

DECISIONS

"A" PERMIT

Operation covered - Includes operations "TO" a fixed terminus or termini, not "FROM" - So application here called a "B" permit.

Re: Schultz

Decision No. 11928
Appl. 4245 - 1938.

ABANDONMENT

of Agency Station

Adverse affect on town business considered. Railroad allowed to replace agent with custodian at Stoneham, Colorado, because of losses, over protest of town that business will be hurt.

Re: C. B. and Q. R. R. Co.

Decision No. 16799
I. and S. Docket 239 - 1941

of Agency Station

Denied. Where business justified agent, and public better served, abandonment of agent and substitution of custodian denied at Vona, Colorado.

Re: C. R. I. and P. R. R. Co.

Decision No. 20798
I. and S. Docket 246
Application No. 6218 - 1943

of Agency Station

Allowed. Not enough business to justify agent at Padroni, Colorado.

Re: C. B. and Q. R. R. Co.

Decision No. 20817
I. and S. Docket 247 - 1943

of Agency Station

Allowed, over protest of labor union.

Re: The D. and R. G. W. R. R. Co.

Decision No. 16408
I. and S. Docket 258 - 1941

of Agency Station

Allowed. Small inconvenience to public outweighed by saving to railroad.

Re: U. P. R. R. Co. and Western Union

Decision No. 15818
Appl. 5397 - 1941

of Agency Station

Denied. Agency Station at Branson, Colorado, deemed important enough, and savings so small, that application to substitute custodian is denied.

Re: C. and S. Ry. Co.

Decision No. 16892
I. and S. Docket 241 - 1941

ABANDONMENT (Continued)

of Agency Station

Substitution of custodian allowed in Dailey, Colorado.

Re: C. B. and Q. R. R. Co.

Decision No. 16890
I. and S. 240 - 1941

of Agency Station

Railroad allowed to substitute custodian for agent to effect economy in bankrupt proceedings; discretion not abused; even though town somewhat affected.

Re: C. R. I. and P. Ry. Co.

Decision No. 11020
Appl. 4219 - 1937

of Certificate

By abandoning service. Where carrier abandoned service, thus neglecting its duties under certificate, Commission holds certificate itself has been abandoned, and transfer denied.

Re: Champa 3 Auto Livery

Decision No. 11713
Case 4687 - 1938

of Certificate

Ceasing service under Rule 11 does not constitute abandonment.

Re: Buckingham

Decision No. 21607
Appls. 844-AAAA, 1011-AAA,
1436-ABAA, 1836-AA, 1913-AA - 1943

of Certificate

Ground cancellation. Dissolution of corporation and cessation of business for 4 years held an abandonment, and certificate cancelled - transfer denied.

Re: Swift Moving Co.

Decision 10347
Appl. 1295-A - 1937

of Certificate

Intent to abandon must be shown. Where no intent to abandon, and attempts made to render service, certificate won't be cancelled.

Re: Pikes Peak Auto Livery

Decision No. 12477
Case 4698 - 1938

ABANDONMENT (Continued)

of Certificate

No operation for year. Prima facie abandonment even though road reports filed showing no haul.

Re: Byron Bunker

Decision No. 18112
Appl. 1889 - 1942

of Certificate

(of more than one car under certificate) Commission, on transfer application, restricts authority to one car, where that is all that has been used for years.

Re: C. W. Davis

Decision No. 17479
Case 4867 - 1941

of Certificate

Partial, by non use of authorized vehicles. See "Non Use of Vehicles."

Re: Rocky Mountain Motor; Fallico

Decision No. 15200
Appl. 552
Case 4744 - 1940

of Certificate

By non use. Where certificate not used for years as to certain territory, it has been abandoned and does not exist to be transferred.

Re: Herbel

Decision No. 26118
Appl. 7497 - 1946

of Certificate

5-day non user. Facts held not to show abandonment.

Re: Pollock

Decision No. 10055
Appl. 1875-A, - 1937

of Certificate

By non user. Where no intent to abandon, mere non use is insufficient.

Re: C. W. Davis

Decision No. 18577
Case No. 4867 - 1942

ABANDONMENT (Continued)

of Sightseeing Authority

Where operator does not use all authorized equipment to take care of business, there is abandonment; but where no business, there is no abandonment.

Re: Barcroft

Decision No. 26283
Appl. 7389 - 1946

of Sightseeing Authority

PUC will not construe abandonment of right to use all cars authorized, where not all cars in service due to bad business.

Re: Conwill

Decision No. 26350
Appl. 7456 - 1946

of Electric Service

Sale to REA. PUC allows transfer although claim made that REA not subject to PUC jurisdiction.

Re: W. Power Co.

Decision No. 18147
Appl. 5640 - 1942

of Electric Service

Though no franchise, utility cannot abandon service in a newly incorporated town without PUC approval.

Re: Highland Utilities Co.

Decision No. 5086
Case 1168 - 1933

of Electric Service

Abandonment of service to single customer not authorized, where additional customers could be secured, and thus line not operated at a loss.

Re: Highland Utilities Co.

Decision No. 10382
Appl. 3959

of Gas Service

Where no protest from 16 town customers, service in Sugar City allowed to be discontinued.

Re: Citizens Utilities

Decision No. 16871
Appl. 1926 - 1941

ABANDONMENT (Continued)

of Intrastate Line

Where ICC has authorized abandonment of intrastate service and intrastate branch because operating loss burdens interstate commerce, PUC has no jurisdiction to compel continuance of service.

Re: C. and S. Ry. Co.

Decision No. 10871
Case 2037 - 1937

of Passenger Service

See Passenger Service, Discontinuance of

Re: Rio Grande

Decision No. 16108
Appl. 5461 - 1940

of Passenger Service

Rail - loss of income. Passenger service between Pueblo and Salida allowed to be abandoned, on condition that mail and baggage cars be added to another train.

Re: The D & R G W R R Co.

Decision No. 18004
Appl. 5701 - 1941

of Regular Freight Train Service

Where ICC refused abandonment, suggesting "on call" service instead of weekly, PUC allows substitution.

Re: U P R R Co.

Decision No. 21031
I & S Docket 250
Appl. 6330 - 1943

of Passenger Service and Station

To save freight service, losing passenger service between Durango and Dolores is discontinued and Mancos Station closed.

Re: Rio Grande Southern

Decision No. 17336
Appl. 5605 - 1941

of Passenger Service - Proposed Substituted Service

Trucks for trains allowed where no competition, but denied otherwise.

Re: Rio Grande Southern

Decision No. 15876
Appl. 3958 - 1940

of Permit

By lease of equipment. See "Lease of Equipment."

Re: Wingo

Decision No. 11907
Case 4697 - 1938

ABANDONMENT (Continued)

of Permit

Not shown. Authority granted, never used, not abandoned where PUC never required institution of service.

Re: Everitt

Decision No. 13408
App1. 4435 - 1939

of Permit

Partial, as to products. Effect of non user. Where nothing hauled for years except oil, etc., other authority was cancelled.

Re: C. W. Kelly

Decision No. 15849
App1. 5324 - 1940

of Permit

Must be clear evidence. Where owner intended not to abandon, and the evidence is not clear, no abandonment will be held.

Re: Everitt

Decision No. 13431
Case 4716 - 1939

of Permit

By non user. No inference as to intent to abandon permit. Where permit to be transferred, no restriction made as to authority because not used, where no evidence of intent to abandon.

Re: Loyal Morgan

Decision No. 24546
App1. 6723 - 1945

of Permit

By non user. Non use for six months not forfeiture or abandonment where no intent to abandon. Rule 9 does not require such a holding.

Re: Wheeler

Decision No. 12047
Case 4681 - 1938

of Permit

Acts may show intent to abandon permit. Abandonment must be shown by intent, but proof of intention is to be found in what carrier did, not what he said he did. Permit held abandoned.

Re: C. W. Kelley

Decision No. 25522
Case 4927 - 1946

ABANDONMENT (Continued)

of Pullmans

Justified by record. Where only one passenger per day uses Pullman to Leadville and Glenwood Springs, sleeping car service on two trains is authorized to be abandoned.

Re: The D & R G W R R Co.

Decision No. 13307
Case 4705 - 1939

of Railroad Station

Allowed on ground of lack of revenue.

Re: A T & S F Ry. Co.

Decision No. 9097
Appl. 3681 - 1936

of Service Line (E)

Loss in operations. Where line serves one customer, and utility cannot earn enough to repay investment, it is allowed to abandon, where, after hearing, new customers did not materialize.

Re: Highland Utilities

Decision No. 12874
Appl. 3959 - 1939

of Territory (M)

No abandonment even where no service for long period, if carrier willing and able to serve, but just does not get the business.

Re: Franktown Truck

Decision No. 11311
Case 4679 - 1938

of Territory

By non use of permit. Road reports showing non use for long period of time are sufficient for Commission to restrict permit.

Re: Charles W. Wilson

Decision No. 18810
Case 4868 - 1942

of Trains

Supported by record. Where few passengers ride trains, loss may be cut by allowing abandonment of passenger trains, where little inconvenience to public.

Re: Missouri Pacific

Decision No. 13625
I. and S. Docket 229 - 1939

of Water Service

Municipality cannot abandon water users outside city limits merely because service is unprofitable.

Re: City and County of Denver

Decision No. 9832
Case 1994 - 1937

ABANDONMENT (Continued)

of Water Utility

Where only six customers, and they will not pay rate sufficient to meet operating costs, certificate cancelled.

Re: Marsh

Decision No. 13834
Appl. 5027 - 1939

ACCOUNTS

Electrical and Gas Utilities

See "Uniform Accounts"

Decision No. 12481
Case 4693 - 1938

ADDITIONAL CUSTOMERS

Duty of Utility. See "New Customers"

Re: Dr. Shea

Decision No. 11508
Case 4672 - 1938

ADEQUATE SERVICE

Common Carrier

Where price too high. Where common carrier cannot haul ore except at price which will close mines (no rate being prescribed by PUC), owner of mill and trucks given private permit so he can offer a combination rate low enough to keep mines open. Common carrier thus not adequate. Public better served by keeping mines rather than common carrier.

Re: Huntington

Decision No. 24485
Appl. 4813 - 1945

Common Carrier

Effect of War. See "War, Effect of"

Re: Mildred Watson

Decision No. 24115
Appl. 4186 - 1945

War Conditions

People must suffer some inconvenience during war, and new call and demand service not authorized against protest of common carriers.

Re: Hardrick

Decision No. 22446
Appl. 6535 - 1944

Grounds for Denying Additional Certificate

Where service made adequate to Fort Logan, new authority denied.

Re: Maurice Hill

Decision No. 21068
Appl. 5875-B - 1943

ADEQUATE SERVICE (Continued)

Grounds for Denying Additional Certificate

Where only reason to change private into com-on is to help carrier, and all shippers are adequately served, application denied.

Re: Siegel

Decision No. 13797
Appl. 5009 - 1939

ADVERTISING

Private Carrier

Private carrier cannot advertise himself or hold out that he will indiscriminately serve the public.

Re: Worley

Decision No. 25497
Case 4913 - 1946

Violations

See "Violations of Rules"

AGENCY STATION

Abandonment

Matter is in company's discretion.

Re: U.P.R.R. Co.

Decision 19029
I. & S. Docket 244
Appl. 5914 - 1942

AGENCY-TELEGRAPH STATION

Abandonment

Discontinuance allowed to effect economy in bankrupt railroad; discretion of management not abused, even though town may be hurt somewhat.

Re: C. R. I. and P. Ry. Co.

Decision No. 11020
Appl. 4219 - 1937

AIRPLANES

As Common Carriers

PUC Jurisdiction. Call and demand certificate granted over protest that PUC had no jurisdiction as to airplanes.

Re: Colorado Recreational Airways

Decision No. 24538
Appl. 6716 - 1945

AIR TRANSPORTATION

Public Convenience - Relation to National Picture

PUC will consider needs of a nationally adequate and sound air transport system when giving intrastate rights.

Re: Marvin Jackson

Decision No. 22508

Appl. 6424 - 1944

PUC Jurisdiction

PUC has jurisdiction over intrastate air operations and grants certificate, using CAA safety rules.

Re: L. E. Smith

Decision No. 22444

Appl. 6546 - 1944

AMENDING APPLICATION

Certificate to Permit

Procedure before PUC is not technical and applicant will be given "B" permit, although he asked for certificate.

Re: Larsen T & S

Decision No. 24978

Appl. 6981 - 1945

AMENDING ORDERS

After long period

Where many years elapsed since order entered, and carriers have been operating in certain manner, PUC will not change order, even if incorrect.

Re: Barcroft

Decision No. 26283

Appl. 7389 - 1946

ANNUAL REPORTS

Failure to file as ground for cancellation of Certificate

Carrier failed to file Annual Reports, PUC took no action, so certificate not cancelled on that ground.

Re: Champa 3 Auto Livery

Decision No. 11713

Case 4687 - 1938

APPEAL FROM RATE CASE

On Remand of PUC

PUC amends order.

Re: Colorado Utilities

Decision No. 19741

Case 4664 - 1942

APPEAL BOND

Approved where sufficient

Re: McKay

Decision No. 9856
Cases 1622, 1626 - 1936

AUXILIARY SERVICE

Truck for Rail

Certificate granted to railroad to haul freight from railhead by truck, in spite of existing truck certificate. See "Substituted Service."

Re: Rio Grande Motor Way, Inc.

Decision No. 16185
Appl. 5463 - 1940

Truck Connecting to Rail

Where railroad wants to deliver from railhead by truck, it is not taking new business from truck lines, and its connections should not be left to competing carrier. Certificate granted. Rehearing denied.

Re: Rio Grande Motor Way, Inc.

Decision No. 16396
Appl. 5463 - 1941

"B" PERMIT

Definition - Statewide

On transfer, authority limited to oil products previously hauled.

Re: C. W. Kelly

Decision No. 15849
Appl. 5324 - 1940

Denied

Adequate service. All applicants cannot be given permission to serve neighbors; would impair regular transportation agencies.

Re: Milner

Decision No. 12320
Appl. 4656 - 1938

Not Favored

Call and demand favored over "B" permit.

Re: Nelson

Decision No. 19516
Appl. 5924 - 1942

BEER HAULS

Specialized Service

Permit granted to hauler who can give special service in special equipment.

Re: Pless

Decision No. 6733
Appl. 2377-PP

BURDEN OF PROOF

Impairment Case

Common Carrier must show his service will be impaired.

Re: Boller

Decision No. 13149
Appl. 4216 - 1939

Impairment of Common Carrier

Common Carrier must show that his service will be impaired.

Re: W. C. Hopkins

Decision No. 22430
Appl. 6640 - 1944

Inadequate Service

Applicant for competing certificate must prove present service inadequate.

Re: Foster

Decision No. 26113
Appl. 7312 - 1946

BUS SERVICE

Lakewood

Where territory growing, not adequate service by Tramway, certificate issues now, rather than when Tramway gets a future report.

Re: Bussard

Decision No. 25757
Appl. 6876 - 1946

Preferred over taxi

PUC will favor scheduled bus service over taxi service; it serves more people for less money.

Re: Rehder

Decision No. 26102
Appl. 7369 - 1946

BUSINESS TELEPHONE

In residence. Where phone in residence and no business designation in directory, residence rate applies, even though occasional business calls come in.

Re: Pagosa Springs

Decision No. 13857
I. and B. Docket 228 - 1939

"C" PERMIT

Scope of authorization - Operation of carrier held evasion of law and passage of title to milk more subterfuge; operation held one of carrier for hire, and "C" permit revoked.

Re: Brady and France

Decision No. 10768
Case 4652 - 1937

C.A.B. JURISDICTION

Over Charter Service. Call and demand is under CAB and PUC will not pass on it.

Re: L. E. Smith

Decision No. 22444
Appl. 6546 - 1944

CALL AND DEMAND

Refused in Part - Adequate Service - Except on Livestock.

Where service adequate except on livestock, call and demand refused on other products.

Re: Joe Gallegos

Decision No. 20865
Appl. 4057-AB - 1943

Favored over "B" permit

Re: Nelson

Decision No. 19516
Appl. 5924 - 1942

Granted where other rates too high

Where interstate operator charges rates too high, new certificate granted, and on conditions not impairing present operation.

Re: Phars.

Decision No. 12494
Appl. 4732 - 1938

Livestock

Such certificates favored by PUC. Less showing required than on line-haul.

Re: Reinhardt

Decision No. 19168
Appl. 5921 - 1942

Local Service

Certificate granted where local service needed by shippers. Part-time carriers authorized.

Re: Warren Kemp

Decision No. 10553
Appl. 3978 - 1937

CALL AND DEMAND (Continued)

Oil Products

Where nearest carrier 200 miles away, private permit granted to serve oil company.

Re: Groendike

Decision No. 12728
Appl. 4853 - 1938

Rates:

See Rates, "A", "B" Permit.

Re: Marshall

Decision No. 10891
Appl. 4224 - 1937

CANCELLATION OF CERTIFICATE

Abandonment of Service

Dissolution of corporation and cessation of business for four years held an abandonment, and certificate cancelled. Transfer denied.

Re: Swift Moving Co.

Decision No. 10347
Appl. 1295-A - 1937

Destroying Partner's Interest

Where certificate issued to two jointly, interest of one partner may be cancelled.

Re: Oberwortman

Decision No. 12063
Case 4682 - 1938

CANCELLATION OF PERMITS

Violation of permit found to be willful and permit cancelled.

Re: Decker

Decision No. 13282
Case 4728 - 1939

Violation of Rules

Permit cancelled where operator made no effort to read or follow rules of PUC

Re: Girling

Decision No. 10915
Case 4661 - 1937

CARRIER, HOLDING TITLE

Commercial carrier operation - "C" permit held not to cover operation where carrier held title as a subterfuge and evasion of the law and "C" permit revoked.

