEDURE AND RECORD

On January 30, 1976, La Plata Electric Association, Inc., (hereinafter referred to as "La Plata" or "Applicant"), filed with the Commission the above-entitled application for authority (1) to execute a Loan Agreement covering advances of \$688,000 dated December 15, 1975, between La Plata and National Rural Utilities Cooperative Finance Corporation; and (2) to execute a Secured Promissory Note made by La Plata to National Rural Utilities Cooperative Corporation in the amount of \$688,000 bearing interest at an initial interest rate of 9 $\frac{1}{4}$ % per annum with interest rate to thereafter be subject to modification as set forth in said note; the note is payable within 35 years after the date thereof.

The matter was set for hearing, after due and proper notice to all interested parties on Thursday, February 19, 1976, at 10:00 A. M. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and -- at such time and place -- was heard by Examiner, Robert E. Temmer 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 testified in support of the application.

Exhibits "A" through "L" were admitted into evidence.

The Applicant submitted Proof of Publication of Notice of the hearing.

At the conclusion of the hearing, the application was taken under advisement.

FINDINGS OF FACT

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

1. The Applicant is a public utility as defined in section 40-1-103, CRS 1973. It is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing and selling electricity to its consumers on its lines in the Counties of La Plata, Archuleta, Hinsdale, Mineral and a portion of San Juan, all in the State of Colorado.
2. The Applicant is a Cooperative 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 purpose of providing service to new consumers within the City of Durango, for service improvements to non-REA Act beneficiaries, for Colorado Use Tax and for additional investment in CFC Capital Term Certificates.
4. The Board of Directors of the Applicant, the Rural Electrification Administration, and the National Rural Utilities Cooperative Finance Corporation all have approved the herein loan application in the amount of \$688,000 subject to approval by this Commission.
5. The financial position of the Applicant and its ability to serve will not be impaired by the borrowing.
6. The Commission is fully advised in the premises.
7. Since section 40-1-104, CRS 1973, 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

Based upon the foregoing Findings of Fact, it is the conclusion of the Commission that the authorization as sought in the instant application should be granted as hereinafter set forth, and that:

1. Applicant, La Plata Electric Association, Inc. is a public utility as defined in section 40-1-103, CRS 1973.
2. The Commission has jurisdiction over the Applicant and the subject matter of this application.
3. Pursuant to section 40-6-109(6), CRS 1973, this Decision should be the initial decision of the Commission.
4. Each of the following is not inconsistent with the public interest, and the purpose or purposes thereof are permitted by and are consistent with the provisions of Title 40, CRS 1973:
 - A. The Loan Agreement, dated December 15, 1975, between La Plata Electric Association, Inc., and National Rural Utilities Cooperative Finance Corporation (Exhibit A);
 - B. The Secured Promissory Note payable to National Rural Utilities Cooperative Finance Corporation in the amount of \$688,000 (Exhibit B);

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 Loan Agreement dated December 15, 1975, between La Plata Electric Association, Inc. and the National Rural Utilities Cooperative Association (Exhibit A);

B. The issuance of the Secured Promissory Note payable to National Rural Utilities Cooperative Finance Corporation in the amount of \$688,000 (Exhibit B).

2. Within one hundred twenty (120) days of the execution of the two (2) loan instruments authorized herein, La Plata Electric Association, Inc., 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 as to it may seem proper or desirable.

5. The authority granted herein shall be exercised from and after the 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 section 40-6-109(6), CRS 1973.

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT
ds

(Decision No. 88266)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF	}	CASE NO. 5634
RESPONDENT, NORTH PARK TRANSPORTATION		
CO., A COLORADO CORPORATION, 5150		
COLUMBINE STREET, DENVER, COLORADO,		
UNDER CERTIFICATE OF PUBLIC CONVEN-		
IENCE AND NECESSITY PUC NO. 1600,	}	ORDER GRANTING EXTENSION OF TIME IN WHICH TO FILE EXCEPTIONS
PUC NO. 1600-I, AND PUC NO. 5888.		

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 29, 1976, Recommended Decision No. 88143 of Examiner Robert L. Pyle was entered and served upon the parties.

On February 18, 1976, Respondent, North Park Transportation Co., by its attorney Leslie R. Kehl, filed with the Commission a Petition for Extension of Time of two (2) days or until February 20, 1976, in which to file Exceptions to the Recommended Decision of the Examiner.

The Commission states and finds that the above request for an extension of time to file exceptions to the Recommended Decision of the Examiner is in the public interest and should be granted.

An appropriate order will be entered.

ORDER

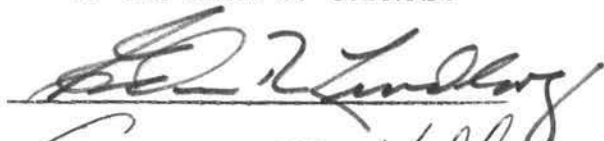

THE COMMISSION ORDERS THAT:

Respondent, North Park Transportation Co., be, and hereby is, granted an extension of time within which to file exceptions to the Recommended Decision of the Examiner until February 23, 1976.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

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 K. C. ELECTRIC ASSOCIATION,)	APPLICATION NO. 28910-Securities
A COLORADO CORPORATION OF HUGO,)	
COLORADO, FOR AN ORDER AUTHORIZING)	
THE ISSUANCE OF SECURITIES (RURAL)	ORDER OF THE COMMISSION
ELECTRIFICATION ADMINISTRATION)	GRANTING APPLICATION
LOAN) AND THE APPLICATION OF THE)	
PROCEEDS THEREFROM.)	

February 24, 1976

Appearances: Richard D. Thomas, Esq.,
Burlington, Colorado, for
the Applicant.

PROCEDURE AND RECORD

On January 16, 1976, K. C. Electric Association (hereinafter referred to as "Applicant") filed with the Commission the above-entitled Application for the Commission's approval to (1) ratify and approve the execution and delivery of an Amendment, dated October 14, 1975, to Amending Loan Contract dated July 16, 1951, between K. C. Electric Association and the United States of America, (2) to execute and deliver a Mortgage Note for \$3,491,000 to the United States of America bearing interest at the rate of two percent (2%) per annum and payable within thirty-five (35) years after the date thereof, and (3) to execute a Supplemental Mortgage to secure said note.

On January 27, 1976, Decision No. 88137 was issued by the Commission, in which the time period for disposing of this matter was extended for ten (10) days as provided for by 40-1-104(5), CRS 1973.

After due and proper notice to all interested parties, the matter was set for hearing on February 10, 1976, at 10 a.m. in the Hearing Room of the Commission, Denver, Colorado. Said hearing was held as scheduled by Hearings Examiner James K. Tarpey, 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. The Applicant's office manager appeared and testified in support of the application. Craig Merrell of the Commission Staff participated for the purpose of clarifying certain matters. Exhibits A through L, inclusive, were admitted into evidence, and official notice was taken of the proof of publication.

At the conclusion of the hearing, the application was taken under advisement.

FINDINGS OF FACT

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

1. Applicant is a cooperative electric association engaged in the business of purchasing, acquiring, transmitting, distributing, and selling electricity to its consumers on its lines in the counties of Kit Carson, Lincoln, Cheyenne, Yuma, and Elbert, all in the State of Colorado.

2. Applicant 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. 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 Applicant and the Rural Electrification Administration have approved said loan application, totaling \$3,491,000 subject to the approval of this Commission.

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

6. The Commission is fully advised in the premises.

7. Inasmuch as 40-1-104, CRS 1973, requires that securities applications be disposed of within thirty (30) days, or within such extended period of time that may be authorized, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the Recommended Decision of the Hearings Examiner be omitted and that this Decision should be the initial Decision of the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant K. C. Electric Association is a public utility as defined in 40-1-103, CRS 1973.

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

3. Pursuant to 40-6-109(6), CRS 1973, this Decision should be the initial Decision of the Commission.

4. The approval sought herein is not inconsistent with the public interest, and the purpose or purposes thereof are permitted by and are consistent with the provisions of Title 40, CRS 1973, and the approval sought should be granted.

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 October 14, 1975, to the Amending Loan Contract between K. C. Electric Association and the United States of America, dated July 16, 1951 (Exhibit B); (B) the issuance of the Mortgage Note to the United States of America in the amount of \$3,491,000 (Exhibit C); and (C) the execution of the Supplemental Mortgage made by K. C. Electric Association and the United States of America (Exhibit D).

2. Within one hundred twenty (120) days of the execution of the three (3) loan instruments authorized herein, K. C. Electric Association shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.

3. Nothing contained herein 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 retains jurisdiction over this proceeding to the end that it may make such further order or orders in the premises as it may seem proper or desirable.

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

6. The within Decision and Order shall be the initial Decision and Order of the Commission as provided for in 40-6-109(6), CRS 1973.

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT

vc/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAY A. RINGLER AND KEITH A. RINGLER)
DOING BUSINESS AS "RELIABLE SANI-)
TATION SERVICE," 1422 SOUTH NEVADA)
AVENUE, COLORADO SPRINGS, COLORADO,))
FOR AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28787-PP

ORDER OF THE COMMISSION

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 1, 1975, the Commission gave notice to interested persons, firms or corporations, of the above-referenced application pursuant to 40-6-108 (2), CRS 1973, as amended, and the Commission, not having received an objection or petition to intervene or participate in the proceeding determined that the matter would be disposed of under the modified procedure providing that Applicant file verified statements containing sufficient facts and information upon which the Commission could act.

To date, Applicant herein has failed to request a hearing or file verified statements upon which the Commission could act.

The Commission states and finds that the Application should be dismissed as provided in the following Order.

O R D E R

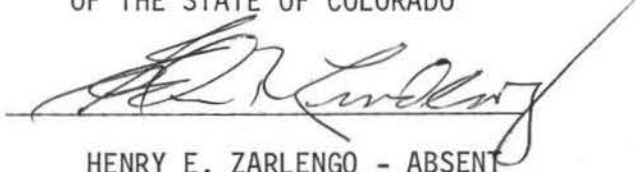
THE COMMISSION ORDERS:

That the Application of Jay A. Ringler and Keith A. Ringler doing business as "Reliable Sanitation Service," 1422 South Nevada Avenue, Colorado Springs, Colorado, for authority to operate as a class "B" contract carrier by motor vehicle, be, and hereby is, dismissed without prejudice for lack of prosecution unless request for hearing or verified statements are received prior to the effective date of this Order.

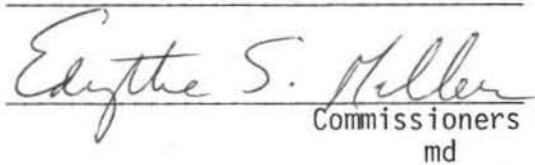
This Order shall become effective ten (10) days from the day and date hereof.

DONE IN OPEN MEETING THE 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in cursive script, appearing to read "H. E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A handwritten signature in cursive script, appearing to read "Ethythe S. Miller", written over a horizontal line.

Commissioners
md

(Decision No. 88269)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF -)	
COLORADO PUC NO. 1 - ELECTRIC-D,)	INVESTIGATION AND SUSPENSION
AND COLORADO PUC NO. 1 - ELECTRIC-W,)	DOCKET NO. 995
DELTA-MONTROSE RURAL POWER LINES)	
ASSOCIATION, DELTA, COLORADO 81416.)	ORDER DENYING EXCEPTIONS TO
	RECOMMENDED DECISION NO. 88004

- - - - -
February 24, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 2, 1976, Hearing Examiner Robert E. Temmer entered his Recommended Decision No. 88004 in the above-captioned matter.

On February 13, 1976, Protestant-Intervenor Russell Stover Candies, Inc., filed with the Commission Exceptions to said Recommended Decision.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Protestant-Intervenor Russell Stover Candies, Inc. should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 88004 should be adopted as its own; and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Protestant-Intervenor Russell Stover Candies, Inc., be, and the same hereby are, overruled and denied.
2. The findings of fact and conclusions of Hearing Examiner Robert E. Temmer in Recommended Decision No. 88004 be, and hereby are, adopted by the Commission.
3. The Examiner's Recommended Order in said Decision No. 88004 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 twenty-one (21) days from the date hereof.

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT
ds

(Decision No. 88270)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE JOINT APPLICATION)
OF COLUMBINE TELEPHONE COMPANY, A)
COLORADO CORPORATION, TRANSFEROR, AND)
BACA VALLEY TELEPHONE CO., INC., A)
NEW MEXICO CORPORATION, TRANSFEREE,)
FOR AN ORDER AUTHORIZING THE SALE)
AND TRANSFER OF ALL ASSETS, INCLUDING)
A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY FROM TRANSFEROR TO TRANSFEREE.)

APPLICATION NO. 29005-Tfr.

- - - - -
February 24, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 20, 1976, Columbine Telephone Company, a Colorado corporation and Transferor herein (hereinafter referred to as "Columbine") and Baca Valley Telephone Company, Inc., a New Mexico corporation and Transferee herein (hereinafter referred to as "Baca Valley") filed a joint application for an order authorizing the sale and transfer of all assets, including a certificate of public convenience and necessity, from Columbine to Baca Valley.

Columbine and Baca Valley request that the application be published on no more than ten (10) days' notice to the public.

The Commission states and finds that Columbine and Baca Valley have not set forth any grounds to justify shortened notice in the within matter.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The request by Columbine Telephone Company and Baca Valley Telephone Co., Inc., that the within application be noticed to the public upon ten (10) days' notice be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

CHAIRMAN EDWIN R. LUNDBORG ABSENT
ds

(Decision No. 88271)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES AS PUBLISHED BY PUEBLO MILK TRANSPORT, INC., 1515 ARAPAHOE STREET - SUITE 1550, DENVER, COLORADO 80202, RESPONDENT HEREIN, SCHEDULED TO BECOME EFFECTIVE ON MARCH 1, 1976.) INVESTIGATION AND SUSPENSION DOCKET NO. 1026) ORDER SETTING HEARING AND SUSPENDING INCREASED RATES AND CHARGES
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- - - - -
February 24, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 30, 1976, Pueblo Milk Transport, Inc., Respondent herein, filed increased rates in Item No. 6090 of CMTB Tariff No. COB 300, Colorado PUC No. COB 300, scheduled to become effective on March 1, 1976. Said tariff, if allowed to become effective, would have the effect of increasing all rates and charges in Item No. 6090 by nine (9) to fifteen (15) percent.

Review of the data submitted by Respondent herein in support of said increase indicates that Respondent has not furnished to the Commission sufficient data to justify the increase, and that said increases may be in violation of law.

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

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff filing by Pueblo Milk Transport, Inc.
2. That this Investigation and Suspension Docket No. 1026, be, and the same is hereby, set for hearing before the Commission on:

Date:	May 6, 1976
Time:	10 a.m.
Place:	Hearing Room 1845 Sherman Street 500 Columbine Building Denver, Colorado 80203

3. That Item No. 6090 of Colorado Motor Tariff Bureau Tariff No. COB 300, Colorado PUC No. COB 300, be, and it hereby is, suspended for a period of 210 days or until September 27, 1976, unless otherwise ordered by the Commission.

4. 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.

5. That neither the tariff filing 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.

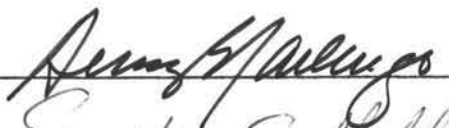

6. That a copy of this Order shall be filed with the tariff in the office of the Commission and that a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, 4060 Elati Street, Denver, Colorado 80216, and that the necessary suspension supplement be posted and filed to the tariff.

7. 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.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDWIN R. LUNDBORG
ABSENT.

dh

(Decision No. 88272)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF PROPOSED CHANGES IN TARIFF -- COLORADO PUC NO. 1 - ELECTRIC, SPRINGER ELECTRIC COOPERATIVE, INC., SPRINGER, NEW MEXICO 87747.	} } } }	INVESTIGATION AND SUSPENSION DOCKET NO. 1027 ORDER SUSPENDING EFFECTIVE DATE OF TARIFFS AND NOTICE OF HEARING
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February 24, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 30, 1976, Springer Electric Cooperative, Inc. (hereinafter "Springer") filed with this Commission its Advice Letter No. 9, dated January 26, 1976, accompanied by the following tariff sheet:

Colo. PUC No. 1 - Electric

Colo. PUC
Sheet
No.

Title of Sheet

26 A Addition to Rule and Regulation No. 7

The stated purpose of this filing is to institute a \$5 charge for customers' checks returned for insufficient funds, account closed, irregular or no signature, payment stopped or check issued on the wrong bank.

Springer requests that this filing become effective on thirty days' notice.

Pursuant to the provisions of Section 40-6-111(1), CRS 1973, the Commission may -- in its discretion -- set the said tariff for hearing, which has the effect of suspending the effective date of the tariff for a period of one hundred twenty (120) days. The same statute also provides that the Commission may, in its discretion, suspend the effective date of the tariff for an additional ninety (90) days. Thus, the power and authority of the Commission to suspend the effective date of the filed tariff extends for a maximum period of two hundred ten (210) days, or, in this docket until August 27, 1976. If no other tariff is established by the Commission by the aforesaid date in this docket, the tariff filed by Respondent will become effective by operation of law.

Because of the important impact on the public using the electric service of Respondent, the Commission, on its own motion, states and finds that it should set the herein proposed tariff revision for hearing and suspend the effective date thereof.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. The within matter with respect to Sheet No. 26A, titled "Addition to Rule and Regulation No. 7" filed on January 30, 1976, by Springer Electric Cooperative, Inc., be, and the same hereby is, set for hearing as follows:

Date: April 21, 1976

Time: 10:00 o'clock A.M.

Place: Hearing Room
Columbine Building
1845 Sherman Street
Denver, Colorado

2. Any person, firm, or corporation desiring to intervene as a party in the within proceeding set for hearing in paragraph 1, shall file an appropriate pleading therefor with the Commission on or before April 2, 1976.

3. The effective date of the tariff sheet filed by Springer Electric Cooperative, Inc., Respondent herein, on January 30, 1976, under Advice Letter No. 9, dated January 26, 1976, be, and hereby is, suspended until August 27, 1976, or until further order of the Commission.

4. At least 15 days prior to the hearing date herein, Respondent shall file with the Secretary of the Commission six (6) copies of any and all exhibits which it intends to introduce in its direct case in support of its filing, together with a list of witnesses it intends to call, and a meaningful and complete summary of their direct testimony, and shall also furnish the same to any intervenor of record. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimony will be permitted to be offered by Respondent in support of Respondent's direct case.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 24th day of February, 1976.

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 RE THE MATTER OF MOTOR VEHICLE)	
CARRIERS LISTED ON "APPENDIX A")	
HERETO,	)	RECOMMENDED DECISION OF
	)	THOMAS M. McCaffrey,
	)	EXAMINER
Respondents.)	

- - - - -
February 26, 1976
- - - - -

Appearances: William Halsey, Loveland, Colorado,
Respondent, pro se;
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 February 9, 1976. The matters were duly called for hearing pursuant to such notice on Monday, February 23, 1976, at 10 a.m. in the Commission Hearing Room, Columbine Building, 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 on "Appendix A" hereto appeared at the hearing, except as noted in the "Appearances" above.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and 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, with the exception of the above-mentioned Respondent, without good cause shown, failed to appear as lawfully ordered by the Commission. The appearing Respondent had not, as of the time of hearing, filed the necessary Certificate of Insurance with the Commission, but stated the Certificate would be filed within twenty (20) days from the effective day of this Order.

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/or failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ds/rw

APPENDIX A

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Welco Milk Lines, Inc. 3725 West Service Road Evans, CO 80620	556 & I	3865-Ins.
Welco Milk Lines, Inc. 3725 West Service Road Evans, CO 80620	557	3866-Ins.
Welco Milk Lines, Inc. 3725 West Service Road Evans, CO 80620	612	3867-Ins.
Welco Milk Lines, Inc. 3725 West Service Road Evans, CO 80620	1125	3868-Ins.
Dennis E. and Austin D. Decker dba Decker Trucking Route 3, 8 miles east of Durango Highway 160, Box 3093 Durango, CO 81301	1255	3869-Ins.
Dennis E. and Austin D. Decker dba Decker Trucking Route 3, 8 miles east of Durango Highway 160, Box 3093 Durango, CO 81301	1308 & I	3870-Ins.
Robb-Ross Co. 301 Floyd Boulevard Sioux City, IA 51104	4111-I	3873-Ins.
William L. and Kenneth W. Blair dba Blair & Sons Box 403 Olathe, CO 81425	5073-I	3874-Ins.
Paramount Movers, Inc. 231 North Lancaster Street Dallas, TX 75203	6957-I	3876-Ins.
Wayne Hammons Route 2 Jacksonville, TX 75766	7285-I	3877-Ins.
Bernard Yelli Orchard, NE 68764	7291-I	3878-Ins.
Henry G. Nelson, Inc. 5402 South 27th Street Omaha, NE 68107	8743-I	3881-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>
Oliver Richardson 336 Villa Vista Sterling, CO 80751	8990	3883-Ins.
Henry F. York, Jr. dba York Produce Box 527 Orlando, FL 32801	9419-I	3884-Ins.
Mendez Bros. Produce Co. 1500 South Zarzamora Street, Unit 345 San Antonio, TX 78207	9444-I	3885-Ins.
John L. Travis, Inc. 1301 College Lane Hobbs, NM 88240	9483-I	3886-Ins.
Junion C. Landis dba Jr., Landis Produce Box 121 Bald Knob, AR 72010	9574-I	3888-Ins.
Transco Co-operative P.O. Box 219 Maywood, CA 90270	9776-I	3889-Ins.
Gerald Stubsten dba Stubsten Trucking 2203 Valley Drive Rapid City, SD 57701	9922-I	3890-Ins.
Ken Johnson dba K-Bar Enterprises General Delivery Gypsum, CO 81637	9959-I	3892-Ins.
Kenneth Million dba Midwest Truck Rental Box 692 Florissant, MO 63032	9970-I	3893-Ins.
BHY Trucking, Inc. 9231 Whitmore El Monte, CA 91731	10075-I	3894-Ins.
Betty Ward dba Mircle Taxi Service 143 9th Street Las Animas, CO 81054	10097	3895-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>
Pederson Bros., Inc. 1219 West Cherokee Sioux Falls, SD 57104	10099-I	3896-Ins.
Charles Sircy Corp. Box 925 Goodlettsville, TN 37072	10229-I	3897-Ins.
Jimmie E. Yates dba Yates Trucking Co. 1103 Magnolia Drive Fulton, KY 42041	10258-I	3898-Ins.
Howard P. Gulledege dba H & D Trucking Co. 9449 Grandview Avenue Arvada, CO 80002	10517-I	3901-Ins.
Welco Milk Lines, Inc. 3725 West Service Road Evans, CO 80620	B-600	3902-Ins.
Kenneth W. and William L. Blair dba Blair & Sons Box 403 Olathe, CO 81425	B-3950	3903-Ins.
William L. and Kenneth W. Blair dba Blair & Sons Box 403 Olathe, CO 81425	B-6024	3905-Ins.
Fritz Trucking, Inc. Clara City, MN 56222	B-7447-I	3906-Ins.
Donald G. and Jo Anne Schriener Box 197 Kiowa, CO 80117	B-7580	3907-Ins.
Dale A. and Rebecca A. Redeker 3995 South Pennsylvania Street Englewood, CO 80110	B-8057	3908-Ins.
John L. Travis, Inc. 1301 College Lane Hobbs, NM 88240	M-124	3911-Ins.
Ed Starika dba Ed's Auto Wrecking 305 South 11th Street Gunnison, CO 81230	M-362	3913-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>
William Lee, Larry Billy, Halsey, Ronnie Halsey dba Halsey and Sons 3109 West County Road, No. 14 Loveland, CO 80537	M-778	3916-Ins.
Bruce's Shamrock Oil Co. Box 156 Springfield, CO 81073	M-942	3917-Ins.
Glen E. Owen, Jr., dba Owen Distributing Route 11, Box 793 Lakeford, FL 33801	M-1182	3918-Ins.
Clyde Dee Barber 5642 South Jamaica Street Englewood, CO 80110	M-1433	3919-Ins.
James Thomas Dennis dba Burlington Mobile Home Sales 280 South Lincoln Burlington, CO 80807	M-1518	3920-Ins.
Egging Company, Inc. Gurley, NE 69141	M-2133	3923-Ins.
Ralph Allen Paige dba Al's Produce Box 9002 Aspen, CO 81611	M-3070	3927-Ins.
Kenneth L. Coffey 31 1/4 County Road, Route 4 Grand Junction, CO 81501	M-3179	3928-Ins.
Sagebrush Sales Co. Box 25606, 6300 State Road, 47 SE Albuquerque, NM 87125	M-3789	3930-Ins.
Robb-Ross Co. 301 Floyd Boulevard Sioux City, IA 51104	M-5832	3931-Ins.
William L. and Kenneth W. Blair dba Blair & Sons Box 403 Olathe, CO 81425	M-6022	3932-Ins.
William C. Garrett 7250 East Constitution Colorado Springs, CO 80916	M-6946	3934-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>
Brooks and Mary Bolin dba Bolin & Son Custom Harvesting Eckley, CO 80727	M-8746	3936-Ins.
Silvertip Studs, Inc. Box 1447 Montrose, CO 81401	M-9208	3938-Ins.
Pine Canyon Co. Bert L. Prichard and Angelo Mahlares, dba P.O. Box 691 Rangely, CO 81648	M-9237	3939-Ins.
Dick L. Moyer dba Dick Moyer Lumber Mill Box 842 Meeker, CO 81641	M-10627	3942-Ins.
Louis Valdez Box 76-A, Route 2 Fort Lupton, CO 80621	M-10657	3943-Ins.
Dennis E. and Austin D. Decker dba Decker Trucking Box 3093, Route 3, Highway 160 Durango, CO 81301	M-11103	3944-Ins.
Dale A. and Rebecca A. Redeker 3995 South Pennsylvania Street Englewood, CO 80110	M-12406	3945-Ins.
Robert Padilla 2839 West Howard Place Denver, CO 80204	M-12902	3946-Ins.
Lyman Ames dba Midwest Farm Supply Box 242 Nevada, MO 64772	M-14645	3948-Ins.
Charles H. Bolejack 13901 West 7th Avenue Golden, CO 80401	M-14893	3949-Ins.
Jerome P. Williams Route 2 Sterling, CO 80751	M-15328	3950-Ins.
Billie E. Martin and Mack Craft dba Mack Towing 9445 East Colfax Avenue Aurora, CO 80010	T-175	3952-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)
THE STATE DEPARTMENT OF HIGHWAYS,)
DIVISION OF HIGHWAYS - STATE OF)
COLORADO, FOR THE AUTHORITY TO CON-)
STRUCT A GRADE SEPARATION STRUCTURE)
AND APPROACHES TO CARRY STATE HIGH-)
WAY NO. 95 (SHERIDAN BLVD.) TRAFFIC)
OVER THE COLORADO AND SOUTHERN)
RAILWAY COMPANY'S PROPERTY AND)
TRACK AT MILEPOST 8.27, NEAR THE)
JEFFERSON-ADAMS COUNTY LINE AT 86TH)
AVENUE, STATE OF COLORADO.)

APPLICATION NO. 28835

ORDER GRANTING APPLICATION

- - - - -
February 24, 1976
- - - - -

STATEMENT

BY THE COMMISSION:

On December 9, 1975, the State Department of Highways, Division of Highways, State of Colorado (Division) filed an application which seeks authority to construct, operate and maintain a highway/railroad grade separation structure to carry State Highway No. 95 (also known as Sheridan Blvd.) over the railroad property and facilities of the Colorado and Southern Railway Company (C&S) in the vicinity of their milepost 8.27, near the Jefferson-Adams County line at 86th Avenue, State of Colorado.

Explanatory material submitted with the Application includes the following:

EXHIBIT A - General Layout of the Separation Structure.

EXHIBIT B - Right of Way location and Description.

A copy of the executed Basic Agreement and Supplemental Agreement by and between the Division and the C&S pertaining to the construction, maintenance, and payment therefor, of the highway/railroad grade separation structure contemplated herein, was submitted with the application.

Notice of Filing, together with a copy of the application, was given to all interested parties herein, including adjacent property owners. Said notice was dated December 16, 1975. No protests, petitions to intervene or other pleadings were received by the Commission. Applicant did not request a public hearing.

The Commission has determined this matter forthwith upon the record and files herein, without a formal oral hearing or further notice.

FINDINGS OF FACT

THE COMMISSION FINDS THAT:

1. Notice of the proposed grade separation has been given by the Commission to all interested parties. No protests, petitions to intervene or other pleadings in the matter have been received.

2. State Highway No. 95 is a north-south highway beginning at a junction with State Highway No. 285 near Fort Logan extending northerly to a junction with State Highway No. 36 (Denver-Boulder Turnpike). The Division is reconstructing a portion of State Highway No. 95 on a new alignment between 84th Avenue and 88th Avenue. The new construction includes the proposed grade separation structure over the C&S tracks which will replace the existing at grade crossing of State Highway No. 95 over the C&S tracks in the vicinity of railroad milepost 8.27, near the Jefferson-Adams County line, Colorado.

3. The purpose of this application is to secure Commission approval for the construction, operation and maintenance of the proposed highway/railroad grade separation structure.

4. The estimated average vehicular traffic (ADT) on the present route is approximately 16,000. The Division anticipates that the traffic volume will increase to 20,000 ADT by 1995. The current rail traffic at the project area is six (6) scheduled train movements per day with a maximum train speed of 49 miles per hour.

5. A Basic Agreement and a Supplemental Agreement pertaining to the work to be done, and payment therefor, has been completed between the Division and the C&S. Copy of said Agreements have been received by the Commission.

6. The proposed work will be paid for in accordance with the appropriate rules and regulations of the Federal Government and is covered by said Agreements.

7. General description of the new highway/railroad grade separation structure No. E-16-IM, is noted as follows:

<u>ITEM</u>	<u>DESCRIPTION-DIMENSIONS</u>	<u>PUC SPECIFICATIONS</u>
Type	Reinforced concrete deck with asphaltic membrane and an asphalt overlay on welded steel girders. Reinforced concrete abutments and piers.	
Length	156'-0" overall 2 abutment spans @ 46'-0" each Center span @ 65'-0"	
Width	Overall top width of 72'-6" including four 12'-0" travel lanes divided by a 6'-0" curbed median with 1'-0" gutters; 2'-0" gutter, 5'-0" sidewalk and 1'-3" curb on which a Type 5A bridge rail is mounted on each side of the traveled roadway.	
Clearances	Top of rail to bottom of center span girder - - - - - 23'-4"min.	22'-6"
	Centerline of track to face of pier # 3 - - - - - 20'+	8'-6"

8. The bridge design and construction will be in accordance with plans and specifications prepared by the Division and approved by the C&S and the Federal Highway Administration (FHWA). Clearance dimensions for the proposed structure exceed minimum specifications of the Commission and are acceptable.

9. After the construction is completed, the Division will maintain, at its sole expense, its own bridges, piers, abutments, embankments, surfaces and roadway drainage. Maintenance of track, railroad grades and operating facilities shall continue to be the responsibility of the C&S.

10. The public safety, convenience and necessity requires, and will be served, by construction of the new highway/railroad grade separation structure as proposed herein.

CONCLUSIONS ON FINDINGS OF FACT

1. As provided by Section 40-4-106(2)(a), CRS 1973, the Commission has jurisdiction in the instant matter.

2. Notice of the proposed construction and installation of the highway/railroad grade separation structure has been given by the Commission, pursuant to, and in accordance with, Section 40-6-108(2), CRS 1973. No protests, petitions to intervene, or other pleadings in the matter have been received.

3. As provided by Section 40-6-109(5), CRS 1973, and Rule 17 of the Commission's Rules of Practice and Procedure, the Commission may determine this matter without a formal oral hearing or further notice.

4. The authority sought in the instant application should be granted.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Authority and approval be, and hereby is, granted to the Division of Highways, State of Colorado, for construction, operation and maintenance of a highway/railroad grade separation structure on State Highway No. 95 overpassing the Colorado and Southern Railway Company property and tracks at railroad milepost 8.27 near the Jefferson-Adams County line at 86th Avenue, State of Colorado.

2. The work to be done, and payment therefor, shall all be performed and paid by the Division of Highways, State of Colorado, and the Colorado and Southern Railway Company as set forth in the Agreements, plans, Specifications, and exhibits, all as filed herein.


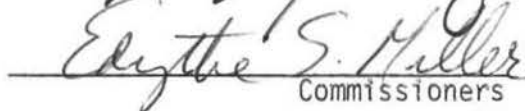
3. The Division of Highways, State of Colorado, shall maintain its own bridge, piers, abutments, embankments, surfaces and roadway drainage. The Colorado and Southern Railway Company shall continue to maintain their track, railroad grades and operating facilities.

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

5. The order shall become effective forthwith.

DONE IN OPEN MEETING the 24th day of February, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
cp

CHAIRMAN EDWIN R. LUNDBORG ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE REGIONAL TRANSPORTATION DISTRICT,	)	APPLICATION NO. 28942-Rule Waiver
1325 SOUTH COLORADO BOULEVARD,)	
DENVER, COLORADO, FOR A PARTIAL)	
WAIVER OF THE MINIMUM PUBLIC LIABILITY	)	RECOMMENDED DECISION OF
AND PROPERTY DAMAGE LIABILITY INSURANCE	)	THOMAS M. McCAFFREY,
LIMITS REQUIRED BY RULE 11 OF THE	)	EXAMINER
RULES AND REGULATIONS OF THE PUBLIC)	
UTILITIES COMMISSION GOVERNING COMMON	)	GRANTING APPLICATION
CARRIERS BY MOTOR VEHICLE FOR HIRE.)	

- - - - -
February 25, 1976
- - - - -

Appearances: William H. McEwan, Esq.,
Denver, Colorado, and
Elizabeth S. Taylor, Esq.,
Denver, Colorado, for
Applicant.

PROCEDURE AND RECORD

On January 21, 1976, The Regional Transportation District filed the above-titled application with this Commission for a partial waiver of certain insurance requirements as contained in Rule 11 of this Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle, as specifically set forth in said application. The Applicant requested that the Commission reduce the 30-day notice requirement for the application filing to 10 days.

The Commission assigned Docket No. 28942-Rule Waiver to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

After due and proper notice to all interested persons, firms, or corporations, the Commission set the application for hearing to be held on Friday, February 13, 1976, 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 Thomas M. McCaffrey, Examiner, to whom the application had been duly assigned for hearing.

Exhibits 1 through 11, inclusive, were offered and admitted into evidence. Official notice was taken of the following Commission Decisions: No. 86029 issued December 2, 1974; No. 87905 issued December 17, 1975; No. 87913 dated December 17, 1975; and No. 88186 issued February 4, 1976; a letter dated January 11, 1974, from Chairman Edwin R. Lundborg to the Applicant; a letter dated February 5, 1976, from Dalton O. Ford of the Staff of the Commission to Applicant; 24-10-101, et seq., CRS 1973; and Article 9 of Title 32, CRS 1973.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. The Regional Transportation District (hereinafter referred to as "Applicant") is a political subdivision of the State of Colorado, created by the General Assembly to establish, operate, and maintain a mass transportation system for the benefit of the inhabitants of the District and of the state of Colorado.

2. Applicant holds the following Certificates of Public Convenience and Necessity from this Commission: PUC No. 50, granted in Decision No. 86593; PUC No. 7099, authorized in Decision No. 86029; PUC No. 10103, granted in Decision No. 86920; and PUC No. 10194, authorized in Decision No. 87147. These Certificates authorize Applicant to provide charter bus service outside the territorial boundaries of Applicant's District as set forth in 32-9-106, CRS 1973, and are applicable only to charter bus operations conducted outside the said territorial boundaries.

3. The purpose of this application is to obtain an order granting a partial waiver of the minimum public liability and property damage liability insurance limits specified in Rule 11 of the Rules and Regulations Governing Common Carriers, as the provisions of said Rules pertain to Applicant's extraterritorial operations. The Commission thus has jurisdiction over the subject matter of this proceeding.

4. Rule 11 of this Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle provides, inter alia, that every common carrier shall obtain and keep in force at all times public liability and property damage insurance or a surety bond providing similar coverage issued by some insurance company or surety company authorized to do business in the state of Colorado in the minimum amounts of \$25,000 for bodily injuries to or death of one person, \$100,000 for bodily injuries to or death of all persons injured or killed in any one accident, and \$10,000 for loss or damage in any one accident to property of others.

5. On or about June 27, 1975, American Bankers Insurance Company of Florida (hereinafter referred to as "Bankers") made the necessary filing with the Commission for the minimum public liability and property damage insurance coverage as required under the provisions of Rule 11 of the Rules and Regulations Governing Common Carriers by Motor Vehicle. The insurance coverage provided by Bankers is a comprehensive general liability and automobile liability policy with primary coverage up to \$1,000,000 for claims arising as a result of bodily injury and property damage.

6. On or about December 6, 1975, Bankers notified Applicant as of February 6, 1976, a copy of such notice being Exhibit No. 1 herein. Although the reason for cancellation is not stated in the written notice, the orally stated basis for such cancellation was that Bankers' reinsurance carrier had canceled its coverage on public transportation carriers such as Applicant.

7. After receiving notice of the aforesaid cancellation of insurance coverage, Applicant, through its insurance advisers, Regional Insurance Managers, Inc., solicited proposals from 20 insurance carriers for liability coverage. Of the numerous carriers invited to bid on Applicant's proposal, only two, Transit Casualty Company and Transport Indemnity Company, did so. The invitation to bid asked for quotes on three coverages: \$1,000,000 limit with no deductible; coverage of \$1,000,000 with a \$25,000 self-insured retention plan; and \$1,000,000 coverage with a \$50,000 self-insured retention plan. Neither of the aforesaid two companies submitting bids offered primary coverage with no retention. Transit Casualty Company's premium bid for the \$25,000 self-insurance coverage was \$231,413 annually. The two premium bids on the \$50,000 self-insured retention coverage was \$295,750 for Transport Indemnity Company and \$144,144 by Transit Casualty Company. The proposed premium of \$231,413 for the \$25,000 self-insured retention coverage was prohibitive, and the Applicant's Board of Directors on January 22, 1976, excepted the liability coverage from \$50,001 to \$1,000,000 at a premium cost of \$144,144 offered by Transit Casualty Company. The coverage to be provided by Transit Casualty Company will become effective prior to the expiration date of the existing coverage with Bankers.

8. In addition to the above-described coverage to be provided by Transit Casualty Company, Applicant has made arrangements for excess/umbrella coverage from the first one million dollar layer to a total of \$10,000,000, said coverage being distributed among four excess carriers.

9. Applicant has selected Rocky Mountain Adjustment Bureau as the firm to handle all adjustments and settlements of liability claims made against the Applicant. This adjustment firm has handled the claims made against Applicant under Bankers' coverage, and Applicant has found this firm's services to be satisfactory. Rocky Mountain Adjustment Bureau will handle all claims for the remainder of 1976, and/or until the economic feasibility of staffing internally for claims adjustment by the Applicant can be determined. Services of Rocky Mountain Adjustment Bureau for 1977, if required, would be subject to normal competitive bid procedures.

10. As approved by Applicant's Board of Directors, Applicant has established a reserve account in the amount of \$400,000 for claims and a separate bank account for payment of claims with a minimum balance of \$10,000. Other administrative costs such as Rocky Mountain Adjustment Bureau fees, medical expense for physical examinations of claimants, and legal expenses will be paid from other funds. Issuance of drafts and payment of claims is subject to procedures Applicant has established setting forth the required signatures on the drafts for varying amounts paid.

11. Applicant is willing to file with this Commission periodic reports containing information with respect to all self-insurance claims arising as a result of the jurisdictional operations conducted by Applicant, and a proposed form has been filed as Exhibit No. 11 herein. Since, however, all claims made against Applicant's operations, both jurisdictional and non-jurisdictional, are to be paid from the same reserves and bank accounts, the information to be filed with this Commission to be meaningful should pertain to all self-insurance claims made against Applicant, and not limited to just the operations over which this Commission has jurisdiction. These forms should be filed with the Commission commencing April 1 and quarterly thereafter and should contain the following information: the period for which the self-insurance claim report covers; the number of claims submitted during the period; the number of bodily injury and property damage claims made during the period; the number of claims settled during the period of the report and the amounts paid therefor; and the total number of self-insurance claims pending at the end of the reporting period.

12. It is hereby found as fact that Applicant has made diligent effort to obtain the minimum public liability and property damage liability insurance as required by Rule 11 of this Commission's Rules and Regulations Governing Common Carriers, but has determined that the required primary coverage is unavailable. It is economically infeasible for Applicant to obtain primary coverage in any amount less than \$50,000, and Applicant should be allowed to be self-insured up to that amount, with an insurance carrier duly authorized to do business in the state of Colorado to provide bodily injury and property damage liability insurance in an amount from \$50,000 to \$1,000,000. Applicant has established and will maintain necessary and proper money reserve accounts so as to properly and reasonably handle all claims arising out of its operations over which this Commission has jurisdiction and will keep this Commission fully informed by filing periodic reports concerning all matters pertaining to its self-insured claims operations. Applicant should thus be granted a waiver from the minimum bodily injury and property damage liability insurance coverage as contained in Rule 11 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, and the granting of such waiver will not be contrary to the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. This Commission has jurisdiction over the subject matter of this application.
2. This application should be granted as hereinafter set forth.
3. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Regional Transportation District, 1325 South Colorado Boulevard, Denver, Colorado, be, and hereby is, granted a partial waiver of the minimum public liability and property damage liability insurance limits as contained in this Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle, such partial waiver being expressly conditioned upon The Regional Transportation District's maintaining, and providing this Commission with evidence thereof, insurance coverage in excess of \$50,000 and up to the minimum limits as set forth in Rule 11 of the Rules and Regulations Governing Common Carriers by Motor Vehicle.
2. The Regional Transportation District shall on or before the effective date of this Order establish and thereafter maintain a reserve account of not less than \$400,000 for the purpose of paying bodily injury and/or property damage claims up to \$50,000 for each occurrence.
3. The Regional Transportation District shall on or before April 1, 1976, and quarterly thereafter file with this Commission a self-insurance claim report relating to all of its operations within Colorado and containing the following information: the period for which the claim report is submitted; the total number of bodily injury and property damage liability claims made during the period; the number of claims settled and the amount paid therefor during the period; and the total number of claims pending under the self-insurance coverage.

4. The Commission retains jurisdiction in this matter to make such further order or orders as it may deem in the public interest and safety, and the Commission may, upon due and proper notice and hearing, suspend or cancel the partial waiver granted herein.

5. All provisions of Rule 11 of this Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle not herein waived shall apply to The Regional Transportation District.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ds/rw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE REGIONAL TRANSPORTATION DISTRICT,)
1325 SOUTH COLORADO BOULEVARD,)
DENVER, COLORADO, FOR A PARTIAL)
WAIVER OF THE MINIMUM PUBLIC LIABILITY)
AND PROPERTY DAMAGE LIABILITY INSURANCE)
LIMITS REQUIRED BY RULE 11 OF THE)
RULES AND REGULATIONS OF THE PUBLIC)
UTILITIES COMMISSION GOVERNING COMMON)
CARRIERS BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 28942-Rule
Waiver

ERRATUM NOTICE

- - - - -
March 4, 1976
- - - - -

Decision No. 88275
(Issued February 25, 1976)

Page 2, Finding of Fact No. 6, second line should read ". . .
that it was canceling Applicant's liability insurance coverage . . ."

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HARRY A. GALLIGAN, Jr., Secretary

Dated at Denver, Colorado, this
4th day of March, 1976.

(Decision No. 88276)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMON AND CONTRACT CARRIERS)	RECOMMENDED DECISION OF
LISTED ON "APPENDIX A" HERETO,)	JAMES K. TARPEY, EXAMINER
Respondents.)	

February 25, 1976

Appearances: George 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 February 2, 1976. The matters were duly called for hearing pursuant to such notice on Tuesday, February 17, 1976, at 9 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by James K. Tarpey, 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 40-6-109, CRS 1973, Examiner James K. Tarpey now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision containing findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

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 the hearing as lawfully ordered by the Commission.

2. Pursuant to 40-6-109, CRS 1973, 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. 88276)

Appendix A

<u>NAME AND ADDRESS</u>	<u>APPLICATION NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
John T. & James I. Martin, dba Martin Brothers 11 First Street Ft. Lupton, Co. 80621	28742-PP-Tfr.	Acceptance of Transfer, Tariff, PLPD Ins.	524-App.
Mark L. Stark 584 So. Washington St. Denver, Co. 80209	28752-PP	PLPD Ins.	528-App.
Grant C. Wood, dba Success Unlimited 6501 Lowell Blvd. Denver, Co. 80221	28731-PP	PLPD Ins., Tariff	529-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

* * *

GERALD D. SJAASTAD,)	
)	
COMPLAINANT,	)	CASE NO. 5613
)	
vs.)	
	)	ORDER OF JAMES K. TARPEY,
L. M. ARNETT, A. T. NELSON,	)	EXAMINER
WHITEPINE WATER COMPANY, AND)	
CALLAHAN MINING CORPORATION,)	
)	
RESPONDENTS.)	

February 25, 1976

STATEMENT

BY THE EXAMINER:

By letter dated February 4, 1976, Klingsmith, Russell, Angelo & Wright, counsel for Respondent L. M. Arnett, filed a pleading captioned "Motion to Withdraw." Said pleading requests permission to withdraw as counsel for L. M. Arnett for ethical reasons.

Good cause having been shown, said Motion will be granted.

ORDER

THE EXAMINER ORDERS THAT:

1. Klingsmith, Russell, Angelo & Wright be, and hereby is, authorized to withdraw its appearance as counsel for Respondent L. M. Arnett.
2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
ds/vc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY CER-)
TIFICATES OF PUBLIC CONVENIENCE AND)
NECESSITY UNDER TITLE 40-10-104)
(2), CRS 1973, FOR THE TEMPORARY OR)
SEASONAL MOVEMENT OF CORN, MILLET,)
SORGHUMS, SMALL GRAINS, ENSILAGE)
AND HAY.)

APPLICATION NO. 29009

EMERGENCY DISTRICT 3-76

- - - - -
March 2, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Chief of Transportation, Transportation Section of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of corn, millet, sorghums, small grains, ensilage and hay in the counties of Adams, Alamosa, Baca, Bent, Boulder, Chaffee, Cheyenne, Costilla, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Larimer, Las Animas, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Washington, Weld, and Yuma, Colorado.

Request, pursuant to the above, has been made for an order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, millet, sorghums, small grains, ensilage, and hay in the counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of corn, millet, sorghums, small grains, ensilage, and hay in the counties of Adams, Alamosa, Baca, Bent, Boulder, Chaffee, Cheyenne, Costilla, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Larimer, Las Animas, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Washington, Weld, and Yuma, Colorado, and that present or future public convenience and necessity requires the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided in Title 40, Article 10, Section 104 (2), CRS 1973, and as set forth in the Order following.



O R D E R

THE COMMISSION ORDERS:

That temporary certificates be, and hereby are, authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, millet, sorghums, small grains, ensilage, and hay in the counties of Adams, Alamosa, Baca, Bent, Boulder, Chaffee, Cheyenne, Costilla, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Larimer, Las Animas, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Washington, Weld, and Yuma, Colorado; provided however, that said certificates shall be effective only for a period of NINETY (90) DAYS commencing March 8, 1976.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 88279)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ANSWERPHONE, INC., 3500 EAST 17TH)
AVENUE, DENVER, COLORADO, FOR)
AUTHORITY TO TRANSFER ITS EXISTING)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY FOR TWO WAY DOMESTIC)
PUBLIC LAND MOBILE RADIO TELEPHONE)
SERVICE AND ONE WAY PAGING SERVICE)
ISSUED PURSUANT TO PUC DECISION)
NO. 69091 DATED FEBRUARY 28, 1967,)
TO CONTACT-DENVER, INC., 8345 WEST)
16TH AVENUE, LAKEWOOD, COLORADO,)
AND FOR CLARIFICATION AND REDE-)
SCRIPTION OF SAID CERTIFICATE.)

APPLICATION NO. 28905-Transfer

ORDER GRANTING LEAVE TO INTERVENE

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 23, 1976, Protestant, Radio Contact Corporation, by its attorney Richard B. Harvey, filed its Motion to Intervene in the above-captioned application.

The Commission states and finds that although the aforesaid Petition to Intervene was late filed with the Commission that petitioner is a person who may be affected by this application and that the Petition to Intervene should be granted.

An appropriate order will be entered.

O R D E R

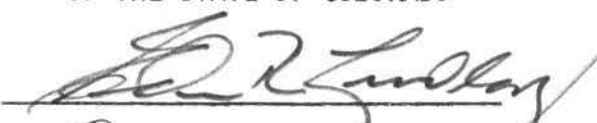
THE COMMISSION ORDERS THAT:

Protestant, Radio Contact Corporation, be, and hereby is, granted leave to intervene in the above-captioned application.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision No. 88280)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF AIRWAY COMMUNICATIONS, 1845)
WEST 16TH AVENUE, LAKEWOOD, COLO-)
RADO, FOR AUTHORITY TO TRANSFER)
ITS EXISTING CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
FURNISH INTERCONNECTED MOBILE)
RADIO TELEPHONE SERVICE IN THE)
CITY AND COUNTY OF DENVER, COLORADO,)
AND VICINITY ISSUED PURSUANT TO)
PUC DECISION NO. 85184 DATED JUNE)
12, 1974, TO CONTACT-DENVER, INC.,)
8345 WEST 16TH AVENUE, LAKEWOOD,)
COLORADO.)

APPLICATION NO. 28906-Transfer

ORDER GRANTING LEAVE TO INTERVENE

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 23, 1976, Protestant, Radio Contact Corporation, by its attorney Richard B. Harvey, filed its Motion to Intervene in the above-captioned application.

The Commission states and finds that although the aforesaid Petition to Intervene was late filed with the Commission that petitioner is a person who may be affected by this application and that the Petition to Intervene should be granted.

An appropriate order will be entered.

ORDER

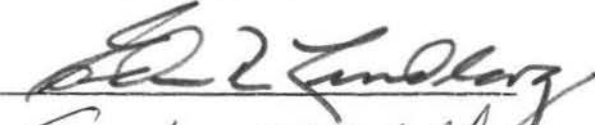
THE COMMISSION ORDERS THAT:

Protestant, Radio Contact Corporation be, and hereby is, granted leave to intervene in the above-captioned application.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision No. 88281)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: SUPPLEMENT K-6 TO TARIFF OF)
INCREASED RATES AND CHARGES)
X-305-RE, APPLYING ON RECYCLABLE)
MATERIALS, FILED TO BECOME)
EFFECTIVE NOVEMBER 20, 1975, FOR)
APPLICATION BY COLORADO RAILROADS.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 999

RECOMMENDED DECISION OF
ROBERT E. TEMMER, EXAMINER

February 25, 1976

Appearances: John S. Walker, Esq.,
Denver, Colorado, for
the Colorado Intrastate
Railroads.

PROCEDURE AND RECORD

On October 17, 1975, Supplement K-6 to Tariff of Increased Rates and Charges X-305-RE applying to recyclable materials was filed for and on behalf of the railroads serving Colorado in intrastate commerce. Said supplement, if allowed to become effective, would have increased the rates and charges on recyclable materials by ten percent as of November 20, 1975.

On November 12, 1975, the Commission issued Decision No. 87755, which suspended the effective date of the tariff for two hundred ten days (210) or until June 17, 1976, unless otherwise ordered by the Commission, and set the matter for a hearing to be held on January 19, 1976, at 10 a.m. in a hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203. Due and proper notice of this hearing was given to all interested persons, firms, or corporations, and the matter was heard at the set time and place by Robert E. Temmer, Examiner, to whom the matter had been duly assigned.

Several letters of protest from the public were received by the Commission, and the Examiner hereby takes official notice of the letters of protest received by the Commission. Ralph H. Knutt and David H. Cross of the Staff of the Commission appeared at the hearing for purpose of asking questions in clarification.

Exhibits 1 through 3 were marked for identification and were admitted into evidence. Official notice was taken of the material contained in the Commission's official file concerning I&S Docket No. 878 entitled "Re: Supplement K-8 to Tariff of Increased Rates and Charges X-305-A." Respondents requested that official notice be taken of the Section 13 proceeding related to I&S Docket No. 878, so far as those papers are on file with this Commission. Nothing relating to a Section 13 proceeding is contained in this Commission's official file concerning I&S Docket No. 878. Therefore, Respondents' request concerning official notice for the Section 13 papers be, and hereby is, denied.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Respondents in this matter are the Atchison, Topeka and Santa Fe Railway Company; Burlington Northern, Inc.; Chicago, Rock Island & Pacific Railroad Company; Colorado & Southern Railroad Company; Denver and Rio Grande Western Railroad Company; Missouri Pacific Railroad Company; and the Union Pacific Railroad Company. These are all common carriers by rail operating within the state of Colorado and all are subject to the jurisdiction of this Commission.
2. This proceeding deals with rates and charges for recyclable materials, which were not considered in I&S Docket No. 878 before this Commission.
3. Exhibit 3 herein was submitted on behalf of the Burlington Northern, Inc., and the Colorado & Southern Railroad Company. Exhibit 2 was submitted on behalf of the Denver and Rio Grande Western Railroad Company. None of the information contained in either exhibit deals with the costs of providing the service of transporting recyclable materials.
4. Respondents' justification for the proposed ten percent increase is the evidence submitted in justification of the increases sought in Investigation and Suspension Docket No. 878. Decision No. 85967 thoroughly analyzed the evidence submitted in Investigation and Suspension Docket No. 878 and concluded that increases in excess of four percent would not be justified, and that an increase of four percent would be just and reasonable. Pursuant to Decision No. 86045 issued December 3, 1974, Decision No. 85967 became the Decision of the Commission and the final Order of the Commission. No other substantial evidence was submitted in this proceeding to justify the increase sought.
5. Increasing the rates on recyclable materials in excess of four percent based on the evidence submitted in I&S Docket No. 878 would make said rates per se discriminatory because no substantial evidence presented in I&S Docket No. 878 or in this docket would justify any difference. Based on all the evidence in this proceeding, it cannot be found that any increase on recyclable materials above four percent would be justified.

CONCLUSIONS ON FINDINGS OF FACT

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

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

2. Respondents should be authorized to increase rates on recyclables by four percent, which increases would be just and reasonable.

3. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. Respondents be, and hereby are, authorized to increase, effective on the effective date of this Order, freight rates and charges on intrastate traffic of recyclables 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-RE making the rates for Colorado intrastate traffic of recyclables subject to an increase of four percent (4%).

3. I&S Docket No. 999 be, and hereby is, closed.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Ziemer
Examiner

dh

(Decision No. 88282)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF --)
COLORADO PUC NO. 9W - ELECTRIC,)
THE SAN MIGUEL POWER ASSOCIATION,)
INC., NUCLA, COLORADO 71424.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1006

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF --)
COLORADO PUC NO. 1 - ELECTRIC,)
COLORADO PUC NO. 2 - ELECTRIC,)
AND COLORADO PUC NO. 9W - ELECTRIC,)
THE SAN MIGUEL POWER ASSOCIATION,)
INC., NUCLA, COLORADO 81424.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1013

RECOMMENDED DECISION OF
ROBERT E. TEMMER, EXAMINER,
ESTABLISHING NEW RATES

- - - - -
February 26, 1976
- - - - -

Appearances: Robert R. Wilson, Esq.,
Cortez, Colorado, for
San Miguel Power Association, Inc.;
John E. Archibold, Esq.,
Denver, Colorado,
for the Commission.

PROCEDURE AND RECORD

On October 28, 1975, the San Miguel Power Association, Inc., hereinafter referred to as Respondent, filed its Advice Letter No. 17 with the Commission, together with certain proposed tariff sheets. Respondent requested that the filing become effective on thirty (30) days' notice. On November 25, 1975, the Commission issued its Decision No. 87828, which suspended the effective date of the tariff sheets; set the matter for a hearing to be held on Wednesday, January 28, 1976, at 10 a.m. in a hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado; and ordered the Respondent to file certain items with the Commission at least fifteen (15) days prior to the hearing date. The Respondent filed the required information with the Commission.

On December 5, 1975, Respondent filed its Advice Letter No. 19 with the Commission, along with a number of tariff sheets. The Respondent requested that the filing become effective on thirty (30) days' notice. On December 23, 1975, the Commission issued its Decision No. 87958, which suspended the effective date of the tariff sheets; set the matter for a hearing to be held at the same time and the same place as the hearing on the tariffs accompanying Advice Letter No. 17; and ordered the Respondent to file certain information with the Commission at least fifteen (15) days prior to the hearing date. Respondent filed the required information with the Commission.

Due and proper notice of these hearings was given to all interested persons, firms, or corporations, and the hearings were held at the set time and place by Robert E. Temmer, Examiner, to whom the matters had been duly assigned.

Exhibits A, B, C, and D were offered and admitted into evidence. Official notice was taken of Decision No. 87240 issued July 25, 1975.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Respondent, the San Miguel Power Association, Inc., is a public utility as defined in Title 40, CRS 1973, and as such is subject to the jurisdiction of this Commission.

2. Respondent is a corporation organized under the laws of the State of Colorado, and is a cooperative electric association that supplies electric service to its members and consumers located in its certificated service area.

3. Respondent filed its Advice Letter No. 17 with this Commission on October 28, 1975, and its Advice Letter No. 19 with this Commission on December 5, 1975. Respondent gave due and proper notice of these tariff filings to all its members and consumers. No person or firm appeared at the hearing to protest the proposed tariff filings.

4. Respondent has experienced certain increases in its wholesale power costs. The increase in Respondent's wholesale power costs that is relevant for this proceeding amounted to approximately 15 percent and became effective approximately October 1, 1975. The intent of the tariff filings that are here under consideration was to pass on the increased cost of wholesale power.

5. Respondent's increased wholesale power costs on a test-year basis will be approximately \$241,202. Respondent proposes to recover these increased wholesale power costs by raising the rate for each kilowatt-hour sold. The proper amount to raise the rate is \$.00216 per kilowatt-hour. Applying this amount to the rate for each kilowatt-hour will recover the increase in wholesale power costs and will make all rates at least equal to Respondent's wholesale energy cost, except for the last energy block under Rate Schedule 9. The last energy block on Rate Schedule 9 should have an additional \$.00044 per kilowatt-hour added onto it so that it will be equal to wholesale energy costs.

6. Respondent has in the recent past experienced a number of changes both in its certificated area and in the makeup of its customers. It is very difficult, if not impossible, to get a true picture of expenses for a test year at this point in time. However, certain figures will be used for test-year rate base and revenue and expenses, but they will be used only for purposes of this proceeding and should not be considered as establishing a method for calculating rate base, revenue and expense.

Allowing the modifications to the rates discussed in finding No. 5 above will produce approximately \$249,832 of additional revenue, so that Respondent's total net operating earnings will be \$267,749. Based on a rate base of \$4,897,857, Respondent will be earning a rate of return of 5.47 percent.

7. Respondent has proposed fuel cost adjustment clauses to track the fuel cost adjustment clause of its wholesale power supplier. This would be appropriate under Rate Schedule 9 and for Large Power Service Rates LP and LPS, so that other ratepayers will not have to subsidize these rates. However, Respondent has also proposed fuel cost adjustment clauses for the rest of its rate schedules, and such clauses would not be just and reasonable.

8. Allowing Respondent to increase all of its rates by \$.00216 per kilowatt-hour and the last energy block under Rate Schedule 9 by an additional \$.00044 per kilowatt-hour would be just and reasonable, and would produce rates that would not be unduly discriminatory.

9. The rates under consideration herein are intended to be interim rates. Respondent contemplates having a cost-of-service study performed and, sometime thereafter, making appropriate adjustments to its Rate Schedules.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Respondent's existing rates do not, and will not, in the foreseeable future, produce a rate of return for Respondent which will be just and reasonable, and in the aggregate such rates are unjust and unreasonable.

2. The rates proposed by Respondent under its Advice Letters No. 17 and No. 19 are not just or reasonable, and the tariff sheets accompanied thereby should be permanently suspended.

3. Respondent should be authorized to increase its rates by \$.00216 per kilowatt-hour for all energy sold, and for the last energy block under Rate Schedule 9 an additional \$.00044 for each kilowatt-hour sold, and should be authorized to establish a fuel cost adjustment clause for Rate Schedule 9 and to continue such clauses for Large Power Service Rates LP and LPS.

4. Such increases in rates will be just and reasonable and are required to maintain the financial integrity of Respondent and to allow Respondent to continue to provide electric service to its customers.

5. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The tariff sheets filed by the San Miguel Power Association, Inc., Nucla, Colorado 81424, on October 28, 1975, under its Advice Letter No. 17 and on December 5, 1975, under its Advice Letter No. 19 be, and hereby are, permanently suspended and canceled.

2. The San Miguel Power Association, Inc., shall, within thirty (30) days from the effective date of this Order, file with the Commission new tariff sheets which will increase the rates for all kilowatt-hours sold by \$.00216, and which will increase the last energy block under Rate Schedule 9 by an additional \$.00044 per kilowatt-hour sold. In addition, such tariff sheets shall establish a fuel cost adjustment clause as proposed under Advice Letter No. 17 for Rate Schedule No. 9. In all other respects Respondent's tariffs shall remain the same as they were prior to the filing of Advice Letters No. 17 and No. 19. Such filing shall be accompanied by a new advice letter and may be made on one (1) day's notice.

3. Investigation and Suspension Docket No. 1006 and Investigation and Suspension Docket No. 1013 be, and hereby are, closed.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr

(Decision No. 88283)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28677
LAWRENCE J. TODISCO, DOING BUSINESS)	
AS "P. AND L. TRANSPORTATION COMPANY,"	)	RECOMMENDED DECISION OF
3724 FAIRFIELD LANE, PUEBLO, COLORADO,	)	ROBERT E. TEMMER,
FOR A CERTIFICATE OF PUBLIC CONVENIENCE	)	EXAMINER
AND NECESSITY TO OPERATE AS A COMMON)	
CARRIER BY MOTOR VEHICLE FOR HIRE.	)	GRANTING APPLICATION

February 26, 1976

Appearances: Raymond M. Kelley, Esq.,
Denver, Colorado, for
Lawrence J. Todisco, doing
business as "P. and L.
Transportation Company";
Robert N. Trunk, Esq.,
Pueblo, Colorado, for
Intervenor City Cab Company.

PROCEDURE AND RECORD

On September 30, 1975, Lawrence J. Todisco, doing business as "P. and L. Transportation Company," hereinafter referred to as Applicant, filed the above-entitled application with this Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation services specifically set forth in said application.

Applicant requested temporary authority and on December 2, 1975, the Commission issued its Decision No. 87835 granting Applicant's request for temporary authority.

The Commission assigned Docket No. 28677 to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

City Cab Company filed a Petition for Leave to Intervene on October 24, 1975, and on October 30, 1975, the Commission issued Decision No. 87699 granting City Cab Company leave to intervene. City Cab Company also filed objections to the granting of the application on October 24, 1975.

The application was set for a hearing to be held on Monday, January 26, 1976, at 10 a.m. in Room 410-A Federal Building, Fifth and Main, Pueblo, Colorado, and due and proper notice was given to all interested persons, firms, or corporations. The hearing was held at the set time and place by Robert E. Temmer, Examiner, to whom the matter had been duly assigned.

Exhibits 1 through 4 were marked for identification and all were admitted into evidence. During the course of the hearing, the

Intervenor and the Applicant entered into a stipulation whereby a restrictive amendment would be tendered. Intervenor withdrew its objections to the granting of the application and asked for permission to remain a party of record for the purposes of receiving any orders to be entered. Applicant was directed to file a written amendment on or before January 30, 1976. The amendment was received on January 28, 1976.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and 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 doing business as "P. and L. Transportation Company."

2. Applicant in this matter proposes to operate a public utility as defined in Title 40, CRS 1973.

3. This Commission has jurisdiction over the Applicant and the subject matter of this proceeding.

4. Applicant does not hold previously granted authority from this Commission, other than the Temporary Authority referred to above.

5. Applicant owns two buses, one being a 36-passenger 1964 Ford school bus and the other being a 66-passenger 1961 GMC school bus. Applicant will acquire additional equipment if the need arises. Applicant's net worth is approximately \$8,673. Applicant has no prior experience in the transportation industry but his drivers are experienced bus drivers. Applicant's equipment, net worth, and available experience are sufficient, ample, and suitable for the operation of the authority applied for herein.

6. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has made and will continue to make adequate provision for insurance.

7. The proposed service is a scheduled bus service between an area around the Pueblo County Airport and the Department of Transportation Test Facility that is approximately 23 miles from the airport. Approximately 280 employees work at the facility and a majority of them drive by the airport on their way to work. The Government provided free bus service, but stopped providing it in the latter part of 1975, and the majority of the employees now travel to the test facility by private automobile. Approximately 250 employees work on a shift basis, and Applicant's proposed service would be geared to serve these people. It

would save them money to use the service Applicant intends to provide, because it would be cheaper than driving their private automobiles, and it would help eliminate pollutants and would encourage conservation of energy. The service would be used by these people and it is needed by the people. The present and future public convenience and necessity requires and will continue to require the granting of this authority as hereinafter set forth.

8. The restrictive amendment agreed to between the Applicant and the Intervenor had several parts. One part was that Applicant would be restricted so that service would be provided from a parking lot selected by Applicant, and to be located within a one-mile radius of the Pueblo County Airport. The part concerning the parking lot is meaningless and should not be included in a certificate of public convenience and necessity. It would not limit the Applicant to any particular point, as the Applicant would have discretion to change the location of the parking lot from time to time pursuant to the terms of the amendment. It does not require any particular type of service, as it does not require that the Applicant provide parking for his patrons. The only meaningful part is the requirement that the transportation originate or terminate within a radius of one mile of the airport.

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

CONCLUSIONS ON FINDINGS OF FACT

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

1. The authority sought by Applicant should be granted as hereinafter set forth.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Lawrence J. Todisco, doing business as "P. and L. Transportation Company," 3724 Fairfield Lane, Pueblo, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following, to-wit:

Transportation -- on schedule -- in bus service -- of
Passengers

Between points within a one-mile radius of the Pueblo County Airport, on the one hand, and the Department of Transportation Test Center located approximately twenty-three miles from the Pueblo County Airport, on the other hand.

RESTRICTION:

This Certificate is restricted as follows:

Against providing transportation service
to or from the terminal entrance of the Pueblo
County Airport.

And this Order shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. Applicant shall file tariffs of rates, rules, regulations, and time and distance schedules as required by the rules and regulations of this Commission within twenty (20) days from date.