Re: Brady and France

14:
15:

Decision No. 10768
Case 1652 - 1937

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

See Hearings under "Common Carrier"

Denied

Adequate service. Where sufficient authority present, public convenience and necessity did not require additional service.

Re: Jess Wolff

Decision No. 17507
Appl. 5635 - 1941

Adequate Service. Where present operators sufficient, no new certificate granted, except on livestock.

Re: Haines

Decision No. 8013
Appl. 3230 - 1936

No public convenience and necessity. Adequate service in Denver and metropolitan area; if rate too high, PUC may correct situation; new service not granted.

Re: Fred Hoffman

Decision No. 15755
Appl. 5139 - 1940

Not granted on unlawful service. Building up public demand by unlawful service is not proper basis on which to predicate certificate.

Re: Gowan

Decision No. 11389
Appl. 3688 - 1938

Electric Utility

Denied

Where new, inexperienced utility wants to come into new area next to established utility, certificate given to more stable company.

Re: North Fork Power & Light

Decision No. 24466
Appl. 6811 - 1945

Where private utility is already operating in fringer area.

Re: La Junta

Decision No. 18070
Appl. 5619 - 1941

Granted (M)

Inadequate service. Application granted over same route where previous service not entirely adequate.

Re: Newton Sandlin

Decision No. 10488
Appl. 2162-B - 1937

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (Continued)

Mail Carrier

Where service adequate, no additional authority granted, except Railroad Express.

Re: Sandlin

Decision No. 5846
Appl. 2162 - 1934

Since no regular service given by common carrier, mail driver given authority to serve residents of Big Thompson Canyon.

Re: Hart

Decision No. 13708
Appl. 4634 - 1938

Neighborhood Service

Where applicant buys most cattle in area, and wants to haul the rest out, and other service not convenient, certificate issues.

Re: Polhemus

Decision No. 12760
Appl. 4803 - 1938

Taxi

Previous violations as found for denial. Denver "fringe" authority denied.

Re: Green & White, etc.

Decision No. 9707
Appls. 3156, 7, 8, 9 - 1937

Competing applicants. Both applicants given certificates for Sterling and fringe where both in business for long period.

Re: Mahaffey; John Bell

Decision No. 9845
Appls. 3841, 3842, - 1937

Duplicating existing service. Certificates will be denied unless existing facilities inadequate. Applicant must show necessity.

Re: Sam Strange

Decision No. 9709
Appl. 3777 - 1937

CHANGED CONDITIONS

Evidence Required

When application recently denied, new applicant must show change of condition before Commission will set hearing.

Re: George Apple

Decision No. 17908
Appl. 5776 - 1941

Ground for Certificate

(Continued on next page)

CHANGED CONDITIONS (Continued)

Ground for Certificate (Continued)

Where District Court enjoined further proceedings, PUC could still grant certificate where facts a year later showed change of conditions to justify service.

Re: Harris

Decision No. 12153
Appl. 3771 - 1938

CHARTER COACH CERTIFICATES (M)

Conditional - Certificate granted on condition applicant give first refusal to other carrier serving point of origin.

Re: Denver and Interurban

Decision No. 10189
Appl. 454-B, 790-B, - 1937

Rules - Deadhead Charges, Rules Promulgated

Re: Interstate Transit Lines

Decision No. 9967 - 1937
Appls. 1717, 1515, 1621, 1649, etc.

CLARIFICATION OF AUTHORITY

Combination of Routes

Where transferor operated two separate routes, transferee will not be permitted to combine them.

Re: Worley

Decision No. 25497
Case 4913 - 1946

Motor Truck

Held no authority from Denver to Leadville by liking two authorities.

Re: James A. Schaeffer

Decision No. 17034
Appl. 4322 - 1941

CLARIFICATION OF ORDERS

PUC Jurisdiction

PUC has jurisdiction to clarify and construe its own orders.

Re: Borden

Decision No. 13891
Appl. 4746 - 1939

CLARIFICATION OF PERMIT

Intermediate Points

Applicant's permit held to cover intermediate points when originally issued; impairment of common carrier not pertinent in clarification case.

Re: Burbridge

Decision No. 9947
Appl. 3856 - 1937

CLARIFICATION OF PERMIT (Continued)

Intermediate Points (Cont'd)

Intermediate points not included, and character of service not controlling; fact that reports and records show haul to unauthorized town is not final.

Re: Byes

Decision No. 12604
Permit A-348 - 1938

Intermediate points held included in permit although not named.
Rehearing (Decision No. 10474)

Re: McKay

Decision No. 9478 - 1937

Rehearing granted, pending Supreme Court review on companion case.
PUC granted authority in original hearing. See 102 Colo. 211

Re: McKay

Decision No. 10474
Case 1622 - 1937

Motor Carrier "A"

Application filed after deadline not granted where no compelling reason shown.

Re: J. B. Montgomery

Decision No. 9677
Permit A-138 - 1937

Previous Operations

Illegal operations under mistake of extent of territory not ground to extent permit or change to common carrier.

Re: David Small

Decision No. 22066
Appl. 1579 - 1944

CLARIFICATION OF ROUTE

Highway - Order not specifying highway to be traversed will be clarified.

Re: Hill

Decision No. 21068
Appl. 5875-B - 1943

CLARIFICATION OF TERRITORY

Contiguous territory, Where electric utility expanded into territory contiguous to towns where it was certificated, PUC confirms its authority under the statute and issues certificate.

Re: Inland Utilities

Decision No. 22970
Appl. 6698 - 1944

COAL HAUL

Impairing Common Carrier. Where permit issued without hearing, and later protests made, and evidence showed impairment, permit denied.

Re: Sanchez

Decision No. 13334
Appl. 4918 - 1939

C O D CLAIMS

Trust funds. If they cannot be traced, they are general claims

Re: Resler

Decision No. 21425
Appls. 5257-A, 2356-I-A - 1943

C O D COLLECTIONS

Common Carrier (M)

Failure of present certificate-holder to remit promptly all COD collections is ground for issuance of another certificate.

Re: Drumright

Decision No. 10266
Appl. 3872 - 1937

Withholding

Certificate cancelled on ground that carrier did not account for COD collections. See also 9984.

Re: John Shull

Decision No. 10342
Case 2006 - 1937

COLORED PEOPLE

Limited Certificate. Illegal to issue certificate limited to carriage of colored people.

Re: Ritz Cab Company

Decision No. 19110
Appl. 5869 - 1942

COMBINING CERTIFICATES

See "Liking" Certificates.

Re: Woods

Decision No. 18157
Appls. 1436-AB, et al - 1942

COMBINING OPERATIONS

Common and Private Carrier

\$150 fine assessed and drastic action threatened unless violations discontinued.

Re: Resler

Decision No. 12078
Case 4671 - 1938

COMBINING OPERATIONS (Continued)

Interstate Common and Intrastate Private

Dual operation allowed temporarily, until Commission promulgated rules.

Re: Duncan

Decision No. 13180
Appl. 2776 - 1939

COMMERCIAL CARRIER PERMIT

Cancelled

As camouflage for "for-hire" operation. Commercial carrier permit cancelled where subterfuge of buying and selling was used to cover up for-hire operation.

Re: Decker

Decision No. 13282
Case 4728 - 1938

Definition

Where, under contract, applicant sold lumber to a company and agreed to transport it to points of re-sale, he is carrier for hire, not commercial carrier.

Re: Joe Chavez

Decision No. 22578
Appl. 6635 - 1944

Operation as "for-hire" carrier

Passage of title held to be mere subterfuge to evade law, and operation essentially one of carrier for hire. "C" permit revoked.

Re: Brady and France

Decision No. 10768
Case 4652 - 1937

Products "to be sold"

Definition. Ton-mile tax applies to ore, even though refined; it is still "to be sold."

Re: Vanadium Corporation

Decision No. 18992
also Decision No. 17400
Case 4846 - 1942

COMMINGLING COMMON CARRIER AND PRIVATE CARRIER BUSINESS (M)

Invalid when done with same equipment, same name, same route. Cites PUR 1932-A-55; PUR 1933-E-506.

Re: McKay Truck Line

Decision No. 9478 - 1937
Cites 1965, 9403
Rehearing 9673

COMMINGLING COMMON CARRIER AND PRIVATE CARRIER BUSINESS (M) (Continued)

Commission will not allow private and common carrier operation in same equipment over same route at same time.

Re: Ammerman

Decision No. 8872
Appl. 3167

COMMON CARRIER CERTIFICATES

Call and Demand - Rates - See "Rates, A & B Permit"

Re: Marshall

Decision No. 10891
Appl. 4224 - 1937

Can't Combine with Private Permit

Certificate granted if applicant cancels "B" permit, so he won't be common and private carrier at same time.

Re: Morgan

Decision No. 11280
Appl. 4312 - 1938

Combining Private Carriage Operations

Allowed only where on same highway, different classes of commodities carried, and di-ferent shippers served with separate equipment.

Re: Louis W. Johnson

Decision No. 9403
Appl. 3685-PP-A - 1937

Competing Certificates

Public Interest Paramount. Certificate granted when business justifies and impairment not great.

Re: R. W. Greely

Decision No. 9360
Appl. 3538 - 1937

Competition over Same Route

Competing certificates not granted unless volume justifies or service inadequate.

Re: Leamon Resler

Decision No. 9213
Appl. 1487-AB - 1937

Definition

Includes horse-drawn vehicles

Re: Pikes Peak Stage Coach

Decision No. 22278
Appl. 6602 - 1944

COMMON CARRIER CERTIFICATES (Continued)

Definition (Continued)

Doesn't need to advertise or solicit, or carry for everybody at all times. Indiscriminate carriage is enough. Private permit denied.

Re: Riss & Co.

Decision No. 5970
Appl. 2203-PP

Holds out to public by advertising

Re: McKay Lines - Rehearing

Decision No. 9673
Cases 1622, 1626 - 1937

Detriment by Extension of other Common Carriers' Service

Application for certificate extension denied.

Re: John Stickler

Decision No. 9212
Appls. 2449-B, 2451-B - 1937

Discontinuance of service by Railroad

Lack of revenue. Minor inconvenience to public. Discontinuance of passenger trains allowed.

Re: C R I & P

Decision No. 9320
I. & S. Docket 217 - 1937

Encroachment by Private Carriers

Necessity of shipper. Extension of "B" permit granted, where impairment only slight.

Re: Bennie Goldstein

Decision No. 9231
Appl. 3222-PP-B - 1937

Impairment of Service

(By private carrier). "B" permit denied in part because of.

Re: J. D. Haynie

Decision No. 9101
Appl. 3654-PP - 1936

Permit denied because of

Re: Alvie Cummings

Decision No. 9056
Appl. 3562-pp _ 1936

Not Actually such where rates not prescribed

Where ore hauls not subject to PUC minimum rate, there is very little difference in private and common carrier.

Re: Huntington

Decision No. 24485
Appl. 4813 - 1945

COMMON CARRIER CERTIFICATES (Continued)

Oil Pipe Line

Certificate granted to Rangely field.

Re: Utah Refining Co.

Decision No. 22977
Appl. 6734 - 1944

No Combined Operation Permitted

Where same equipment used, but at different times, for common and private haul, no injury to public because no chance for confusion.

Re: Loyal Morgan

Decision No. 24546
Appl. 6723 - 1945

Protected from Competition

See "Protection of Common Carrier"

Re: Guthridge

Decision No. 10882
Appl. 4074 - 1937

Transfer denied

Commission denies transfer where carrier is "common" in Denver and "private" beyond City Limits.

Re: Dime Delivery

Decision No. 18840
Appl. 3861 - 1942

What Constitutes "Seasonal Operation"

Guests at summer hotel are a sufficient number of the public to make service one of common carriage.

Re: L. Mason

Decision No. 10928
Appl. 4240 - 1937

COMPETITION

Between Electric Utilities

Where PUC denied authority in a certain territory, there is no competition when REA goes in.

Re: San Jiguel Assn.

Decision No. 20831
Case 4809 - 1943

COMPETITION (Continued)

Between Private Carriers

Where common carriers not involved, interests of public sometimes demands competing and duplicating service.

Re: Ross Watts

Decision No. 17809
App'l. 5718 - 1941

Between Carriers

PUC has adopted theory of regulated monopoly, and certificate denied where adequate authority in the field.

Re: Jack Schwab

Decision No. 17483
App'l. 5376 - 1941'

Between Common Carriers

Discussion of, in motor carriers.

Re: Haines Motor Freight

Decision No. 17737
App'l. 5339 - 1941

Electric

Municipality and REA - City given certificate in area where coop served, because coop said it was not a public utility.

Re: Lamar

Decision No. 21392
App'l. 5913 - 1943

Not healthy

Competition in natural monopolies is economically unsound and wasteful.

Re: Conwill

Decision No. 26350
App'l. 7456 - 1946

Unnecessary and Undesirable

Regulation of monopoly is basic theory of PUC

Re: Harpster

Decision No. 10643
App'l. 1489 - 1937

COMPLAINTS

Service of

Complaints must be served by registered mail.

Re: General Investigation

Decision No. 10449
Case 1585 - 1937

COMPLAINTS (Continued)

Who can File

Colorado Trucking Assn. held not authorized to file complaint protesting rates.

Re: General Investigation

Decision No. 10449
Case 1585 - 1937

CONDITIONAL CERTIFICATE

Charter Coach Service

Certificate granted on condition applicant give first refusal to common carrier serving point of origin.

Re: Denver & Interurban

Decision No. 10189
Appl. 454-B, 790-B - 1937

Local Franchise

See "Franchise, Condition to Certificate."

Re: La Junta

Decision No. 18070
Appl. 5619 - 1941

Substituted Service

Certificate for substituted service conditioned on continued operation of freight line.

Re: D & R G Southern

Decision No. 17841
Appl. 3958 - 1941

CONFUSING COMMON AND PRIVATE CARRIER OPERATIONS

Concurrent operation allowed where separation of commodities and equipment provided.

Re: J. W. Kirwin

Decision No. 9455
Appl. 3614 - 1937
Cites 9403, 4955

CONSOLIDATION OF PERMITS

PUC will allow consolidation of two private permits where effect of transfer of one permit would effect same result.

Re: Bob Clark

Decision No. 24545
Appl. 5782 - 1945

CONSOLIDATING PRIVATE PERMITS (M)

Illegal for owner to do so without permission of PUC.

Re: Southwestern Transportation Co. v. Decision No. 9511
 J. R. Marks Truck Line Case 1992 - 1937

CONTIGUOUS TERRITORY

Confirming utility service

Where no objections, PUC confirms electric utility into contiguous territory.

Re: Kansas-Colorado Decision No. 25799
 Appl. 7206 - 1946

Extension into

No certificate needed for utility to expand into vacant, contiguous territory

Re: Public Service Co. Decision No. 24859
 Appl. 6807 - 1945

CONTINUANCE OF HEARING

Witness not present. Hearing not continued when witness had notice and should have been present.

Re: Hardrick Decision No. 22446
 Appl. 6535 - 1944

CONTRACT CARRIER

Place in Transportation Scheme

General discussion. Where US required special service, permit issues.

Re: P. V. Vendegna Decision No. 19413
 1942

Special Service

Discussion of benefits of private carriers; although common carrier is adequate, Army required special service on breathing oxygen and permit issues.

Re: W. C. Hopkins Decision No. 22430
 Appl. 6640 - 1944

CONTRACT TO CARRY CUSTOMER'S GOODS

By Private Carrier. Permit-holder cannot enter into contracts with others for transportation of his customer's freight.

Re: De La Salle

Decision No. 9496
Appl. 3350-PP-AA - 1937

CONTRACTS OF RAILROADS

PUC jurisdiction. See "Jurisdiction."

Re: C & S Ry. Co.

Decision No. 15345
Case 4781 - 1940

CONTRACTURAL MATTERS

Jurisdiction of PUC. See "Jurisdiction of PUC."

Re. U.S. Government vs. Golden

Decision No. 21998
Case 4911 - 1944

CONVENIENCE TO FEW SHIPPERS

Not public convenience. Where one or two shippers would be inconvenienced by private permit extension, public convenience did not justify impairment of common carriers.

Re: Stephenson

Decision No. 13894
Appl. 3274 - 1939

CONVERTING "A" PERMIT TO "B" PERMIT

Rather than convert "A" to "B" permit, involving change of rates, application considered as one for new "B" permit, instead of extension of "A".

Re: George Marshall

Decision No. 10891
Appl. 4224 - 1937

COOPERATIVE, AS PUBLIC UTILITY - REA

PUC has jurisdiction over cooperatives, and they are public utilities.

Re: San Miguel Assn.

Decision No. 20831
Case 4809 - 1943

CORPORATE REORGANIZATION

As Ground for Transferring Certificate

Granted without hearing

Re: Colorado Gas & Utilities Co.

Decision No. 9456
Appls. 1726 et al - 1937

COST OF PLANT

Improvident investment not included.

Re: Glenwood Light Co.

Decision No. 5398
Case 1138 - 1933

COST OF PROPERTY

Historical, Reproduction, Actual. Comparison of methods.

Re: Glenwood Light Co.

Decision No. 5598
Case 1138 - 1933

CREDITORS' CLAIMS

Paid before transfer. PUC will decide claims which it will require to be paid before granting transfer.

Re: Bob Clark

Decision No. 24545
Appl. 5782 - 1945

CREDITORS OF TRANSFEROR

Method of payment. Where creditors agree, PUC will decide priority of claims and Commission Attorney will disburse purchase price to creditors.

Re: Resler

Decision No. 21425
Appls. 5257-A - 1943

CROSS-COMPLAINT

In Cancellation Proceeding. Where complaint charges abandonment, defendant cannot, by cross-complaint, seek revocation of complainant's authority.