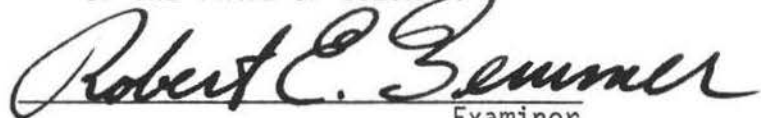
3. Applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

4. This Order is subject to compliance by Applicant with all present and future laws and rules and regulations of the Commission.

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

6. As provided by 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
vjr

(Decision No. 88284)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE H. WOLFE, DOING BUSINESS AS)
"GEORGE HENRY WOLFE TRUCKING," 407)
EAST MAIN, FLORENCE, COLORADO, FOR)
EMERGENCY TEMPORARY APPROVAL TO)
CONDUCT OPERATIONS UNDER CONTRACT)
CARRIER PERMIT NO. B-6792, PENDING)
DETERMINATION OF THE APPLICATION)
TO ACQUIRE SAID PERMIT.)

APPLICATION NO. 29013-PP-Transfer-ETA

ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

March 2, 1976

The above-entitled application under CRS 1973, 40-6-120, 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 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

(Decision No. 88285)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WIND ROW, INC., P. O. BOX 990,)
PUEBLO, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 29012-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

March 2, 1976

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

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

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

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

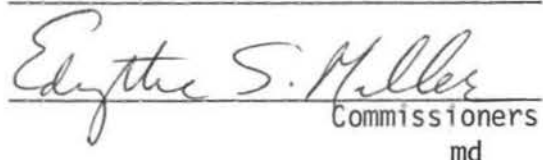
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88285
March 2, 1976

Wind Row, Inc.

Transportation of
Coal

From the Empire Energy, Inc. coal strip mine near Craig, Colorado, to the tipple of Empire Energy, Inc. at Craig, Colorado.

RESTRICTION: This emergency temporary authority is restricted to rendering transportation service for only Brasel and Simms Coal Co., Craig, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN A. FRESQUEZ, DOING BUSINESS AS)
"J.A. FRESQUEZ & SONS TRUCKING,")
5151 MILWAUKEE, DENVER, COLORADO,)
FOR AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28978-PP

ORDER OF THE COMMISSION

- - - - -
March 2, 1976
- - - - -

Appearances: Morris Rifkin, Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That by Notice of the Commission dated February 23, 1976, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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-4846," 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 John A. Fresquez, doing business as "J.A. Fresquez & Sons Trucking," 5151 Milwaukee, Denver, 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 the Appendix attached hereto; that the class "B" motor vehicle contract carrier operations shall be designed and assigned the number "B-4846," 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.

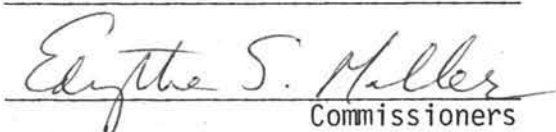
IT IS FURTHER ORDERED, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

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

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88286
March 2, 1976

J. A. Fresquez & Sons Trucking

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within the designated radius as restricted below.

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within the designated radius as restricted below.

- (3) Sand, gravel, dirt 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

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
TERRY G. AND EVA L. WILKINSON,)
DOING BUSINESS AS "ACTION MOBILE) PUC NO. 3511
HOME MOVING CO.," 2032 TULANE,)
FEDERAL HEIGHTS, DENVER, COLORADO.)

- - - - -
March 2, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 17, 1969, the Commission entered Decision No. 73689 approving the encumbrance of Certificate of Public Convenience and Necessity PUC No. 3511 by Lester J. Kohman and Mary E. Kohman to George W. McNeill and Doris L. McNeill, 2475 30th Street, Boulder, Colorado 80302 to secure payment of the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00).

The Commission is now in receipt of a statement of termination from George W. McNeill and Doris L. McNeill which states they no longer claim a security interest.

The Commission is now in receipt of a Petition for approval of encumbrance of Certificate of Public Convenience and Necessity PUC No. 3511 from Terry G. Wilkinson and Eva L. Wilkinson, 2032 Tulane, Federal Heights, Denver, Colorado 80221 (debtors) to Lester J. Kohman and Mary E. Kohman, 4500 Nineteenth Street, Boulder, Colorado 80302 (secured parties) in the amount of Twenty Thousand Dollars (\$20,000.00) in accordance with the terms and conditions of the Security Agreement and Financing Statement dated November 1, 1975, executed by and between said parties and properly filed with the Commission.

The Commission states and finds that the approval 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 the encumbrance of Certificate of Public Convenience and Necessity PUC No. 3511 authorized by Decision No. 73689, dated October 17, 1969, be and the same hereby is, released insofar as it concerns the Commission.

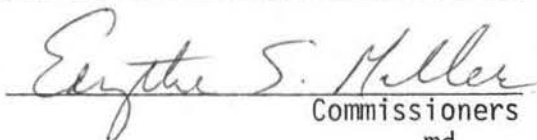
That Terry G. and Eva L. Wilkinson doing business as "Action Mobile Home Moving Co.," 2032 Tulane, Federal Heights, Denver, Colorado 80221, be and hereby are, authorized to encumber all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3511 to Lester J. Kohman and Mary E. Kohman, 4500 Nineteenth Street, Boulder, Colorado 80302 to secure payment of the sum of Twenty Thousand Dollars (\$20,000.00) in accordance with the terms and conditions set forth in the Security Agreement and Financing Statement dated November 1, 1975.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES V. OWENS, DOING BUSINESS AS)
"YVEX," 650 RUSSELL, CRAIG, COLORADO,)
FOR AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 9326.)

APPLICATION NO. 28325-Extension

ORDER OF THE COMMISSION

- - - - -
March 9, 1976
- - - - -

Appearances: Worth F. Shrimpton, Esq., Craig, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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. 9326 to include the following:

"(1) Transportation -- on call and demand -- of

Packages and parcels

Between all points located within a twenty-five (25) mile radius of the intersection of Yampa Avenue and Victory Way, located in Craig, Colorado, and between said points on the one hand, and points located within the State of Colorado, on the other hand.

RESTRICTION: Item (1) of this Certificate is restricted as follows:

(a) To the transportation of packages and parcels which do not exceed one hundred (100) pounds in weight; and

(b) To the use of taxicab equipment."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 9326 as extended, shall read and be as set forth in the Appendix attached hereto.

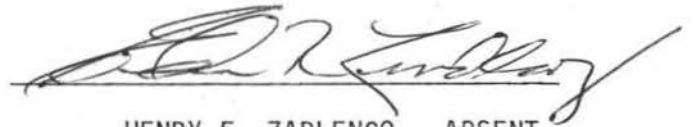
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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.

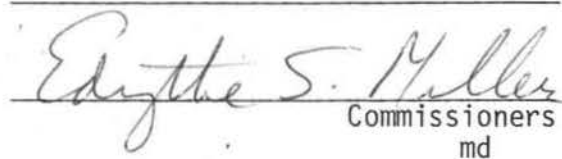
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88288
March 9, 1976

YVEX

- (1) Transportation -- in taxicab service -- of
Passengers and their baggage

Between points located within a twenty-five (25) mile radius of the intersection of Yampa Avenue and Victory Way, Craig, Colorado, and between said points on the one hand, and points located within the State of Colorado, on the other hand.

RESTRICTION: Item (1) of this Certificate is restricted to the use of vehicles having a manufacturer's rated seating capacity of not more than five (5) passengers.

- (2) Transportation -- in scheduled limousine service -- of
Passengers and their baggage

Between the Yampa Valley Airport, located near Hayden, Colorado, on the one hand, and points located within a twenty-five (25) mile radius of the intersection of Yampa Avenue and Victory Way, Craig, Colorado, on the other hand.

RESTRICTION: Item (2) of this Certificate is restricted to the use of vehicles having a manufacturer's rated seating capacity of not more than twelve (12) passengers.

- (3) Transportation of
General commodities

Between the Yampa Valley Airport located near Hayden, Colorado, on the one hand, and points located within a twenty-five (25) mile radius of the intersection of Yampa Avenue and Victory Way, Craig, Colorado, on the other hand.

RESTRICTION: Item (3) of this Certificate is restricted to the transportation of only those shipments having a prior or subsequent movement by air.

- (4) Transportation -- on call and demand -- of
Packages and parcels

Between all points located within a twenty-five (25) mile radius of the intersection of Yampa Avenue and Victory Way, located in Craig, Colorado, and between said points on the one hand, and points located within the State of Colorado, on the other hand.

YVEX

(Continued from page 3)

RESTRICTION: Item (4) of this Certificate is restricted as follows:

- (a) To the transportation of packages and parcels which do not exceed one hundred (100) pounds in weight; and
- (b) To the use of taxicab equipment.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28972-PP
JIM CALABRESE, DOING BUSINESS AS)	
"CALABRESE TRUCKING," 4830 SHOSHONE,)	ORDER OF THE COMMISSION
DENVER, COLORADO, FOR AUTHORITY TO)	
OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

March 9, 1976

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

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

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

An appropriate Order will be entered.

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

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

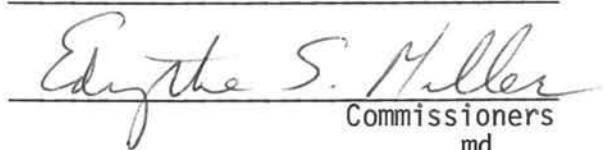
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88289
March 9, 1976

Calabrese 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 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)
CALVIN PALMER, 603 IOWA STREET,)
GOLDEN, COLORADO, FOR AUTHORITY TO)
TRANSFER ALL RIGHT, TITLE AND)
INTEREST IN AND TO CONTRACT CARRIER)
PERMIT NO. B-3787, TO GORDON D.)
RAMSTETTER, DOING BUSINESS AS)
"RAMSTETTER EXCAVATING," P. O. BOX)
206, GOLDEN, COLORADO.)

APPLICATION NO. 28933-PP-Transfer
ORDER OF THE COMMISSION

March 9, 1976

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

IT FURTHER APPEARING, That Transferee herein has requested that should the transfer of Contract Carrier Permit No. B-3787 be granted, the word "refuse" be deleted from said Permit;

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;

WE FURTHER FIND, That that portion of Contract Carrier Permit No. B-3787 which provides for the transportation of refuse should be deleted as requested by Transferee;

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-3787 as granted by Commission Decision Nos. 61032 dated July 16, 1963; 45964 dated June 11, 1956; 41007 dated July 27, 1953; and 29589 dated December 20, 1947; subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That the portion of Contract Carrier Permit No. B-3787 which provides for the transportation of refuse is hereby deleted, and the full and complete authority shall read and be as set forth in the Appendix attached hereto.

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.

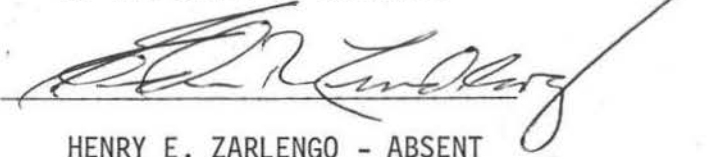
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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.

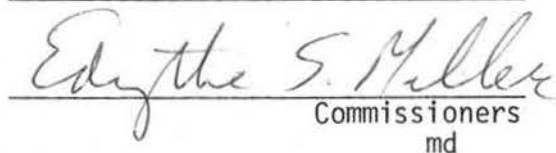
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88290
March 9, 1976

Ramstetter Excavating

Transportation of

(1) Sand, gravel, dirt and other road construction materials

From pits and supply points within a radius of 75 miles of Golden (excluding Gilpin, Clear Creek and Boulder Counties), to construction jobs in said area, without the right to serve from, to or between points in Gilpin, Clear Creek and Boulder Counties.

(2) Coal

From mines in the northern Colorado coal fields to Golden, Colorado, by means of dump truck equipment, only.

(3) Clay

From pits and supply points within a radius of 25 miles of Golden, Colorado, to points in said area.

(4) Rip-rap rock, uranium ores, and stone

Between points in Jefferson County and from points in Jefferson County, to Denver, Colorado.

(5) 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.

(6) Sand and gravel

From pits and supply points in the State of Colorado, to railroad loading points and to home and small construction jobs within the designated radius as restricted below.

(7) Sand, gravel, dirt and stone

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

(8) Insulrock

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

Ramstetter Excavating

(Continued from page 3)

RESTRICTION: Items No. (5), (6), (7) and (8) of this Permit are restricted as follows:

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN TANKERS, INC., P. O. BOX)
116, FARMINGTON, NEW MEXICO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CER-)
TIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 3336 AND)
3336-I, TO TRANS WESTERN TANKERS,)
INC., P. O. BOX 903, DUCHESNE,)
UTAH.)

APPLICATION NO. 28927-Transfer
ORDER OF THE COMMISSION

- - - - -
March 9, 1976
- - - - -

Appearances: Robert G. Shepherd, Jr., 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 1973, 40-6-108 (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 1973, 40-6-109 (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 Applicant 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. 3336 and 3336-I, as granted by Commission Decision No. 81319 dated September 20, 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.

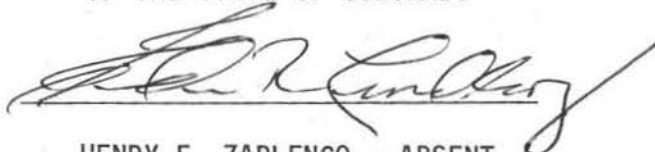
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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.

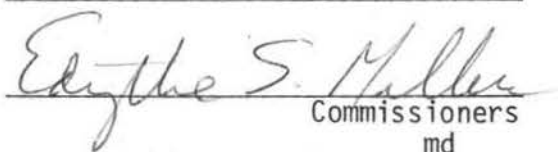
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WALTER L. SEBRING, 606 WEST NEW)
YORK, GUNNISON, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28920-PP

ORDER OF THE COMMISSION

March 9, 1976

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

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

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

An appropriate Order will be entered.

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

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

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENKO - ABSENT


Commissioners
md

Appendix
Decision No. 88292
March 9, 1976

Walter L. Sebring

Transportation of

Newspapers

From Denver, Colorado to all points located within the County of Delta, State of Colorado, and points located on U.S. Highway 285 and U.S. Highway 50 between Jefferson, Colorado and the County of Delta, State of Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MARK L. BELLAMY, DOING BUSINESS AS)
"ROYAL GORGE FLYING SERVICE," P. O.)
BOX 287, FLORENCE, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. AC-81 TO CBM)
AVIATION, INC., 2585 FREMONT DRIVE,))
CANON CITY, COLORADO.)

APPLICATION NO. 28914-Transfer

ORDER OF THE COMMISSION

- - - - -
March 9, 1976
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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-81, as granted by Commission Decision No. 82746 dated April 10, 1973, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said 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.

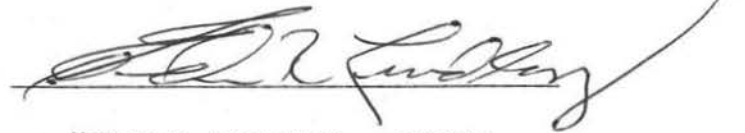
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

(Decision No. 88294)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ED ENGLEMAN, 4668 SHERMAN STREET,)
DENVER, COLORADO, BY AND THROUGH) PUC NO. 3604
WINONA D. ENGLEMAN, WIFE AND SOLE)
BENEFICIARY OF THE DECEASED.)

- - - - -
March 9, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from Winona D. Engleman, wife and sole beneficiary of the deceased, Ed Engleman, for authority to suspend the above-entitled Certificate.

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

ORDER

THE COMMISSION ORDERS:

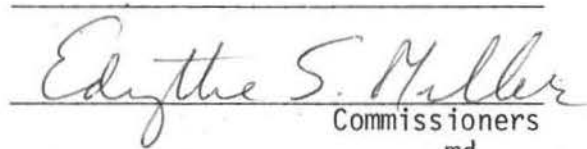
That suspension of the motor vehicle operations under the above entitled authority be, and the same hereby is, authorized by the Commission from March 9, 1976 to and including September 9, 1976.

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

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

(Decision No. 88295)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
STANLEY R. STAFFORD AND FRANCIS V.)	APPLICATION NO. 28334-Clarification
LEE, DOING BUSINESS AS "NORTHERN)	and/or Redescription
TRASH DISPOSAL COMPANY," BOX 384,)	
LONGMONT, COLORADO, FOR CLARIFICATION)	ORDER GRANTING EXCEPTIONS TO
AND/OR REDESCRIPTION OF PUC NO. 6815.)	RECOMMENDED DECISION NO. 87938

- - - - -
March 2, 1976
- - - - -

Appearances: Neil E. Piller, Esq.,
Longmont, Colorado,
for Applicants;
William Andrew Wilson, Esq.,
Denver, Colorado,
for Donald E. Schleiger,
doing business as "S&S
Sanitation", and Glenn D.
Sullivan, doing business as
"Sullivan's Transfer",
Protestants.

S T A T E M E N T

On April 17, 1975, Applicants filed the above-titled application with this Commission for clarification and/or redescription of Certificate of Public Convenience and Necessity PUC No. 6815, as specifically set forth in said application.

The Commission assigned Docket No. 28334-Clarification and/or Redescription to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

On May 27, 1975, Donald E. Schleiger, doing business as "S&S Sanitation", and Glenn D. Sullivan, doing business as "Sullivan's Transfer", filed their protests to the granting of the application. On June 9, 1975, Western Trash Service filed a Petition to Intervene and Protest, which Petition the Commission denied in Decision No. 86976 issued June 17, 1975.

After due and proper notice to all interested persons, firms, or corporations, the application was set for hearing on Friday, September 5, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. This hearing was subsequently vacated and the application reset for hearing on Tuesday, November 18, 1975, at 10 a.m. in the Hearing Room of the Commission, 1845 Sherman Street, Denver, Colorado, at which time and place the matter was heard by Examiner Thomas M. McCaffrey, to whom the application had been duly assigned for hearing.

As a preliminary matter, Applicant tendered a written Motion to Dismiss the protests of S&S Sanitation and Sullivan's Transfer. The stated bases for the Motion to Dismiss were that the instant application had been filed in accordance with the Order of the Commission contained in Decision No. 86532 issued March 24, 1975, and the only portion of the authority to be clarified and/or redescribed was that portion specifically set forth in said Decision. Applicants stated that the aforesaid Protestants, in failing to appear in the hearing on the transfer application resulting in Decision No. 86532, had waived their respective rights to appear in this hearing. The Examiner, having heard statements of counsel, denied the Motion to Dismiss.

Exhibits 1 through 3 were offered and admitted into evidence. At the conclusion of the hearing, the subject matter was taken under advisement.

On December 19, 1975, Hearings Examiner Thomas M. McCaffrey entered his Recommended Decision No. 87938 in the above-captioned matter.

On January 13, 1976, by Decision No. 88050, the Commission granted Applicants, Stanley R. Stafford and Francis V. Lee, doing business as "Northern Trash Disposal Company", an extension of time within which to file exceptions to said recommended decision.

On February 2, 1976, Applicants filed with the Commission Exceptions to Recommended Decision No. 87938.

Upon reconsideration the Commission finds upon the record that it should enter the following Decision and Order.

FINDINGS OF FACT

Inasmuch as no transcript has been filed with respect to the within proceeding, the Commission must accept the findings of fact entered by the Examiner as being true and correct. However, certain legal conclusions that are interspersed in the Examiner's findings of fact need not be accepted by the Commission.

Inasmuch as the Exceptions of the Applicants deal with a legal issue, there was no necessity for them to file a transcript and it would appear that the basic facts are not in dispute, but only what legal conclusions are to be drawn therefrom.

DISCUSSION

This proceeding originated with the application of Stanley R. Stafford to transfer Certificate of Public Convenience and Necessity PUC No. 6815 from himself as sole owner into a partnership consisting of Mr. Stafford and Francis V. Lee, doing business as "Northern Trash Disposal". The hearing on that application revealed a defective legal description in Certificate of Public Convenience and Necessity PUC No. 6815 in that the point of beginning and the point of termination did not coincide. The Commission granted the application for transfer in Decision No. 86532 on March 24, 1975, contingent upon the Applicants filing an application for clarification and/or redescription to correct this discrepancy in the point of beginning and termination.

Pursuant to that contingency, the Applicants filed the within Application No. 28334 for clarification and/or redescription to rectify that discrepancy -- in other words to close the legal description. Basically, the Examiner determined that the original grant of authority by the Commission contained in Decision No. 68462, with respect to Application No. 22200, expanded the authority originally requested therein in that the initially requested authority included only those portions of Lyons and Berthoud lying within a legally described area, and specifically excluded the Town of Platteville. Accordingly, the Examiner "described and clarified" Certificate of Public Convenience and Necessity PUC No. 6815 so as to delete therefrom the Town of Platteville and to "clarify" that only those portions of Lyons, Colorado, lying north and south of State Highway No. 66 and those portions of Berthoud, Colorado, lying east and south of U.S. Highway No. 287 are included within the Applicants' authorized service area.

The Examiner also made some stylistic change in Certificate of Public Convenience and Necessity PUC No. 6815 so as to have the commodity description read, "ashes, trash, and other refuse". The change of the words in the authority from "waste materials" to "refuse" makes no substantive change in the certificate.

The gravamen of Applicants' Exceptions is that the Examiner reduced Applicants' area of authority on an involuntary basis without having complied with the notice provisions of the Administrative Procedure Act, the Public Utilities Law and the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle. In essence, the position of the Examiner as set forth in his Finding of Fact No. 6, is that, although the Applicants' original intent was apparently only to clarify and/or redescrbe a defective legal description in their authority, by filing of the within application, the Applicants placed in issue before the Commission the meaning and extent of their entire authority. We do not agree.

Although the procedural limitations placed upon an administrative body are not as rigid and technically demanding as they might be elsewhere, as in a court of record, for example, this does not mean that an administrative agency, such as the Commission, is free to roam at will without any legal restraints. One of the most fundamental legal restraints upon both courts and administrative agencies is the requirement that, insofar as property rights may be affected, the constitutional requirements of due process (which includes fair and adequate notice and an opportunity to be heard) be accorded to those parties who are before them.

In essence, the Applicants properly complain that they had no prior notice of the fact that the Commission, through its Examiner, would determine the issue of the extent of Applicants' entire authority. There was no compliance with 24-4-104(3), CRS 1973, which provides:

"(3) No revocation, suspension, annulment, limitation or modification of a license by any agency shall be lawful unless, before institution of agency proceedings therefor, the agency has given the licensee notice in writing of facts or conduct that may warrant such action, afforded the licensee opportunity to submit written data, views, and arguments with respect to such facts or conduct. . . ."

Nor was there any compliance with 40-6-112(1), CRS 1973, which provides:

"(1) The commission, at any time upon notice to the public utility affected, and after an opportunity to be heard as provided in the case of complaints, may rescind, alter or amend any decision made by it." (Emphasis added)

Rule 4 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle also imposes the requirement of explicit notice that must be met prior to an involuntary alteration of a certificate:

"(a) A certificate may, at any time, be revoked, suspended, altered, or amended by the Commission after a hearing, upon at least ten (10) days notice to the common carrier affected. . . . (Emphasis added)

"(b) Voluntary suspensions may be granted without hearing by the Commission on application, upon such terms and conditions as the Commission may deem proper."

The cases of Buckingham v. PUC Colo. 504, P2d. 677, and Thacker Bros. Transportation Inc., v. PUC 525 P2d. 439 stand for the proposition that this Commission cannot alter or revoke a certificate without prior notice. It is undisputed that prior notice of the issue of the extent of Applicants' authority was not given in this case.

Accordingly, we shall grant Applicants' application herein which sought redescription of its service area in accordance therewith. By entry of the Order herein, the Commission does not waive its right to initiate, on its own motion, or entertain on proper complaint, proceedings to clarify and redescribe the area which Applicants shall be authorized to serve after appropriate notice, hearing, and decision therein.

CONCLUSIONS ON FINDINGS OF FACT

Based upon the findings of fact as found by the Examiner, and which are accepted by the Commission as being true and correct, (except for some of the conclusionary statements interspersed therein), it is concluded that (1) this Commission has jurisdiction over the Applicants, Protestants, and subject matter of this proceeding (2) Certificate of Public Convenience and Necessity PUC No. 6815 should be redescribed, as prayed for in the application herein and as set forth in the following order.

O R D E R

THE COMMISSION ORDERS THAT:

Certificate of Public Convenience and Necessity PUC No. 6815, owned and operated by Stanley R. Stafford and Francis V. Lee, doing business as "Northern Trash Disposal Company", Box 384, Longmont, Colorado, be, and hereby is, redescribed so that said Certificate shall henceforth read as follows:

"Transportation of

Ashes, Trash, and other refuse

Starting at a point where Highway 66 and Highway 7 intersect above Lyons, then east on Highway 66 to the U.S. 87, then south on Highway 87 to State Highway 7 where 87 and 7 intersect, then east on 7 to the intersection of 85 and Highway 7, then north on 85 to State Highway 66, then heading west on 66 to the intersection of 66 and 87, then heading north on Highway 87 to the intersection of 60 and 87, then heading west on Highway 60 to the intersection of 60 and 287, then heading south on Highway 287 to the intersection of 66 and 287, then heading west on 66 to where the Boulder County line meets 66 above Lyons which is the starting point. This covers Lyons, Platteville and Berthoud, but excludes Longmont."

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners
did

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

(Decision No. 88296)

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 IT TO PUT INTO)
EFFECT AMENDED GAS ATTACHMENT)
SCHEDULING REGULATIONS.)

APPLICATION NO. 28909

ORDER GRANTING LEAVE TO INTERVENE

- - - - -
March 2, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 13, 1976, The Home Builders Association of Metropolitan Denver, by its attorney James M. Lyons, filed with the Commission a Petition 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:

The Home Builders Association of Metropolitan Denver be, and hereby is, granted leave to intervene in the above-captioned application.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

(Decision No. 88297)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

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

DECISION AND ORDER OF THE COMMISSION

GRANTING MOTION TO QUASH SUBPOENAS

March 2, 1976

S T A T E M E N T

BY THE COMMISSION:

On or about January 7, 1976, Intervenor Sturgeon Electric Company (hereinafter referred to as "Sturgeon") served a Notice to Take Deposition of Lloyd Leger, Colorado General Manager of Respondent Mountain States Telephone and Telegraph Company (hereinafter referred to as "Mountain Bell") and a Notice to Take Deposition of Donald G. Antonio, Colorado Competition and Interconnect Coordinator of Mountain Bell. The Notice to Take Deposition of Donald G. Antonio was accompanied by a Subpoena Duces Tecum issued by the Secretary of the Commission requiring Mr. Antonio to produce at said deposition the following:

any and all Tela Leases executed by Mountain States Telephone and Telegraph Company, or submitted to existing proposed customers of Mountain States Telephone and Telegraph Company, in connection with the offering of proposed ComKey Multi-Line Telephone Service in Colorado. (In this regard, Respondent may, if it so desires, delete the name and address of any existing or proposed lessees appearing on such Tela Leases.)

The depositions were originally set to commence at 9:00 a.m. and 1:00 p.m. on January 22, 1976. By agreement of the parties, the depositions of Messrs. Leger and Antonio were rescheduled for February 4, 1976, commencing at 9:00 a.m. and 10:30 a.m.

On January 22, 1976, Mountain Bell filed a Motion to Quash Subpoena and Subpoena Duces Tecum. Mountain Bell argues in support of its motion to quash that Docket Nos. 881 and 948 became final on

January 13, 1976, when the Commission, by Decision No. 88059, denied the Application for Rehearing, Reargument or Reconsideration of Decision No. 87834 filed by Mountain Bell and the Petition for Reconsideration of Decision No. 87834 filed by Intervenor Sturgeon, and therefore there was no proceeding pending before the Commission as contemplated by C.R.S. 1973, 40-6-102(1) and (2). Mountain Bell further contends (1) that the Hearing Examiner, by Decision No. 86020, terminated discovery on or before January 16, 1975, and that Sturgeon must first seek modification of said Decision No. 86020 before it may be permitted to conduct further discovery; (2) that Rule 27(b), C.R.C.P., bars Intervenor Sturgeon from taking the deposition of Mr. Leger, and, inasmuch as Intervenor Sturgeon did not file a proper motion with the Commission for leave to take the deposition of Mr. Donald G. Antonio, that Sturgeon Electric is barred from taking the deposition of Mr. Antonio; (3) that the information sought to be obtained by deposition is competitive trade secret information. In this regard, Mountain Bell contends that Intervenor Sturgeon, as a competitor of Mountain Bell, has no right to obtain Mountain Bell's unique and exclusive customer and market data for purposes of competitive disclosure, that the information sought by Sturgeon Electric consists of its customer list, the configuration of component equipment leased or offered, and size of customer activity at certain periods in time.

C.R.S. 1973, 40-6-102(2), provides:

(2) In any investigation, inquiry, hearing, or other proceeding pending before the commission, any commissioner, or any examiner of the commission, the depositions of witnesses may be taken, both within and without the State of Colorado, under the same circumstances and in the same manner as provided by the Colorado rules of civil procedure for the taking of depositions in courts of record.

In addition, the Commission has adopted all of the discovery rules in the Colorado Rules of Civil Procedure, except Rule 36. See Rule 14M of the Commission's Rules of Practice and Procedure. Clearly, subsection 40-6-102(2) permits the taking of the deposition of witnesses while any investigation, inquiry, hearing or other proceeding is pending before the Commission, under the same circumstances provided in the Colorado Rules of Civil Procedure. The statute is discretionary and not mandatory. Inasmuch the Commission is unaware of the purposes for which Intervenor Sturgeon desires to take the depositions from Messrs. Leger and Antonio and is unaware of the purposes for the production of the Tela Leases, the Commission will hereinafter order that the motion by Mountain Bell to quash said subpoenas be granted. Thus no academic discussion will follow as to under which rule the depositions may or may not be taken. However, the order quashing said subpoenas will be without prejudice to Intervenor Sturgeon, if it so desires, to file a motion with the Commission for leave to take the depositions of Messrs. Leger and Antonio and for the production of the Tela Leases, stating the reasons it desires to take the depositions of Messrs. Leger and Antonio and the production of the Tela Leases. The Commission, then, will be better informed as to whether or not said depositions and the production of the Tela Leases is permissible under the statute and rules of the Commission. The Commission, however, is constrained to make the following observations with respect to several of the arguments made by Respondent Mountain Bell in its motion to quash.

First, the Commission does not agree with Mountain Bell that as of January 13, 1976, when the Commission entered Decision No. 88059,

that I&S Docket Nos. 881 and 948 were no longer pending before the Commission as contemplated by subsection 40-6-102(2). Subsequent to January 13, 1976, this Commission has continued to consider matters pending before the Commission in I&S Docket Nos. 881 and 948 and has entered four decisions, three of which are major decisions in said dockets. On January 20, 1976, the Commission entered its decision and order for partial allowance of attorney's and expert witness fees and costs in Decision No. 88111. On February 17, 1976, the Commission entered Decision No. 88237 denying the Application for Rehearing, Reargument or Reconsideration of Decision No. 88111, filed by Mountain Bell on February 9, 1976. Also on February 17, 1976, the Commission entered Decision No. 88241, denying the Application for Reargument or Reconsideration of that portion of Decision No. 88059 (which rejected the tariff sheets filed with Advice Letter No. 1094 and closed I&S Docket No. 948) filed by Mountain Bell on February 2, 1976. Thus, both Mountain Bell and Sturgeon, as well as the Commission, have recognized that I&S Docket Nos. 881 and 948 were still pending before the Commission subsequent to January 13, 1976. (However, Docket No. 948 has become final and has been closed as of the entry of Decision No. 88241 on February 17, 1976.) Mountain Bell, undoubtedly recognized the pendency of I&S Docket No. 881, when on February 11, 1976, Mountain Bell filed its Complaint for Relief in the Nature of Prohibition under Rule 106 of the Colorado Rules of Civil Procedure and secured an ex parte order of the District Court in and for the City and County of Denver enjoining all further proceedings relating to the status of trade secret information in I&S Docket No. 881 until a determination of the District Court in Mountain States Telephone and Telegraph Company v. The Public Utilities Commission of the State of Colorado and Edwin R. Lundborg, Henry E. Zarlengo and Edythe S. Miller, individually and as Commissioners thereof, Civil Action No. C-61906.

Second, the Commission does not agree with Mountain Bell that the information sought to be obtained by the depositions is prima facie competitive trade secret information. Neither Mountain Bell nor this Commission knows what information Intervenor Sturgeon is seeking to obtain by said depositions. A reading of the Subpoena Duces Tecum served upon Mr. Antonio and a reading of Intervenor Sturgeon's letter to the Commission, dated January 22, 1976, would indicate to this Commission that Intervenor Sturgeon is not attempting to obtain Mountain Bell's customer and market data for purposes of competitive disclosure, or for the purpose of making use of Mountain Bell's "trade secret information" consisting of customer lists, the configuration of component equipment leased or offered, and the size of customer activity at certain periods in time. Intervenor Sturgeon has specifically disclaimed that it is seeking the production of "trade secret information" and has stated in both the Subpoena Duces Tecum and its letter to the Commission of January 22, 1976, that Mountain Bell may delete customer names and addresses from the Tela Leases produced, as well as delete the configurations of various Com Key systems which Mountain Bell may have leased.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Motion to Quash Subpoena and Subpoena Duces Tecum filed by Mountain States Telephone and Telegraph Company on January 21, 1976, be, and hereby is, granted.

2. The Notice to Take Deposition of Lloyd Leger and Notice to Take Deposition of Donald G. Antonio served by Intervenor Sturgeon Electric Company on January 7, 1976, be, and hereby are, vacated.

3. The Subpoena Duces Tecum issued by The Secretary of this Commission on January 6, 1976, directed to Donald G. Antonio be, and hereby is, quashed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in cursive script, appearing to read "Edythe S. Miller", written over a horizontal line.A handwritten signature in cursive script, appearing to read "Edythe S. Miller", written over a horizontal line.
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.

jsk
vjr

(Decision No. 88298)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

MR. KHALID ADNAN
1375 XANADU STREET
AURORA, COLORADO 80011,

Petitioner,

vs.

THE MOUNTAIN STATES TELEPHONE
AND TELEGRAPH COMPANY, 930
15TH STREET, DENVER, COLORADO,

Respondent.

CASE NO. 5623

ORDER DENYING PETITION
FOR REHEARING

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 7, 1976, Examiner Thomas M. McCaffrey, by Recommended Decision No. 88037, dismissed the within complaint. The Examiner found that neither the Complainant nor anyone on his behalf appeared at the hearing which was set for December 18, 1975.

No exceptions having been filed to said Decision the same became the Decision of the Commission by operation of law on January 27, 1976.

Mr. Khalid Adnan, the Complainant herein, filed a Petition for Rehearing on February 17, 1976, which is not timely filed inasmuch as 40-6-114(1) requires that an application for rehearing, reargument or reconsideration be made within twenty (20) days after a recommended decision of an Examiner has become the Decision of the Commission.

In any event, Complainant-Petitioner herein has not set forth specific grounds why he could not or did not advise the Commission why he would be unable to appear at the hearing set for December 18, 1975. Accordingly, his Petition for Rehearing should be denied.

An appropriate order will be entered.

O R D E R

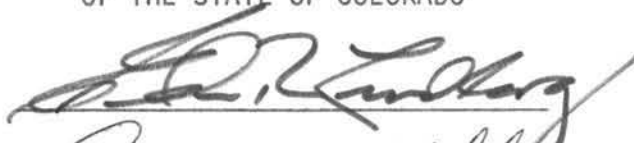

THE COMMISSION ORDERS THAT:

The Petition for Rehearing filed by Khalid Adnan on February 17, 1976, be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 88299)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
TRI-STATE GENERATION AND TRANSMISSION)	APPLICATION NO. 28090
ASSOCIATION, INC., P. O. BOX 29198,)	
DENVER, COLORADO, FOR A CERTIFICATE)	ORDER AMENDING
OF PUBLIC CONVENIENCE AND NECESSITY)	COMMISSION DECISION NO. 86952
AUTHORIZING THE CONSTRUCTION, OPERA-)	
TION AND MAINTENANCE OF CERTAIN)	
ELECTRICAL FACILITIES.)	

- - - - -
March 2, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 20, 1975, Applicant Tri-State Generation and Transmission Association, Inc., (hereinafter referred to as "Tri-State") filed the above-titled application with this Commission requesting a certificate of public convenience and necessity authorizing the construction, operation, and maintenance of certain electrical facilities as described in said application.

On June 3, 1975, Examiner Thomas M. McCaffrey entered his Recommended Decision in the within matter granting in part and dismissing in part. Said Decision became the Decision of the Commission by operation of law, no exceptions having been filed with respect to said Decision. Paragraph 1 (E) of the Order contained in Decision No. 86952 authorizes Tri-State to construct, operate and maintain the following electrical facility:

"81 miles of 230 kV 1272 MCM ACSR H-frame wood pole transmission line...from the Wyoming-Colorado state line to Tri-State's existing switching station known as the Story Station, located near Fort Morgan, Colorado..."

Since the issuance of said Recommended Decision, which Decision is now a final Decision of this Commission, ongoing studies have indicated to Tri-State that said transmission line should be constructed at 345 kV, rather than at 230 kV, even though said line will initially be operated at only 230 kV.

Tri-State recently made inquiry of the Rural Electrification Administration of the United States Department of Agriculture (REA) which agency essentially serves as Tri-State's banker in connection with loan funds for the construction of facilities, for the purpose of obtaining from it a determination as to whether any further environmental studies would have to be conducted or statements issued as a result of the planned increased voltage of the said transmission line. By letter dated January 26,

1976, REA advised Tri-State that it had reached a "Negative Determination" concerning the need for an additional Environmental Impact Statement, stating that "it was our judgment that the incremental environmental effect of changing voltage levels would be insignificant." A copy of said letter was attached to Application No. 28090 and incorporated therein by reference.

Tri-State has requested the Commission to amend Decision No. 86952 so as to authorize the construction of the above-described transmission line at 345 kV rather than at 230 kV, as previously authorized.

The Commission states and finds that proper grounds have been shown for granting of the request.

In accordance with 40-6-112(1) CRS 1973, the Commission will enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

Paragraph 1 (E) of the Order contained in Decision No. 86952 is amended to read:

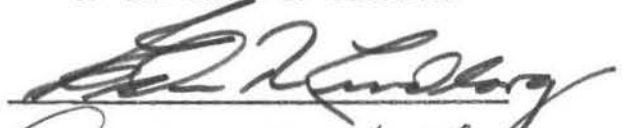

"(E) 81 miles of 345 kV 1272 MCM ACSR H-frame wood pole transmission line. This segment of line will extend from the Wyoming-Colorado state line to Tri-State's existing switching station known as the Story Station, located near Fort Morgan, Colorado. In Wyoming the line will extend from the aforesaid state line a distance of 19 miles to an existing substation located at Archer, Wyoming, owned by the United States Bureau of Reclamation. Also interconnecting at said substation will be a new 345 kV transmission line extending 56 miles from Archer, Wyoming, to a new substation which may be constructed north of Laramie, Wyoming. Tri-State will also construct terminal facilities at Story, Colorado, and at Archer, Wyoming, and possibly at Laramie, Wyoming;

and this Order shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor."

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 88300)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) APPLICATION NO. 29004
HIGHLINE ELECTRIC ASSOCIATION,)
HOLYOKE, COLORADO, TO AMEND EXCLU-)
SION NO. 7 OF APPENDIX B, DECISION)
NO. 59014, DATED JULY 30, 1962.)

- - - - -
March 2, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 26, 1976, Applicant Highline Electric Association filed with the Commission a Motion requesting the Commission to "require less than a thirty (30) day notice" in Application No. 29004. In said Motion Applicant states:

That Representatives of the Town of Julesburg have contacted each consumer served by the Town in the area in which it seeks to abandon electric service and have obtained their signatures (except for one consumer, and he was advised, but refused to sign) on a Waiver of Notice. A copy of said Waiver of Notice is attached to Application No. 29004, Exhibit "A" and made a part thereof.

A number of the services to be abandoned by the Town of Julesburg are irrigation wells and it is imperative that Highline Electric Association have its facilities in place at the beginning of the irrigation season or the land owners could suffer great and irreparable loss. The agreement between the Town of Julesburg and Highline Electric Association is that Town of Julesburg will remove its facilities in the area outside its corporate limits and Highline Electric Association will build new facilities to the affected consumers. It is important that construction of these facilities begin immediately if they are to be in place and operative by the beginning of the coming irrigation season.

There is no conflict between the Town of Julesburg, Highline Electric Association and the consumers in the affected area regarding the matters set forth in Highline Electric Association's application. The Town of Julesburg, has furnished a list of all consumers who would be affected by their abandoning service and said list is attached to Application No. 29004, marked Exhibit "B" and made a part thereof.

The Commission states and finds that proper grounds have been shown for granting the within Motion.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Notice of the within application shall be made upon ten (10) days' notice.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 88301)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

BEKINS VAN & STORAGE COMPANY;)
BONANZA MOVING & STORAGE CO.,)
INC.; BOWERS TRANSFER &)
STORAGE CO.; BUEHLER TRANSFER)
CO.; CITY STORAGE & TRANSFER,)
INC.; EDSON EXPRESS, INC.;)
G. I. EXPRESS COMPANY, DOING)
BUSINESS AS "G. I. MOVING &)
STORAGE CO."; GOLDEN TRANSFER)
CO.; JOHNSON STORAGE & MOVING)
CO.; OVERLAND MOTOR EXPRESS,)
INC., DOING BUSINESS AS "BOULDER-)
DENVER TRUCK LINE"; AND WEICKER)
TRANSFER & STORAGE CO.,)

Complainants,)

vs.)

R & B MOVING & STORAGE CO.,)
DOING BUSINESS AS "BROADWAY)
MOVING & STORAGE CO.,")

Respondent.)

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, R & B MOVING AND)
STORAGE COMPANY, DOING BUSINESS)
AS "BROADWAY MOVING AND STORAGE)
COMPANY," DENVER, COLORADO, UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 3584)

CASE NO. 5632

CASE NO. 5637

ORDER DENYING PETITION FOR
RECONSIDERATION

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 15, 1976, Examiner James K. Tarpey entered his Recommended Decision No. 88077 in the above-captioned matters.

No exceptions having been filed to said Decision, the same became the decision of the Commission by operation of law on February 4, 1976.

On February 20, 1976, Respondent, R & B Moving & Storage Co., doing business as "Broadway Moving & Storage Co.," filed with the Commission a Petition for Reconsideration.

The Commission states and finds that insufficient grounds have been shown for granting the Petition for Reconsideration filed by Respondent R & B Moving & Storage Co., doing business as "Broadway Moving & Storage Co.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Petition for Reconsideration filed on February 20, 1976, by Respondent R & B Moving & Storage Co., doing business as "Broadway Moving & Storage Co.," be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

(Decision No. 88302)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF APPLICATION)
OF KIT CARSON ELECTRIC COOPERATIVE,)
INC., TAOS, NEW MEXICO, A NEW MEXICO)
CORPORATION, FOR AN ORDER AUTHORIZING)
THE ISSUANCE OF SECURITIES AND CREATING)
LIENS ON ITS PROPERTIES, AND THE)
APPLICATION OF THE PROCEEDS THEREFROM)
FOR CERTAIN LAWFUL PURPOSES.)

APPLICATION NO. 28962
Securities

- - - - -
March 2, 1976
- - - - -

Appearances: Raphael J. Moses, Esq.
Boulder, Colorado and
John F. McCarthy, Jr.
Santa Fe, New Mexico
for Applicant;

PROCEDURE AND RECORD

On February 9, 1976, Kit Carson Electric Cooperative, Inc. (hereinafter referred to as Kit Carson or Applicant), filed with the Commission the above-entitled application for authority (1) to execute an Amendment dated November 13, 1975, to the Amending Loan Contract between Kit Carson Electric Cooperative, Inc., and United States of America, dated October 19, 1951; (2) to execute a Mortgage Note for \$374,000 to United States of America bearing interest at the rate of five (5) percent per annum and payable within thirty-five (35) years after the date thereof; (3) to execute an Amendment No. 3 to Loan Agreement covering advances of \$160,000 dated November 13, 1975, between Kit Carson Electric Cooperative, Inc., and the Cooperative Utilities Finance Corporation; (4) and to execute a Secured Promissory Note made by Kit Carson Electric Cooperative, Inc., to the Cooperative Utilities Finance Corporation in the amount of \$150,000 bearing interest at the rate of seven and one-half (7 1/2) percent per annum and payable within thirty-five (35) years after the date thereof; which Mortgage Note to REA and the Secured Promissory Note to Cooperative Utilities Finance Corporation will be secured by a Supplemental Mortgage and Security Agreement made by and among Kit Carson Electric Cooperative, Inc., United States of America and the Cooperative Utilities Finance Corporation, dated September 20, 1973, a copy of which is on file in Application No. 26900-Securities on the docket of the Commission.

The matter was set for hearing after due and proper notice on February 26, 1976, at 9 a.m. in the hearing room of the Commission, 500 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.

Notice of Security Application was published in newspapers of general circulation in Conejos and Costilla counties, Colorado, in accordance with Rule 18 of the Rules of Practice and Procedure of this Commission and affidavits of publication were filed herein.

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 the President of its Board of Trustees, testified in support of the application. Exhibits A through P, inclusive, were admitted into evidence.

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

FINDINGS OF FACT

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

1. Applicant, Kit Carson Electric Cooperative, Inc., is a public utility as defined in 40-1-103, CRS, 1973. It is engaged in the business of purchasing, transmitting, distributing, furnishing, and selling electricity to its consumers on its lines in the Counties of Conejos and Costilla in the State of Colorado and in certain other counties located in the State of New Mexico.

The Applicant is a corporation organized under the law of the State of New Mexico and qualified to do business in the State of Colorado and certified copies of its Articles of Incorporation and all amendments thereto and a Certificate of Standing are on file with this Commission.

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

3. The Board of Trustees of Applicant, the Rural Electrification Administration, and the Cooperative Utilities Finance Corporation all have approved the herein two (2) loan applications totaling \$534,000, subject to approval by this Commission.

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

5. The Commission is fully advised in the premises.

6. Since 40-1-104, CRS 1973, as amended, requires that security applications be disposed of within thirty 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 and, that this Decision should be the initial decision of the Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based upon the foregoing Findings of Fact, it is the conclusion of the Commission that the authorization as sought in the instant application should be granted as hereinafter set forth:

1. Applicant, Kit Carson Electric Cooperative, Inc., is a public utility as defined in 40-1-103, CRS 1973.

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

3. Pursuant to 40-6-109(6), CRS 1973, this Decision should be the initial decision of the Commission.

4. Each of the following is not inconsistent with the public interest, and the purpose or purposes thereof are permitted by and are consistent with the provisions of Title 40, CRS 1973:

- A. The Amendment, dated November 13, 1975, to the Amending Loan Contract between Kit Carson Electric Cooperative, Inc., and United States of America, dated as of October 19, 1951, as amended (Applicant's Exhibit K);
- B. The Mortgage Note Payable to United States of America, in the amount of \$374,000 (Applicant's Exhibit J);
- C. The Amendment No. 3 to Loan Agreement dated November 13, 1975, between Kit Carson Electric Cooperative, Inc., and the Cooperative Utilities Finance Corporation (Applicant's Exhibit L);
- D. The Secured Promissory Note payable to the Cooperative Utilities Finance Corporation in the amount of \$160,000 (Applicant's Exhibit M);

and each should be authorized and approved.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the execution of the Amendment, dated November 13, 1975, to the Amending Loan Contract between Kit Carson Electric Cooperative, Inc., and United States of America dated October 19, 1951, as amended (Exhibit K), be, and the same hereby is, authorized and approved.
2. That the issuance of the Mortgage Note to United States of America, in the amount of \$374,000 (Exhibit J) be, and the same hereby is, authorized and approved.
3. That the execution of the Amendment No. 3 to Loan Agreement between Kit Carson Electric Cooperative, Inc., and the Cooperative Utilities Finance Corporation covering loan advances of \$160,000 (Exhibit L) be, and the same hereby is, authorized and approved.
4. That the issuance of the Secured Promissory Note payable to the Cooperative Utilities Finance Corporation in the amount of \$160,000 (Exhibit M) be, and the same hereby is, authorized and approved.
5. That within one hundred twenty (120) days of the execution of the four (4) loan instruments authorized herein, Kit Carson Electric Cooperative, Inc., shall file with the Commission one (1) conformed copy of each executed loan instrument made and entered into in connection herewith.
6. That nothing herein contained shall be construed to imply any recommendation or guarantee of or any obligation with regard to said securities on the part of the State of Colorado.
7. That the Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as it may deem proper or desirable.

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

9. That the within Decision and Order shall be the initial Decision and Order of the Commission as provided for in 40-6-109(6), CRS 1973, as amended.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

(Decision No. 88303)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
SANGRE DE CRISTO ELECTRIC ASSOCIATION,)
INC., P.O. DRAWER J., BUENA VISTA,)
COLORADO, FOR EXTENSION OF ITS AUTHOR-)
ITY TO RENDER PUBLIC UTILITY ELECTRIC)
SERVICE, AND FOR ELIMINATION OF THE)
OPTION OF PUBLIC SERVICE COMPANY OF)
COLORADO TO RENDER SERVICE TO "INDUS-)
TRIAL" LOADS WITHIN TERRITORY CERTIFI-)
CATED TO SANGRE DE CRISTO.)

APPLICATION NO. 24931-Extension

ORDER OF THE COMMISSION
PROVIDING FOR HEARING ON
REMAND FROM SUPREME COURT

March 2, 1976

S T A T E M E N T

BY THE COMMISSION:

On April 20, 1971, Sangre De Cristo Electric Association, Inc. (hereinafter referred to as "Sangre De Cristo") applied to the Commission to have a portion of an area in Chaffee County and a portion of an area in Lake County, wherein it served on a nonexclusive basis with Public Service Company of Colorado (hereinafter referred to as "Public Service") granted to it on an exclusive basis. Additionally, Sangre De Cristo sought to have terminated Public Service's right to serve "industrial loads" from its 115 KV transmission line running between Leadville and Poncha Springs in those areas in Chaffee County, Lake, Fremont and Custer counties in which Sangre De Cristo served and was seeking to be certified to serve on an exclusive basis.

The matter was set for hearing on July 1, 1971, and notice was sent on April 27, 1971, to all interested parties pursuant to C.R.S. 1963, 115-6-8.

On May 27, 1971, Public Service filed a protest to the application.

On July 6, 1971, and August 26, 1971, hearing was held before Robert E. Commins, appointed Examiner for purposes of conducting the hearing.

On November 9, 1971, pursuant to the provisions of C.R.S. 1963, 115-6-9(2) (Supp. 1969), Hearing Examiner Commins transmitted to the Commission the record and exhibits in said proceeding, together with a Recommended Decision (Decision No. 79011) containing his findings of fact and conclusions thereon and a recommended order.

On December 13, 1971, exceptions to Recommended Decision No. 79011 were filed by Sangre De Cristo.

On July 13, 1972, the Commission entered its own decision and order (Decision No. 80798) denying in part and granting in part the exceptions filed by Sangre De Cristo to Recommended Decision No. 79011; modifying and amending said recommended decision; and adopting said recommended decision as amended and modified. In Decision No. 80798, the Commission defined "industrial load" as follows:

An "industrial load" in this case is a demand for electrical energy from a single commercial user sufficient in quantity to make it economically feasible for Public Service Company to serve the customer directly from its 115 KV transmission line under Public Service Company's extension policy and without contribution to cost of construction from the customer or a requirement of an individual customer for electrical energy is such that the delivery of electricity to the customer must be at voltages in excess of 15 KV.

The Commission ordered that the public convenience and necessity would be best served by continuing Public Service's right to serve industrial loads from its 115 KV transmission line in Sangre De Cristo's exclusive area as set forth in Decision No. 50984. The Commission also certified on an exclusive basis certain areas in Lake County and Chaffee County to Sangre De Cristo and certified on an exclusive basis certain areas in Lake County and Chaffee County to Public Service and declared uncertificated and available for development or extension from contiguous certificated areas the remainder of Lake County and Chaffee County not certificated.

On August 1, 1972, Sangre De Cristo filed a Petition for Reconsideration, Reargument or Rehearing of that portion of Decision No. 80798 which continued in force the option of Public Service to serve "industrial loads" in territory exclusively certificated in the year 1958 to Sangre De Cristo.

On August 8, 1972, by Decision No. 81021, the Commission denied the Petition for Reconsideration, Reargument or Rehearing of Decision No. 80798 filed by Sangre De Cristo.

On or about September 6, 1972, Sangre De Cristo appealed to the District Court in and for the County of Chaffee (Sangre De Cristo Electric Association, Inc. v. The Public Utilities Commission of the State of Colorado; Howard S. Bjelland, Edwin R. Lundborg and Henry E. Zarlengo as the Members Thereof; and Public Service Company of Colorado, Civil Action No. 6428).

On February 15, 1973, argument on Sangre De Cristo's appeal was heard by Judge Howard E. Purdy in Salida, Colorado. On March 12, 1973, Judge Purdy entered his Order, Judgment and Decree modifying Paragraph 3 of the ordering portion of Decision No. 80798 as follows:

3. The authority, if any, of Public Service Company of Colorado to serve industrial in the territory of Sangre De Cristo Electric Association, Inc. is hereby terminated effective forthwith.

Judge Purdy wrote on page 2 of his Order, Judgment and Decree that:

There apparently is no standard or generally

accepted definition of the term "industrial load" either in general or as a term of art in the electric industry itself. The Examiner, affirmed by the Commission in its challenged Decision, made up his own definition . . .

* * *

It appears to the Court that the language referring to "economically feasible" operations puts plaintiff in the impossible position of having to make decisions involving matters over which it has little or no control. It appears to the Court that the Commission Order sets a standard which the plaintiff cannot meet. The Court concludes that to leave this standard in effect would lead at the very least to endless negotiation if not endless litigation. It appears to the Court that the standard is clearly arbitrary and not easily susceptible to interpretation.

On or about April 4, 1973, Public Service appealed Judge Purdy's Order, Judgment and Decree to the Colorado Supreme Court.

On July 15, 1974, the Colorado Supreme Court in Sangre De Cristo Electric Association, Inc. v. Public Utilities Commission, Colo. ___, 524 P.2d 309 (1974), reversed the District Court and affirmed the decision and order of the Commission that Public Service continue to have the right to serve industrial loads from its 115 KV transmission line in Sangre De Cristo's exclusive areas as set forth in Decision No. 50984. The Supreme Court, however, remanded the matter to the Commission for further proceedings with respect to promulgating an adequate definition of the term "industrial load" consonant with the views expressed in the Court's opinion. In its opinion, the Court wrote:

However, the definition as promulgated here sets no standard which is readily measurable by any objective means. The exception puts into the hands of Public Service Company rather than the Commission the determination of which load it will serve, because it permits Public Service Company to determine subjectively what loads are economically feasible for it from its 115 KV transmission line. This is in direct contrast to specific industrial load authorizations by the Commission and approved by us in Public Service v. PUC, supra; Public Service v. PUC, supra; PUC v. Grand Valley, supra. We must therefore remand the case to the PUC for such further proceedings as it deems necessary to enter an order defining "industrial load" in terms which are specific and easily ascertainable by the parties and the public to be served.

The Commission will hereinafter set this matter for hearing for the purpose of promulgating an adequate definition of the term "industrial load" consonant with the views expressed by the Supreme Court in its decision.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The herein matter with respect to promulgation of a definition of "industrial load" be, and hereby is, set for hearing as follows:

DATE: June 10, 1976

TIME: 10:00 a.m.

PLACE: Hearing Room, 500 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

2. All persons, firms or corporations who were parties to the original hearings in Application No. 24931-Extension be, and the same hereby are, made parties to the remand hearing provided for in Paragraph 1 of this Order.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLANGO ABSENT.

jsk
vjr

(Decision No. 88304)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF TARIFF SHEETS ACCOMPANYING	)	DOCKET NO. 742
ADVICE LETTER NO. 32 FILED BY)	
SAN LUIS VALLEY RURAL ELECTRIC)	
COOPERATIVE, INC., MONTE VISTA,	)	ORDER OF THE COMMISSION PROVIDING
COLORADO.	)	FOR HEARING ON REMAND FROM SUPERME COURT

March 2, 1976

S T A T E M E N T

BY THE COMMISSION:

On June 13, 1972, San Luis Valley Rural Electric Cooperative, Inc. (hereinafter referred to as "San Luis") filed with the Commission Advice Letter No. 32, accompanied by five tariff sheets: Second Revised Sheet No. 10 and Second Revised Sheet No. 10.1 (Permanent Service Line Extension Policy), Third Revised Sheet No. 25 and Third Revised Sheet No. 25.1 (Indeterminate Service Line Extension Policy) and Original Sheet No. 26 (Temporary Service Line Extension Policy), Colorado PUC No. 1 (Electric). Each tariff sheet had an effective date of August 16, 1972.

On August 15, 1972, the Commission set the tariff sheets accompanying Advice Letter No. 32 for hearing, thus suspending the effective date of the tariffs. The Commission assigned Investigation and Suspension Docket No. 742 to the hearing on said tariff sheets.

On September 28 and 29, 1972, the hearing on said tariff sheets was held before Hearing Examiner Christian O. Igenbergs.

On February 6, 1973, pursuant to the provisions of C.R.S. 1963, 115-6-9(2) (Supp. 1969), Hearing Examiner Igenbergs transmitted to the Commission the record and exhibits of said proceeding, together with a recommended decision containing his findings of fact and conclusions thereon, and a recommended order. In said Recommended Decision No. 82282, Examiner Igenbergs recommended that the Second Revised Sheet No. 10 and Second Revised Sheet No. 10.1 be permitted to become effective as filed and recommended that Third Revised Sheet No. 25 and Third Revised Sheet No. 25.1 be rejected, and in lieu thereof, that the provisions contained in Appendix "A" attached to Recommended Decision No. 82282 be established as tract development rules and regulations for San Luis (Indeterminate Service Line Extension Policy). On page 6 of Recommended Decision No. 82282, Hearing Examiner Igenbergs in his findings on Third Revised Sheet No. 25 and Third Revised Sheet No. 25.1 made the following finding:

(g) There is no differentiation between underground or overhead service as far as extensions to tract developments are concerned.

The difference in cost between underground and overhead facilities, which other customers would be required to contribute under this filing (2nd Revised Sheet No. 10), should be required as a non-refundable contribution in absence of a special, higher underground rate. Otherwise, customers in tract developments served from underground systems would receive unduly preferential treatment.

In paragraph 3 of Appendix "A" attached to Recommended Decision No. 82282, Hearing Examiner Igenbergs wrote:

3. During the ten-year period immediately following the line extension opening date ("development period"), the Applicant shall be refunded an amount equal to the lesser of (a) 41-2/3% of the revenues (except revenues from temporary services) actually received from the extension, (b) the total amount of the advance, or (c) the estimated construction cost of equivalent overhead facilities if underground construction is requested by Applicant. The refund shall be made annually based upon the revenues for the preceding year. The Advance for Construction and refunds thereof shall bear no interest in any event.

On February 23, 1973, Intervenor, The Baca Grande Corporation (hereinafter referred to as "Baca Grande"), pursuant to the provisions of subsection 115-6-9(2) (Supp. 1969), filed Exceptions to Recommended Decision No. 82282. On March 2, 1973, by Decision No. 82481, the Commission denied the exceptions filed by Baca Grande and adopted the findings of fact and conclusions of Hearing Examiner Igenbergs in Recommended Decision 82282 and entered as the Order of the Commission the Recommended Order contained in Recommended Decision No. 82282.

On March 21, 1973, Baca Grande, pursuant to the provisions of C.R.S. 1963, 115-6-14(1) (Supp. 1969), filed its Petition for Reconsideration of Decision No. 82481. In its Petition for Reconsideration, Baca wrote:

Only one aspect of the Commission Decision as to refund policies is involved in the present Petition for Reconsideration. This is the consequence which results from the Commission's having overruled Baca Grande's specific Exceptions to that portion of Recommended Decision No. 82282 of Christian O. Igenbergs, Hearing Examiner, which related to refund procedures as to the underground cost component of construction advances made by Baca Grande.

* * * * *

Baca Grande did not file Exceptions (and does not now seek reconsideration) as to any of the Hearing Examiner's findings or recommendations save only the described underground component recommendation, which the Commission has adopted as its own.

Baca Grande urged inter alia as grounds for reconsideration the following:

1. The Commission's determination to delegate to the utility company the final decision whether or not to refund the underground component of Baca Grande's advance cash construction deposit is an unlawful attempt by the Commission to delegate a portion of its regulatory responsibilities to the utility, and is in excess of the Commission's authority.

On March 23, 1973, by Decision No. 82662, the Commission denied Baca Grande's Petition for Reconsideration of Decision No. 82481.

On April 19, 1973, Baca Grande, pursuant to the provisions of C.R.S. 1963, 115-6-15(1) (Supp. 1969), applied to the District Court in and for the City and County of Denver for a writ of certiorari or review for the purpose of having the lawfulness of Recommended Decision No. 82282 and Decision Nos. 82481 and 82662 inquired into and determined.

On May 13, 1974, argument on Baca Grande's appeal to the District Court was heard by Judge James C. Flanigan and on October 31, 1974, Judge Flanigan entered his Findings of Fact and Conclusions of Law and Judgment Thereon affirming the Commission in I&S Docket No. 742.

On or about November 27, 1974, Baca Grande filed with the Clerk of the District Court a Notice of Appeal to the Colorado Supreme Court from the Findings of Fact and Conclusions of Law and Judgment Thereon of Judge James C. Flanigan.

On November 7, 1975, argument was had before the Colorado Supreme Court on Baca Grande's appeal.

On January 26, 1976, the Colorado Supreme Court rendered its opinion reversing Recommended Decision No. 82282, and Commission Decision Nos. 82481 and 82662 in I&S Docket No. 742 "insofar as it confers upon the utility the authority to elect what rate to charge the ultimate consumers in the development," because "The commission is without authority to permit an entity subject to its regulatory powers to decide what rates to charge its customers." The Colorado Supreme Court also remanded the matter to the Commission for a hearing consonant with the views expressed in its opinion. The Supreme Court in its decision wrote:

Furthermore, the record contains no substantial evidence on the issue of whether the commission is justified in disallowing developer's recovery of the underground component costs or whether consumers in the Baca Grande development can reasonably be subject to incremental charges for the service which they will receive. A review of the transcript of testimony adduced before the hearing examiner as well as both the latter's findings in his recommended decision and the commission's order leave us without sufficient basis to determine which, if either, of the commission's alternatives would effect a "just and reasonable" decision within the purview of 1969 Perm. Supp. C.R.S. 1963, 115-6-15 (footnote deleted).

In this regard it is incumbent that the commission make findings relative to the determination of what the rates should be to the customers in Baca Grande. Among these findings should be (1) whether the underground service is of greater value to the landowner consumer than equivalent overhead service; (2) whether the consumer has already paid developer a premium price for his property based on the construction of underground lines--thereby precluding a possibility that the consumer might be paying "twice" for the service; (3) whether there is a reasonable basis for determining that the developer is not entitled to a refund of the entire amount advanced to the utility.

Accordingly, the Commission will hereinafter set further hearings in I&S Docket No. 742 for the purpose of developing evidence so that the Commission can make findings of fact as directed by the Supreme Court in its January 26, 1976, opinion in The Baca Grande Corporation v. The Public Utilities Commission of the State of Colorado, and San Luis Valley Rural Electric Cooperative, Inc., Case No. 26682.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The matter remanded to the Commission be, and hereby is, set for hearing as follows:

DATE: June 9, 1976

TIME: 1 p.m.

PLACE: County Courtroom
Alamosa County Courthouse
Alamosa, Colorado 81101

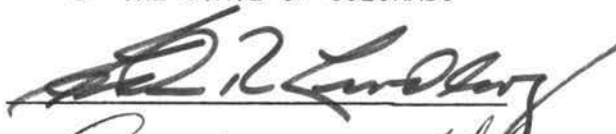
2. The dates of June 10, 1976, and June 11, 1976, are reserved for hearing, if necessary.

3. All persons, firms or corporations which were parties to I&S Docket No. 742 during its original hearings be, and the same hereby are, made parties for the hearings on remand.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.

jsk
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)	
OF COLORADO-UTE ELECTRIC ASSOCIATION,)	
INC., AND THE DENVER AND RIO GRANDE)	
WESTERN RAILROAD COMPANY FOR AUTHORITY)	
TO ESTABLISH TWO PUBLIC ROAD CROSSINGS)	
ON AN INDUSTRIAL RAILROAD SPUR TRACK	)	APPLICATION NO. 28661
FROM THE RAILROAD COMPANY'S CRAIG)	
BRANCH LINE TO THE ASSOCIATION'S	)	ORDER DENYING EXCEPTIONS
CRAIG GENERATING STATION, THE FIRST	)	TO RECOMMENDED DECISION NO. 88151
CROSSING TO BE AT GRADE OVER STATE)	
HIGHWAY 394 IN THE NW1/4 SE1/4 OF SEC-)	
TION 1, T6N, R91W, 6TH P.M., MOFFAT COUNTY,)	
COLORADO, AND ALSO AUTHORITY TO INSTALL)	
AUTOMATIC SIGNAL PROTECTION DEVICES AT THE)	
STATE HIGHWAY 394 CROSSING, NEAR CRAIG,)	
COLORADO.)	

- - - - -
March 2, 1976
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 2, 1976, Hearings Examiner Robert E. Temmer entered his Recommended Decision No. 88151 in the above-captioned matter.

On February 23, 1976, Utah International Inc. filed with the Commission Exceptions to said Recommended Decision.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Utah International Inc. should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 88151 should be adopted as its own; and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

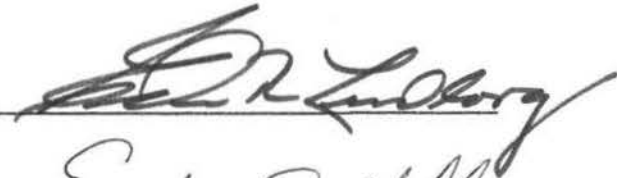
1. The Exceptions filed herein by Utah International Inc. be, and hereby are, overruled and denied.
2. The findings of fact and conclusions of Hearings Examiner Robert E. Temmer in Recommended Decision No. 88151 be, and hereby are, adopted by the Commission.
3. The Examiner's Recommended Order in said Decision No. 88161 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 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

(Decision No. 88306)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PUBLIC SERVICE COMPANY OF COLORADO,	)	APPLICATION NO. 28815
550 15TH STREET, DENVER, COLORADO,)	
FOR A CERTIFICATE OF PUBLIC CONVEN-)	
IENCE AND NECESSITY FOR THE CONSTRUC-)	
TION, OPERATION AND MAINTENANCE OF A)	
STEAM ELECTRIC GENERATING PLANT TO BE)	
KNOWN AS THE PAWNEE STEAM ELECTRIC)	
GENERATING STATION, NEAR BRUSH,)	
COLORADO.)	