Re: Pikes Peak Auto Livery

Decision No. 12477
Case 4698 - 1938

CROSSING, GRADE, CLOSING OF.

See, Generally, "Grade Crossings." Where new crossing to be built near by, and no objection to closing of the instant crossing, application granted without hearing.

Re: C. B. and Q. R. R. Co.

Decision No. 15499
Appl. 5385 - 1940

CROSSING PROTECTION

Over Main Highway. Order allowed public crossing, but jurisdiction retained to specify exact protection at spur track over 6th Avenue.

Re: Rio Grande

Decision No. 16860
Appl. 5561 - 1941

CUMULATIVE EVIDENCE AT REHEARING

See "Rehearing"

Re: Fornoff

Decision No. 15258
Appl. 4995 - 1940

CURTAILMENT OF PERMITS

Commission's power. On transfer, "B" permit authority out to products previously hauled.

Re: C. W. Kelly

Decision No. 15849
Appl. 5324 - 1940

CURTAILMENT OF SERVICE

See "Discontinuance of Service"

CUSTODIAN

Substituted for Agency Station. Petition to abandon station denied, but railroad allowed to substitute custodian.

Re: Rio Grande R R Co.

Decision No. 12162
I. and S. Docket 225 - 1938

CUSTODIAN SERVICE AT STATION (R)

Substitute for Agency. Managerial discretion will not be interfered with where no showing of great inconvenience to public and carrier has a loss.

Re: U. P. R. R. Co.

Decision No. 14564
Appl. 5239 - 1939

CUSTOMER LISTS"

Limit on number

PUC would not revise private carrier rules during the War, and would not pass on violation of number of customers.

Re: Hickman

Decision No. 21610
Case 4886 - 1943

Necessary for Private Permit

Applicant for "B" permit who cannot list customers is a common carrier.

Re: Paxton

Decision No. 13111
Appl. 4904 - 1939

Violations

See "Violations of Rules."

CUSTOMER LISTS (Continued)

DAMAGES, ON OVERCHARGES

Need to prove in reparation case. See "Reparation."

Re: Granada vs. Lamar

Decision No. 5352
Case 729 - 1933

"DAY," DEFINITION OF

See "One Day."

Re: Pikes Peak Livery

Decision No. 15295
I. and S. Docket 232 - 1940

DEADHEAD CHARGES

Charter Coach. Not authorized on line or 5 miles radius.

Re: Interstate Transit Lines. Rehearing
ordered: Decision No. 10087

Decision No. 9967
Appl. 1717 et al - 1937

DEATH OF OWNER

Effect on certificate. Certificate does not die with owner; it may be inherited.

Re: William Irvine

Decision No. 22323
Appl. 637 - 1944

DEFENSES TO VIOLATIONS

Private carrier. Employees not following instructions as to accepting freight from non-customers. Defense not valid.

Re: McKay Truck Line
Rehearing - Decision No. 9673

Decision No. 9478
Appls. 1622, 1926 - 1937
Cites 8216

DELIVERY SERVICE

Not competitive with Call and Demand

Small package delivery service must be prompt, efficient, fast.

Re: Hellesen

Decision No. 26354
Appl. 7525 - 1946

Sears, Roebuck

Permit granted for Sears employee to deliver and set up merchandise; only small loss to common carriers in Pueblo.

Re: Clementi

Decision No. 12815
Appl. 4897 - 1939

DEPRECIATION

Accrued, Straight line

Discussion of methods used to set up reserve.

Re: Glenwood Light Co.

Decision No. 5398
Case 1138 - 1933

Straight Line, Retirement

Commission amends previous order requiring straight line depreciation, and allows utility to choose retirement method.

Re: Uniform System of Accounts

Decision No. 12661
Case 4693 - 1938

DETOUR ROUTES

Extent of Certificate. Respondent fined \$50 for serving unauthorized intermediate points on a detour route.

Re: Rio Grande Motor Way, Inc.

Decision No. 9842
Case 2011 - 1937

DISCONTINUANCE OF SERVICE

Constituting abandonment of Certificate (M)

Facts held not to show abandonment.

Re: Pollock

Decision No. 10055
Appl. 1875-A - 1937

Common Carrier (RR)

Lack of revenue. Minimum inconvenience to public. Discontinuance of passenger trains allowed.

Re: C. R. I. & P.

Decision No. 9320
I. and S. Docket 217 - 1937

DISCRIMINATION

Because of Color

Every public conveyance must haul people of every color, so limited certificate cannot issue.

Re: Ritz Cab Co.

Decision No. 19110
Appl. 5869 - 1942

Among Water Customers

Whether new customers bought from Milner or not, they are entitled to service from utility serving that area.

Re: Milner - No. Federal Water Co.

Decision No. 25323 - Appl. 7000 - 1945

DISCRIMINATION (Continued)

By Water Company

City of Golden ordered to end discrimination and allow applicant to install inside taps.

Re: Iacino

Decision No. 10102
Case 2012 - 1937

Between Water Users

Municipality cannot discriminate between users outside City Limits on ground of profitableness of service.

Re: City and County of Denver

Decision No. 9832
Case 1994 - 1937

Switching Charges

See "Switching Charges"

Re: Perry Petroleum - U.P.

Decision No. 15401
Case 4764 - 1940

DISPARITY IN RATES

Railroad. Different rates to one town from two others cannot be reasonable per se.

Re: D. & R. G R W R Co.

Decision No. 21181
Case 4904 - 1943

DISTRAINT FOR TAXES

Determination of Tax. See same decision under "Taxes."

Decision No. 11409
Case 4673 - 1938

DUAL OPERATIONS

See "Combining Operations."

Common and Private not allowed.

Although PUC has found that public interest is served by allowing dual operations, transfer of certificate denied here when individual had private and partnership had common duplicating authorities.

Re: Harry L. Bennett

Decision No. 24985
Appl. 1581 - 1945

DUAL OPERATIONS (Continued)

Not permitted

Where husband and wife both own trucks and permits, common and private, and if it is a "family affair," dual operations specifically warned against.

Re: Lang

Decision No. 13602
Appl. 2604 - 1939

Common and Private together, unlawful.

Re: McKay Lines - Rehearing

Decision No. 9673
Appls. 1622, 1626 - 1937

DUPLICATING CERTIFICATES

Not Common

Strong case must be made to justify duplicate certificate.

Re: Perry Truck Lines

Decision No. 17771
Appl. 5312 - 1941

Proof Required for Issuance

Denied unless clear showing that existing facilities inadequate, and no prospect of being made better.

Re: Poole

Decision No. 10707
Appl. 3657 - 1937

DUPLICATING SERVICE

Electric

City won't be given certificate in fringe area where private utility is serving.

Re: La Junta

Decision No. 18070
Appl. 5619 - 1941

Harder to get Certificate

Where certificate will duplicate existing service, clear showing must be made that present facilities are inadequate or unsatisfactory.

Re: Hollerin

Decision No. 13795
Appl. 4977 - 1939

DURATION AND THREE MONTHS

Time limit on Certificate. Camp Carson Taxi service authorized to Colorado Springs for Duration.

Re: Colorado Springs Taxi Co.

Decision No. 21053
Appls. 6283, et al - 1943

DUTY OF PUBLIC UTILITY

Water Customers, New. Duty to serve public extends to all members of public in area of certificate, and who comply with the reasonable rules and regulations of the utility.

Re: Milner - North Federal Water System Decision No. 25323
Appl. 7000 - 1945

EFFICIENT MANAGEMENT

Prudent spending a prerequisite to profit. Utility must economically and judiciously manage its business.

Re: Glenwood Light Co. Decision No. 5398
Case 1138 - 1933

ELECTRIC CERTIFICATE

Based on Franchise. Where Canon City gave franchise, no protests were received, certificate issued without formal hearing to authorize electric utility service in fringe area.

Re: Southern Colorado Power Decision No. 14106
Appl. 5169 - 1939

ELECTRIC UTILITY

Extension of Service. Rule 42-A Revised.

Decision No. 9949
Case 501

EVIDENCE

Facts in carrier's knowledge. Where carrier would not produce actual records as to hauling, PUC determination of tax held valid.

Re: Los Angeles-Albuquerque Express Decision No. 11409
Case 4673 - 1938

EXCHANGE OF PASSENGERS

Between sightseeing operators. See "Ticket Credit"

Re: Fallico Decision No. 15332
Case 4744 - Appl. 522 - 1940

EXEMPTION FROM LAW

PUC cannot exempt furniture mover from getting certificate; since no showing of public need, certificate denied.

Re: Archald Decision No. 21674
Appl. 6322 - 1943

EXPLOSIVES

PUC Rule 10 (k) Rule Amended.

Decision No. 16028 - 1940

Maximum load

Load limit raised by change in Rule 9 (b) Decision No. 11930 - 1938

EXTENSION OF CERTIFICATE (M)

Competitors

Where one competitor given extension, other one also granted it.

Re: Runkle, Diehl

Decision No. 5839
Appl. 2169, 2172 - 1934

Convenience of Shippers

Commission grants extension where it will be convenient for two shippers, although little evidence shown that public needs the service.

Re: Jefferes

Decision No. 15342
Appl. 2443 - 1940

For Green Mountain Dam

Service needed. First applicant gets it. Priority of application important.

Re: Larson

Decision No. 12709
Appl. 1208 - 1938

Grounds for

To get extension, applicant must show public convenience and necessity, plus fact that present carrier service is not adequate or cannot be made adequate.

Re: McKee

Decision No. 25911
Appl. 1405 - 1946

Into Territory of Another Certificate Holder

Extension denied where no shipper or other witness testified that present service was inadequate, or could not be made adequate.

Re: Orville Dunlap

Decision No. 25132
Appl. 2985 - 1945

No Necessity

Certificate not extended where no showing made. Applicant's desire to make a better living not controlling. Coal haul granted.

Re: Bross

Decision No. 12744
Appl. 3946 - 1938

EXTENSION OF CERTIFICATE (M) (Continued)

Preferred Over New Authority

Where present operator needs the new business, his established service is given preference over new applicant.

Re: Moberly

Decision No. 19239
Appl. 5961 - 1942

Previous Violations

Previous violations of territory not ground for refusal of extension where all protestants guilty of same acts.

Re: Harsch

Decision No. 6451
Appl. 1609-B

EXTENSION OF PERMIT (M)

Applicant Owning Interest in Shipping Company

Permit extended to include hauling from mine owned 1/10 by applicant, although sufficient service present.

Re: Bender Brothers

Decision No. 9914
Appl. 2566 - 1937

Denied

Based on Illegal Service

Re: Hill

Decision No. 12197
Appl. 1979, 4617 - 1938

In Denver

Meat equipment adequate in Denver and public convenience does not require new private authority.

Re: Bennie Goldstein

Decision No. 15640
Appl. 3222 - 1940

Previous Violations

Where applicant repeatedly hauled in excess of authority, extension not granted; also other haulers "got the job done."

Re: Fred Meloney

Decision No. 15787
Appl. 3037 - 1940

Where Service Adequate

Rehearing denied where violators did not show common carriers not able to give adequate service.

Re: Hill

Decision No. 12803
Appls. 1979, 4617 - 1938

EXTENSION POLICY (E)

Utilities generally pay part of extension cost, so reparation order stays in effect during period when line being paid for:

Re: Granada vs. Lamar

Decision No. 5853
Case 729 - 1934

EXTENSION OF ELECTRIC SERVICE

Rule 42-A Revised.

Decision No. 9949
Case 501 - 1937

EXTENSION OF TERRITORY

Contiguous Territory

PUC issues order confirming previous expansions into contiguous territory.

Re: Public Service Company

Decision No. 24860
Appl. 6806 - 1945

No certificate needed to expand into contiguous territory, so expansions approved by PUC.

Re: Public Service Company

Decision No. 24859
Appl. 6807 - 1945

FAIR RETURN

None on improvident investment

See "Improvident Investment"

Re: Glenwood Light Co.

Decision No. 5398
Case 1138 - 1933

On Whole System

Isolated portions of the system cannot be considered in rate case. Utility is a unit.

Re: Glenwood Light Co.

Decision No. 5398
Case 1138 - 1933

FAIR VALUE

Discussion of all factors

Re: Home Gas and Electric

Decision No. 5803
Case 1074 - 1934

FARM MOVEMENTS

Service requirements. To insure adequate service for farmers, PUC authorized carrier service in excess of what is required at off season.

Re: Martinson

Decision No. 12125
Ann'd 4523 - 1938

FARM PRODUCTS

Permit during "harvest season" Private permit limited to harvest season, only.

Re: Chet F. Leichliter

Decision No. 15816

Appl. 5434 - 1940

FARM SERVICE

Preferred. Commission will see that all areas have sufficient farm-to-market service, even to giving competing permits.

Re: Ross Watts

Decision No. 17809

Appl. 5718 - 1941

FARM SUPPLIES

Definition. Includes freight used on farm, except groceries, clothing, feed for livestock, and other freight "not strictly used on farm."

Re: Lischke and Heflin

Decision No. 10742

Appl. 4073 - 1937

FARMERS, AS CARRIERS

PUC does not favor permits to farmers to haul at their own convenience. Here, however, applicant proposes regular stops for milk pick-up.

Re: Johnston

Decision No. 11830

Appl. 4514 - 1938

FARMER'S PERMITS

(B Truck). "B" Permit issued for loose hay hauling by farmer, from areas around his farm.

Re: Glasier

Decision No. 9899

Appl. 3883-PP

FARMER'S SERVICE

During crop time. Farmers entitled to ample service under all conditions, even if during slack times, there is not enough business for all authorized carriers, especially if there is no rail service.

Re: Richardson

Decision No. 12280

Case 4675 - 1938

FINES BY PUC

PUC has jurisdiction to levy penalty.

Re: Resler

Decision No. 12654 - Case 4671 - 1938

PUC has right to levy fines in lieu of cancellation of certificate.

Re: Snell

Decision No. 13841 - Case 4722 - 1938

FINES BY PUC (Continued)

Serving beyond territory by Private Carrier. \$25, fine for one violation.

Re: Edward Martin

Decision NO. 9477
Case 2-02 - 1937

FIXED ROUTES, TERMINI

Private Carrier may use. McKay case does not prohibit private carriers operating over fixed routes or termini. ("A" Carriers).

Re: Perry Truck Lines

Decision No. 17771
Appl. 3312 - 1941

FORM OF APPLICATION

Transfer

PUC will waive technical compliance with rules as to form and contents of applications where testimony sufficient.

Re: Beach

Decision No. 12358
Appl. 962 - 1938

FRANCHISE FROM GOVERNMENT CONDITION TO CERTIFICATE

Commission sometimes waives requirement of local franchise and issues conditional certificate.

Re: La Junta

Decision No. 18070
Appl. 5619 - 1941

FRANCHISE - LACK OF

Cause for abandonment of service. Electric utility cannot abandon service in a town without PUC authority, even if it has no franchise.

Re: Highland Utilities Co.

Decision No. 5086
Case 1168 - 1933

FREIGHT FORWARDER

Private Carrier as

Not permitted.

Re: De La Salle

Decision NO. 9496
Appl. 3350-PP-AA - 1937

Weicker Co., as

Weicker a common carrier, not a mere forwarding agent, and must follow filed tariffs.

Re: Weicker

Decision No. 5170
Case 1083 - 1933

FREIGHT INTERCHANGE

Not allowed between private carriers, but permit transferred subject to

Re: De La Salle

Decision No. 9496
App'l. 3350-PP-AA - 1937

FREIGHT, NOT AUTHORIZED

See "Revocation of Permit"
"Suspension of Permit"
"Unauthorized Service"

FRINGE AREA

Boulder Taxies. Evidence discloses necessity for five-mile fringe area service, and three certificates granted.

Re: Hindman

Decision No. 13763
App'l. 5046 - 1939

FRINGE TERRITORY

Denver Taxies. Denver having authorized service, PUC holds the public convenience and necessity require authorization to fringe territory.

Re: Public Cab Co., etc.

Decision NO. 11810
App'l. 4424 - 1938

GAS COMPANY

Transfer of Certificate on Ground of Corporate Reorganization. Granted without hearing.

Re: Colorado Gas and Utilities Co.

Decision No. 9456
App'l. 1726 et al - 1937

GAS SERVICE - ABANDONMENT

See "Abandonment"

Decision No. 16871
App'l. 1926 - 1941

GENERAL ORDER #48

Form and filing of insurance

Decision No. 17855

GOING CONCERN VALUE

Included in rate base. Included in Property value for rate base.

Re: Glenwood Light Co.

Decision 5398
Case 1138 - 1933

GRADE CROSSING

Application for

Denied where evidence did not show public convenience and necessity.

Re: Town of Fountain

Decision No. 9605
Appl. 3754 - 1937

At Grade

County and carrier having agreed on expense, and on closing two other crossings if present one approved, and crossing hazards lessened, application granted.

Re: El Paso County

Decision No. 11734
Appl. 4299 - 1938

Balancing Danger with Public Convenience and Necessity

Where potato growers wanted spur track, and Highway Department protested, PUC allowed truck on evidence that danger was outweighed by necessity.

Re: Colorado Potato Growers

Decision No. 25746
Appl. 6696 - 1946

Highway Department Request

County Commissioners' request for over-head crossing granted at their expense.

Re: La Plata County

Decision No. 10100
Appl. 3961 - 1937

Opening Crossing

Where present crossing inconvenient, and all residents want location changed, protests of Railway not sufficient to warrant denial of petition, where not much hazard difference in the two.