- - - - -
March 2, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 25, 1976, the Environmental Defense Fund, Inc., (hereinafter referred to as "EDF") filed a "Motion of Environmental Defense Fund, Inc., to Submit an Amicus Curiae Brief." EDF does not request permission to participate in the within proceeding in any other manner other than through submission of the Amicus brief which was attached to its Motion.

Proper grounds having been shown therefor, the Motion of EDF filed on February 25, 1976, will be granted.

O R D E R

THE COMMISSION ORDERS THAT:

The "Motion of Environmental Defense Fund, Inc., to Submit an Amicus Curiae Brief" filed on February 25, 1976, by Environmental Defense Fund, Inc., be, and the same hereby is, granted.

This Order shall be effective forthwith.

DONE IN OPEN MEETING THE 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision No. 88307)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF -)
COLORADO PUC NO. 1 - GAS, PEOPLES)
NATURAL GAS DIVISION OF NORTHERN)
NATURAL GAS COMPANY, COLORADO)
SPRINGS, COLORADO 80901)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1028

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Peoples Natural Gas Division of Northern Natural Gas Company (hereinafter referred to as "Peoples") filed with this Commission on February 3, 1976, its Advice Letter No. 136, dated February 3, 1976, in compliance with the requirements of the Public Utilities Law, as follows:

Colorado P.U.C. No. 1 Gas

<u>Colo. P.U.C. Sheet Number</u>	<u>Title</u>	<u>Cancels Colo. P.U.C. Sheet Number</u>
Sixth Revised No. 7	General Gas Service	Fifth Revised No. 7
Sixth Revised No. 8	General Gas Service	Fifth Revised No. 8
Fifth Revised No. 27	Special Gas Service	Fourth Revised No. 27
Fifth Revised No. 28	Optional Commercial Gas	Fourth Revised No. 28
Fifth Revised No. 29	Irrigation Gas Service	Fourth Revised No. 29
Fifth Revised No. 32	Alfalfa Dehydration Service	Fourth Revised No. 32
Fifth Revised No. 33	Gas Service for Municipally Owned Electric Generating Plant	Fourth Revised No. 33
Fifth Revised No. 38	Gas Service for Municipally Owned Electric Generating Plant	Fourth Revised No. 38

Peoples states that its purpose is to increase its rates in the Southeast Colorado rate area to offset its annual increase in the cost of purchased gas. Peoples further states that the increased rates as filed herein will not increase its net profit or rate of return. An increase of 20.7¢ per MCF is indicated for rates A, A-1, N, O, P, S, T, and W. Peoples' revenues will be increased \$888,189 by this filing.

Peoples requests that the filing become effective on thirty (30) days' statutory notice.

Pursuant to the provisions of Section 40-6-111(1), CRS 1973, the Commission may -- in its discretion -- set the said tariffs for hearing, which has the effect of suspending the effective date of the tariffs for a period of one hundred twenty (120) days. The same statute also provides that the Commission may, in its discretion, suspend the effective date of the tariffs for an additional ninety (90) days. Thus, the power and authority of the Commission to suspend the effective date of the filed tariffs extends for a maximum period of two hundred ten (210) days, or, in this docket until October 1, 1976. If no new rates are established by the Commission by the aforesaid date in this docket, the tariffs filed by Respondent will become effective by operation of law. Because of the important impact on the public using the gas service of the Respondent, the Commission, on its own motion, states and finds that it should suspend the effective date of the proposed tariffs and set the herein matter for hearing in the manner and form as set forth in the Order hereinafter to follow.

O R D E R

THE COMMISSION ORDERS THAT:

1. The herein matter with respect to the tariffs filed on February 3, 1976, by Peoples Natural Gas Division of Northern Natural Gas Company pursuant to its Advice Letter No. 136, dated February 3, 1976, be, and hereby are, set for hearing as follows:

DATE: April 14, 1976

TIME: 9:00 a.m.

PLACE: District Court Room

Prowers County Courthouse

Lamar, Colorado

The following day, April 15, 1976, is reserved on the Commission calendar for continued hearing in this matter, if necessary.

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 March 29, 1976.

3. The effective date of the tariff sheets filed February 3, 1976, by Peoples Natural Gas Division of Northern Natural Gas Company under its Advice Letter No. 136, dated February 3, 1976, be, and hereby is, suspended until October 1, 1976, or until further order of the Commission.

4. At least 15 days prior to the hearing date herein, Respondent shall file with the Secretary of the Commission six (6) copies of any and all exhibits which it intends to introduce in its direct case in support of its filing, together with a list of witnesses it intends to call, and a meaningful and complete summary of their direct testimony, and shall also furnish the same to any intervenor of record. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimony will be permitted to be offered by Respondent in support of Respondent's direct case.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners
dm

COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision No. 88308)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES)	INVESTIGATION AND SUSPENSION
AS PUBLISHED BY COLORADO MILK)	DOCKET NO. 1018
TRANSPORT, INC., P. O. BOX 151,)	
BROOMFIELD, COLORADO 80020,)	ORDER VACATING HEARING,
RESPONDENT HEREIN, SCHEDULED TO)	CLOSING I&S DOCKET AND
BECOME EFFECTIVE ON FEBRUARY 8,)	ALLOWING TARIFF TO BECOME
1976.)	EFFECTIVE

- - - - -
March 2, 1976
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 8, 1976, Colorado Milk Transport, Inc., Respondent herein, filed to its Tariff No. 19, Colorado PUC No. 19, Revised Pages No. 11, No. 16, No. 16-A, No. 17, No. 18, No. 19, No. 19-A, No. 22, No. 23, No. 24 and No. 25, scheduled to become effective on February 8, 1976. Said tariff, if allowed to become effective, would have the effect of increasing rates and charges in Tariff No. 19 for the transportation of milk in bulk.

By Decision No. 88183, dated February 3, 1976, the Commission set the above matter for hearing and suspended the effective date of the tariff pages.

Since the date of said suspension, the staff has met with the accounting personnel of Respondent and additional data and information has been developed. This additional data indicates that the need for an increase in rates has been demonstrated by increased costs in fuel, labor, etc. There is also an affiliate transaction which was of concern in the original filing but which has now been analyzed and a "wash out" of the figures has been accomplished which does show a need by the Parent Company.

After review of, and in consideration of this additional data, the Commission finds that it will be in the public interest to vacate the hearing date of March 25, 1976; to close Investigation and Suspension Docket No. 1018 and to allow the tariff now under suspension to become effective.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the hearing in this proceeding now set for March 25, 1976, be, and hereby is, vacated.
2. That Investigation and Suspension Docket No. 1018, be, and hereby is, closed.
3. That the revised pages to Colorado Milk Transport, Inc. Tariff No. 19 now under suspension in this proceeding shall be allowed to become effective upon proper filing by Respondent.
4. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

(Decision No. 88309)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES)
AS PUBLISHED BY BRETT H. CROLEY,)
DBA "CROLEY TRUCK LINES," 1980)
GRAPE AVENUE, BOULDER, COLORADO)
80302, RESPONDENT HEREIN, SCHEDULED)
TO BECOME EFFECTIVE ON FEBRUARY 15,)
1976.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1024

ORDER VACATING HEARING, CLOSING
I&S DOCKET AND ALLOWING
TARIFF TO BECOME EFFECTIVE

- - - - -
March 2, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 16, 1976, Brett H. Croley, d/b/a "Croley Truck Lines," Respondent herein, filed Supplement No. 2 to Tariff No. 4, Colorado PUC No. 4, scheduled to become effective on February 15, 1976. Said tariff supplement, if allowed to become effective, would have the effect of increasing all rates and charges in Tariff No. 4 by a minimum of 16.6 percent.

By Decision No. 88220, dated February 10, 1976, the Commission set the matter for hearing and suspended the effective date of the tariff filing.

Additional information and data has been received from Respondent which reveals that the owner draws no salary nor does he charge any of the expenses of this home to the business even though his office is located in the home and his business is conducted from that location. Respondent has also purchased some new equipment to better serve his customers and requires a reasonable return to continue his operation.

The Commission states and finds that it will be in the public interest to vacate the hearing date of April 30, 1976, to close Investigation and Suspension Docket No. 1024 and to allow Supplement No. 2 to Tariff No. 4 to become effective.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the hearing date of April 30, 1976 now set in this proceeding, be, and hereby is, vacated.

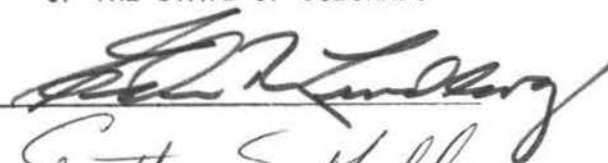
2. That Investigation and Suspension Docket No. 1024, be, and hereby is, closed.

3. That Supplement No. 2 to Brett H. Croley, d/b/a "Croley Truck Lines" Tariff No. 4, now under suspension in this proceeding, shall be allowed to become effective upon the filing of the proper supplement which shall make reference to this decision.

4. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

(Decision No. 88310)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28965
PUBLIC SERVICE COMPANY OF COLORADO,)	
FOR AN ORDER AUTHORIZING IT TO EFFECT	)	ORDER OF THE COMMISSION
CERTAIN UPWARD REVISIONS IN ELECTRIC	)	AUTHORIZING UPWARD REVISION
RATES UPON LESS THAN STATUTORY NOTICE.	)	OF ELECTRIC RATES

March 2, 1976

S T A T E M E N T

BY THE COMMISSION:

On February 13, 1976, Public Service Company of Colorado, Applicant herein, filed the within verified application. Said application seeks an order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on February 24, 1976, tariffs resulting in an increase to its existing electric rates now on file with this Commission. Applicant states that its proposed increase in electric rates is to recover its increased cost of fossil fuel used in the generation of electricity during January, 1976 over the preceding month and that it is unjust and unreasonable to require the Applicant to absorb such increased costs.

The proposed tariffs, which are attached to the application herein, affect all of Applicant's customers.

FINDINGS OF FACT

1. Applicant generates and distributes electrical energy to residential, commercial, industrial and public consumers within its certificated service areas within the State of Colorado.
2. This Commission has no jurisdiction over the rates charged or prices set by Applicant's suppliers of fuel for the generation of electricity.
3. Applicant's average fuel cost during the month of January, 1976 was 70.4911¢ per million Btu and during said month 95.7038% of Applicant's electricity was generated by the consumption of said fossil fuel.
4. Applicant's present tariffs, excluding the fuel cost adjustment, are based on a fossil fuel cost of 57.0¢ per million Btu.
5. Applicant's proposed fuel cost adjustment is based on a fossil fuel cost of 70.4911¢ per million Btu, and, if made effective, will produce additional revenues at an annual rate to Applicant above Applicant's current fuel cost adjustment of \$6,266,569.

6. Applicant's proposed fuel cost adjustment substantially reflects its increased cost of fossil fuel obtained from Applicant's supplier for use in Applicant's generating stations.

7. Applicant's last authorized rate of return on rate base was 8.85% and its last authorized rate of return on equity was 15%. If the increase herein is approved, Applicant's rate of return on rate base will be 8.45% and rate of return on equity will be 13.54%. Without the increase Applicant's rate of return on rate base would be 8.11% and its rate of return on equity would be 12.5%.

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.

10. For each day on and after February 24, 1976, that Applicant's proposed tariffs are not in effect, Applicant will have to absorb an uncovered increase in cost of fuel amounting to approximately \$17,169.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.A.5 of the Rules of Practice and Procedure before this Commission.

2. Any further delay in placing increased rates into effect to pass on Applicant's increased costs would do substantial harm to the Applicant.

3. Good cause exists for the Commission to allow the proposed increases on less than thirty (30) days' notice.

4. 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. Public Service Company of Colorado, be, and hereby is, authorized to file on not less than one (1) day's notice, the tariffs attached hereto as Appendix "A" and made a part hereof.

2. In the event Applicant's fuel cost per kwh decreases below that upon which its present fuel cost tariff is based, Applicant shall notify the Commission forthwith of such decrease and shall file an application, with accompanying tariffs, to reflect such fuel cost reduction.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners
blf

COMMISSIONER HENRY E. ZARLENGO ABSENT

PUBLIC SERVICE COMPANY OF COLORADO

COLO. P.U.C. No. 5 Electric

Fifth Revised Sheet No. 281

Cancels

Fourth Revised Sheet No. 281

PUBLIC SERVICE COMPANY OF COLORADO
FUEL COST ADJUSTMENT DATA
UNDER COLORADO P.U.C. NO. 5 - ELECTRIC
THIRD REVISED SHEET NO. 280

FOSSIL FUEL GENERATION				NUCLEAR FUEL GENERATION						APPLIED TO BILLS WITH METER READINGS BEGINNING
+ \$0.000121/KWH ABOVE OR BELOW 57.0c/MBTU				+ \$0.010671/KWH ABOVE OR BELOW \$0.001728/KWH						
FUEL COST MONTH	FUEL COST c/MBTU	UNITS OF ADJUSTMENTS	% FOSSIL FUEL GENERATION	FUEL COST c/KWH	UNITS OF ADJUSTMENTS	% NUCLEAR FUEL GENERATION	ADJUSTMENTS FOSSIL	PER KWH IN DOLLARS NUCLEAR	TOTAL	
January 1976	70.4911	13.4911	95.7038	0	0	0	.001562	0	.001562	3/3/76

Advice Letter Number 663
Decision Number 88310

PRESIDENT
Issuing Officer

Issue Date March 2, 1976
Effective Date March 3, 1976



(Decision No. 88311)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF WESTERN TRUNK)	
LINE COMMITTEE, 300 WEST ADAMS	)	APPLICATION NO. 29023
STREET, CHICAGO, ILLINOIS 60606,)	
FOR AUTHORIZATION TO AMEND WESTERN	)	ORDER OF COMMISSION
TRUNK LINE TARIFF NO. 445-G, ICC	)	ALLOWING PUBLICATION
A-4964, BY ADDING AN ITEM IN	)	ON LESS THAN STATUTORY
SECTION 4 ON LESS THAN STATUTORY	)	NOTICE
NOTICE.)	

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 20, 1976, Western Trunk Line Committee, by its tariff publishing officer, William J. Hardin, filed a petition requesting authority to amend WTL Tariff No. 445-G, ICC A-4964, by adding an item in Section 4 reading substantially as follows, on less than statutory notice:

BAKERY GOODS, NOIBN, NOT FROZEN

FROM	TO	RATES IN CENTS PER 100 POUNDS (Not Subject X-313 nor prior increases)
Denver, CO	Grand Jct., CO	(1) 198 (2) 146

(1) Min. wt. 24,000 lbs. in a single trailer or min. wt. 36,000 lbs. in not more than two trailers.
(2) Min. wt. 40,000 lbs. in a single trailer or min. wt. 60,000 lbs. in not more than two trailers.

In justification of the foregoing request, the following statements were submitted:

At the present time, there are no TOFC commodity rates on Bakery Goods, noibn, not frozen, in existence today, from Denver, CO to Grand Jct., CO.

An independent notice was initiated and publication instructions issued to amend WTL Tariff 445-G on less than statutory notice, observing the earliest possible date upon one day's notice, in the manner outlined in the first paragraph of this order.

WTL Committee has just now been requested to file an appropriate application with your Commission to amend WTL Tariff 445-G, ICC A-4964, in the manner outlined in the first paragraph of the application, effective on the earliest possible date upon one day's notice, and the following has been submitted in justification of such request:

"Shipper presently is shipping bakery goods via carload from Denver to Grand Junction, Colorado. Due to imminent modifications on facilities in Denver, shipper will not be able to use carload for a while, but desires to use TOFC service. Proposed rates are reasonable, and will allow traffic to move by rail TOFC service until carload facilities have been modified."

Authority is sought to publish on less than statutory notice in order to expedite the proposed service.

The Commission states and finds that it will be in the public interest to allow the amendment of WTL Tariff No. 445-G on less than statutory notice.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:


1. That Western Trunk Line Committee, Agent, by its tariff publishing officer, William J. Hardin, be, and hereby is, authorized to amend its WTL Tariff No. 445-G, ICC A-4964, by adding the item as set forth in the Statement above in Section 4 of said tariff.

2. That said publication may be made on less than statutory notice to become effective on one day's notice to the Commission and the public.

3. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

(Decision No. 88312)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF FOURET BROS.)	
GARAGE & TAXI SERVICE, INC., 137	)	APPLICATION NO. 29024
WEST FIRST STREET, TRINIDAD,)	
COLORADO 81082, FOR AUTHORIZATION	)	ORDER OF THE COMMISSION
TO PUBLISH ITS TARIFF NO. 12,	)	ALLOWING PUBLICATION ON
COLORADO PUC NO. 12, ON LESS THAN)	LESS THAN STATUTORY NOTICE
STATUTORY NOTICE.)	

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March 2, 1976
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 25, 1976, Fouret Bros. Garage & Taxi Service, Inc., Applicant herein, filed a petition requesting authority to file its Tariff No. 12, Colorado PUC No. 12, on less than statutory notice.

The Applicant bases this application upon the following facts which present certain special circumstances and conditions which are relied upon as justifying the request made herein:

That Fouret Bros. Garage & Taxi Service, Inc., was recently purchased by Alfred Freyta and Harley E. Zorens. A determination was made by examining the book of record that the Company was losing revenue on the old rates, therefore, a slight increase in the rates was needed as soon as possible. It was also determined that the zone rates were not practicable and, therefore, Applicant wishes to go on a mileage basis which would more nearly return the revenue needed to show a profit and keep the Company in business.

The Commission states and finds that it will be in the public interest to allow Applicant to publish its tariff on less than statutory notice.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That Fouret Bros. Garage & Taxi Service, Inc., be, and hereby is, authorized to publish its Tariff No. 12, Colorado PUC No. 12.

2. That said publication may be made on less than statutory notice to become effective upon one day's notice to the Commission and the public.

3. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

(Decision No. 88313)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF COLORADO MOTOR)	
TARIFF BUREAU, INC., AS AGENT, FOR)	APPLICATION NO. 29025
AND ON BEHALF OF FRED T. GIBSON,)	
DBA "GIBSON TRUCK LINE," LA JARA,)	ORDER OF COMMISSION
COLORADO 81140, TO REMOVE GIBSON)	ALLOWING PUBLICATION ON
TRUCK LINE FROM REVISED PAGES 96-A)	LESS THAN STATUTORY
AND 96-B, ON LESS THAN STATUTORY)	NOTICE
NOTICE.)	

- - - - -
March 2, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 19, 1976, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Fred T. Gibson, d/b/a "Gibson Truck Line," seeks to publish the following tariff change to become effective on less than statutory notice:

Reissue 4th Revised Page No. 96-A and 4th Revised Page No. 96-B of Colorado Motor Tariff Bureau Tariff No. 14, Colo. P.U.C. No. 13, and remove Gibson Truck Line from the list of carriers for whom the rates apply.

It is stated that the proposed tariff change will be published in Colorado Motor Tariff Bureau, Inc., Agent, Motor Freight Tariff No. 14, Colo. P.U.C. No. 13 (The Motor Truck Common Carriers' Association, Agent, series).

This application is based upon the following facts which present certain special circumstances and conditions which are relied upon as justifying the request made herein:

On February 9, 1976, the Colorado Motor Tariff Bureau published the revised tariff pages referred to above for the purpose of establishing increased rates for the transportation of farm products by Ashton Trucking Co., Gibson Truck Line or Phillips Trucking Company. Those revised tariff pages are scheduled to become effective March 12, 1976.

Colorado Motor Tariff Bureau has now been instructed by Mr. Gibson to seek authority to remove the name of Gibson Truck Line from the application of the proposed increased rates so that he can, at a later date, propose rates which more nearly reflect his needs, based upon the type of service he is offering to the public.

The Commission states and finds that it will be in the public interest to allow Fred T. Gibson, d/b/a "Gibson Truck Line," to have its name removed from the application of the rates published on Page No. 96-A and Page No. 96-B of Colorado Motor Tariff Bureau Tariff No. 14, Colo. P.U.C. No. 13, on less than statutory notice.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS:

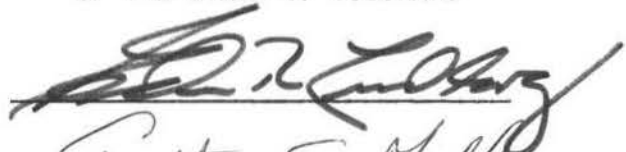
1. That Applicant, Fred T. Gibson, d/b/a "Gibson Truck Line," be, and hereby is, authorized to have its name removed from the application of the rates published on Page No. 96-A and Page No. 96-B of Colorado Motor Tariff Bureau Tariff No. 14, Colo. P.U.C. No. 13.

2. That said publication may be made on less than statutory notice to become effective on March 12, 1976.

3. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

(Decision No. 88314)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF COLORADO MOTOR)	
TARIFF BUREAU, INC., (CMTB), FOR)	APPLICATION NO. 29026
AND ON BEHALF OF ACME DELIVERY)	
SERVICE, INC., 4250 ONEIDA STREET,)	ORDER OF COMMISSION
DENVER, COLORADO 80217, TO PUBLISH)	ALLOWING PUBLICATION
REDUCED RATES FOR EXCLUSIVE USE IN)	ON LESS THAN STATUTORY
TARIFF NO. 3, COLO. PUC NO. 2, ON)	NOTICE
LESS THAN STATUTORY NOTICE.)	

March 2, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 13, 1976, Colorado Motor Tariff Bureau, Inc., Applicant herein, filed for and on behalf of Acme Delivery Service, Inc., party to its Tariff No. 3, Colo. PUC No. 2, for authority to publish the following to become effective on less than statutory notice.

Tariff No. 3, Item No. 200

Publish a rate of \$3,345.38 for exclusive use,
not subject to increases provided in Supplements
8, 12 or 13.

The carrier, Acme Delivery Service, Inc., states that with the 10 percent increase in Supplement 13, effective February 9, 1976, the charge in this item would be increased to \$3,455.32, and a re-evaluation of the service requirement and method of operation shows the full 10 percent on this one item is not justified cost-wise, and that Applicant should take the necessary action to reduce the charge to \$3,345.38 thereby eliminating 3½ percent of the 10 percent increase authorized in Supplement 13.

The Commission states and finds that it will be in the public interest to allow Applicant to publish the rate stated above on less than statutory notice.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That Colorado Motor Tariff Bureau, Inc., be, and hereby is, authorized to publish the following rate:

Tariff No. 3, Item No. 200

Publish a rate of \$3,345.38 for exclusive use, not subject to increases provided in Supplements 8, 12 or 13.

2. That said publication may be made on less than statutory notice to become effective on one day's notice to the Commission and the public.

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

(Decision No. 88315)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: COLORADO MOTOR TARIFF BUREAU,)
INC.'S, LOCAL AND JOINT CLASS AND)
COMMODITY RATES TARIFF COB 300,) CASE NO. 1585
COLO. PUC COB 300, ITEMS 3735 AND)
4080.)

- - - - -
March 2, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 6, 1976, the Colorado Motor Tariff Bureau, Inc., filed First Revised Pages 284 and 297 as indicated in Appendix "A" attached hereto and made a part hereof.

Item 3735 represents an initial commodity rate. Mr. Lloyd R. Wolfe, General Traffic Manager, Rio Grande Motor Way, Inc., states in his letter of February 5, 1976, that the revenue would be approximately 58 cents per one way mile (total 365 miles) and would produce \$210.00 per trailer load (actual .5753424); that normally these earnings would not be sufficient in a headhaul direction, but since it is a backhaul, the earnings are attractive and will help to eliminate the imbalance from and to the four corners area; the anticipated volume will be from two to four truckloads per month. He refers to Item 4540 with a similar charge on fuel wood for the same direction in the traffic movement.

Item 4080, at the request of W. M. Pries, Ephraim Freight Systems, in his letter dated January 20, 1976 to J. R. Smith, Colorado Motor Tariff Bureau, Inc., and forwarded to this Commission, asked for the establishment of the following rates: 20,000 pounds - 180; 25,000 pounds - 156; 35,000 pounds - 131 and 60,000 pounds - 126. The supporting reasons for reduction in rates was to meet the current rail rates.

The Commission states and finds that the involved rates and rules are just and reasonable, and that an Order should be entered prescribing said changes.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the rates appearing in Appendix "A" attached hereto shall be the prescribed rates, rules and regulations of the Commission.

2. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish, or cause to be published, tariffs reflecting the changes prescribed herein.

3. That all contract carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall publish or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

4. That on and after the effective date of this Order, 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.

5. That on and after the effective date of this Order, all contract carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this Order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" Contract Carriers shall be subject to the penalty rule of twenty (20) percent.

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

7. That the Order 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 the 2nd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

Case No. 1585
Dec. No. 88315
March 2, 1976

APPENDIX "A"

Changes effective March 8, 1976

COLO. PUC COB 300

TARIFF COB 300

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

SECTION 3

COMMODITY RATES IN CENTS PER 100 POUNDS (EXCEPT AS NOTED)

COMMODITY	FROM	TO	RATE	ITEM
<p><u>1ST REVISED PAGE 284</u></p> <p>EXCELSIOR, WOOD. MAXIMUM LOAD SHALL BE THAT PERMITTED BY FEDERAL AND/OR STATE VEHICLE SIZE AND WEIGHT LAWS. 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>	MANCOS	DENVER	\$210.00 PER TRAILER	3735 / 8
<p><u>1ST REVISED PAGE 297</u></p> <p>FREIGHT, ALL KINDS, AS DESCRIBED IN THE RATING SECTION OF NMFC AND PROVIDED WITH A RATING THEREIN. (SUBJECT TO NOTES 1, 2, 3 AND 4)</p> <p>① MINIMUM WEIGHT 20,000 POUNDS. ② MINIMUM WEIGHT 25,000 POUNDS. ③ MINIMUM WEIGHT 35,000 POUNDS. ④ MINIMUM WEIGHT 60,000 POUNDS. (SUBJECT TO ITEM 595 OF THE GOVERNING CLASSIFICATION)</p> <p>NOTE 1: RATES APPLY ONLY ON MIXED SHIPMENTS CONSISTING OF 5 OR MORE COMMODITIES, NO ONE COMMODITY TO EXCEED 50 PER CENT OF THE WEIGHT OF THE LADING OR OF THE MINIMUM WEIGHT, WHICHEVER IS GREATER.</p> <p>NOTE 2: RATES PROVIDED HEREIN DO NOT APPLY ON THE FOLLOWING ARTICLES: ARTICLES DESCRIBED UNDER ITEM 780 OF NMFC. ARTICLES WHICH EXCEED 20 FEET IN LENGTH, 6 FEET IN WIDTH AND/OR 5 FEET 6 INCHES IN HEIGHT. ARTICLES WEIGHING IN EXCESS OF 20,000 POUNDS. COMMODITIES IN BULK. COMMODITIES REQUIRING SPECIAL EQUIPMENT. COMMODITIES INJURIOUS OR CONTAMINATING TO OTHER LADING. EXPLOSIVES, AS DESCRIBED IN CLASSES A AND B SECTION 73.53 THROUGH 73.94 OF MOTOR CARRIERS' EXPLOSIVES AND DANGEROUS ARTICLES TARIFF ATA III-B, COLO. PUC 15, ISSUED BY AMERICAN TRUCKING ASSOCIATIONS, INC., AGENT. HOUSEHOLD GOODS, AS DEFINED IN PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS, 17 MCC 467. LIVESTOCK. PERISHABLE FREIGHT REQUIRING REFRIGERATION. POULTRY, LIVE.</p> <p>NOTE 3: RATES APPLY ONLY FROM THE CARRIER'S RECEIVING TERMINAL AT DENVER, AND DO NOT INCLUDE PICKUP SERVICE.</p> <p>NOTE 4: THIS ITEM IS NOT SUBJECT TO THE PROVISIONS OF ITEM 500 OF COLORADO MOTOR TARIFF BUREAU, INC., AGENT, TARIFF 3, COLO. PUC 2.</p>	DENVER	GRAND JUNCTION	<p>① 180 ② 155 ③ 131 ④ 125</p>	4080

/ DENOTES ADDITION
& DENOTES REDUCTION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RAY HARVEY, DOING BUSINESS AS)	
"CARRY ALL TRASH SERVICE," 1507)	APPLICATION NO. 28893
EAST 17TH STREET, PUEBLO, COLORADO,)	
FOR AUTHORITY TO OPERATE AS A COM-)	ORDER OF THE COMMISSION
MON CARRIER BY MOTOR VEHICLE.)	

- - - - -
March 9, 1976
- - - - -

Appearances: Lawrence J. Simons, Esq., Pueblo, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 the Appendix 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.

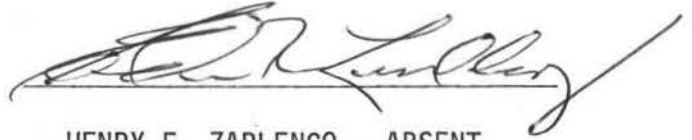
IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

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.

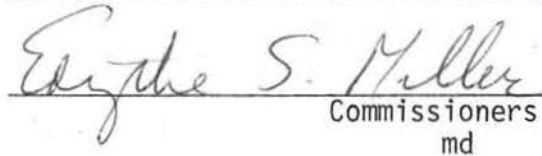
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88316
March 9, 1976

Carry All Trash Service

Transportation of

Ashes, trash and other refuse

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

(Decision No. 88317)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT C. NICE, DOING BUSINESS AS)
"DENVER ANIMAL DISPOSAL SERVICE,")
11380 EAST BAILS PLACE, AURORA,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 29017-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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 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.

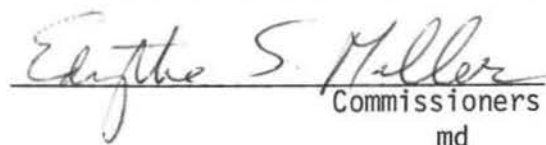
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88317
March 9, 1976

Denver Animal Disposal Service

Transportation -- on call and demand -- of

Dead animal carcasses and remains unfit for human or animal consumption

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

(Decision No. 88318)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28564-PP
LONGHORN TRUCK LINE, INC., P. O. BOX)	
55, RUSH, COLORADO, FOR A CLASS "B")	ORDER OF JAMES K. TARPEY,
PERMIT TO OPERATE AS A CONTRACT)	EXAMINER
CARRIER BY MOTOR VEHICLE FOR HIRE.)	
	DISMISSING APPLICATION

- - - - -
March 3, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

On August 6, 1975, Longhorn Truck Line, Inc. (Applicant), filed with the Commission the above-entitled application seeking authority as more fully described therein. The Commission assigned Docket No. 28564-PP to the application and gave due notice in accordance with the provisions of the Public Utilities Law. On August 18, 1975, the protest of L & E Freight Line, Inc. (Protestant), was filed with the Commission.

Upon due and proper notice to all interested persons, firms, or corporations, the Commission set the herein matter for hearing on Monday, December 15, 1975, at 10 a.m. in the Commission Hearing Room, Denver, Colorado. This hearing was continued and reset for February 20, 1976.

On February 20, 1976, the hearing was held as scheduled by Examiner James K. Tarpey, to whom the matter had been duly assigned. Official notice was taken of a letter from Applicant dated February 12, 1976, requesting that the application be dismissed, and said motion was granted.

Pursuant to the provisions of 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28564-Extension be, and hereby is, dismissed.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ds/vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JIM CHELF, INC., 5226 BRIGHTON)
BOULEVARD, DENVER, COLORADO, TO)
PURCHASE FIFTY PERCENT OF ALL THE)
ISSUED AND OUTSTANDING CAPITAL)
STOCK IN AND TO JIM CHELF, INC.,)
FROM JAMES E. CHELF AND ELIZABETH)
H. CHELF, 2514 BIRCH, DENVER,)
COLORADO.)

APPLICATION NO. 28935-PP -
Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
JAMES E. CHELF AND WILLIAM F. SHARP,)
JR., DOING BUSINESS AS "JIM CHELF,")
5226 BRIGHTON BOULEVARD, DENVER,)
COLORADO, TO TRANSFER PERMIT NO.)
B-860 AND PERMIT NO. B-860-I, TO)
JIM CHELF, INC., 5226 BRIGHTON)
BOULEVARD, DENVER, COLORADO.)

APPLICATION NO. 28936-PP -
Transfer

ORDER GRANTING
MOTION TO WITHDRAW AS COUNSEL

March 9, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 1, 1976, Leslie R. Kehl, Attorney, filed his Motion to Withdraw as Counsel in the above-captioned matters.

The Commission states and finds that the aforesaid Counsel has stated sufficient grounds for withdrawal from these matters.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Leslie R. Kehl, Attorney, be, and hereby is, permitted to withdraw as Counsel for Applicants in the above-captioned matters.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

1. COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision No. 88320)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27806-Extension
NORTHWEST TRANSPORT SERVICE, INC.,)	
5231 MONROE STREET, DENVER, COLO-)	ORDER GRANTING EXTENSION OF TIME
RADO, FOR AN EXTENSION OF CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 7728.)	

March 9, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 1, 1976, Protestant Rio Grande Motor Way, Inc., by its attorney Robert G. Shepherd, Jr., filed with the Commission a Motion for an Extension of Time within which to file a Petition for Reconsideration to Commission Decision No. 88299, to and including April 16, 1976, in the above-captioned application.

The Commission states and finds that sufficient grounds have been shown for granting a request for an extension of time until March 25, 1976.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Protestant, Rio Grande Motor Way, Inc., be, and hereby is, granted an extension of time within which to file a Petition for Reconsideration to Commission Decision No. 88299, to and including March 25, 1976, in the above-captioned application.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 88321)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28711-PP
TWIN ARROW, INC., P. O. BOX 948,)	
RANGELY, COLORADO, FOR A CLASS "B")	RECOMMENDED DECISION OF
PERMIT TO OPERATE AS A CONTRACT)	ROBERT L. PYLE, EXAMINER,
CARRIER BY MOTOR VEHICLE FOR HIRE.)	DENYING APPLICATION

- - - - -
March 3, 1976
- - - - -

Appearances: Raymond M. Kelley, Esq.,
Denver, Colorado,
for Applicant;
Truman A. Stockton, Esq., and
Warren E. Hoemann, Esq.,
Denver, Colorado, for Protestants
B & M Service, Inc.;
Pollard Contracting Co., Inc.;
Harp Transportation Line, Inc.;
Northwestern Colorado Pipe & Storage, Inc.;
and Philip W. Martin Water Service, Inc.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on October 14, 1975, to which the Commission assigned Docket No. 28711-PP and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

Protests were duly filed by those carriers noted in the Appearances.

After due and proper notice to all interested parties, the application was set for hearing on Tuesday, February 17, 1976, 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. Exhibits 1 through 9 and Exhibits 11 through 15 were tendered and admitted into evidence. Exhibits 10 and 16 were rejected. Testimony was taken from the president and general manager of Applicant corporation and from protesting carriers. At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, and a written recommended decision containing findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Applicant Twin Arrow, Inc., is a Colorado corporation with offices located in Rangely, Colorado. Its general manager and chief operating officer is one Gerald L. Hayes. Applicant presently holds no authority from this Commission except an "M" permit.

2. The Commission has jurisdiction over the Applicant, the Protestants, and the subject matter of this proceeding.

3. By this application, Applicant seeks authority to operate as a contract carrier by motor vehicle for hire on call and demand for the transportation of:

Crude oil and water

Between points in Rio Blanco County, Colorado.

RESTRICTION: Service under this authority is restricted to the service of one customer only, namely, Permian Corporation.

4. As set forth in Exhibit 3, Applicant has four pieces of equipment, which are ample and suitable for the operation of the authority; and, as set forth in Exhibit 1 (statement of financial position) and Exhibit 2 (statement of net income and retained earnings), Applicant shows a net equity of \$293,800, which is ample and suitable for the operation of the authority.

5. Applicant's primary enterprise is that of management of oil and gas properties, drilling, pumping, and consulting service. Applicant has never been in the for hire trucking business prior to this time, but does have about 30 employees, 26 of whom are directly involved in oil field matters.

6. Applicant has sufficient experience and knowledge to operate the authority.

7. Applicant has for some time engaged in extensive advertising both in the yellow pages of the Rangely telephone directory and the Rocky Mountain Petroleum directory for services including water hauling service, oil and water hauling, and water and crude oil hauling. Applicant has, in fact, on several instances engaged in the transportation of for hire carriage of water, oil, and crude without authority from this Commission to the extent that Applicant's fitness to hold authority from this Commission is in serious doubt. In fact, Applicant admitted that it now transports about one million gallons per month and derives approximately 15 to 20 percent of its gross income from such transportation and that it charges for such transportation. The dollar figure for transportation was not definitely established, but Applicant does gross between \$50,000 to \$80,000 a year of which 15 to 20 percent of that figure would be the amount for transportation.

8. The Permian Corporation, which is the customer Applicant proposes to serve if this authority is granted, is a sizable oil producing company and does operate in the Rangely area located in Rio Blanco County. Although Western Oil Transportation Co., Inc., was not a party to this proceeding, said Western Oil Transportation Co., Inc., does hold a certificate of public convenience and necessity from this Commission authorizing state-wide transportation of crude oil and water. It was further pointed out that the said Western Oil Transportation Co., Inc.,

is a subsidiary and completely owned by Permian Corporation. In answer to the query as to why the Permian Corporation did not use its own certificated carrier for this particular transportation, it was stated that there was insufficient activity in the area to warrant the certificated carrier to serve the Permian Corporation. This is not in line with the doctrine of service for certificated carriers in this state.

9. The supporting witness for Permian Corporation failed to establish any present or special need for the service or that it was unable to obtain service from existing common carriers and particularly the Protestants in this proceeding. As indicated above, the certificated subsidiary of Permian Corporation, although not a protestant in this proceeding, namely, Western Oil Transportation Co., Inc., could just as well serve Permian as any other carrier. It would be an exercise in futility to place another contract carrier in the area who would, in fact, compete with and take business from existing common carriers.

10. Protestants in this proceeding are all common carriers with varying authorities that would allow them to perform the same service as that requested by the Applicant. Mr. Troy R. Pollard is the sole owner of both Pollard Contracting Co., Inc., and B & M Service, Inc., and it is parenthetically noted that there is considerable duplication in the two certificates, namely, PUC No. 4449 and PUC No. 1610 & I. In fact, these authorities, for all practical purposes, are essentially the same. While the two Protestants are separate legal entities, as a practical matter, the firms, as far as ownership and control and as far as customers are concerned, are one and the same. They both use the same general offices and telephone number in the Rangely directory. This proceeding is not the proper one to decide whether Mr. Pollard's controlling interest or sole ownership in the two companies holding substantially duplicating intrastate authority is in violation of the rules and regulations of this Commission and not in the public interest; but, based on the evidence of record in this proceeding, it would seem appropriate for the Staff of the Commission to initiate an investigation to determine if such is the case and recommend corrections, if necessary.

11. In the operation of the authorities, Protestants B & M Service, Inc., and Pollard Contracting Co., Inc., have ample equipment to provide the same service as requested herein as a common carrier, are willing to provide the service, and does, in fact, have idle equipment available to perform the service at the present time.

12. Protestant Harp Transportation Line, Inc., holds Certificate of Public Convenience and Necessity PUC No. 152 authorizing identical transportation as that applied for, has a terminal and manager based in Rangely, and has oil tankers based in Meeker, which is approximately 78 miles away. Likewise, this Protestant has idle equipment and could provide the service.

13. Protestant Northwestern Colorado Pipe & Storage, Inc., holds Certificate of Public Convenience and Necessity PUC No. 5924. Although it presently does not have equipment to haul crude oil and water, it would obtain such equipment if called upon for such transportation. It is conceivable that because of Applicant's unauthorized transportation (for hire transportation without authority), there has been no need to call upon carriers such as this Protestant.

14. Protestant Philip W. Martin Water Service, Inc., is based in Vernal, Utah, approximately 40 miles distance from Rangely and operates authority from this Commission, namely, Certificate of Public Convenience and Necessity PUC No. 6921, has ample equipment, and has never had a request for services from Permian Corporation, but would be willing to provide such service if requested.

15. The proposed operation, if this application were granted, would impair the existing public service of authorized common carriers adequately serving the same territory and providing the same or similar service.

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

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant failed to show any present and special need for the service applied for.

2. If the application were granted, the proposed operation would impair the efficient public service of authorized common carriers adequately serving the same territory.

3. Due to unauthorized transportation practices, namely, providing for hire transportation without authority from this Commission, Applicant is not a fit entity to hold authority from this Commission.

4. The application should be denied.

5. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28711-PP, being the application of Twin Arrow, Inc., for authority to operate as a contract carrier by motor vehicle for hire, be, and hereby is, denied.

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

3. As provided by 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert L. Byle
Examiner
vjr
jp

(Decision No. 88322)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOSEPH Z. PETO, DOING BUSINESS AS)
"JOE'S DELIVERY SERVICE," 1 NORTH)
ELY STREET, COLORADO SPRINGS, COLO-)
RADO, FOR TEMPORARY AUTHORITY TO)
OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28996-TA

ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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.

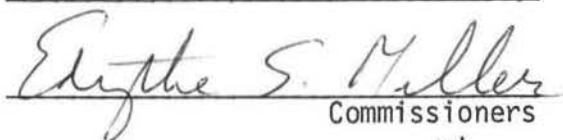
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88322
March 9, 1976

Joe's Delivery Service

Transportation -- on call and demand -- of

General commodities

Between all points located within a five (5) mile radius of the intersection of Pikes Peak and Nevada Avenues, Colorado Springs, Colorado.

RESTRICTION: This temporary authority is restricted as follows:

- (a) To the transportation of shipments which do not exceed three hundred (300) pounds in aggregate weight; and
- (b) To the transportation of shipments which originate or terminate at the Continental Trailways Bus Station, the Greyhound Bus Station, or the main U.S. Post Office located at Pikes Peak and Nevada Avenues, Colorado Springs, Colorado.

(Decision No. 88323)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN ROY ZIEGLER, DOING BUSINESS AS)
"A-A APPLIANCE REPAIR & DELIVERY)
SERVICE," 319 3RD STREET, BOX 855,)
LaSALLE, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 28997-PP-TA

ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

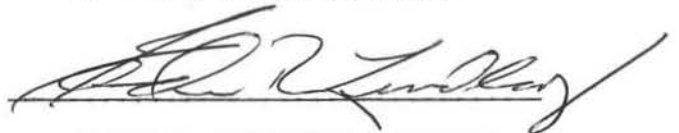
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

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.

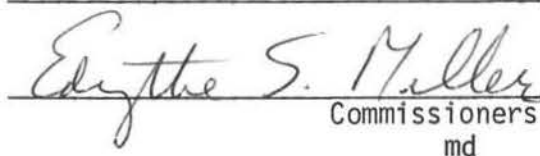
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88323
March 9, 1976

A-A Appliance Repair & Delivery Service

Transportation of

Household appliances, including microwave ovens, furniture, television and radio sets, freezers, refrigerators and air conditioners

From the following named stores: Woolco, 2626 11th Avenue, Greeley, Colorado; Roland's Furniture Store, 2 miles east of Greeley on U.S. Highway No. 34; and K-Mart No. 4347, 2829 West 10th, Greeley, Colorado; to all points within an area comprised of the Counties of Weld, Morgan and Larimer, State of Colorado.

RESTRICTION: This temporary authority is restricted as follows:

- (a) To shipments where the articles transported require installation or servicing at the point of destination; and
- (b) To rendering transportation service for the following named customers only: Woolco, 2626 11th Avenue, Greeley, Colorado; Rolands's Furniture Store, 2 miles east of Greeley on U.S. Highway No. 34; and K-Mart No. 4347, 2829 West 10th, Greeley, Colorado.

(Decision No. 88324)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BRAAKSMA & SON, INC., 15845 EAST)
36TH AVENUE, AURORA, COLORADO, FOR)
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3276.)

APPLICATION NO. 28975-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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.

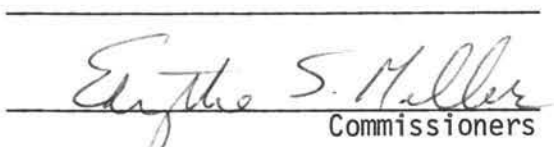
IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

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 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

md

Appendix
Decision No. 88324
March 9, 1976

Braaksma & Son, Inc.

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the city boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88325)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JACOBO R. ROMERO, DOING BUSINESS AS)
"ROCKY MOUNTAIN DISPOSAL," 2240)
WEST CUSTER PLACE, DENVER, COLORADO,)
FOR TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3231.)

APPLICATION NO. 29001-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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.

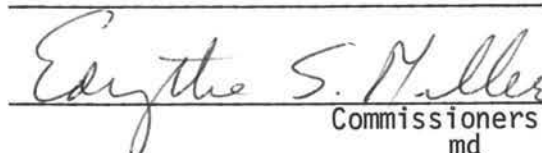
IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

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 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88325
March 9, 1976

Rocky Mountain Disposal

Transportation of

Ash, trash, and other refuse

From all points located within the City and County of Denver, as the boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88326)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
K-G DISTRIBUTION SERVICES, INC.,)
4950 DAHLIA STREET, DENVER, COLORADO,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER)
BY MOTOR VEHICLE.)

APPLICATION NO. 29002-PP-TA
ORDER DENYING TEMPORARY AUTHORITY

March 9, 1976

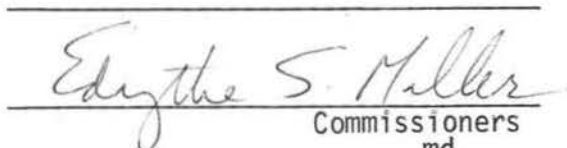
The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

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

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

(Decision No. 88327)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY AND DOROTHY C. LINDEMANN,)
DOING BUSINESS AS "H & L RUBBISH)
REMOVAL," 4320 SOUTH HURON, ENGLE-)
WOOD, COLORADO, FOR TEMPORARY)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 3742.)

APPLICATION NO. 28980-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88327
March 9, 1976

H & L Rubbish Removal

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the boundaries existed on February 18, 1976, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88328)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ANTONIA P. AND GENARO R. LAING, JR.,)
DOING BUSINESS AS "LAING DISPOSAL)
SERVICE," 2992 WEST LAYTON AVENUE,)
ENGLEWOOD, COLORADO, FOR TEMPORARY)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 3612.)

APPLICATION NO. 28981-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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.

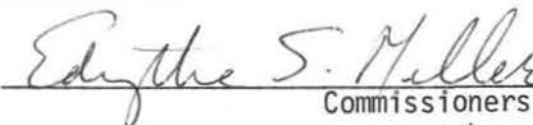
IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

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 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88328
March 9, 1976

Laing Disposal Service

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the boundaries existed on February 18, 1976, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88329)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
T H KEYS, 2430 HIGH STREET, DENVER,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO EXTEND OPERATIONS UNDER CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 3271.)

APPLICATION NO. 28982-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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.

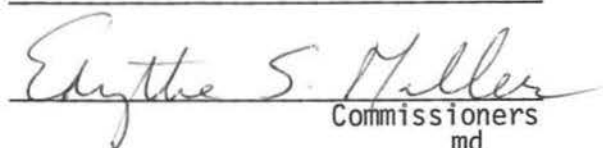
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88329
March 9, 1976

T H Keys

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the boundaries existed on February 18, 1976, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88330)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT E. WRENFROW, DOING BUSINESS)
AS "A.B.C. DISPOSAL SERVICE," 2366)
WEST 23RD CIRCLE, GOLDEN, COLORADO,)
FOR TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3549.)

APPLICATION NO. 28983-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
March 9, 1976
- - - - -

The above-entitled application under CRS 1973, 40-6-120, 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.

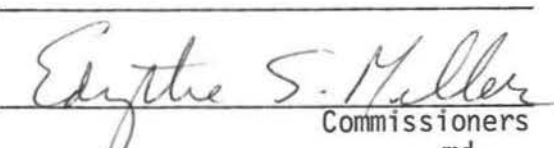
IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

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 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88330
March 9, 1976

A.B.C. Disposal Service

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the boundaries existed on February 18, 1976, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88331)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD L. ROBINSON, 2696 SOUTH)
NORMAN COURT, DENVER, COLORADO, FOR)
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3200.)

APPLICATION NO. 28984-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
March 9, 1976
- - - - -

The above-entitled application under CRS 1973, 40-6-120, 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.

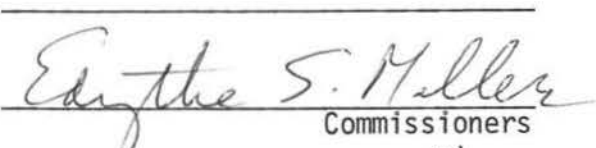
IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

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 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88331
March 9, 1976

Harold L. Robinson

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the boundaries existed on February 18, 1976, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88332)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KIRK'S DISPOSAL, INC., 4090 NELSON)
STREET, WHEATRIDGE, COLORADO, FOR)
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3507.)

APPLICATION NO. 28985-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
March 9, 1976
- - - - -

The above-entitled application under CRS 1973, 40-6-120, 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.

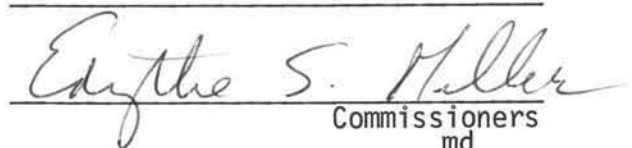
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88332
March 9, 1976

Kirk's Disposal, Inc.

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the boundaries existed on February 18, 1976, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88333)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE SCHIMPF, JR., 7115 INCA WAY,)
DENVER, COLORADO, FOR TEMPORARY)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 3250.)

APPLICATION NO. 28986-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88333
March 9, 1976

George Schimpf, Jr.

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the boundaries existed on February 18, 1976, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88334)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THERON AND ERNESTINE LAWSON, DOING)
BUSINESS AS "ALL-CLEAN DISPOSAL,")
825 SOUTH YATES, DENVER, COLORADO,)
FOR TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3716.)

APPLICATION NO. 28987-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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.

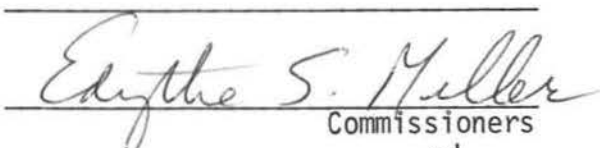
IT IS ORDERED, That Applicant(s) named in the caption above be granted
temporary authority for a period of 180 days commencing as of the day and date
hereof to engage in the business of transportation by motor vehicle to the
extent and in the manner set forth in the Appendix attached hereto.

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 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88334
March 9, 1976

All-Clean Disposal

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the boundaries existed on February 18, 1976, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88335)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MICHAEL AND LINNEA PRIMAVERA, DOING)
BUSINESS AS "MIKE PRIMAVERA," 3552)
MARSHALL STREET, WHEATRIDGE, COLO-)
RADO, FOR TEMPORARY AUTHORITY TO)
EXTEND OPERATIONS UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3239.)

APPLICATION NO. 28988-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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.

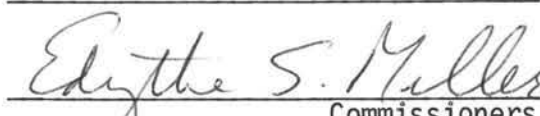
IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

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 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 88335
March 9, 1976

Mike Primavera

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the boundaries existed on February 18, 1976, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88336)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAFAEL G. DAVILA, 4151 KALAMATH)
STREET, DENVER, COLORADO, FOR)
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3314.)

APPLICATION NO. 28989-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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.

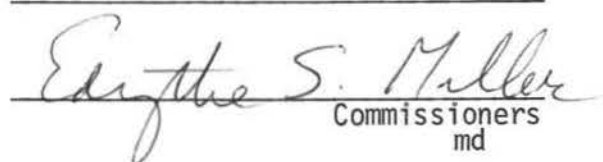
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88336
March 9, 1976

Rafael G. Davila

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the boundaries existed on February 18, 1976, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88337)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT J. GAWTHROP, DOING BUSINESS)
AS "BOB'S CLEANUP SERVICE," 1220)
DEL MAR PARKWAY, AURORA, COLORADO,)
FOR TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3672.)

APPLICATION NO. 28990-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88337
March 9, 1976

Bob's Cleanup Service

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the boundaries existed on February 18, 1976, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88338)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NEAL E. BLACK, DOING BUSINESS AS)
"DISPOSE ALL KING," 1221 EAST 105TH)
PLACE, NORTHGLENN, COLORADO, FOR)
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3217.)

APPLICATION NO. 28991-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

March 9, 1976

The above-entitled application under CRS 1973, 40-6-120, 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.

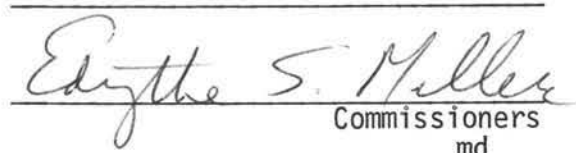
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners
md

Appendix
Decision No. 88338
March 9, 1976

Dispose All King

Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, as the boundaries existed on February 18, 1976, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88339)

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
JAMES K. TARPEY, EXAMINER

March 4, 1976

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 February 17, 1976. The matters were duly called for hearing pursuant to such notice on Monday, March 1, 1975, at 9 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by James K. Tarpey, 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 40-6-109, CRS 1973, Examiner James K. Tarpey now transmits herewith to the Commission the record of this proceeding, and a written recommended decision containing findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

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 the hearing as lawfully ordered by the Commission.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

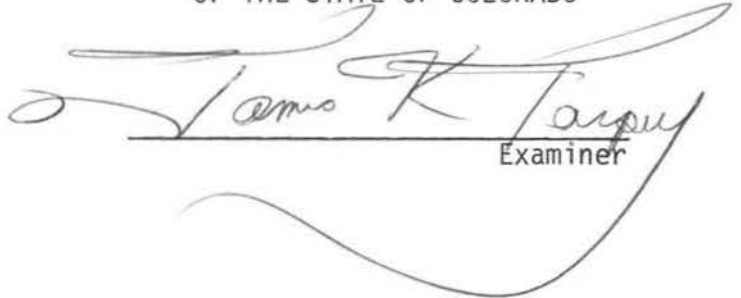
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. 88339)

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>APPLICATION NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
Bob Gillespie 1015 36th Street Evans, Co. 80620	28788-PP	PLPD Ins.	530-App.
John Martinez 1219 W. Custer Place Denver, Co. 80223	28633-PP	PLPD Ins.	532-App.
Alvin L. Whitman Rt. 2, Box 338 Greeley, Co. 80631	28789-PP	Cargo Ins. Tariff, COD	534-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)
NORTHWEST CARRIERS, INC., A UTAH)
CORPORATION, P. O. BOX 609, MOAB,)
UTAH.)

PERMIT NO. B-6151

March 9, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 17, 1973, the Commission entered Decision No. 83572 approving the encumbrance of Contract Carrier Permit No. B-6151 to the Moffat County State Bank, P. O. Box 37, Craig, Colorado, in the amount of Fifty Thousand Dollars (\$50,000.00).

The Commission is now in receipt of a communication from F. R. Montgomery, President of the Moffat County State Bank, Craig, Colorado, stating that the encumbrance has been satisfied.

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

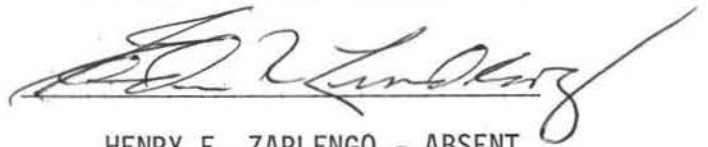
O R D E R

THE COMMISSION ORDERS:

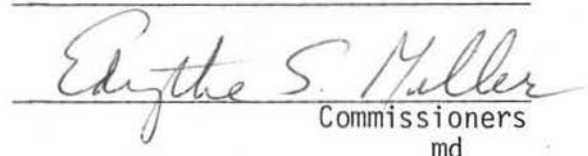
That the encumbrance of Contract Carrier Permit No. B-6151 authorized by Decision No. 83572 dated August 17, 1973, be and the same hereby is, released, as indicated by the statement of satisfaction as filed with this Commission.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners
md

(Decision No. 88341)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DOUGLAS M. GARNER, DOING BUSINESS)
AS "BIG VALLEY TRANSFER," NORWOOD,)
COLORADO.)

PUC NO. 943 AND PUC NO. 943-I
PUC NO. 6812
PERMIT NO. B-6636
PERMIT NO. B-7014

March 9, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 31, 1971, the Commission entered Decision No. 78557 approving the encumbrance of Certificates of Public Convenience and Necessity PUC No. 943 and PUC No. 943-I, PUC No. 6812 and Contract Carrier Permits No. B-6636 and B-7014 by Douglas M. Garner doing business as "Big Valley Transfer," Norwood, Colorado, to the Citizens State Bank of Ouray, Ouray, Colorado, to secure payment of the sum of Twenty-Six Thousand Dollars (\$26,000.00).

The Commission is now in receipt of a request from Douglas M. Garner, doing business as "Big Valley Transfer," Norwood, Colorado, owner and operator of Certificates of Public Convenience and Necessity PUC No. 943 and PUC No. 943-I, PUC No. 6812 and Contract Carrier Permits No. B-6636 and B-7014 (debtor), hereby seeking approval of an encumbrance in the nature of a second lien to the San Miguel Basin State Bank, Norwood, Colorado, to secure payment of indebtedness in the principal sum of Sixty-Five Thousand Dollars (\$65,000.00) in accordance with the terms and conditions of the Security Agreement and Financing Statement dated May 9, 1975 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 Douglas M. Garner doing business as "Big Valley Transfer," Norwood, Colorado, be, and hereby is, authorized to encumber all right, title and interest in and to Certificates of Public Convenience and Necessity PUC No. 943 and PUC No. 943-I, PUC No. 6812 and Contract Carrier Permits No. B-6636 and B-7014 in the nature of a second lien, to the San Miguel Basin State Bank, Norwood, Colorado, to secure payment of the indebtedness in the amount of Sixty-Five Thousand Dollars (\$65,000.00) in accordance with the terms and conditions set forth in the statement preceding.

DONE IN OPEN MEETING the 9th day of March, 1976.

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 "Edythe S. Miller", written over a horizontal line.

Commissioners
md

(Decision No. 88342)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
COLORADO-DENVER/WAREHOUSE DELIVERY,)
INC., 4902 SMITH ROAD, DENVER,)
COLORADO.)

PUC NO. 624 and PUC NO. 624-I

- - - - -
March 9, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from Donald R. Haney, Executive Vice President of Colorado-Denver/Warehouse Delivery, Inc., 4902 Smith Road, Denver, Colorado 80216, seeking authority to encumber Certificate of Public Convenience and Necessity PUC No. 624 and PUC No. 624-I from Colorado-Denver/Warehouse Delivery, Inc., 4902 Smith Road, Denver, Colorado 80216 (debtor) to South Colorado National Bank, P. O. Box 9368, 1100 South Broadway, Denver, Colorado 80209 (secured party) to secure payment of indebtedness in the principal sum of Seventy Thousand Dollars (\$70,000.00) in accordance with the terms and conditions of the Security Agreement and Financing Statement dated February 20, 1976 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

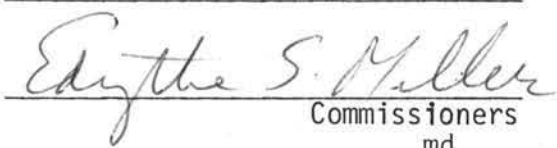
THE COMMISSION ORDERS:

That Colorado-Denver/Warehouse Delivery, Inc., 4902 Smith Road, Denver, Colorado 80216, be and hereby is, authorized to encumber all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 624 and PUC No. 624-I to South Colorado National Bank, P. O. Box 9368, 1100 South Broadway, Denver, Colorado 80209, to secure payment of the indebtedness in the principal sum of Seventy Thousand Dollars (\$70,000.00) in accordance with the terms and conditions set forth in the statement preceding.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

(Decision No. 88343)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28292
THE BOARD OF COUNTY COMMISSIONERS)	
OF EL PASO COUNTY, COLORADO, FOR)	ORDER OF THE COMMISSION
AUTHORITY TO REOPEN THE CROSSING)	UPON EXCEPTIONS
OF THE ATCHISON, TOPEKA AND SANTA)	
FE RAILWAY COMPANY AT BRADLEY)	
ROAD, IN EL PASO COUNTY, COLORADO.)	

- - - - -
March 9, 1976
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On April 17, 1976, Applicant, The Board of County Commissioners of El Paso County, Colorado, filed with this Commission the above-entitled application for authority to reopen the crossing of the Atchison, Topeka, and Santa Fe Railway Company (hereinafter "Santa Fe") at Bradley Road in El Paso County, Colorado, and to install crossing protection at such location.

The Commission assigned Docket No. 28292 to the instant application and after due and proper notice to all interested persons, firms, or corporations set the matter for hearing to be held in the Widefield High School Auditorium, 615 Widefield Drive, Security, Colorado, on Friday, June 27, 1975, at 10 a.m. The hearing was held at the aforesaid time and place by Harry A. Galligan, Jr., Examiner, to whom the matter was duly assigned pursuant to law.

The Commission received a protest to the granting of the application from Santa Fe, on June 3, 1975, and a Petition to Intervene filed by the Denver and Rio Grande Western Railroad Company (hereinafter "Rio Grande"). The Rio Grande was granted leave to intervene by Commission Decision No. 86971, entered on June 17, 1975. On June 23, 1975, Sproul Investment Corporation filed a Petition to Intervene in support of the application. This intervention was granted by the Examiner at the hearing.

Exhibits 1 through 7, inclusive, were offered and admitted into evidence. By permission of the Examiner, late-filed exhibits concerning traffic volume information and information concerning accident frequencies at protected crossings were received by the Examiner. At the conclusion of the hearing, the subject matter was taken under advisement.

On August 13, 1975, Examiner Harry A. Galligan, Jr., entered Recommended Decision No. 87316 wherein he recommended that the instant application be granted.

On August 26, 1975, by Decision No. 87374, the Commission granted the Santa Fe and the Rio Grande an extension of time in which to file exceptions until twenty (20) days after the filing of the official transcript.

On December 31, 1975, the Santa Fe and Rio Grande filed Exceptions to the Recommended Decision of the Examiner. The Commission has now reconsidered the matter and has determined that the Recommended Decision of the Examiner is correct. However, we are of the opinion that certain modifications should be made. Accordingly, the Commission now enters its own findings of fact, conclusions on findings of fact and order.

FINDINGS OF FACT

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

1. The Commission has jurisdiction over the subject matter involved in this proceeding.
2. The principal access of residents of Security, Colorado, to the main arteries leading to the City of Colorado Springs is by taking a newly constructed cloverleaf onto Academy Boulevard, exiting from Academy Boulevard approximately one-quarter mile west of the entrance onto Academy Boulevard, and entering State Highway 85 in a northwesterly direction. Returning to Security, Colorado, from the Colorado Springs area requires essentially a reversal of this process.
3. Prior to the construction of the grade separation of Academy Boulevard from the railroad tracks of the Atchison, Topeka and Santa Fe Railway, residents of the Security area were able to take a more direct route via Bradley Road to State Highway 85 to the northwest, thus avoiding the high-speed vehicular traffic of Academy Boulevard. Bradley Road crossed the Santa Fe tracks at an angle of approximately $52^{\circ} 32'$ at railroad milepost 657+3185.6 feet in a westerly direction, across the tracks of the Rio Grande before intersecting and terminating at State Highway 85 north of the Academy Boulevard overpass.
4. The crossings of Bradley Road over the Santa Fe and the Rio Grande tracks were closed at the request of the Applicant by Commission Decision No. 85479. Subsequently, the Rio Grande track was removed.
5. The safest entry onto Highway 85 by travelers going to Colorado Springs from Security, Colorado, by the most direct route would be a grade separation on Bradley Road over the tracks of the Atchison, Topeka and Santa Fe Railway. There is not sufficient space to construct such a grade separation without substantially rerouting the right-of-way of Bradley Road. The cost of such a grade separation at this location is estimated to be in excess of \$250,000.
6. The present route of cloverleafing onto Academy Boulevard and then cloverleafing off of Academy Boulevard, as indicated in Finding of Fact No. 2, above, presents a hazard to the traveling motorist which would be potentially more dangerous than the reopening of a crossing on Bradley Road provided crossbucks, warning lights and bells, and gatearms are installed.
7. Estimates of the train traffic at the proposed crossing varied from 14 trains per day to in excess of 30 trains per day. The train traffic on this track travels in both directions.

8. The reopening of the Bradley Road crossing over the Santa Fe track along the old alignment will not provide a safe crossing. Due to the angle of the crossing, a motorist approaching the crossing would have to look back over his shoulder in one direction to see if a train is approaching. A more suitable location for the crossing would be approximately 100 feet southeast of the old crossing at railroad milepost 657+3092 feet to be constructed as a right angle (90°) crossing with roadway approaches perpendicular to the track for a minimum of 70 feet on either side of the center line of the track.

9. The reopening of the Bradley Road crossing of the Santa Fe railroad tracks will require installation of protection devices estimated to cost \$45,000. The required protection devices will consist of two standard automatic flashing light signal units with short arm gates and a warning bell. A minimum of 25 seconds warning time will be provided to the motorist before a train from either direction enters the crossing.

10. The proposed crossing of Bradley Road over the Santa Fe, as noted in paragraph No. 8 above, is in the public interest and should be authorized. Such crossing together with the automatic flashing light signal devices with short arm gates and warning bell will be in the public interest and enhance the public safety.

11. The instant application is filed under the provisions of 40-4-106, CRS 1973. The reestablishment of the roadway and the crossing, together with the protective devices, is necessary for the convenience of the local residents and El Paso County. A just and reasonable allocation of costs of the protective devices is 10% to the Santa Fe, 20% to El Paso County and 70% to the Highway Crossing Protection Fund.

12. No part of the cost of the proposed signal devices will be paid from funds available under any federal or federal aid highway act. The Santa Fe will provide all maintenance to the signal device at its own expense for the life of the crossing so protected.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The authority sought in the instant application to establish a grade crossing of Bradley Road in El Paso County over the railroad tracks of the Santa Fe should be granted; and the authority to install automatic flashing light signals with short arm gates at the crossing should also be granted to promote the public safety.

2. The new crossing should be located approximately 100 feet southeast of the old crossing at railroad milepost 657+3092 feet and should be constructed as a right angle (90°) crossing with roadway approaches perpendicular to the track for 70 feet on each side of the center line of the track.

3. The County of El Paso, Applicant herein, should bear the entire cost of road work required to reopen the grade crossing as proposed in the instant application.