Re: Bethune

Decision No. 13960
Appl. 5054 - 1939

PUC Rules

Commission Rules Amended

Decision No. 20446
Appl. 6205-PP - 1942

Signals

Lack of Federal funds not ground for delay in installing signals at extremely dangerous crossing. Installation ordered.

Re: Adams County

Decision No. 10932
Appl. 3002 - 1937

HARVEST SEASON - PERMIT

Authority limited in time as to farm products. Where extra trucks necessary during harvest, applicant can haul; but not any other time.

Re: Chet F. Leichter

Decision No. 15816
Appl. 5434 - 1940

HEAVY MACHINERY (M)

Certificate granted. Heavy machinery hauler given certificate, even though other haulers may sometimes be able to move it.

Re: Sackowitz and Germaine

Decision No. 6584
Appl. 2350 - 1935

HIGHWAY CONGESTION

May be ground for denying interstate permit, but none such here.

Re: Grover C. Jacobsen

Decision No. 5092
Appl. 2112 - 1933

HIGHWAY ROUTE

Proper. Orders not specifying highway to be traversed will be clarified.

Re: Hill

Decision No. 21068
Appl. 5875-B - 1943

HISTORICAL COST

Method of valuation. Discussion of U S Cases.

Re: Glenwood Light Company

Decision No. 5398
Appl. 1138 - 1933

HOME RULE CITY

Taxi Service out of:

See "Taxi Service"

Re: Public Cab Co.

Decision No. 13073
Appls. 4424, 4427 - 1939

Where taxies run in and out of home-rule cities, PUC governs whole trip.

Re: Hindman

Decision No. 13763
Appl. 5046 - 1939

HORSES AND COLTS

Certificate for movement. Where no showing as to other livestock, applicants expansion request limited to hauling riding horses.

Re: McKee

Decision No. 25911
Appl. 1405 - 1946

I.C.C. JURISDICTION

Abandonment (R) of Intrastate branch. See Jurisdiction of PUC; Abandonment; I.C.C. paramount.

Re: C. and S. Ry. Co.-

Decision No. 10871
Case 2037 - 1937

ILLEGAL OPERATIONS

As to wiping them out with a penalty. Where fine was paid for violation of law, Commission allows transferee to get certificate, although denied previously.

Re: Lois Ervin

Decision No. 18998
Appl. 2461 - 1942

IMMEDIATE SERVICE

Not required from Common Carrier. Where "low-bed" equipment needed, one day's delay will not justify new authority, and permit refused where adequate carriers in field.

Re: Leona

Decision No. 21032
Appl. 6331-PP - 1943

IMPAIRMENT OF COMMON CARRIER

Burden on Proof. Common Carrier must prove impairment of service when protesting private permit.

Re: W. C. Hopkins

Decision No. 22430
Appl. 6640 - 1944

By Private Permit

Coal haul denied where common carrier would be injured, although private carrier might serve a few people better.

Re: Joe Bertwon

Decision No. 16866
Appl. 5537 - 1941

Long discussion as to how the impairment or lack of it must be proved; burden is on common carrier to show impairment.

Re: Bollet

Decision No. 13149
Appl. 4216 - 1939

Certificate Denied (M)

Application for competing certificate denied where present motor carrier giving adequate service.

Re: Capron

Decision No. 10150
Appl. 2230 - 1937

IMPAIRMENT OF COMMON CARRIER (Continued)

Evidence not Clear

Call and demand service must show impairment will result if permit granted. More needed than on scheduled haul. Rehearing denied.

Re: Leist

Decision No. 13442
Appl. 4890 - 1939

General Discussion

Protestants have burden to show that private permit will impair their efficient service.

Re: Dick Maulin

Decision No. 21220
Appl. 6385-PP- 1943

Limited Loss of Tonnage in Individual Case

Although several shippers might be inconvenienced and only a small part of business would be affected, gradual enroachment will hurt common carriers.

Re: Young Brothers

Decision No. 15035
Appl. 5201 - 1940

Must be Shown by Evidence

Where no evidence as to loss to be sustained, or profit made, and applicant developed new business, permit granted.

Re: Logan

Decision No. 13151
Appl. 4888 - 1939

Must be Shown by Protestant

Even though applicant had no contracts, no customers, and made no showing of inadequate service, permit granted when no proof made by common carriers that they would be impaired.

Re: Purvis

Decision No. 14294
Appl. 5159- 1939

Must Show more than Loss of Revenue

To prevent private permit, common carrier must show that his loss of revenue will be so great that ability to perform efficient service will be impaired.

Re: S. S. Huntington

Decision No. 24485
Appl. 4813 - 1945

IMPAIRMENT OF COMMON CARRIER (Continued)

New Business

Where new business is subject to a contract, and if private permit not granted shipper will get own trucks and nobody gets the business, no impairment of common carriers.

Re: Callbeck

Decision No. 13768
Appl. 5020 - 1939

Where Government Dam requires local hauling, private permit granted. Common carrier is not protected as much here, as when the haul is the result of gradual business development which the common carrier has helped to bring about.

Re: Jenkins

Decision No. 15186
Appl. 2773 - 1940

New Certificate Denied (M)

Public convenience bows to statute, where PUC is of opinion that present service of common carrier would be impaired.

Re: Juan Salas

Decision No. 10705
Appl. 2790 - 1937

Overcome by Benefit to Shippers

Where only slight impairment to common carrier, permit issued because of benefit to customers.

Re: Ullstrom

Decision No. 15474
Appl. 5343 - 1940

Personal Opinion of Carrier not Considered

Where carriers did not object to similar permit by one applicant, but did object to instant application, although no evidence of impairment shown, application granted.

Re: Harper

Decision No. 10940
Appl. 4164 - 1937

Private Permit Denied

Even though applicant built up business, it was an unlawful operation, and he cannot now get a permit on strength of it, where common and private carriers are giving good service.

Re: Brady and France

Decision No. 10976
Appl. 4278 - 1937

IMPAIRMENT OF COMMON CARRIER (Continued)

Relevancy in Clarification Proceeding

Question not relevant in clarification proceeding.

Re: Burbridge

Decision No. 9947
Appl. 3856 - 1937

Sightseeing Operations

See "Sightseeing Operations"

Re: Rocky Mountain Motor; Fallico

Decision No. 15200
Case 4744 - Appl. 552 - 1940

Successive Private Permits

PUC adopts previous opinions where private service might be more convenient, but adequate service already in territory, and denies permit extension.

Re: Dayton Riggs

Decision No. 16825
Appl. 4160 - 1941'

Where Inadequate Equipment

Where present carriers are using equipment of applicant for long periods of time, that is evidence that there is not much impairment when applicant gets certificate for oil well supply haul.

Re: W W Toler

Decision No. 24721
Appl. 6777 - 1945

Where Service Inadequate

Where service inadequate, impairment question does not arise, and additional permits and certificates will issue.

Re: Lewis Klamm

Decision No. 18700
Appl. 5861 - 1942

IMPAIRMENT OF SERVICE

Of Common Carriers

See "Common Carriers"

Of Private Carriers

See "Motor Carriers"

By Adding New Customers

See "New Customers"

Re: Dr. Shea

Decision No. 11508
Case 4672 - 1938

IMPROVIDENT INVESTMENT

No part of rate base. If money invested improvidently or recklessly, utility cannot earn a return on it.

Re: Glenwood Light Co.

Decision No. 5398
Case 1138 - 1933

IMPROVING SERVICE

Alternative to new certificate. Present certificate-holder given sixty days to improve service, or applicant can renew request for competitive certificate.

Re: Beatty

Decision No. 11673 - Appl. 4474

IMPROVING TAXI SERVICE

New application denied. Present operator given chance to improve service, and application for competing certificate denied with jurisdiction retained.

Re: Brown

Decision No. 12490
Appl. 2089 - 1938

INADEQUATE SERVICE

Burden of Proof

See "Burden of Proof"

Re: Foster Truck Line

Decision No. 26113
Appl. 7312 - 1946

Common Carrier

This is ground for additional permits and certificates.

Re: Lewis Klamm

Decision No. 18700
Appl. 5861 - 1942

Ground for New Certificate

Where railroad will move most of pipe to railhead, applicant should have right to small, emergency intrastate movements because it is needed.

Re: J. L. Cox

Decision No. 24874
Appl. 7026 - 1945

Ground for Private Permit

Where impairment shown and no evidence of inadequate service by common, private permit denied.

Re: Fornoff

Decision No. 15258
Appl. 4995 - 1940

INADEQUATE SERVICE (Continued)

Local Service Needed

Leadville needs local hauler, even though some over-lap of territory results.

Re: Harold Patridge

Decision No. 19323
Appl. 5035 - AB - 1942

INSURANCE

Form and Filing Clarified

Decision No. 17855
General Order

INSURANCE CERTIFICATES

Failure to file. Carrier filed inadequate insurance in some years and no insurance in others. PUC should not have accepted it, so certificate not cancelled on that ground.

Re: Champa 3 Auto Livery

Decision no. 11713
Case 4687 - 1938

INTERCHANGE OF FREIGHT (M)

Common with Private. Common Carrier cannot interchange freight with himself as private carrier, and accept through shipments.

Re: Read Truck Line

Decision No. 10211
Case 1608 - 1937

INTERCHANGE POINTS

PUC establishes freight interchange points; cannot supply through service to all points on line.

Re: Harpster

Decision No. 11748
Appl. 1489 - 1938

INTERCHANGE WITH CARRIERS

Unauthorized extension of route. Common with common. Private with Common. Private with Private. Carrier ordered to desist. Rehearing, 9673.

Re: McKay Truck Line

Decision No. 9478
Cites 8386 - 1937

INTERLINING

Commission policy. Interchange of freight and interlining of passengers will be required before granting new certificates.

Re: Amarillo-Denver Bus Co.

Decision No. 17203
Appl. 5517 - 1931

INTERLINING AND THROUGH RATE

Line-haul and call and demand. Not permissible for freight to be interlined between line-haul and call and demand carrier on through rates.

Re: Miller

Decision No. 14187
Appl. 5057 - 1939

INTERMEDIATE POINTS

Clarification of Permit

Rehearing granted pending Supreme Court review of PUC holding that intermediate points were authorized. See 102 Colo. 211.

Re: McKay

Decision No. 10474
Case 1622 - 1937

Since respondent did not file petition for clarification in time, he is ordered to cease serving intermediate points.

Re: Barr

Decision No. 12280
Case 4675 - 1938

INTERPRETATION OF COMMISSION ORDER

Commission will interpret orders granting certificates, as to routes and type of haul.

Re: Swena

Decision No. 16857
Appl. 2138 - 1941

INTERSTATE CARRIER

Basis for granting intrastate authority. Commission will not grant any intrastate authority that will not stand on its own feet.

Re: Amarillo-Denver Bus Co.

Decision No. 17203
Appl. 5517 - 1941

INTERSTATE CERTIFICATE

May be denied if highway congestion great. Since highway congestion not bad, certificate issued on interstate business.

Re: Grover C. Jacobsen

Decision No. 5092
Appl. 2112 - 1933

INTERSTATE COMMERCE

Burden on

See "Abandonment of Intrastate Line"

Re: C & S Ry. Co.

Decision No. 10871
Case 2037 - 1937

INTERSTATE COMMERCE (Continued)

PUC Jurisdiction

See "Jurisdiction"

Re: Sightseeing

Decision No. 16701
Case 4762 - 1941

Taxes on, by Colorado

See same decision indexed under "Taxes."

Re: Los Angeles-Albuquerque Express

Decision No. 11409
Case 4673 - 1938

INTERSTATE OPERATION

As Basis for Intrastate Permit. Intrastate authority not granted automatically over interstate route; public necessity considered. Present here.

Re: Cardinal Stage

Decision No. 5843
Appl. 2174 - 1934

JOINT OWNERS OF CERTIFICATE

Splitting certificate. One of several joint owners may dispose of his interest, or forfeit it.

Re: Oberwortman

Decision No. 12063
Case 4682 - 1938

JOINT THROUGH RATE

On two services of one owner, Owner cannot make one route out of two consecutive routes, and PUC will not let him do it by establishing a through rate.

Re: Woods

Decision No. 21234
Appl. 1436-AB, et al - 1943

JURISDICTION

Abandonment (R) I I C C Paramount

PUC cannot prevent abandonment of intrastate branch where the operating loss is so great as to put a burden on interstate commerce, where ICC has authorized it.

Re: C & S Ry. Co.

Decision No. 10871
Case 2037 - 1937

JURISDICTION (Continued)

Air Carriers

Air carriers are common carriers and PUC has given certificates since 1929

Re: Colo. Recreational Airways

Decision No. 24538
Appl. 6716 - 1945

Air Transport

Airplanes are common carriers under PUC as to intrastate scheduled flights. Certificate issued.

Re: L. E. Smith

Decision No. 22444
Appl. 6546 - 1944

Alter Orders

Section 49 of Ch. 127 gives PUC this power

Re: Trone

Decision No. 11623
Case 1996 - 1938

See "Rescinding Orders"

Re: Gately

Decision No. 12235
Appl. 3977 - 1938

C.O.D. Rules

Carrier cannot be compelled to give COD service. If he gives it, he must follow PUC rules. Certificate revoked or \$200 fine.

Re: Ramstetter

Decision No. 10767
Case 4650

Constitutionality of Laws

PUC will not refuse to hear case on ground that act creating respondent was unconstitutional.

Re: Lakewood Sanitation District

Decision No. 25747
Case 4934 - 1946

Construe own Orders

PUC may construe and clarify its prior rate orders.

Re: Borden

Decision No. 13746
Appl. 4746 - 1939

JURISDICTION (Continued)

Contracts

Where U.S. and City of Golden had contract for water, complaint based on that contract not under PUC jurisdiction.

Re: U.S. Government vs. Golden

Decision No. 21998
Case 4911 - 1944

During Appeal

If no stay order, PUC decision still in effect.

Re: Pikes Peak Livery

Decision No. 16949
Cases 4835 - 1941

Inactive Carriers

Where carrier ceased operating as such, PUC had no subsequent jurisdiction over its contracts, etc.

Re: Rupert Borden

Decision No. 16064
Appl. 4746 - 1940

Limit Number of Vehicles in Sightseeing Operation

PUC holds it has jurisdiction. Cites many cases.

Re: C. W. Davis

Decision No. 18577
Case 4867 - 1942

Municipalities

No jurisdiction to determine contracts between parties and municipalities.

Re: City of Golden

Decision No. 17291
Case 4860 - 1941

Where Denver sells water outside city, it is engaged in proprietary function and subject to PUC jurisdiction.

Re: City and County of Denver

Decision No. 9832
Case 1994 - 1937

Negligent Operation - Revocation of Permit

See "Negligent Operation"

Decision No. 11598
Case 4685 - 1938

Over Interstate Commerce

PUC will not circumscribe itself by a rule eliminating interstate commerce. I.C. Act is all the limit they will accept.

Re: Sightseeing

Decision No. 16701
Case 4762 - 1941

JURISDICTION (Continued)

Over REA

PUC did not pass on it, but allowed transfer of property to REA.

Re: Western Colorado Power

Decision No. 18147
Appl. 5640 - 1942

Private Contracts

PUC has no jurisdiction to determine contract rights. If two claim to be sole transferees, courts must settle it. Transfer authorized by PUC.

Re: Morgan

Decision No. 13734
Appl. 1619 - 1939

Railroad Contract

Where RR had contract with school board to maintain a foot-bridge the question is one of contractual liability over which the Commission has no jurisdiction.

Re: C & S Ry. Co.

Decision No. 15345 -
Case 4781 - 1940

Transfer Certificate after Death of Owner

Certificate does not expire on death of owner. PUC must confirm action of Probate Court in setting over a certificate.

Re: William Irvine

Decision No. 22323
Appl. 637 - 1944

JURISDICTION RETAINED

Application for Certificate (M). PUC retains jurisdiction of application for certificate, to be reopened if territory shows need for second common carrier.

Re: Cozza

Decision No. 10170
Appl. 3926 - 1937

LEAP-FROG OPERATION

Not authorized to interstate carrier.

Re: Amarillo-Denver Bus Co.

Decision No. 17203
Appl. 5517 - 1941

PUC prefers interchange business to benefit carriers rather than leap-frog business.

Re: Frank Miller

Decision No. 17902
Appl. 1261 - 1941

LEAP-FROG OPERATION (Continued)

PUC will give certificates to carriers in the field who will interchange with others, rather than a new through service, "leap-frogging" operations of existing carriers.

Re: E. L. Miller

Decision No. 24879
Appl. 7040 - 1945

PUC will not allow leap-frog operations. Freight interchange required.

Re: Harpster

Decision No. 11748
Appl. 1489 - 1938

LEASE OF CERTIFICATE

Partial lease. PUC does not allow lease of part of certificate in this case.

Re: Sorenson

Decision No. 25800
Appl. 1404 - 1946

PUC Approval Required

Where operator leased equipment without Commission approval, and carried on no other operation, permit cancelled.

Re: Wingo

Decision No. 11907
Case 4697 - 1938

PUC Rules

By Supp. Rule 47, carriers prohibited from leasing equipment to lessees other than duly authorized carriers for hire.

Decision No. 11498
Misc. Docket 39-General
Order - 1938

TON-Mile Tax

See "Taxes, Ton-Mile."

Re: Ris and Co.

Decision No. 5401
Case 1178 - 1933

LEASE OF PERMIT

Revocability. Lessor can revoke prior to Commission's approval.

Re: Harry Russell

Decision No. 9114
Appl. 3694-PP-A - 1936

LICENSE, PERMIT AS

See "Permit, Nature of"

LIMITATION ON REPARATION

Two-year limit. Complaint as to unreasonable rate is also a request for reparation. You do not need a "claim for reparation."

Re: Granada vs. Lamar

Decision No. 5352
Case 729 - 1933

LIMITED CERTIFICATE

"Duration and Three Months." Certificate limited to "Duration" for taxi service from Camp Carson.

Re: Colorado Springs Taxi Co.

Decision No. 21053
Appls. 6283, et als. - 1943

LINE-HAUL CARRIERS

Duplicating Service

Not granted unless positive need shown.

Re: Frank W. Miller

Decision No. 17902
Appl. 1261 - 1941

Where livestock concerned, call and demand does not need to prove present service inadequate as strongly as line-haul applicant needs to do.

Re: Reinhardt

Decision No. 19168
Appl. 5921 - 1942

Not Authorized under Certificate

Where line-haul carriers are operating, it is desirable to extend that service, rather than to authorize a new service.

Re: E. L. Miller

Decision No. 24879
Appl. 7040 - 1945

Protected by PUC

PUC must protect common carrier line haulers, and where present service adequate, and loss of truck-load lots would hurt carrier, private permit denied.

Re: Stron

Decision No. 13858
Appl. 3304 - 1939

LINKING CERTIFICATES

Same owner. Owner must get separate authority for through route; cannot combine several individual certificates.

Re: Woods

Decision No. 18157
Appl. 1436-AB, et al - 1942

LIVESTOCK CERTIFICATE

Favored by PUC. Call and demand. Call and demand for livestock does not require that present service be inadequate, as much as line-haul does.

Re: Reinhardt

Decision No. 19168
Appl. 5921 - 1942

LIVESTOCK PERMITS

Commission policy. Commission is liberal in granting livestock permits even where overlapping authority, but no inadequacy of service here, so permit denied.

Re: M. Rains

Decision No. 17385
Appl. 5631 - 1941

LOCAL SERVICE

Call and Demand

Even where overlapping of territory, Leadville needs local service; certificate issues.

Re: Harold Partridge

Decision No. 19323
Appl. 5035-AB - 1942

Resident Carrier

Each community should have resident common carrier. Certificate issues.

Re: Nelson

Decision No. 19516
Appl. 5924 - 1942

MAIL ROUTE

Impairing Common Carrier. Even though mail carrier should have the freight, too, fact that present carrier would be impaired necessitates denial of certificate.

Re: Ward

Decision No. 13446
Appl. 4826 - 1939

MANAGERIAL DISCRETION

Agency Station Abandonment. Unless arbitrary act, decision to abandon station is in exercise of discretion.

Re: U P R R Co.

Decision No. 19029
I & S 244, Appl. 5914 - 1942

MANAGERIAL EXPENSE

What proper in Electric Utility. Such payments are justified where services are necessary and fees no greater than independent agency or utility's own personnel.

Re: Colorado Utilities

Decision No. 14528
Case 4664 - 1939

METER DEPOSITS

Interest must be paid if PUC rule so provides.

Re: Montezuma P & L

Decision No. 16604
Case 4812 - 1941

MILK CARRIER, HOLDING TITLE

As carrier for hire. "C" permit holder, "buying" milk and "selling" to dairy, held a carrier, for hire, and passage of title a subterfuge and evasion of law. Permit cancelled.

Re: Brady and France

Decision No. 10768
Case 4652 - 1937

MONOPOLY, IN CERTIFICATES

Sightseeing operations. No monopoly in Pikes Peak sightseeing business, and besides, regulated monopoly is purpose of PUC.

Re: Conwill

Decision No. 26350
Appl. 7456 - 1946

Regulated monopoly in certificates is now the law; where private permit would take business from public carrier, permit denied where public service adequate. People cannot compete freely in this field.

Re: J. C. Hansen

Decision No. 16853
Appl. 4378 - 1941

MONOPOLY, POSITION OF UTILITY

Gives rise to commensurate public duty.

Re: Glenwood Light Co.

Decision No. 5398
Case 1138 - 1933

MORAL QUALIFICATIONS

Violation of law. See "Violation of Law" -- Not necessarily conclusive that applicant not fit and proper.

Re: L. E. Reinhard

Decision No. 19168
Appl. 5921 - 1942

MOTION TO DISMISS APPLICATION

Where no showing in hearing. Motion granted as to part of application, but hearing proceeded on remainder of case for certificate.

Re: Haines Motor Freight

Decision No. 17737
Appl. 5339 - 1941

MOTION TO DISMISS CASE

No service on carrier. Motion to dismiss denied, where no service on carrier represented by Association. At most, it could only appear and protest; not get application dismissed.

Re: Gately

Decision No. 10994
Appl. 3977 - 1937

MOTION TO STRIKE

Time of filing. Motions and pleadings may be filed any time up to hearing.

Re: Trone

Decision No. 11623
Case 1996 - 1938

MOTOR CARRIERS

Certificates

Denied where adequate service by other common carriers, or present carriers will correct inadequacies.

Re: Henry Dressel

Decision No. 9509
Appl. 3617 - 1937

Extension denied because of adequate service by other common carriers.

Re: John Stickler

Decision No. 9212
Appls. 2449-B, 2451-B - 1937

No Competing certificates unless volume justifies or service inadequate.

Re: Leamon Resler

Decision No. 9213
Appl. 1487-AB - 1937

Connecting with Rail

See "Auxiliary Service"

Re: Rio Grande Motor Way, Inc.

Decision No. 16396
Appl. 5463 - 1941

MOTOR CARRIERS (Continued)

Permits

Application for:

Impairment of existing common carrier service. "B" permit denied where need slight, and existing service impaired.

Re: J. W. King

Decision No. 9441
Appl. 3744-PP - 1937

Combining Contiguous Permits - (Same owner)

Unlawful without Commission approval

Re: Southwestern Transportation Co. vs.
J. R. Marks Truck Line

Decision No. 9511
Case 1992 - 1937

Denied:

"Back-haul" authority. "B" permit denied in part. Adequate service by common carrier.

Re: J. D. Haynie

Decision No. 9101
Appl. 3654-PP - 1936

"A" permit denied. Adequate service by common carrier.

Re: Alvie Cummings

Decision No. 9056
Appl. 3562-PP - 1936

"B" permit denied. Adequate service by common carrier.

Rio Grande Coal Co.

Decision No. 9100
Appl. 3663-PP - 1936

Extended

Necessity of shipper vs. impairment of common carrier. "B" permit extended where impairment only slight.

Re: Bennie Goldstein

Decision No. 9231
Appl. 3222-PP-B - 1937

Granted

Objections of competing carriers. "B" permit granted as to articles on which competitors did not object.

Re: B. H. Harms

Decision No. 9157
Appl. 3458-PP - 1936

MOTOR CARRIERS (Continued)

Public Entitled to Service

Even if public can get along without service, public convenience may still require it. Public demands truck as well as rail service.

Re: Frank Miller

Decision No. 11853
Appl. 1261 - 1938

Suspension of Permit

Exceeding Authority

30-day suspension for carrying unauthorized back-haul at lower rates.

Re: J. B. Tague

Decision No. 9603
Case 2007 - 1937

Violation of Rules

"A" permit suspended, or fine in lieu thereof.

Re: George Wood

Decision No. 9146
Case 1619 - 1936

MUNICIPAL WATER SERVICE

Jurisdiction of Commission in "Fringe Territory." Modifies original Denver opinion. Holds city a contractor, not a public utility.

Re: City and County of Denver

Decision No. 10497
Case 1994 - 1937

MUNICIPALITY

Extending into fringe area, where utility service exists

City cannot take over fringe area where private utility is giving adequate service.

Re: La Junta

Decision No. 18070
Appl. 5619 - 1941

Denver is utility when engaging in proprietary function, as opposed to governmental function; cannot cut off water customers outside City Limits.

Re: City and County of Denver

Decision No. 9832
Case 1994 - 1937

PUC Jurisdiction

Lamar vs. Wiley cited.

Re: Granada vs. Lamar

Decision No. 5352
Case 729 - 1933

MUNICIPALITY (Continued)

Water Utilities

Commission jurisdiction discussed.

Re: Pueblo

Decision No. 6459
Case 1384 - 1935

See "Jurisdiction of PUC" - Contracts

Re: U.S. Government vs. City of Golden.

Decision No. 21998
Case 4911 - 1944

Where there is contract only

Where no showing of utility service, Commission refused to take jurisdiction of Golden.

Re: City of Golden

Decision No. 17291
Case 4860 - 1941

NATIONAL PARKS

PUC Jurisdiction. PUC has no jurisdiction to allow service through or into Rocky Mountain National Park.

Re: Snell

Decision No. 13287
App'l. 736 - 1939

NEEDS OF CARRIER

Not decisive. Public need is controlling factor, not necessities of carrier.

Re: Haines Motor Freight

Decision No. 17737
App'l. 5339 - 1941

NEGLIGENT OPERATION OF VEHICLE

PUC has no jurisdiction to hear negligence suits or revoke permits ("C") because of negligence (if proved) in operating vehicle.

Re: Moore

Decision No. 11598
Case 4685 - 1938

NEW CUSTOMERS

City water system. Whether city a public utility or not, it cannot add more customers without injury to present customers, so application of new user denied.

Re: Dr. Shea

Decision No. 11508
Case 4672 - 1938

"NON-ASSIGNABLE" CERTIFICATE

Clause is valid. Commission has power to put "non-assignable" clause in certificate and will not remove it in the absence of showing.

Re: S. L. Rodgers

Decision No. 15858
Appl. 2061 - 1940

NON-PROFIT CO-OPS

As Public Utilities. Co-ops public utilities and PUC has jurisdiction.

Re: San Miguel

Decision No. 20831
Case 4809 - 1943

NON-USER

Abandonment

Private permit with state-wide authority held not abandoned as to products or territory not hauled or served, in absence of direct evidence.

Re: Loyal M. Morgan

Decision No. 24546
Appl. 6723 - 1945

Non-user alone is not abandonment if no intent; even for six months. Rule 9 does not require this.

Re: Wheeler

Decision No. 12047
Case 4681 - 1938

Where all 11 years, carrier used only 2 of 7 authorized vehicles, he is held to have abandoned authority above 2 vehicles. Decision also based on operation without insurance with the cancellation as a penalty.

Re: Rocky Mtn. Motor; Fallico

Decision No. 15200
Case 4744 - 1940

NOTICE OF HEARINGS

No Prejudice

Where competitor did not receive notice, but appeared in later hearings involving certificate, and evidence showed no prejudice, decision rendered anyway.

Re: Troy Denton

Decision No. 13796
Appl. 2355 - 1939

On Application for Permit

Where no notice given to carrier, motion to dismiss denied where no showing it was entitled to service. At most, it could appear and protest

Re: Gately

Decision No. 10994
Appl. 3977 - 1937

OBJECTION BY COMMON CARRIER TO PRIVATE PERMIT

See "Impairment of Common Carrier. Personal Opinion of Carrier."

Re: Harper

Decision No. 10940
Appl. 4164 - 1937

O.D.T. POLICY

On New Authority. State Commission authority required, but ODT had different test -- whether it furthers War Effort.

Re: Hardrick

Decision No. 22446
Appl. 6535 - 1944

OFFICE OF CAB COMPANY

Limited Site. Office limited to Five-Points Area at applicant's request.

Re: Ritz Cab Co.

Decision No. 19110
Appl. 5869 - 1942

OIL PIPE LINE

Certificate as Common Carrier. Rangely Field held entitled to pipe line to connect with Wyoming line, over protest of trucker.

Re: Utah Oil Refining Co.

Decision No. 22977
Appl. 6734 - 1944

OIL WELL MACHINERY

Private Permit. Where special knowledge, equipment and skill required, oil well driller given permit to carry machinery even where authorized carriers want business.

Re: Manning and Martin

Decision No. 12734
Appl. 4836 - 1938

"ON CALL" SERVICE

Substituted for Regular Service. Commission allows weekly freight to be cancelled, due to ICC suggestion and War Effort.

Re: U. P. R. R. Co.

Decision No. 21031
Appl. 6330, I & S 250 - 1943

"ONE DAY"

Definition. "One Day" means from sun-up to sunset, or at most, from midnight to midnight, not any twenty-four-hour period.

Re: Pikes Peak Livery

Decision No. 15295
I. and S. 232 - 1940

ORES, HAULING OF

Constitutes goods "to be sold," requiring tax and Commercial Permit.

Decision No. 18992
Case 4846 - 1942

OVERLAPPING OF TERRITORY

May be proper. O.K. where whole public needs service.

Re: Harold Partridge

Decision No. 19323
Appl. 5035-AB - 1942

No objection to carriers competing in overlapping territory.

Re: Fred Rein

Decision No. 11777
Cases 4684, 4686 - 1938

PARTIES TO PUC CASES

Who must be parties. Where complaint requests water service, motion by utility to have all its customers made parties is denied; they can intervene.

Re: Brookside

Decision No. 13852
Case 4755 - 1939

PARTNERS

Splitting certificate. See "Joint Owners"

Re: Oberwortman

Decision No. 12063
Case 4682 - 1938

PASSENGER SERVICE

Discontinuance of Narrow Gauge. Where only 2, 4, or 6 passengers a day over trains, and operating loss sustained on branch and whole line, PUC did not require operation of passenger train.

Re: Rio Grande (Ouray, etc.)

Decision No. 16108
Appl. 5461 - 1940

PASSENGER SERVICE IN COMPETITION WITH RAILROAD

Commission denies application to give C & S time to put new train into Alma.

Re: Auto Rental Service

Decision No. 6503
Appl. 2309 - 1935

PENALTY, MONETARY

PUC Jurisdiction. PUC has power to assess penalties.

Re: Resler

Decision No. 12654
Case 4671 - 1938

(PRIVATE) PERMITS

"A" Permits

Illegal to establish through route or rate on two separate permits (same owner) or contiguous routes, without Commission approval.

Re: Southwestern Transportation Co. vs.
J. R. Marks Truck Line

Decision No. 9511
Case 1992 - 1937

Applicant owning interest in Shipping Company

Permit extended to include hauling from mine owned 1/10 by applicant, although sufficient service present.

Re: Bender Brothers

Decision No. 9914
Appl. 2566 - 1937

Nature of

Only a revocable permit; no rights on the highways are given.

McKay Lines. Rehearing.

Decision No. 9673
Appl. 3357-PP-B - 1937

Only a license, but requires carrier actually to carry, not make contracts to carry, customer's goods.

Re: De La Salle

Decision No. 9496
Appl. 3350-PP-AA - 1937

Previous Illegal Operation

Where applicant operated for three years illegally, permit denied.

Re: De Priest

Decision No. 11712
Appl. 4468 - 1938

PETROLEUM CARRIERS

No need for certificate. Where private permit and railroad service adequate, certificate will be denied.

Re: Barlow

Decision NO. 12252
Appl. 4528 - 1938

PICK-UP AND DELIVERY SERVICE

Railway Express Agency. Constitutes public utility and certificate required.

Re: Railway Express Agency

Decision No. 22128
Appl. 5901 - 1944

PIPE LINE AS COMMON CARRIER

See "Oil Pipe Line"

Re: Utah Refining Co.

Decision NO. 22977
Appl. 6734 - 1944

PREFERENCE BETWEEN APPLICANTS

Extension over new authority. Present operator preferred over new authority.

Re: Moberly

Decision No. 19239
Appl. 5961 - 1942

PREFERENCE IN CERTIFICATES, GROUNDS

Where only one authority is to issue between two applicants, choice is made on basis of priority of application; occupation of territory, superior equipment, financial condition, operating experience.

Re: Starks Stages

Decision No. 22347
Appl. 6604 - 1944

PREFERENTIAL RATES

On Electricity to REA. Lower rate on wholesale electricity to REA -- justified on basis of ability to pay, advantages to public, and right of other utilities to charge lower rates.

Re: Highland Utilities

Decision No. 20832
Case 4891 - 1943

PRIOR APPLICATION (M)

Given consideration. Where applicants about equal, first application given some consideration in deciding.

Re: Colman

Decision No. 8387
Appls. 3155, 968-AB, 3261 - 1936

PRIVATE CARRIER

Definition

Where, under contract, applicant sold lumber to a company, and agreed to transport it to points of resale, he is carrier for hire, not commercial carrier.

Re: Joe Chavez

Decision No. 22578
Appl. 6635 - 1944

Grounds for

Where proposed operation is directly in competition with common carrier service, a clear showing must be made as to sufficient business existing to justify the additional service.

Re: Henry Schaeffer

Decision No. 25180
Appl. 7107 - 1945

PRIVATE PERMITS (Continued)

Grounds for (Continued)

It must be shown that presently-authorized common carrier cannot give adequate service to shipper before permit will issue.

Re: Renaud

Decision No. 21042
Appl. 5278-PP-BBB - 1943

Granted to Holder of Certificate - Prevention of Commingling

Permit granted on same route only where different commodities carried and different shippers served with separate equipment.

Re: Louis W. Johnson

Decision No. 9403
Cites Case 4955
PUC 1933-E-506
(Re E. B. Faus)

Impairment of Common Carrier

Permit issued to insure farmers of adequate trucks for perishable crops, even if some impairment present.

Re: Sosa

Decision No. 10092
Appl. 3931 - 1937

Issuance to Common Carrier

Allowed with reluctance and under safeguards to keep separate, because shippers without service otherwise.

Re: Anderson

Decision No. 11368
Appl. 4309

New Business

Permit granted over objection where shipper will get own trucks if permit denied, and nobody will get the business.

Re: Callbeck

Decision No. 13768
Appl. 5020 - 1939

Operating as Common

Permit denied, in part for the reason that proposed operations would be common in character.

Re: Fornoff

Decision No. 15258
Appl. 4995 - 1940

Rights and Duties

Colorado cases discussed.

Re: Haines Motor Freight

Decision No. 17737
Appl. 5339 - 1941

PRIVATE CARRIER (Continued)

Special Service

Permit granted where shipper needs and applicant will furnish flexible, individualized, specialized service to excelsior factory and oil well drillers.