4. The cost of the construction of the grade crossing protection devices, as proposed in the instant application, should be borne by the County, the Railroad, and the Highway Crossing Protection Fund, as provided in 40-4-106, CRS 1973. These costs should be distributed as follows:

20% to El Paso County
10% to Santa Fe
70% Highway Crossing Protection Fund

5. The signal devices and installation should be in conformance with the current Bulletin of the Association of American Railroads' Joint Committee on Railroad Crossing Warning Systems. The Atchison, Topeka and Santa Fe Railway Company should be required to maintain the protection equipment installed pursuant to this decision for the life of the crossing.

O R D E R

THE COMMISSION ORDERS:

1. That The Board of County Commissioners of El Paso County, Colorado, be, and hereby is, authorized to open a public road grade crossing of Bradley Road over the railroad tracks of the Atchison, Topeka and Santa Fe Railway Company at railroad milepost 657+3092 feet, located in the south-east one quarter of Section 3, Township 15 South, Range 66 West, of the 6th P.M. in El Paso County, Colorado, which crossing shall be constructed as a right angle (90°) crossing with roadway approaches perpendicular to the track for 70 feet on each side of the centerline of the track.

2. That the Atchison, Topeka and Santa Fe Railway Company be, and hereby is, authorized and directed to install, operate and maintain standard flashing light signal devices with short arm gates and a warning bell at the new grade crossing authorized in ordering paragraph 1 above.

3. That a fair, just and equitable distribution of the total cost of installation of the proposed protection devices, estimated to be \$45,000, shall be as follows:

(a) The Atchison, Topeka and Santa Fe Railway Company shall contribute out of its own funds, 10% of the cost of said installation to cover its share of the benefits therefrom; and shall thereafter maintain the automatic signals and protection devices;

(b) El Paso County, Colorado, shall pay 20% of the total cost, including materials and labor, of said installation to cover its share of benefits received from such installation. Upon completion of the proposed work, an itemized statement of the actual cost, and a bill covering said 20%, shall be forwarded by Atchison, Topeka and Santa Fe Railway Company to El Paso County, which bill shall be paid to Atchison, Topeka and Santa Fe Railway Company;

(c) The remainder of the costs, or 70%, shall be paid out of the Commission Highway Crossing Protection Fund. Upon completion of the proposed work, an itemized statement of the actual cost, and a bill covering such 70%, shall be forwarded by the Atchison, Topeka and Santa Fe Railway Company, to the Commission, which bill shall be paid to Atchison, Topeka and Santa Fe Railway Company, after audit and verification of the signal installation.

4. That the signal devices and installation shall all be in conformance with the Current Bulletin of the Association of American Railroads' Joint Committee on Railroad Crossing Warning Systems.

5. That the Exceptions filed with the Commission by the Atchison, Topeka, and Santa Fe Railway Company and the Denver and Rio Grande Western Railroad Company on December 31, 1975, are granted to the extent said Exceptions are consistent with the Findings of Fact, Conclusions on Findings of Fact, and Order herein, and to the extent said Exceptions are not granted herein, the same be, and hereby are, denied.

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

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

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

* * *

ROCKY MOUNTAIN AIRWAYS, INC.,)
a California corporation,)

Complainant,)

vs.)

CASE NO. 5662

CLINTON AVIATION COMPANY,)
a Colorado corporation, and)
TRANSAMERICA AIRWAYS, INC.,)
a Colorado corporation,)

Respondents.)

March 9, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 21, 1976, Rocky Mountain Airways, Inc., (hereinafter "Rocky Mountain") filed the within complaint against Clinton Aviation Company (hereinafter "Clinton") and Transamerica Airways, Inc., (hereinafter "Transamerica"), Respondents herein.

On or about February 27, 1976, Respondents Clinton and Transamerica served Interrogatories upon Rocky Mountain, the Complainant herein, and Aspen Airways, Inc., (hereinafter "Aspen"), Intervenor herein, respectively.

On March 1, 1976, Clinton and Transamerica filed a "Motion to Expedite Discovery" wherein they request a Commission order compelling Rocky Mountain and Aspen to answer Interrogatories served upon them on or about February 27, 1976, no later than seven (7) days prior to the date which may be set for hearing upon the complaint herein, and that further, failure to supply such information necessary to relate the complaint to the public interest will be grounds for dismissal.

The within complaint has not been set for hearing, but the Commission states and finds that in order for Clinton and Transamerica to prepare for the hearing on the complaint, they are entitled to have answers to the Interrogatories which they served, respectively, upon Rocky Mountain and Aspen no later than seven (7) days prior to the date that the matter is set for hearing, or within thirty (30) days after the service of the Interrogatories upon the latter, whichever comes first.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

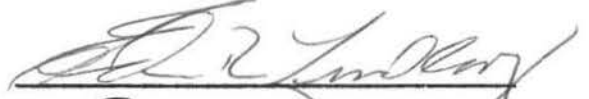

1. The "Motion to Expedite Discovery" filed by Clinton Aviation Company and Transamerica Airways, Inc., on March 1, 1976, be, and hereby is, granted in accordance with the Order herein.

2. Rocky Mountain Airways, Inc., and Aspen Airways, Inc., shall answer the Interrogatories served upon them, respectively, on or about February 27, 1976, by Respondents Clinton Aviation Company and Transamerica Airways, Inc., on or before the thirtieth (30th) day after service of said Interrogatories upon them, or no later than seven (7) days prior to such day as the complaint herein is set for hearing, whichever comes first.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

(Decision No. 88345)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JOE N. CARTER, DOING BUSINESS AS)
"J.N.C.", 4915 WORCHESTER STREET,)
DENVER, COLORADO, FOR AUTHORITY TO)
OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 28800

- - - - -
March 9, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 20, 1975, the above-captioned application was filed with the Commission.

On January 20, 1976, Robert D. Hounshell, doing business as "Platte Valley Freightways", a Protestant in the above-captioned application, filed with the Commission a Motion to Compel Answers to interrogatories heretofore served upon Applicant, Joe N. Carter, doing business as "J.N.C.". Answers were due on January 12, 1976. Protestant requests as order compelling Answers by no later than February 27, 1976.

Protestant's Motion to Compel Answers was granted by the Commission in Decision No. 88139, dated January 27, 1976.

On March 2, 1976, Protestant, Robert D. Hounshell, doing business as "Platte Valley Freightways", by his attorney Raymond M. Kelley, filed with the Commission a Motion to Dismiss Application in the above-captioned matter. In said Motion Protestant stated that it had received no Answers from the Applicant or any communication requesting additional time in which to supply the Answers and that the Applicant has not complied with a lawful Order of the Commission as contained in Decision No. 88139.

The Commission states and finds that proper grounds have been shown for granting of the Motion to Dismiss Application.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The "Motion to Dismiss Application" filed by Protestant, Robert D. Hounshell, doing business as "Platte Valley Freightways", be, and hereby is granted.

2. Application No. 28800 be, and hereby is, dismissed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

(Decision No. 88346)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

POLLARD CONTRACTING CO., INC.,)
B & M SERVICE, INC., NORTHWESTERN)
COLORADO PIPE AND STORAGE, INC.,)
HARP TRANSPORTATION LINES, INC.,)
and PHILIP W. MARTIN WATER SERVICE,)
INC.,)

Complainants,)

vs.)

TWIN ARROW, INC.,)

Respondent.)

CASE NO. 5665

COMMISSION ORDER DENYING "MOTION
TO STRIKE COMPLAINT AND AMENDED
COMPLAINT, OR IN THE ALTERNATIVE
TO FILE COMPLAINT CONFORMING TO
STATUTE AND REGULATION"

March 9, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 1, 1976, Respondent, Twin Arrow, Inc., filed with the Commission a pleading entitled "Motion to Strike Complaint and Amended Complaint, or in the Alternative to File Complaint Conforming to Statute and Regulation" in the above-captioned matter.

The Commission states and finds that sufficient grounds have not been set forth for granting the above request.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The "Motion to Strike Complaint and Amended Complaint, or in the Alternative to File Complaint Conforming to Statute and Regulation" filed on March 1, 1976, by Respondent, Twin Arrow, Inc., be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 88347)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION OF)	
RICHARD T. FOGARTY, DOING BUSINESS)	CASE NO. 5614
AS "CORTEZ TAXI AND TRANSFER,")	
CERTIFICATE OF PUBLIC CONVENIENCE)	ORDER DENYING EXCEPTIONS TO
AND NECESSITY PUC NO. 1689 FOR A)	RECOMMENDED DECISION NO. 87333
DECLARATORY RULING.)	

- - - - -
March 9, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 15, 1975, Hearing Examiner Thomas M. McCaffrey entered his Recommended Decision No. 87333 in the above-captioned matter.

On February 11, 1976, Petitioner Richard T. Fogarty, doing business as "Cortez Taxi and Transfer," filed with the Commission Exceptions to said Recommended Decision.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Petitioner should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 87333 should be adopted as its own; and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Petitioner Richard T. Fogarty, doing business as "Cortez Taxi and Transfer," 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. 87333 be, and hereby are, adopted by the Commission.

3. The Examiner's Recommended Order in said Decision No. 87333 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and that 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 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 88348)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
RESPONDENT NORTH PARK TRANSPORTA-	)	CASE NO. 5634
TION CO., A COLORADO CORPORATION,)	
5150 COLUMBINE STREET, DENVER,	)	ORDER OF THE COMMISSION GRANTING
COLORADO, UNDER CERTIFICATE OF	)	EXCEPTIONS IN PART AND DENYING
PUBLIC CONVENIENCE AND NECESSITY	)	IN PART
PUC NO. 1600, PUC NO. 1600-I,)	
AND PUC NO. 5888.)	

March 9, 1976

S T A T E M E N T

BY THE COMMISSION:

On January 29, 1976, Examiner Robert L. Pyle entered his Recommended Decision No. 88143 in the above-captioned matter.

By Decision No. 88266, dated March 2, 1976, the Commission granted the Respondent North Park Transportation Co., (hereinafter "North Park") an extension of time within which to file exceptions.

North Park filed Exceptions to the Examiner's Recommended Decision on February 23, 1976. The Commission has considered the Exceptions filed by the Respondent and finds and concludes, except as hereinafter noted, that insufficient grounds have been set forth for the granting thereof and that the same should be denied. However, the Commission does not adopt the Examiner's Conclusion on Findings of Fact and Order which would impose upon the Respondent the requirement of a payment of \$1,144.33 to the Treasurer of the State of Colorado.

FINDINGS OF FACT

The Commission adopts the Findings of Examiner Robert L. Pyle, as set forth in his Recommended Decision No. 88143.

CONCLUSIONS ON FINDINGS OF FACT

1. Respondent, at various times during the months of June, August, and October of 1973, did engage in transportation practices in violation of the Public Utilities Law and the rules and regulations of this Commission by rendering services at various locations outside the territorial scope and authority of its Certificates, all in violation of Rule 6(a) of the Commission's Rules and Regulations Governing Common Carriers.

2. Respondent, at various times from June 1, 1973, through October 9, 1973, did violate Rule 31 of the Commission's Rules and Regulations Governing Common Carriers and the Public Utilities Law of the State of Colorado by failing to charge the proper rates in accordance with the terms and provisions of Respondent's tariffs on file with this Commission.

3. Respondent should be ordered to cease and desist from all unauthorized operations and should be ordered to refund the specified amounts of overcharges made in violation of its tariff terms and provisions.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent, North Park Transportation Co., 5150 Columbine Street, Denver, Colorado, having been found to be in violation of Rule 6(a) of the Colorado Public Utilities Commission's Rules and Regulations Governing Common Carriers and the Public Utilities Law of the State of Colorado by rendering services outside the territorial scope of its Certificates of Public Convenience and Necessity PUC No. 1600, PUC No. 1600-I, and PUC No. 5888 during the months of June, August, and October of 1973, all of which such unauthorized transportation services are set forth in Appendix I, attached to this Decision and incorporated herein by reference, be, and hereby is, ordered to cease and desist from rendering services outside the territorial scope of its authorities issued by this Commission.

2. Respondent, North Park Transportation Co., 5150 Columbine Street, Denver, Colorado, having been found to be in violation of Rule 31 of the Colorado Public Utilities Commission's Rules and Regulations Governing Common Carriers and the Public Utilities Law of the State of Colorado by charging and collecting amounts not in accordance with the terms and provisions of its applicable tariffs on file with this Commission, all of which specific violations are set forth in Appendix II, attached to this Decision and incorporated herein by reference, be, and hereby is, ordered to refund within thirty (30) days from the effective date of this Order, all overcharges to the respective customers as set forth in Appendix II, attached hereto. Respondent shall notify this Commission, by sworn affidavit, of the dates and amounts of monies so refunded to each respective shipper.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

APPENDIX I

UNAUTHORIZED TRANSPORTATION SERVICES CONDUCTED BY RESPONDENT NORTH PARK
TRANSPORTATION CO.

JUNE 1973

SHIPPER: Colorado Fuel & Iron Corporation

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>COMMODITY</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
6/1/73	4446	Steel	Pueblo	Denver
6/7/73	4486	Steel beam bars	Pueblo	Adams City
6/8/73	4490	Steel	Pueblo	Northglenn
6/8/73	4491	Steel	Pueblo	Northglenn
6/11/73	4509	Steel	Pueblo	Denver
6/13/73	4528	Rebar	Pueblo	Denver
6/13/73	4530	Steel	Pueblo	Boulder
6/15/73	4551	Steel	Pueblo	Denver
6/18/73	4549	Steel	Pueblo	Denver
6/18/73	4557	Steel	Pueblo	Boulder
6/21/73	4580	Steel	Pueblo	Boulder
6/22/73	4579	Steel	Pueblo	Boulder
6/22/73	4593	Wire Mesh	Pueblo	Denver
6/22/73	4598	Steel	Pueblo	Denver
6/22/73	4599	Steel	Pueblo	Denver
6/25/73	4601	Steel	Pueblo	Denver
6/26/73	4604	Rebar	Pueblo	Boulder
6/27/73	4611	Unlisted	Pueblo	Boulder
6/28/73	4642	Steel	Pueblo	Denver
6/29/73	4658	Steel	Pueblo	Denver

SHIPPER: Midwest Steel

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>COMMODITY</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
6/1/73	4463	Steel	Denver	Windsor
6/4/73	4455	Steel	Denver	Windsor
6/6/73	4470	Steel	Denver	Windsor
6/6/73	4471	Steel	Denver	Windsor
6/7/73	4520	Steel	Denver	Loveland
6/8/73	4488	Steel	Denver	Windsor
6/8/73	4519	Steel	Denver	Windsor
6/13/73	4521	Steel	Denver	Windsor
6/13/73	4522	Steel	Denver	Windsor
6/13/73	4617	Steel	Denver	Windsor
6/14/73	4525	Steel	Denver	Windsor
6/14/73	4526	Steel	Denver	Portland
6/18/73	4544	Steel	Denver	Windsor
6/18/73	4545	Steel	Denver	Fort Collins
6/18/73	4554	Steel	Denver	Windsor
6/18/73	4561	Steel	Denver	Windsor
6/18/73	4618	Steel	Denver	Fort Collins

SHIPPER: Midwest Steel (Cont'd.)

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>COMMODITY</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
6/20/73	4571	Steel	Denver	Fort Collins
6/20/73	4573	Steel	Denver	Windsor
6/20/73	4619	Steel	Denver	Fort Collins
6/21/73	4572	Steel	Denver	Fort Collins
6/21/73	4585	Steel	Denver	Windsor
6/21/73	4620	Steel	Denver	Fort Collins
6/22/73	4584	Steel	Denver	Windsor
6/22/73	4621	Steel	Denver	Fort Collins
6/25/73	4623	Steel	Denver	Fort Collins
6/26/73	4603	Steel	Denver	Windsor
6/26/73	4605	Steel	Denver	Windsor
6/26/73	4606	Steel	Denver	Windsor
6/27/73	4612	Steel	Denver	Windsor
6/27/73	4613	Steel	Denver	Windsor
6/27/73	4614	Steel	Denver	Windsor
6/27/73	4626	Steel	Denver	Windsor
6/27/73	4635	Steel	Denver	Pueblo
6/28/73	4629	Steel	Denver	Windsor
6/29/73	4652	Steel	Denver	Windsor

AUGUST 1973

SHIPPER: Midwest Steel

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>COMMODITY</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
8/1/73	4880	Steel	Denver	Windsor
8/1/73	4884	Steel	Denver	Windsor
8/1/73	4885	Steel	Denver	Windsor
8/1/73	4919	Steel	Denver	Colo. Spgs.
8/2/73	4887	Steel	Denver	Windsor
8/2/73	4888	Steel	Denver	Windsor
8/2/73	4889	Steel	Denver	Windsor
8/2/73	4890	Steel	Denver	Windsor
8/2/73	4893	Steel	Denver	Windsor
8/2/73	4917	Steel	Denver	Windsor
8/3/73	4898	Steel	Denver	Windsor
8/3/73	4899	Steel	Denver	Windsor
8/3/73	4900	Steel	Denver	Windsor
8/3/73	4901	Steel	Denver	Windsor
8/3/73	4902	Steel	Denver	Windsor
8/6/73	4905	Steel	Denver	Portland
8/6/73	4914	Steel	Denver	Portland
8/14/73	4966	Steel	Denver	Portland
8/14/73	4971	Steel	Denver	Pueblo
8/17/73	4984	Steel	Denver	Pueblo
8/20/73	5008	Steel	Denver	Portland
8/22/73	5024	Steel	Denver	Portland
8/23/73	5034	Steel	Denver	Pueblo
8/31/73	5098	Steel	Denver	Portland

OCTOBER 1973

SHIPPER: Midwest Steel

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>COMMODITY</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
10/1/73	5304	Steel	Denver	Limon
10/1/73	5314	Steel	Denver	Limon
10/4/73	5315	Steel	Denver	Flagler- Siebert
10/9/73	5341	Steel	Denver	Portland
10/9/73	5343	Steel	Denver	Limon
10/10/73	5347	Steel	Denver	Portland
10/11/73	5358	Steel	Denver	Portland
10/11/73	5364	Steel	Denver	Portland
10/12/73	5362	Steel	Denver	Portland
10/12/73	5395	Steel	Denver	Portland
10/17/73	5397	Steel	Denver	Portland
10/23/73	5444	Steel	Denver	Portland
10/23/73	5471	Steel	Denver	Flagler
10/24/73	5445	Steel	Denver	Grand Junction
10/24/73	5446	Steel	Denver	Pueblo
10/25/73	5449	Steel	Denver	Grand Junction
10/25/73	5463	Steel	Denver	Grand Junction

SHIPPER: University Park Lumber Company

<u>DATE</u>	<u>FREIGHT BILL NO.</u>	<u>COMMODITY</u>	<u>ORIGIN</u>	<u>DESTINATION</u>
10/2/73	5320	Lumber	Littleton	Frisco
10/4/73	5309	Bldg. Materials	Littleton	Frisco
10/8/73	5325	Lumber	Littleton	Frisco
10/11/73	5381	Bldg. Materials	Littleton	Frisco
10/12/73	5374	Bldg. Materials	Littleton	Frisco
10/16/73	5382	Bldg. Materials	Littleton	Frisco
10/17/73	5405	Bldg. Materials	Littleton	Frisco
10/18/73	5415	Lumber	Littleton	Frisco
10/22/73	5430	Bldg. Materials	Littleton	Frisco
10/22/73	5431	Bldg. Materials	Littleton	Frisco
10/25/73	5475	Bldg. Materials	Littleton	Frisco
10/26/73	5470	Bldg. Materials	Littleton	Frisco

APPENDIX II

THIS IS A LIST OF FREIGHT BILL NUMBERS AND DATES UNDER WHICH SHIPMENTS MOVED IN INTRASTATE COMMERCE, WHEREIN THERE APPEARS TO BE VIOLATIONS OF THE STATUTE OF THIS STATE AND THE RULES AND REGULATIONS OF THE PUBLIC UTILITIES COMMISSION:

Alleged Rate Violations

<u>Date</u>	<u>Bill No.</u>	<u>As Charged</u>	<u>Should Be</u>	<u>Undercharge</u>	<u>Overcharge</u>
June 1, 1973	DX-04446	\$100.40	\$148.00	\$ 47.60	\$
June 1, 1973	DX-04449	193.60	314.97	121.37	
June 2, 1973	DX-04453	363.28	408.69	45.41	
June 2, 1973	DX-04454	351.51	444.55	93.04	
*June 4, 1973	DX-04468	194.50	384.47	189.97	
June 6, 1973	DX-04480	75.27	87.41	12.14	
June 8, 1973	DX-04502	145.00	323.90	178.90	
June 19, 1973	DX-04567	332.07	379.50	47.43	
June 20, 1973	DX-04574	316.13	361.30	45.17	
June 25, 1973	DX-04607	206.40	238.99	32.59	
June 26, 1973	DX-04632	196.08	227.04	30.96	
Aug. 2, 1973	DX-04894	288.00	188.64		99.36
Aug. 2, 1973	DX-04897	193.60	313.13	119.53	
Aug. 14, 1973	DX-04971	218.70	150.70		68.00
Aug. 17, 1973	DX-04984	218.70	150.70		68.00
Aug. 24, 1973	DX-05041	49.50	20.00		29.50
Aug. 31, 1973	DX-05086	312.18	310.00		2.18
Aug. 31, 1973	DX-05087	312.18	310.00		2.18
Oct. 2, 1973	DX-05320	145.00	308.10	163.10	
Oct. 9, 1973	DX-05341	173.34	190.46	17.12	
20 Bills				\$1,144.33	\$269.22

*Although this figure does not appear in the testimony, it was later agreed upon by the Staff of the Commission and Mr. Perea.

(Decision No. 88349)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
AMERICAN LIMOUSINE SERVICE, INC.,)
DOING BUSINESS AS "AA TOURS" FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING EXTENSION)
OF PUC NO. 193 BY DELETION OF THE)
SPECIFIED CHARGES AND SPECIFIED)
MINIMUM NUMBERS OF PASSENGERS SET)
FORTH IN THE AUTHORITY.)

APPLICATION NO. 28645-Extension

- - - - -
March 9, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 23, 1976, Applicant, American Limousine Service, Inc., doing business as "AA Tours", filed with the Commission a pleading entitled "Motion to Strike The Intervention And Protest Of Checker Cab Company, Denver-Colorado Springs-Pueblo Motorway, Inc., And Continental Bus System (Rocky Mountain Lines Division)." In said Motion Applicant stated and the Commission hereby finds:

On November 4, 1975, the Applicant served Interrogatories upon the Intervenor, and Answers thereto were due on or before December 8, 1975 (allowing an automatic three-day extension of time following service by mail);

Thereafter, the Applicant granted Intervenor an extension of time to and including Friday, January 9, 1976, within which to answer the Interrogatories;

Ten days later, on January 19, 1976, Applicant's attorney sent a letter to counsel for the Intervenor indicating that the Answers had not been received and further requesting that the Answers be provided not later than Monday, January 26, 1976.

The Intervenor still failed to submit any Answers, and on Tuesday, January 27, 1976, the Applicant filed a Motion to Compel Answers to Interrogatories stating the general substance of those Interrogatories, and indicating the extent to which the Applicant had been substantially prejudiced by the Intervenor's failure to answer;

By Order dated February 3, 1976, the Commission directed the Intervenor to furnish their Answers to the Applicant's Interrogatories on or before February 18, 1976; and

As of the date of the within Motion, neither the Commission's files nor the files of counsel for the Applicant reveal any Answer or other pleading directed to the Interrogatories.

Accordingly, the Intervenor is in default of the Commission's Order compelling Answers.

The Commission concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Protest of Checker Cab Company, Denver-Colorado Springs-Pueblo Motorway, Inc., and Continental Bus System (Rocky Mountain Lines Division) be, and the same hereby is, stricken.

2. The Order contained in Decision No. 87656 granting Checker Cab Company, Denver-Colorado Springs-Pueblo Motorway, Inc., and Continental Bus System (Rocky Mountain Lines Division) intervention in the within proceeding be, and the same hereby is, rescinded.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF COLORADO ADVENTURES, INC.,)	
P. O. BOX 851, STEAMBOAT SPRINGS,)	APPLICATION NO. 28274
COLORADO, FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	
TO OPERATE AS A COMMON CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	

March 9, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 2, 1975, Colorado Adventures, Inc., filed an application for a certificate of public convenience and necessity authorizing operation as a common carrier by motor vehicle for hire for transportation on call and demand in bus service of passengers and transportation on call and demand and sightseeing service of passengers in an area as more fully described in said application.

On April 24, 1975, Hans Weibel, doing business as "Vail Jeep Guides" filed a "Protest and Objection" to the application.

On September 25, 1975, Colorado Adventures, Inc., the Applicant herein, filed a "Motion to Strike Protest" of Hans Weibel, doing business as "Vail Jeep Guides" on the grounds that he does not have authority to provide point-to-point transportation in the area under consideration. By Decision No. 87549, the Commission granted the "Motion to Strike Protest" of Colorado Adventures, Inc., and struck the Protest of Hans Weibel, doing business as "Vail Jeep Guides".

Other protests were filed to the application but each of them subsequently was withdrawn. Accordingly, the hearing with respect to the application which was postponed from time to time and finally set for February 27, 1976, was vacated. On February 17, 1976, by Decision No. 88199, the authority sought by the Applicant was granted pursuant to the Commission's modified procedure as set forth in CRS 1973, 40-6-109(5).

On February 27, 1976, Vail Guides, Inc., filed consolidated Motions (1) to reopen the proceeding; (2) to permit substitution, and (3) for rehearing. Vail Guides, Inc., (hereinafter "Vail Guides") is the successor in interest to Hans Weibel, having acquired all of his right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 7321.

Vail Guides states that during the period in which the transfer proceeding from Mr. Weibel to Vail Guides was pending, the application of Colorado Adventures, Inc., was followed very closely by Mr. Edmond H. Drager, Jr., Vice President of Vail Guides, with a view towards Vail Guides being substituted as the Protestant, pursuant to PUC No. 7321, in the event the application would go forward and to hearing at Steamboat Springs, Colorado, on December 10, 1975. By affidavit, which is attached to the consolidated Motions of Vail Guides, Mr. Drager reveals that he was advised on December 9, 1975, by someone in the office of the Commission who identified herself as the "secretary to the Secretary of the Commission" that the December 10, 1975, hearing had been vacated and that the subject application had been withdrawn.

Vail Guides further states in its consolidated Motions that the "Motion to Strike Protest" filed by the Applicant and which was granted by Commission Decision No. 87549, dated September 30, 1975, had never been served upon Stewart H. Brown of Vail, Colorado, who was counsel for Mr. Weibel, predecessor in interest to Vail Guides.

Vail Guides seeks a Commission Order (1) reopening the proceeding; (2) permitting Vail Guides to be substituted as Protestant for Hans Weibel, doing business as "Vail Jeep Guides", (3) resetting the matter for rehearing at a time and place convenient to the Commission and to the parties, and (4) following notice given to Colorado Adventures, Inc., enter a further order denying Colorado Adventures' application insofar as authority is sought to transport passengers between Vail, Colorado, and a point located on the Colorado River three (3) miles northwest of Bond, Colorado.

An examination of the file with respect to the application of Colorado Adventures, Inc., substantiates the contention of Vail Guides that the "Motion to Strike Protest" filed by the Applicant did not have a proof of service upon the parties or their attorneys of record. Accordingly, the Commission's granting of said Motion without the apparent knowledge of Hans Weibel (predecessor in interest of Vail Guides) or his counsel, was improvident. Also, Vail Guides, or its predecessor in interest, apparently was misinformed by an employee of the Commission and led to believe that the application had been withdrawn when in fact it had not been withdrawn.

With the procedural infirmities above-described being a cloud upon the authority granted under modified procedure to Colorado Adventures, Inc., and in order to assure all parties of their respective "day in court" with respect to the application, we shall hereinafter order that the matter herein be reopened and reheard.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28274 be, and the same hereby is, reopened and set for hearing as follows:

DATE: June 1, 1976

TIME: 9:00 A. M.

PLACE: County Court Room
Routt County Courthouse
Steamboat Springs, Colorado

2. Vail Guides, Inc., be, and hereby is, substituted as a Protestant herein for Hans Weibel, doing business as "Vail Jeep Guides".

3. Notice of this decision shall be served by the Secretary of the Commission upon Colorado Adventures, Inc., by first-class mail.

4. Pending further order of the Commission herein, the authority granted to Colorado Adventures, Inc., pursuant to Decision No. 88199, dated February 17, 1976, shall remain in full force and effect.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

DENVER-LARAMIE-WALDEN TRUCK LINES, INC.;)
DENVER-LOVELAND TRANSPORTATION, INC.;)
EDSON EXPRESS, INC.; AND OVERLAND MOTOR)
EXPRESS, INC., DOING BUSINESS AS BOULDER-)
DENVER TRUCK LINE,)

Complainants,)

vs.)

MILLER BROTHERS, INC.,)

Respondent.)

CASE NO. 5314

IN THE MATTER OF THE APPLICATION OF)
MILLER BROS., INC., 306 NORTH EIGHTH)
AVENUE, P. O. BOX 1228, GREELEY,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 23790

- - - - -
March 9, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 5, 1966, Denver-Laramie-Walden Truck Lines, Inc., Denver-Loveland Transportation, Inc., Edson Express, Inc., and Overland Motor Express, Inc., doing business as "Boulder-Denver Truck Line", filed a complaint against Miller Bros., Inc. (hereinafter "Miller").

On January 24, 1966, pursuant to a Commission Order to Satisfy or Answer issued on January 6, 1966, Miller filed an Answer to the complaint. In this matter, which was docketed under Case No. 5314, two issues were determined, to wit:

1. Was Miller acting as a motor vehicle common carrier under its contract carrier Permit No. A-445; and

2. Was Miller authorized to provide motor vehicle common carrier service between Denver and Longmont and intermediate points under its common carrier Certificate of Public Convenience and Necessity PUC No. 2251.

By Recommended Decision No. 74249, issued on January 28, 1970, Commissioner Howard S. Bjelland decided issue number 1. in the affirmative and ordered Miller to cease and desist from operating as a common carrier under Permit No. A-445. Commissioner Bjelland also decided issue number 2. in the negative and ordered Miller to cease and desist from operating as a common carrier under Certificate of Public Convenience and Necessity PUC No. 2251 between Denver and Longmont and intermediate points.

Recommended Decision No. 74249 was adopted by a majority of the Commission in its Decision No. 74692 on April 9, 1970, with Chairman Henry E. Zarlengo dissenting. An Application for Reconsideration, Reargument and Rehearing of Decision No. 74249 was denied by a majority of the Commission in Decision No. 75197, dated June 24, 1970, with Chairman Zarlengo dissenting. Decisions No. 74249, No. 74692 and No. 75197 were appealed to the Denver District Court in Civil Action No. C-17971. The Denver District Court upheld that portion of the Commission's decisions which found that Miller was operating as a common carrier under its private carrier authority. However, the Denver District Court reversed the Commission wherein the Commission had found that Miller could not serve Longmont as an intermediate point under its Certificate of Public Convenience and Necessity PUC No. 2251 which authorized Miller to operate as a common carrier between Denver and Estes Park over specified routes.

On appeal to the Supreme Court, the judgment of the Denver District Court in Civil Action C-17971 was affirmed and the matter returned to the Denver District Court with directions to remand to this Commission for actions consonant with the Denver District Court's Order as above described.

On June 6, 1969, Miller filed Application No. 23790 wherein it sought a certificate of public convenience and necessity authorizing it to operate as a motor vehicle common carrier in the transportation of freight; between Denver and Fort Collins and intermediate points, and between Denver and Nunn and intermediate points; from Ault to Fort Collins and return, via Colorado 14; Greeley to Loveland and return via U.S. 34; Greeley to Fort Collins and return via U.S. 34 and Colorado 259 north to Colorado 14; Greeley to Longmont and return, via U.S. 34 and 87, with the right to run alternate routes between Denver, Greeley and Fort Collins, and Denver, Fort Collins and Greeley and intermediate points, including the off-route points of Pierce and Nunn, Colorado; from and to points in a five-mile radius of Denver with shipments originating or terminating on the lines of Miller from and to points in a two-mile radius of Fort Collins and the S. C. Iverson Dairy located 3 miles northwest of Fort Collins with shipments originating or terminating on the lines of Miller from and to points in a two-mile radius of Greeley and Ennis Dairy, located 3½ miles outside Greeley and the Goldsmith and Lowell Paul Dairies, located 3 miles outside Greeley, with shipments originating or terminating on the lines of Miller from and to the City of Fort Collins and Greeley water filter plants, located approximately 14 miles northwest of Fort Collins, Colorado; with authority to tack or interline traffic moving under the above-requested authority with those routes and territories then owned and operated by the Applicant under Certificates of Public Convenience and Necessity PUC No. 2251 and No. 1321.

On November 5, 1971, Hearings Examiner Robert L. Pyle issued Recommended Decision No. 78966 wherein he recommended that the application of Miller seeking common carrier authority be denied in its entirety. On September 29, 1972, by Decision No. 81387, the majority of the Commission, Commissioner Lundborg dissenting, reversed the Hearings Examiner and granted Miller a common carrier certificate, generally between Denver, and a 5-mile radius, on the one hand, and, on the other hand, Greeley and a 2-mile radius, Fort Collins and a 2-mile radius, and Loveland, and cancelled all of Miller's contract carrier authority under Permit A-445, except as to Denver-Longmont and intermediate points, and limited the contract carrier authority to service for 15 customers only. The Commission's decision was appealed to the Denver District Court in two separate actions. One appeal was identified as Civil Action No. C-33134 and was directed to that portion of the Commission's decision authorizing a grant of common carrier authority. The other appeal was identified as Civil Action No. C-33220 and was directed to that portion of the Commission's decision cancelling Miller's contract carrier permit.

The Commission's entire decision with respect to Application No. 23790 was upheld by the Denver District Court. On subsequent appeal to the Supreme Court of Colorado, the Denver District Court's judgment in affirming the Commission's grant of a certificate of public convenience and necessity to Miller was upheld. However, the Supreme Court reversed that portion of the Denver District Court's Order which had upheld this Commission's decision cancelling all of Miller's contract carrier authority, Permit No. A-445 (except as to Denver-Longmont and intermediate points).

The Supreme Court of Colorado returned the foregoing cases to the Denver District Court with directions to remand them to the Commission for action consonant with the decision of the Supreme Court.

On June 6, 1975, the Denver District Court ordered that Commission Decisions No. 74249, No. 74962 (sic; should be 74692), and No. 75197 that were the subject of Civil Action No. C-17971 be remanded to this Commission with directions to modify those portions of its decisions which found that Miller did not have authority to serve the intermediate point of Longmont under its Certificate of Public Convenience and Necessity PUC No. 2251.

The Denver District Court's Order of June 6, 1975, further ordered that PUC Decision No. 81387, the subject of Civil Action No. C-33220, be remanded to this Commission with direction to issue Miller a certificate of public convenience and necessity as was authorized in that decision. The certificate was issued on March 5, 1976. This Commission was further ordered to reverse that portion of Decision No. 81387 which cancelled Miller's contract carrier authority, Permit A-445, and to reissue said contract carrier authority Permit A-445, except as it duplicates the common carrier authority granted therein.

Therefore, pursuant to the mandate of the Denver District Court, issued on June 6, 1975, with respect to Civil Actions No. C-17971, C-33134 and C-33220, the Commission will enter the Order as hereinafter set forth.

O R D E R

THE COMMISSION ORDERS THAT:

1. Paragraph 3. of the Order contained in Decision No. 81387, dated September 29, 1972, be, and hereby is, revoked, nunc pro tunc, as of September 29, 1972.

2. Permit No. A-445 of Miller Bros., Inc., be, and hereby is, amended to read as follows:

Transportation of

(1) Freight

Serving all intermediate points between Denver, Colorado and Fort Collins, Colorado.

RESTRICTION: Restricted against rendering transportation service to Longmont, Colorado, Loveland, Colorado and Fort Collins, Colorado, and a two-mile radius of Fort Collins, Colorado.

(2) Freight

Denver, Colorado to Nunn, Colorado, serving all intermediate points between Denver, Colorado, and Nunn, Colorado.

RESTRICTION: Restricted against rendering transportation service to points located within Greeley, Colorado, and a two-mile radius thereof.

(3) Freight

From Ault, Colorado to Fort Collins, Colorado and return via Colorado Highway No. 14.

(4) Freight

Greeley, Colorado to Loveland, Colorado and return via U.S. 34.

(5) Freight

Greeley, Colorado to Fort Collins, Colorado and return via U.S. 34, Colorado 259 north to Colorado Highway No. 14.

(6) Freight

Greeley, Colorado to Longmont, Colorado and return via U.S. 34 and 87.

With the right to run alternate routes between Denver, Greeley and Fort Collins, Colorado and Denver, Fort Collins and Greeley and intermediate points, including the off-route points of Pierce and Nunn, Colorado.

(7) Freight

From and to points in a five-mile radius of Denver, when shipments shall originate and terminate on the present line of said Miller Bros., Inc.

(8) Freight

From and to points in a two-mile radius of Fort Collins, and the S. C. Iverson Dairy, located three miles northwest of Fort Collins, when shipments originate and terminate on the present line of said Miller Bros., Inc.

(9) Freight

From and to points in a two-mile radius of Greeley and the Ennis Dairy located three and one-half miles outside Greeley, and the Goldsmith and Lowell Paul Dairies, located three miles outside Greeley when such shipments originate or terminate on the present line of said Miller Bros., Inc.

(10) Freight

From and to the described areas set forth in items 7, 8 and 9.

RESTRICTION: Items 7, 8, 9 and 10 are restricted to serving customers with whom Miller Bros., Inc., shall have transportation contracts.

(11) General Freight

Serving the City of Fort Collins and the City of Greeley Water Filter Plants located approximately fourteen miles northwest of Fort Collins, Colorado; (route to be used: Highway No. 287 to junction of said highway and Highway 14; Highway 14 to the filter plants).

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.

hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE SUPPLEMENTAL) APPLICATION NO. 25776-Supplemental
APPLICATION OF IOWA ELECTRIC LIGHT)
AND POWER COMPANY FOR AUTHORITY TO)
ISSUE PROMISSORY NOTES.)

- - - - -
March 9, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 13, 1976, Applicant, Iowa Electric Light and Power Company filed with the Commission Application No. 25776-Supplemental.

On March 5, 1976, Applicant filed a "Petition For Order Extending Time For Decision".

CRS 1973, 40-1-104(5) states:

"All applications for the issuance, assumption, or guarantee of securities shall be placed at the head of the commission's docket and shall be disposed of promptly, within thirty days after the petition is filed with the commission unless it is necessary for good cause to continue the same for a longer period. Whenever such application is continued beyond thirty days after the time it is filed, the commission shall enter an order making such continuance and stating fully the facts necessitating the continuance."

The Commission states and finds that Applicant's Petition sets forth good grounds for the granting of an extension of time for the disposition of the within application until ten (10) days after the thirty-day period following filing of the application, or in this application until March 25, 1976.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The statutory 30-day period during which disposition of an application must be made by this Commission be, and hereby is, extended

ten (10) days beyond March 15, 1976, in this application, or until March 25, 1976.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 88353)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

*

*

*

RE: INCREASED RATES FILED BY
AERO RAMPART CORPORATION IN ITS
PASSENGER AND PROPERTY TARIFF
NO. 1, TO BECOME EFFECTIVE
JANUARY 15, 1976.

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INVESTIGATION AND SUSPENSION
DOCKET NO. 1012

ORDER VACATING HEARING,
CLOSING I&S DOCKET AND
CANCELLING TARIFF UNDER
SUSPENSION

- - - - -
March 9, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 9, 1975, Aero Rampart Corporation, Respondent herein, filed its Air Passenger and Property Tariff No. 1, scheduled to become effective on January 15, 1976. Said tariff, if allowed to become effective, would amend the prior tariff by adding new initial rates for three aircraft and increase the rates on the remaining aircraft from 8 to 16 percent. Prior rates for existing aircraft were published on a general description of the aircraft, such as, single engine, twin engine, turbo charged, pressurized, etc., whereas the proposed tariff names rates for each specific aircraft, such as, the Cessna 182, etc.

By Decision No. 88065, dated January 13, 1976, the Commission set the above matter for hearing on March 19, 1976 and suspended the effective date of the proposed tariff.

By letter filed with the Commission on February 17, 1976, Respondent states that it is not prepared to proceed with the hearing, requests permission to withdraw and cancel the tariff, and asks that the hearing be vacated.

The Commission states and finds that it will be in the public interest to grant Respondent's request.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the hearing date of March 19, 1976 in this proceeding be, and hereby is, vacated.
 2. That Investigation and Suspension Docket No. 1012 be, and hereby is, closed.
 3. That on or prior to March 29, 1976, Respondent shall publish and file with the Commission Supplement No. 1 to its Air Passenger and Property Tariff No. 1, cancelling said tariff.
 4. That this Order shall become effective forthwith.
- DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

(Decision No. 88354)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES AND CHARGES)
FILED BY RIO GRANDE MOTOR WAY,)
INC., IN ITS TARIFF NO. 10-J,)
APPLYING ON LETTUCE, IN CARTONS,)
AND ON POTATOES, IN BAGS, TO)
BECOME EFFECTIVE ON MARCH 15,)
1976.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1029

ORDER SETTING TARIFF FOR
HEARING AND SUSPENDING
EFFECTIVE DATE

- - - - -
March 9, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 11, 1976, the Rio Grande Motor Way, Inc., Respondent herein, filed 8th Revised Page No. 22 and 7th Revised Page No. 24 to its Tariff No. 10-J with an effective date of March 15, 1976. Said pages would revise Item No. 435 therein by decreasing the minimum shipment of lettuce from 800 to 700 cartons and would increase the rate from 30¢ to 40¢ per carton. Item No. 525 therein is also being revised by increasing the 30,000 pound rates on potatoes by 10¢ per cwt. and by increasing the 40,000 pound rates by 5¢ per cwt.

The supporting data furnished information concerning increased rates of pay, increased costs for tires, fuel, oil and social security, through July 1, 1975 and then determined total costs assigned to line haul. No information was provided giving the carrier's costs related to the movement of lettuce or potatoes and the Commission is therefore unable to determine the revenue needs of the Respondent in this area.

The Commission states and finds that the tariff involved herein should be set for hearing and that the effective date therein should be suspended.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of the tariff filing by Rio Grande Motor Way, Inc., Respondent herein.

2. That this Investigation and Suspension Docket No. 1029, be, and the same is hereby, set for hearing before the Commission on:

Date: April 30, 1976
Time: 9 a.m.
Place: Hearing Room
1845 Sherman Street
500 Columbine Building
Denver, Colorado 80203

3. That rates and charges for the account of Rio Grande Motor Way, Inc., in its Tariff No. 10-J, Colorado PUC No. 65, be, and it hereby is, suspended for a period of 210 days or until October 11, 1976, unless otherwise ordered by the Commission.

4. 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.

5. That neither the tariff filing 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.


6. 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 Wally Fletchinger, Director of Traffic, Rio Grande Motor Way, Inc., P. O. Box 5628 - Terminal Annex, Denver, Colorado 80217, and that the necessary suspension supplement be posted and filed to the tariff.

7. 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.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

(Decision No. 88355)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED RATES FILED ON FARM)
PRODUCTS DISTANCE SCALE; INCREASED)
RATE AND DECREASED MINIMUM ON)
LETTUCE IN ITEM NO. 1470; AND)
INCREASED RATES ON POTATOES, FILED)
BY ASHTON TRUCKING CO., GIBSON)
TRUCK LINE AND PHILLIPS TRUCKING)
CO., IN COLORADO MOTOR TARIFF)
BUREAU TARIFF NO. 14.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1030

ORDER SETTING FOR HEARING
AND SUSPENDING INCREASED
RATES

March 9, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 11, 1976, 4th Revised Page No. 96-A and 4th Revised Page No. 96-B increasing the distance rates on farm products; 6th Revised Page No. 102-A increasing the rate and decreasing the minimum shipment on lettuce in Item No. 1470; and 15th Revised Page No. 103 increasing the rates on potatoes in Item No. 1500, were filed in Colorado Motor Tariff Bureau Tariff No. 14 for and on behalf of Ashton Trucking Co., Gibson Truck Line and Phillips Trucking Co., Respondents herein.

On March 2, 1976, by Decision No. 88313, the Commission authorized Gibson Truck Line to withdraw from this filing leaving Ashton Trucking Co. and Phillips Trucking Co. as Respondents in this proceeding.

A review of the data filed in support of said tariff changes indicates that both Respondents have assigned costs to the different moves involved on the basis of a percentage of revenue rather than on actual cost. The Commission is therefore unable to determine the actual revenue needs of the Respondents.

The Commission states and finds that the matters herein should be set for hearing and the effective date thereof suspended.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of the rates and charges involved herein in Colorado Motor Tariff Bureau Tariff No. 14.

2. That this Investigation and Suspension Docket No. 1030 be, and the same is, set for hearing before the Commission on:

Date: April 30, 1976

Time: 10 a.m.

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

3. That 4th Revised Page No. 96-A, 4th Revised Page No. 96-B, 6th Revised Page No. 102-A and 15th Revised Page No. 103 to Colorado Motor Tariff Bureau Tariff No. 14 be, and hereby are, suspended for a period of 210 days or until October 8, 1976, unless otherwise ordered by the Commission.

4. 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.

5. That neither the tariff filing 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.

6. 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, Inc., 4060 Elati Street, Denver, Colorado 80216, and that the necessary suspension supplement be posted and filed to the tariff.

7. That at least fifteen (15) days prior to the hearing date herein, Respondent herein 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.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ethythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF -)	DOCKET NO. 1005
COLORADO PUC NO. 2 - ELECTRIC,)	
TOWN OF ESTES PARK, ESTES PARK,)	RECOMMENDED DECISION OF
COLORADO.)	ROBERT L. PYLE, EXAMINER
)	ESTABLISHING NEW RATES

March 9, 1976

Appearances: Gorsuch, Kirgis, Campbell, Walker
& Grover, by Leonard M. Campbell,
Esq. and William Hamilton McEwan,
Esq., Denver, Colorado, for Re-
spondent, Town of Estes Park;
Eugene C. Cavaliere, Esq., Denver,
Colorado, for the Commission.

PROCEDURE AND RECORD

On October 30, 1975, the Town of Estes Park, Municipal Department of the Town of Estes Park, State of Colorado, hereinafter referred to as "Respondent," filed with the Commission its Advice Letter No. 6, accompanied by nine revised tariff sheets applicable to electric service. The proposed change in electric rates represents a general increase uniform for all customers within the same class of service, and the rate changes, as well as the proposed effective date, are identical for jurisdictional and non-jurisdictional customers. The jurisdictional customers are those being served by Respondent outside the city limits of the Town of Estes Park, and the non-jurisdictional customers are those being served within the city limits of the Town of Estes Park. The proposed rate increase and tariff filings were to become effective on December 1, 1975. By Commission Decision No. 87825, dated November 25, 1975, the effective date of said tariffs was suspended and all matters with respect to the tariffs were set for hearing on Tuesday, February 3, 1976, at 10 a.m. in the Board Room of the Municipal Building, 100 MacGregor Avenue, Estes Park, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it had been duly assigned.

No formal protests were received; however, prior to the commencement of the hearing, by oral motion, the following persons were allowed to intervene: Harry "Corky" Rogers, Executive Director of the Estes Park area Chamber of Commerce; J. F. Ebsold, Vice President, Area VIII, American Association of Retired Persons; Charles Stegman, Vice President of the Carriage Hill Homeowners Association; and Robert Bemiss, President of the Estes Valley Improvement Association. Correspondence was also received from the following persons: D. I. Dawson, 5971 South Logan, Littleton, Colorado; Mr. and Mrs. Irving Schwartz, 209 Creston Drive, Pueblo, Colorado; the aforementioned J. F. Ebsold, Box 628, Estes Park, Colorado; and Walter A. Davis, Carriage Hills, Longs Peak Route, Estes Park, Colorado.

Testimony was taken from the following witnesses: Harry "Corky" Rogers, Charles Stegman, J. F. Ebensohl, Robert E. Bemiss, Dale G. Hill, Robert L. Dekker, Carl Henderson, and Max E. Kiburz.

Exhibits A and B and Exhibits 1 through 16 were tendered and admitted into evidence.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, and a written recommended decision containing findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Respondent is a municipal department of the Town of Estes Park and, as such, is subject to the jurisdiction of this Commission with respect to the purchase, transmission, distribution, and sale of electricity to its customers outside the city limits of said Town of Estes Park. For purposes of future reference, service rendered by Respondent to customers outside the municipal boundaries of the Town of Estes Park will hereinafter be referred to as "jurisdictional service" and said customers will be referred to as "jurisdictional customers." Matters and customers living within the city limits of the Town of Estes Park are not subject to the jurisdiction of this Commission and will be referred to as "nonjurisdictional."
2. The proposed change in electric rates represents a general increase uniform for all customers within the same class of service, and the rate changes are identical for both jurisdictional and non-jurisdictional customers.
3. The revisions as filed are designed to allow the Town of Estes Park to receive net operating revenues, which will produce an operating ratio of 85.61 percent for jurisdictional electric service provided outside the municipal boundaries. It is noted that in its last tariff filing with the Commission under Advice Letter No. 5, the Town of Estes Park was authorized (without suspension) to implement rate schedules that were designed to produce an operating ratio of 86.34 percent for jurisdictional electric service.
4. As filed, of the overall increase in electric revenues of approximately \$161,849, \$75,854 will be obtained from the sale of jurisdictional electric service to customers outside the municipal boundaries.
5. Respondent has selected as a test year the twelve months ending July 31, 1975. Said test year is a proper test year in this proceeding, and, accordingly, the operating results of the Respondent during this test year period are used in the determination of the issues herein.
6. Respondent's exhibits and operating testimony presented financial separation between its jurisdictional and non-jurisdictional operations. The methods employed by Respondent in separating its operating revenues and expenses between its jurisdictional and non-jurisdictional service is hereby found to be proper and acceptable in this proceeding.
7. Respondent's actual per book operating revenues attributable to jurisdictional service for the test year were \$482,652.

8. The corresponding actual per book operating expenses incurred by Respondent for jurisdictional service during the test year totaled \$485,408.

9. The Respondent contends in its evidence that the operating ratio for Respondent's jurisdictional operations, based upon book revenues and expenses before all taxes and tax equivalents, was 100.57 percent.

10. Respondent proposed certain in-period and pro forma adjustments to revenue and expenses. It is hereby determined that these adjustments, as hereinbelow set forth, are proper adjustments for rate-making purposes.

11. An increase of \$23,654 to test year operating revenues for jurisdictional service was proposed as an in-period adjustment to take into account the effect of a rate increase that was authorized by this Commission to become effective on October 1, 1974. It is hereby determined that this adjustment is proper; and, after said increase, Respondent's test year adjusted operating revenues for jurisdictional service totaled \$506,306.

12. Respondent presented evidence in support of two adjustments to operating expenses for the test year period; namely, a wage and salary increase adjustment and a wholesale cost of power increase adjustment. It is hereby determined that both adjustments to operating expenses are proper for rate-making purposes in this proceeding. These adjustments increase the operating expenses of Respondent for jurisdictional service during the test period by \$21,322. The operating expenses for jurisdictional service during the test year period as adjusted totaled \$506,730.

13. The Respondent contends in its evidence that the operating ratio for jurisdictional service during the test year after adjustments was 100.08 percent.

14. Adjusting the test-year figures to show the effect of the rate increases Respondent proposes would result in operating revenues of \$582,160 and expenses of \$506,730, which would produce an operating ratio of 87.04 percent for Respondent's jurisdictional electric system operations if the proposed rate increases were allowed to go into effect.

15. Respondent has included in its jurisdictional operating expenses for the test year certain amounts for advertising expenses totaling \$20,968, which amounts include \$4,070 for decorations, \$2,287 for Stanley Park & Rodeo Grounds, \$14,140 for the Chamber of Commerce, and \$471 for Colorado Council on Joint Energy Resources. Of these expenditures, \$20,497 were of no benefit to Respondent's jurisdictional ratepayers and, in accordance with this Commission's policy, must be excluded as expenses. The balance of \$471 for Colorado Council on Joint Energy Resources could be argued to benefit the ratepayers; however, it is nonrecurring and therefore, in accordance with this Commission's policy, must also be excluded as expenses. When the \$20,968 is excluded as an expense, Respondent's jurisdictional expenses for the test year decreases to \$485,762. The deletion of such expenditures is in accordance with Commission Decision No. 87474, dated September 12, 1975, and Decision No. 87582, dated October 7, 1975; and, as found in this proceeding, there was insufficient testimony to justify the inclusion of such expenditures for rate-making purposes. The benefit to the ratepayer, if any, is too remote and hypothetical to justify such expenditures for rate-making purposes.

16. Respondent's jurisdictional operating ratio with the proposed adjustments to revenues and expenses would be 95.94 percent after removal of the disallowed expenses discussed in Finding No. 15. Respondents'

jurisdictional operating ratio with the proposed rate increase would be 83.44 percent after removal of the disallowed expenses discussed in Finding No. 15.

17. Respondent in its Advice Letter No. 6, which was filed in connection with this rate request, and through several of its witnesses, stated that the purpose of this tariff filing is to establish a rate structure that will permit Respondent to produce additional revenues which will allow the utility to regain the operating ratio last authorized by the Commission in 1974. In its last tariff filing with this Commission under Advice Letter No. 5, Respondent was authorized (without suspension) to implement rate schedules that were designed to produce an operating ratio of 86.34 percent for jurisdictional electric service.

18. The tariff revisions filed by Respondent under investigation and suspension herein would under test year conditions produce operating revenues of \$582,160 for jurisdictional service, an increase of \$75,854. With total pro forma operating expenses for jurisdictional service of \$485,762, such revenues would produce an operating ratio of 83.44 percent for jurisdictional service. For Respondent to produce an operating ratio of 86.34 percent as discussed in Finding No. 17 above, revenues of \$562,600 are required or an increase of \$56,294.

19. The Respondent in this docket discussed certain wholesale power cost increases that were not a part of this tariff filing, but were, in fact, out-of-period increases. Such wholesale power increases were to become effective in January of 1976, and, if not offset by revenue increases, would increase the operating ratio allowed by this Decision. It would be advisable that the Respondent file with this Commission a purchased power pass-on, as other utilities within the State of Colorado have done, to prevent the operating ratio allowed by this Decision from increasing to an inadequate level.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The tariff sheets filed by Respondent under its Advice Letter No. 6 on October 30, 1975, would provide for rates which would not be just and reasonable, and those tariff sheets should be permanently suspended and canceled.

2. Respondent should prepare and file new tariff sheets in accordance with the following Order.

3. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O. R D E R

THE COMMISSION ORDERS THAT:

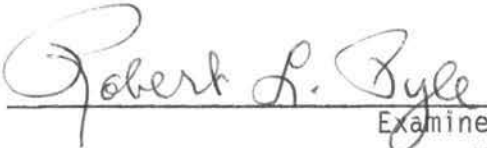
1. The tariff sheets filed by the Town of Estes Park, Colorado, under its Advice Letter No. 6 be, and hereby are, permanently suspended and canceled.

2. The Town of Estes Park, Colorado, shall prepare and file with this Commission new tariff sheets establishing the rates and rate classifications set forth on Appendix "A" attached hereto and incorporated herein by reference.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc

jp

Appendix "A"

Spread of Rate Increase

Jurisdictional

Test year ending July 31, 1975
kWh Sales = 17,450,683
Revenues \$482,652

Spread one-half of the \$56,294 increase on a percentage across-the-board basis and recover the remainder of the increase through an adjustment per kWh.

$$\frac{\$56,294}{2} = \$28,147$$

$$\frac{\$28,147}{17,450,683 \text{ kWh}} = \$0.001613/\text{kWh} \text{ rounded off to } \underline{\underline{\$0.00161/\text{kWh}}}$$

$$\$0.00161/\text{kWh} \times 17,450,683 \text{ kWh} = \$28,096$$

$$\$56,294 - \$28,096 = \$28,198$$

$$\frac{\$28,198}{\$482,652} = \underline{\underline{5.84\%}}$$

Apply the 5.84% increase to all demand and energy charges then add \$0.00161/kWh to all energy rates.

(Decision No. 88357)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF -	)	DOCKET NO. 1001
COLORADO PUC NO. 2 - GAS, WESTERN)	
SLOPE GAS COMPANY, DENVER, COLORADO	)	RECOMMENDED DECISION OF
80201.	)	JAMES K. TARPEY, EXAMINER

March 9, 1976

Appearances: James R. McCotter, Esq., and
William F. Skewes, Esq.,
Denver, Colorado, for Respondent
Western Slope Gas Company;
Thomas C. Stifler, Esq.,
Colorado Springs, Colorado, for
Intervenor Peoples Natural Gas Division
of Northern Natural Gas Company;
John E. Archibold, Esq.,
Denver, Colorado, for the
Commission Staff.

PROCEDURE AND RECORD

On October 24, 1975, Western Slope Gas Company ("Western Slope") filed with the Commission its Advice Letter No. 75, accompanied by tariff sheets as more fully described therein. The annual revenue increase sought, based upon a test year ended June 30, 1975, is approximately \$3.7 million and the proposed effective date is November 23, 1975. Western Slope gave due and proper notice of the proposed increase to all its customers, and no letters protesting the proposed increase were filed with the Commission.

By Decision No. 87759 (dated November 12, 1975), the Commission designated the filing as Investigation and Suspension (I&S) Docket No. 1001, set the above tariffs for hearing on December 18, 1975, at 10 a.m. in the Commission's Hearing Room, Denver, Colorado, and ordered that the effective date of the tariff sheets be suspended until June 20, 1976, or until further order of the Commission.

In said Decision No. 87759, the Commission also ordered Western Slope to file its exhibits, a list of its witnesses, and a summary of the testimony of said witnesses at least 15 days prior to the scheduled hearing. On November 20, 1975, Western Slope moved for an extension of time until December 16, 1975, for the filing of said material, and this motion was granted in Commission Decision No. 87800. On December 16, 1975, Western Slope filed its proposed testimony and accompanying exhibits to be presented at the hearing scheduled for December 18, 1975.

On December 12, 1975, Peoples Natural Gas Division of Northern Natural Gas Company ("Peoples") filed a pleading entitled "Motion for Leave to Intervene," which motion was granted on December 16, 1975, in Commission Decision No. 87908.

Upon due and proper notice to all interested persons, firms, or corporations, the hearing on December 18, 1975, was held as scheduled by Examiner James K. Tarpey, to whom the matter had been duly assigned. John M. Hassoldt, D. D. Hock, C. J. Jolly, Jr., M. N. Bumpus, and J. D. Heckendorn testified on behalf of Western Slope, and James Grundy testified on behalf of the Commission Staff. Exhibits Nos. 1 through 34 were offered and admitted into evidence.

At the conclusion of the hearing, the matter was taken under advisement. By letter dated January 21, 1976, Western Slope submitted an Example Analysis of Normalization Versus Flow-Through, together with two pages of explanatory material, and official notice is hereby taken of same.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner James K. Tarpey now transmits herewith to the Commission the record and exhibits of this proceeding, and a written recommended decision containing findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

I

WESTERN SLOPE'S OPERATIONS

Western Slope, a subsidiary of Public Service Company, is a public utility engaged principally in the purchase, distribution, and sale of natural gas in the State of Colorado.

Western Slope has two pipeline systems, designated the Central Pipeline System and the Western System.

The Central Pipeline System is subdivided into an eastern division area, which generally is an area extending from Denver northward to the Wyoming border and from the Continental Divide to just east of the Denver Metropolitan area, and a southern division area, which lies west of the Continental Divide and extends from the vicinity of Dillon southward to the San Luis Valley area.

The Western System is subdivided into two areas, one including the Grand Junction area and the other including the Rifle, Meeker, and Steamboat Springs areas.

Western Slope supplies gas to several types of customers: Resale customers (companies which in turn sell gas to ultimate consumers), direct sales customers (customers utilizing the gas directly), and several large customers receiving gas under special contract.

II

TEST PERIOD

The rate increase proposed in this proceeding, which is the first general rate increase request in the 23-year history of Western Slope, is premised upon the 12 months ended June 30, 1975, and this test period is reasonable and proper.

III

DEPRECIATION RATES

Depreciation represents the recovery of the cost of depreciable property over its useful life. The period of time to recover the cost is generally referred to as the "service life," and the percentage recovered on an annual basis usually is referred to as the "depreciation rate." In determining the service life, physical causes (e.g., wear and tear, decay, rust) of depreciation must be taken into account and, where relevant, functional causes (e.g., obsolescence, inadequacy, exhaustion of natural resources) of depreciation must also be considered.

Western Slope's present depreciation rates for its production and gathering, underground storage, and transmission facilities are 3.5%, 3.0%, and 3.2%, respectively. In this proceeding, Western Slope proposes to revise the above depreciation rates to 4%. The present rates, established in 1964, were based upon the premise that the service life of the facilities was related solely to the physical life of the facilities without regard to any functional causes of depreciation. In 1964, gas supplies appeared adequate to permit the operation of the facilities near full capacity for an indefinite period of years in the future, and Western Slope's approach at that time was reasonable.

However, the gas supply picture has changed dramatically in the past few years. The Reserve Life Index for Gas Reserves has been steadily declining nationally for a number of years, and, more importantly, the gas reserves for Colorado Interstate Gas, the main transmission supplier to Western Slope, have been declining for the past three years. Further, the Reserve Life Index for Western Slope's wellhead supply is also experiencing a downward trend.

In light of the above gas supply situation, it is proper to re-evaluate Western Slope's depreciation rates and take into account the factor of dwindling gas reserves. Western Slope's estimate that the service life of its production and gathering, underground storage, and transmission facilities will not exceed 25 years and that the depreciation rate for said facilities should be 4% is not unreasonable.

IV

NORMALIZATION VS. FLOW-THROUGH ACCOUNTING OF DEFERRED TAXES RESULTING FROM LIBERALIZED DEPRECIATION

Western Slope presently uses the flow-through method of accounting of deferred taxes resulting from liberalized depreciation, as Public Service Company has since 1960, and Western Slope requests authority in this proceeding to adopt normalization accounting.

The issue of whether a utility should be authorized to adopt normalization accounting is quite controversial, and the trend among regulators throughout the country is to authorize it.

However, regardless of what the merits may be in Western Slope's position, one overriding factor makes it unreasonable from a regulatory viewpoint to authorize normalization accounting -- Public Service Company was not authorized in its last general rate proceeding to adopt normalization accounting (Decision No. 87474, dated September 12, 1975). To allow the subsidiary to use normalization accounting when said approach was denied to the parent company approximately six months ago would produce an incongruous result. Considering the controversiality and importance of the subject, it is not reasonable to authorize the adoption of normalization accounting for the subsidiary without prior or simultaneous approval of same for the parent company.

V

Western Slope's adjusted net operating earnings for the test period is \$2,010,528.

VI

AVERAGE VS. YEAR-END RATE BASE

The gross revenue increase to be authorized in this proceeding is based upon an average rate base, and an excellent discussion of the regulatory principles setting forth the rationale for adopting an average rate base is contained in Decision No. 87474 (dated September 12, 1975).

Western Slope proposes that any rate increase be premised upon a year-end rate base on the theory that its situation is sufficiently similar to Public Service Company's electric department to justify adoption of a year-end rate base.

In Decision No. 87474, the Commission authorized use of a year-end rate base for Public Service Company's electric department, but it did so only because the situation was "sufficiently unique." The reasons why it was considered unique were set forth as follows:

(T)he electric department is engaged in generation; these generation facilities must be fitted with certain pollution control equipment; this requirement is imposed by law and is not within the control of Public Service; the pollution control equipment does not aid in producing revenue; the percentage of rate base which such equipment comprises has been increasing rapidly and will continue to accelerate at a rapid pace; the amount of expense attributable to such equipment can reasonably be quantified and is too large to reasonably expect offsetting savings; and, it has reasonably been shown that the additional revenue which will result from use of year-end rate base will be less than the loss of revenue that will be incurred from the increase in pollution control equipment as a percentage of rate base.

Several additional points must be stressed at this time. It is not only the amount of pollution control equipment contained in rate base that is relevant. It is the expected increase in its ratio to the rate base that is important. The Commission will continue reviewing this item for the purpose of determining its future financial impact. Further, in any future rate proceeding, the Commission expects extensive evidence to justify its continuance on this basis. (pp. 16-17)

As the above emphasizes, it is not only the amount of nonrevenue-producing items included in the rate base that is relevant. It is the expected increase in the ratio of nonrevenue-producing items to rate base that is important. Western Slope has failed to submit sufficient evidence regarding this particular point, and its proposal that year-end rate base be adopted is not justified. (Since Western Slope has

failed to meet this criterion, discussion with regard to whether it meets the other criteria set forth in Decision No. 87474 is not necessary.)

VII

AVERAGE RATE BASE

Western Slope's average rate base for the test period ended June 30, 1975, is \$33,757,704 and is comprised of the following:

<u>ACCOUNT</u>	<u>AMOUNT</u>
Utility Plant In Service	\$45,227,258
Plant Held for Future Use	7,134
Construction Work in Progress	1,606,901
Prepayments	400,260
Utility Materials and Supplies	1,645,259
Customer Advances	<u>-0-</u>
Gross Average Original Cost Rate Base	\$48,886,812
Less: Reserve for Depreciation and Amortization	<u>15,129,108</u>
Net Average Original Cost Rate Base	<u><u>\$33,757,704</u></u>

VIII

RATE OF RETURN

A reasonable cost to be assigned to long-term debt is 8.02% and to common equity is 15%, resulting in a rate of return on average rate base of 10.77% which is developed as follows:

<u>ITEM</u>	<u>AMOUNT</u>	<u>RATIO</u>	<u>ANNUAL RATE</u>	<u>COMPOSITE COST</u>
Long-Term Debt	\$20,287,500	60.63%	8.02	4.86%
Common Equity	<u>13,173,121</u>	<u>39.37%</u>	15.00%	<u>5.91%</u>
	<u><u>\$33,460,621</u></u>	<u><u>100.00%</u></u>		<u><u>10.77%</u></u>

Western Slope is a wholly-owned subsidiary of Public Service Company, and Western Slope's authorized rate of return on equity should reflect the nature of its operations and should be sufficient to provide the parent company with the opportunity to earn the latter's authorized return on equity of 15% (see Decision No. 87474, dated September 12, 1975).

Inasmuch as adjustments have been made in Public Service Company's debt/equity ratio to reflect its investments in its subsidiaries as being completely supplied by equity funds, the possibility of double leverage does not exist and consideration of any adjustments to Western Slope's debt/equity ratio is not necessary.