Re: Roesner

Decision No. 15333
Appl. 3642 - 1940

Supplement Mail Contract

No public necessity shown; no showing that common carrier would not be impaired; so no permit to aid unremunerative mail contract.

Re: McMichael

Decision No. 12658
Appl. 4843 - 1938

PROBATE OF CERTIFICATE

Certificate may be inherited, but PUC must confirm action of Probate Court.

Re: William Irvine

Decision No. 22323
Appl. 637 - 1944

PROBATE OF ESTATE BEFORE TRANSFER OF PERMIT OF DECEDENT

Required where question raised as to heir and debts.

Re: Cora E. James

Decision No. 17312
Appl. 849 - 1941

PROBATIONARY PERIOD TO SHRIVE VIOLATIONS

Where applicant has disobeyed law, he is not permanently barred from getting certificate, and after long probation, if he is otherwise qualified, certificate can issue.

Re: Richardson

Decision No. 12350
Appl. 4370 - 1938

PROCEDURE BEFORE PUC

Rules of Practice Amended. Rule 1(b), 1(f), 1(g), 1(k), 1 (m),
Rule 2(c), 3(c)
Rule 8 (b), 8(d), etc., amended.

Decision No. 25065
General Order 49 - 1945

PROCESSING MATERIALS

No exemption under Commercial Carrier Act. Ore is "to be sold" even though it is refined.

Re: Vanadium Corporation

Decisions Nos. 18992, 17400
CASE 4846 - 1942=

PROPERTY RIGHT IN CERTIFICATE

Certificate may be inherited, and PUC can confirm Probate Court heirship.

Re: William Irvine

Decision No. 22323
Appl. 637 - 1944

PROTECTING COMMON CARRIER

Farmer's Interests Considered. Private carrier given back-haul to farms, but no authority to serve cities where line-haul common carrier operates.

Re: J. L. Robinson

Decision No. 15091
Appl. 2806 - 1940

Private Permit denied where adequate common carrier service given by carriers complying with law.

Re: Guthridge

Decision No. 10882
Appl. 4074 - 1937

PROTESTANTS TO AIR SERVICE MUST SHOW GROUNDS

Where no protestant shows he is ready to inaugurate and maintain service immediately, and there is a present need, certificate will issue.

Re: Marvin Jackson

Decision No. 22508
Appl. 6424 - 1944

"PUBLIC" - DEFINITION

"Public" does not mean everybody all the time; it means so considerable a portion of people that it becomes public.

Re: San Miguel

Decision No. 21239
Case 4809 - 1943

PUBLIC CONVENIENCE AND NECESSITY

Adequacy of existing carriers

Where existing common carriers have adequate equipment and service, no new certificate granted, even though others are operating illegally.

Re: Eitemiller

Decision No. 13787
Appl. 5002 - 1939

Air Transport

PUC will consider national picture when granting intrastate authority.

Re: Marvin Jackson

Decision No. 22508
Appl. 6424 - 1944

PUBLIC CONVENIENCE AND NECESSITY (Continued)

Colored People

Certificate issued for Denver fringe area to cab company hauling mostly colored people.

Re: Ritz Cab

Decision No. 19110
Appl. 5869 - 1942

Final Test on Certificate

Limited certificate issued where only a few shippers would benefit and present carrier service impaired.

Re: Choate

Decision No. 10706
Appl. 1266 - 1937

Limited Certificate (M) Issued

Protection of certificated carriers must bow to public convenience and necessity.

ReL J. S. Wright

Decision No. 10647
Appl. 4055 - 1937

Must be Shown Affirmatively

Applicant's desires not considered; new certificate is based on public need; and if present carriers can make service adequate, they will be preferred.

Re: Conwill

Decision No. 26350
Appl. 7456 - 1946

Not Satisfied - Certificate Denied

Where adequate service in field, additional authority denied.

Re: C. W. Davis

Decision No. 17483
Appl. 5378 - 1941

Shwing Required

Applicant must show affirmatively that public needs the service, and where parallel service asked for, must show it is inadequate and unsatisfactory and cannot be improved.

Re: Haines Motor Freight

Decision No. 17737
Appl. 5339 - 1941

War Conditions

War amends definition of public convenience and necessity; extension not ordered.

Denver Tramway

PUBLIC CONVENIENCE AND NECESSITY (Continued)

What Constitutes

Fact that public can get along without service does not mean there is not public convenience and necessity. Public demands truck as well as rail transportation.

Re: Frank Miller

Decision No. 11853
Appl. 1261 - 1938

PUBLIC UTILITY

Co-op as

REA is public utility and must get certificate from PUC

Re: San Miguel

Decision No. 20831
Case 4809 - 1943

Municipality as

Denver is utility where operating outside city limits, and subject to jurisdiction of Commission in this proprietary function.

Re: City and County of Denver

Decision No. 9832
Case 1994 - 1937
(Rehearing)

New Customers

See "New Customers"

Decision No. 11508
Case 4672 - 1938

PULLMANS, ABANDONMENT

Where revenue not sufficient, sleeping car service on two trains is allowed abandoned.

Re: D & R G W R R Co.

Decision No. 13307
Case 4705 - 1939

RAILROAD

Discontinuance of Passenger Trains

Lack of revenue. Minor inconvenience to public. Discontinuance of trains allowed.

Re: C R I & P

Decision No. 9320
I & S 217 - 1937

RAILWAY EXPRESS AGENCY

Held public utility. Certificate (limited) issued to REA for pick-up and delivery service.

Re: Railway Express Agency

Decision No. 22128
Appl. 5901 - 1944

RATE CASE

Discrimination

Rates found too high; new figures called for.

Re: Montezuma Power and Light

Decision No. 16604
Case No. 4812 - 1941

Discussion of all factors

Re: Home Gas and Electric

Decision No. 5803
Case 1074 - 1934

Fair Value

Discussion of all factors and a finding of value and rate.

Re: Colorado Utilities

Decision No. 14528
Case 4664 - 1939

On Remand

Commission amends order after appeal from rate case.

Re: Colorado Utilities

Decision No. 19741
Case 4664 - 1942

Water

Discusses, rate base, expense, depreciation, market value, rate of return.

Re: Indian Hills

Decision No. 16983
Appl. 5462 - 1941

RATE ORDER

Collateral attack in Show Cause Order not allowed. Respondent in Show Cause. Proceeding could not show violations by other carriers.

Re: John Shull

Decision 9418
Case 1839 - 1937

RATES

A and B Permit

A must charge same as common carrier; B must charge 120% of common carrier rate, as must call and demand common carrier.

Re: George Marshall

Decision No. 10891
Appl. 4224 - 1937

RATES (Continued)

Change In

Supplemental order approving motor carrier rates.

Re: Motor Assn.

Decision No. 11872
Case 1585 - 1938

Compensatory

Where rate, if reduced, will allow new competition among coal mines, this is not alone a ground for its suspensdion.

Re: D & S L Ry. Co.

Decision No. 8471
Case 1834 - 1936

Electric

Rates too high in past not a basis for too low rates in future.

Re: Glenwood Light Co.

Decision No. 5398
Case 1138 - 1933

Excessive

Interpretation of Tariff. PUC interprets tariff and orders rebate on fire clay haul.

Re: Rio Grande Motor Way, Inc.

Decision No. 25912
Case 4937 - 1946

Express

Increase allowed. Where ICC raised rates, PUC follows on intrastate where the increased revenue is only .68%.

Re: REA

Decision No. 13223
Appl. 4960 - 1939

Gas

When not too low. Coal dealer's complaint that industrial gas rates are too low dismissed. Large users help defray overhead.

Re: City of Colorado Springs

Decision No. 5856
Case 1387 - 1934

Legal

Tariffs on file. No rate is legal and binding, even if in PUC order, until tariff is filed with PUC; carriage with no such tariff is under private contract.

Re: Borden

Decision No. 13746
Appl. 4746 - 1939

RATES (Continued)

Legal (Continued)

Violation by mistake. Private carrier ordered to collect undercharges

Re: Edward Martin

Decision No. 9477
Case 2002 - 1937

Metropolitan Denver

PUC rates, charges, classifications, rules and regulations on freight carried by Motor vehicle shall not apply to an area located in a radius of five miles of Denver.

Re: General Investigation

Decision No. 12387
Case 1585 - 1938

Penalty for Late Payment of Bill

Valid if filed with PUC; electric service.

Re: Montezuma Power and Light

Decision No. 16604
Case 4812 - 1941

PUC Finding

Valuation of property and rate-fixing case.

Re: Glenwood Light Co.

Decision No. 5398
Case 1138 - 1933

Railroad

Equalization - where rates to Telluride from Durango and Grand Junction were not equal, but neither was unjust or unreasonable, Railroad allowed to maintain differential to meet truck competition.

Re: The D & R G W R R Co.

Decision No. 21181
Case 4904 - 1943

Increase to conform to ICC - PUC increases rates to conform to ICC, but excepts sugar beets, limerock, molasses and concentrates.

Re: Class I Railroads

Decision No. 11854
Appl. 4487 - 1938

Exports 148 - Intrastate Rates increased to same extent as ICC allowed in 148.

Decision No. 18528
Appl. 5819 - 1942

Reasonableness

Sphere of Discretion. Where a disparity exists, but neither rate unreasonable, Railroad will be allowed to maintain a differential from Durango and Grand Junction to Telluride.

Re: The D & R G W R R Co.

Decision No. 21181

RATES (Continued)

Return on Improvident Investment

See "Improvident Investment"

Re: Glenwood Light Co.

Decision No. 5398
Case 1138 - 1933

Sightseeing

Increase Denied

Where one carrier protested increased rates, and record as to costs not made, application to increase rates denied.

Re: Pikes Peak Sightseeing

Decision No. 25251
Case 4933 - 1945

Insufficient Rates Not Allowed

Where no evidence presented to justify lower rates, and record shows that the carriers are barely breaking even, no reduction in rates allowed.

Re: Cadillac Sightseeing

Decision No. 6479
Cases 1167, 1170 - 1935

Telephone

For Hand Sets. Stipulation by PUC and Telephone Company regarding charges for hand sets.

Re: Mountain States T & T Co.

Decision No. 11708
Case 4677 - 1938

Undercharges

PUC jurisdiction over previous orders. See "Jurisdiction - Inactive Carriers."

Re: Rupert Borden

Decision No. 16064
Appl. 4746 - 1940

Undercharge and Overcharge

\$150 penalty and requirement that restitution or collection be made.

Re: Resler

Decision No. 12078
Case 4671, 4676 - 1938

Unreasonable

No need to make valuation to determine one rate unreasonable when it is out of line with general rate structure.

Re: Granada vs. Lamar

Decision No. 5352
Case 729 - 1933

RAILROAD STATION

Abandonment - Allowed on lack of revenue

Re: A T & S F Ry. Co.

Decision No. 9097
Appl. 3681 - 1936

REA

Amending Articles

Transfer of property allowed on condition that REA would subject itself to PUC jurisdiction and amend its Articles.

Re: Highland Utilities

Decision No. 21708
Appl. 1271 - 1943

Transfer of utility property authorized on condition REA come under PUC and amend its Articles.

Re; Eagle River Electric Co.

Decision No. 21764
Appl. 2135 - 1943

Applicant for Certificate

Where Power Company in Rangely wants to serve oil fields and adjacent ranches, it gets certificate over REA, which was not created, says PUC, to serve towns or oil fields.

Re: White River REA

Decision No. 26298
Appl. 7571 - 1946

Competing with Municipality as Public Utility

City given certificate in area served by co-op on ground that REA said it was not a utility; PUC says no competition.

Re: Lamar

Decision No. 21392
Appl. 5913 - 1943

Complaint of Town

Withdrawn in view of 36k regarding co-operative electric utilities.

Re: Town of Fountain

Decision No. 24468
Case 4923 - 1945

Jurisdiction of PUC

REA is a public utility, and PUC has jurisdiction.

Re: San Miguel Assn.

Decision No. 20831
Case 4809 - 1943

REA (Continued)

Jurisdiction of PUC (continued)

Transfer of property allowed, although claim made that PUC has no jurisdiction over REA.

Re: Western Colorado Power Co.

Decision No. 18147
Appl. 5640 - 1942

Entitled to Preferential Rates

Wholesale electricity rate to REA may be lower than to private utilities. See "Preferential Rates."

Re: Highland Utilities

Decision No. 20832
Case 4891 - 1943

Purchase of Private Utility

Sale to REA allowed where it serves nonmembers and would agree to be a utility in the area.

Re: Intermountain REA

Decision No. 24809
Appl. 1164 - 1945

REBATE OF OVERCHARGE

See "Rates, Excessive"

Decision No. 25912
Case 4937 - 1946

REHEARING

Change of Conditions

Granted on application for certificate, to take new evidence of public convenience and necessity.

Re: Louis A. Ammerman

Decision No. 9435
Appl. 3167 - 1937

Cumulative Evidence

Former decision denying permit not reversed, where evidence at rehearing was merely cumulative of prior evidence.

Re: Fornoff

Decision No. 15258
Appl. 4995 - 1940

Extension of Territory

Where authorized common carriers can perform service, previous violators not given permit extension.

Re: Hill

Decision No. 12903
Appls. 1979, 4617 - 1938

REHEARING (Continued)

Granted

Where decision based in part on alleged illegal operations after hearing, rehearing granted.

Re: Gerwick

Decision No. 12089
Appl. 4193 - 1938

Grounds

Where applicant's witnesses not present and he has additional evidence for private permit, rehearing granted.

Re: G S Leischuck

Decision No. 16514
Appl. 5326 - 1941

Will not be Granted by Indirection

When new application filed a few days after rehearing denied, on same facts, PUC denies it and will not, in effect, grant the rehearing by indirection.

Re: Harpster

Decision No. 11309
Appl. 1489 - 1938

REINSTATEMENT

Certificate

Where cancelled due to error in PUC records. PUC reinstated certificate where cancelled due to error in PUC records.

Re: Richards

Decision No. 12079
Appl. 1060 - 1938

Permit

Denied as to part previously cancelled. Reinstatement handled same as original application, and denied. Transfer of part approved.

Re: Davis

Decision NO. 8199
Appl. 2847-PP - 1936

Jurisdiction of PUC - PUC can alter or amend orders; where permit cancelled, and no new facts shown, petition to reinstate denied, whether considered original application or for an amendment of order.

Re: Trone

Decision No. 11623
Case 1996 - 1938

REMAND OF RATE CASE

PUC amends rate base, return and allowances on remand from district Court

Re: Colorado Utilities Corporation

Decision NO. 19741
Case 4664 - 1942

REPARATION

How Calculated

No need to show actual damages to get reparation; if rate is unreasonable or discriminatory, reparation awarded.

Re: Granada vs. Lamar

Decision NO. 5352
Case 729 - 1933

Proof of Damage

Where discrimination is basis for complaint, shipper must show the amount of damage, since the discrimination may be cured by lowering one rate or raising another.

Re: Perry Petroleum - UP

Decision No. 15401
Case 4764 - 1940

REPRODUCTION COST

Method of Valuation. Discussion of U S Supreme Court Cases. Method not exclusive.

Re: Glenwood Light Co.

Decision No. 5398
Case 1138 - 1938

RESCINDING ORDERS

PUC Jurisdiction. PUC can alter, amend, or rescind orders at any time, on notice. But where such a motion is in effect one for another rehearing, it will be denied.

Re: Gately

Decision No. 12235
Appl. 3977 - 1938

RESIDENT CARRIER

Local Service. Each community should have a resident common carrier.

Re: Nelson

Decision No. 19516
Appl. 5924 - 1942

RESJUDICATA

Not applicable to PUC

But where facts the same, previous decision on similar application followed.

Re: Haines Motor Freight

Decision No. 17737
Appl. 5339 - 1941

Orders of PUC

Previous opinions not res judicata in legal sense.

Re: Harpster

DecisionNo. 11309
Appl. 1489 - 1938

RESTRICTION OF PERMIT

On ground of abandonment. Commission restricts permit where long nonuse shows abandonment.

Re: C. W. Wilson

Decision No. 18810
Case 4868 - 1942

RETAIL STORE DELIVERIES

Permit granted. Montgomery Ward deliveries and pick-ups authorized to be handled by one carrier in 50-mile radius of Greeley, although some slight impairment of line-haul.

Re: Hughes

Decision No. 14407
Appl. 3225 - 1939

REVOCATION

Certificate

Violation of Rules

Carrying unauthorized freight, undercharging, etc., certificate split by PUC, and respondent's interest cancelled.

Re: Oberwortman

Decision No. 11926
Case 4682 - 1938

See Decision No. 11926

Decision No. 11654
Case 4682 - 1938

Re: Oberwortman

Permit

Violation of Rules

Rates below common carriers. Hauling unauthorized freight, permit revoked.

Re: E. E. Montgomery

Decision No. 9493
Case 2000 - 1937

For many and varied violations, private permit cancelled; common certificate not affected.

Re: Ammerman

Decision No. 13759
Cases 4723, 4729 - 1939

Advertising; Customer Lists (showed carriers as customers, too). Interchange. Commingling common and private business. Revoked or \$200 penalty in lieu. (Rearing 9673).

Re: McKay Truck Lines

Decision No. 9478
Cases 1622, 1626, - 1937

REVOCATION (Continued)

Permit (Continued)

Violation of Rules (Continued)

Permit revoked (or \$300 fine in lieu) where deliberate undercharges made to "get business."

Re: John Shull

Decision No. 9418 -
Case 1839 - 1937

ROUTES

Extension or change. Order construed as limiting applicant to West Colfax, although West 6th Avenue sometimes used.