IX

GROSS REVENUE DEFICIENCY

Based upon an average rate base of \$33,757,704 and a rate of return on rate base of 10.77%, the total authorized net operating earnings for Western Slope is \$3,635,705 and the earnings deficiency, based upon the test year, is developed as follows:

Authorized Net Operating Earnings	\$3,635,705
Actual Net Operating Earnings for the Test Period	<u>2,010,528</u>
Net Operating Earnings Deficiency	<u>\$1,625,177</u>

Because of income taxes, it is necessary to increase the net operating earnings deficiency figure of \$1,625,177 by a factor of 2.024292 to overcome said deficiency and produce the required gross revenue increase. Accordingly, a total increase of \$3,289,833 in revenues is necessary.

X

SPREAD OF THE RATES

Rates contained in Western Slope's tariffs are the result of specific rates designed as its system has expanded. Western Slope's rates generally follow the same pattern as the rates of many pipeline companies and particularly the rates of Colorado Interstate Gas Company. The rates of general resale service are two-part demand and commodity rates. The peaking service rates include charges for demand, capacity and commodity. The interruptible rates are basically commodity rates with appropriate blocking and/or minimums included.

The general type of cost increase that Western Slope has incurred and that are subject of this proceeding are comprised of the increased costs of capital and increases in all other costs of operation. Because these types of increased costs are of a general nature and, therefore, equally applicable to all parts of Western Slope's system, Western Slope proposes that the necessary revenue increases be shared uniformly by all its customers.

In Western Slope's proposed tariffs, the majority of the rates set forth in the rate schedules are carried out to five decimal points. While this approach is more precise, rates carried out no further than the third decimal point would be easier to administer. However, the record does not indicate the impact upon customers that would result if the Commission were to adjust the proposed rates so that said rates are carried out no further than three decimal points. Lacking such information, it is not reasonable to adjust said rates and order that they be set forth no further than the third decimal point. In its next general rate proceeding, however, Western Slope shall set forth its rates in its rate schedules carried out no further than the third decimal point or set forth justification for not doing so.

In Western Slope's present tariffs, the amount charged to a customer is based upon Western Slope's base rates and upon the amounts set forth in Western Slope's Gas Cost Adjustment clauses. When filing its tariffs pursuant to the decision entered herein, Western Slope

proposes to include in its base rates certain amounts presently set forth in the Gas Cost Adjustment clause and to reduce the latter accordingly.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Commission has jurisdiction over Western Slope Gas Company and over the subject matter of this proceeding.

2. The existing gas rates of Western Slope Gas Company do not, and will not in the foreseeable future, produce a fair and reasonable rate of return.

3. A depreciation rate of 4% for Western Slope's production and gathering, underground storage, and transmission facilities is just and reasonable.

4. Use of normalization accounting of deferred taxes resulting from liberalized depreciation is neither just nor reasonable.

5. Use of an average rate base in computing Western Slope Gas Company's authorized net operating earnings is just and reasonable.

6. A fair and reasonable rate of return on rate base is 10.77%.

7. The gas rates that are presently in effect, in the aggregate, are not just and reasonable or adequate, and, based upon the test year ended June 30, 1975, result in an overall revenue deficiency in the amount of \$3,289,833.

8. Western Slope Gas Company should be authorized to file new rates and tariffs that would, on the basis of the test year, produce additional revenues equivalent to the gross revenue deficiency of \$3,289,833, to be spread equally among its customers.

9. Western Slope Gas Company's proposal to incorporate certain amounts of its Purchased Gas Adjustment costs in its base rates is just and reasonable.

10. The rates and tariffs, as ordered herein, are just and reasonable.

11. Western Slope Gas Company's rates in its rate schedules, carried out to the fifth decimal point, are neither unjust nor unreasonable. In its next general rate proceeding, however, Western Slope Gas Company should set forth its rates in its rate schedules carried out no further than the third decimal point or set forth justification for not doing so.

12. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The tariff sheets filed by Western Slope Gas Company under its Advice Letter No. 75, dated October 24, 1975, be, and hereby are, permanently suspended.

2. Within thirty (30) days of the effective date of this Order, Western Slope Gas Company shall prepare and file with this Commission new tariff sheets to reflect, based upon the test year, the gross revenue deficiency of \$3,289,833 to be spread equally among its customers. Such filing shall be made on not less than one (1) day's notice and shall be accompanied by a new Advice Letter.

3. Western Slope Gas Company's tariff sheets, filed in accordance with Ordering Paragraph No. 2, shall incorporate its Purchased Gas Adjustment costs as proposed during the hearing.


4. In its next general rate proceeding, Western Slope Gas Company shall set forth its rates in its rate schedules carried out no further than the third decimal point or set forth justification for not doing so.

5. Investigation and Suspension Docket No. 1001 be, and hereby is, closed.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr

(Decision No. 88358)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28629-PP
HUSKY OIL TRANSPORTATION COMPANY,)	
600 SOUTH CHERRY STREET, DENVER,)	RECOMMENDED DECISION OF
COLORADO, FOR A CLASS "B" PERMIT TO)	ROBERT L. PYLE, EXAMINER
OPERATE AS A CONTRACT CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	GRANTING APPLICATION

March 10, 1976

Appearances: Karl Anuta, Esq. (of counsel),
Denver, Colorado, for Husky
Oil Transportation Company,
Applicant;
F. Robert Reeder, Esq., of and
for Parsons, Behle & Latimer,
Salt Lake City, Utah, for
Husky Oil Transportation Company,
Applicant;
Kenneth J. Hoffman, Esq., Denver,
Colorado, for Western Oil Trans-
portation Co., Inc., Protestant.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on September 8, 1975, and requests for emergency temporary authority and temporary authority were granted by Commission Decision No. 87444, dated September 9, 1975, and Commission Decision No. 87570, dated October 7, 1975, respectively.

The Commission assigned Docket No. 28629-PP to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

Protests were duly filed by Western Oil Transportation Co., Inc., and by Petco, Inc. However, prior to the hearing, Applicant agreed to amend its commodity description to "crude oil and scrubber oil" deleting therefrom the commodity "natural gas condensate," which amendment being restrictive in nature and not changing the substance of the application was granted, and Protestant Petco, Inc., withdrew its protest. Western Oil Transportation Co., Inc., however, remained a Protestant.

After due and proper notice to all interested parties, the application was set for hearing on Thursday, January 29, 1976, 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. Keith Baese, Mr. Kent Johnson, and Mr. David Diden. The following exhibits were tendered and received into evidence:

- Exhibit No. 1 - Statement of Keith Baese on behalf of Husky Oil Transportation Company.
- Exhibit No. 2 - Husky Oil Transportation Company Financial Statements November 30, 1975.
- Exhibit No. 3 - Statement of Kent Johnson on behalf of Husky Oil Company.
- Exhibit No. 4 - Summary of Crude Transported Monthly Totals.
- Exhibit No. 5 - 1974 Annual Report, Husky Oil Company.
- Exhibit No. 6 - Letter of Authority, Western Oil Transportation Co., Inc.
- Exhibit No. 7 - Western Oil Transportation Co., Inc., Tractors and Trailers Running in Colorado.
- Exhibit No. 8 - Western Oil Transportation Co., Inc., Shipments of Crude Oil Intrastate Colorado, August 1975 through September 1975.

At the conclusion of the hearing, there appeared to be some controversy concerning applicable Federal Energy Administration matters, namely, Public Law 93-275 of the Federal Energy Administration Act of 1974, regarding transportation of crude oil as it would apply in this proceeding. The Examiner requested written statements from both Applicant and Protestant regarding this matter and said statements were submitted. Protestant's counsel later withdrew its Statement of Position concerning the Federal Energy Administration Act advising that he was in error and that no such controversy existed. Further, at the conclusion of the hearing, the Examiner ruled that a present and special need had been shown by the Applicant, that there would be no impairment to Protestant, and directed that Applicant's attorney prepare pertinent findings and conclusions preparatory to the granting of the application. Said findings of fact and conclusions were submitted by Applicant's counsel.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, and a written recommended decision containing findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Applicant Husky Oil Transportation Company is a corporation organized and existing under the laws of the State of Delaware and qualified to do business in the State of Colorado. Applicant's articles of incorporation and certificate of qualification to do business in the State of Colorado are on file with this Commission. Applicant's principal

office is located at 600 South Cherry Street, Denver, Colorado. Applicant presently holds authority to operate as a contract carrier from the Interstate Commerce Commission in Docket No. MC-141205 and from the State of Wyoming.

2. Applicant holds temporary authority from this Commission to perform the service for which a permit is herein sought. Applicant holds no other authority from this Commission. Applicant proposes to amend its application as filed by eliminating the commodity description "natural gas condensate."

3. By this application as amended Applicant seeks authority to operate as a contract carrier transporting:

Crude oil and scrubber oil

From Lincoln, El Paso, Logan, Weld, Adams, Boulder, Denver, Larimer, Jackson, Morgan, Washington, Kit Carson, Cheyenne, Sedgwick, Phillips, Yuma, Pueblo, Arapahoe, Jefferson, Clear Creek, Gilpin, Elbert, Routt, Moffat, and Grand Counties, Colorado, to Washington, Denver, Adams, Arapahoe, and Weld Counties, Colorado.

RESTRICTION:

Restricted to rendering transportation service for only Husky Oil Company of Delaware.

4. Applicant has filed a customer list with this Commission disclosing that it intends to serve only Husky Oil Company of Delaware.

5. Applicant proposes to transport the crude oil and scrubber oil for Husky Oil Company in tank motor vehicles equipped with a centrifuge and special measuring and metering instruments, including thermometers, hydrometers, gauge lines, and a thief.

6. Applicant's drivers who will operate its equipment have been specially trained to gauge the oil, meter the oil, measure the oil, and through the use of a centrifuge device, determine the quality of the oil. Applicant's drivers are instructed that in the event the oil does not meet the quality standards of Husky Oil Company that they must notify the lease operator and contact Husky Oil Company from the nearest available phone to determine where, if at all, the sub-quality oil may be moved. Applicant's drivers are also required to complete a lease run ticket reporting the quality and quantity of the product, and forward the same to Husky Oil Company's accounting office in Cody, Wyoming.

7. Applicant is familiar with and willing to comply with the rules and regulations of this Commission, including filing rate schedules, insurance, and designating agents for service if this application is granted.

8. Applicant has entered into a contract with Husky Oil Company of Delaware to provide the transportation of the crude petroleum of Husky Oil Company within and between production, refining, or pipeline facilities within the States of Nebraska, Wyoming, and Colorado. A copy of that contract is on file with the Commission.

9. The application was supported by Husky Oil Company. Husky Oil Company is engaged in the production, refining, and marketing of petroleum products in the Midwest and the United States. As pertinent here, Husky Oil Company produces from its own well or buys from the producers in the field, crude oil. Husky Oil Company also buys scrubber oil from various gas plant operators. Scrubber oil is a petroleum product moving from gas plants and is the product scrubbing wet natural gas at processing plants.

10. At present, production comes from fields or plants located in the Counties of Lincoln, El Paso, Logan, Weld, Adams, Boulder, Denver, Larimer, Jackson, Morgan, Washington, Kit Carson, Cheyenne, Sedgwick, Phillips, Yuma, Arapahoe, Jefferson, Clear Creek, Gilpin, Elbert, Routt, Moffat, Pueblo, and Grand Counties, Colorado. This production is moved from the tank batteries and from the gas plants by motor vehicle to refineries or pipeline injection points located in Washington, Denver, Adams, Arapahoe, and Weld Counties, Colorado.

11. During 1975 from the above-described counties in Colorado, to the refineries and pipeline and injection points in the above-named Colorado counties, Husky Oil Company has averaged 28,690 barrels per month.

12. Prior to 1973, crude oil and scrubber oil was purchased by Husky Oil Company F.O.B. at its refinery from the independent producers or gas plant operators. At its refineries it weighed the oil, gauged the oil, sampled the oil, and paid the operator or producer based upon its own weights, measurements, and samplings. Because of the energy crisis, Husky Oil Company must now buy its crude and scrubber oil from producers or operators at the wellhead or gasoline plant. In purchasing the crude oil or scrubber oil at the well head, it is the driver of the motor vehicle picking up the oil who must gauge, sample, and test the oil to determine its quality and quantity.

13. Because of the inability of certain common carriers to provide suitable equipment and trained personnel to sample, gauge, and measure the oil at the tank batteries or gasoline plants, Husky Oil Company undertook to move its crude oil and scrubber proprietarily with company-owned trucks by employee drivers.

14. Husky Oil Company now desires to separate the personnel and risks and costs associated with providing the transportation services from its other functions and thus formed the Applicant, a wholly owned subsidiary, Husky Oil Transportation Company.

15. If the Applicant is not authorized to transport crude oil and scrubber oil for Husky Oil Company between points in Colorado as prayed for in the application, Husky Oil Company will continue to maintain control of its oil and continue to move proprietarily its crude oil and scrubber oil.

16. Husky Oil Company is a net purchaser of crude oil and scrubber in that its refining capacity exceeds its production capacity. Crude oil not moving to a refinery for Husky Oil Company's account is exchanged barrel for barrel for crude oil at a Husky Oil Company refinery.

17. Husky Oil Company may now include an amount equivalent to the transportation charges from independent carriers in determining the base price of its refined products and will be able to do so if this application is granted.

18. The application was opposed by Western Oil Transportation Co., Inc. Western Oil Transportation Co., Inc., holds Certificate No. 1512 issued in Decision No. 70652 to transport:

Crude oil in tank lots between points within the State of Colorado and crude petroleum and water between points in the State of Colorado.

19. Western Oil Transportation Co., Inc., has tank trucks and trailers and semi-trailers stationed in the State of Colorado, suitable for the movement of crude oil. This equipment is equipped with centrifuges, thermometers, hydrometers, gauging lines, and thieves.

20. Western Oil Transportation Co., Inc., has a training program for its drivers that involves generally the testing of crude oil. Western Oil Transportation Co., Inc.'s drivers would if requested by the shipper contact the shipper if the crude oil did not meet the quality established by the shipper.

21. At the time of hearing in these proceedings, Western Oil Transportation Co., Inc., did not have on file a tariff providing for the taking of the temperature of the oil in the storage tanks, taking an observed gravity, or taking a BS&W content by centrifuge test. The witness testified that the exceptions to Item 30 of Colorado PUC No. 15, Tariff, was in error and would be changed.

22. Western Oil Transportation Co., Inc., is a wholly owned subsidiary of the Permian Corporation. The Permian Corporation is one of the largest brokers of crude oil in the Colorado area and is a principal competitor of Husky Oil Company for the purchase of crude oil or scrubber oil in the field.

23. Western Oil Transportation Co., Inc., and Permian Corporation have a common address and telephone number in Denver. The telephone of Western Oil Transportation Co., Inc., is answered "Permian Corporation."

24. The president of Permian Corporation is also the president of Western Oil Transportation Co., Inc. The secretary/treasurer of Permian Corporation is also the secretary/treasurer of Western Oil Transportation Co., Inc. Two of the vice presidents of Permian Corporation are also vice presidents of Western Oil Transportation Co., Inc. In short, the top management of Permian Corporation and Western Oil Transportation Co., Inc., are the same people.

25. The Permian Corporation maintains a fleet of vehicles to move and moves a part of the oil of the Permian Corporation proprietarily. The trucks of the Permian Corporation and those of Western Oil Transportation Co., Inc., are handled side by side, with the same person dispatching the trucks.

26. Reports of the drivers of Western Oil Transportation Co., Inc., and lease run tickets would go to the office shared by Permian Corporation and Western Oil Transportation Co., Inc. Any of the officers or directors of either company would have access to these drivers' reports.

27. During 1975 Western Oil Transportation Co., Inc., moved approximately 73,600 barrels per month. Approximately 80 percent of the total volume moved by Western Oil Transportation Co., Inc., was for Permian Corporation.

28. Western Oil Transportation Co., Inc., has not moved crude oil or scrubber oil between points in Colorado for Husky Oil Company. Western Oil Transportation Co., Inc., believes its traffic would increase around 30 percent from what they now have if the Husky Oil Company traffic were tendered to them.

29. Western Oil Transportation Co., Inc., claims only that there would be a potential of possibly increasing their business if this application were not granted.

30. Husky Oil Company is reluctant to tender their traffic to Western Oil Transportation Co., Inc., because it is controlled by the Permian Corporation, who is a competitor of Husky Oil Company for crude oil in the fields in Colorado. Husky Oil Company fears that if it were to tender its crude oil traffic to Western Oil Transportation Co., Inc., for movement, it could pass on timely information to the Permian Corporation as opposed to Husky Oil Company, which may provide to the Permian Corporation an advantage in obtaining available crude supplies in Colorado. In fact, if the application were not granted, Husky Oil Company would not tender its traffic to Western Oil Transportation Co., Inc., but would instead use proprietary carriage. Therefore, Western Oil Transportation Co., Inc., Protestant herein, would not, in fact, lose any revenue whatsoever by the granting of this application.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant intends to and the transportation service to be performed is in truth and, in fact, within the definition of a contract carrier by motor vehicle for hire.

2. The costs to the public of refined products will not be increased by approval of this application and the performance of the proposed service.

3. The services to be performed by the Applicant are a special, distinct type of service, not regularly performed by all common carriers.

4. The proposed operations of the Applicant will not impair the efficient public service of any authorized motor vehicle common carrier serving the same territory over the same general highway or routes.

5. The Applicant is fit, willing, and able to perform the proposed service and conform to the Private Carrier Act and the rules and regulations of the Commission pertaining thereto.

6. The authority sought by the Applicant in Application No. 28629-PP should be granted.

7. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Husky Oil Transportation Company, 600 South Cherry Street, Denver, Colorado, be, and is hereby, authorized to operate as a Class "B" contract carrier by motor vehicle for hire for the following:

Transportation of

Crude oil and scrubber oil

From points in Lincoln, El Paso, Logan, Weld, Adams, Boulder, Denver, Pueblo, Larimer, Jackson, Morgan, Washington, Kit Carson, Cheyenne, Sedgwick, Phillips, Yuma, Arapahoe, Jefferson, Clear Creek, Gilpin, Elbert, Routt, Moffat, and Grand Counties, Colorado, to points in Washington, Denver, Adams, Arapahoe, and Weld Counties, Colorado.

RESTRICTION:

Restricted to the transportation for Husky Oil Company;

and this Order shall be deemed to be and be a permit therefor.

2. All operations conducted under this permit granted herein shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit as deemed advisable.

3. This Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of its customers, the necessary schedules of rates, the required insurance, and has secured authority sheets.

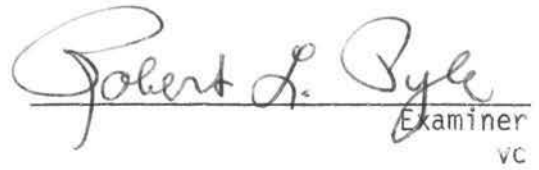
4. That the right of the Applicant to operate hereunder shall depend upon its compliance with all present or future laws and rules and regulations of this Commission.

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

6. As provided by 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

WILSON, INC.)	
STAPLETON INTERNATIONAL AIRPORT)	
HANGAR 7, ROOM 12)	
DENVER, COLORADO,	)	CASE NO. 5639
)	
Complainant,)	
	)	RECOMMENDED DECISION OF
vs.	)	ROBERT E. TEMMER,
	)	EXAMINER
MOUNTAIN BELL TELEPHONE CO.)	
930 15TH STREET	)	DISMISSING COMPLAINT
DENVER, COLORADO,)	
)	
Respondent.)	

- - - - -
March 10, 1976
- - - - -

Appearances: W. H. Wilson, Denver,
Colorado, of Complainant,
pro se;
Cotton Howell, Esq.,
Denver, Colorado, for
Mountain Bell, Respondent.

STATEMENT AND FINDINGS OF FACT

The above-entitled case was called for hearing on Thursday, February 26, 1976, at 10 a.m. in a hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert E. Temmer, Examiner, to whom the matter had been duly assigned. During the course of the hearing, both parties requested that the complaint be dismissed. Proper grounds being shown therefor, it is concluded that the above case should be dismissed.

O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. 5639 entitled "Wilson, Inc., Stapleton International Airport, Hangar 7, Room 12, Denver, Colorado, Complainant, vs. Mountain Bell Telephone Co., 930 15th Street, Denver, Colorado, Respondent," be, and hereby is, dismissed.

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

3. As provided by 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Zimmerman

Examiner

rw/jp

(Decision No. 88360)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28730-PP
ROBERT D. KOEHLER, DOING BUSINESS AS)	
"KOEHLER TRUCKING," 2036 1ST AVENUE,)	RECOMMENDED DECISION OF
NO. 230, GREELEY, COLORADO, FOR A CLASS)	ROBERT L. PYLE, EXAMINER
"B" PERMIT TO OPERATE AS A CONTRACT)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	DISMISSING APPLICATION

March 10, 1976

Appearances: Melvin Dinner, Esq., Greeley,
Colorado, for Protestants
J. J. Schaefer Livestock Hauling,
Inc.; Rocky Mountain Livestock
Trucking, Inc.; and Lee M. Johnson,
doing business as "Johnson Livestock
Trucking."

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on August 8, 1975. There were no requests for temporary or emergency temporary authority and none were granted.

The Commission assigned Docket No. 28730-PP to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

Protests were duly filed by the carriers named in the Appearances, and, after due and proper notice to all interested parties, the application was set for hearing on Tuesday, February 10, 1976, 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 called for hearing by Examiner Robert L. Pyle, to whom it was duly assigned.

Neither the Applicant nor anyone on behalf of the Applicant appeared at the hearing, and, after waiting for a period of approximately one hour, Protestants' Motion to Dismiss the application was granted.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, and a written recommended decision containing findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. This is an application filed by one Robert D. Koehler, doing business as "Koehler Trucking"; the application having been filed with the Commission on August 8, 1975.

2. Generally, the application seeks authority for a class "B" Permit to operate as a contract carrier by motor vehicle for hire for the transportation of sheep and goats between all points in the area comprised of Denver, Boulder, Larimer, and Weld Counties, State of Colorado, restricted to the use of livestock trailers designed for the transportation, loading, and unloading of sheep and goats.

3. Following the filing of protests, said Protestants, under date of November 17, 1975, served Written Interrogatories to Applicant, which Interrogatories were not answered by Applicant.

4. As indicated in the Procedure and Record, Applicant failed to appear at the time and place for hearing, and Protestants' Motion to Dismiss for failure to prosecute the application was granted.

5. It was indicated at the time of the Motion to Dismiss that Applicant had filed the application to "cover up" his illegal hauling, and it is noted that Applicant does hold an "M" Permit, together with "I" authority, but does not hold authority to perform for hire intrastate carriage in the State of Colorado. It is also to be noted by the Examiner that Applicant's failure to appear and prosecute the application as in this proceeding took the time and expense of three certificated carriers to prepare for hearing and appear at the hearing all for naught; the expense of which must, by necessity, eventually be born by the public. There is no way by which a fine or cost can be assessed against any such Applicant, and, in an instance such as this, such a fine, cost, or prohibition against further such application would be very much in order.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The application should be dismissed.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28730-PP, being the application of Robert D. Koehler, doing business as "Koehler Trucking," 2036 1st Avenue, No. 230, Greeley, Colorado, be, and hereby is, dismissed.

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

3. As provided by 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc

jp

(Decision No. 88361)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASED PASSENGER FARES	)	APPLICATION NO. 29042
FILED BY THE DENVER AND RIO)	
GRANDE WESTERN RAILROAD COMPANY	)	ORDER OF COMMISSION
IN ITS TARIFF NO. 525-J,	)	AUTHORIZING PUBLICATION
APPLYING ON THE SILVERTON-	)	ON LESS THAN STATUTORY
NARROW GAUGE (SILVERTON BRANCH).	)	NOTICE

- - - - -
March 9, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 22, 1976, The Denver and Rio Grande Western Railroad Company, Applicant herein, filed its Local and Joint Passenger Tariff No. 525-J, increasing the one-way and round-trip sightseeing fares on the Silverton-Narrow Gauge Railroad, operating between Durango and Silverton. Notice of the proposed increase was published as required by law in THE DENVER POST on January 27, 1976, SILVERTON STANDARD on January 29, 1976 and DURANGO HERALD on January 30, 1976. Protests were received from H. H. Moler of Overland Park, Kansas; George Chapman, Editor of the SILVERTON STANDARD, and from Don Stott of Phoenix, Arizona and Silverton, Colorado. A letter was also received from J. M. McFadden of Palm Springs, California, stating that he would like to appear as an interested party if the matter is set for hearing. Also, a letter was received from the President of the Durango Chamber of Commerce, stating that "It was unanimously recommended that favorable consideration be given this proposal by your Commission," at the February 10th meeting of the Chamber's Board of Directors.

On March 8, 1976, application was filed by the Applicant herein seeking permission to advance the effective date of Tariff No. 525-J on less than statutory notice. In support of said application, the Railroad points out that although the season does not start until May 29 it is receiving daily requests for tickets from all over the country. Also, that it is imperative that advertising matter be printed promptly with the 1976 season fares so that distribution can be made.

Review of the supporting data indicates that the increase is required to maintain the same operating ratio as was experienced in 1975, due to increased expenses caused by a new labor contract which become effective on January 1, 1976 and increased costs of materials and supplies.

Based upon the operating statistics of the 1975 season, the proposed fare increase is expected to generate additional revenue of approximately \$61,000. The projected increase in expenses are in excess of \$59,000, giving an estimated operating ratio of 76.5 percent for 1976 compared to the Company's ratio of 73.6 percent in 1974, which resulted in an 11.4 percent return on equity.

The Commission states and finds that it will be in the public interest to authorize Applicant to advance the effective date of Tariff No. 525-J on less than statutory notice.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That Applicant, The Denver and Rio Grande Western Railroad Company, be, and hereby is, authorized to advance the effective date of Tariff No. 525-J on less than statutory notice.

2. That said tariff may become effective on one day's notice upon the filing of the proper supplement to said tariff.

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

(Decision No. 88362)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	APPLICATION NO. 28777
OF CITY OF GREELEY FOR AUTHORITY)	
TO INSTALL SAFETY DEVICE AT THE)	RECOMMENDED DECISION OF
CROSSING UNION PACIFIC RAILROAD)	THOMAS M. McCaffrey,
AND FIFTH STREET.)	EXAMINER

GRANTING APPLICATION

- - - - -
March 11, 1976
- - - - -

Appearances: Glen Droegemueller, Esq.,
Assistant City Attorney,
Greeley, Colorado,
for the City of Greeley;
Edward O. Coultas, Esq.,
Denver, Colorado, for the
Union Pacific Railroad Company;
Oscar Goldberg, Esq.,
Denver, Colorado,
for the Commission.

PROCEDURE AND RECORD

On November 17, 1975, the City of Greeley, State of Colorado, filed the above-titled application with this Commission requesting authority to install automatic signals and short-arm gates across the tracks of the Union Pacific Railroad Company on Fifth Street in the City of Greeley.

The Commission assigned Docket No. 28777 to the application and with due and proper notice to all interested persons, firms, or corporations, set the application for hearing on Friday, February 27, 1976, at 10 a.m. in the Blue Flame Room, Greeley Gas Company, 1200 - 11th Avenue, Greeley, Colorado, at which time and place the matter was heard by Examiner Thomas M. McCaffrey, to whom the matter had been duly assigned.

Exhibit 1 was offered and admitted into evidence.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. By this application the Applicant, the City of Greeley, a home-rule city, requests an order from this Commission authorizing the resignalization by the installation of short-arm gates and flashing light signals at the existing crossing on Fifth Street across the tracks of the Union Pacific Railroad Company, Milepost 52.1, Department of Transportation I.D. No. 804-851U, located in Greeley, Colorado.

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

3. Fifth Street in Greeley is a 56-foot wide arterial, which is classified as a collector street running east and west in Greeley. There are two lanes of vehicular traffic in each direction. The area surrounding the crossing is commercial and/or industrial, and all future uses in the immediate area are planned for similar zoning. Vehicular traffic using the crossing consists for the most part of large commercial vehicles, and there are also school buses traversing the crossing daily. The nearest crossing across the Union Pacific Railroad Company tracks is to the south on Sixth Street, but which does not connect with the U.S. Highway No. 85 By-Pass as does Fifth Street. As a result, Fifth Street receives most of the heavy vehicle traffic.

4. The Union Pacific Railroad Company has five sets of tracks at Fifth Street, consisting of the mainline track, a passing track, two house tracks, and a cross-over track. The two house tracks are used primarily for storage of railroad cars. The Colorado and Southern Railway Company also has tracks located to the west of the Union Pacific Railroad Company facilities, but the Colorado and Southern tracks are used only for periodic switching operations and storage of railroad cars. There are no through train movements over the Colorado and Southern rail crossing, and railroad operating rules require that all trains be flagged at the crossing. The Colorado and Southern tracks are therefore not included within the crossing to be protected by the proposed signalization in this application.

5. Existing protection devices at the crossing of the Union Pacific Railroad Company tracks consist of flashing light signals located on the northeast and southwest corners of the Union Pacific Railroad Company tracks. Existing protection devices across the seldom-used Colorado and Southern Railway Company tracks consist of crossbuck signs located to the east and west of the tracks.

6. Visibility for vehicular traffic at the crossing is relatively clear except for periodic obstruction by railroad freight cars that may be stored on the Union Pacific Railroad Company house tracks. The speed limit for vehicular traffic at the crossing is 20 m.p.h. There have been no known train-vehicle accidents at the crossing, although there have apparently been several near-accidents.

7. The Union Pacific Railroad Company has four regular train movements in each direction daily, two of these movements being Amtrak trains. The Union Pacific Railroad Company also has four unscheduled train movements daily and two local switching movements

across the Fifth Street crossing. The Colorado and Southern Railway Company has two train movements per day. Speed limit for trains at the crossings is 20 m.p.h.

8. The steadily increasing number and types of vehicles using the crossing, which a recent traffic count has shown to be an average of approximately 4,900 vehicles per day, together with the relatively large number of trains utilizing the Union Pacific Railroad Company trackage, make the existing signalization at the Fifth Street crossing inadequate and unsafe for the public traversing the crossing.

9. The proposed signals and protection devices at the subject crossing will consist of two automatic flasher-light signal units with short-arm gates and a bell warning device. Upon the approach of a train, the gates will lower as a holding barricade for vehicular traffic approaching the crossing in both directions, thereby protecting all of the Union Pacific Railroad Company tracks at the crossing. A motion detector device will be installed so as to prevent unnecessary lowering of the short-arm gates when a train approaches the crossing but stops before reaching the crossing, thereby preventing unnecessary delay of vehicular traffic flow. Track circuiting will provide a minimum warning time of 25 seconds before the approach of a train from either direction, and all circuiting will be in conformance with the standards of the Association of American Railroads. Materials for the signals and protective devices will be immediately ordered upon issuance of authority for installation of the signal devices from this Commission, and it is anticipated that actual installation will be commenced within six months. The installation will be done by the Union Pacific Railroad Company, which will thereafter maintain the crossing at its own expense.

10. The present estimated cost for the proposed signals and warning devices is \$49,740, including labor and materials. The estimated cost of labor and materials at the time this application was filed was \$48,253. A portion of the increased estimate is due to the inclusion of two electronic relays which were not included on the original estimate, plus the increase in the cost of labor and materials from the time the first estimate was made. Costs for the installation of the requested signalization will be paid in accordance with the Federal Highway Safety Act of 1973, which is Title 2 of Public Law 93 - 87, Section 230, United States Code, commonly known as the Federal-Aid Safer Roads' Demonstration Program. Under this program, highway trust fund moneys are authorized specifically for rail-highway crossing safety projects. Federal funds may be used to pay 90 percent of the total cost of each project, with local or state agencies required to pay the remaining 10 percent. Federal Highway Administration guidelines do not require or recommend any railroad financial participation. In accordance with the provisions of Section 230, the Governor of the State of Colorado has designated the Colorado Department of Highways as the proper agency to submit to the United States Secretary of Transportation a list of priority projects to be included in the Safer Roads' Demonstration Program. The Colorado Department of Highways and the U.S. Department of Transportation have designated and approved the subject crossing on Fifth Street in Greeley, Colorado, as the No. 5 priority railroad crossing project for the 1975 fiscal year. The Colorado Highway Protection Fund will thus not be involved in any allocation of cost for the subject crossing in this application.

11. Substantial evidence in this proceeding shows that if authority is obtained from this Commission immediately, the Union Pacific Railroad Company will be able to obtain the necessary materials and labor at a total cost approximating the original \$48,253 estimate, thereby eliminating any possible discrepancy of funds as budgeted by the City of Greeley and the Federal program. The City of Greeley has entered into an agreement dated June 17, 1975, with the Colorado State Department of Highways wherein it is agreed that the City of Greeley will pay any excess costs over the allocated funds. It is not anticipated that the actual costs will exceed the originally estimated \$48,253; but if such is the case, the excess amount will be negotiated between the City of Greeley and the Union Pacific Railroad Company.

12. It is hereby found as fact that the installation, operation and maintenance of these signals and warning protection devices as described herein are necessary and proper to promote the public interest and safety at the railroad crossing across the tracks of the Union Pacific Railroad Company on Fifth Street at Milepost 52.1, Greeley, Colorado. Such signals and warning devices are adequate and proper for this crossing, and the granting of this application will promote the safety and welfare of the public.

CONCLUSIONS ON FINDINGS OF FACT

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

1. This Commission has jurisdiction over the subject matter of this proceeding.

2. An installation of automatic flashing light signals with short-arm gates and warning bell on Fifth Street across the tracks of the Union Pacific Railroad Company at Milepost 52.1 is required to promote the public safety and should be authorized.

3. The total cost of labor and materials and installing the signals should be paid in accordance with the provisions of the Highway Safety Act of 1973, Title 2 of Public Law 93 - 87.

4. All signal devices and installation thereof should be in accordance with the Current Bulletin of the Association of American Railroads' Joint Committee on Railroad-Highway Grade Crossing Warning Systems and in accordance with the plans and specifications heretofore submitted to the Commission in this proceeding. The Union Pacific Railroad Company should maintain the signal and warning devices for the life of the crossing.

5. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Union Pacific Railroad Company be, and hereby is, authorized and directed to install, operate, and maintain automatic grade crossing protection devices, consisting of standard automatic flashing light signals with short-arm gates and bell, at the crossing on Fifth Street across the tracks of the Union Pacific Railroad Company at Milepost 52.1, Department of Transportation I.D. No. 804-851U, City of Greeley, State of Colorado.

2. The total cost of labor and materials, estimated at \$49,740, required for installation of the crossing protection devices at the above-described crossing shall be in accordance with the agreement by and between the State Department of Highways, Division of Highways, State of Colorado, and the City of Greeley, Weld County, Colorado.

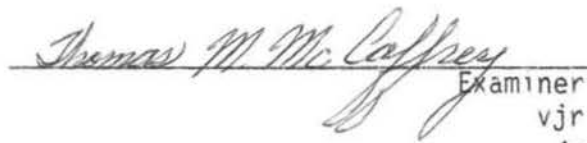
3. All signal devices and installation thereof shall be in accordance with the Current Bulletin of the Association of American Railroads' Joint Committee on Railroad-Highway Grade Crossing Warning Systems.

4. The Union Pacific Railroad Company shall maintain said signal and protection devices at its own expense for the life of the crossing so protected.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE JOINT APPLICATION)	
OF THE BACA GRANDE CORPORATION, CRESTONE,)	APPLICATION NO. 27316
COLORADO, FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO PROVIDE)	ORDER OF ROBERT L. PYLE,
TELEPHONE SERVICE IN DESCRIBED PORTIONS)	EXAMINER
OF ALAMOSA AND SAGUACHE COUNTIES,)	
COLORADO, WHICH IS PRESENTLY CERTIFI-)	CONTINUING HEARING
CATED TO COLUMBINE TELEPHONE COMPANY.)	

March 10, 1976

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicant;
Joseph F. Nigro, Esq., Denver,
Colorado, for Protestant
Columbine Telephone Company;
Bruce E. Bernstein, Esq., Denver,
Colorado, for the Commission;
Jerry Dixon, Assistant United
States Attorney, for the United
States Attorney's Office.

STATEMENT

BY THE EXAMINER:

Pursuant to Decision No. 87900, dated December 17, 1975, by order of Examiner Robert L. Pyle, this matter was set for additional hearing on Thursday, February 19, 1976, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, beginning at 10 a.m. At such continued hearing, Applicant was to present financial evidence including an income statement for the year ended December 31, 1975, together with a balance sheet as of December 31, 1975. Protestant Columbine Telephone Company was to present such testimony and evidence as it may desire in support of its protest. In addition and as noted in such order, the Staff of the Commission was to be allowed to introduce such evidence as it may deem necessary concerning the present conditions and operation in the area, as well as other matters that might be relevant. Applicant, of course, was to be allowed to present such rebuttal testimony as it may deem necessary.

At the time the matter was called for hearing, it was pointed out that there have been some major developments which would very likely affect the application and hearing thereon. The first of these developments is that the Rural Electrification Administration has commenced a lawsuit in the Federal District Court in Denver, Colorado, to foreclose its mortgage against Columbine Telephone Company alleging certain violations of the mortgage by Columbine in favor of the Rural Electrification Administration and also asking for the appointment of a receiver or the granting of possession to the Rural Electrification Administration as a trustee in possession. Apparently, the Rural Electrification Administration intends to pursue its remedy diligently, and, if it succeeds, the Protestant

Columbine Telephone Company would be ousted as a protestant and as an operator of the telephone system in question. The second major development is that Applicant The Baca Grande Corporation has taken a judgment against Columbine Telephone Company for \$138,000 in the District Court for the Twelfth Judicial District in Alamosa, Colorado. There is presently pending a Notice of Levy to be served on the Commission notifying the Commission that The Baca Grande Corporation was levying on the certificates of public convenience and necessity of Columbine Telephone Company so as to operate that system. This development, too, could in effect determine the outcome of this proceeding. The third development is that before the matters just alluded to have been brought to a conclusion, Columbine Telephone Company may have, in fact, reached an agreement for the sale of its property and certificates to some other person or entity who would then apply to this Commission for a transfer of the certificate and who would then be substituted for Columbine Telephone Company.

If either of these three eventualities actually comes to pass, The Baca Grande Corporation would, in all likelihood, withdraw its application, and this particular application by The Baca Grande Corporation for a certificate of public convenience and necessity would be brought to a close.

The Baca Grande Corporation, Applicant in this proceeding, therefore requested that this matter be continued to and until September 1, 1976, so that the above-mentioned matter can be concluded in whichever way that it might be concluded, and by that time everyone should know what is going to take place. All parties agreed to such continuation and, in fact, supported the continuation of the hearing on this application to such date.

O R D E R

THE EXAMINER ORDERS THAT:

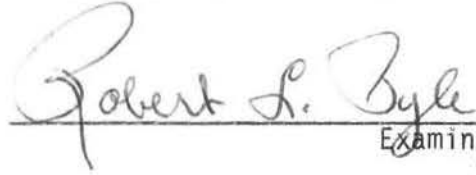
1. Additional hearing on Application No. 27316, being the application of The Baca Grande Corporation for a certificate of public convenience and necessity to provide telephone service in described portions of Alamosa and Saguache Counties, which is presently certificated to Columbine Telephone Company, be, and hereby is, set for hearing commencing Wednesday, September 1, 1976, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, beginning at 10 a.m. The additional dates of Thursday, September 2, 1976, and Friday, September 3, 1976, are reserved for the conclusion of the hearing if such time is necessary.

2. At such continued hearing, The Baca Grande Corporation shall present financial evidence which shall include an income statement for the year ended December 31, 1975, together with a balance sheet as of December 31, 1975. Protestant Columbine Telephone Company shall present such testimony and evidence as it may desire in support of its protest. The Staff of the Commission may introduce such evidence as it may deem necessary concerning

the present conditions and operations in the area, as well as other matters that might be relevant. Applicant may present such rebuttal testimony as it may deem necessary.

3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF EPHRAIM)	
FREIGHT SYSTEMS, INC., 1385 UMATILLA STREET,)	
DENVER, COLORADO, FOR AN ORDER OF THE COMMIS-)	
SION GRANTING RELIEF FROM THE PROVISIONS OF)	APPLICATION NO. 28710
ITEM 370 OF (CMTB) TARIFF NO. 12-B, COLORADO)	
PUC NO. 19, JOINT LINE RATES, AND ALLOWING)	ORDER OF ROBERT L. PYLE,
THE PUBLICATION OF JOINT THROUGH CLASS AND)	EXAMINER
COMMODITY RATES, BETWEEN DENVER, COLORADO,)	
AND CRAIG, COLORADO, AT THE SAME LEVEL OF)	CONTINUING HEARING
RATES THAT ARE PRESENTLY ON FILE AND)	
APPLICABLE BY THE SINGLE LINE CARRIER.)	

March 11, 1976

STATEMENT

BY THE EXAMINER:

The above-entitled matter was set for hearing before the Commission on Wednesday, February 11, 1976, at 10 a.m. in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place it was called for hearing by Examiner Robert L. Pyle, to whom it was duly assigned. No one appeared, and it was later determined that some few days previously by telephone request a continuance had been granted.

In view of the above, an Order should be entered setting a date certain for hearing on this matter.

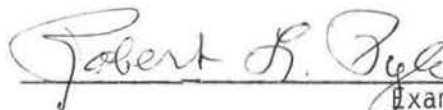
O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 28710, being the application of Ephraim Freight Systems, Inc., be, and hereby is, reset for hearing on Tuesday, April 27, 1976, at 10 a.m. in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ds/vc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN L. FARICY, JR. AND WILLIAM)
DAVID FARICY, DOING BUSINESS AS)
"CRAIG CAB CO.," 534 EAST VICTORY)
WAY, CRAIG, COLORADO, FOR AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28879

ORDER OF THE COMMISSION

- - - - -
March 16, 1976
- - - - -

Appearances: John L. Faricy, Esq., Pueblo, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 the Appendix 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.

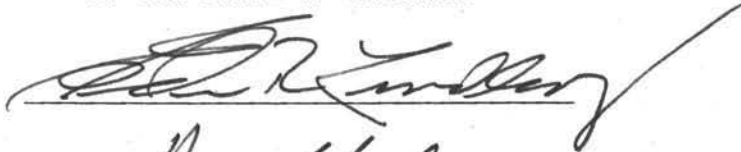
IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy or extreme conditions.

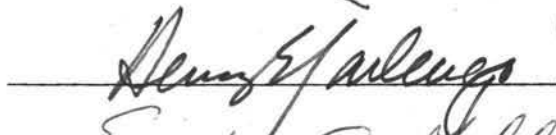
IT IS FURTHER ORDERED, That this Order is subject to compliance by the holder of this Certificate with all present and future laws and rules and regulations of the Commission.

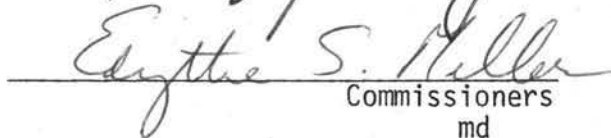
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
md

Appendix
Decision No. 88365
March 16, 1976

Craig Cab Co.

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

Passengers and their baggage

Between points located within a twenty-five (25) mile radius of the intersection of Yampa Avenue and Victory Way, Craig, Colorado, and between said points on the one hand, and points located within the State of Colorado, on the other hand.

(2) Transportation -- on call and demand -- of

Packages and parcels

Between points located within a twenty-five (25) mile radius of the intersection of Yampa Avenue and Victory Way, Craig, Colorado, and between said points on the one hand, and points located within the State of Colorado, on the other hand.

RESTRICTION: Item No. (2) is restricted against the transportation of packages weighing in excess of one-hundred (100) pounds.

(Decision No. 88366)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
METROPOLITAN CONTRACT SERVICES, INC.,)
6804 EAST 48TH AVENUE, DENVER, COLO-)
RADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER CONTRACT CARRIER)
PERMIT NO. B-7521.)

APPLICATION NO. 28813-PP-Extension

ORDER OF THE COMMISSION

- - - - -
March 16, 1976
- - - - -

Appearances: Hans W. Johnson, 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 1973, 40-6-108 (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 1973, 40-6-109 (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-7521 to include the following:

"(1) Transportation of

Retail store merchandise, fixtures and equipment

Between warehouses and retail stores of Montgomery Ward and Company, located within an area lying within fifty (50) miles on either side of the Interstate Highway No. 25, extending from the

Colorado-Wyoming border on the north, to a point three (3) miles south of Walsenburg, Colorado.

(2) Transportation of

Retail store merchandise, fixtures and equipment

From Montgomery Ward and Company stores and warehouses located within an area lying fifty (50) miles on either side of the Interstate Highway No. 25, extending from the Colorado-Wyoming border on the north, to a point three (3) miles south of Walsenburg, Colorado, to retail customers of Montgomery Ward and Company, located within said area with the return of repossessed or trade-in merchandise and return of furniture and other merchandise to be refurbished, reupholstered or repaired.

RESTRICTIONS: Items (1) and (2) of this Permit are restricted as follows:

- (a) To rendering transportation service for Montgomery Ward and Company only; and
- (b) Against the transportation of shipments which both originate and terminate within the city limits of Colorado Springs, 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 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88366
March 16, 1976

Metropolitan Contract Services, Inc.

(1) Transportation of

Retail store merchandise, fixtures and equipment

Between warehouses and retail stores of Montgomery Ward and Company, located within an area lying within fifty (50) miles on either side of the Interstate Highway No. 25, extending from the Colorado-Wyoming border on the north, to a point three (3) miles south of Walsenburg, Colorado.

(2) Transportation of

Retail store merchandise, fixtures and equipment

From Montgomery Ward and Company stores and warehouses located within an area lying fifty (50) miles on either side of the Interstate Highway No. 25, extending from the Colorado-Wyoming border on the north, to a point three (3) miles south of Walsenburg, Colorado, to retail customers of Montgomery Ward and Company, located within said area with the return of repossessed or trade-in merchandise and return of furniture and other merchandise to be refurbished, reupholstered or repaired.

RESTRICTIONS: Items (1) and (2) of this Permit are restricted as follows:

- (a) To rendering transportation service for Montgomery Ward and Company only; and
- (b) Against the transportation of shipments which both originate and terminate within the city limits of Colorado Springs, Colorado.

(3) Transportation of

Retail store merchandise, fixtures and equipment

Between retail stores of Denver Dry Goods Company and between said retail stores and warehouses thereof located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

(4) Transportation of

Retail store merchandise, fixtures and equipment

From the Denver Dry Goods Company stores and warehouses located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to their retail customers located within said one hundred (100) mile radius, with the return of repossessed or trade-in merchandise and furniture to be refurbished or reupholstered.

Metropolitan Contract Services, Inc.

(Continued from page 3)

RESTRICTION: Items (3) and (4) of this Permit are restricted as follows:

- (a) To rendering transportation service for only Denver Dry Goods Company.
- (b) No shipments shall both originate and terminate within the city limits of Colorado Springs, Colorado.
- (c) Against transportation of business papers, records, and audit and accounting media.

(5) Transportation of

Retail store merchandise, fixtures and equipment

Between retail stores of May D & F Stores and between said retail stores of May D & F Stores and between said retail stores and warehouses thereof located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

(6) Transportation of

Retail store merchandise, fixtures and equipment

From the May D & F Stores and warehouses located within a one hundred (100) mile radius of the intersection of Colfax Avenue and Broadway, Denver, Colorado, to their retail customers located within said one hundred (100) mile radius, with the return of repossessed or trade-in merchandise and furniture to be refurbished or reupholstered.

RESTRICTION: Items (5) and (6) of this Permit are restricted as follows:

- (a) Against rendering transportation service which both originates and terminates within Colorado Springs, Colorado.
- (b) To rendering transportation service for only May D & F Stores.
- (c) Against transportation of business papers, records and audit and accounting media.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
IAN AND ANNE GILBERT, OWNERS OF ALL)
THE ISSUED AND OUTSTANDING CAPITAL)
STOCK IN AND TO QUEEN CITY TRANSFER,)
INC., FOR AUTHORITY TO TRANSFER SAID)
CAPITAL STOCK IN AND TO QUEEN CITY)
TRANSFER, INC., RECORD OWNER OF)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 1998 AND PUC)
NO. 1998-I TO DUANE M. AND DOROTHY)
J. BAKKE, PURCHASERS.)

APPLICATION NO. 28931-Stock Transfer

IN THE MATTER OF THE APPLICATION OF)
IAN AND ANNE GILBERT, OWNERS OF ALL)
THE ISSUED AND OUTSTANDING CAPITAL)
STOCK IN AND TO QUEEN CITY TRANSFER,)
INC., FOR AUTHORITY TO TRANSFER SAID)
CAPITAL STOCK IN AND TO QUEEN CITY)
TRANSFER, INC., RECORD OWNER OF)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 3367 AND PUC)
NO. 3367-I TO DUANE M. AND DOROTHY)
J. BAKKE.)

APPLICATION NO. 28932-Stock Transfer

ORDER OF THE COMMISSION

March 16, 1976

Appearances: Edward A. Brown, Esq., Brighton, Colorado
Attorney for Applicants

IT APPEARING, That by Notice of the Commission dated January 26, 1976, notice of the filing of the above-entitled applications was given to all interested persons, firms and corporations pursuant to CRS 1973, 40-6-108 (2);

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

IT FURTHER APPEARING, That pursuant to CRS 1973, 40-6-109 (5) the herein matters are ones which may properly be determined without the necessity of formal oral hearings and that the taking of evidence in these proceedings should be by reference to the verified applications as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filings and the files and records of this Commission;

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

Wherefore, and good cause appearing therefor:

WE FIND, That the Transferee is fit, willing and able to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 1998 and PUC No. 1998-I and Certificate of Public Convenience and Necessity PUC No. 3367 and PUC No. 3367-I, and that the transaction is compatible with the public interest and that the following Order should be entered.

IT IS ORDERED, That Ian and Anne Gilbert, owners of all the issued and outstanding capital stock in and to Queen City Transfer, Inc., be, and are hereby, authorized to transfer all the issued and outstanding capital stock in and to Queen City Transfer, Inc., record owner of Certificate of Public Convenience and Necessity PUC No. 1998 and PUC No. 1998-I and Certificate of Public Convenience and Necessity PUC No. 3367 and PUC No. 3367-I to Duane M. and Dorothy J. Bakke, purchasers.

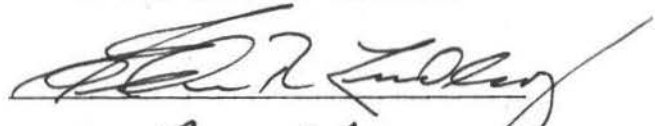
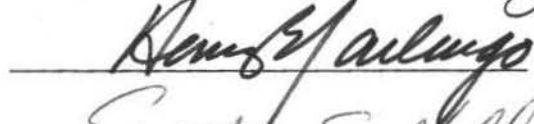
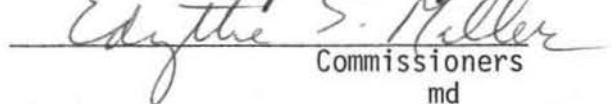
IT IS FURTHER ORDERED, That said transfers shall become effective only if and when, but not before, said Transferor and Transferee, in writing, have advised the Commission that said stock certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, 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 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.

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 this Commission, and the prior filing by Transferor of delinquent reports, if any, covering operations under said Certificates 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 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88368)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MILE-HI DISPOSAL, INC., 4001 FOX)
STREET, DENVER, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 3384.)

APPLICATION NO. 28929-Extension

ORDER OF THE COMMISSION

- - - - -
March 16, 1976
- - - - -

Appearances: Jake R. Valdez, 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 1973, 40-6-108 (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 1973, 40-6-109 (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. 3384 to include the following:

"Transportation of

Ash, trash and other refuse

From all points located within the City and County of Denver, Colorado, as the city boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3384 as extended, shall read and be as set forth in the Appendix attached hereto.

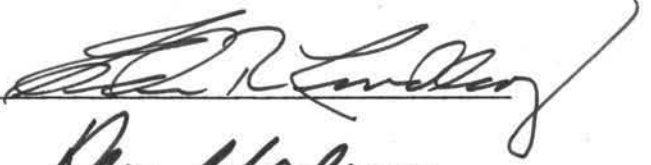

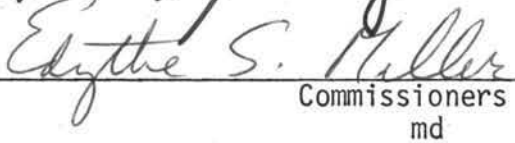
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88368
March 16, 1976

Mile-Hi Disposal, Inc.

Transportation of

Ash, trash and other refuse

- (1) From all points located within the City and County of Denver, Colorado, as the city boundaries existed on September 22, 1975, to such locations where the same may be lawfully delivered or disposed of.
- (2) From all points within an area located in the Town of Glendale, County of Arapahoe, State of Colorado, commencing at the southwest corner of the intersection of Colorado Boulevard and Kentucky Avenue; thence north approximately 495.6 feet; thence east a distance of 276.5 feet; thence north a distance of 165.2 feet to Ohio Avenue; thence east along the south side of Ohio Avenue to the intersection of Birch Street; thence south a distance of 660.8 feet to the intersection of Birch Street and Kentucky Avenue; thence west along Kentucky Avenue 610 feet to the southwest corner of Block 8; thence 355.4 feet to the southeast corner of Block 9; thence west 288.5 feet along the south boundary line of Block 9; thence 355.4 feet north to the south side of Kentucky Avenue; thence west along Kentucky Avenue to the point of beginning; EXCEPTING THEREFROM a plot of ground commencing at a point 457.75 feet east from the corner of Colorado Boulevard and Kentucky Avenue; thence north 230 feet; thence east 110 feet; thence south 230 feet to Kentucky Avenue; and thence 110 feet west on Kentucky Avenue to the point of beginning; to such locations where the same may be lawfully delivered or disposed of.
- (3) From all points located within the County of Costilla, State of Colorado, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 88369)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
THE WAY RUBBISH, INC., P. O. BOX)
989, 337 EAST 8TH STREET, GREELEY,) PUC NO. 4522
COLORADO.)

- - - - -
March 16, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from Clarence H. Frei, President of The Way Rubbish, Inc., P. O. Box 989, 337 East 8th Street, Greeley, Colorado 80631, seeking authority to encumber Certificate of Public Convenience and Necessity PUC No. 4522 from The Way Rubbish, Inc., P. O. Box 989, 337 East 8th Street, Greeley, Colorado (debtor) to United Bank of Greeley, P. O. Box 1057, Greeley, Colorado (secured party) to secure payment of indebtedness in the principal sum of One Hundred Thirty Thousand Dollars (\$130,000) in accordance with the terms and conditions of the Security Agreement and Financing Statement dated March 10, 1976, 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.



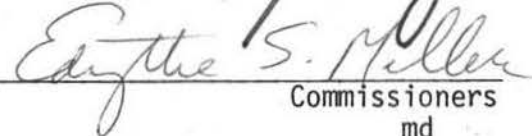
ORDER

THE COMMISSION ORDERS:

That The Way Rubbish, Inc., P. O. Box 989, 337 East 8th Street, Greeley, Colorado, be and hereby is, authorized to encumber all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 4522 to United Bank of Greeley, P. O. Box 1057, Greeley, Colorado 80631, to secure payment of the indebtedness in the principal sum of One Hundred Thirty Thousand Dollars (\$130,000), in accordance with the terms and conditions set forth in the statement preceding.

DONE IN OPEN MEETING the 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JESS O. PEEK, JR. AND PERRY RAY)
PEEK, DOING BUSINESS AS "J. O.)
PEEK & SONS," 429 NIELSON, PUEBLO,)
COLORADO, FOR AUTHORITY TO TRANSFER)
ALL RIGHT, TITLE AND INTEREST IN)
AND TO CONTRACT CARRIER PERMIT NO.)
B-7788 TO WIND ROW, INC., P. O.)
BOX 990, PUEBLO, COLORADO.)

APPLICATION NO. 28959-PP-Transfer

ORDER OF THE COMMISSION

- - - - -
March 16, 1976
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

IT FURTHER APPEARING, That Transferee herein has requested that, should the transfer of Contract Carrier Permit No. B-7788 be granted, the word "refuse" be deleted from said Permit;

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;

WE FURTHER FIND, That that portion of Contract Carrier Permit No. B-7788 which provides for the transportation of refuse should be deleted as requested by Transferee;

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 Applicant named in the caption above be authorized to transfer all right, title and interest in and to Contract Carrier Permit No. B-7788 as granted by Commission Decision No. 81569 dated October 18, 1972, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That the portion of Contract Carrier Permit No. B-7788 which provides for the transportation of refuse is hereby deleted, and the full and complete authority shall read and be as set forth in the Appendix attached hereto.

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.

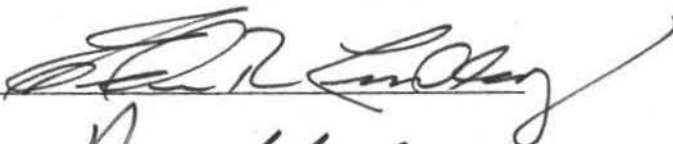
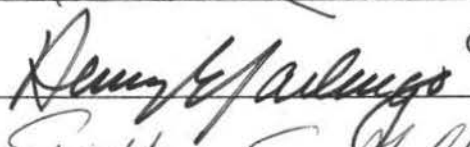
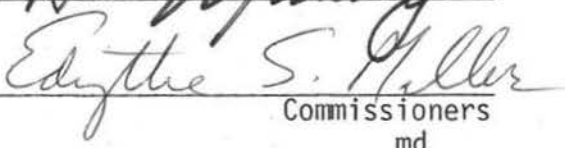
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88370
March 16, 1976

Wind Row, 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 150 miles from the point(s) of origin.

- (5) Limerock, clay, and other materials used in the manufacture of brick and tile

Between all points located within a seventy-five (75) mile radius of Pueblo, Colorado.

RESTRICTION: Item No. (5) of this Permit is restricted to rendering transportation service for only Red Mountain Clay Co., Pueblo, Colorado.

- (6) Hay

Between all points located within a one hundred fifty (150) mile radius of Pueblo, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SMITH BROTHERS, INCORPORATED, BOX)
314, HOLLY, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28950-PP

ORDER OF THE COMMISSION

March 16, 1976

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

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

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

An appropriate Order will be entered.


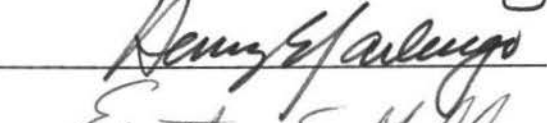
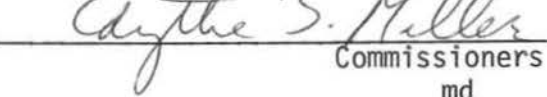
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88371
March 16, 1976

Smith Brothers, Incorporated

Transportation of

Processed alfalfa and unprocessed grain

Between points located within the Counties of Bent and Prowers, State of Colorado, and to and from said points, from and to points located within the State of Colorado.

RESTRICTION: This Permit is restricted to providing transportation service for only Colorado Cubes, Inc. and Tempel Esgar, Inc.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, R & B MOVING AND)
STORAGE COMPANY, DOING BUSINESS)
AS "BROADWAY MOVING AND STORAGE)
COMPANY," DENVER, COLORADO, UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 3584.)

CASE NO. 5637

SUPPLEMENTAL ORDER

- - - - -
March 16, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 15, 1976, Hearing Examiner James K. Tarpey, entered Recommended Decision No. 88077 in the above-entitled matter as provided by Section 40-6-109, CRS 1973, which provided inter-alia:

"1. Respondent R & B Moving & Storage Co., doing business as "Broadway Moving & Storage Co.," having engaged in transportation practices in violation of the Public Utility Law and the Rules and Regulations of this Commission during the period from January 8, 1975, through April 9, 1975, by serving customers at various locations and/or carrying commodities outside the scope of its certificate, be, and hereby is, ordered to cease and desist from so doing.

2. Respondent's authority with this Commission, i.e., Certificate of Public Convenience and Necessity PUC No. 3584, be, and the same hereby is, revoked and canceled as of February 20, 1976; provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of two thousand dollars (\$2,000) to the Treasurer of the State of Colorado on or before February 20, 1976, 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 aforesaid certificate shall be null and void and of no effect, and said authority shall be fully operative.

On February 20, 1976, Respondent, R & B Moving and Storage Company, doing business as "Broadway Moving and Storage Company," filed with the Commission a Petition for Reconsideration.

On March 2, 1976, The Commission entered Decision No. 88301, denying the Petition for Reconsideration.

On March 8, 1976, the Respondent, R & B Moving and Storage Company, doing business as "Broadway Moving and Storage Company," by check, paid the Public Utilities Commission of the State of Colorado, the sum of two thousand dollars (\$2,000) in accordance with the terms of the alternative penalty provision of Decision No. 88077.

The Commission states and finds that inasmuch as the Respondent has elected and has paid the sum of two thousand dollars (\$2,000) as ordered, Certificate of Public Convenience and Necessity PUC No. 3584 should not be revoked and should remain in force and effect.

O R D E R

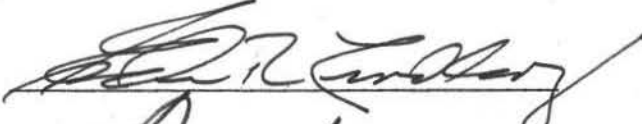
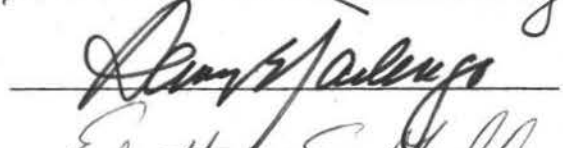
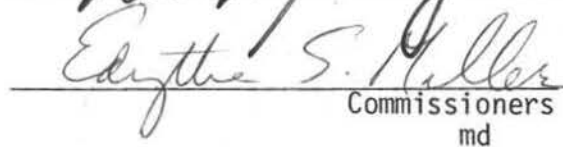
THE COMMISSION ORDERS THAT:

That portion of Decision No. 88077 dated January 15, 1976 providing for the revocation of Certificate of Public Convenience and Necessity PUC No. 3584 of the Respondent, R & B Moving and Storage Company, doing business as "Broadway Moving and Storage Company," 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 for, Decision No. 88077 shall remain in full force and effect.

DONE IN OPEN MEETING the 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD C. HOWMAN AND RAYMOND A.)
SANCHEZ, DOING BUSINESS AS "CIRCLE)
HAULING," 1124 SOUTH ESTES STREET,)
LAKEWOOD, COLORADO, FOR AUTHORITY)
TO TRANSFER ALL RIGHT, TITLE AND)
INTEREST IN AND TO CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 9611 TO RAYMOND A. SANCHEZ,)
DOING BUSINESS AS "CIRCLE HAULING,")
1124 SOUTH ESTES STREET, LAKEWOOD,)
COLORADO.)

APPLICATION NO. 28784-Transfer
ORDER OF THE COMMISSION

March 16, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 1, 1975, the Commission gave notice to interested persons, firms, or corporations, of the above-referenced application pursuant to 40-6-108 (2) CRS 1973, as amended, and the Commission, not having received an objection or petition to intervene or participate in the proceeding determined that the matter would be disposed of under the modified procedure providing that Applicant file verified statements containing sufficient facts and information upon which the Commission could act.

To date, Applicant herein has failed to request a hearing or file verified statements upon which the Commission could act.

The Commission states and finds that the Application should be dismissed as provided in the following Order.

O R D E R

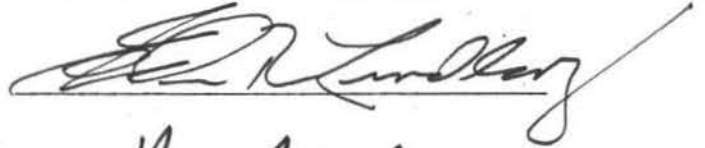
THE COMMISSION ORDERS:

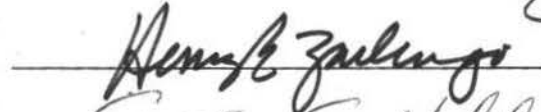
That the Application of Raymond A. Sanchez, doing business as "Circle Hauling," 1124 South Estes Street, Lakewood, Colorado, for authority to obtain all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 9611 from Richard C. Howman and Raymond A. Sanchez, doing business as "Circle Hauling," be, and hereby is, dismissed without prejudice for lack of prosecution unless request for hearing or verified statements are received prior to the effective date of this Order.

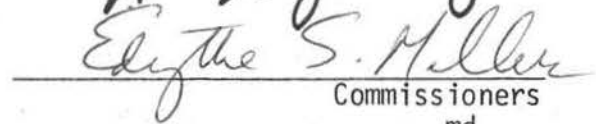
This Order shall become effective ten (10) days from the day and date hereof.

DONE IN OPEN MEETING the 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
md

(Decision No. 88374)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO DISPOSAL, INC., 3925 SOUTH)
KALAMATH, ENGLEWOOD, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
EXTEND OPERATIONS UNDER CONTRACT)
CARRIER PERMIT NO. B-5856.)

APPLICATION NO. 29044-PP-Extension-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

March 16, 1976

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

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

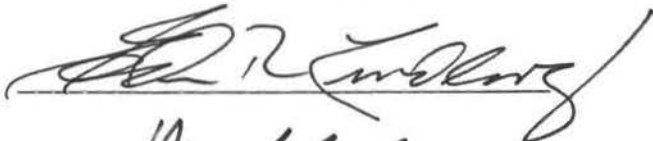
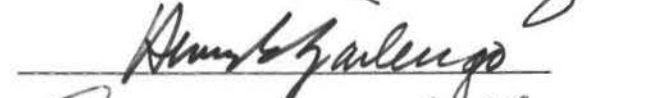
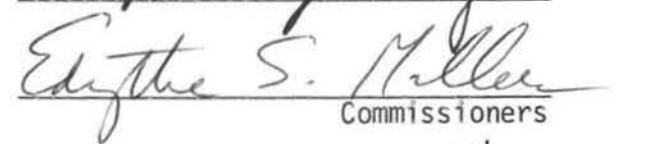
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

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

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

DONE IN OPEN MEETING the 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

md

Appendix
Decision No. 88374
March 16, 1976

Colorado Disposal, Inc.

Transportation of

Ash, trash and other refuse

From compactor systems located within the County of Gilpin, State of Colorado, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: This emergency temporary authority is restricted to rendering transportation service for only Gilpin County, State of Colorado.

(Decision No. 88375)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF -	)	DOCKET NO. 1028
COLORADO PUC NO. 1 - GAS, PEOPLES)	
NATURAL GAS DIVISION OF NORTHERN	)	ORDER GRANTING LEAVE TO INTERVENE
NATURAL GAS COMPANY, COLORADO)	
SPRINGS, COLORADO.)	

- - - - -
March 16, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 11, 1976, The Utilities Board of the City of Lamar, by its attorney William H. McEwan, filed with the Commission a Petition for Leave to Intervene in the above investigation and suspension docket.