Re: Harold Swena

Decision No. 16857
Appl. 2138 - 1941

RULES

Charter Coaches

Promulgated.

Re: Interstate Transit (Rehearing,
Decision 10087)

Decision No. 9967
Appls. 1717, 1515, 1621, 1649,
et al - 1937

Binding on PUC

Commission quotes from U.S. Supreme Court to effect that administrative regulations may be withdrawn and are not binding.

Re: Van Hoesen

Decision No. 12344
Appl. 2221 - 1938

Electric Utilities, Extension of Service

Rule 42-A Revised

Decision No. 9949
Case 501 - 1937

Explosives

Load limit raised by amending Rule 9-b.

Decision NO. 11930
General Order #43 - 1938

Leasing of equipment

By Supplemental Rule 47, carriers prohibited from leasing equipment to lessees other than duly-authorized carriers for hire.

Decision NO. 11498
General Order #39 - 1938

SALE OF CERTIFICATE

Price too High

PUC will not hold price too high where new business is coming up; will not use price in rate base, if sightseeing rates involved, however.

Re: Barcroft

Decision No. 26283
Appl. 7389 - 1946

To REA

Generally speaking, a certificate-owner should be allowed to sell, unless it would be detrimental to the public to do so, and where REA would agree to be utility in area, sale approved.

Re: Intermountain REA

Decision No. 24809
Appl. 1164 - 1945

By Water Utility

Sale of water rights allowed where adequate supply.

Re: Pure Spring Water Co.

Decision No. 17331
Appl. 5572 - 1941

SCOOTER SERVICE

See "Delivery Service"

Re: Hellesen

Decision No. 26354
Appl. 7525 - 1946

SEASONAL OPERATION

Common carrier. Applicant granted authority to transport guests to his hotel to station in Denver during hotel season.

Re: L. Mason

Decision No. 10928
Appl. 4240 - 1937

SERVICE OF COMPLAINTS

Validity. Complaints must be served by registered mail.

Re: General Investigation

Decision No. 10449
Case 1585 - 1937

SERVICE AREA

Certificated territory. Established utilities must serve all customers in the area, and may file limitation or extension petitions if it has not sufficient water rights.

Re: Brookside

Decision No. 13991
Case 4752 - 1939

SERVICE, FREIGHT

Abandonment of Regular Train for "On Call."

See "Abandonment."

Re: U P R R Co.

Decision No. 21031
I & S 250, Appl. 6330 - 1943

SERVICE OF NOTICE OF APPLICATION FOR PERMIT

See "Notice of Hearing"

Re: Gately

Decision No. 10994
Appl. 3977 - 1937

SIGHTSEEING CERTIFICATES

Competition in Horse-Drawn

PUC allows two operations to be conducted at Pikes Peak during war only, to give plenty of opportunity to visitors.

Re: Starks Stages

Decision No. 22347
Appl. 6604 - 1944

General Rules

See "Rules" revised

Re: Pikes Peak Livery

Decision No. 16701
Case 4762 - 1941

Impairment of Common Carrier

Operator giving regular, year-round service is protected from too much competition in summer tourist business.

Re: Rocky Mountain Motor; Fallico

Decision No. 15200
Case 4744
Appl. 552 - 1940

Irregular Service

Former order modified so that only irregular nonscheduled service can be rendered. Discussion of Colorado Springs to Estes Park tours.

Re: Snell

Decision No. 13754
Appl. 736-B - 1939

Jurisdiction of PUC

Commission can limit number of cars, but will not do so to only one' carrier without general investigation.

Re: C. W. Davis

Decision No. 18577
Case 4867 - 1942

SIGHTSEEING CERTIFICATES (Continued)

Jurisdiction of PUC (Continued)

Jurisdiction over number of vehicles. PUC has jurisdiction to set number of vehicles for each operator.

Re: All sightseers

Decision No. 16174
Appl. 753 - 1940

Pikes Peak

History of PUC activity in Colorado Springs sightseeing is reviewed.

Re: Conwill

Decision No. 26350
Appl. 7456 - 1946

Where there is adequate service, PUC will not grant additional automobiles to a carrier for his own convenience.

Re: Olsen

Decision No. 12418
Appl. 837 - 1938

Practices

Discussion of "Pikes Peak Auto Livery" practices. Some condemned, some excused.

Re: Frank Snell

Decision No. 13751
CASE 4722 - 1939

PUC to encourage

Commission should encourage tourist business, and although some impairment of other carriers, certificate granted for two-day tour to Estes Park from Colorado Springs.

Re: Snell

Decision No. 13287
Appl. 736 - 1939

Rates

Lowered rates disallowed to meet cog line competition where evidence insufficient.

Re: Cadillac

Decision No. 6479
Cases 1167, 1170 - 1935

SIGNALS AT GRADE CROSSINGS

See "Grade Crossing Signals"

Re: Adams County

Decision No. 10932
Appl. 3002 - 1937

SOLD OR TO BE SOLD

See Definition of Commercial Carrier

Decision No. 17400, 18992
Case 4846 - 1942

SPECIAL SERVICE BY CONTRACT CARRIER

Special service to larger shipper is main reason for private carrier.

Re: Vendegna

Decision No. 19413
Appl. 5885-PP - 1942

SPECIAL SERVICE AS GROUND FOR PERMIT

See "Private Carriers"

Re: Roesner

Decision No. 15335
Appl. 3642 - 1940

SPLIT CERTIFICATES

Call and Demand Line Haul. PUC will allow transfer of line-haul separately from call and demand.

Re: Buckingham

Decision No. 21607
Appl. 844-AAAA, et al - 1943

PUC allows certificate to be divided, and the two parts leased and sold to two other carriers.

Re: Thompson

Decision No. 11831
Appl. 1156 - 1938

Joint Owners. See "Joint Owners"

Re: Oberwortman

Decision No. 12063
Case 4682 - 1938

For Lease. PUC refused to allow lease of part of certificate.

Re: Sorenson

Decision No. 25800
Appl. 1404 - 1946

SPLIT PERMITS

Allowed

Coal permit split from rest of permit and transfer authorized.

Re: Hintz

Decision No. 13101
Appl. 3716 - 1939

SPLIT PERMITS (Continued)

Transfer of Portion of Permit

PUC will not allow transfer of portion of permit.

Re: Clayton Hill

Decision No. 19296
Appl. 2950-PP-B-AA - 1942

SPUR TRACK

At Grade. Spur Track allowed over Highway Department objection.

Re: Colorado Potato Growers

Decision No. 25746
Appl. 6696 - 1946

STATE-WIDE AUTHORITY - "B" PERMIT

Authority limited on transfer to oil products previously hauled.

Re: C. W. Kelly

Decision No. 15849
Appl. 5324 - 1940

STIPULATIONS BETWEEN CARRIERS

PUC not bound. PUC welcomes agreements and stipulations between carriers, but will not be bound by them. Carriers cannot define their own authority.

Re: Schlangen

Decision No. 26002
Appl. 7274 - 1946

SUBSIDIARY COMPANY

PUC disregards corporate entity when subsidiary attempts to do something parent could not legally do (i.e. charge lower rates).

Re: Weicker

Decision No. 5170
Case 1083 - 1933

SUBSTITUTED SERVICE

Clarification

Previous authority clarified to apply to all points along railroad right-of-way.

Re: Rio Grande Southern

Decision No. 13788
Appl. 3958 - 1939

Motor for Rail

Granted as to Durango where no competitive truck; public necessity overcomes saving to railroad.

Re: Rio Grande Southern

Decision No. 15876
Appl. 3958 - 1940

SUBSTITUTED SERVICE (Continued)

Motor for Rail (Continued)

Good discussion of whole question. Where certain freight can be hauled by truck saving a loss to rail operation, it will help keep road in operation to allow substituted service.

Re: The D & R G W R R Co.

Decision No. 17841
Appl. 3958 - 1941

Truck for Rail

Authorities discussed. Such auxiliary service is not in reality competition with truck; and is allowed.

Re: Rio Grande Motor Way, Inc.

Decision No. 19009
Appl. 5898 - 1942

Where wash-outs of track and better service to shippers required it, certificate for truck freight authorized as substitute service.

Re: Rio Grande Southern Railroad Co.

Decision No. 10248
Appl. 3958 - 1937

SUSPENDING BOND

Court Appeal. Approved where sufficient.

Re: McKay

Decision No. 9856
Cases 1622, 1626 - 1937

SUSPENSION OF PERMIT

Exceeding authority

30-day suspension for carrying unauthorized back-haul and at lower rates.

Re: J. B. Tague

Decision No. 9603
Case 2007 - 1937

Violation of Rules

Ignorance no excuse when rules and rates are available. Permit suspended for thirty days; other permits cancelled.

Re: Carlisle

Decision No. 11891
Case 4680 - 1938

"A" Permit suspended or \$5 fine in lieu thereof (carrying milk and livestock in same truck.)

Re: George Wood

Decision No. 9146
Appl. 1619 - 1936

SUSPENSION OF PERMIT (Continued)

Voluntary

Permits already suspended 18 months not suspended for six more months as per request, but only 60 days.

Re: Leubert

Decision No. 13112
Permits Nos. A-687 , A-452,
B-1688 - 1939

SWITCHING CHARGES

Discriminatory

"Adams City" switching rates found to be discriminatory and inequality ordered removed.

Re: Perry Petroleum vs. UP R R Co.

Decision No. 15401
Case 4764 - 1940

SWITCH SIGNALS

Change in Type

Relfectors authorized.

Re: Missouri Pacific

Decision No. 21730
Appl. 6530 - 1943

TARIFF

Interpretation of

PUC interprets tariff and orders rebate

Re: Rio Grande Motor Way, Inc.

Decision No. 25912
Case 4937 - 1946

Must be Filed

Where PUC suspends rates, utility must file some new ones pending hearing; if none filed, it must serve anyway, even though it cannot collect anything.

Re: Millner - North Federal Water Co.

Decision No. 25323
Appl. 7000 - 1945

To Establish Legal Rate

If no tariff on file, rates set by PUC order are not legal rates for carrier, and private contract governs.

Re: Borden

Decision No. 13746
Appl. 4746 - 1939

TAXES, HIGHWAY COMPENSATION

Distrainment for

Where respondent incorrectly reported haulings, and PUC used same ratio to set tax due for period preceding, respondent failing to produce records, distraint held valid.

Re: Los Angeles-Albuquerque Express

Decision No. 11409
Case 4673 - 1938

On Leased Equipment

Lessee must pay taxes on goods hauled in leased trucks.

Re: Riss and Co.

Decision No. 5401
Case 1178 - 1933

TAXICAB CERTIFICATES

Competing Applicants

Two certificates issued for Sterling and fringe where both applicants in business for long period.

Re: Mahaffey; John Bell

Decision No. 9845
Appls. 3841, 3842 - 1937

Delta

Where service needed, and no objection, certificate issues.

Re: Schlangen

Decision No. 26002
Appl. 7274 - 1946

Duplicating Authority

Authority denied for second tax company in La Junta, where no clear showing that present service inadequate or that new service is needed.

Re: Delbert Carter

Decision No. 17389
Appl. 5566 - 1941

Fringe Territory

See "Fringe Territory."

Re: Public Cab Co., etc.

Decision No. 11810
Appl. 4424 - 1938

Home-Rule Cities

Commission has jurisdiction over trips from home-rule cities to points outside; that is not local matter.

Re: Public Cab

Decision No. 13073
Appls. 4424, 4427 - 1939

TAXICAB CERTIFICATES (Continued)

Impair Previous Operator - Denied

Where applicant charged rates too low to make profit and would impair present service, no certificate.

Re: Cantrell

Decision No. 11929
Appl. 4547 - 1938

Issuance of

Denied where existing facilities now shown inadequate.

Re: Sam Strange

Decision No. 9709
Appl. 3777 - 1937

Luxury Service

Since taxi service is luxury, certificate denied where bus service is in Longmont on trial, and one taxi service already exists.

Re: Rehder

Decision No. 26102
Appl. 7369 - 1946

Violations

Previous violations as ground for denial. Certificate denied for Denver fringe area because of violations and applicant's lack of control.

Re: Green & Whit Cab, Public Cab, Bill's
Cab, Dollar Cab

Decision No. 9707
Appls. 3156, 3157, 3158, 3159 -
1937

TERRITORIAL VIOLATIONS

Clarification Requests. Show Cause defendant not penalized for following custom.

Re: McKay Truck Line

Decision No. 9478
Rehearing 9673, 10474 - 1937

THROUGH RATES

Over operations owned by same operator. PUC will not allow through rate unless certificate granted for through service.

Re: Woods Truck Line

Decision No. 18157
Appl. 1436 - 1942

TICKET CREDIT

Between sightseeing operators. Transfer of certificate delayed until transferor strikes a balance with all operators who have his tickets, and receives payment for tickets held by him.

Re: Fallico

Decision No. 15332
Case 4744
Appl. 552 - 1940

TITLE TO FREIGHT

Carrier holding title. Operation of carrier as owner of milk held attempted evasion of regulation and "C" permit revoked.

Re: Brady and France

Decision No. 10768
Case 4652 - 1937

"TO BE SOLD"

See Definition of Commercial Carrier

Decision No. 17400
Decision 18992 - 1942

TOMBSTONES

Permit to haul. Special handling requires that installer also carry the tombstone to cemetery, and application granted; but denied as to back-haul of other materials.

Re: Bochman

Decision No. 11745
Appl. 4494 - 1938

TRANSFER

Authority Restricted

On transfer, authority restricted to one car, where rest of cars not used for years.

Re: C. W. Davis

Decision No. 17479
Case 4867 - 1941

Certificate

Abandonment

Transfer denied where no operations conducted for a year, and besides, transfer would combine private operation.

Re: Byron Bunker

Decision No. 18112
Appl. 1889 - 1942

Commingling Private and Common Operations

Transfer denied where applicant did not show separation of operation.

Re: Pollock

Decision No. 10055
Appl. 1875-A - 1937

Corporate Consolidation

Certificate transferred without hearing.

Re: Colorado Gas and Utilities Co.

Decision No. 9456
Appls. 1726, et al - 1937

TRANSFER (Continued)

Denied, Where "Non-Assignable" Clause in Original Certificate

Commission assumes insertion of "non-transferrable clause" was proper at time, and does not remove it in absence of showing.

Re: S. L. Rodgers

Decision No. 15858
Appl. 2061 - 1940

Disputed Ownership

PUC will leave disputes as to ownership and breach of contract for the Courts to decide. On transfers, applications need not be technically correct.

Re: Beach

Decision No. 12358
Appl. 962 - 1938

Grounds of Denial

1. Transferee not in existence.
2. No contract of transfer.
3. Transferor violated COD rules.
4. Transferor violated insurance rules.
5. Certificate already cancelled.
6. Transferee has no assets.

Re: Ramstetter

Decision No. 10785
Appl. 2188 - 1937

Grounds of Objections

Transfer can be denied only on ground that transferee is not a fit-person.

Re: Rocky Mtn. Motor; Fallico

Decision No. 15200
Case 4744
Appl. 552 - 1947

Portion of Certificate

PUC will consider line-haul and call and demand authorities as severable and will allow transfer of one without the other.

Re: Buckingham

Decision No. 21607
Appls. 844-AAAA, et al - 1943

Where freight operation sought to be transferred, with transferor keeping passenger operation, PUC must make finding that transferring a portion of certificate is in public interest. It did so here.

Re: Drumright

Decision No. 12498
Appl. 3872 - 1938

TRANSFER (Continued)

Certificate (Continued)

Probate Court

PUC must confirm Probate Court action in adjudging heirship and transfer of certificate.

Re: William Irvine

Decision No. 22323
Appl. 637 - 1944

Question of Abandonment

Transfer allowed where no intention of abandonment, and certificate wrongfully cancelled by PUC but reinstated, and insurance kept up.

Re: Pikes Peak Warehousing Co.

Decision No. 11037
Appl. 1299 - 1937

Requirements

No statute requires special findings by Commission on a transfer. Its rules are its own. Rehearing denied.

Re: Argonaut Garage

Decision No. 13144
Appls. 555, 577 - 1939

Revoked Certificate

Where certificate stands revoked in PUC records, no transfer will be authorized.

Re: Jones

Decision No. 12375
Appl. 3615 - 1938

Where not in Public Interest

Where transferee (and transferor) operated as common carrier and private carrier in same truck, when going in and out of Denver, transfer denied.

Re: Dime Delivery

Decision No. 18840
Appl. 3861 - 1942

Gas System

Complete gas transfer system approved.

Re: Citizens Utilities

Decision No. 14835
Appl. 5290 - 1940

TRANSFER (Continued)

Permit

Authorized

Statement that private carrier operation will have to be conducted;
not service to public generally.

Re: J. E. Clayburg

Decision No. 15753
Appl. 5003 - 1940

Conditions

Allowed if fine paid and purchase price distributed to creditors.

Re: John Shull

Decision No. 9688
Appl. 3774-PP-A - 1937

Conditioned on:

Curtailment of Products Hauled

Where nothing but oil products hauled for years, Commission would
not allow new transferee to extend the business into new area as
to new products.

Re: C. W. Kelly

Decision No. 15849
Appl. 5324 - 1940

Payment of Debt

Transfer authorized if all debts paid.

Re: Van Dossen

Decision No. 12344
Appl. 2221 - 1938

Heirs of Owner

Where no debts and no doubt as to heir. Commission allows transfer,
but where objection, probate must be had.

Re: Cora E. James

Decision No. 17312
Appl. 849 - 1941

Not Abandoned

Where authority not used, but PUC did not have any limit on instituting
service, transfer allowed and no abandonment found.

Re: Everitt

Decision No. 13408
Appl. 4435 - 1939

Subterfuge

Where "Transfer" subject to cancellation, it is a subterfuge to allow
transferee to have local headquarters and is denied.