On March 11, 1976, The City of Lamar, by its attorney William H. McEwan, filed with the Commission a Petition for Leave to Intervene in the above investigation and suspension docket.

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

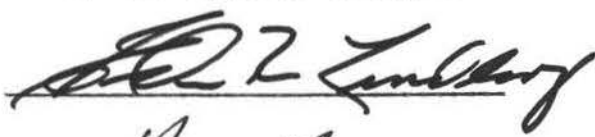
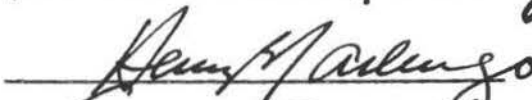

THE COMMISSION ORDERS THAT:

The Utilities Board of the City of Lamar and The City of Lamar be, and hereby are, granted leave to intervene in the above-captioned investigation and suspension docket.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF	)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN TARIFF -- COLORADO	)	DOCKET NO. 1007
PUC NO. 2 - ELECTRIC, GUNNISON COUNTY)	
ELECTRIC ASSOCIATION, INC., GUNNISON,	)	RECOMMENDED DECISION OF
COLORADO 81321	)	ROBERT E. TEMMER,
	)	EXAMINER
)	
	)	ESTABLISHING NEW RATES

- - - - -
March 12, 1976
- - - - -

Appearances: P. C. Klingsmith, Esq.,
Gunnison, Colorado,
for Respondent Gunnison
County Electric Associ-
ation, Inc.;
Oscar Goldberg, Esq.,
Denver, Colorado, for
the Commission.

PROCEDURE AND RECORD

On November 5, 1975, Gunnison County Electric Association, Inc., hereinafter referred to as Respondent, filed its Advice Letter No. 25, along with a number of tariff sheets collectively designated as its PUC No. 2, with this Commission. The tariff filing was intended to cancel its Colorado PUC No. 1 in its entirety. The stated purposes of the filing were to reduce inequities between various rates, to eliminate certain special or promotional rates, to increase revenues to compensate for increased whole-sale power costs, to provide for equity improvement, to remove the penalty or discount provision, and to provide revised and reissued rules and regulations. The Respondent requested that the tariff filing become effective on statutory thirty-day notice.

On November 25, 1975, the Commission issued its Decision No. 87829, which suspended the effective date of the tariff sheets until July 2, 1976, or until further order of the Commission, and set the matter for a hearing to be held on Tuesday, February 17, 1976, at 9 a.m. in the Commissioners' Meeting Room, Gunnison County Courthouse Basement, 200 East Virginia Avenue, Gunnison, Colorado.

Due and proper notice of the hearing was given to all interested persons, firms, or corporations, and the hearing was held at the said time and place by Robert E. Temmer, Examiner, to whom the matter had been duly assigned. No member of the public appeared at the hearing to testify. Testimony was taken from witnesses on behalf of the Respondent and from witnesses from the Staff of this Commission. Exhibits 1 through 9 were marked for identification and all were admitted into evidence.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Respondent is a corporation organized under the laws of the state of Colorado and is a cooperative electric association that supplies electric service to its members and consumers located in its certificated service area.

2. The proceeding herein involves the electric rates of Respondent.

3. Respondent has complied with all applicable statutes and rules of the Commission with regard to notice in this proceeding. No person or firm appeared at the hearing to protest the proposed tariffs.

4. Respondent has proposed as a test year the 12 months ending July 31, 1975. This is a proper test year for this proceeding. For some of the calculations in Respondent's cost-of-service study, which was submitted herein, the test period used was the calendar year 1974. For the purposes used in the cost-of-service study, it was a proper test period.

5. Respondent's operating revenues, per books, for the test year were \$784,995. Its operating expenses were \$747,533. This resulted in a net operating income of \$37,462, per books. Respondent proposed in-period and out-of-period adjustments to this latter figure to show the affect of increases in Respondent's wholesale power costs and of an increase in Respondent's retail rates. The most recent increase in Respondent's wholesale power costs became effective approximately October 1, 1975, and amounted to approximately 15 percent. These proposed adjustments are proper. After making these adjustments, Respondent's net utility operating income for the test year would have been \$66,621 if all these various rates had been in effect for the entire test year. Respondent also included adjustments to its rate base and expenses concerning some transmission facilities that Respondent has recently acquired from Colorado-Ute Electric Association. The normal policy of this Commission has been to disallow these types of adjustments to rate base and operating expenses. In this case the purchase of the Colorado-Ute transmission facilities enables Respondent to purchase power under a more favorable rate schedule, and the resulting savings will more than offset the cost of owning and operating the additional facilities, which is a benefit to the ratepayers. Therefore, these adjustments will be allowed in this particular proceeding so as not to discourage Respondent from making cost-saving acquisitions.

6. In arriving at the net utility operating income figures, Respondent has included as operating expenses certain advertising costs, membership dues, and contributions. Advertising expenses, membership dues, whether for industrial organizations or social clubs, and contributions are only allowable expenses for rate-making purposes if the Respondent can demonstrate by competent evidence that these expenses are of benefit to the ratepayers. In the past this Commission has discussed these types of expenses and has allowed or disallowed certain classifications. The test has been, and still is, whether or not the expenses are of benefit to the ratepayers, and therefore, simply relying on classifications as a guide is not proper. The proper method to be followed

is that if a Respondent desires to include any of these types of expenses for rate-making purposes, competent evidence should be presented to show how and to what extent the expenses benefit the ratepayers so that a determination can be made as to whether or not the ratepayers do in fact benefit, and therefore, whether or not the expenses will be allowed for rate-making purposes. If sufficient evidence is not presented, the expenses will be disallowed. Applying this rule to this case, certain of the expense items the Respondent has included have to be disallowed. The amount of the disallowed expenses for the test year is \$6,552. Thus, this amount would be added to Respondent's utility operating income. Respondent has proposed to eliminate its late-payment penalty provisions, which will reduce Respondent's revenues. Respondent's revenues from late-payment penalties during the test year were \$4,712. Offsetting this against the disallowed expenses results in Respondent's net utility operating income after adjustments for the test year being \$68,461. Respondent's rate base for the test year after making appropriate adjustments based on in-period and out-of-period adjustments for wholesale and retail rate increases and for the acquisition of certain transmission facilities was \$2,508,158, which would result in Respondent having a rate of return of 2.73 percent if a rate increase would not be granted.

7. Respondent has proposed rate increases that Respondent contends will produce \$88,149 of additional revenue so that Respondent's net utility operating income will be \$156,610. This would result in Respondent earning a rate of return of approximately 6.24 percent.

8. This Commission, in Decision No. 78921, established a range of reasonable rates of return for electric cooperatives. That range of reasonable rates of return was 3.4 percent to 5.6 percent and it was based on the assumption that the embedded cost of debt for a rural electric cooperative was 2 percent. Respondent's embedded cost of debt is 2.97 percent and adjusting the range of reasonable rates of return for this embedded cost debt produces a range of reasonable rates of return of 4.079 percent to 6.134 percent. A rate of return of 6.24 percent is very close to the top limit of this reasonable range of rates of return. To reduce Respondent's operating earnings to a point where its rate of return would be within the range of reasonable rates of return would require a reduction per kilowatt hour sold of .000116.6. It would not be practical to make such a change to Respondent's tariffs because it would result in rates that would be difficult to administer and hard for ratepayers to understand. In the special circumstances of this case and in view of the fact that Respondent's embedded cost of debt is increasing, it is hereby found as fact that a rate of return of 6.24 percent will be just and reasonable for Respondent. This will result in Respondent having a return on equity of approximately 27.7 percent, which help Respondent increase its equity position from its current 13.35 percent.

9. Respondent has proposed to spread the increase in rates based on a cost-of-service study. The way Respondent proposes to spread the increase will not produce rates that will be unduly discriminatory. Certain promotional rates will be eliminated and other rates will be consolidated so that Respondent's tariffs will be simplified, and the late-payment penalty will be eliminated. The methods chosen by Respondent to spread the increase in rates and to allocate costs are just and reasonable and not unduly discriminatory.

10. Respondent is operating efficiently and has programs to keep costs at a minimum.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Respondent is a public utility as defined in 40-1-103, CRS 1973, and is subject to the jurisdiction of this Commission.
2. Respondent's existing rates do not and will not, in the foreseeable future, produce a rate of return for Respondent that will be just and reasonable. In the aggregate such rates are unjust and unreasonable.
3. The rates proposed by Respondent with its Advice Letter No. 25 are just, reasonable, and not unduly discriminatory, and the same should be established as the effective rates. Said rates will produce approximately \$88,149 of additional revenue for Respondent.
4. A rate of return of 6.24 percent for Respondent is just and reasonable and is required to maintain the financial integrity of Respondent and to allow Respondent to continue to provide electrical service to its customers.
5. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.


ORDER

THE COMMISSION ORDERS THAT:

1. The tariff sheets filed by Gunnison County Electric Association, Inc., on November 5, 1975, under its Advice Letter No. 25 be, and hereby are, established as the effective rates and charges as of the effective date of this Order.
2. Gunnison County Electric Association, Inc., shall, within thirty (30) days of the effective date of this Order, file with the Commission substitute tariff sheets containing the rates, rules, and regulations, as proposed under Advice Letter No. 25, but indicating thereon the effective date thereof and the authority of this Decision. Such filing shall be accompanied by a new advice letter, but is intended solely for record purposes and may be made without further notice, this Order being fully self-executing in all respects.
3. Investigation and Suspension Docket No. 1007 be, and hereby is, closed.
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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/jp

(Decision No. 88377)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
RESPONDENT, ENGLEWOOD TRANSIT)	CASE NO. 5669
COMPANY, A COLORADO CORPORATION,)	
UNDER CERTIFICATES OF PUBLIC)	ORDER TO SHOW CAUSE
CONVENIENCE AND NECESSITY PUC)	AND
NO. 222 AND PUC NO. 222-I.)	NOTICE OF HEARING

- - - - -
March 9, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the above-named Respondent was granted Certificates of Public Convenience and Necessity PUC No. 222 and PUC No. 222-I, to conduct certain operations as a common carrier by motor vehicle for hire for the following, to wit:

"Transportation of general freight between Pueblo and Boone, and intermediate points; Pueblo and Coal Creek, and intermediate points; and Pueblo and Beulah, and intermediate points as follows:

- (A) Commencing at Pueblo, thence on the state highway leading through Vineland and Avondale to Boone;
- (C) Commencing at Pueblo, thence on the public highway to Rock Creek and Beulah.

Conduct of a transfer, moving and general cartage business from and to Pueblo and to and from all other points in the State of Colorado, subject to the following conditions:

- (A) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, the applicant shall charge rates which in all cases shall be at least twenty percent in excess of those charged by the scheduled carriers;
- (B) The applicant shall not operate on schedule between any points;

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

INTERSTATE AUTHORITY: Transportation of freight between all points in Colorado and the Colorado State Boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Extended to include the transportation of general freight, between all points and places in the City of Pueblo, Colorado."

The Staff of the Public Utilities Commission has conducted an investigation relating to the motor vehicles operations of Respondent under Certificates of Public Convenience and Necessity PUC No. 222 and PUC No. 222-I. Said investigation disclosed that the Respondent has engaged in transportation practices that may be in violation of the Public Utility Law and the Rules and Regulations of this Commission to wit:

1. By failing, in twenty-one instances, to file with this Commission, Emergency Letters for the use of emergency equipment and by issuing Emergency Letters and securing emergency equipment in fifty instances, with the compensation for said equipment being based on a percentage of the revenue developed by the emergency equipment, as identified in Appendix "A" attached hereto, in violation of Rule Number 10(a) and (b) of the Commission's Rules and Regulations governing Common Carriers by Motor Vehicle for Hire.
2. By failing to charge and collect the rates and charges contained in the tariffs of Respondent, lawfully on file in the offices of the Public Utilities Commission, on those shipments as identified by Freight Bill Number and Date in Appendixes "B", "C", "D", "E", "F", "G", "H" and "I" attached hereto.

On January 20, 1976, pursuant to Section 24-4-104(3) CRS 1973, Harry A. Galligan, Jr., Secretary of the Commission -- and acting upon its behalf -- sent a letter to the Respondent giving notice of facts or conduct that may warrant action by the Commission suspending, revoking, altering or amending Certificates of Public Convenience and Necessity PUC No. 222 and PUC No. 222-I and affording the Respondent opportunity to submit written data, views and arguments with respect to such facts or conduct.

On February 18, 1976, Respondent submitted data, views and arguments in response to Mr. Galligan's letter of January 20, 1976 regarding the proposed show cause.

The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such arguments as may be material, and to determine what order or penalty, if any, shall be made or imposed by the Commission.

The Commission takes official notice of the tendency of Case No. 5633 which is a show-cause proceeding also involving the Respondent herein and which is presently set for hearing on March 24, 1976. In the interest of judicial economy the Commission states and finds that the within Case No. 5669 should be consolidated with Case No. 5633 and the two heard together. In order to give the Respondent sufficient notice and opportunity to prepare for the joint hearing, the hearing previously set in Case No. 5633 should be vacated.

O R D E R


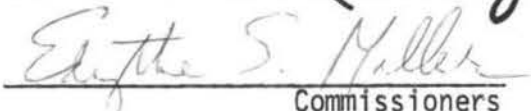
THE COMMISSION ORDERS:

That the Respondent, Englewood Transit Company, a Colorado Corporation, be, and hereby is, directed to appear before this Commission on May 7, 1976 as specifically set forth below, to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate; including, but not limited to, a cease and desist order, or if warranted, an order suspending, revoking, altering or amending Certificates of Public Convenience and Necessity PUC No. 222 and PUC No. 222-I.

This case be, and the same hereby is, consolidated with Case No. 5633 and 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 May 7, 1976, 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.

DONE IN OPEN MEETING the 9th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

APPENDIX "A"

ENGLEWOOD TRANSIT COMPANY

<u>SHIPPER'S NAME</u>	<u>ENGLEWOOD FREIGHT BILL NUMBER</u>	<u>DATE</u>
Canyon Valley Electric	92589	1/ 7/75
Livingston Construction	87043	1/24/75
Livingston Construction	87042	1/24/75
Ronald Minske	87389	2/ 5/75
Livingston Construction	88076	2/26/75
Special Products Co.	88077	2/26/75
Special Products Co.	88078	2/26/75
Sew Co. Dist.	88223	2/28/75
Mrs. Cambell	88213	2/28/75
Jim Freeman	88214	2/28/75
West Chemical Prod. Inc.	88387	3/ 6/75
Roger Johnston	88758	3/15/75
Loos Electric Supply Co.	88763	3/17/75
West Chemicals Products Inc.	88831	3/17/75
West Chem. Products Inc.	88996	3/20/75
Karen Fentimen	88759	3/21/75
Special Products Co.	89187	3/27/75
Mrs. Nigel Miller	90224	4/11/75
Rick Spiegle	None	4/12/75
Duane Investments	88760	4/ 5/75
Mrs. Joyce Smith	88761	4/15/75
Viola Gordon	88762	4/18/75
Mrs. Otto Wach	90367	4/29/75
Jerry Ragliano	90368	5/ 3/75
Kendall Electric	90837	5/ 7/75
Mrs. Joseph Weber	90369	5/16/75
Card Hamilton	90370	5/17/75
Rick Grass	90371	5/19/75
W. F. Taylor	97252	5/26/75
Mrs. Hosing	97340	5/28/75
Mike Martin	97501	5/30/75
Mrs. Don Saxbe	97610	6/ 3/75
Mrs. Clifford Hadley	97671	6/ 4/75
Theo Lyman	97253	6/ 6/75
Donald Beier	97255	6/23/75
Henry Troudt	97254	6/25/75
Colorado State Dept. of Employment	97256	6/30/75
K-Mart	100490	7/ 1/75
Gary Lytle	99453	7/18/75
Bob Burling	90372	7/28/75
Gary Jantz	99845	7/29/75
Tom Bell	99855	7/30/75
G. W. Galloway	99856	7/30/75
Lee Lindsey	100489	8/11/75
K-Mart	100491	8/20/75
Donald Westland	101566	8/29/75
Jo Ann Lebsack	101565	9/22/75
Nelma Shelton	103614	10/ 3/75
Charles Amos	103613	10/ 3/75
Eleanor Ferguson	103612	10/ 3/75

APPENDIX "B"

ENGLEWOOD TRANSIT COMPANY

Lines No. 1 thru No. 19 - Shipments from CF&I Fabricators located in Douglas County, approximately 19 miles from Denver to Craig and Sterling, Colorado.

<u>LINE NO.</u>	<u>WAYBILL NO. AND DATE*</u>	<u>BASIS OF RATES</u>	<u>CORRECT BASIS</u>	<u>TARIFF AUTHORITY</u>	<u>UNDERCHARGE</u>
1	85944 7/18	213 Miles	227 MILES x \$1.47	CMTB No. 13	\$ 5.67
2	86058 7/21	213 Miles	227 MILES x \$1.47 PLUS 15% OVERLENGTH	CMTB No. 13	6.52
3	86012 7/17	213 Miles	227 MILES x \$1.60	CMTB No. 13	5.36
4	86013 7/17	213 Miles	227 MILES x \$1.60	CMTB No. 13	5.36
5	85970 7/14	213 Miles	227 MILES x \$1.60	CMTB No. 13	5.36
6	85966 7/14	213 Miles	227 MILES x \$1.60	CMTB No. 13	5.36
7	85958 7/14	213 Miles	227 MILES x \$1.60	CMTB No. 13	5.36
8	85879 7/ 3	213 Miles	227 MILES x \$1.60	CMTB No. 13	5.36
9	85895 7/ 3	213 Miles	227 MILES x \$1.60	CMTB No. 13	5.36
10	85894 7/ 7	213 Miles	227 MILES x \$1.60	CMTB No. 13	5.36
11	86015 7/16	213 Miles	227 MILES x \$1.60	CMTB No. 13	5.36
12	86016 7/17	213 Miles	227 MILES x \$1.60	CMTB No. 13	5.36
13	86007 7/15	213 Miles	227 MILES x \$1.60	CMTB No. 13	5.36
14	86006 7/15	213 Miles	227 MILES x \$1.60	CMTB No. 13	5.36
15	86017 7/15	213 Miles	227 MILES x \$1.47	CMTB No. 13	5.67
16	85934 7/ 9	213 Miles	227 MILES x \$1.60 PLUS 15% OVERLENGTH	CMTB No. 13	6.16
17	85972 7/10	124 Miles	144 MILES RATED AS 151 MILES x \$1.80	CMTB No. 13	26.28
18	85973 7/11	124 Miles	144 MILES RATED AS 151 MILES x \$1.80	CMTB No. 13	26.28
19	86057 7/21	60 Miles	76 MILES x \$2.30	CMTB No. 13	24.20
					<hr/> \$165.10

*All dates indicated are for year 1975.

APPENDIX "C"

ENGLEWOOD TRANSIT COMPANY

Lines No. 20 thru No. 36 - Shipments of Building Paper, Shingles, Etc., from GAF Corp., rated from Item No. 2930, Item No. 470 and Class Rates in Colorado Motor Tariff Bureau Tariff No. 12-B.

LINE NO.	WAYBILL NO. AND DATE*	BASIS OF RATES	CORRECT BASIS	TARIFF AUTHORITY	UNDERCHARGE
20	85933 7/ 9	47¢ cwt.	47¢ PLUS 20% PENALTY	CMTB No. 12-B	\$ 42.30
21	85946 7/ 9	10¢ cwt.	71¢ PLUS 20% PENALTY	CMTB No. 12-B	333.40
22	85962 7/10	46¢ cwt.	46¢ PLUS 20% PENALTY	CMTB No. 12-B	46.32
23	85963 7/11	38¢ cwt.	38¢ PLUS 20% PENALTY	CMTB No. 12-B	34.20
24	85964 7/14	50¢ cwt.	50¢ PLUS 20% PENALTY	CMTB No. 12-B	47.04
25	85965 7/14	36¢ cwt.	36¢ PLUS 20% PENALTY	CMTB No. 12-B	32.04
26	86021 7/16	50¢ cwt.	50¢ PLUS 20% PENALTY	CMTB No. 12-B	45.00
27	86051 7/18	46¢ cwt.	46¢ PLUS 20% PENALTY	CMTB No. 12-B	49.01
28	86072 7/24	38¢ cwt.	38¢ CWT. PLUS 20%	CMTB No. 12-B	40.00
29	86084 7/24	38¢ cwt.	38¢ CWT. PLUS 20%	CMTB No. 12-B	40.66
30	86094 7/24	38¢ cwt.	38¢ CWT. PLUS 20%	CMTB No. 12-B	34.20
31	86112 7/24	38¢ cwt.	38¢ CWT. PLUS 20%	CMTB No. 12-B	34.20
32	86121 7/24	38¢ cwt.	38¢ CWT. PLUS 20%	CMTB No. 12-B	37.51
33	86126 7/24	92¢ cwt.	\$1.29 PLUS STOPPING- IN-TRANSIT \$23.50 AND 20% PENALTY	CMTB No. 12-B Class Rate	324.36
34	86129 7/25	47¢ cwt.	47¢ PLUS 20% PENALTY	CMTB No. 12-B	52.97
35	86132 7/25	46¢ cwt.	46¢ PLUS 20% PENALTY	CMTB No. 12-B	46.10
36	86133 7/25	46¢ cwt.	46¢ PLUS 20% PENALTY	CMTB No. 12-B	46.10
					<hr/> \$1,285.41

*All dates indicated are for year 1975.

APPENDIX "D"

ENGLEWOOD TRANSIT COMPANY

Lines No. 37 thru No. 48 - Shipments of Empty Used Steel Drums from
Kaminsky Barrel Co., Denver, to CF&I, Minnequa,
Rated Per Item No. 52800 National Motor Freight Classification No. 100-B

<u>LINE NO.</u>	<u>WAYBILL NO. AND DATE*</u>	<u>BASIS OF RATES</u>	<u>CORRECT BASIS</u>	<u>TARIFF AUTHORITY</u>	<u>UNDERCHARGE</u>
37	85807 7/ 1	92¢ CWT. 18M	\$1.88 x 12500# PLUS 20%	CMTB No. 12-B	\$ 116.40
38	85824 7/ 1	92¢ CWT. 18M	\$1.22 x 20M PLUS 20%	CMTB No. 12-B	127.20
39	85849 7/ 7	92¢ CWT. 18M	\$1.22 x 20M PLUS 20%	CMTB No. 12-B	127.20
40	85884 7/ 7	98¢ CWT. 18M	\$1.88 x 12M PLUS 20%	CMTB No. 12-B	94.32
41	85885 7/ 7	98¢ CWT. 18M	\$1.22 x 20M PLUS 20%	CMTB No. 12-B	116.40
42	85956 7/14	98¢ CWT. 18M	\$1.88 x 12M PLUS 20%	CMTB No. 12-B	94.32
43	85997 7/15	98¢ CWT. 18M	\$1.88 x 12M PLUS 20%	CMTB No. 12-B	94.32
44	85998 7/16	98¢ CWT. 18M	\$1.88 x 12M PLUS 20%	CMTB No. 12-B	94.32
45	86043 7/18	98¢ CWT. 18M	\$1.88 x 12M PLUS 20%	CMTB No. 12-B	94.32
46	86061 7/22	98¢ CWT. 18M	\$1.88 x 12500# PLUS 20%	CMTB No. 12-B	105.60
47	86068 7/24	98¢ CWT. 18M	\$1.88 x 12000# PLUS 20%	CMTB No. 12-B	94.32
48	86127 7/28	98¢ CWT. 18M	\$1.88 x 12000# PLUS 20%	CMTB No. 12-B	94.32
					<hr/> \$1,253.04

*All dates indicated are for year 1975.

APPENDIX "E"
ENGLEWOOD TRANSIT COMPANY

Lines No. 49 thru No. 56 - Shipments from Deline Box, Denver.

PART "A"

Rated from Item No. 1340, Colorado Motor Tariff Bureau Tariff No. 12-B,
 Subject to Stopping-In-Transit Charges, Item No. 630, and Penalty Rule, Item No. 470.

PART "B"

Rated on Hourly Rates from Englewood Transit Company Tariff No. 18.

Part "A"

LINE NO.	WAYBILL NO. AND DATE*	BASIS OF RATES	CORRECT BASIS	TARIFF AUTHORITY	UNDERCHARGE
49	85898 7/ 9	\$1.13 Per Cwt.	\$1.13 PLUS STOPPING-IN-TRANSIT \$23.50 AND 20% PENALTY = \$230.11	CMTB No. 12-B	\$ 61.85
50	85853 7/ 2	\$.75 Per Cwt.	75¢ PLUS 20% PENALTY = \$216.00	CMTB No. 12-B	36.00
51	86141 7/25	\$.75 Per Cwt.	75¢ PLUS 20% PENALTY = \$216.00	CMTB No. 12-B	36.00
52	86173 7/25	\$.75 Per Cwt.	75¢ PLUS 20% PENALTY = \$216.00	CMTB No. 12-B	36.00
53	86005 7/16	\$.75 Per Cwt.	75¢ PLUS 20% PENALTY = \$216.00	CMTB No. 12-B	36.00
54	86050 7/18	\$1.13 Per Cwt.	\$1.13 PLUS STOPPING-IN-TRANSIT \$23.50 AND 20% PENALTY = \$201.77	CMTB No. 12-B	57.13

Part "B"

55	86023 7/15	\$11.50 Per Hour	\$11.50 PER HOUR 4 HOUR MINIMUM	ETC No. 18	23.00
56	86148 7/18	\$11.50 Per Hour	\$11.50 PER HOUR 4 HOUR MINIMUM	ETC No. 18	23.00
					\$308.98

*All dates indicated are for year 1975.

APPENDIX "F"

ENGLEWOOD TRANSIT COMPANY

Lines No. 57 thru No. 63 - Shipments from Container Systems Inc., Wheatridge.
Rated from Item No. 160 of Colorado Motor Tariff Bureau Tariff No. 15;
Hourly Rates on Page No. 8 of Colorado Motor Tariff Bureau Tariff No. 15;
and Commodity Rates from Colorado Motor Tariff Bureau Tariff No. 12-B.

LINE NO.	WAYBILL NO. AND DATE*	BASIS OF RATES	CORRECT BASIS	TARIFF AUTHORITY	UNDERCHARGE
57	85827 7/ 2	2½ HOURS x \$18.15 6½ HOURS x \$14.80	75¢ x 25150# PLUS STOPPING-IN-TRANSIT \$23.50 AND 20% PENALTY	CMTB No. 12-B Commodity Item	\$112.96
58	85828 7/ 1	8 HOURS x \$14.80 4 HOURS x \$18.15			
	85831 7/ 1	5 HOURS x \$14.80 2½ HOURS x \$18.15			
	85880 7/ 3	6 HOURS x \$14.80 2½ HOURS x \$18.15 (19 HOURS x \$14.80 (9 HOURS x \$18.15	19 HOURS x \$17.25 9 HOURS x \$20.75	CMTB No. 15 HOURLY RATES PAGE 8	69.94
59	85932 7/ 8	8 HOURS x \$14.80 2½ HOURS x \$18.50	75¢ x EST. 37000# PLUS STOPPING-IN-TRANSIT \$23.50 AND 20% PENALTY	CMTB No. 12-B Commodity Item	197.42
60	85929 7/ 7	8 HOURS x \$14.80 ½ HOUR x \$18.15			
	85930 7/ 8	1 HOUR x \$14.80 2 HOURS x \$18.15			
	85931 7/ 9	8 HOURS x \$14.80 4 HOURS x \$18.15 (17 HOURS x \$14.80 (6½ HOURS x \$18.15	17 HOURS x \$17.25 6½ HOURS x \$20.75	CMTB No. 15 HOURLY RATES PAGE 8	58.55
61	86150 7/23	8 HOURS x \$17.25 4 HOURS x \$20.75	8 HOURS x \$17.25 5 HOURS x \$20.75	CMTB No. 15 HOURLY RATES PAGE 8	20.75
62	86025 7/16	8 HOURS x \$17.25 2 HOURS x \$20.75	75¢ x 24M PLUS STOPPING-IN-TRANSIT \$23.50 AND 20% PENALTY	CMTB No. 12-B Commodity Item	64.70
63	86147 7/22	3 HOURS x \$17.25 2½ HOURS x \$20.75	WEIGHT UNKNOWN. SHOULD BE RATED PER COMMODITY ITEM WITH STOP CHARGE AND 20% PENALTY.	CMTB No. 12-B Commodity Item	
					\$524.32

*All dates indicated are for year 1975.

APPENDIX "G"

ENGLEWOOD TRANSIT COMPANY

Lines No. 64 thru No. 73 - Shipper: Boise Cascade

PART "A"

Rated Per Colorado Motor Tariff Bureau Tariff No. 12-B, Item No. 1340.

PART "B"

Rated Per Hourly Rates in Englewood Transit Company Tariff No. 20.

Part "A"

WAYBILL NO. AND DATE*	BASIS OF RATES	CORRECT BASIS	TARIFF AUTHORITY	UNDERCHARGE	OVERCHARGE
85942 7/ 8	\$1.13 PER CWT.	\$1.13 PLUS 20% PENALTY	CMTB No. 12-B	\$ 25.36	
85940 7/ 9	\$1.13 PER CWT.	\$1.13 PLUS 20% PENALTY	CMTB No. 12-B	24.00	
86134 7/25	75¢ PER CWT.	75¢ PLUS STOPPING-IN-TRANSIT \$23.50 AND 20% PENALTY	CMTB No. 12-B	64.20	
85939 7/ 9	\$1.13 PER CWT.	\$1.13 PLUS STOPPING-IN-TRANSIT \$23.50 AND 20% PENALTY	CMTB No. 12-B	60.81	
86137 7/25	75¢ PER CWT.	75¢ PLUS 20% PENALTY	CMTB No. 12-B	37.68	
86136 7/25	75¢ PER CWT.	75¢ PLUS STOPPING-IN-TRANSIT \$23.50 AND 20% PENALTY	CMTB No. 12-B	64.20	
86135 7/25	75¢ PER CWT.	75¢ PLUS 20% PENALTY	CMTB No. 12-B	36.00	
86028 7/15	75¢ PER CWT.	75¢ PLUS 20% PENALTY	CMTB No. 12-B	38.29	

Part "B"

(86152 7/23	6 HOURS				
(86153 7/22	4½ HOURS				
(86154 7/21	4 HOURS				
(86156 7/25	4½ HOURS				
(86157 7/22	5 HOURS				
(99778 7/21	5 HOURS				
	31 HOURS	(28 HOURS STRAIGHT TIME \$9.50) (3 HOURS OVERTIME \$11.50)	- BASIS OF RATES		
		(28 HOURS STRAIGHT TIME \$11.50) (3 HOURS OVERTIME \$14.75)	- CORRECT BASIS		
			ETC No. 20	65.75	

(	5½ HOURS	x \$11.50			
(85937 7/ 9	3 HOURS	x \$14.75			
(85938 7/ 9	2 HOURS	x \$14.75			
(85941 7/ 8	3 HOURS	x \$11.50			
(	2 HOURS	x \$14.75			
(85943 7/ 7	3½ HOURS	x \$11.50			
(	½ HOUR	x \$11.50			
(86046 7/10	5½ HOURS	x \$ 9.50			
(	1 HOUR	x \$11.50			
(86047 7/11	7 HOURS	x \$ 9.50	ETC No. 20		\$44.25
(86031 7/10	8 HOURS	x \$ 9.50			
(1 Week)	41 HOURS	(32½ HOURS STRAIGHT TIME) (8½ HOURS OVERTIME)	- \$450.75 - BASIS OF RATES		
1 dates indicated		(32½ HOURS x \$ 9.50) (8½ HOURS x \$11.50)	- \$406.50 - CORRECT BASIS		
e for year 1975.				\$416.29	\$44.25

APPENDIX "H"

ENGLEWOOD TRANSIT COMPANY

Lines No. 74 thru No. 80

PART "A"

Shipments from Fry Roofing Company

Rated Per Commodity Item No. 2930, Colorado Motor Tariff Bureau Tariff No. 12-B
And Subject to Stopping-In-Transit, Item No. 630, and Penalty Rule, Item No. 470.

LINE NO.	WAYBILL NO. AND DATE*	BASIS OF RATES	CORRECT BASIS	TARIFF AUTHORITY	UNDERCHARGE
74	85890 7/ 8	42¢ PER CWT.	49¢ PLUS 20% PENALTY	CMTB No. 12-B	\$ 44.10
75	85899 7/ 5	35¢ PER CWT.	35¢ PLUS STOPPING-IN-TRANSIT \$23.50 AND 20% PENALTY	CMTB No. 12-B	61.81
76	86018 7/16	38¢ PER CWT.	38¢ PLUS 20% PENALTY	CMTB No. 12-B	34.20
77	86045 7/17	49¢ PER CWT.	49¢ PLUS 20% PENALTY	CMTB No. 12-B	44.10

PART "B"

Shipments to Fry Roofing Company from Cherry Creek Sand and Gravel
Rated Class 50, 20,000 Minimum, from Page No. 7-A,
Colorado Motor Tariff Bureau Tariff No. 15.

78	85881 7/ 3	31¢ PER CWT.	39¢ PER CWT.	CMTB No. 15	32.00
79	85928 7/ 9	31¢ PER CWT.	39¢ PER CWT.	CMTB No. 15	32.00
80	86139 7/23	31¢ PER CWT.	39¢ PER CWT.	CMTB No. 15	32.00
					<hr/> \$280.21

*All dates indicated are for year 1975.

APPENDIX "I"
ENGLEWOOD TRANSIT COMPANY

Lines No. 81 thru No. 92

Miscellaneous Shipments Rated Incorrectly

E	WAYBILL NO. AND DATE*	BASIS OF RATES	CORRECT BASIS	TARIFF AUTHORITY	UNDERCHARGE	OVERCHARGE
85839	7/ 2	\$1.30 PER MILE	74¢ 26M PLUS 20% PENALTY	CMTB No. 12-B Item No. 2215	\$ 87.88	
85896	7/ 7	\$1.30 PER MILE	74¢ 26M PLUS 20% PENALTY	CMTB No. 12-B Item No. 2215	87.88	
86001	7/16	\$1.30 PER MILE	74¢ 26M PLUS 20% PENALTY	CMTB No. 12-B Item No. 2215	87.88	
86009	7/15	\$1.30 PER MILE	74¢ 26M PLUS 20% PENALTY	CMTB No. 12-B Item No. 2215	87.88	
85854	7/ 1	\$1.00 PER CWT.	\$1.00 PLUS 20% PENALTY	CMTB No. 12-B Item No. 2920	88.52	
85967	7/11	\$1.04 PER CWT.	\$1.04 PLUS 20% PENALTY	CMTB No. 12-B Item No. 2920	83.20	
86048	7/17	50¢ PER CWT.	50¢ PLUS 20% PENALTY	CMTB No. 12-B Item No. 2930	46.57	
86130	7/25	\$1.30 PER CWT.	\$1.30 PLUS 20% PENALTY	CMTB No. 12-B Item No. 2920	124.80	
85968	7/12	\$43.00 PER HOUR	\$49.00 PER HOUR OVERTIME	CMTB No. 13	72.00	
86020	7/16	\$24.50 PER HOUR	8½ HOURS x \$24.50 6½ HOURS x \$30.50	CMTB No. 13	39.00	
86145	7/23	1½ HOURS AS 2 HOURS x \$19.50	1½ HOURS x \$17.25	CMTB No. 15 Page No. 8		\$ 13.12
86146	7/22	8 HOURS x \$19.50	8 HOURS x \$17.25	CMTB No. 15 Page No. 8		18.00
					<hr/> \$805.61	<hr/> \$ 31.12

11 dates indicated are for year 1975.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
R & B MOVING & STORAGE COMPANY,	)	APPLICATION NO. 28300-Extension
DOING BUSINESS AS "BROADWAY MOVING	)	and/or Clarification
& STORAGE COMPANY," 4830 MONACO)	
STREET, COMMERCE CITY, COLORADO,	)	RECOMMENDED DECISION OF
FOR A CERTIFICATE OF PUBLIC	)	ROBERT E. TEMMER,
CONVENIENCE AND NECESSITY AUTHOR-	)	EXAMINER
IZING EXTENSION AND/OR CLARIFICA-)	
TION OF OPERATIONS UNDER PUC NO.	)	DENYING APPLICATION
3584.)	

- - - - -
March 15, 1976
- - - - -

Appearances: David D. Mulligan, Esq.,
Denver, Colorado, for
Applicant, R & B Moving
& Storage Company, doing
business as "Broadway
Moving & Storage Company";
Thomas J. Burke, Esq.,
Denver, Colorado, for
Bowers Transfer & Storage
Co., Protestant;
Raymond M. Kelley, Esq.,
Denver, Colorado, for
Overland Motor Express,
Inc., doing business as
"Boulder-Denver Truck
Line, Inc.," and Edson
Express, Inc., Protestants;
Warren Hoemann, Esq., Denver,
Colorado, for Hoffman
Transfer Company; Merritt
Packing & Crating Service,
Inc.; Gray Moving & Storage,
Inc.; Golden Transfer Company;
and City Storage & Transfer,
Inc., Protestants;
Joseph F. Nigro, Esq., Denver,
Colorado, for Bekins Van &
Storage Co.; Bonanza Moving
& Storage Co.; Buehler Trans-
fer Company; G. I. Moving &
Storage Co.; Johnson Storage
& Moving Co.; and Weicker
Transfer & Storage Co.,
Protestants.

PROCEDURE AND RECORD

On April 15, 1975, R & B Moving & Storage Company, doing business
as "Broadway Moving & Storage Company," hereinafter referred to as Applicant,

filed the above-entitled application with this Commission for authority to extend operations as a common carrier by motor vehicle for hire, or to clarify its Certificate of Public Convenience and Necessity, all as specifically set forth in said application.

The Commission assigned Docket No. 28300-Extension and/or Clarification to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

Protests were duly filed by Bowers Transfer & Storage Co.; Overland Motor Express, Inc., doing business as "Boulder-Denver Truck Line, Inc."; Edson Express, Inc.; Golden Transfer Company; City Storage & Transfer, Inc.; Bekins Van & Storage Co.; Bonanza Moving & Storage Co.; Buehler Transfer Company; G. I. Moving & Storage Co.; Johnson Storage & Moving Co.; Weicker Transfer & Storage Co.; Hoffman Transfer Company; Merritt Packing & Crating Service, Inc.; and Gray Moving & Storage, Inc.

The matter was originally set for a hearing to be held on July 10, 1975. That hearing date was vacated and the matter was reset for hearing several times and those hearing dates were vacated. The matter was finally set for a hearing to be held on February 9, 1976, at 10 a.m. in a hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, and due and proper notice thereof was given. The matter was heard at that time and place by Examiner Robert E. Temmer, to whom the matter had been duly assigned.

Exhibits 1 through 22 were marked for identification and admitted into evidence. Official notice was taken of Case No. 5637 and of Certificates of Public Convenience and Necessity PUC Nos. 338, 338-I, 3383, 340, 507, 335, 335-I, and 341. The Examiner hereby takes official notice of Decision No. 46220 issued July 25, 1956.

At the conclusion of the presentation of evidence, Applicant was given until February 17, 1976, to file additional financial statements and to serve copies thereof on the other parties; and the Protestants were given until February 24, 1976, to submit comments on the financial statements or to request a further hearing on the late-filed financial exhibits. The Applicant submitted financial statements on February 13, 1976. On February 19, 1976, Denver-Boulder Truck Line and Edson Express, Inc., reraised their objection to the admissibility of the financial statements. On February 24, 1976, Hoffman Transfer Company; Golden Transfer Company; Gray Moving & Storage, Inc.; Merritt Packing & Crating Service, Inc.; City Storage & Transfer, Inc.; and Sorenson Truck Service, Inc., submitted comments concerning the late-filed exhibit and requested a further hearing on the financial statements. Sorenson Truck Service, Inc., did not file a protest or petition to intervene in this matter and therefore has no standing to object or request a further hearing. Comments concerning the late-filed financial statements will be taken into account, but the request for further hearing be, and hereby is, denied, and the late-filed financial statements be, and hereby are, admitted into evidence.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and 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 and existing under the laws of the state of Colorado.

2. Applicant presently holds authority from this Commission under PUC No. 3584, which reads as follows:

"Transportation of crated and uncrated furniture and household appliances, from point to point within the corporate limits of the City and County of Denver, Colorado."

3. Applicant does not hold any other authority from this Commission.

4. The authority to which extension or clarification is hereby sought, PUC No. 3584, has been continually operated in the past and is presently in good standing with the Commission.

5. By this application, Applicant seeks to clarify or extend the authority under PUC No. 3584 as follows:

Transportation -- on call and demand -- of

Household goods, new and used furniture and office equipment

Between all points located within the area of the counties comprised of Denver, Adams, Arapahoe, Jefferson, and Boulder, and between said points on the one hand and all points within the state of Colorado on the other hand.

6. The extension applied for herein is compatible with the authority presently held by Applicant.

7. Applicant owns sufficient equipment, has sufficient experience and net worth, all of which would be ample and suitable for the operation of the authority applied for herein.

8. The chief corporate officers, as well as the employees, of Applicant are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

9. The evidence that Applicant presented concerning need for the extension or clarification was that certain calls were received at the office of the Applicant and that approximately 90 percent of the calls could not be serviced by Applicant because Applicant did not have authority to provide the transportation services inquired about. No evidence was presented to show whether or not the people making these inquiries were able to get transportation services from authorized carriers, nor to show whether or not the people making the inquiries actually needed transportation services. Applicant contends that the growth in population has been in the counties surrounding Denver and that the actual population of Denver has decreased. Of the calls that are received at Applicant's office each day, Applicant contends

that eight or nine of the calls were for moves somewhere in the base territory Applicant has requested authority to serve. The Protestants in this matter all have authority from this Commission which would to some extent conflict with the authority sought by Applicant. The Protestants who presented evidence in this proceeding have idle equipment that could be used to provide transportation services of the type Applicant requests authority to provide; are serving the public now and could use and handle additional business; and have expanded their facilities to keep up with population growth. There is no evidence to establish that granting the extension would provide a more efficient, reliable service for the public or that the public would get any extra benefits from introducing more competition. There is existing competition in the area Applicant desires to serve, and the Applicant did not present any evidence to show that granting the extension would improve the competitive balance.

10. The Applicant also desired clarification of its authority. Applicant's office is now located in Adams County, and associated with the office is a warehouse where it provides a storage service. If Applicant is paid to transport articles to its warehouse, Applicant is providing transportation services beyond the city limits of Denver, which it does not have authority to do. Applicant had been operating as a household goods' mover but was informed that under its authority it could not transport household goods but could only transport furniture and household appliances and not other household or office goods. No evidence was presented to show the Commission intended to grant authority to transport household goods rather than just crated and uncrated furniture and household appliances. Decision No. 46220, issued July 25, 1956, was the original grant of authority for Certificate of Public Convenience and Necessity PUC No. 3584. The grant of authority was based on "grandfather rights," and was limited to "crated and uncrated furniture and household appliances," because those were the commodities that had been transported to establish the "grandfather rights." It should be noted that a certificate cannot be expanded without order of the Commission, and so Certificate of Public Convenience and Necessity PUC No. 3584 is limited to the corporate limits of the City and County of Denver as of the effective date of Decision No. 46220. The wording of the Certificate is definite and clear.

11. The public convenience and necessity does not require the granting of the application.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Application No. 28300-Extension and/or Clarification should be denied.
2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28300-Extension and/or Clarification, being an application of R & B Moving & Storage Company, doing business as "Broadway Moving & Storage Company," 4830 Monaco Street, Commerce City, Colorado, for a certificate of public convenience and necessity authorizing extension

and/or clarification of operations under PUC No. 3584, 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
rw
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GERARD C. BERTSCH, DOING BUSINESS AS)
"ROD'S RUBBISH REMOVAL," 2201 WEST)
VASSAR AVENUE, ENGLEWOOD, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
3580 TO CITY WIDE RUBBISH REMOVAL,)
INC., DOING BUSINESS AS "SUPREME)
DISPOSAL SERVICE, INC.," 2585 SOUTH)
CHERRY STREET, DENVER, COLORADO.)

APPLICATION NO.
28687-Transfer

IN THE MATTER OF THE APPLICATION OF)
GERARD C. BERTSCH, DOING BUSINESS AS)
"ROD'S RUBBISH REMOVAL," 2201 WEST)
VASSAR AVENUE, ENGLEWOOD, COLORADO,)
FOR AUTHORITY TO TRANSFER PUC NO.)
5362 TO CITY WIDE RUBBISH REMOVAL,)
INC., DOING BUSINESS AS "SUPREME)
DISPOSAL SERVICE, INC.," 2585 SOUTH)
CHERRY STREET, DENVER, COLORADO.)

APPLICATION NO.
28688-Transfer

IN THE MATTER OF THE APPLICATION OF)
LEONARD A. ROY, SR., IN CARE OF)
MORTON L. DAVIS, ATTORNEY, SUITE)
302, 1430 HAVANA STREET, AURORA,)
COLORADO, FOR AUTHORITY TO TRANSFER)
ALL RIGHT, TITLE AND INTEREST IN)
AND TO CITY WIDE RUBBISH REMOVAL,)
INC., DOING BUSINESS AS "SUPREME)
DISPOSAL SERVICE, INC.," RECORD)
OWNER OF PUC NO. 3312, TO HOWARD)
LENDERINK, 2585 SOUTH CHERRY STREET,)
DENVER, COLORADO.)

APPLICATION NO.
28701-Transfer

COLORADO DISPOSAL, INC.)

Complainant,)

vs.)

MR. HOWARD LENDERINK and CITY)
WIDE RUBBISH REMOVAL, INC.,)
DOING BUSINESS AS "SUPREME)
DISPOSAL SERVICE, INC.,")

Respondents.)

CASE NO. 5643

RECOMMENDED DECISION OF
ROBERT E. TEMMER, EXAMINER

- - - - -
March 15, 1976
- - - - -

Appearances: Arlen S. Ambrose, Esq.,
Denver, Colorado, for
Howard Lenderink and
City Wide Rubbish Re-
moval, Inc.;
Morton L. Davis, Esq.,
Aurora, Colorado,
for Leonard A. Roy;
Irvin M. Kent, Esq.,
Denver, Colorado, for
Colorado Disposal, Inc.

PROCEDURE AND RECORD

On September 22, 1975, Gerard C. Bertsch, hereinafter referred to as "Mr. Bertsch," and City Wide Rubbish Removal, Inc., doing business as "Supreme Disposal Service, Inc.," hereinafter referred to as "City Wide," filed an application for authority to transfer Certificate of Public Convenience and Necessity PUC No. 3580 from Mr. Bertsch to City Wide. On the same date (September 22, 1975), Mr. Bertsch and City Wide filed an application to transfer Certificate of Public Convenience and Necessity PUC No. 5362 from Mr. Bertsch to City Wide.

On September 30, 1975, Leonard A. Roy, Sr., and Howard Lenderink, hereinafter respectively referred to as "Mr. Roy" and "Mr. Lenderink," filed an application with this Commission for authority to transfer from Mr. Roy to Mr. Lenderink all of Mr. Roy's right, title, and interest in and to City Wide, record owner of Certificate of Public Convenience and Necessity PUC No. 3312.

The Commission assigned Application No. 28687-Transfer to the application concerning Certificate of Public Convenience and Necessity PUC No. 3580; Application No. 28688-Transfer to the application concerning Certificate of Public Convenience and Necessity PUC No. 5362; and Application No. 28701-Stock Transfer to the matter concerning the transfer from Mr. Roy to Mr. Lenderink. Requests for emergency temporary authority and temporary authority were received in Application No. 28687-Transfer and Application No. 28688-Transfer. On October 21, 1975, the Commission issued Decision Nos. 87602 and 87603 granting emergency temporary authority for the transfer of Certificates of Public Convenience and Necessity PUC No. 3580 and PUC No. 5362, and on October 30, 1975, the Commission issued Decision Nos. 87687 and 87686 granting temporary authority. A Petition for Rehearing, Reargument, or Reconsideration with regard to Decision Nos. 87686 and 87687 was filed on November 4, 1975; and on November 12, 1975, the Commission issued its Decision No. 87728 denying the Petition for Rehearing, Reargument, or Reconsideration of said Decisions. On December 18, 1975, Colorado Disposal, Inc., hereinafter referred to as "CDI," filed a Petition requesting that Decision Nos. 87728, 87686, and 87687 be rescinded. On December 23, 1975, the Commission issued its Decision No. 87969 denying this Petition on procedural grounds so that the matters of fact alleged in that Petition could be considered during the hearings to be held on the matters.

The Commission gave due notice of the applications in accordance with the provisions of 40-6-108, CRS 1973. CDI filed a protest in each one of the applications.

On November 7, 1975, CDI filed a formal complaint against Mr. Lenderink and City Wide. Case No. 5643 was assigned to this complaint. On November 12, 1975, an Order to Satisfy or Answer was issued by this

Commission and served on Mr. Lenderink and City Wide. On December 10, 1975, Mr. Lenderink and City Wide filed their Answer to the complaint.

The three applications and the complaint case were all set for hearings to be held on Thursday, February 5, 1976, at 10 a.m. in a hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. Due and proper notice of these hearings was given to all interested persons, firms, or corporations, and the matters were heard at said time and place by Robert E. Temmer, Examiner, to whom the matters had been duly assigned. The three applications and the complaint case were heard on a joint record.

Exhibits 1 through 4 were marked for identification and admitted into evidence. Official notice was taken of the official file in each matter in each of the other matters; of the official file in Application No. 28806-Transfer; and of the annual reports to this Commission filed by City Wide. Testimony was taken from Mr. Lenderink, and a Stipulation was approved whereby the attorney for Mr. Roy signed Answers to Interrogatories, which would be part of the record in this matter and part of the evidence; and the requirement that Mr. Roy sign the Answers was waived.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, 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. 28701-Stock Transfer is an individual and was the owner of all the stock in and to City Wide. City Wide is the record owner of Certificate of Public Convenience and Necessity PUC No. 3312. Transferee is an individual, and he seeks this Commission's approval to acquire complete ownership of City Wide, which is the Transferee in Application No. 28687-Transfer and Application No. 28688-Transfer. City Wide is a Colorado corporation duly organized and existing under the laws of the state of Colorado.

2. Transferor in Application No. 28687-Transfer and Application No. 28688-Transfer is an individual and is the present owner and operator of Certificates of Public Convenience and Necessity PUC No. 3580 and PUC No. 5362.

3. Certificates of Public Convenience and Necessity PUC No. 3580 and PUC No. 5362 have been continually operated in the past and are presently in good standing with the Commission. Certificate of Public Convenience and Necessity PUC No. 3312 is claimed to be dormant by Protestant CDI. Mr. Lenderink and Mr. Roy entered into an agreement for the purchase of all of Mr. Roy's 100 percent ownership interest in City Wide on or about September 4, 1975. At that time City Wide was not actually transporting any ash, trash, or rubbish as authorized by its Certificate. City Wide did not have a customer list and did not have equipment to transport ash, trash, and other rubbish as authorized by its Certificate, but was and had been actively seeking business. There is no evidence to

establish that any shipments had been or were ever refused by City Wide, and there is no evidence to establish that City Wide did not intend to accept shipments if they were tendered. Certificate of Public Convenience and Necessity PUC No. 3312 is not dormant, and is presently in good standing with the Commission.

4. Mr. Lenderink does not hold any previously granted authority from this Commission.

5. City Wide, as previously noted, does hold Certificate of Public Convenience and Necessity PUC No. 3312. This authority would overlap, to a slight extent, Certificate of Public Convenience and Necessity PUC No. 3580, which City Wide seeks to have transferred to it. The slight overlap of these authorities is immaterial.

6. Mr. Lenderink and Mr. Roy have entered into an agreement for the transfer of all the stock in and to City Wide. The consideration paid is fair and reasonable. Likewise, City Wide and Mr. Bertsch have entered into an agreement to transfer Certificates of Public Convenience and Necessity PUC No. 3580 and PUC No. 5362. The consideration to be paid is fair and reasonable.

7. The Certificates involved herein are free and clear of any debts, encumbrances, or obligations.

8. City Wide owns sufficient equipment, will have personnel with sufficient experience, and has sufficient net worth and financial resources, all of which are ample and suitable for the operation of the authorities sought to be transferred herein.

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

10. Protestant CDI contends that Mr. Lenderink is not fit to hold or operate authority granted from this Commission, and bases this contention on several grounds. One of the grounds was that after Mr. Lenderink had entered into the agreement for the purchase of all of Mr. Roy's right, title, and interest in and to City Wide, he operated City Wide without obtaining the approval of this Commission. Mr. Lenderink did not carry on any operations under PUC No. 3312 on behalf of City Wide or have City Wide do so. Mr. Lenderink was aware that he was not to operate the authority of City Wide without the approval of this Commission. CDI apparently recognizes this fact but contends that since he had City Wide operate Certificates of Public Convenience and Necessity PUC No. 3580 and PUC No. 5362, that he violated Rule 2 of the most current Rules and Regulations Governing Common Carriers by Motor Vehicle issued by this Commission. Mr. Lenderink was careful to list himself and his wife as officers of City Wide in the applications for emergency temporary authority and temporary authority, and this Commission was advised that Mr. Lenderink was in control of City Wide when the Orders were issued granting emergency temporary approval and temporary approval for City Wide to operate Certificates of Public Convenience and Necessity PUC No. 3580 and PUC No. 5362. Mr. Lenderink did not intentionally violate any rule or regulation of this Commission and actually attempted to comply with all rules and regulations of this Commission by not operating Certificate of Public Convenience and Necessity PUC No. 3312 because Commission

approval had not been obtained. Mr. Lenderink has tried to comply with the rules of this Commission and he is willing to comply with the rules of this Commission. Another ground relied upon by Protestant CDI is that Mr. Lenderink allowed an inaccurate financial statement to remain before the Commission when the matters of emergency temporary approval and temporary approval were being considered. The financial statement indicated that Mr. Lenderink was not involved in any litigation and showed no contingent liabilities. In fact, a suit had been filed against Mr. Lenderink for collection of a note that Mr. Lenderink had a contingent liability on. The suit was dismissed a few days after the Summons and Complaint were served upon Mr. Lenderink because the payments on the note involved had been made current by the principal obligor. Mr. Lenderink had not listed the contingent liability on the financial statement because the collateral for the loan was worth more than the balance of the loan, and he had not thought about this liability when he filled out the financial statement. These facts were fully brought out at the hearing, and a revised financial statement was submitted showing the contingent liabilities. It was verbally amended during the hearing to show a "Yes" answer to whether or not Mr. Lenderink was involved in any litigation because CDI is suing Mr. Lenderink in Federal District Court. The inaccuracies in the financial statement at the time of the Commission's granting emergency temporary approval and temporary approval in these matters was not a material inaccuracy based on the facts that existed, and allowing said inaccuracies to exist does not establish that Mr. Lenderink is unfit. This oversight on the part of Mr. Lenderink was not intentional, and was not a device to mislead the Commission. A further ground relied on by CDI is that Mr. Bertsch filed affidavits with this Commission, which CDI contends were erroneous or false. There is nothing in the evidence to establish that Mr. Lenderink had anything to do with this, if, in fact, the affidavits were erroneous or false, which is not determined here; and, therefore, these matters have no bearing on whether or not Mr. Lenderink is fit to hold or operate authority granted by this Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The authority sought by Applicants in Application No. 28687-Transfer, Application No. 28688-Transfer, and Application No. 28701-Stock Transfer should be granted as hereinafter set forth, and the granting of said applications will be in the public interest.

2. The complaint of Colorado Disposal, Inc., in Case No. 5643 should be dismissed.

3. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. 5643 entitled "Colorado Disposal, Inc., Complainant, vs. Mr. Howard Lenderink and City Wide Rubbish Removal, Inc., doing business as 'Supreme Disposal Service, Inc.,' Respondents," be, and hereby is, dismissed.

2. Leonard A. Roy, Sr., in care of Morton L. Davis, Attorney, Suite 302, 1430 Havana Street, Aurora, Colorado, be, and hereby is, authorized to transfer all of his right, title, and interest in and to City Wide

Rubbish Removal, Inc., doing business as "Supreme Disposal Service, Inc.," to Howard Lenderink, 2585 South Cherry Street, Denver, Colorado, subject to encumbrances, if any.

3. The transfer of Mr. Roy's interest shall become effective only if and when, but not before, said Mr. Roy and Mr. Lenderink, in writing, have advised the Commission that said interest 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 as 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. Gerard C. Bertsch, doing business as "Rod's Rubbish Removal," 2201 West Vassar Avenue, Englewood, Colorado, be, and hereby is, authorized to transfer all of his right, title, and interest in and to Certificates of Public Convenience and Necessity PUC No. 3580 and PUC No. 5362 to City Wide Rubbish Removal, Inc., doing business as "Supreme Disposal Service, Inc.," 2585 South Cherry Street, Denver, Colorado, subject to encumbrances, if any, against said authorities.

5. The transfer of Certificates of Public Convenience and Necessity PUC No. 3580 and PUC No. 5362 shall become effective only if and when, but not before, Gerard C. Bertsch and City Wide Rubbish Removal, Inc., in writing, have advised the Commission that said Certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authorities herein granted to make the transfers, without further order on the part of the Commission, unless such time shall be extended by this Commission, upon proper application.

6. The common carrier rates, rules, and regulations of Transferor Gerard C. Bertsch shall, upon proper adoption notice, become and remain those of Transferee City Wide Rubbish Removal, Inc., until changed according to law and the rules and regulations of this Commission, except that in any area where the authorities transferred to City Wide Rubbish Removal, Inc., overlap each other or the authority presently held by City Wide Rubbish Removal, Inc., the lowest rates in any tariff applicable to that area shall apply.

7. The right of Transferee City Wide Rubbish Removal, Inc., to operate Certificates of Public Convenience and Necessity PUC No. 3580 and PUC No. 5362 under this Order shall depend upon a prior filing of an annual report by Transferor Gerard C. Bertsch herein, covering the operations under the aforesaid Certificates up to the time of transfer of said Certificates.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Ziemmer

Examiner

rw

vjr

(Decision No. 88380)

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.)

- - - - -
March 23, 1976
- - - - -

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, 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

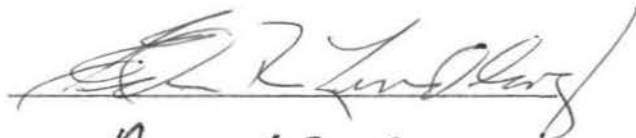
THE COMMISSION ORDERS:

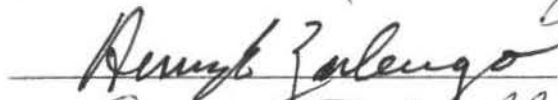
That all actions heretofore instituted before this Commission by the corporations, partnerships, and/or persons as set forth in the Appendix attached hereto, to obtain authority to operate as towing carriers or commercial carriers by motor vehicle over the public highways of the State of Colorado, be, and the same hereby are, dismissed.

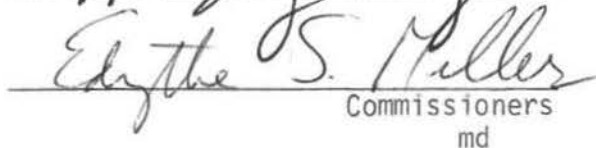
This Order shall become effective thirty (30) days from the day and date hereof.

DONE IN OPEN MEETING the 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners
md

Appendix
Decision No. 88380
March 23, 1976

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Alan C. Smith dba AC Terminal Supply 420 East 57th Street, Building 47 Loveland, Colorado 80537	Public Liability and Property Damage Insurance
ASC Industries, Inc. North 800 Fancher Spokane, Washington 99211	Public Liability and Property Damage Insurance
Action Automotive, Inc. P. O. Box 2052 Cheyenne, Wyoming 82001	Public Liability and Property Damage Insurance, Designation of Agent
American Casting Co., Inc. 1325 South Sherman Drive Longmont, Colorado 80501	Public Liability and Property Damage Insurance
Arapahoe Acres Nursery & Landscaping 5901 South Santa Fe Littleton, Colorado 80120	Public Liability and Property Damage Insurance
Leo Becker & Lee Moore dba Baker Hide & Fur Co. Box 542 Baker, Montana 59313	Public Liability and Property Damage Insurance
William Dean Bowles & Eugene Love dba Bowles Enterprises 215 Cimarron Way Boulder, Colorado 80303	Public Liability and Property Damage Insurance
William H. and Averial A. Buttolph dba Buttolph Construction 2856½ Bunting Grand Junction, Colorado 81501	Public Liability and Property Damage Insurance
Capital Building Systems, Inc. P. O. Box 830 Huron, South Dakota 57350	Public Liability and Property Damage Insurance
Cherokee Carpet Mills, Inc. Highway 82 East Lewisville, Arkansas 71845	Public Liability and Property Damage Insurance
Chris Paras dba Chris & Dick's Acropolis Wholesale Lumber 1555 West 3500 South Salt Lake City, Utah 84119	Public Liability and Property Damage Insurance
Kenneth E. Diehl Fort Dodge Road Dodge City, Kansas 67801	Public Liability and Property Damage Insurance, Designation of Agent
John W. Disanti, Jr. 29374 Hiway 50 East Pueblo, Colorado 81004	Public Liability and Property Damage Insurance

Appendix
Decision No. 88380
March 23, 1976

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Eagle Forest Products P. O. Box 6550 Sacramento, California 95826	Public Liability and Property Damage Insurance, Designation of Agent
Earnco of Colorado, Inc. 1801 Wynkoop Denver, Colorado 80202	Public Liability and Property Damage Insurance
R. C. Elwess General Delivery Chama, New Mexico 87520	Public Liability and Property Damage Insurance, Designation of Agent
Raley La Bel dba Evans Auto Sales P. O. Box 578 Evans, Colorado 80620	Public Liability and Property Damage Insurance
Fields & Company of Amarillo, Inc. P. O. Box 9106 Amarillo, Texas 79105	Public Liability and Property Damage Insurance, Designation of Agent
Foothills Building Supply, Inc. P. O. Box 938 Boulder, Colorado 80302	Public Liability and Property Damage Insurance
Glenn L. Bullock, dba G. B. Distributing 9826 West 53rd Place Arvada, Colorado 80002	Public Liability and Property Damage Insurance
Ocey L. Grant 24682 Le Claire Avenue Los Molinos, California 96055	Public Liability and Property Damage Insurance, Designation of Agent
Great American Tiques, Inc. P. O. Box 479 Olney, Illinois 62450	Public Liability and Property Damage Insurance, Designation of Agent
Everett J. Hansen dba Hansen Lumber Co. 123 Main Street Crawford, Nebraska 69339	Public Liability and Property Damage Insurance, Designation of Agent
High Plains Food, Inc. 718 East 7th Street Hays, Kansas 67601	Public Liability and Property Damage Insurance, Designation of Agent
G. Alvin Hill Route 3, Box 1148 Montrose, Colorado 81401	Public Liability and Property Damage Insurance
Doran Hunt dba Doran Hunt Mobile Home Sales 562 North Main Tooele, Utah 84074	Public Liability and Property Damage Insurance, Designation of Agent

Appendix
Decision No. 88380
March 23, 1976

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
W. R. Hurst, Inc. 89 East Center Blanding, Utah 84511	Public Liability and Property Damage Insurance, Designation of Agent
Hussmann Warehouse Division P. O. Box 192 Perryville, Missouri 63775	Public Liability and Property Damage Insurance
Fort Dodge Creamery Co. dba Ice Cream Specialities Co. 301 First Avenue North Fort Dodge, Iowa 50501	Public Liability and Property Damage Insurance
John H. Muckenstrum and Steven J. Mohler dba JDS Trucking 605 South West 9th Terrace Pompano Beach, Florida 33061	Public Liability and Property Damage Insurance
John Johnson General Delivery Kirtland, New Mexico 87417	Public Liability and Property Damage Insurance, Designation of Agent
Joyce D. Kennedy 81 Dick Trefz Pueblo, Colorado 81001	Public Liability and Property Damage Insurance
Harold "Sam" Kennedy dba Kennedy Sign Supply P. O. Box 509 Torrance, California 90501	Public Liability and Property Damage Insurance, Designation of Agent
Juanita and George Briscoe dba Key Trucking Box 1221 Miami, Oklahoma 74354	Public Liability and Property Damage Insurance, Designation of Agent
John Koehn and Vernon Zellhofer dba Lamar Bi-Products Route 1, Box 176 Rocky Ford, Colorado 81052	Public Liability and Property Damage Insurance
Leake-Stuarts, Inc. dba Light Bulb Supply Company, Inc. 1400 Ames Street Lakewood, Colorado 80214	Public Liability and Property Damage Insurance
Oscar V. and Gerald R. Linstrom dba Linstrom & Linstrom Tires 2260 West Center Denver, Colorado 80223	Public Liability and Property Damage Insurance
Robert Longenette dba MTY Dist. System Box 993 Pagosa Springs, Colorado 81147	Public Liability and Property Damage Insurance

Appendix
Decision No. 88380
March 23, 1976

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Ronald Marks dba Marks Service P. O. Box 65 Dix, Nebraska 69133	Public Liability and Property Damage Insurance
Matt, Dave and Ted Martin dba Martin & Sons Firewood Box 5628 West Village, Colorado 81615	Public Liability and Property Damage Insurance
Western Barite & Marysville Mining Corp. Marysville, Utah 84750	Designation of Agent
W. J. Mason General Delivery Alamosa, Colorado 81101	Public Liability and Property Damage Insurance
Master Sales Co. 451 East 58th Avenue Denver, Colorado 80216	Public Liability and Property Damage Insurance
Mobile Home Marketing, Inc. 3010 West 16th Avenue Denver, Colorado 80204	Public Liability and Property Damage Insurance
Tom Myers dba Myers Mining Box 246 Gateway, Colorado 81522	Public Liability and Property Damage Insurance
P & D Manufacturing, Inc. 5555 East 69th Avenue Commerce City, Colorado 80022	Public Liability and Property Damage Insurance
Arnold B. Page dba Page's Bulk Plant P. O. Box 72 Cope, Colorado 80812	Public Liability and Property Damage Insurance
Panhandle Concrete Products, Inc. P. O. Box 209 Scottsbluff, Nebraska 69361	Public Liability and Property Damage Insurance
Angela M. Papi 5900 Taft Court Arvada, Colorado 80002	Public Liability and Property Damage Insurance
Dan Irvin Percell Route 2, Box 62B Durango, Colorado 81301	Public Liability and Property Damage Insurance
Revan Thumler dba Phoenix Wholesale P. O. Box 696 Phoenix, Oregon 97535	Public Liability and Property Damage Insurance, Designation of Agent

Appendix
Decision No. 88380
March 23, 1976

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Reedsburg Foods Corp. Box 270 Reedsburg, Wisconsin 53959	Public Liability and Property Damage Insurance, Designation of Agent
Kent McClatchy dba S & K Trucking Box 1841 Montrose, Colorado 81401	Public Liability and Property Damage Insurance
Gerald I. Smelker dba S & S Furniture 807 Big Horn Worland, Wyoming 82401	Public Liability and Property Damage Insurance, Designation of Agent
Sandusky-California Metal Cabinets, Inc. Box 625 Arvin, California 93203	Public Liability and Property Damage Insurance, Designation of Agent
Sears Trostel Lumber Co. 351 Linden Street Fort Collins, Colorado 80521	Public Liability and Property Damage Insurance
Jeanway Industries, Inc. dba Seven Day Buildings P. O. Drawer D 1105 Pleasant Springs, Arkansas 72764	Public Liability and Property Damage Insurance, Designation of Agent
Shelton Industries, Inc. 301 Fallon Road Hollister, California 95023	Public Liability and Property Damage Insurance
William and Tom Shields dba Shields Bros. Box 93 El Jebel, Colorado 81628	Public Liability and Property Damage Insurance
Silverson Mining, Inc. 3215 Illinois Colorado Springs, Colorado 80907	Public Liability and Property Damage Insurance
Bruce E. Nescher dba Sleekcraft Boats 9630 Santa Fe Springs Road Santa Fe Springs, California 90670	Public Liability and Property Damage Insurance, Designation of Agent
David W. Dennis dba Stagecoach Lapidary 309 32½ Road Palisade, Colorado 81526	Public Liability and Property Damage Insurance
Steel Service Sales, Inc. P. O. Box 1148 Claremore, Oklahoma 74017	Public Liability and Property Damage Insurance

Appendix
Decision No. 88380
March 23, 1976

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Thermal Energy Systems, Inc. 1 Park Street Broomfield, Colorado 80020	Public Liability and Property Damage Insurance
Dale Trujillo Box 245 Sunland Park, New Mexico 88063	Public Liability and Property Damage Insurance, Designation of Agent
United States Antimony Corporation P. O. Box 643 Thompson Falls, Montana 59873	Public Liability and Property Damage Insurance
George G. Whithers 1½ Miles South Wetmore, Colorado 81253	Public Liability and Property Damage Insurance
Carmel Cordova dba Cordova's Body & Paint Shop 828 Arizona Avenue Trinidad, Colorado 81082	Public Liability and Property Damage Insurance, Cargo Insurance
Stella L. Hildred dba D & S Towing Box 494 La Salle, Colorado 80645	Public Liability and Property Damage Insurance, Cargo Insurance
Lee M. Baker dba Lee's Auto & Truck Service P. O. Box 525 Estes Park, Colorado 80517	Public Liability and Property Damage Insurance, Cargo Insurance
Douglas F. Slogar dba Slogar's Auto Salvage 151 2nd Street Clifton, Colorado 81520	Public Liability and Property Damage Insurance, Cargo Insurance

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28609-Extension
CITY STORAGE & TRANSFER, INC., 3625)	
WALNUT STREET, BOULDER, COLORADO,	)	RECOMMENDED DECISION OF
FOR A CERTIFICATE OF PUBLIC CONVEN-	)	ROBERT E. TEMMER,
IENCE AND NECESSITY AUTHORIZING	)	EXAMINER
EXTENSION OF OPERATIONS UNDER PUC)	
NO. 450 AND PUC NO. 450-I.	)	DISMISSING APPLICATION

- - - - -
March 15, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

On August 20, 1975, City Wide Storage & Transfer, Inc., hereinafter referred to as Applicant, filed with the Commission the above-entitled application seeking authority as more fully described therein. The Commission assigned Docket No. 28609-Extension to the application and gave due notice in accordance with the provisions of the Public Utilities Law.

Upon due and proper notice to all interested persons, firms, or corporations, the Commission set the herein matter for hearing on Tuesday, December 9, 1975, at 10 a.m. in the Commission Hearing Room, Denver, Colorado. This hearing was continued and reset for February 25, 1976.

On February 25, 1976, the hearing was held as scheduled by Examiner Robert E. Temmer, to whom the matter had been duly assigned. Official notice was taken of a letter from Applicant dated February 20, 1976, requesting that the application be dismissed, and said motion was granted.

Pursuant to the provisions of 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28609-Extension be, and hereby is, dismissed.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Zemmer

Examiner
ds/rw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
EDSEL E. TIPTON AND ELEANOR J.	)	APPLICATION NO. 28593-Extension
TIPTON, DOING BUSINESS AS "ST. VRAIN)	
MOVING & STORAGE," 501 SOUTH FRANCIS	)	RECOMMENDED DECISION OF
STREET, LONGMONT, COLORADO, FOR A	)	ROBERT E. TEMMER,
CERTIFICATE OF PUBLIC CONVENIENCE	)	EXAMINER
AND NECESSITY AUTHORIZING EXTENSION)	
OF OPERATIONS UNDER PUC NO. 6282	)	DISMISSING APPLICATION
AND PUC NO. 6282-I.)	

- - - - -
March 15, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

On August 19, 1975, Edsel E. Tipton and Eleanor J. Tipton, doing business as "St. Vrain Moving & Storage," hereinafter referred to as Applicants, filed with the Commission the above-entitled application seeking authority as more fully described therein. The Commission assigned Docket No. 28593-Extension to the application and gave due notice in accordance with the provisions of the Public Utilities Law.

Upon due and proper notice to all interested persons, firms, or corporations, the Commission set the herein matter for hearing on Tuesday, December 9, 1975, at 10 a.m. in the Commission Hearing Room, Denver, Colorado. This hearing was continued and reset for February 25, 1976.

On February 25, 1976, the hearing was held as scheduled by Examiner Robert E. Temmer, to whom the matter had been duly assigned. Official notice was taken of a letter from Applicants dated February 20, 1976, requesting that the application be dismissed, and said motion was granted.

Pursuant to the provisions of 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28593-Extension be, and hereby is, dismissed.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Ziemmer

Examiner
ds/rw

(Decision No. 88383)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE SUPPLEMENTAL	)	APPLICATION NO. 25776-Securities
APPLICATION OF IOWA ELECTRIC LIGHT	)	(Supplemental)
AND POWER COMPANY FOR AUTHORITY TO)	
ISSUE PROMISSORY NOTES.)	

March 16, 1976

Appearances: John R. Barry, Esq., Denver,
Colorado, for Applicant;

PROCEDURE AND RECORD

By Order issued June 20, 1972, in Decision No. 80543, the Commission authorized Iowa Electric Light and Power Company (the "Company") to issue \$75,000,000 principal amount of its Notes having a maturity not in excess of five years to banks under a Bank Credit Agreement therein described. In ordering paragraph 5 of said Order, the Commission retained "jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as it may seem to be proper and desirable."

Iowa Electric Light and Power Company (Applicant) filed Supplemental Application No. 25776 - Securities with this Commission on February 13, 1976. By such supplemental application, Applicant seeks authority of this Commission to now enter into a new Bank Credit Agreement, the effect of which will be (1) to reduce the authorized principal amount of such borrowings from \$75,000,000 to \$60,000,000, (2) to extend the maturity dates of promissory notes from not later than December 31, 1977, to not later than January 15, 1980, (3) to modify the interest rates payable on such notes and (4) to modify the commitment fee paid on the unused portion of credit available during the term of the Bank Credit Agreement. Said supplemental application was set for hearing after due notice to all interested persons, firms or corporations at 9:00 a.m. on Friday, March 5, 1976, in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado. The hearing was then continued to 9:00 a.m. on Tuesday, March 9, 1976, by Hearing Examiner Robert E. Temmer, who had been assigned to the matter, because it was not possible for Applicant's witness to be present. March 9, 1976 at the same place the matter was heard by Hearing Examiner Robert L. Pyle, to whom the matter was assigned pursuant to law.

At the conclusion of the hearing, the application was taken under advisement.

No petitions were filed in opposition to the application and no one appeared at the hearing opposing the authority sought by the application.

Applicant's exhibits identified as A, B, C, D, F and G. there being no Exhibit E were offered.

FINDINGS OF FACT

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

1. Applicant, Iowa Electric Light and Power Company is a public utility as defined in Section 40-1-103, Colorado Revised Statutes 1973.

2. Applicant is a corporation existing under and by virtue of the laws of the State of Iowa and is qualified to do business in the State of Colorado. Its principal place of business in Colorado is located in the City of Sterling and its principal executive offices are in the Security Building, Cedar Rapids, Iowa.

3. This Commission has jurisdiction over the Applicant and the subject matter of this supplemental application.

4. The Commission is fully advised in the premises.

5. The Company proposes to now enter into a new Bank Credit Agreement, the effect of which will be to:

(1) Reduce the authorized principal amount of such borrowings from \$75,000,000 to \$60,000,000.

(2) To extend the maturity dates of promissory notes from not later than December 31, 1977, to not later than January 15, 1980.

(3) To modify the interest rates payable on such notes as follows:

a. From: 120% of the prime rate of interest charged by The First National Bank of Chicago from July 20, 1973 until July 20, 1976, and 125% of the prime rate of interest from July 20, 1976 until final maturity of the notes;

b. To: 120% of the prime rate of interest charged by The First National Bank of Chicago until August 15, 1978, and 125% of the prime rate of interest from August 15, 1978, until final maturity of the notes.

(4) To modify the commitment fee paid on the unused portion of credit available during the term of the Bank Credit Agreement:

a. From: one-half of one per cent per annum to July 20, 1975.

b. To: one-half of one percent per annum to January 15, 1980.

The purpose of the borrowings as set forth in the original application were for the construction, completion, extension and improvement of Applicant's facilities primarily the construction of a 500,000 Kilowatt

nuclear-fueled generating station near Palo, Iowa. Such plant was completed and placed in service in June, 1974, and since that time has generated over 3,600,000,000 KWH for customers of its owners (the Company being the operator and an undivided 70% owner) at substantially lower fuel costs than could have been obtained from any type of fossil fuel plant.

6. The underlying reasons in seeking modification of the original Order are to adopt changes made in the revised Bank Credit Agreement to be dated as of March 1, 1976, a copy of the form of which is Exhibit G submitted in evidence which will:

- (1) Reduce the cost of money to the Applicant for the period the promissory notes are anticipated to be outstanding.
- (2) Permit greater flexibility in the refinancing of promissory notes presently outstanding in the event of restricted or otherwise adverse conditions in the public money market.

At November 30, 1975 there were outstanding \$44,500,000 of promissory notes to commercial banks under the Bank Credit Agreement. It is anticipated that such amount will be refunded in total by December 31, 1977 through application of proceeds from long term security issues in 1976 and 1977, the nature and amount of which are subject to market conditions.

Currently, the Company's 1976 financing program anticipates the following security issues, the proceeds of which will be applied to reduce the amount of promissory notes outstanding:

Sale of not more than 75,000 shares of cumulative preference stock	\$ 7,500,000
Sale of approximately 950,000 shares of common stock	13,300,000
Sale of tax exempt Pollution Control Revenue Bonds	8,000,000

Total	\$ 28,800,000
	=====

During 1976, \$14,430,000 of the Company's First Mortgage Bonds will mature. Several of the owners of the maturing Series C Bonds, having an aggregate principal amount of \$12,150,000, have expressed an interest in the redemption of such Bonds through the purchase of a like amount of new Bonds. In the event that negotiations for the exchange of the Series C Bonds cannot be consummated, however, all of such maturing Bonds would be redeemed through the issuance of additional promissory notes. The amount of remaining promissory notes outstanding at December 31, 1976 (currently estimated to be no less than \$20,000,000 and no greater than \$32,000,000) is anticipated to be repaid with financing during 1977.

The Company is requesting an extension of the final maturity of such notes so that in the event public money market conditions in 1976 or 1977 preclude the issuance of equity or long term debt securities at reasonable costs, the Company could defer such issues to a period when more normal market conditions prevail.

All of the other terms of the original Bank Credit Agreement remain essentially unchanged, including the repayment of loans and a reduction in the authorized amount of credit at any time by the Company without penalty. No compensating balances are required to be maintained with the Banks as a condition to the issuance of the notes.

7. Applicant's present and pro forma capital structure, after the expected renewal of \$44,500,000 principal amount of notes out of the total of \$60,000,000 principal amount applied for will be approximately 61% long-term debt, 5% preferred stock, 9% preference stock and 25% common stock equity.

8. The issuance by Applicant of not to exceed \$60,000,000 principal amount of its notes having a maturity not later than January 15, 1980, as herein set forth, is reasonably required and necessary for Applicant's proper corporate financing and should be authorized and approved.

9. The proposed securities issuance is not inconsistent with the public interest, and the purpose or purposes thereof are permitted by law and are consistent with the provisions of Section 40, Colorado Revised Statutes 1973, as amended.

Since Section 40-1-104, Colorado Revised Statutes 1973, requires that security applications be disposed of within thirty (30) days, or longer if good cause be shown that a longer time is necessary (see Decision No. 88352), the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Commissioner be omitted and that this decision should be the initial decision of the Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based upon the foregoing Findings of Fact, it is the conclusion of the Commission that the authorization as sought in the instant application should be granted as hereinafter set forth.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. That Applicant is hereby authorized to issue \$60,000,000 principal amount of its notes having a maturity not later than January 15, 1980 to banks under the new Bank Credit Agreement hereinabove described.

2. That the securities authorized to be sold hereunder shall bear on the face thereof a serial number for proper and easy identification.

3. That Applicant, within ninety (90) days after issuance of any of the notes authorized to be issued hereunder shall file with this Commission a verified report of the issue and disposition of the notes and expenses incident to such issuance.


4. That nothing herein shall be construed to imply any recommendation or guarantee of or any obligation with respect to said securities on the part of the State of Colorado.


5. That this 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 and desirable.

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

7. That the within Decision and Order shall be the initial Decision and Order of the Commission as provided in Section 40-6-109(6), CRS 1973, as amended.

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 COLORADO MOVING AND STORAGE, INC.,)	
2760 HOLLY STREET, DENVER, COLORADO,)	
TO PURCHASE ALL OF THE ISSUED AND)	APPLICATION NO. 28378
OUTSTANDING CAPITAL STOCK IN AND TO)	
HOFFMAN TRANSFER COMPANY (CORP.),)	
RECORD OWNER OF PUC NO. 453 AND)	
PUC NO. 453-I.)	
IN THE MATTER OF THE APPLICATION)	
OF COLORADO MOVING AND STORAGE, INC.,)	
4760 HOLLY STREET, DENVER, COLORADO,)	
TO PURCHASE ALL OF THE ISSUED AND)	
OUTSTANDING CAPITAL STOCK IN AND TO)	APPLICATION NO. 28462
HOFFMAN TRANSFER COMPANY, A COLORADO)	
CORPORATION, RECORD OWNER OF PUC NO.)	
2500 AND PUC NO. 2500-I, 4700 HOLLY)	
STREET, DENVER, COLORADO, FROM EARL)	ORDER DENYING PETITION FOR
F. BUCKINGHAM, P. O. BOX 2064,)	RECONSIDERATION
RAPID CITY, SOUTH DAKOTA.)	

- - - - -
March 16, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1976, Hearings Examiner James K. Tarpey entered his Recommended Decision No. 88047 in the above-captioned matters.

By Decision No. 88230, dated February 17, 1976, the Commission denied Exceptions to Recommended Decision No. 88047 filed by Colorado moving and Storage, Inc., on January 29, 1976.

On March 8, 1976, Transferor, Colorado Moving and Storage, Inc., filed a Petition for Reconsideration.

The Commission states and finds that Transferor's Petition for Reconsideration does not set forth sufficient grounds for any change or modification and that said Petition should therefore be denied.

An appropriate Order will be entered.

O R D E R

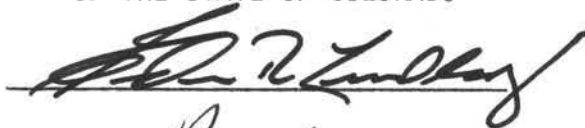
THE COMMISSION ORDERS THAT:

The Petition for Reconsideration filed on March 8, 1976, by Transferor Colorado Moving and Storage, Inc., of Commission Decision No. 88230, dated February 17, 1976, be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






_____ Commissioners
ds

(Decision No. 88384-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF COLORADO MOVING AND STORAGE, INC.,)
2760 HOLLY STREET, DENVER, COLORADO,)
TO PURCHASE ALL OF THE ISSUED AND)
OUTSTANDING CAPITAL STOCK IN AND TO)
HOFFMAN TRANSFER COMPANY (CORP.),)
RECORD OWNER OF PUC NO. 453 AND)
PUC NO. 453-1.)

APPLICATION NO. 28378

IN THE MATTER OF THE APPLICATION)
OF COLORADO MOVING AND STORAGE, INC.,)
4760 HOLLY STREET, DENVER, COLORADO,)
TO PURCHASE ALL OF THE ISSUED AND)
OUTSTANDING CAPITAL STOCK IN AND TO)
HOFFMAN TRANSFER COMPANY, A COLORADO)
CORPORATION, RECORD OWNER OF PUC NO.)
2500 AND PUC NO. 2500-1, 4700 HOLLY)
STREET, DENVER, COLORADO, FROM EARL)
F. BUCKINGHAM, P. O. BOX 2064,)
RAPID CITY, SOUTH DAKOTA.)

APPLICATION NO. 28462

ERRATA NOTICE

March 17, 1976

Decision No. 88384

ORDER DENYING PETITION FOR
RECONSIDERATION

(Issued March 16, 1976)

Page 1: In paragraphs 3, 4 and 6, please change the word
"Transferor" to "Transferee".

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Harry A. Galligan, Jr., Secretary

Dated at Denver, Colorado, this
17th day of March, 1976.

(Decision No. 88385)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
FOR AUTHORITY TO TRANSFER PUC NO.)
1820 FROM JAKE SCHLAGEL, JR., DOING)
BUSINESS AS "AURORA & EAST DENVER)
TRASH DISPOSAL", 447 OSWEGO STREET,)
AURORA, COLORADO, TO AURORA F & S)
SANITARY CARRIERS, INC., 11995 EAST)
14TH AVENUE, AURORA, COLORADO.)

APPLICATION NO. 28751-Transfer

IN THE MATTER OF THE APPLICATION OF)
JAKE SCHLAGEL, JR., DOING BUSINESS)
AS "AURORA & EAST DENVER TRASH)
DISPOSAL", 447 OSWEGO STREET,)
AURORA, COLORADO, FOR AUTHORITY TO)
LEASE PUC NO. 3517 TO JAKE SCHLAGEL,)
JR., INC., DOING BUSINESS AS "AURORA)
& EAST DENVER TRASH DISPOSAL", 447)
OSWEGO STREET, AURORA, COLORADO.)

APPLICATION NO. 28772-Lease

IN THE MATTER OF THE APPLICATION OF)
JAKE SCHLAGEL, JR., DOING BUSINESS)
AS "AURORA & EAST DENVER TRASH)
DISPOSAL", 447 OSWEGO STREET,)
AURORA, COLORADO, FOR AUTHORITY TO)
LEASE PUC NO. 1823 TO JAKE SCHLAGEL,)
JR., INC., DOING BUSINESS AS "AURORA)
& EAST DENVER TRASH DISPOSAL", 447)
OSWEGO STREET, AURORA, COLORADO.)

APPLICATION NO. 28773-Lease

IN THE MATTER OF THE APPLICATION OF)
JAKE SCHLAGEL, JR., DOING BUSINESS)
AS "AURORA & EAST DENVER TRASH)
DISPOSAL", 447 OSWEGO STREET, AURORA,)
COLORADO, FOR A CERTIFICATE OF PUB-)
LIC CONVENIENCE AND NECESSITY AUTH-)
ORIZING CLARIFICATION AND/OR INTER-)
PRETATION AND/OR EXTENSION OF PUC)
NO. 1823.)

APPLICATION NO. 28774 -
Clarification and/or Interpretation
and/or Extension

- - - - -
March 16, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 9, 1976, Applicants in the within matters filed a "Motion to Compel Discovery" (Answers to Interrogatories). The within matters have been assigned to Examiner Robert E. Temmer for hearing which has been set for April 29, 1976. The Commission will refer said Motion to Compel Discovery to Examiner Robert E. Temmer for appropriate disposition of the same.

An appropriate Order will be entered.

O R D E R

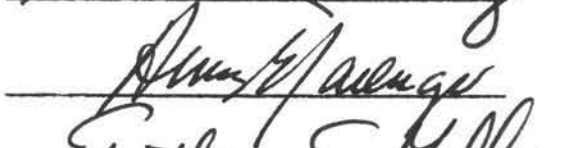
THE COMMISSION ORDERS THAT:

The "Motion to Compel Discovery" (Answers to Interrogatories) filed on March 9, 1976, by Applicants Jack Schlagel, Jr., doing business as "Aurora & East Denver Trash Disposal" and Jack Schlagel, Jr., Inc., doing business as "Aurora & East Denver Trash Disposal", be, and hereby is, referred to Examiner Robert E. Temmer for appropriate disposition.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

TERRACOR, INC.,)
)
Complainant,)
)
vs.)
)
PUBLIC SERVICE COMPANY)
of COLORADO and PEOPLES)
NATURAL GAS COMPANY,)
)
Respondents.)

CASE NO. 5659

COMMISSION ORDER DENYING "MOTION TO
LIMIT THE PERIOD FOR FILING ANSWERS
TO COMPLAINANT'S INTERROGATORIES"

- - - - -
March 16, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 14, 1976, Terracor, Inc., (hereinafter referred to as "Terracor") filed the within complaint against Public Service Company of Colorado (hereinafter referred to as "Public Service") and Peoples Natural Gas Company (hereinafter referred to as "Peoples"). Peoples answered the complaint on January 27, 1976, and Public Service answered the complaint on February 9, 1976.

On March 11, 1976, Terracor filed a "Motion To Limit The Period For Filing Answers To Complainant's Interrogatories" wherein it states it caused certain Interrogatories to be served upon each of the Respondents on March 10, 1976, and seeks a Commission order directing Public Service and Peoples to serve their Answers to said Interrogatories on or before March 29, 1976.

The Commission notes that Notice of Hearing in the within matter was given on February 4, 1976, setting the matter for hearing on March 30, 1976. In its Motion, Terracor did not set forth any reason why it had waited for over a month after Answers were served upon it to serve Interrogatories upon Public Service and Peoples.

The Commission further notes that all the parties were advised on February 4, 1976, by notice, that the within case had been set for hearing on March 30, 1976. A party normally has thirty days in which to file its Answers to Interrogatories served upon it pursuant to the Rules of Civil Procedure which this Commission has adopted with respect to discovery (with one exception, not here relevant). Terracor, had it chosen to do so, could have served Interrogatories as late as February 28, 1976 (which is some three weeks after it was served with the Answers of Public Service) which, had it been done, would have allowed the full thirty-day period to answer the Interrogatories. Since Terracor has not set forth any reason at all why it delayed its service of Interrogatories, its request should be denied.

An appropriate Order will be entered.

O R D E R

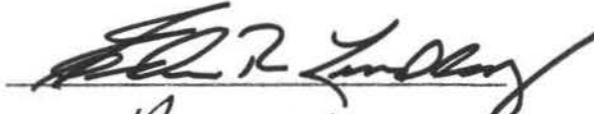


THE COMMISSION ORDERS THAT:

The "Motion To Limit The Period For Filing Answers To Complainant's Interrogatories" filed on March 11, 1976, by Terracor, Inc., be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
did

(Decision No. 88387)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF MOUNTAIN PARKS ELECTRIC, INC.,)
FOR AUTHORITY TO DISCONTINUE)
SERVICE TO LITTLE KING RANCH.)

APPLICATION NO. 28992

- - - - -
March 16, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 18, 1976, Mountain Parks Electric, Inc., (hereinafter referred to as "Mountain Parks") filed the within application authorizing it to discontinue the furnishing of electrical service to the Little King Ranch unless facilities charges in arrears at the time of the Commission order with interest at the legal rate added thereto shall be fully paid and current.

On February 19, 1976, Mountain Parks filed a Motion requesting ten-day notice rather than thirty days' notice. The within matter was given ten-day notice by the Commission on March 4, 1976.

On March 12, 1976, Rossco, Incorporated, the owner of the Little King Ranch, filed a Protest requesting that the application be denied and that the Commission enter an order dismissing the application.

On March 15, 1976, Mountain Parks filed a "Motion To Strike Protest Of Rossco, Incorporated".

The Commission states and finds that because of the importance of the legal and factual issues involved, that the Commission should have the benefit of a full record with respect to the same. Accordingly, Mountain Parks' "Motion To Strike Protest Of Rossco, Incorporated" should be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The "Motion To Strike Protest Of Rossco, Incorporated" filed on March 15, 1976, by Applicant, Mountain Parks Electric, Inc., be, and the same hereby is, denied.

2. Hearing with respect to the within application be, and hereby is, set for hearing as follows:

DATE: April 7, 1976

TIME: 10:00 AM

PLACE: 500 Columbine Building
1845 Sherman Street
Denver, Colorado

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMON AND CONTRACT CARRIERS)	
LISTED ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	THOMAS M. McCAFFREY,
	)	EXAMINER
Respondents.)	

- - - - -
March 17, 1976
- - - - -

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 March 1, 1976. The matters were duly called for hearing pursuant to such notice on Monday, March 15, 1976, at 9 a.m. in the Commission Hearing Room, Columbine Building, 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 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and 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 the hearing as lawfully ordered by the Commission.

2. Pursuant to 40-6-109, CRS 1973, 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

APPENDIX A

<u>NAME AND ADDRESS</u>	<u>APPL. NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
Jerry D. Crosley 10 Alsace Way Colorado Springs, CO 80909	28678-PP	PLPD Ins.	535-App.
Merle C. Hobbs dba Hobbs Excavation Box 403 Edwards, CO 81632	28386-PP-Ext.	Tariff	536-App.
Angela M. Papi 5900 Taft Court Arvada, CO 80002	28880-PP	Issuance Fee	537-App.

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

(Decision No. 88389)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28790
MILTON W. CRAWFORD, DOING BUSINESS)	
AS "WESTCOL RADIO DISPATCH", 241)	
SOUTH 14TH STREET, GRAND JUNCTION,)	
COLORADO, FOR CLARIFICATION AND/OR)	
REDESCRIPTION OF HIS CERTIFICATES)	
OF PUBLIC CONVENIENCE AND NECESSITY)	
TO OPERATE IN INTERCONNECTED MOBILE)	
RADIO TELEPHONE AND PAGING UTILITY.)	

- - - - -
March 16, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 25, 1975, Milton W. Crawford, doing business as "Westcol Radio Dispatch", (hereinafter "Westcol") filed the within application to redescribe and clarify Westcol's service area as originally granted to it pursuant to Decision No. 64801, dated April 5, 1965, and Decision No. 79487, dated January 28, 1972, which authority pertains to two-way mobile radio telephone common carrier service and radio common carrier paging service, respectively, which authority exists in Western Colorado as more particularly described in said decisions.

Notice of the application was given on December 2, 1975.

On February 5, 1976, Westcol filed "additional statements" which include, as Exhibit C thereto, five pages of contour maps setting forth 37 DBU Contours for each of Westcol's four base stations and a 43 DBU Contour for Westcol's paging station, respectively. Westcol states that each of the said Contours was prepared in accordance with the Federal Communications Commission's Rules and Regulations, Section 21.504 and that each of the Contours complies therewith.

The Commission construed Westcol's "additional statements" to be, in fact, amendments to its original application filed on November 25, 1975. Notice of the amended application was given on February 11, 1976, which Notice stated that any interested person, firm or corporation, if it so wishes, should take action with respect to the amended application, in writing, within thirty (30) days of that date.

The Commission states and finds that proper notice of the filing of the above-entitled application, and the amended application, has been given in accordance with CRS 1973, 40-6-108(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 1973, 40-6-109(5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

The Commission states and finds that the evidence heretofore submitted by Westcol amply warrants the clarification and redescription of its authority as hereinafter ordered.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Certificate of Public Convenience and Necessity granted to Milton W. Crawford, doing business as "Westcol Radio Dispatch", to furnish two-way domestic public land mobile radio service and rural subscriber radio service, pursuant to Decision No. 64801, dated April 5, 1965, is clarified and redescrbed, with respect to the territorial limits of said Certificate, to be the vicinities of the service areas reflected by the Contours shown on Appendices 1, 2, 3 and 4, respectively, attached to this Decision and made a part hereof.


2. The Certificate of Public Convenience and Necessity granted to Milton W. Crawford, doing business as "Westcol Radio Dispatch", to furnish one-way radio common carrier paging service pursuant to Decision No. 79487, dated January 28, 1972, is clarified and redescrbed with respect to territorial limits of said Certificate, to be the vicinity of the service area reflected by the Contour shown on Appendix 5, attached to this Decision and made a part hereof.

3. Except as otherwise ordered herein, Decision No. 64801, dated April 5, 1965, and Decision No. 79487, dated January 28, 1972, shall remain in full force and effect.

This Order shall be effective forthwith.

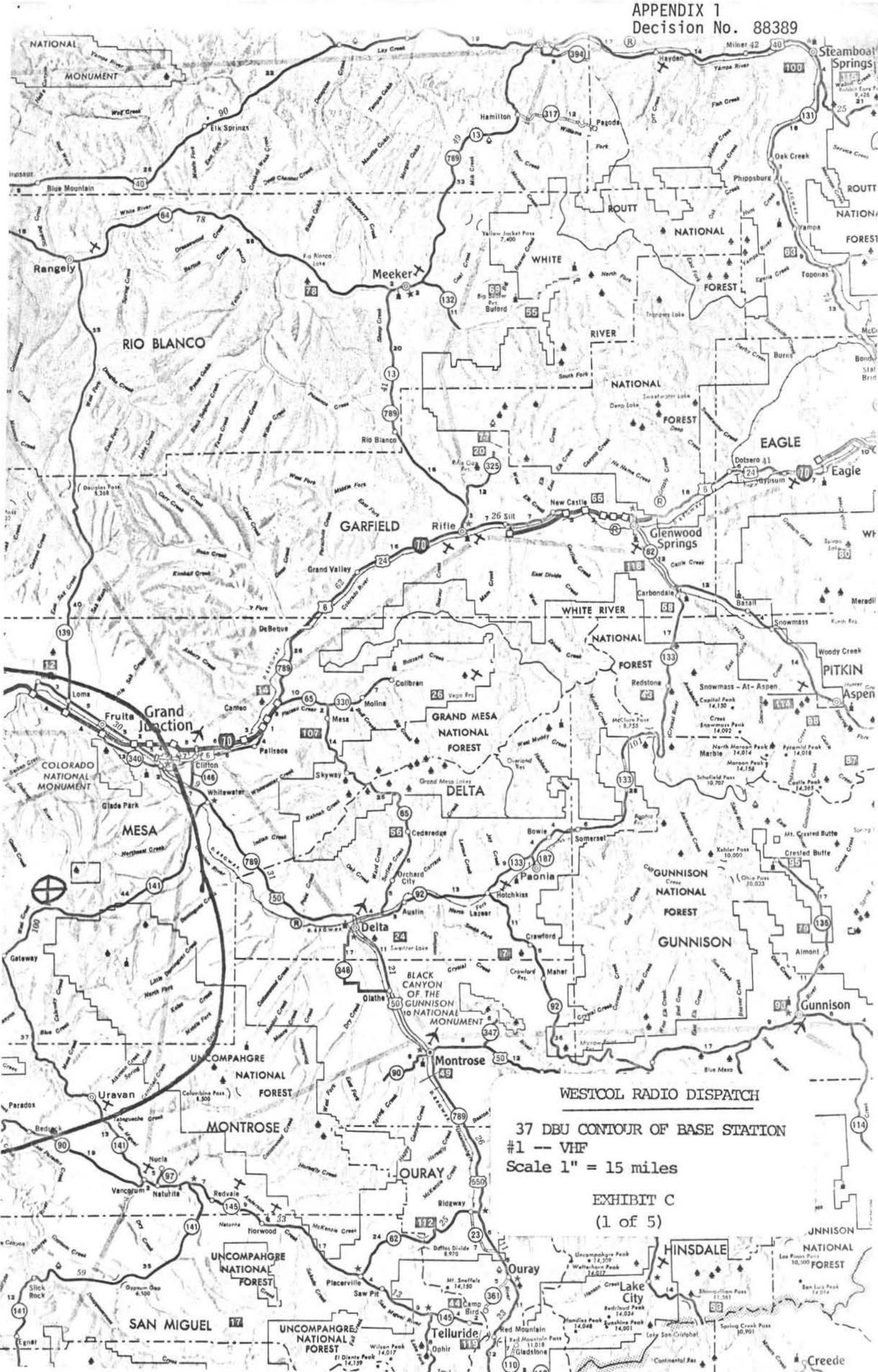
DONE IN OPEN MEETING the 16th day of March, 1976.

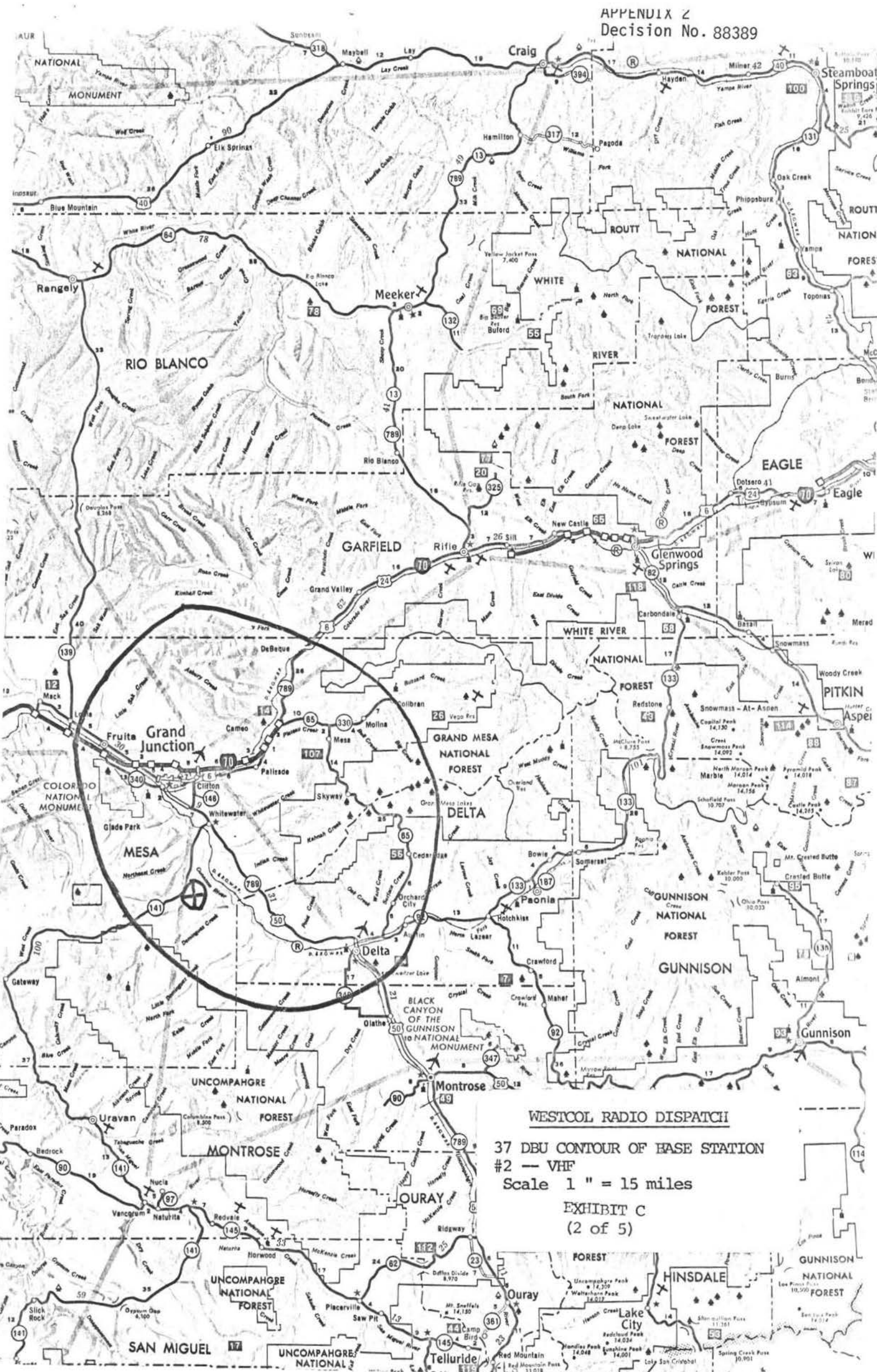
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

jp





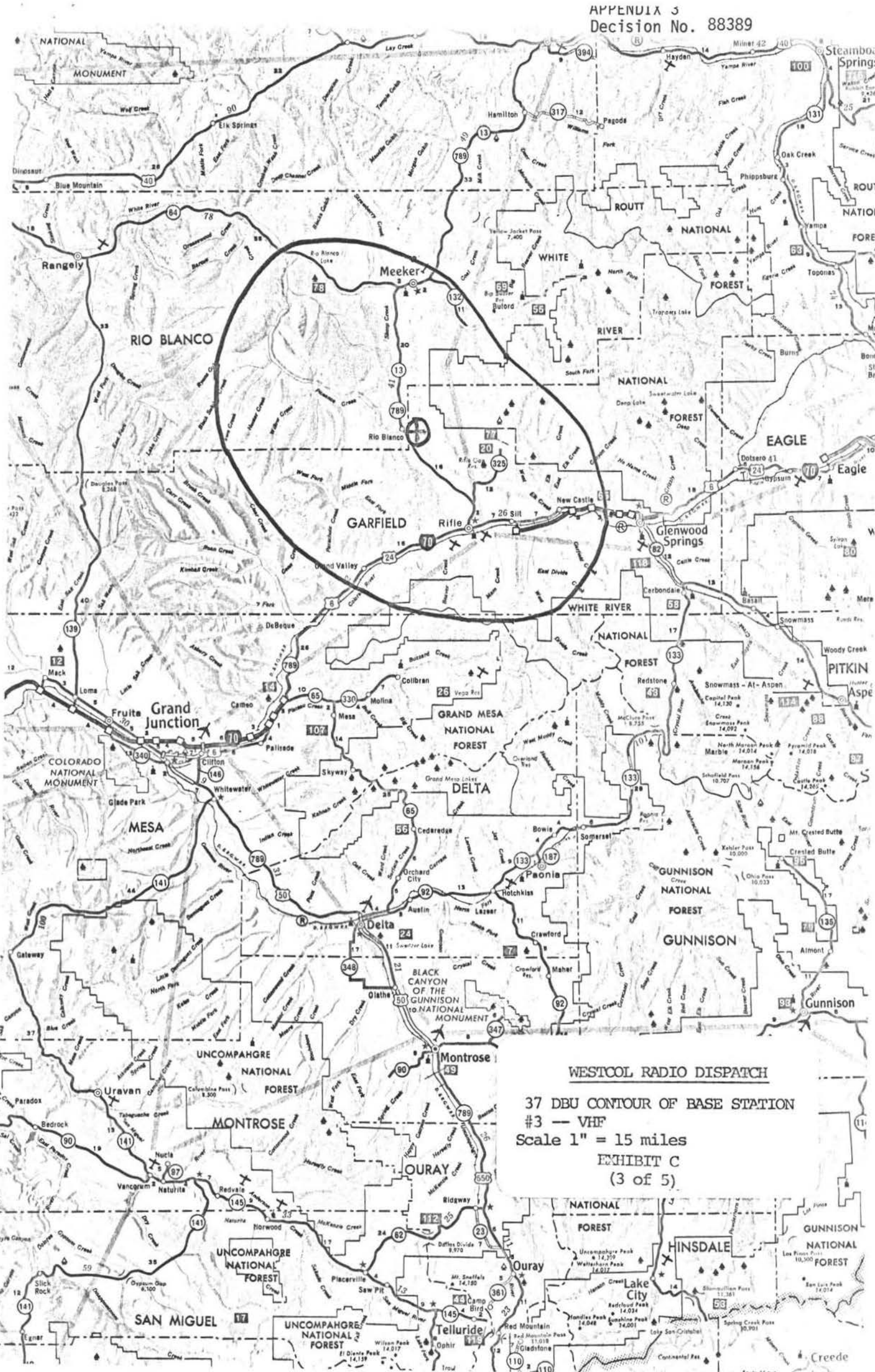
WESTCOL RADIO DISPATCH

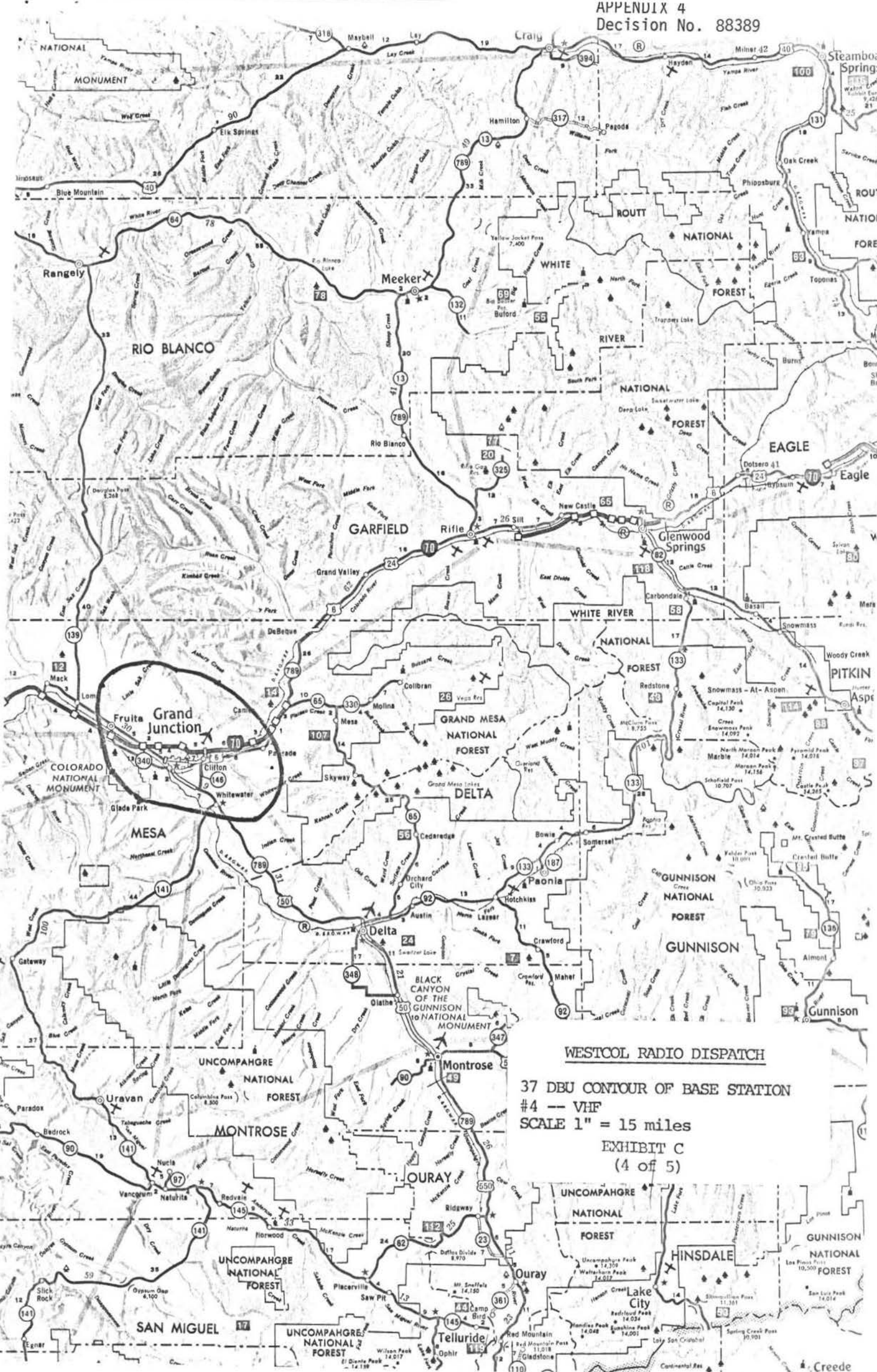
37 DBU CONTOUR OF HASE STATION
#2 — VHF

Scale 1" = 15 miles

EXHIBIT C

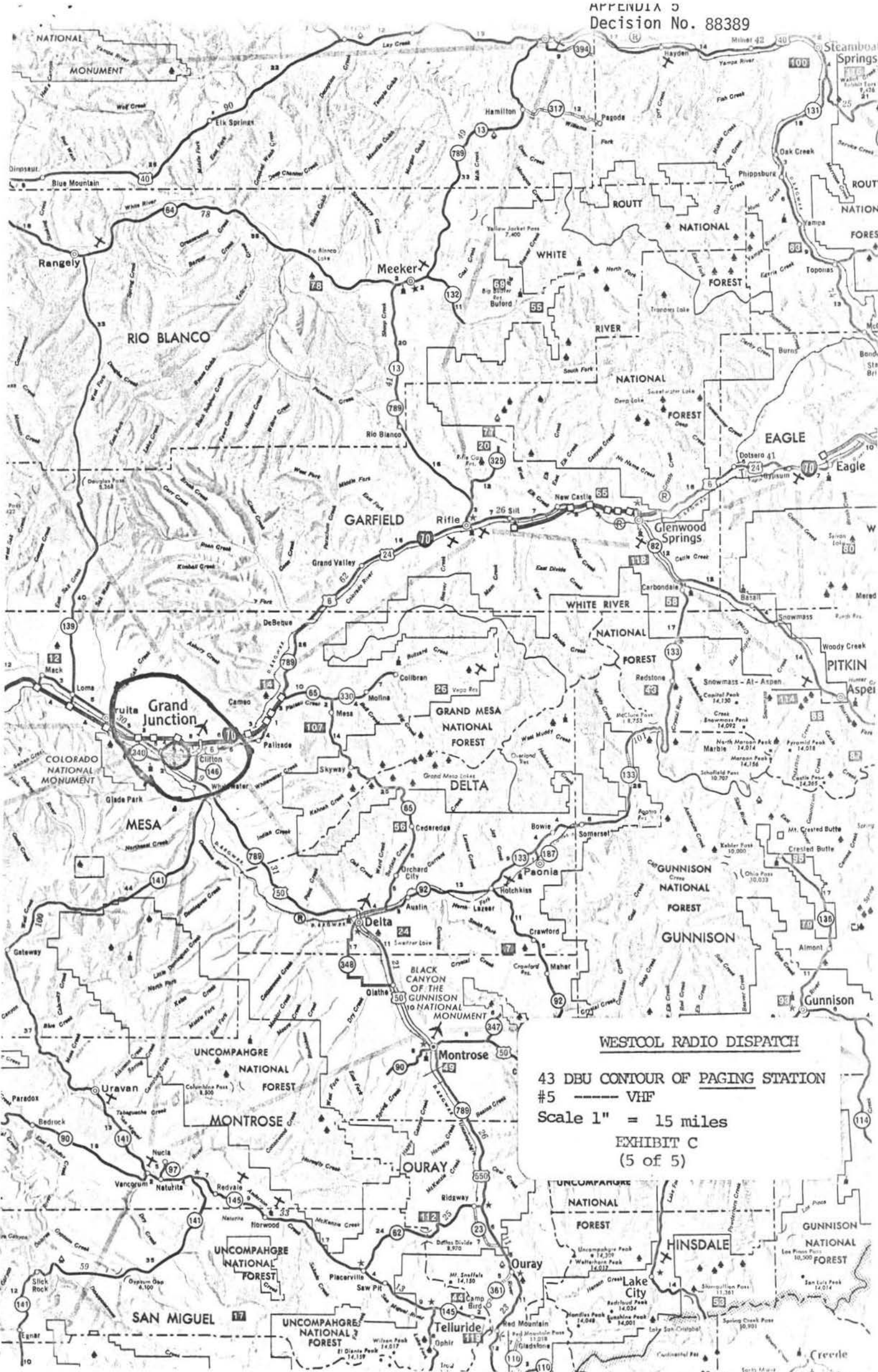
(2 of 5)





WESTCOL RADIO DISPATCH

37 DBU CONTOUR OF BASE STATION
#4 -- VHF
SCALE 1" = 15 miles
EXHIBIT C
(4 of 5)



WESTCOOL RADIO DISPATCH

43 DBU CONTOUR OF PAGING STATION
#5 ——— VHF
Scale 1" = 15 miles
EXHIBIT C
(5 of 5)

(Decision No. 88390)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
FOR AN ORDER AUTHORIZING IT TO EFFECT)
CERTAIN DOWNWARD REVISIONS IN ELECTRIC)
RATES UPON LESS THAN STATUTORY NOTICE.)

APPLICATION NO. 29045

ORDER OF THE COMMISSION
AUTHORIZING DOWNWARD RE-
VISION OF ELECTRIC RATES

March 16, 1976

S T A T E M E N T

BY THE COMMISSION:

On March 12, 1976, Public Service Company of Colorado, Applicant herein, filed the within verified application. Said application seeks an order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on March 24, 1976, tariffs resulting in a decrease to its existing electric rates now on file with this Commission. Applicant states that its proposed decrease in electric rates is to reflect its decline in the cost of fossil fuel used in the generation of electricity and that it is unjust and unreasonable to bill consumers at the existing fuel cost adjustment rate which is based on the previous months higher average fuel costs.

The proposed tariffs, which are attached to the application herein affect all of Applicant's customers.

FINDINGS OF FACT

1. Applicant generates and distributes electrical energy to residential, commercial, industrial and public consumers within its certificated service areas within the State of Colorado.
2. This Commission has no jurisdiction over the rates charged or prices set by Applicant's suppliers of fuel for the generation of electricity.
3. Applicant's average fuel cost during the month of February, 1976 was 58.0768 cents per million Btu and during said month 98.6608% of Applicant's electricity was generated by the combustion of said fossil fuel.
4. Applicant's present tariffs, excluding the fuel cost adjustment, are based on a fossil fuel cost of 57.0¢ per million Btu.
5. Applicant's proposed fuel cost adjustment is based on a fossil fuel cost of 58.0768 cents per million Btu, and, if made effective, will reduce annual revenues to Applicant below Applicant's current fuel cost adjustment by \$14,302,893.

6. Applicant's proposed fuel cost adjustment substantially reflects its decreased cost of fossil fuel obtained from Applicant's supplier for use in Applicant's generating stations.

7. 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 area affected.

8. 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 decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on the reduction of Applicant's fuel costs would do substantial harm to the customers of the Applicant.

3. Good cause exists for the Commission to allow the proposed decrease on less than thirty (30) days' notice.

4. 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. Public Service Company of Colorado, be, and hereby is, authorized to file on not less than one (1) day's notice, the tariffs attached hereto as Appendix "A" and made a part hereof.

2. In the event Public Service Company of Colorado's fuel cost per kwh decreases below that upon which its present fuel cost tariff is based, Public Service Company of Colorado shall notify the Commission forthwith of such decrease and shall file an application, with accompanying tariffs, to reflect such fuel cost reduction.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Eugene S. Miller
Commissioners
dm

COMMISSIONER HENRY E. ZARLENGO
SPECIALLY CONCURRING.

COMMISSIONER HENRY E. ZARLENGO SPECIALLY CONCURRING:

I specially concur in the order authorizing Public Service Company of Colorado to file tariffs to bring about the reduction as provided by the order; however, I do not by this concurrence imply that in my opinion the fuel cost adjustment tariff provision is legal.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

PUBLIC SERVICE COMPANY OF COLORADO
FUEL COST ADJUSTMENT DATA
UNDER COLORADO P.U.C. NO. 5 - ELECTRIC
THIRD REVISED SHEET NO. 280

FOSSIL FUEL GENERATION ± \$0.000121/KWH ABOVE OR BELOW 57.0c/MMBTU				NUCLEAR FUEL GENERATION ± \$0.010671/KWH ABOVE OR BELOW \$0.001728/KWH			ADJUSTMENTS PER KWH IN DOLLARS			APPLIED TO BILLS WITH METER READINGS BEGINNING
FUEL COST MONTH	FUEL COST c/MMBTU	UNITS OF ADJUSTMENTS	% FOSSIL FUEL GENERATION	FUEL COST c/KWH	UNITS OF ADJUSTMENTS	% NUCLEAR FUEL GENERATION	FOSSIL	NUCLEAR	TOTAL	
February 1976	58.0768	1.0768	98.6608	0	0	0	.000128	0	.000128	3/24/76

Advice Letter
Number
Decision
Number 88390

PRESIDENT
Issuing Officer

Issue
Date
Effective
Date

March 24, 1976



(Decision No. 88391)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE ATCHISON, TOPEKA AND SANTA FE)	APPLICATION NO. 28364
RAILWAY COMPANY, BURLINGTON NORTHERN,)	
INC., THE COLORADO AND SOUTHERN RAIL-)	
WAY COMPANY, AND UNION PACIFIC RAIL-)	
ROAD COMPANY FOR AUTHORITY TO ABANDON)	
THE DENVER UNION STOCKYARDS AGENCY AT)	
DENVER, COLORADO.)	

- - - - -
March 16, 1976
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 2, 1976, by Decision No. 88254, the Commission granted a thirty-day extension to Applicants, The Atchison, Topeka and Santa Fe Railway Company, Burlington Northern, Inc., The Colorado and Southern Railway Company, and Union Pacific Railroad Company ("Respondent Railroads") in which to file exceptions with respect to Recommended Decision No. 87792 of Thomas M. McCaffrey (November 10, 1975).

On March 10, 1976, the Colorado Meat Dealers Association, Denver Recycling Company, Liberty Commodities Company, and Litvak Meat Company, Protestants herein, filed a "Petition For Reconsideration And Recall Of Order Dated March 2, 1976, Granting Applicants Extension Of Time In Which To File Exceptions".

We find the facts as stated in Protestants' Petition are correct and that the Respondents' request for an extension of time was, in fact, untimely filed. However, the Commission states and finds that although Respondent's request for a further extension of time was, in fact, untimely filed by four days, the Commission properly granted Respondent railroads request for a thirty-day extension of time within which to file exceptions. The Commission does not believe it would be in the public interest to prejudice the rights of the Respondent railroads to file their Exceptions based upon the inadvertency of their attorney. Accordingly, the Protestants' "Petition For Reconsideration Of Order Dated March 2, 1976 Granting Applicants' Extension Of Time In Which To File Exceptions" will be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

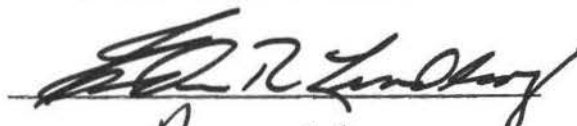
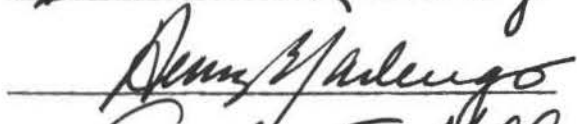

1. The "Petition For Reconsideration Of Order Dated March 2, 1976, Granting Applicants' Extension Of Time In Which To File Exceptions" filed by the Colorado Meat Dealers Association, Denver Recycling Company, Liberty Commodities Company, and Litvak Meat Company on March 10, 1976, be, and the same hereby is, denied.

2. The Respondent Railroads shall file their Exceptions on or before April 1, 1976.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of March, 1976.

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)
THE STATE DEPARTMENT OF HIGHWAYS,)
DIVISION OF HIGHWAYS - STATE OF)
COLORADO, FOR AUTHORITY TO CON-)
STRUCT, OPERATE AND MAINTAIN A)
HIGHWAY/RAILROAD GRADE SEPARATION)
STRUCTURE ON STATE HIGHWAY NO. 13)
OVERPASSING THE DENVER AND RIO)
GRANDE WESTERN RAILROAD COMPANY,)
PROPERTY AND TRACK AT THEIR MILE-)
POST 386 PLUS 2024 FEET, MORE OR)
LESS, NEAR RIFLE, IN GARFIELD)
COUNTY, COLORADO.)

APPLICATION NO. 28828

ORDER GRANTING APPLICATION

March 16, 1976

STATEMENT

BY THE COMMISSION:

On December 16, 1975, the State Department of Highways, Division of Highways, State of Colorado (Division) filed an application which seeks authority to construct, operate and maintain a highway/railroad grade separation structure to carry State Highway No. 13 over the railroad property and facilities of the Denver & Rio Grande Western Railroad Company (D&RGW) in the vicinity of their milepost 386 plus 2024 feet, near Rifle, in Garfield County, Colorado.

Explanatory material submitted with the Application includes the following:

EXHIBIT A - General Layout of the Separation Structure No. F-5-Q

EXHIBIT B - Right of Way location and Description.

A copy of the executed Agreement by and between the Division and the D&RGW pertaining to the construction, maintenance, and payment therefor, of the highway/railroad grade separation structure contemplated herein, was submitted with the application.

Notice of Filing, together with a copy of the application, was given to all interested parties herein, including adjacent property owners. Said notice was dated December 23, 1975. No protests, petitions to intervene or other pleadings were received by the Commission. Applicant did not request a public hearing.

The Commission has determined this matter forthwith upon the record and files herein, without a formal oral hearing or further notice.

FINDINGS OF FACT

THE COMMISSION FINDS THAT:

1. Notice of the proposed grade separation has been given by the Commission to all interested parties. No protests, petitions to intervene or other pleadings in the matter have been received.
2. State Highway No. 13 is a north-south highway beginning at a junction with Interstate Highway 70 (I-70) extending northerly via Rifle, Meeker and Craig to the Colorado-Wyoming State line. The Division is constructing that portion of State Highway No. 13 from I-70 interchange to Rifle. The new construction includes the proposed grade separation structure over the D&RGW tracks in the vicinity of railroad milepost 386 plus 2024 feet, near Rifle, in Garfield County, Colorado.
3. The purpose of this application is to secure Commission approval for the construction, operation and maintenance of the proposed highway/railroad grade separation structure.
4. The estimated average daily vehicular traffic (ADT) when the project is completed is approximately 3,600. The Division anticipates that the traffic volume will increase to 12,000 ADT by 1995. The current rail traffic at the project area is 22 train movements per day with a maximum train speed of 55 miles per hour.
5. An Agreement pertaining to the work to be done, and payment therefor, has been completed between the Division and the D&RGW. Copy of said Agreement has been received by the Commission.
6. The proposed work will be paid for in accordance with the appropriate rules and regulations of the Federal Government and is covered by said Agreement.
7. General description of the new highway/railroad grade separation structure No. F-5-Q, is noted as follows:

<u>ITEM</u>	<u>DESCRIPTION-DIMENSIONS</u>	<u>PUC SPECIFICATIONS</u>
Type	Reinforced concrete deck with asphaltic membrane and an asphalt overlay on welded steel girders. Reinforced concrete abutments and piers.	
Length	233'-6" overall South abutment span @ 65'-6" Center Span @ 85'-0" North abutment span @ 84'-0"	
Width	Overall top width of 84'-6" including four 12'-0" travel lanes divided by a 7'-0" curbed median with 1'-0" gutters; an 8'-0" shoulder, 1'-0" gutter and 1'-3" curb with type 3 bridge rail on each side of the traveled roadway.	
Clearances	Top of rail to bottom of center span girder - - - - - 26'-2" min.	22'-6"
	Centerline of track to face of pier # 2 - - - - - 19"	8'-6"

8. The bridge design and construction will be in accordance with plans and specifications prepared by the Division and approved by the D&RGW and the Federal Highway Administration (FHWA). Clearance dimensions for the proposed structure exceed minimum specifications of the Commission and are acceptable.

9. After the construction is completed, the Division will maintain, at its sole expense, its own bridges, piers, abutments, embankments, surfaces and roadway drainage. Maintenance of track, railroad grades and operating facilities shall continue to be the responsibility of the D&RGW.

10. The public safety, convenience and necessity requires, and will be served, by construction of the new highway/railroad grade separation structure as proposed herein.

CONCLUSIONS ON FINDINGS OF FACT

1. As provided by Section 40-4-106(2)(a), CRS 1973, the Commission has jurisdiction in the instant matter.

2. Notice of the proposed construction and installation of the highway/railroad grade separation structure has been given by the Commission, pursuant to, and in accordance with, Section 40-6-108(2), CRS 1973. No protests, petitions to intervene, or other pleadings in the matter have been received.

3. As provided by Section 40-6-109(5), CRS 1973, and Rule 17 of the Commission's Rules of Practice and Procedure, the Commission may determine this matter without a formal oral hearing or further notice.

4. The authority sought in the instant application should be granted.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Authority and approval be, and hereby is, granted to the Division of Highways, State of Colorado, for construction, operation and maintenance of a highway/railroad grade separation structure on State Highway No. 73 overpassing the Denver and Rio Grande Western Railroad Company property and tracks at railroad milepost 386 plus 2024 feet near Rifle, in Garfield County, Colorado.

2. The work to be done, and payment therefor, shall all be performed and paid by the Division of Highways, State of Colorado, and the Denver and Rio Grande Western Railroad Company as set forth in the Agreements, plans, Specifications, and exhibits, all as filed herein.

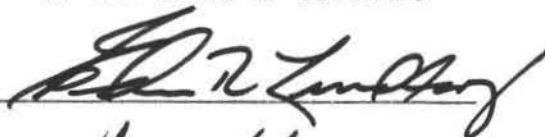
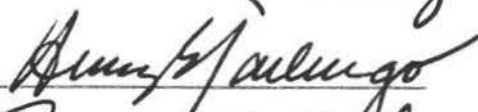
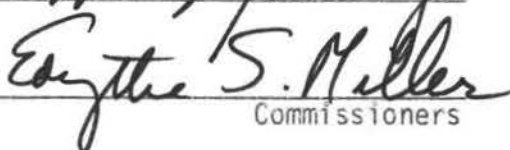
3. The Division of Highways, State of Colorado, shall maintain its own bridge, piers, abutments, embankments, surfaces and roadway drainage. The Denver and Rio Grande Western Railroad Company shall continue to maintain their track, railroad grades and operating facilities.

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

5. The order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of March, 1976.

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)
JIM BROTZMAN, DOING BUSINESS AS)
"JIM BROTZMAN TRUCKING CO.," RURAL)
ROUTE 3, HIGHLAND PARK ADDITION,)
STERLING, COLORADO, FOR AUTHORITY)
TO TRANSFER ALL RIGHT, TITLE AND)
INTEREST IN AND TO CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 992 AND PUC NO. 992-I TO)
THOMAS W. BROTZMAN, DOING BUSINESS)
AS "BROTZMAN TRUCKING," 115 HIGHLAND)
AVENUE, STERLING, COLORADO.)

APPLICATION NO. 28919-Transfer
ORDER OF THE COMMISSION

March 23, 1976

Appearances: John H. Lewis, 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 1973, 40-6-108 (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 1973, 40-6-109 (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. 992 and PUC No. 992-I, as granted by Commission Decision No. 73692 dated October 20, 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.

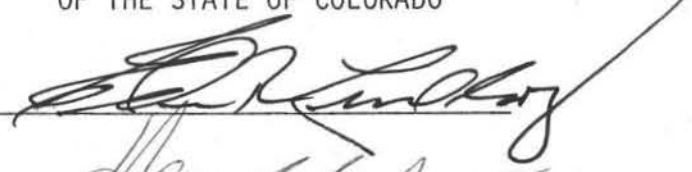

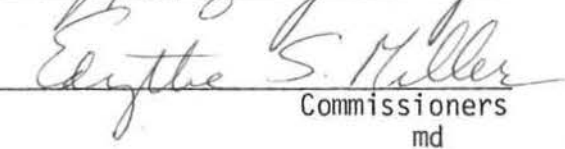
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88394)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WIND ROW, INC., P. O. BOX 990,)	
PUEBLO, COLORADO, FOR TEMPORARY)	APPLICATION NO. 29012-PP-TA
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	ORDER GRANTING TEMPORARY AUTHORITY

March 23, 1976

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

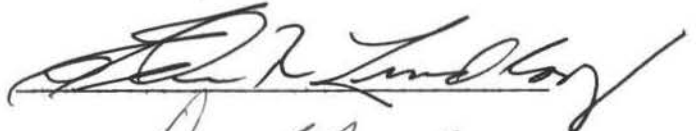
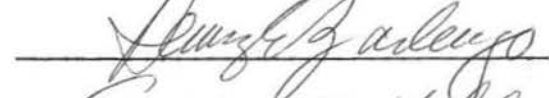
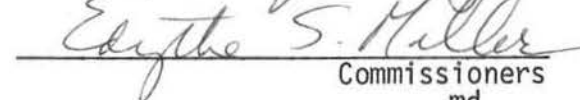
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

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 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88394
March 23, 1976

Wind Row, Inc.

Transportation of

Coal

From the Empire Energy, Inc. coal strip mine near Craig, Colorado, to the tipple of Empire Energy, Inc. at Craig, Colorado.

RESTRICTION: This temporary authority is restricted to rendering transportation service for only Brasel and Simms Coal Co., Craig, Colorado.

(Decision No. 88395)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE H. WOLFE, DOING BUSINESS AS)
"GEORGE HENRY WOLFE TRUCKING," 407)
EAST MAIN, FLORENCE, COLORADO, FOR)
TEMPORARY APPROVAL TO CONDUCT)
OPERATIONS UNDER CONTRACT CARRIER)
PERMIT NO. B-6792, PENDING)
DETERMINATION OF THE APPLICATION)
TO ACQUIRE SAID PERMIT.)

APPLICATION NO. 29013-PP-Transfer-TA

ORDER GRANTING TEMPORARY APPROVAL

March 23, 1976

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

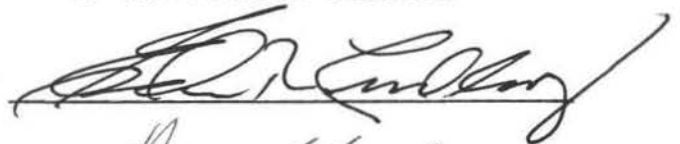
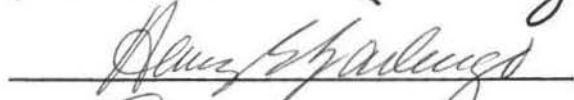
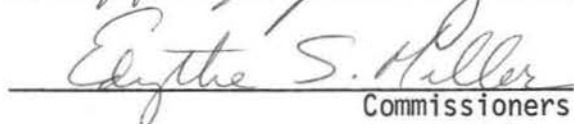
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

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 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88396)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THOMAS W. BRAITHWAITE, DOING BUSI-)
NESS AS "LEADVILLE TAXI SERVICE,")
114 WEST 6TH AVENUE, #7, LEADVILLE,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 29021-TA

ORDER GRANTING TEMPORARY AUTHORITY

March 23, 1976

The above-entitled application under CRS 1973, 40-6-120, 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 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88396
March 23, 1976

Leadville Taxi Service

Transportation -- in taxicab service -- of
Passengers (and their baggage) and packages

Between all points located within the County of Lake, State of Colorado, and between said points on the one hand, and the City and County of Denver, on the other hand.