Re: Blue Eagle Truck Lines

Decision No. 17368
Appl. 4654 - 1941

TRANSFER (Continued)

Permit (Continued)

Persons Entitled to Notice

PUC notifies parties concerned in order to get information, including competitors, but such notice not necessary to authorize transfer.

Re: Jack Perry

Decision No. 11624
Case 4674 - 1938

Portion of Permit

Allowed here. See "Splitting Permit"

Re: Hintz

Decision No. 13101
Appl. 3716 - 1939

PUC will not allow transfer of portion of permit.

Re: Clayton Hill

Decision No. 19296
Appl. 2950-PP-BA-A - 1942

Requirements

No notice to competitors required. Rule 7C and 7D do not require transferee to limit operations; if transferor had not abandoned part of permit.

Re: Miller

Decision No. 12052
Appl. 4530 - 1938

Restriction on Authority

Authority held not abandoned by nonuser.

Re: Loyal Morgan

Decision No. 24546
Appl. 6723 - 1945

To:

Certificate Holder

Denied where operations would conflict.

Re: O. O. Jenkins, Jr.

Decision No. 9454
Appl. 3462-PP-A - 1937

Permit Holder

Individual can also be partner in another permit operation; transfer authorized.

Re: De La Salle

Decision No. 9496
Appl. 3350-PP-AA - 1937

TRANSFER (Continued)

Permit (Continued)

Through Service

There cannot be through service from and to every point in the state; transfers not too burdensome must be made to protect the basic carriage.

Re: Amarillo-Denver Bus Co.

Decision No. 17203
Appl. 5517 - 1941

Without Authority

Operations of transferee and payment of moneys before order of PUC held not ground for rehearing on cancellation of permit for withholding COD money. See also Appl. 9984'

Re: John Shull

Decision No. 10342
Case 2006 - 1937

TRAVEL BUREAUS

Selling Tickets for Common Carriers. Rule 46 adopted prohibiting travel bureau from selling tickets for or advertising common carriers.

Re: General Order No. 39.

Decision No. 10513 - 1937

TRUSTEE, FOR CREDITORS ON TRANSFER

Commission attorney named trustee to distribute purchase price among creditors.

Re: Resler

Decision No. 21425
Appls. 5257-A, 2356-I-A - 1943

TWO CERTIFICATES

Over same route. Will not be granted unless clear showing that existing service is inadequate or that business is sufficient to justify two operations.

Re: Martin

Decision No. 11665
Appl. 3779 - 1938

UNAUTHORIZED INTERCHANGE

Private with Common. Ordered to desist after 1936 Rules.

Re: McKay Truck Line

Decision No. 9478
Cites 8386 - Rehearing 9673

UNAUTHORIZED OPERATIONS AS GROUND FOR DENIAL OF PERMIT

Where applicant carried on operation without permit, it is denied where present common carriers are adequate.

Re: Egan

Decision No. 13250
Appl. 4950 - 1939

UNAUTHORIZED SERVICE

Ground for Certificates

Building up public demand by unlawful service is not proper basis on which to predicate certificate.

Re: Gowan

Decision No. 11389
Appl. 3688 - 1938

Territory not within Permit

\$25 fine for serving unauthorized territory.

Re: Edward Martin

Decision No. 9477
Case 2002 - 1937

UNDERCHARGES

PUC jurisdiction. PUC can clarify and interpret its rate orders, but where carrier ceased operations, PUC has no jurisdiction over its contracts or actions.

Re: Rupert Borden

Decision No. 16064
Appl. 4746 - 1940

UNIFORM SYSTEM OF ACCOUNTS

PUC orders that NARUC classification and system of accounts to be adopted by electric and gas utilities by January 1, 1939.

Decision No. 12481
Case 4693 - 1938

UNLAWFUL HAUL - Good Faith

Where mistake in ticket, and carrier hauled passenger without collecting additional fare, good faith in an honest mistake cancels any penalty for "free service."

Re: Rocky Mountain Motorway, Inc.

Decision No. 16195
Case 4816 - 1940

UNSATISFACTORY SERVICE

Ground for additional permit. Where service unsatisfactory and no evidence it can be improved, duplicating permit granted.

Re: Rein

Decision No. 11263
Appl. 1560 - 1938

VALUATION OF PROPERTY

Future value - Future expenses

Must be estimated in rate case.

Re: Glenwood Light Co.

Decision No. 5398
Case 1138 - 1938

VALUATION OF PROPERTY (Continued)

Methods

Rate case - reproduction new, carry forward earlier Commission valuation.

Re: Glenwood Light Co.

Decision No. 5398
Case 1138 - 1933

To determine unreasonable rates

See "Rates, Unreasonable."

Re: Granada vs. Lamar

Decision No. 5352
Case 729 - 1933

VANADIUM

See "Ores."

VEHICLE DEFINITION

Includes Horse-Drawn. Horse-Drawn sightseeing service subject to PUC jurisdiction.

Re: Pikes Peak Stage Coach Co.

Decision No. 22278
Appl. 6602 - 1944

VIOLATION OF LAW

Effect on Applicant's Fitness

PUC follows ICC rule that a violation of law does not necessarily mean applicant is not fit and proper, especially where he has paid a penalty for the breach.

Re: L E Reinhardt

Decision No. 19168
Appl. 5921 - 1942

Ground for Denying Certificate

(Unauthorized service). Application for motor certificate denied, even though necessity exists where applicant knowingly violated his previous certificate.

Re: Harpster

Decision No. 10643
Appl. 1489 - 1937

Where private carrier had 1,000 customers, served all who applied, and was really common carrier, certificate denied.

Re: Haines Motor Freight

Decision No. 17737
Appl. 5339 - 1941

VIOLATION OF LAW (Continued)

Ground for Denying Permit

Permits ("B") Denied where applicants hauled without authority before applying to PUC.

Re: Keck, Milligan, Leonard

Decision No. 9907
Appls. 3814, 3817, 3821,
Cited Decision No. 9707

Applicant's unauthorized operations before securing permit held ground for refusing permit.

Re: Kitly

Decision No. 10356
Appl. 3981-PP

Will not Always Prevent Granting of Certificate

Where additional service needed, and applicant is good operator, certificate issues, after a waiting period, to applicant who had exceeded authority.

Re: Forest Green

Decision No. 25282
Appl. 6900 - 1945

VIOLATIONS OF PERMIT

Reason for Denial of Extension. Where applicant repeatedly violated permit, extension denied because he is not fit and proper person.

Re: Monroe

Decision No. 12926
Appl. 4828 - 1939

VIOLATION OF RATES EXCUSED

Where a "C" holder was hauling stock and common carrier met his price to get business, he is warned, especially after the unauthorized competitor was fined.

Re: Midelson Bros.

Decision No. 13157
Case 4734 - 1939

VIOLATION OF RULES

\$150. fine where overcharges, undercharges, combining operations, unauthorized customers, and territory, etc.

Re: Resler

Decision No. 12078
Case 4671 - 1938

Advertising by Private Carrier - good faith. Cards construed liberally were in violation of rules, but carrier in good faith.

Re: McKay Truck Lines

Decision No. 9478
Rehearing 9673 - 1937

VIOLATION OF RULES (Continued)

Customer Lists of Private Carrier. Defense that Employees did not follow instructions. Defense not valid as to receiving goods from customers not on list.

Re: McKay Truck Lines

Decision No. 9478
Cites 8216 - Rehearing 9673 - 1937

Ground for Suspending and Cancelling Permit

See "Suspension of Permit"

Re: Carlisle

Decision No. 11891
Case 4680 - 1938

Ground for Revocation. Where carrier violated rules and "thought he could get by with it," permit revoked.

Re: Cowen

Decision No. 11746
Case 4688 - 1937

Interchange of freight by motor carrier - "A" permit. Respondent admonished to comply with rules, but no fine since violations not willful.

Re: L V Shutt

Decision No. 9843
Case 1997 - 1937

VOLTAGE VARIATIONS

Corrected by meter. PUC standards satisfied.

Re: Montezuma Power and Light

Decision No. 16604
Appl. 4812 - 1941

WAR, EFFECT OF

On Private Carrier. Where mine needed full private service to operate full time, permit granted, although contrary result reached if no war -- common carrier inadequate during war.

Re: Mildred Watson

Decision No. 24115
Appl 4186 - 1945

WAR CONDITIONS

Over-riding normal needs. War amends definition and meaning of public convenience and necessity; new service not ordered.

Re: Denver Tramway

Decision No. 20138
Case 4901 - 1942

WAR EFFORT

PUC policy. Any application for transportation service which War Department representatives can reasonably justify as necessary or helpful in the prosecution of war should be granted.

Re: W. C. Hopkins

Decision No. 22430
Appl., 6540 - 1944

WARNING TO PERMIT HOLDER AS TO EXCEEDING AUTHORITY

Where territorial violations not willful, respondent warned.

Re: Hardenburgh

Decision No. 20644
Case 4880 - 1943

WATER RATES

Discontinuance of Service

Denver cannot discriminate against water users outside city; mere loss will not constitute ground for cutting them off.

Re: City and County of Denver

Decision No. 9832
Case 1994 - 1937

Discrimination between Customers

Unexplained discrimination against applicant by City of Golden (not allowing applicant to install inside taps) ordered ended.

Re: Sacine

Decision No. 10102
Case 2012 - 1937

Ground for Continuance

See "Continuance"

Re: Hardrick

Decision No. 22446
Appl. 6535 - 1944

Municipalities

Outside rate should include some taxes; meters may or may not be fair outside and not inside. No evidence here of unfair discrimination.

Re: Pueblo

Decision No. 6459
CASE 1384 - 1935

Rehabilitation

PUC orders system rebuilt under a trustee to collect water rents. No irrigation water unless surplus over domestic use.

Re: Idledale Water Works

Decision No. 5647
I & S 205 - 1934

Decision No. 26350

Application No. 7456

August 12, 1946

Harold Conwill and Ed Shouse, dba "The El Ute Tours", Manitou Springs, Colorado.

Full discussion of sightseeing operations in Colorado Springs.
Application denied because of adequacy of service of those serving, inasmuch as they are not presently using all equipment authorized to be used.

* * *

Decision No. 26354

Application No. 7525

August 12, 1946

Don A. Helleson and Howard Thompson, dba "The Helleson-Thompson Motor Co.", Greeley, Colorado.

Limited authority granted for small package delivery service. Duplication of adequate common carrier service, or granting of additional certificate where common carrier service is adequate or carrier willing to make it adequate, is unwarranted, because competition tends to waste, duplication of investment and duplication of service and expenses, and is not necessary in public utilities in order to secure reasonable rates and adequate service, if the regulatory body fulfills its obligation to the public.

* * *

Decision No. 26369

Application No. 7375

August 15, 1946

William Barrows and Pete Langoni, doing business as "City Taxicab Co.", Trinidad, Colorado.

Application denied. Competition not required for control of rates. Regulation is substituted for competition in the utility field.

* * *

Decision No. 26391

Application Nos. 7506, 7572

August 17, 1946

John J., Don T., Anthony Tissone, and Willard Bullard, dba "Pioneer Trucking Co.," Boulder, Colorado.

Roy E. Sans and Frank Bristol, dba "Sans and Bristol."

Two carriers seeking similar authority. Authority granted carrier already serving, on the theory that non-duplication of service will help prevent increased rates for transportation of milk.

* * *

Decision No. 26724

Application No. 7761-PP

September 23, 1946

Merl W. Fornoff, Denver, Colorado.

Application denied. Commission cannot grant applications upon desire of applicant to go into trucking business. Some definite need for his service must be shown, and proposed service should not be such as would impair the efficiency of authorized motor vehicle service.

Decision No. 27519

Application No. 7843-PP

February 10, 1947

Harry Williams, Brighton, Colorado.

Petition for rehearing denied, on ground that common carriers appearing in opposition thought it sufficient to show in opposition that they are equipped to handle all business and new operating rights will diminish revenue. Question to be determined is "Will existing motor vehicle common carrier operation be so affected that it will not be able to continue efficient service to the public?" Protestant should be required to assume burden of evidence on that point. Establishment of case, as a whole, of course, rests on applicant.

* * *

Decision No. 27575

Application No. 8028

February 15, 1947

Marion A. Strohmeyer, Sterling, Colorado -- Transfer of PUC 1471 to Keith Bauer, Sterling, Colorado.

Portion of operating rights sought to be transferred. Transfer denied, on ground transferor would, in effect, be granting a certificate of public convenience and necessity to transferee, which function is delegated to the Commission by the Legislature.

* * *

Decision No. 27655

Case No. 4934

February 24, 1947

School District #47 - Jefferson County, Colorado, v. Lakewood Sanitation District.

Complaint on special assessment from tax-free agencies. Complaint sustained, and Sanitation District required and Directed to cease and desist from charging tax-free agencies a connection fee.

* * *

Decision No. 27747

Application No. 7998

March 15, 1947

Colorado Aviation Co., Inc.

Certificate for air transportation granted. Purpose of air travel is expedited service available to the public. General discussion of aeronautical situation.

* * *

Decision No. 28089

Application No. 7935

April 16, 1947

A. C. Martella and Charles L. McCain, Denver, Colorado.

Certificate granted for personalized delivery service. Interests of the public are of paramount importance, and interests of applicant and other certificate-holders are secondary and subordinate. Limited

Decision No. 28089 (Continued)

and regulated competition may, under certain circumstances, not only be an aid to the regulatory powers, but be necessary in the public interest. It may be more effective than a regulated monopoly. Reasonable competition is clearly in the public interest.

* * *

Decision No. 28094

Application No. 7791

April 21, 1947

Comet Motor Express Co., Inc., Idaho Springs, Colorado

Application denied. Objection to two-line interchange service. To allow any purely interstate carrier operating over a particular route through a territory where interstate traffic is not too heavy and to obtain intrastate rights upon this contention is fallacious reasoning. This policy, if adopted and followed constantly, would allow the I.C.C. to determine who would be entitled to intrastate rights -- a function which should be exercised by this Commission. "Necessity" defined. For grant of authority there should be convincing evidence that presently-authorized carriers are unable or unwilling to meet any reasonable demands that may be upon them.

* * *

Decision No. 28095

Application Nos. 8117, 8258

April 18, 1947

W. A. McCall, to Albert E. Payne and Karl R. Neal, Lamar, Colorado
Earl Brotton, Lamar, Colorado

Transfer authorized. New authority sought by Brotton denied. Necessity does not exist unless the inconvenience would be so great as to amount to unreasonable burden on the community. Making necessary allowances for human frailties and mechanical limitations, it would seem there are no real deficiencies in the present service. Two taxi stands furnishing 24-hour service, meeting over-head, with revenue produced from a one-carrier operation would mean poor service, and eventually no service, for the people of Lamar. It is desirable to have taxicabs available for inebriated people, as well as others. Fact that inebriated people have been transported is not basis for complaint against Transferor McCall.

* * *

Decision No. 28109

Case 4945, Appl. 7414

April 19, 1947

L. O. Light v. Clyde Lenocker
Clyde Lenocker to Lease to W. K. Carroll

Complaint dismissed. Transfer authorized. Abandonment charged. Actions of defendants cannot be construed as failure to hold out to the public a willingness to furnish service. The existence of a certificate creates a statutory vested motor carrier status which remains in force and effect until terminated by due process of law.

Decision No. 28109 (Continued)

Certificate-holder has a property right and must be accorded the opportunity of complying with terms of the certificate before the vested right can be revoked. A mere nonuser by a call and demand certificate-holder of all of his rights all the time should not operate as a forfeiture.

Change in ownership which will enable existing rights to be used in a way that will produce better service can hardly be found to be inconsistent with the public interest.

* * *

Decision No. 28125

Application No. 7491

April 23, 1947

Jess Paul Bingman

Application denied.

Insufficient business for two operations. Present operator trying to rehabilitate operations of Evergreen Transfer. Excellent showing made, and should be commended and encouraged. It would be unjust and improper to place another operator in the field.

* * *

Decision No. 28130

I & S Docket 266

April 28, 1947

The D & R G W R R Co.

Applicant to abandon station at Moffat, Colorado, from November 20 to September 20 of the following year, granted.

Necessary to railroad to effect all economies. Question is one of managerial discretion, unless management acts arbitrarily in exercising such discretion. Some inconvenience may be suffered by receivers and shippers of freight, but the inconvenience is not out of proportion to the benefits that will accrue to the railroad and the public, as a whole, by abandonment of the station.

* * *

Decision No. 28149

Application No. 8368-PP

May 6, 1947

Ralph Rudiger

Application denied.

No one appeared at the hearing. Protestants appeared later -- delayed because of snow. Evidence given by them in former hearings considered. Commission is expected to take into consideration experience and knowledge of the needs of the various communities and the service furnished.

Decision No. 28530

Application No. 7601

June 27, 1947

John C. Murphy, dba "Murph's Express."

Private carrier authority for specialized service granted, over objection of common carriers.

Maintenance of adequate, dependable, line-haul common carrier service essential, but common carriers protesting apparently believe that all that is necessary to show is that they are equipped to handle the business. They have construed the words "impair the efficient public service of authorized motor vehicle common carriers" to mean, "to diminish or to deprive them of possibility of increasing their income."

* * *

Decision No. 28539

Application Nos. 8307, 8308

June 30, 1947

Leo Klinker

Wm. E. Faast and Wm. D. Osborne

Certificate granted Leo Klinker over protest of applicants in Application 8308.

Applicant had been operating unlawfully.- Unauthorized operations by applicant for a motor carrier certificate should be condemned by the Commission, but is is not sufficient justification for denying application, where public need is more compelling than the disciplining of applicant.

* * *