RESTRICTION: This temporary authority is restricted as follows:

- 1) To the transportation of packages in taxicab vehicles; and
- 2) To the transportation of packages which do not exceed one hundred (100) pounds in weight.

(Decision No. 88397)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R & B MOVING & STORAGE CO., DOING)
BUSINESS AS "BROADWAY MOVING &)
STORAGE CO.," 4830 MONACO, COMMERCE)
CITY, COLORADO, FOR TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 2589,)
PENDING DETERMINATION OF THE APPLI-)
CATION TO ACQUIRE SAID CERTIFICATE.)

APPLICATION NO. 29028-Transfer-TA

ORDER GRANTING TEMPORARY APPROVAL

March 23, 1976

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

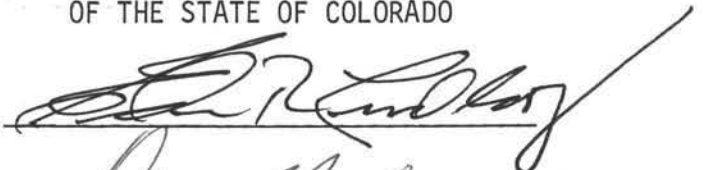
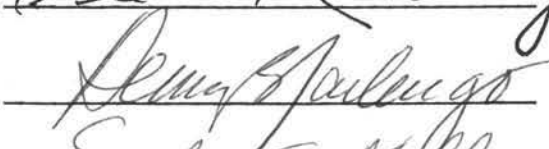
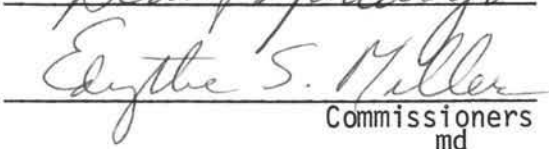
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

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

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

DONE IN OPEN MEETING the 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88398)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* *	*
IN THE MATTER OF THE APPLICATION OF)	
JAMES E. CASTEEL, 1910 CHAMBERLIN)	
SOUTH, COLORADO SPRINGS, COLORADO,)	
FOR TEMPORARY APPROVAL TO OBTAIN)	
OPERATIONAL CONTROL OF EL PASO CAB)	
CO., INC., RECORD OWNER OF CERTI-)	APPLICATION NO. 29029-Stock Transfer-TA
FICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY PUC NO. 9199, PENDING)	ORDER GRANTING TEMPORARY APPROVAL
DETERMINATION OF THE APPLICATION TO)	
ACQUIRE ALL THE ISSUED AND OUTSTANDING)	
CAPITAL STOCK OF SAID CARRIER.)	

- - - - -
March 23, 1976
- - - - -

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

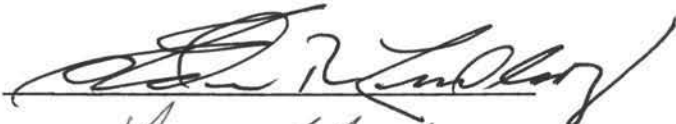

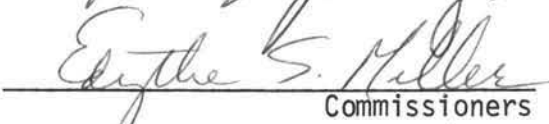
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

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

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

DONE IN OPEN MEETING the 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88399)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. B. STUCKY AND N. M. STUCKY, DOING)
BUSINESS AS "S & S DAIRIES," ROUTE)
2, MOUNDRIDGE, KANSAS, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 29032-PP-TA

ORDER DENYING TEMPORARY AUTHORITY


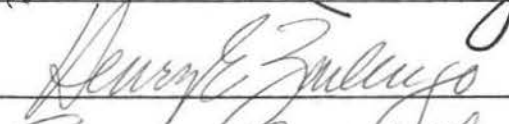
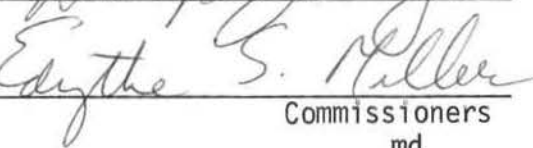
March 23, 1976

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 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 88400)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT C. NICE, DOING BUSINESS AS)
"DENVER ANIMAL DISPOSAL SERVICE,")
11380 EAST BAILS PLACE, AURORA,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 29017-TA

ORDER GRANTING TEMPORARY AUTHORITY

March 23, 1976

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and



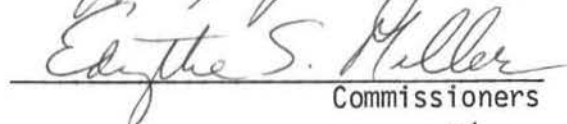
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

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 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88400
March 23, 1976

Denver Animal Disposal Service

Transportation -- on call and demand -- of

Dead animal carcasses and remains unfit for human or animal consumption

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 29037-PP
JOE MONTANO, P. O. BOX 312, ORDWAY,)	
COLORADO, FOR AUTHORITY TO OPERATE)	ORDER OF THE COMMISSION
AS A CLASS "B" CONTRACT CARRIER BY)	
MOTOR VEHICLE.)	

March 23, 1976

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

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

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

An appropriate Order will be entered.

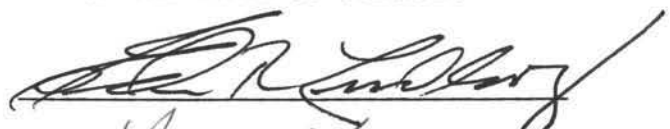

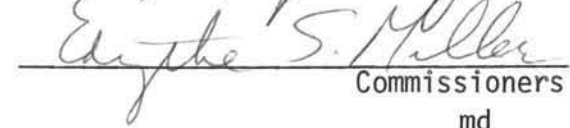
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88401
March 23, 1976

Joe Montano

Transportation of

Farm products

Between all points located within an area comprised of the Counties of Pueblo, Crowley, Otero, Kiowa, Bent and Prowers, State of Colorado.

RESTRICTION: This Permit is restricted against the transportation of Livestock, bulk milk and dairy products.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN C. GILLOTT, BOX 143, SHAWNEE,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 29036-PP

ORDER OF THE COMMISSION

- - - - -
March 23, 1976
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

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

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

An appropriate Order will be entered.

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

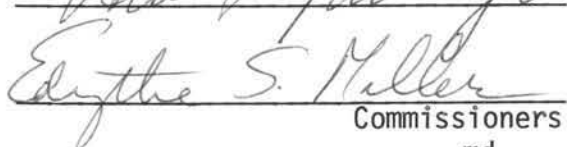
IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88402
March 23, 1976

John C. Gillott

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)
CLIFFORD DALE DANIELS, DOING BUSI-)
NESS AS "BIG D TRUCKING," 711)
BRIDGEN DRIVE, COLORADO SPRINGS,)
COLORADO, FOR AUTHORITY TO OPERATE)
AS A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 29018-PP

ORDER OF THE COMMISSION

March 23, 1976

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

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

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

An appropriate Order will be entered.

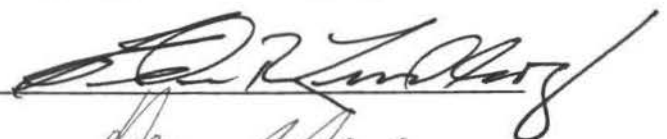
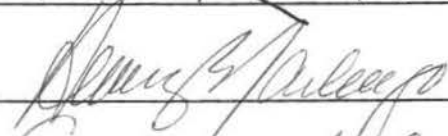
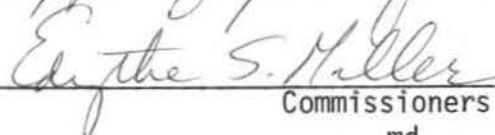
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88403
March 23, 1976

Big D 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 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)
ROBERT C. NICE, DOING BUSINESS AS)
"DENVER ANIMAL DISPOSAL SERVICE",)
11380 EAST BAILS PLACE, AURORA,)
COLORADO, FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 29017

ORDER GRANTING LEAVE TO INTERVENE

March 23, 1976

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 15, 1976, Donald Richard Wood, doing business as V.A.D.S ("VADS"), by its attorney Thomas J. Burke, 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

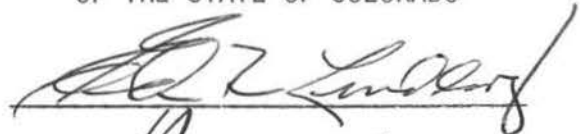
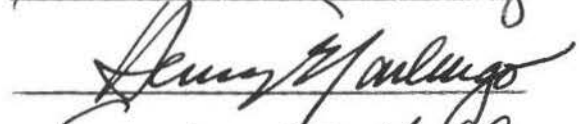

THE COMMISSION ORDERS THAT:

Donald Richard Wood, doing business as V.A.D.S ("VADS") be, and hereby is, granted leave to intervene in the above-entitled application.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 23rd day of March, 1976.

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)	
CHARLES R. COX, DOING BUSINESS AS)	APPLICATION NO. 28675-PP-Waiver
"COX TRUCKING," 916 REX STREET,)	
LOUISVILLE, COLORADO, FOR AN ORDER OF)	
THE COMMISSION EXEMPTING DAVID C. COX)	RECOMMENDED DECISION OF
AS A DRIVER FOR APPLICANT FROM PART)	THOMAS M. McCAFFREY,
391.6 (AGE) OF THE COMMISSION'S SAFETY)	EXAMINER
RULES AND REGULATIONS GOVERNING CON-)	
TRACT CARRIERS BY MOTOR VEHICLE FOR)	DISMISSING APPLICATION
HIRE, UNDER PERMIT NO. B-8197.)	

- - - - -
March 17, 1976
- - - - -

Appearances: Charles R. Cox, Louisville,
Colorado, Applicant, pro se,
and David C. Cox, Louisville,
Colorado, pro se;
John R. Wells, Denver, Colorado,
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

On September 18, 1975, the above-titled application was filed with this Commission requesting an order exempting David C. Cox as Applicant's driver from Part 391.6 of this Commission's Safety Rules and Regulations Governing Contract Carriers by Motor Vehicle for Hire, as specifically set forth in said application.

The Commission assigned Docket No. 28675-PP-Waiver to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

After due and proper notice to all interested persons, firms, or corporations, the Commission set the application for hearing to be held on Tuesday, February 24, 1976, 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 Thomas M. McCaffrey, Examiner, to whom the application had been duly assigned for hearing.

Prior to the hearing, the driving record of David Charles Cox was filed with the Commission.

Evidence in the proceeding, as presented in the testimony of Charles R. Cox and David C. Cox, disclosed that Applicant's operations under Permit No. B-8197, under which operations a waiver is herein sought, had not been profitable, and it was the Applicant's intention, if possible, to sell his vehicle on or before March 1, 1976, and discontinue operations under this authority. Because of Applicant's stated intention to discontinue service under his Permit, thus obviating the necessity of the requested waiver, the Examiner ordered that Applicant inform him either in person or in writing within one week from the date of the hearing as to his success in selling the vehicle and his intentions of future operations.

On Tuesday, March 2, 1976, Charles R. Cox and David C. Cox personally informed the Examiner that they did not wish to incur any additional expense in conducting operations under their Contract Carrier Permit and would discontinue operations immediately. Charles R. Cox stated he would contact the Staff of the Transportation Department to arrange to have Permit No. B-8197 either suspended or canceled. Applicant requested that the instant application be dismissed.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record of this proceeding, together with this recommended decision.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above Statement and Findings of Fact, it is concluded that:


1. Application No. 28675-PP-Waiver should be dismissed.
2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28675-PP-Waiver, being the application of Charles R. Cox, doing business as "Cox Trucking," 916 Rex Street, Louisville, Colorado, for an order of the Commission exempting David C. Cox as a driver for Applicant from Part 391.6 of the Commission's Safety Rules and Regulations Governing Contract Carriers by Motor Vehicle for Hire under Permit No. B-8197, be, and hereby is, dismissed.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ds/rw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

WHITT TRANSFER & STORAGE CO.,)	
)	
Complainant,)	
)	
vs.	)	CASE NO. 5628
)	
COLORADO MOVING & STORAGE, INC.,)	
)	
Respondent.)	
)	
WHITT TRANSFER & STORAGE CO.,)	
)	
Complainant,	)	CASE NO. 5647
)	
vs.)	
)	
COLORADO MOVING & STORAGE, INC.,	)	ORDER OF JAMES K. TARPEY,
AND HOFFMAN TRANSFER CO.,	)	EXAMINER
	)	CONTINUING HEARING
Respondents.)	

March 17, 1976

Appearances: Kenneth R. Hoffman, Esq.,
Denver, Colorado, for Com-
plainant Whitt Transfer &
Storage Co.;
Truman A. Stockton, Esq.,
Denver, Colorado, for
Respondents Colorado Moving
& Storage, Inc., and Hoffman
Transfer Co.;
Bruce C. Bernstein, Esq.,
Office of the Attorney General,
for the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

Pursuant to notice, the above-entitled proceedings were called for hearing on March 11, 1976, in the Commission's Hearing Room, Denver, Colorado.

At the conclusion of the presentation of Complainant's case, it was agreed by the parties to continue the proceedings until May 12, 1976, at which time Respondents shall present their case.

O R D E R

THE EXAMINER ORDERS THAT:

1. Case No. 5628 and Case No. 5647 be, and hereby are, continued for hearing on Wednesday, May 12, 1976, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ds/vc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
RESPONDENTS, LEONARD L. HANEY,)	
DENVER, COLORADO, UNDER CERTIFICATES)	
OF PUBLIC CONVENIENCE AND NECESSITY	)	CASE NO. 5635
PUC NO. 272 AND 272-I, LEONARD L.)	
HANEY, DOING BUSINESS AS "COLORADO)	
DENVER WAREHOUSE AND DELIVERY COMPANY,")	
DENVER, COLORADO, UNDER CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY PUC	)	RECOMMENDED DECISION OF
NO. 7609-I, AND GILPIN COUNTY FREIGHT	)	ROBERT L. PYLE, EXAMINER
SERVICE, INC., DENVER, COLORADO, UNDER)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY PUC NO. 1127 AND CONTRACT)	
CARRIER PERMIT NO. B-3009.)	

March 17, 1976

Appearances: Edward C. Hastings, Esq., Denver,
Colorado, for Respondents
Leonard L. Haney, Leonard L.
Haney, doing business as
"Colorado Denver Warehouse and
Delivery Company," and Gilpin
County Freight Service, Inc.;
John S. Walker, Esq., Denver,
Colorado, for Intervenor Rio
Grande Motor Way, Inc.;
Bruce C. Bernstein, Esq., Denver,
Colorado, for the Commission.

PROCEDURE AND RECORD

Under date of October 14, 1975, the Commission entered its Decision No. 87615; which, after stating that the Staff of the Commission had conducted an investigation relating to the motor vehicle operations of the above-named Respondents under Certificates of Public Convenience and Necessity PUC No. 272 & I, PUC No. 7609-I, PUC No. 1127, and Contract Carrier Permit No. B-3009, found that said investigation disclosed that Respondents may have engaged in transportation practices in violation of the Public Utilities Law and the Rules and Regulations of this Commission to-wit:

By serving customers and points that are not in the scope of authority granted in Certificates of Public Convenience and Necessity PUC No. 272 and 272-I, Certificate PUC No. 7609-I, Certificate PUC No. 1127, and Contract Carrier Permit No. B-3009, as listed in Appendix "A" appended hereto, contrary to Rule No. 6 of the Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire and contrary to Rule No. 5 of the Rules and Regulations Governing Contract Carriers by Motor Vehicle for Hire.

The Commission assigned Docket No. 5635 to the case and directed Respondents to appear before the Commission on December 12, 1975, to show cause why the Commission should not take such action or enter such order or penalty as may be appropriate; including, but not limited to, a cease and desist order or if warranted an order cancelling and revoking Certificate of Public Convenience and Necessity PUC No. 272 & I, Certificate of Public Convenience and Necessity PUC No. 7609-I, Certificate of Public Convenience and Necessity PUC No. 1127, and Contract Carrier Permit No. B-3009.

By said Order and Decision, the Commission set the matter for hearing before the Commission at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 a.m. on December 12, 1975, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

The parties entered into two STIPULATIONS AS TO FACTS, which are not reiterated here, but which are set forth in detail as pleadings in the file.

Testimony was taken from Respondent Leonard L. Haney, who is involved in the ownership of all the authorities, and from Mr. Oscar E. Franz, of the Staff of the Commission.

Notice was taken of the four authorities involved herein, and the following exhibits were tendered and offered into evidence:

Exhibit No. 1 - Several bills of lading.

Exhibit No. 3 - Letter dated September 9, 1975, to Respondents over the signature of Mr. Harry A. Galligan, Jr., Secretary of the Commission.

Further, the parties were directed to and did file as late-filed exhibits Exhibit No. 4, which is a copy of a receipt that was given to Respondents by the Commission for some documents, and Exhibit No. 5, which is an abstract of the several shipments giving rise to the show cause proceeding. Exhibit No. 2 was rejected.

It is to be noted that the same Respondents were involved in a show cause proceeding, namely, Case No. 5583, which involved the same issues and the same matters involved in this proceeding (Case No. 5635). The previous proceeding (Case No. 5583) was dismissed and the docket closed by Commission Decision No. 87413 dated September 2, 1975. That particular decision is now on appeal in the District Court in Denver, Colorado, and presumably within the next two or three years will be decided ultimately by the Supreme Court of the State of Colorado. Notice is taken of said Decision No. 87413 dismissing and closing the docket in Case No. 5583 as well as other matters pertaining to Case No. 5583 as more particularly set forth in the record of the proceeding and which are enumerated below. Notice is also being taken, at the request of counsel, and there is included in the file a copy of all documents hereinafter enumerated of which notice is taken.

Briefly, the reason for the dismissal and closing of the docket in Case No. 5583 was for the reason that the majority of the Commission was of the opinion that insufficient notice had been given to Respondents, namely, there had been a failure to give notice in accordance with 24-4-103, CRS 1973, which is a portion of the Administrative Code. Prior to the commencement of hearing in this case (No. 5635), counsel for

Respondents moved to dismiss said Case No. 5635 on the grounds that the identical case, namely, Case No. 5583, had been dismissed; and, until matters had run their course on appeal in said Case No. 5583, no hearing should be held in the case now at bar (Case No. 5635). Said motion was denied. In the case at bar, namely, Case No. 5635, it was acknowledged and agreed that the Public Utilities Commission did send and Respondents did receive a letter dated September 9, 1975, pursuant to Section 24-4-104 (3), CRS 1973, from Harry A. Galligan, Jr., Secretary of the Commission, giving notice of facts or conduct that may warrant action by the Commission suspending, revoking, altering, or amending Certificates of Public Convenience and Necessity PUC No. 272 & I, PUC No. 7609-I, PUC No. 1127, and Contract Carrier Permit No. B-3009 and affording the Respondents opportunity to submit written data, views, and arguments with respect to such facts or conduct. On October 9, 1975, Respondents did so respond to Mr. Galligan's letter of September 9, 1975, setting forth their views and arguments with respect to the proposed show cause in this proceeding, namely, Case No. 5635.

Specifically, the items taken notice of are as follows:

Commission Decision No. 86298 dated January 28, 1975, which was the Notice of Hearing and Order to Show Cause in Case No. 5583.

Certificate of Service in Case No. 5583 vacating and resetting the hearing date.

Certificate of Service and notice resetting hearing in Case No. 5583. Certificate of Service in Case No. 5583 dated April 11, 1975, apparently having to do with that notice of setting.

Interrogatories to Leonard L. Haney, doing business as "Colorado Denver Warehouse and Delivery Company" and Gilpin County Freight Service Company in Case No. 5583.

Subpoena Duces Tecum in Case No. 5583. Second Subpoena Duces Tecum in Case No. 5583.

Motion for Continuance in Case No. 5583.

Notice Vacating and Resetting Hearing in Case No. 5583, together with a Certificate of Service of that motion.

Motion to Compel Discovery in Case No. 5583.

Commission Decision No. 87015 in Case No. 5583 dated June 17, 1975, which is an Order Compelling Respondents to Answer Interrogatories.

Motion in Case No. 5583 filed by Respondents and received by the Commission on June 23, 1975.

Answers to Interrogatories in Case No. 5583 received by the Commission on July 7, 1975.

Notice Vacating and Resetting Hearing in Case No. 5583 dated July 10, 1975, and Certificate of Service thereof.

Notice Vacating and Resetting Hearing in Case No. 5583 dated August 19, 1975, and Certificate of Service thereof.

Petition for Leave to Appear as Amicus Curiae in several cases including Case No. 5583.

Commission Decision No. 87390 involving Case No. 5583 dated August 26, 1975, granting Petition for Leave to Appear as Amicus Curiae and Certificate of Service thereof.

Brief of Amicus Curiae involving, among other things, Case No. 5583 received by the Commission on August 29, 1975.

Petition in Case No. 5583 received by the Commission on August 29, 1975.

Brief of Rio Grande Motor Way, Inc., involving, among other things, Case No. 5583.

Commission Decision No. 87413 in Case No. 5583, which is an Order vacating hearing, dismissing that show cause proceeding and closing the docket dated September 2, 1975.

Commission Decision No. 87519 dated September 19, 1975, involving several cases including Case No. 5583 and Certificate of Service thereof.

Petition of Rio Grande Motor Way, Inc., for Rehearing, Reargument, or Reconsideration of Decision Nos. 87423, 87410, 87413, 87414, 87411, 87412, and 87519 filed with the Commission on October 6, 1975, over the signature of Mr. John S. Walker on behalf of Rio Grande Motor Way, Inc.

Commission Decision No. 87512 involving several cases including Case No. 5583 dated October 14, 1975, and Certificate of Service thereof.

Verified Answers of Rio Grande Motor Way, Inc., to inquiries set forth in Commission Decision No. 87612 involving several cases including Case No. 5583.

Letter dated October 28, 1974, to the Public Utilities Commission of the State of Colorado over the signature of Mr. W. G. Braucher on behalf of Rio Grande Motor Way, Inc.

Commission Decision No. 87679 involving several cases including Case No. 5583 dated October 28, 1975, and Certificate of Service thereof.

Written data, views, and arguments with respect to the proposed Show Cause Order in Case No. 5583 submitted by Mr. Edward C. Hastings on behalf of Respondents in Case No. 5583, which are the same Respondents in this proceeding, namely, Case No. 5635.

Notice of Hearing and Order to Show Cause in
Case No. 5583, together with attachments.

Commission Decision No. 87615 dated October 14,
1975, which is the Order to Show Cause and Notice
of Hearing in Case No. 5635, together with the
Appendices.

Notice is also taken of Rule No. 6 of the Common Carrier Rules
and Rule No. 5 of the Contract Carrier Rules of this Commission.

At the conclusion of the hearing and at the request of the
Respondents, the Examiner allowed Respondents to and until February 15,
1976, within which time to file a Statement of Position. The Staff of
the Commission and Intervenor Rio Grande Motor Way, Inc., were given 10
days after receipt thereof to file an Answer if they choose to do so.
No such Statement of Position was ever filed by Respondents. Approximately
four weeks have now passed since the due date of the Statement of
Position, and a recommended decision is being made by the Examiner.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert
L. Pyle now transmits herewith to the Commission the record and exhibits
of this proceeding, and a written recommended decision containing findings
of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Leonard L. Haney is the registered owner and operator of
Certificate of Public Convenience and Necessity PUC No. 272 & I. Leonard
L. Haney, doing business as "Colorado Denver Warehouse and Delivery Company,"
is the registered owner and operator of Certificate of Public Convenience
and Necessity PUC No. 7609-I. Gilpin County Freight Service, Inc., is the
owner and operator of Certificate of Public Convenience and Necessity
PUC No. 1127 and Contract Carrier Permit No. B-3009. Inasmuch as Mr.
Leonard L. Haney is the owner in his own right or the principal owner
and operator of the authorities held under the corporate structures, the
Respondents will hereinafter be referred to collectively as "Respondents"
or by name. The several authorities provided pursuant to the Letters
of Authority are as follows:

PUC No. 272 & I

1. Transportation of

freight and general commodities not on schedule

Between Denver, Colorado, and a point one (1)
mile west of the Post Office at Watkins,
Colorado, on U.S. Highway 40, and including
all points intermediate except Fitzsimons Army
Hospital

and excluding the transportation of uncrated
used household goods between Denver and Aurora,
Colorado.

2. Call and demand service for the transportation of general freight and merchandise as follows:
 - (a) between points within the city limits of Denver, Colorado, for the pickup and delivery of goods having a prior or subsequent movement over the line-haul operations;
 - (b) from points within the city limits of Denver, Colorado, to Lowry Field and points on East Colfax Avenue in Denver.
3. 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.

PUC No. 7609-I

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.

PUC No. 1127

Transportation -- on schedule -- of

(1) General commodities

Between Denver, Colorado, and the following named points:

- a. Central City, Colorado;
- b. Russell Gulch;
- c. Blackhawk, Colorado;

Over U.S. Highway No. 40 and Colorado Highway No. 119 with an alternate route via Golden Gate Canon.

Transportation -- on call and demand -- of

(2) Ore and concentrates

From mines located within a twenty (20) mile radius of Central City, Colorado, to mills and railroad loading points located within Leadville, Colorado; Malta, Colorado; and Colorado City, Colorado.

(3) Mining and milling machinery and mine supplies

From Central City and Blackhawk, Colorado, to mines located within a twenty (20) mile radius of Central City, Colorado.

(4) General commodities

Between all points within the County of Gilpin,
State of Colorado.

Permit No. B-3009

Transportation of

(1) Coal

From mines located in northern Colorado to all
points within the Cities of Aurora and Denver.

(2) Coal

From all points within the City and County of
Denver, Colorado, to all points within the
City of Aurora, Colorado.

(3) Ashes

From points in Aurora, Colorado, to dumps within
a three (3) mile radius thereof.

(4) Grain

Between all points within a fifty (50) mile
radius of Aurora, Colorado.

RESTRICTION:

Item No. 4 is restricted against serving points
within Golden, Colorado, and points within a fifteen
(15) mile radius thereof.

(5) Sand, gravel, and other road-surfacing materials

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

RESTRICTIONS:

(a) Item No. 5 is restricted against rendering
service in the Counties of Boulder, Clear
Creek, and Gilpin, State of Colorado.

(b) Item No. 5 is restricted against the
transportation of petroleum and petroleum
products in tank vehicles.

2. Pursuant to the STIPULATION AS TO FACTS, Respondents did,
in fact, render service as alleged in Appendix "A" to Decision No. 87615
dated October 14, 1975, which gave rise to this proceeding.

3. Pursuant to the same STIPULATION AS TO FACTS, such service
as set forth in said Appendix "A" is outside the scope of any of Re-
spondents' authorities.

4. Pursuant to said STIPULATION AS TO FACTS, during the months of March and April 1974, Respondents made a total of 132 shipments to the destinations listed in said Appendix "A", which are actually 132 separate shipments. Actually, and as set forth on late-filed Exhibit No. 5, the total number of "out-of-authority deliveries" was 141. Pursuant to said late-filed exhibit, the total transportation rendered was shown on 38 Colorado Denver Warehouse freight bills, on 264 (McCollum-Law) bills of lading, showing a total charge for transportation of \$2,610.63. The average computed cost of each bill of lading is \$9.88. Therefore, by using the 141 such out-of-authority shipments, the approximate computed out-of-authority revenue was \$1,393.08.

5. Pursuant to the aforementioned late-filed Exhibit No. 5, 53.79 percent of the total revenue of Respondents was handled out of authority. The percentage of total revenue derived from out-of-authority deliveries was 53.74 percent of Respondents' gross revenue.

6. The calculations and above-stated figures take into consideration and delete from the out-of-authority shipments those bills of lading and particularly Bill of Lading No. 903 listed on page 3 of late-filed Exhibit No. 5.

7. Respondents went to great effort and preconceived planning to operate outside the scope of said authorities and in derogation of this Commission's Rules and Regulations and the laws pertaining to public utilities. The method primarily used by Respondents to thwart the Rules and Regulations of the Commission and the laws pertaining to public utilities was to lend or lease a truck and driver to McCollum-Law, which then made the delivery while Respondents used McCollum-Law or its successor as a consignee. In essence, Respondents made deliveries to the customers of McCollum-Law or its successor, under guise of Respondents' authorities with this Commission, outside the territorial scope of Respondents' authorities with this Commission.

8. Respondents' actions in the operation of their authorities were attended by circumstances and actions of fraud and willful and wanton disregard for the Rules and Regulations of this Commission and the laws pertaining to motor carriers under the jurisdiction of this Commission. Respondents' actions were intentional and committed in a reckless and negligent fashion. In fact, by the method used in so operating the authorities, the bills of lading were kept by McCollum-Law presumably for the purpose of thwarting the Commission in being able to locate said bills of lading at the offices of Respondents.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Respondents have at various times between March 13, 1974, and April 25, 1974, engaged in transportation practices in violation of the Public Utilities Law and the Rules and Regulations of this Commission by rendering services at various locations outside the territorial scope and authority of their certificates and/or permits, all in violation of Rule No. 6 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle and Rule No. 5 of the Commission's Rules and Regulations Governing Contract Carriers by Motor Vehicle, in accordance with and as set forth in late-filed Exhibit No. 5, which is an abstract and compilation of such violations.

2. Respondents should be ordered to cease and desist from all such unauthorized operations.

3. Respondents should have their authorities cancelled or in lieu thereof make payment as hereinafter provided.

4. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondents Leonard L. Haney under Certificate of Public Convenience and Necessity PUC No. 272 & I; Leonard L. Haney, doing business as "Colorado Denver Warehouse and Delivery Company," under Certificate of Public Convenience and Necessity PUC No. 7609-I; and Gilpin County Freight Service, Inc., under Certificate of Public Convenience and Necessity PUC No. 1127 and Contract Carrier Permit No. B-3009, having been found to be in violation of Rule No. 6 of the Colorado Public Utilities Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle and Rule No. 5 of the Colorado Public Utilities Commission's Rules and Regulations Governing Contract Carriers by Motor Vehicle and the Public Utilities Law of the State of Colorado, by rendering service outside the territorial scope of said Certificates of Public Convenience and Necessity and said Contract Carrier Permit, as set forth in late-filed Exhibit No. 5, be, and hereby are, ordered to cease and desist from rendering service outside the territorial scope of their authorities issued by this Commission.

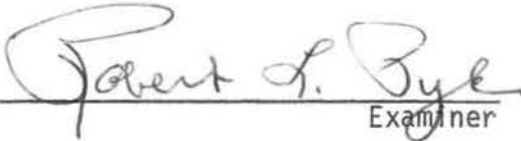
2. The authorities of Respondents as aforesaid, namely, Certificates of Public Convenience and Necessity PUC No. 272 & I, PUC No. 7609-I, PUC No. 1127, and Contract Carrier Permit No. B-3009, be, and hereby are, revoked and cancelled as of April 15, 1976; provided, however, that in lieu of said revocation and cancellation, Respondents may pay the sum of ten thousand dollars (\$10,000) to the Treasurer of the State of Colorado, on or before April 15, 1976, 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 and Contract Carrier Permit shall be null and void and of no effect, and said authorities shall be fully operative.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE RULES AND	)	CASE NO. 5596
REGULATIONS GOVERNING COMMON)	
CARRIERS BY AIRCRAFT.	)	RECOMMENDED DECISION OF
	)	THOMAS M. McCAFFREY,
	)	EXAMINER
)	
	)	ADOPTING RULES AND REGULA-
	)	TIONS GOVERNING COMMON
	)	CARRIERS BY AIRCRAFT.

- - - - -
March 18, 1976
- - - - -

Appearances: Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for Aspen
Airways, Inc., Respondent;
Robert S. Wham, Esq.,
Denver, Colorado, for
Rocky Mountain Airways,
Inc.; Skychoppers, Inc.;
and Rocky Mountain Heli-
copters, Inc., Respondents;
Ernest P. Porter, Esq.,
Denver, Colorado, for
Mountain Flying Service,
Inc., Respondent;
Howard A. Pulsifer, Esq.,
Chicago, Illinois, for
United Air Lines, Inc.,
Respondent;
Eugene C. Cavaliere, Esq.,
Denver, Colorado, Assistant
Attorney General, for the
Commission.

PROCEDURE AND RECORD

On March 11, 1975, the Public Utilities Commission of the State of Colorado entered its Order instituting a rule-making proceeding, notice thereof, and notice of hearing. In said Decision the Commission gave notice that it proposed to adopt Rules and Regulations Governing Common Carriers by Aircraft as defined in Section 40-1-102(3), CRS 1973. The proposed Rules and Regulations, 13 in number, were set forth in Appendix "A", which was attached and incorporated into said Decision. For the purpose of considering the adoption of the proposed Rules and Regulations Governing Common Carriers by Aircraft, the Commission ordered the matter set for hearing on June 12, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. The Commission further ordered that any interested person may file with the Commission, on or before May 12, 1975, written objections, suggestions for modification, statements of view or arguments with respect to the Commission's proposed Rules and Regulations, all of which shall be open for public inspection during the

regular office hours in the Office of the Secretary of the Commission, and also directing that any person desiring to intervene in or otherwise become a party to the rule-making proceeding must file appropriate pleadings therefor on or before May 27, 1975. The Secretary of the Commission gave due notice of the aforesaid Decision No. 86462 to all interested persons, firms, or corporations.

On March 24, 1975, Rocky Mountain Helicopters, Inc., filed its Objections, Suggestions for Modification, or Statements of View concerning the proposed Rules and Regulations. On May 6, 1975, Aspen Airways, Inc., filed a Petition for Leave to Intervene and Suggestions, which Petition the Commission granted in Decision No. 86808 issued May 13, 1975. Mountain Flying Service, Inc., on May 12, 1975, filed its Statements of View on the proposed Rules and Regulations. Also on May 12, 1975, Rocky Mountain Airways, Inc., and Skychoppers, Inc., filed Objections, Comments, and Suggestions for Modifications of the proposed Rules and Regulations, and an additional document setting forth the Objections, Comments, and Suggestions of Rocky Mountain Helicopters, Inc., was also filed. The City and County of Denver, by Robert S. Michael, Director of Aviation, filed a letter setting forth its Suggestions on May 18, 1975. United Air Lines, Inc., on May 29, 1975, filed a Motion to File a late-filed document and to intervene, together with Comments and Suggestions concerning the proposed Rules and Regulations, which Petition the Commission granted in Decision No. 86931 issued June 3, 1975.

Hearing on the proposed Rules and Regulations Governing Common Carriers by Aircraft was held at the scheduled time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned for hearing.

Exhibits 1 and 2 were offered and admitted into evidence, and official notice was taken of the Federal Aeronautics Administration's Rules and Regulations.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Every person directly or indirectly affording a means of transportation by aircraft within the state of Colorado, or any service or facility in connection therewith, by indiscriminately accepting and carrying for compensation passengers or property between fixed points or over established routes or otherwise is a common carrier as defined in 40-1-102(3). All common carriers are a public utility as defined in 40-1-103, CRS 1973, and are therefore subject to the jurisdiction of this Commission. The purpose of this proceeding is to adopt rules and regulations specifically applicable to common carriers by aircraft, and the promulgation and adoption of such rules and regulations are made pursuant to and in accordance with the authority granted this Commission in 40-2-108, CRS 1973.

2. The Staff of the Commission has made certain proposed amendments to the rules and regulations as originally contained in Appendix "A" to Decision No. 86462 initiating this rule-making proceeding. These amendments to the originally proposed rules in most instances pertain to changes in wording for purposes of clarification and do not constitute substantive changes in the rules. Except as specifically omitted or modified herein-after, the Staff's proposed amendments are reasonable and necessary and will be incorporated into the rules and regulations to be adopted herein.

PROPOSED RULE 1

3. This proposed rule contains a statement by statutory reference of the applicability of the rules and regulations, a statement of mandatory compliance, a statement that the rules and regulations have no retroactive effect upon previously issued certificates, and a statement setting forth the concurrent applicability of the Commission's Rules of Practice and Procedure "and other matters common to all carriers, as well as specific rules relating to particular subjects or to specific types of transportation."

This Commission's Rules of Practice and Procedure apply in their entirety to all common carriers. An enumeration of specific parts of these rules is unnecessary and tends to imply that those portions of the Rules of Practice and Procedure not enumerated are inapplicable to aircraft common carriers. Also in Section (C), the wording "... and other matters common to all carriers, as well as specific rules relating to particular subjects or to specific types of transportation. . . ." is vague, ambiguous, and actually meaningless as applied to aircraft common carriers. This quoted section should be deleted from Rule 1 as adopted herein, so that Section (C) of this proposed rule as adopted will in its entirety read as follows: "In addition to these Rules, air carriers shall refer to and comply with the Commission's Rules of Practice and Procedure."

PROPOSED RULE 2 - APPLICATIONS.

4. This rule contains the information to be contained in either an application for authority to operate as an air carrier or an exhibit to such application.

As proposed by the Staff and as shown by substantial evidence in this proceeding, every certificate holder, whether scheduled or call and demand, should be required to file with this Commission an operating agreement with the airport(s) it proposes to serve or is actually providing service. It is, however, unreasonable to require that the operating agreement be filed with the application, and the carrier should be allowed a period of 90 days from the date of receiving authority from this Commission in which to file the operating agreement. The original application should contain a statement that if the authority sought is granted, the applicant will within the aforesaid 90 days file a copy of the airport operating agreement, and this requirement should be contained in Section (N) of Rule 2.

Section (L) of this proposed rule should be changed so as to read: "Applications must be signed by the applicant or applicant's authorized agent and/or applicant's attorney, together with addresses and telephone numbers of all persons signing the application."

Section (O) is not appropriately a part of proposed rule 2, since it does not pertain to data to be included in the application or exhibits. This section is actually a duplication of a portion of Rule 17 of this Commission's Rules of Practice and Procedure and should be omitted from the rules and regulations to be herein adopted.

PROPOSED RULE 3 - TRANSFER, CONSOLIDATION, MERGER, AND ACQUISITION OF CONTROL.

5. This proposed rule, as modified by the amendments contained in Exhibit 2 and as further amended by the insertion of the word "collectively" in the parenthetical expression (all such actions hereinafter referred to collectively as "transfer"), is reasonable and necessary for conciseness and clarity.

PROPOSED RULE 4 - EXTENSION OF CERTIFICATE PROHIBITED.

6. The Staff of the Commission has recommended that the word "change" be used in lieu of the word "extension" in the title of this rule, but even this proposed modification will not appropriately describe the contents of the rule. Wording more descriptive of the contents of the proposed Rule 4 would be, "Variation From Authority in Certificate Prohibited." The title of Rule 4 should be changed accordingly.

PROPOSED RULE 5 - SUSPENSION, REVOCATION, OR ALTERATION OF CERTIFICATE.

7. As shown in Exhibit 2, Staff proposes that an additional provision relating to violation of or failure to comply with the Public Utilities Law should be inserted as Section (A)(4) of this proposed rule. No useful purpose would be served in adding this provision as a separate subsection. This provision is more appropriately included as a part of Section (A)(3), so that this section in its entirety would read: "Violation of or failure to comply with any lawful order, rule or regulation of the Commission, or the Public Utilities Law of the State of Colorado."

PROPOSED RULE 6 - DISCONTINUANCE OF OPERATION.

8. In addition to the amendments contained in Exhibit 2, Section (A) should, for purposes of clarity, be changed to read: "No air carrier holding a Certificate from this Commission shall discontinue operations thereunder unless and until authorized by order of the Commission. Application to discontinue service shall be in writing and shall state therein the reasons necessitating such discontinuance of service and the reason(s) why the public convenience and necessity requires the requested discontinuance. Application for discontinuance of service may, if determined necessary by this Commission, be set for hearing."

In Section (B) of this rule as proposed, Subsection (3) should be changed as follows: "(3) Anticipated financial benefit to the applicant, with an explanation of the factors considered in determining such anticipated benefit."

PROPOSED RULE 7 - EQUIPMENT.

9. As shown by the evidence in this proceeding, this rule in its entirety should read: "All air carriers shall either own the aircraft operated under the Certificate (proprietary control being deemed ownership) or lease such aircraft."

PROPOSED RULE 8 - LEASING OF AIRCRAFT.

10. Evidence in this proceeding shows that at least a portion of proposed Rule 8 is in conflict with the extensive provisions relating to aircraft leasing in the Federal Aviation Agency regulations. It is thus hereby found as fact that Rule 8 as proposed should be deleted in its entirety from the rules and regulations adopted herein.

PROPOSED RULE 9 - INSURANCE REQUIREMENTS.

11. The proposed insurance requirements as contained in this proposed rule are adopted from the Proposed Model Rules and Regulations to Supplement the Uniform State Air Carrier Act Adopted by the National Association of Regulatory Utility Commissioners. Although the minimum liability insurance limits contained in this rule are in conflict at least in part with the Civil Aeronautics Board Regulations relating to air taxi operators, the minimum limits as contained in the proposed rule are reasonable and proper to protect the public utilizing common carrier aircraft service within Colorado, and Rule 9 should be adopted as proposed.

PROPOSED RULE 10 - BASE OF OPERATIONS.

12. This rule applies only to call and demand air carriers and should specifically so state. Thus, the entire rule (adopted herein as Rule 9) should read: "Any call and demand air carrier holding a Certificate which sets forth a base or bases of operation shall station aircraft and personnel to operate said aircraft at said base or bases of operation. Air ferry or deadhead charges shall not apply to any service originating at a base of operation."

PROPOSED RULE 11 - FILING OF TIME SCHEDULES.

13. This rule as proposed is just and reasonable and should be adopted as proposed.

PROPOSED RULE 12 - FACILITIES REQUESTED.

14. This rule as proposed places upon the scheduled air carrier the unreasonable burden of providing "suitable public facilities" at all airports the carrier may serve. While it is the legal duty of this Commission to promote and ensure the convenience and safety of persons served by a public utility, it is unreasonable and beyond this Commission's jurisdiction to impose upon all carriers in all instances the duty to provide the facilities to promote and ensure such convenience and safety. Such is particularly true in the case of air carriers serving airports over which the carriers in most cases have neither proprietary control nor responsibility for terminal facilities maintenance.

Rather than attempt to impose an undue burden upon an air carrier, a more reasonable regulatory requirement, and one which will equally ensure the public convenience and safety, is to prohibit a scheduled air carrier from operating out of any airport which does not have certain minimum facilities, including, but not limited to, heated waiting rooms, public restrooms, public telephones, and a bulletin board for posting of public notices. The rule to be adopted herein is in accordance with and will accomplish this purpose.

PROPOSED RULE 13 - RULE EXEMPTION.

15. Although the wording of this proposed rule is substantially the same as contained in this Commission's Rules and Regulations governing other transportation utilities, neither the title nor the wording of the proposed rule completely and adequately describes the intent and purpose of the rule. The title should be changed to "Rule Suspension or Exemption," and the wording of the rule should be changed as follows: "In case of unusual hardship, an air carrier may file written application for suspension of or exemption from the provisions of any rule or regulation, and the Commission, after hearing, may suspend or modify such provisions affecting

such air carrier, or may exempt the air carrier therefrom, if such suspension, modification, or exemption is not contrary to the public interest."

16. The Rules and Regulations in accordance with the foregoing Findings of Fact as set forth in Appendix I attached hereto are necessary for this Commission's proper regulation of air carriers, and said Rules and Regulations are in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The Rules and Regulations Governing Common Carriers by Aircraft as set forth in Appendix I attached to this Recommended Decision should be adopted.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Rules and Regulations Governing the Operations of Common Carriers by Aircraft as contained in Appendix I, attached hereto and by reference incorporated herein and made a part hereof, be, and hereby are, adopted as the Rules and Regulations pertaining to said common carriers by aircraft under the jurisdiction of this Commission.

2. An opinion of the Attorney General of the State of Colorado will be sought regarding the constitutionality and legality of the herein Rules as set forth in Appendix I.

3. The Secretary of the Commission be, and hereby is, directed to file with the Office of the Secretary of State of the State of Colorado a copy of these Rules as set forth in Appendix I, and when obtained, a copy of the opinion of the Attorney General of the State of Colorado regarding the constitutionality and legality of the same.

4. The Secretary of the Commission shall publish the Rules and Regulations as finally adopted in accordance with the provisions of Section 24-4-103(11)(k), CRS 1973. Said Rules and Regulations shall become effective on the twenty-first (21st) day after the Secretary has completed publication of said Rules and Regulations.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. M. Giffey
Examiner
ds/rw

APPENDIX I

RULES AND REGULATIONS

GOVERNING COMMON CARRIERS

BY AIRCRAFT

RULE 1

Application of Rules and Regulations

- (A) These rules and regulations apply to all common carriers by aircraft as defined in Section 40-1-102(3), CRS 1973, (hereinafter referred to in these rules as "air carriers"). All such air carriers shall at all times comply with these rules and regulations and all applicable statutes and laws of the State of Colorado.
- (B) Nothing in these rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in a Certificate of Public Convenience and Necessity (hereinafter referred to as "Certificate") heretofore issued to any air carriers.
- (C) In addition to these rules, air carriers shall refer to and comply with the Commission's Rules of Practice and Procedure.

RULE 2

Applications

When application is made for authority to operate as an air carrier, the applicant, in addition to complying with all applicable provisions of the Commission's Rules of Practice and Procedure, shall submit the following data either in the application or as exhibits to said application:

- (A) The name and complete address (street, city, state, and zip code) of applicant, and the name under which the operation shall be conducted; if the applicant is a corporation, a statement of that fact; the name of the state in which it is incorporated; location of its principal office, if any, in this state; the name of its directors and officers; and its Colorado agent for service; the corporation shall file with the Commission a certified copy of its Articles of Incorporation or Charter; if an out-of-state corporation, a certified copy of the authority qualifying it to do business in the State of Colorado, certified to by the Secretary of State of Colorado, shall be attached to the Articles of Incorporation. If the applicant is a partnership, the application shall contain the names and addresses of all partners;
- (B) The name and address of applicant's attorney or representative, if any, to whom all communications should be addressed;
- (C) Applications to operate as a "scheduled" air carrier shall include a description of the route or routes which the applicant desires to operate and a map drawn approximately to scale indicating the routes and showing (1) all terminal and intermediate airports desired to be served and (2) the air miles to be traversed between the airports;

- (D) Applications to operate as a "call and demand" air carrier shall include a description of the proposed service, and a map drawn approximately to scale showing the territory to be served;
- (E) A detailed description of aircraft applicant proposes to operate (including the manufacturer, model, type, FAA regulation number, weight, tonnage, and passenger capacity) and a statement of whether such aircraft is presently owned or leased by applicant;
- (F) FAA Air Taxi and Commercial Operators Certificate Number (ATCO No.);
- (G) Applications to operate as a "scheduled" air carrier shall include a schedule of the proposed service showing frequency of service and time of departure and arrival at airports;
- (H) A summary of the aeronautical and business experience of the applicant's principal officers;
- (I) A financial statement showing applicant's ability to conduct the operations applied for in the event a Certificate is issued and all pertinent information which may serve to indicate permanency of the business to be established by the applicant;
- (J) A statement indicating -- if the application is assigned for hearing by the Commission -- where the applicant prefers the hearing to be held and any alternative choice(s);
- (K) A statement indicating that the applicant understands that the mere filing of an application does not, in itself, constitute authority to operate;
- (L) Applications must be signed by the applicant or applicant's authorized agent and/or applicant's attorney, together with addresses and telephone numbers of all persons signing the application;
- (M) A statement showing the facts and circumstances which the applicant relies upon to establish that the proposed operation is required by public convenience and necessity;
- (N) A statement that if the authority as sought in the application is granted, the applicant will within ninety (90) days from the date of issuance of a Certificate file with this Commission a certified copy of an operating agreement from the airport(s) applicant proposes to provide either scheduled or call and demand service;
- (O) A statement that if the authority as sought in the application is granted, the applicant (1) will have his insurance agent file the required certificate of insurance with the Commission, (2) will file the necessary tariffs, (3) will operate in accordance with the Commission's Rules and Regulations Governing Common Carriers by Aircraft, and (4) will file with the Secretary of the Commission the designation of agent for service of notices, orders, and process.

RULE 3

Transfer, Consolidation, Merger, and Acquisition of Control

- (A) No air carrier shall sell, lease, assign, mortgage, transfer, or create a security interest (all such actions hereinafter referred to collectively

as "transfer") by act, omission, or operation of law, or otherwise dispose of or encumber its Certificate, or any right or interest thereunder, directly or indirectly, or merge or consolidate the operating rights contained in the Certificate with the operation of any other air carrier or any one not an air carrier, without first having received from the Commission an order authorizing it to do so. Every such transfer, merger, consolidation, or other disposition, made without the prior authorization of the Commission, shall not become effective unless and until authorized by order of the Commission;

- (B) Whenever such Certificate of Public Convenience and Necessity, or rights obtained thereunder, are owned or held by a corporation, there shall not be any transfer of the capital stock of such corporation as will effectuate control of the corporation, and indirectly the Certificate held by it, without first having been authorized to transfer said control by order of the Commission. Every transfer of control, or agreement for transfer by any means whatsoever, in violation of the above provisions, without prior approval of the Commission, shall not become effective unless and until authorized by order of the Commission;

For the purpose of this Rule, control of the Certificate owned by said corporation shall be determined on a case-by-case basis to the end that there shall be no control of the management of the corporation passing to any other person, or group of persons, other than those in control at the time ownership of the Certificate by the corporation was previously approved by this Commission;

- (C) A transfer of a Certificate by means of foreclosure of a mortgage, deed of trust, or other lien or encumbrance upon such Certificate, or by an execution in satisfaction of any judgment or claim against the holder thereof, shall not become effective unless and until authorized by order of the Commission;
- (D) An application for transfer shall be made in duplicate and shall contain all information concerning the transferee or transferees required in an original application. In addition, applicants for transfer of operating rights shall further establish:
- (1) The transferee intends to, and will engage in, bona fide air carrier operations under such operating rights;
 - (2) The transferor has been, and now is, engaged in bona fide air carrier operations under such operating rights, except as such operating rights may have been suspended by the Commission; and further, that said operating rights or any part thereof have not been abandoned or allowed to become dormant;
 - (3) Whether all of the rights held under each Certificate are sought to be transferred, or, if a partial transfer of the rights is sought, why such partial transfer would be in the public interest;
 - (4) The transfer will not result in the common control or ownership of duplicating or overlapping operating rights, or if the transfer will result in the common control or ownership of duplicating or overlapping operating rights, that it is agreed by the parties that the Commission may cancel any such duplicating or overlapping rights unless the Commission finds that such duplication or overlap is not contrary to the public interest;

- (E) The transferor shall not cancel his insurance, surety bond, or tariffs on file with the Commission until the Commission has approved the transfer, and until the transferee has filed all such documents in his own name;
- (F) The transferee shall not begin operations until the transfer is authorized by order of the Commission and until said transferee has filed all documents with the Commission required by statute, these Rules and Regulations, and any other Rules of the Commission;
- (G) No transfer shall become effective unless and until the transferee shall file a written acceptance with the Commission, accepting the terms and conditions of the order authorizing transfer. The written acceptance shall state the date on which said transferee will begin and be responsible for operations under the Certificate. The acceptance shall also contain a statement signed by the transferor to the effect that transferee has complied with all provisions of the transfer agreement.

RULE 4

Variation from Authority in Certificate Prohibited

- (A) No air carrier shall extend, or in any manner enlarge, diminish, change, alter, or vary the route or routes, or the service authorized by its Certificate, or serve any point not included therein, unless and until such air carrier has made application to the Commission, and the Commission has authorized the same;
- (B) No air carrier shall combine the authority granted in one Certificate with the authority granted in any other Certificate to render a combination transportation service not authorized by any of the individual Certificates, unless so authorized by order of the Commission.

RULE 5

Suspension, Revocation, Alteration, or Amendment of Certificate

- (A) A Certificate may be suspended, revoked, altered, or amended by the Commission, after hearing, upon at least ten (10) days' notice to the air carrier affected, for any of the following reasons:
 - (1) Violation of or failure to comply with the terms and conditions of the Certificate;
 - (2) Exceeding the authority granted in the Certificate;
 - (3) Violation of or failure to comply with any lawful order, rule, or regulation of the Commission, or the Public Utilities Law of the State of Colorado;
- (B) Voluntary suspensions may be granted without hearing by the Commission on application, upon such terms and conditions as the Commission shall determine to be in the public interest.

RULE 6

Discontinuance of Operation

- (A) No air carrier holding a Certificate from this Commission shall discontinue operations thereunder unless and until authorized by order of the Commission. Application to discontinue service shall be in writing and shall state therein the reason(s) necessitating such discontinuance of service and the reason(s) why the public convenience and necessity requires the requested discontinuance. Application for discontinuance of service may, if determined necessary by this Commission, be set for hearing.
- (B) No scheduled air carrier shall discontinue service to any point on its route(s) unless and until authorized by order of the Commission. Written application for discontinuance shall contain the following information:
 - (1) History of service, particularly schedules and equipment offered by the applicant during the two years immediately preceding the filing of the application;
 - (2) Total number of passengers originating and deplaning during the twelve (12) months immediately preceding the filing of the application;
 - (3) Anticipated financial benefit to the applicant, with an explanation of the factors considered in determining such anticipation benefit;
 - (4) A factual statement of applicant's efforts to stimulate traffic by use of schedule experimentation, promotion and advertising, new equipment, or other means during the two years immediately preceding filing of the application.

RULE 7

Equipment

All air carriers shall either own the aircraft operated under the Certificate (proprietary control being deemed ownership) or lease such aircraft.

RULE 8

Insurance Requirements

- (A) Every air carrier shall procure, on or prior to commencing operations, and thereafter continue in effect so long as such operator continues to offer his services for compensation, adequate protection against liability imposed by law upon such operator for the payment of damages for personal bodily injuries, including death resulting therefrom, and for damage to or destruction of property as a result of an accident, subject, however, to the following minimum limits:
 - (1) Aircraft with Passenger Seating Capacity, 1 to 20 persons.
 - (a) Aircraft Passenger Bodily Injury and Death Liability - a minimum for one passenger seat of at least \$100,000 and a minimum for each accident in any one aircraft of at least

an amount equal to the total produced by multiplying \$100,000 by the number of passenger seats in the aircraft.

- (b) Aircraft Bodily Injury and Death Liability (excluding persons aboard aircraft) - a minimum of \$100,000 for one person in one accident, and a minimum of \$300,000 for each accident.
- (c) Aircraft Property Damage Liability - a minimum of \$100,000 for each accident.

(2) Aircraft with Passenger Seating Capacity, 21 or more persons.

- (a) Aircraft Passenger Bodily Injury and Death Liability - a minimum for one passenger seat of at least \$100,000 and a minimum for each accident in any one aircraft of at least an amount equal to the total produced by multiplying \$100,000 by the number of passenger seats in the aircraft.
- (b) Aircraft Bodily Injury and Death Liability (excluding persons aboard aircraft) - a minimum of \$100,000 for one person in one accident, and a minimum of \$600,000 for each accident.
- (c) Aircraft Property Damage Liability - a minimum of \$500,000 for each accident.

(3) Definitions of the words "passenger" and "seat".

- (a) "Passenger" means any person, other than an employee of the air carrier protected by Workmen's Compensation Insurance, aboard the aircraft to whom the air carrier owes a duty imposed by law.
- (b) "Seat" means the space provided aboard the aircraft to be reasonably occupied by one passenger.

(4) Aircraft Transporting Freight exclusively having a gross weight of 20,000 pounds or less.

- (a) Aircraft Bodily Injury and Death Liability (excluding flight crew aboard aircraft) - a minimum of \$100,000 for one person in one accident, and a minimum of \$300,000 for each accident.
- (b) Aircraft Property Damage Liability (excluding freight aboard aircraft) - a minimum of \$100,000 for each accident.

(5) Aircraft Transporting Freight exclusively having a gross weight of over 20,000 pounds.

- (a) Aircraft Bodily Injury and Death Liability (excluding flight crew aboard aircraft) - a minimum of \$100,000 for one person in one accident, and a minimum of \$600,000 for each accident.
- (b) Aircraft Property Damage Liability (excluding freight aboard aircraft) - a minimum of \$500,000 for each accident.

(B) The amount of coverage to be provided by each air carrier shall be determined in one of the following ways:

- (1) When the policy, surety bond or contract covers all of the aircraft operated by the air carrier, the coverage for all aircraft shall be determined by the coverage applicable to the aircraft having the greatest passenger seating capacity.
 - (2) When each aircraft is covered by a separate policy, bond or contract, or by separate schedules each of which is applicable to a single aircraft within a policy, bond or contract covering two or more aircraft, then the minimum required coverage for each aircraft shall be determined by its own individual requirement.
 - (3) When the policy, surety bond or contract procured by the air carrier is of a single limit nature, such policy, surety bond or contract shall be acceptable by the Commission provided that the minimum single limit of the policy, surety bond or contract is at least equal to the total of the minimum limits as determined by paragraph (A) herein for separate limit policies, surety bonds or contracts.
 - (4) Coverage herein shall be deemed sufficient as to each aircraft operated commercially when the minimum requirements set forth in paragraph (A) have been met and filed with the Commission and nothing herein shall require two or more persons to separately insure the same aircraft; however, nothing herein shall prevent two or more persons from being named as insureds on the same policy of insurance, surety bond or contract.
 - (5) When the actual limits of insurance, surety bond or contract indemnity exceed the minimum amounts set forth in paragraph (A) herein the air carrier filing evidence of insurance as hereinafter provided may report only said minimum coverage and need not specify the amounts of insurance, bond or contract indemnity in excess of said minimum requirements.
- (C) The protection herein required shall be provided in the following manner:
- (1) By a policy, or policies, of public liability insurance issued by a company, or companies, licensed to write such insurance in this state; or
 - (2) By a bond or bonds issued by a surety company, or companies, licensed to write surety bonds in this state; or
 - (3) By a plan of self-insurance approved as hereinafter required; or
 - (4) By a policy, or policies, of public liability insurance and property damage insurance written by nonadmitted insurers, subject, however, to the Insurance Code of this state; or
 - (5) By any other plan of protection for the public approved as hereinafter required; or
 - (6) By a combination of two or more of the foregoing methods.
- (D) When the protection is to be provided by the means set forth in subparagraphs (1), (2), (4), (5) and (6) of paragraph (C) hereof, a deductible clause may be inserted. Where 5 percent or less of the risk is made deductible, no approval by the Commission will be required. Where more than 5 percent of the risk is made deductible, special approval under paragraph (F) of this rule shall be required.

- (1) When the policy, surety bond or contract covers all of the aircraft operated by the air carrier, the coverage for all aircraft shall be determined by the coverage applicable to the aircraft having the greatest passenger seating capacity.
 - (2) When each aircraft is covered by a separate policy, bond or contract, or by separate schedules each of which is applicable to a single aircraft within a policy, bond or contract covering two or more aircraft, then the minimum required coverage for each aircraft shall be determined by its own individual requirement.
 - (3) When the policy, surety bond or contract procured by the air carrier is of a single limit nature, such policy, surety bond or contract shall be acceptable by the Commission provided that the minimum single limit of the policy, surety bond or contract is at least equal to the total of the minimum limits as determined by paragraph (A) herein for separate limit policies, surety bonds or contracts.
 - (4) Coverage herein shall be deemed sufficient as to each aircraft operated commercially when the minimum requirements set forth in paragraph (A) have been met and filed with the Commission and nothing herein shall require two or more persons to separately insure the same aircraft; however, nothing herein shall prevent two or more persons from being named as insureds on the same policy of insurance, surety bond or contract.
 - (5) When the actual limits of insurance, surety bond or contract indemnity exceed the minimum amounts set forth in paragraph (A) herein the air carrier filing evidence of insurance as hereinafter provided may report only said minimum coverage and need not specify the amounts of insurance, bond or contract indemnity in excess of said minimum requirements.
- (C) The protection herein required shall be provided in the following manner:
- (1) By a policy, or policies, of public liability insurance issued by a company, or companies, licensed to write such insurance in this state; or
 - (2) By a bond or bonds issued by a surety company, or companies, licensed to write surety bonds in this state; or
 - (3) By a plan of self-insurance approved as hereinafter required; or
 - (4) By a policy, or policies, of public liability insurance and property damage insurance written by nonadmitted insurers, subject, however, to the Insurance Code of this state; or
 - (5) By any other plan of protection for the public approved as hereinafter required; or
 - (6) By a combination of two or more of the foregoing methods.
- (D) When the protection is to be provided by the means set forth in subparagraphs (1), (2), (4), (5) and (6) of paragraph (C) hereof, a deductible clause may be inserted. Where 5 percent or less of the risk is made deductible, no approval by the Commission will be required. Where more than 5 percent of the risk is made deductible, special approval under paragraph (F) of this rule shall be required.

- (E) The protection provided hereunder shall not be subject to cancellation on less than thirty (30) days' written notice to the Commission, such notice to commence to run from the date the notice is actually received at the office of the Secretary of the Commission.
- (F) When the protection is provided by an approved alternate plan or a plan of self-insurance, or includes such an approved plan or plan of self-insurance with other methods, approval of the Commission is required. Such approval shall be requested by a formal application in accordance with the Commission's Rules of Practice and Procedure setting forth all the facts which shall be required by the Commission with respect thereto.
- (G) When protection hereunder, as set forth in paragraph (C), is provided by a policy or policies of insurance or by bond(s), evidence thereof, as well as evidence of subsequent renewal prior to the expiration of such policy, policies, or bond(s), shall be filed with the Commission by the air carrier on or prior to commencing operations in one or more of the following manners:
 - (1) By a copy of the policy of insurance, or bond, duly certified by the company issuing it to be a true copy of the original policy;
 - (2) By a photostatic copy of the original bond or policy;
 - (3) By an abstract of the original policy or bond, signed by the company issuing it, in sufficient detail to evidence compliance;
 - (4) By a certificate of insurance, in form approved by the Commission, signed by the company issuing the policy or by the underwriting managers for a group of companies issuing such policy, or, in the case of nonadmitted companies, by the broker placing such coverage.
- (H) The policies, or certificate of insurance above referred to, shall evidence that the coverage shall apply to any and all commercial flights operated by the insured, irrespective of whether the aircraft involved in the liability coverage are specifically described in the policy (unless the policy or policies are written on a single specific aircraft), and shall not be subject to any exclusion by virtue of violations by said air carrier of any applicable provisions of the Federal Aviation Act of 1958, as amended, or of any rule, regulation, order, or other legally imposed requirement prescribed by the Federal Aviation Administration or Civil Aeronautics Board.
- (I) On or prior to commencing operations, each air carrier shall file an affidavit (signed by an executive officer if a corporation, by a partner if a partnership, or by the owning operator if an individual) with the Commission setting forth the passenger seating capacity and gross weight carrying capacity of each type of aircraft in commercial operation. At any time that the passenger seating capacity or gross weight carrying capacity of any such aircraft may be increased to a point where the protection then on file as provided in paragraph (A) of this rule is inadequate, and if a new type of aircraft is acquired and operated, a supplementary affidavit of passenger seating capacity and gross weight carrying capacity shall be filed with the Commission. Prior to the operation of added capacity, or new aircraft with capacity in excess of coverage theretofore on file, the commercial air operator or passenger air carrier shall cause to be filed evidence of additional coverage sufficient to comply with the minimum limits heretofore set forth.

- (J) The cancellation or suspension of a policy of insurance or surety bond or the cancellation, suspension, or surrender of a certificate of self-insurance issued by this Commission, or the impairment or destruction of any security, or the cancellation or termination of any agreement of indemnity, or the alteration (without first obtaining Commission authorization) of any agreement of indemnity, shall constitute good cause for suspension or revocation of the operating authority of the affected air carrier. No operation shall be conducted in this state unless a certificate of insurance, certificate of self-insurance coverage, bond, or the other securities or agreements of indemnity hereinabove specified, shall be in effect and on file with the Commission.

RULE 9

Base of Operations

Any call and demand air carrier holding a Certificate which sets forth a base or bases of operation shall station aircraft and personnel to operate said aircraft at said base or bases of operation. Air ferry or deadhead charges shall not apply to any service originating at a base of operation.

RULE 10

Filing of Time Schedules

- (A) All scheduled air carriers shall file with the Commission a time schedule showing routes, terminal locations, and the arrival and departure times from the terminal locations. The time schedule shall also indicate the number of days per week that service is offered at any point on the air carrier's route.
- (B) Time schedules as filed with the Commission must be adhered to. Scheduled air carriers desiring to change time schedules shall follow the procedure set forth in Rule 19 of the Commission's Rules of Practice and Procedure.

RULE 11

Facilities Required

No scheduled air carrier shall operate out of any airport that does not have public facilities to promote the public convenience and safety of passengers utilizing said scheduled air carrier's services. Such public facilities shall include, but not be limited to, heated waiting rooms, public restrooms, public telephones, and a bulletin board for posting of public notices.

RULE 12

Rule Suspension or Exemption

In case of unusual hardship, an air carrier may file written application for suspension of or exemption from the provisions of any rule or regulation, and the Commission, after hearing, may suspend or modify such provisions affecting such air carrier, or may exempt the air carrier therefrom if such suspension, modification, or exemption is not contrary to the public interest.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PETERSON ENTERPRISES OF COLORADO,)	
INC., DOING BUSINESS AS "TIMBERLINE	)	APPLICATION NO. 28952
BUILDERS SUPPLY, INC.," P. O. BOX)	
277, WALDEN, COLORADO, FOR AUTHORITY	)	ORDER OF THE COMMISSION
TO OPERATE AS A COMMON CARRIER BY)	
MOTOR VEHICLE.)	

- - - - -
March 23, 1976
- - - - -

Appearances: Arthur A. Abplanalp, Jr., Esq., Walden, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 the Appendix 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.

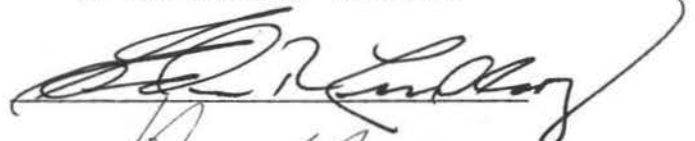

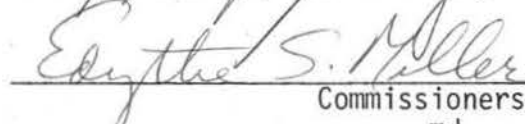
IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

IT IS FURTHER ORDERED, That this Order is subject to compliance by the holder(s) of this Certificate with all present and future laws and rules and regulations of this 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 23rd day of March, 1976.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 88409
March 23, 1976

Timberline Builders Supply, Inc.

Transportation of

Drilling mud

Between all points located within the County of Jackson, State of
Colorado.